

# Senate Study Bill 1071

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON RAGAN)

Passed Senate, Date \_\_\_\_\_ Passed House, 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 1837XC 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1 25 been revoked.  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 1837XC 82  
3 11 pf:nh/je/5