

House Study Bill 151

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON SMITH)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to providing an appeal process for medical
2 assistance providers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1837YC 82
5 pf/je/5

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1 1 Section 1. NEW SECTION. 249A.36 PROVIDER APPEALS
1 2 PROCESS.
1 3 1. Notwithstanding conflicting provisions of chapter 17A,
1 4 a provider appeal hearing pursuant to subsection 2 shall be
1 5 available to a provider if any of the following conditions,
1 6 which constitutes a contested case, is met:
1 7 a. The provider's license, certification, registration,
1 8 approval, or accreditation has been denied or revoked or has
1 9 not been acted upon in a timely manner.
1 10 b. The provider's claim for payment or request for prior
1 11 authorization of payment has been denied.
1 12 c. The provider's contract as a medical assistance patient
1 13 manager has been terminated.
1 14 d. The provider has been notified that an overpayment has
1 15 been established and repayment is requested.
1 16 e. The provider has been notified that the reconsideration
1 17 process has been exhausted and the provider is not satisfied
1 18 with the result.
1 19 f. The provider's claim for payment was not made according
1 20 to department policy.
1 21 g. The provider's application for a child care quality
1 22 rating has not been acted upon in a timely manner, the
1 23 provider disagrees with the department's quality rating
1 24 decision, or the provider's certificate of quality rating has
1 25 been revoked.
1 26 2. a. A provider appeal hearing shall be conducted by a
1 27 panel which consists of the following members:
1 28 (1) One member, appointed by the president or presiding
1 29 officer of the provider's professional or trade association,
1 30 who is either a member of the association or is a provider who
1 31 provides similar professional services as the provider. For
1 32 the purposes of this subparagraph, "provider's professional or
1 33 trade association" means the entity composed of providers who
1 34 hold the same license, certification, registration, approval,
1 35 or accreditation as the provider or, if not licensed,
2 1 certified, registered, approved, or accredited, providers who
2 2 provide the same professional services as the provider.
2 3 (2) One member, appointed by the department, who is an
2 4 employee of the department.
2 5 (3) One member, who is an administrative law judge,
2 6 assigned by the division of administrative hearings of the
2 7 department of inspections and appeals in accordance with the
2 8 provisions of section 10A.801.
2 9 b. The administrative law judge member of the panel shall
2 10 be the presiding officer for the hearing.
2 11 c. The decision of the panel shall be determined by a
2 12 majority vote.
2 13 d. The decision of the panel shall be a final decision and
2 14 shall meet the requirements of a final decision pursuant to
2 15 section 17A.16.
2 16 e. A party to the hearing may file a request for rehearing
2 17 pursuant to section 17A.16.
2 18 f. A party who is aggrieved or adversely affected by a

2 19 final decision under this section is entitled to judicial
2 20 review as provided in section 17A.19.

2 21 EXPLANATION

2 22 This bill provides an appeals process for medical
2 23 assistance providers in certain contested case proceedings.
2 24 The bill specifies the circumstances, that constitute a
2 25 contested case, in which the alternative appeals hearing
2 26 process would apply. Under the alternative appeals hearing
2 27 process, in lieu of selection of a presiding officer for a
2 28 contested case proceeding under Code chapter 17A, which would
2 29 allow for an agency or an administrative law judge to preside,
2 30 the bill provides that the contested case would be presided
2 31 over by a panel made up of three members: a member appointed
2 32 by the provider's professional or trade association who is a
2 33 member of the association or a provider who provides similar
2 34 professional services as the provider; a member, appointed by
2 35 the department of human services, who is an employee of the
3 1 department; and an administrative law judge assigned by the
3 2 division of administrative hearings of the department of
3 3 inspections and appeals. The administrative law judge is to
3 4 be the presiding officer for the hearing and the decision of
3 5 the panel is to be determined by a majority vote. Under the
3 6 bill, the decision of the panel is a final decision, a party
3 7 to the hearing may file a request for rehearing, and a party
3 8 who is aggrieved or adversely affected by a final decision is
3 9 entitled to judicial review.
3 10 LSB 1837YC 82
3 11 pf:nh/je/5