

COUNTY RURAL OFFICES of SOCIAL SERVICES

APPEAL PROCESS

Appendix F

Appeals Processes (IAC 441-25.21) (1)

Non Expedited Appeal Process (IAC 441-25.210) (1) (L)(1)

Individuals, families, individual representatives (with the consent of the individual), and providers may appeal the decisions of the region or any of its designees or contractors at any time. Such individuals or organizations may also file a grievance about the actions or behavior of a party associated with the regionally managed system of care at any time.

Written appeal forms, with a clear description of the appeals, investigation, and disposition process, and the telephone number for submitting a verbal appeal or grievance shall be attached to the Notice of Decision form. The appeal form will also be available in each member county's community services office or online at the CROSS website. Assistance in completing the appeal form shall be provided upon request by CROSS staff.

How to Appeal

To appeal, a completed appeal form must be sent to the CROSS Office that the Notice of Decision was received from (see table below) within ten (10) working days of receipt of the Notice of Decision.

LOCAL COUNTY COMMUNITY SERVICES OFFICES

| COUNTY OFFICE | ADDRESS | PHONE , FAX, EMAIL |
|-----------------------------------|---|---|
| Clarke County Social Services | 100 S. Main, Osceola, Iowa Clarke County Courthouse | Ph: 641-414-2968 Fax: 641-446-1592 Email: clarkecountymentalhealth@gmail.com |
| Decatur County Community Services | 201 NE Idaho ST, Leon , Iowa 50144 | Ph: 641-446-7178 Fax: 641-446-8208 Email: dececcc@dececcc.org |
| Lucas County Community Services | 125 S. Grand, Chariton, Iowa 50049 | Ph: 641-774-0423 Fax: 641-774-4383 Email: egbertk@lucasco.org |
| Monroe County Community Services | 1801 S. B St. , Albia, Iowa 52531 | Ph: 641-932-2427 Fax: 641-932-2578 Email: kfisher@monroecoia.us |
| Ringgold County Public Health | 119 South Fillmore, Mount Ayr, Iowa 50854 | Ph: 641-464-0691 Fax: 641-464-2476 Email: bfletchall@rcph.net |
| Wayne County Community Services | 101 N. Lafayette, Corydon, Iowa 50060 Mail: Box 435, Courthouse, Corydon, Iowa 50060 | Ph: 641-872-1301 Fax: 641-872-2843 Email: waynecpc@grm.net |

Reconsideration - The Service Coordinator located in the member county that issued the Notice of Decision and one member of the TAC committee shall review appeals and grievances. After reviewing an appeal, the Service Coordinator shall contact the appellant not more than five (5) working days after the written appeal is received. The Service Coordinator shall collect additional information from the appellant and other sources, if necessary and consent is given. Following a review of additional information and all relevant facts, a written decision shall be issued no later than five (5) working days following the contact with the appellant. A copy of the decision shall be sent to the appellant and/or representative by regular mail.

Final Review -

If a resolution is not agreed upon through Reconsideration process, then the appellant can pursue a hearing through a state Administrative Law Judge (ALJ). The decision of the state ALJ shall be the final decision.

The County Rural Offices of Social Services 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 (IAC 441-25.21(1)(L2)

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 County Rural Offices of Social Services 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

The mental health professional shall use the written appeal forms that will be attached to the Notice of Decision form or may obtain a form from the CROSS social services office located in the county where the Individual resides or from the CROSS website. The forms shall be sent to:

Department of Human Services - MHDS Division
Hoover State Office Building, 5th Floor
1305 E Walnut, Des Moines, IA 50319

1. The appeal shall be filed within 5 days of receiving the notice of decision by County Rural Offices of Social Services. 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.

The County Rural Offices of Social Services 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/>