

## **G. Appeals Processes**

(IC 331.393(4)l; IAC 441-25.21(1))

### **Non Expedited Appeal Process**

IAC 441-25.21(1)l.(1)

Individuals, family members and individual representatives (with the consent of the individual) may appeal the decisions of SEIL or any of its contractors at any time. Such individuals may also file a grievance about the actions or behavior of a party associated with the SEIL managed system of care at any time.

### **How to Appeal:**

A written appeal must be submitted to the county service office issuing the notice of decision within ten (10) calendar days of receipt of the Notice of Decision. The written appeal should include a clear description of the appeal, a mailing address, a telephone number and a copy of the notice of decision. Assistance in completing the appeal shall be provided upon request.

Reconsideration – The Coordinator of Disability Services located in the county that sent the Notice of Decision in coordination with the CEO shall review appeals and grievances. After reviewing an appeal, the Coordinator shall contact the appellant not more than ten (10) calendar days after the written appeal is received. If necessary, the Coordinator of Disability Services/CEO shall collect additional information from the appellant and other sources. This information shall be received within ten (10) calendar days in order to receive a reconsideration decision. Following a review of additional information and all relevant facts, a written decision shall be issued no later than ten (10) calendar days following the contact with the appellant. If the information is not received within the ten (10) calendar days, the original decision will stand. A copy of the decision shall be sent to the appellant and/or representative by regular mail. This information will be used for quality management and improvement.

If a resolution is not agreed upon through Reconsideration, then the appellant can pursue a hearing through a state Administrative Law Judge (ALJ). A copy of the written appeal and decision issued by the Coordinator/CEO shall be forwarded to the ALJ. The decision of the state ALJ shall be the final decision.

Southeast Iowa Link shall not pay legal fees for an appellant. If you cannot afford legal representation, you may contact Legal Services of Iowa at 1-800-532-1275 or <http://www.iowalegalaid.org/>.

### **Expedited Appeals Process**

IC 331.394(3); (IAC 441-25.21(1)l.2)

This appeals process shall be performed by a mental health professional who is either the Administrator of the Division of Mental Health and Disability Services of the Iowa Department of Human Services or the Administrator's designee. The process is to be used when the decision of Southeast Iowa Link concerning an individual varies from the type and amount of service identified to be necessary for the individual in a clinical determination made by a mental health professional and the mental health professional believes that the failure to provide the type and amount of service identified could cause an immediate danger to the individual's health and safety.

**How to Appeal to the Department of Human Services:**

The written appeal should include a clear description of the appeal, a mailing address, a telephone number and copy of the notice of decision. The appeal should then be submitted to the Department of Human Services:

MHDS Division Administrator  
Hoover State Office Building  
1305 E. Walnut Street  
Des Moines, Iowa

1. The appeal shall be filed within 5 days of receiving the notice of decision by Southeast Iowa Link. The expedited review, by the Division Administrator or designee shall take place within 2 days of receiving the request, unless more information is needed. There is an extension of 2 days from the time the new information is received
2. The Administrator shall issue an order, including a brief statement of findings of fact, conclusions of law, and policy reasons for the order, to justify the decision made concerning the expedited review. If the decision concurs with the contention that there is an immediate danger to the individual's health or safety, the order shall identify the type and amount of service, which shall be provided for the individual. The Administrator or designee shall give such notice as is practicable to individuals who are required to comply with the order. The order is effective when issued.
3. The decision of the Administrator or designee shall be considered a final agency action and is subject to judicial review in accordance with section 17A.19.