

**441—83.8 (249A) Adverse service actions.**

**83.8(1) Denial.** An application for services shall be denied when it is determined by the department that:

- a.* The client is not eligible for or in need of services.
- b.* Needed services are not available or received from qualified providers.
- c.* Service needs exceed the aggregate monthly costs established in 83.2(2) “*b*,” or are not met by the services provided.
- d.* Needed services are not available or received from qualifying providers.

**83.8(2) Termination.** A particular service may be terminated when the department determines that:

- a.* The provisions of 130.5(2) “*a*,” “*b*,” “*c*,” “*g*,” or “*h*” apply.
- b.* The costs of the ill and handicapped waiver service for the person exceed the aggregate monthly costs established in 83.2(2) “*b*.”
- c.* The client receives care in a hospital, nursing facility, or intermediate care facility for the mentally retarded for 30 days in any one stay for purposes other than respite care.
- d.* The client receives ill and handicapped waiver services and the physical or mental condition of the client requires more care than can be provided in the client’s own home as determined by the service worker.
- e.* Service providers are not available.

**83.8(3) Reduction of services** shall apply as in subrule 130.5(3), paragraphs “*a*” and “*b*.”