

**281—56.18 (259) Exceptions to payment for services.** As required by the Act and 34 CFR Section 361.50(c), the division shall have a method of allowing for exceptions to its rules regarding payment for services.

**56.18(1) Prohibitions.** Pursuant to federal law, the division is subject to the following prohibitions:

*a.* The fee schedule shall not be designed in a way that effectively denies an individual a necessary service.

*b.* An absolute limit on what may be provided to an individual may not be established, whether a dollar limit on specific service categories or on the total services provided to an individual may not be established.

**56.18(2) Exception process.** A request for an exception shall originate with the job candidate with assistance from qualified personnel of the division, who shall either develop a case note detailing the reason(s) why an exception is believed to be warranted or complete the appropriate form. The case note or form shall be presented to a supervisor for determination. The supervisor's determination shall be documented by the supervisor in a separate case note or in the designated place on the form.

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