

WHAT IF I DISAGREE WITH THE DECISION FOR MY ELIGIBILITY FOR FUNDING?

The purpose of this section is to describe in detail how MH/MR decisions can be appealed. It also provides information about the individual's rights and the help that is available to individuals during the appeals process.

Medicaid Service Program Appeals: Many individuals participate in Title XIX (Medicaid) Medical Assistance administered by DHS. Appeals about these DHS program eligibility decisions are governed by administrative agency rules and by the Iowa Administrative Procedures Act, Iowa Code Chapter 17A. More information about these appeals will be provided to the individual by DHS.

Washington County and/or State Payment Program Funded Service Program Appeals: If an individual disagrees, for any reason, with the decision made by the Central Point of Coordination Administrator and/or Mental Health Disability Services Case Coordinator, they may appeal that decision to the Washington County Board of Supervisors. To do so, the individual must:

1. Complete the bottom portion of the Notice of Decision, which requires the individual to provide their current address, phone number, and a written explanation for the reason for the appeal. Additionally, the individual must sign and date the appeal.
2. Submit the written appeal by mail, hand-delivery, or fax to the WCMHDS office at Washington County Mental Health Disability Services, P.O. Box 902, 2175 Lexington Blvd., Washington, Iowa 52353 (fax) 319-653-7755 on or before the appeal date noted on the Notice of Decision, which is 30 calendar days from the date of the determination.

If the appeal is received after the appeal deadline date listed on the Notice of Decision, it will be denied, and the WCMHDS staff's decision regarding funding will be considered final.

After receipt of the timely filed appeal, an appeal hearing will be scheduled. If possible, the Washington County Board of Supervisors will hear the appeal at a regularly-scheduled meeting, provided that the meeting date is no less than five (5) working days and no more than fifteen (15) working days after the appeal is received by the CPC Administrator. However, a special meeting of the Board of Supervisors can also be called to address the appeal upon proper notice. The individual will receive notice, by telephone or by ordinary mail the date, time, and place the appeal will be heard. The goal is to resolve disputes quickly and informally.

In Washington County, the Washington County Board of Supervisors meets in closed session to review and decide MHDS matters. They do so because the appeals may involve medical, mental health and other records, which are required or authorized by state or federal law to be kept confidential. Personal information will not appear on the agenda, in the minutes, or in other materials which are posted, published or publicly broadcast. The appeals hearing will be tape recorded, but the tape is not accessible to the public. Per the Code of Iowa, the Washington County Board of Supervisors will have to make their decision in open session but will do so without using any identifying information.

Individuals have the right to:

- Have a representative friend or family member, an attorney, or other advocate accompany and represent them at their own expense. Additionally, an individual may qualify for free legal assistance through the Legal Services Corporation of Iowa, Iowa Protection & Advocacy Services, Inc., or other organizations.
- Participate fully in the appeal.
- Have access through the CPC Administrator to the case file upon request. A release of information will need to be signed for the MHDS office to release the case file and the information it contains. The County Attorney will be consulted regarding the ability to release any third party information.
- Submit documents and evidence to support the funding requested.
- Give personal testimony.
- Have witnesses testify.
- Ask questions of anyone who attends the meeting.
- Record what happens at the meeting using the appellant's own equipment.

The Washington County Board of Supervisors will consider all the information that is presented during the appeal which may include but not limited to; the reason for the determination by WCMHDS staff, the reason why the individual is appealing the decision, information contained within the case file, etc. The Washington County Board of Supervisors' decision will be based only on the evidence submitted during the hearing. Additionally, only the Board of Supervisors, the Washington County Attorney, the Washington County Auditor (who tapes and records the hearing) and/or their assistants will be present during the deliberation/decision of the appeal.

If funding was denied on a re-authorization application, services will continue through the appeals stage. However, the individual will be requested to repay those funds if the appeal hearing upholds the decision of the MHDS staff. If the appeal is based on a denial from a new application or a request for a new service, funding is not available through the appeals process.

A written decision will be mailed to the individual no later than ten (10) working days after the appeal is heard. The decision will be sent by ordinary mail. The decision will state the reason for the actions and will also state that an appeal can be made to the Southeast Iowa 28E Contracting Consortium Multi-County Appeals Board.

WHAT IF I DISAGREE WITH THE WASHINGTON COUNTY BOARD OF SUPERVISORS' DECISION ON MY APPEAL?

The Southeast Iowa 28E Contracting Consortium Board is a legally joined body of 9 counties to "...provide joint services, to cooperate in other ways of mutual advantage..." that will act as a multi-county appeals board (referred below as to 'The Southeast Iowa 28E Contracting Consortium Multi-County Appeals Board). If an individual disagrees with the Washington County Board of Supervisors' decision regarding funding, an additional appeal can be made to the Southeast Iowa 28E Contracting Consortium Multi-County Appeals Board.

The appeal process for the Southeast Iowa 28E Contracting Consortium Multi-County Appeals Board is the same as the appeal process for appealing the decision to the Washington County Board of Supervisors (see above) with the following differences:

1. The written appeal must be submitted within 30 calendar days to the Washington County Board of Supervisors at the Courthouse, Washington, Iowa 52353.
2. The Southeast Iowa 28E Contracting Consortium Multi-County Appeals Board will hear the appeal in no less than ten (10) and no more than twenty (20) working days after the appeal is received by the county.

If the individual disagrees with the Southeast Iowa 28E Contracting Consortium Multi-County Appeals Board's decision regarding funding an appeal can be made to the Iowa District Court In and for the county in which the appeal is filed. This is generally done using a procedure known as a Writ of Certiorari. There are very strict time limits and procedural rules for filing these appeals. If the individual does not act immediately, they may lose all their rights to challenge the Southeast Iowa 28E Contracting Consortium Multi-County Appeals Board's decision.

CAN ANY OTHER PARTY APPEAL THE MHDS STAFF'S DECISION ON MY FUNDING?

The Washington County Board of Supervisors may review the determinations of eligibility made by the WCMHDS staff at anytime. However, the Washington County Board of Supervisors shall take no action concerning such funding determinations until they conduct a hearing. An appeal form may be requested from the WCMHDS office. Notice of the hearing shall be given to the applicant in the same manner as if the applicant had taken an appeal and the hearing shall proceed in the same manner.