

Appeals Process

How to Appeal a Decision of the MHDS Coordinator (IAC 441-25.21(1))

If the MHS Coordination office makes a decision adverse to you, you may appeal that decision. Adverse decisions may include decisions involving eligibility determinations, funding and/or service levels, placements on waiting list for services. The MHDS Coordinator makes initial decisions regarding eligibility for services and whether a person may be placed on a wait list for the requested service. These Notices of Decision shall be in writing and shall explain the reasons for the decision. If a decision is subject to appeal, the Notice of Decision will tell you that you have a right to appeal, and how to file your appeal.

Step One: Filing your Appeal

Applicants/consumers or their representatives (with consent of the consumer) may appeal an adverse decision by the MHDS Coordinator. The appeal must be in writing and must be filed with the MHDS Coordination office within fifteen (15) business days of the date of the decision. If the appeal is filed late, it cannot be considered. The appeal shall state: (1) the reasons why the MHDS Coordinator's decision should be reversed; (2) the relief requested; (3) your name, address, and telephone number and the name, address, and telephone number of your representative if you have one.

Step Two: Discussing the Problem

After the appeal is filed, the MHDS Coordinator will contact you to schedule a meeting to discuss your appeal. This meeting must be held within 10 business days, unless the parties agree to extend the time to meet. You may bring someone with you to the meeting to help you explain your position. You and the MHDS Coordinator may ask another person to serve as a mediator. At the meeting, the MHDS Coordinator will explain his or her reason for the decision. You may ask questions or give the MHDS Coordinator other information you think is important. You must tell the MHDS Coordinator what you want to happen (a proposed resolution). If you and the MHDS Coordinator reach an agreement, the MHDS Coordinator will issue a revised Notice of Decision within 10 business days. At the end of the meeting, you and the MHDS Coordinator will sign a status form, indicating whether there is a resolution or whether the appeal will continue. A revised Notice of Decision will be issued.

Step Three: The Appeal

If the parties are unable to resolve the problem at the meeting, within 10 business days of the date of the meeting, the MHDS Coordinator will contact an Administrative Law Judge at the Department of Inspections and Appeals (Iowa Code § 10A.801 - Judge). The MHDS Coordinator shall arrange for payment of the cost of the Judge. The Judge will set a pre-hearing conference to discuss hearing procedures and set a time for the hearing. The Judge will provide written notice of the pre-hearing conference, and the hearing. You, the applicant, have the right to present evidence and argument at the hearing. The Judge will consider the evidence, and will issue a written ruling. The decision of the Judge is final.

You may contact another person to assist you with your appeal. This could be an attorney, an organizational representative, or a friend. The MHDS Coordinator will not provide you with legal assistance. Two places that may provide legal assistance include:

- Legal Aid: 1-800-532-1275
- Iowa Protection and Advocacy: 1-800-779-2502