

## APPEALS PROCESS

The below Appeals Process is for both the Mental Health and Substance Abuse Programs. Please note that the Substance Abuse Program Appeals Process does not include steps C, D or E.

The initial decision regarding eligibility, service or funding and/or any subsequent changes in services or funding will be issued in writing using a Notice of Decision form. The reverse side of the Notice of Decision summarizes the Appeals Process. We recommend that you review the Notice of Decision the day you receive it. Read both sides of the document carefully. It is important that you act quickly to preserve your right to challenge the decision made.

If a dispute arises over the implementation or denial of eligibility, service or funding and/or subsequent changes in services or funding of County Funded services, a consumer, advocate, family member or legal representative may enter the following appeal procedure:

- A. An appeal, in writing, dated and signed, stating the disputed issues may be filed with the Central Point of Coordination (CPC) of Jefferson County. The appeal must be postmarked or received within five (5) working days of the occurrence or the dispute or receipt of Notice of Decision. The CPC shall set a meeting date, within ten (10) days of the receipt of the appeal with all concerned parties. The CPC, upon hearing all relevant information, shall issue a written statement to the concerned parties of the decision regarding the dispute, within five (5) working days of the meeting.
- B. If the dispute is not satisfactory at Step A, the dispute may go to the next step in the appeals process. An appeal, in writing, dated and signed, state the disputed area, and a copy of the decision and statement from Step A, may be filed with the Chairperson of the Jefferson County Board of Supervisors. The appeal must be filed within ten (10) days of receiving the decision from Step A. Upon receiving the appeal, the Chairperson shall:
  - 1) Call full meeting of all concerned parties within ten (10) working days, and have the Board review and evaluate the presented information. The applicant shall be allowed to present any evidence desired in support of the appeal by personal testimony, witness testimony, documentary evidence, and by reasonable cross examination of other witnesses, if present. The Board may question the applicant and the CPC Administrator shall present the Board with the reasons for determination. The appeal shall be tape-recorded. If the applicant so requests, the hearing shall not be an open hearing under Chapter 21, Code of Iowa, since the confidential files of the applicant shall be in evidence. When the board deliberates on the appeal, no person other than the Board members, County Attorney and the County Auditor shall be present.
  - 2) The Board shall make a decision on the appeal within ten (10) working days after the hearing. The Board's findings of fact and decision shall be based only on the evidence submitted during the hearing. Immediately after making the decision, the Board shall mail the applicant at his/her last known address, by ordinary mail, its decision in writing. The decision shall state the reasons for the action and shall also state that an appeal may be made to the Multi-County Appeals Board (if applicable) in Step C.
- C. If the dispute is not satisfactorily resolved at Step B, the dispute may go to the final step in the appeals process. An appeal, in writing, dated and signed stating the disputed issue and a copy of the decision and statement from Step B may be filed with the Chairperson of the Multi-County Appeals Board.\* The appeal must be post marked or received within five (5) working days of receiving the decision from Step B. Upon receiving the appeal, the Chairperson of the Multi-County Appeals Board \*\* shall call a full meeting of the Multi-County Appeals Board, to be held within ten (10) working days, and have the board review and evaluate the presented information. The appellant may have an attorney or other advocate accompany and represent them, but at their own expense. The appellant will be permitted to present any evidence desired in support of the appeal. The Board may question the appellant and the CPC Administrator shall present the Board the reasons for the determination. The appeal shall be tape recorded. When the Board deliberates on the appeal, no person other than the Board members shall be present. The Board's deliberations shall not be tape recorded and shall be confidential. The Multi-County Appeals Board consists of 3 members, one each from Jefferson, Keokuk and Van Buren Counties. An appeal, in writing, dated and signed, stating the disputed issue and a copy of the decision and statement from the Board of Supervisors may be filed by the Chairperson of the Multi-County Appeals Board. The appeal must be post marked or received within 5 working days of receiving the decision of the Board of Supervisors. Upon receiving the appeal, the Chairperson of the Multi-County Appeals Board shall call a full meeting of the Board, to be held within 10 working days, and have the Board review and evaluate the presented information. You may have an attorney or other advocate accompany you, but at your own expense. You may present any evidence desired in support of the appeal. The Board may question you and the CPC shall present the Board with the reasons for the determination. The appeal shall be tape-recorded. When the Board members deliberate the appeal, no persons other than Board members shall be present. The board's deliberations shall not be tape recorded and shall be confidential.
- D. The Board shall make a decision on the appeal within the (10) working days of the hearing. The Board's decision shall be based on the evidence submitted during the hearing. The Board's decision will be mailed to the appellant at their last known address by ordinary mail. The decision shall state the reasons for the actions and shall also state that an appeals can be made to the District Court from the Board's determination. The Multi-County Appeals Board makes the final administrative decision at the county level, except for state cases. Responsibility for final administrative decision on a state case rests with the Department of human Services, following the procedures established in Iowa Administrative Code 441-Chapter 7.
- E. The County hosting the appeal will reimburse the board members for their mileage at the approved county rate.

\* Multi-County appeals Board consists of three (3) members, one from each county of Jefferson, Keokuk and Van Buren Counties who are appointed by the Board of Supervisors as represented by each County. The Board of Supervisors shall select its representative from among the following members: consumers, family members, provider, business person, citizen volunteer. Appointments are made for a three (3) year term with a staggered start.

\*\* The Multi-County Appeals Board is a governmental body subject to Chapter 21 of the Code of Iowa. Open Meetings Law and such shall comply with the agenda, notice, recording, documenting, and meeting regulations therefore. The Board shall be advised and assessed by the County Attorney of the county from which the service/funding dispute arises.