



THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
JESSIE K. RASMUSSEN, DIRECTOR

May 18, 1999

GENERAL LETTER NO. 1-E-11

ISSUED BY: Appeals Section, Division of Policy Coordination

SUBJECT: Employees' Manual, Title 1, Chapter E, *Appeals and Hearings*, Title page, revised; Contents (pages 1 and 2), revised; and pages 1 through 44, revised.

Summary

The Appeals and Hearings chapter has been updated to the new manual format. Minor changes have been made throughout the manual to reflect current policies and practices.

Effective Date

Upon receipt.

Material Superseded

Remove the entire Chapter E from Employees' Manual, Title I, and destroy it. This includes:

<u>Page</u>	<u>Date</u>
Title page	January 16, 1990
Contents 1-3	January 4, 1994
1, 2, 2a, 3	January 4, 1994
4-9	January 16, 1990
10	January 4, 1994
11, 12	January 16, 1990
13	January 4, 1994
14-18	January 16, 1990
18a-18c, 19	January 4, 1994
20-23	January 16, 1990
24	January 4, 1994
25	January 16, 1990
26	January 4, 1994
27-39	January 16, 1990
40-42, 42a, 43	January 4, 1994
44-46	January 16, 1990

Additional Information

Refer questions about this general letter to your regional benefit payment, service, or collections administrator.



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
JESSIE K. RASMUSSEN, DIRECTOR

March 27, 2001

GENERAL LETTER NO. 1-E-12

ISSUED BY: Appeals Section, Division of Policy and Rule Integration

SUBJECT: Employees' Manual, Title 1, Chapter E, *APPEALS AND HEARINGS*, Contents (pages 1 and 2), revised; and pages 8, 11, 12, and 17 through 22, revised.

Summary

Employees' Manual 1-E is revised to:

- ◆ Reflect that the Department can dispense with timely notice for food stamps when it has determined that the household has moved from the project area.
- ◆ Update form numbers and addresses.

Effective Date

Upon receipt.

Material Superseded

Remove from Employees' Manual, Title 1, Chapter E, Contents (pages 1 and 2), revised; and pages 8, 11, 12, and 17 through 22, all dated May 19, 1999, and destroy them.

Additional Information

Refer questions about this general letter to your regional benefit payment administrator.



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
JESSIE K. RASMUSSEN, DIRECTOR

April 9, 2002

GENERAL LETTER NO. 1-E-13

ISSUED BY: Bureau of Financial and Work Supports,
Division of Financial, Health and Work Supports

SUBJECT: Employees' Manual, Title 1, Chapter E, *APPEALS AND HEARINGS*, pages 1, 9, 10, and 33, revised.

Summary

This chapter is revised to:

- ◆ Remove the reference to the Division of Policy Coordination from the DHS Appeals Section.
- ◆ Add form numbers 470-0454 and 470-3719 (Spanish) to the *Public Assistance Eligibility Report*.
- ◆ Add a requirement for a timely and adequate notice of decision when a food stamp case that was reinstated pending the outcome of an appeal must again be cancelled based on the appeal decision.
- ◆ Change form numbers PA-5113-0, *Authorization for Examination and Claim for Payment* and PA-2126-0, *Report on Incapacity*, to the current numbers, 470-0502 and 470-0447.

Effective Date

Upon receipt.

Material Superseded

Remove from Employees' Manual, Title 1, Chapter E, pages 1, 9, 10, and 33, dated May 18, 1999, and destroy them.

Additional Information

Refer questions about this general letter to your area income maintenance supervisor 2.



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
KEVIN W. CONCANNON, DIRECTOR

December 2, 2003

GENERAL LETTER NO. 1-E-14

ISSUED BY: Bureau of Financial Support Programs,
Division of Financial, Health and Work Supports

SUBJECT: Employees' Manual, Title 1, Chapter E, *APPEALS AND HEARINGS*, pages 1, through 4, 5 through 10, 14, 21, 22, 24, 37, 39, and 40, revised; and pages 4a through 4f, new.

Summary

This chapter is revised to:

- ◆ Update definitions, particularly the definition of “aggrieved person,” to reflect current programs and practices, including appeals related to requirements for protected health information under the Health Insurance Portability and Accountability Act (HIPAA).
- ◆ Add that timely notice is not needed for the Department to:
 - Terminate or reduce benefits based on changes reported on a *Food Assistance Interim Report* (FAIR), form 470-4026, or
 - Terminate benefits based on a failure to return a complete FAIR.
- ◆ Add that benefits continue if an appeal is based on a *Notice of Cancellation* only when a complete FAIR is filed.
- ◆ Add that benefits are not reinstated when a *Notice of Cancellation* is appealed, based on information reported on a complete FAIR.
- ◆ Change program references to “Food Assistance” instead of “food stamps.”

Effective Date

December 1, 2003

Material Superseded

Remove the following pages from Employees' Manual, Title 1, Chapter E, and destroy them:

<u>Page</u>	<u>Date</u>
1	April 2, 2002
2-7	May 18, 1999
8	March 27, 2001
9, 10	April 2, 2002
14	May 18, 1999
21, 22	March 27, 2001
24, 37, 39, 40	May 18, 1999

Additional Information

Refer questions about this general letter to your area income maintenance supervisor 2.



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
KEVIN W. CONCANNON, DIRECTOR

October 28, 2005

GENERAL LETTER NO. 1-E-15

ISSUED BY: Bureau of Financial Support Programs,
Division of Financial, Health and Work Supports

SUBJECT: Employees' Manual, Title 1, Chapter E, **APPEALS AND HEARINGS**,
Contents (pages 1 and 2), revised; pages 1, 2, 11 through 15, 17, 19, 23, 27, 29,
42, 43, and 44, revised.

Summary

This chapter is revised to:

- ◆ Remove a reference to protective payees. The policy of assigning protective payees for FIP households is ended effective November 1, 2005.
- ◆ Update language to clarify existing policy concerning when FIP assistance can be reinstated without a new application.
- ◆ Update language to clarify existing policy concerning policy change that was effective June 1, 1999, regarding a timely appeal of a limited benefit plan.
- ◆ Remove a reference to monthly reporting for Food Assistance.
- ◆ Change references from "food stamps" to "Food Assistance."
- ◆ Add all of the form numbers for the *Public Assistance Eligibility Report* and the *Review/Recertification Eligibility Document*.
- ◆ Add additional circumstances when the Department will not hold a hearing on an appeal, including:
 - The appellant has not exhausted the reconsideration process.
 - A request for an exception to policy has been denied.
 - The service is no longer available from the Department.
 - The appeal involves patent treatment interventions outlined in the patient handbook of the Civil Commitment Unit for Sexual Offenders.

Effective Date

November 1, 2005

Material Superseded

Remove the following pages from Employees' Manual, Title 1, Chapter E, and destroy them:

<u>Page</u>	<u>Date</u>
Contents (pages 1 and 2)	March 27, 2001
1, 2	December 2, 2003
11, 12	March 27, 2001
13	May 18, 1999
14	December 2, 2003
15	May 18, 1999
17, 19	March 27, 2001
23, 27, 29, 42-44	May 18, 1999

Additional Information

Refer questions about this general letter to your area income maintenance administrator.



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
KEVIN W. CONCANNON, DIRECTOR

January 26, 2007

GENERAL LETTER NO. 1-E-16

ISSUED BY: Bureau of Financial and Work Supports
Division of Financial, Health and Work Supports

SUBJECT: Employees' Manual, Title 1, Chapter E, *APPEALS AND HEARINGS*, pages 2, 4e, 5, 7, 8, 9, 11, 12, 21, and 22, revised.

Summary

This chapter is revised to:

- ◆ Remove references to suspension of benefits. Under prospective budgeting, suspension policies no longer apply for FIP. Suspension policies have already been eliminated for the other programs.
- ◆ Incorporate references to the form 470-4387, 470-4387(M), or 470-4387(S), *Combined PAER/FAIR*. The *Combined PAER/FAIR* will be issued in months when the family would otherwise be required to complete both a PAER for FIP and a FAIR for Food Assistance.
- ◆ Update organizational names and form numbers.

Effective Date

January 1, 2007

Material Superseded

Remove the following pages from Employees' Manual, Title 1, Chapter E, and destroy them:

<u>Page</u>	<u>Date</u>
2	October 28, 2005
4e, 5, 7-9	December 2, 2003
11, 12	October 28, 2005
21, 22	December 2, 2003

Additional Information

Refer questions about this general letter to your area income maintenance administrator.



May 11, 2007

GENERAL LETTER NO. 1-E-17

ISSUED BY: Appeals Section

SUBJECT: Employees' Manual, Title 1, Chapter E, *APPEALS AND HEARINGS*,
Contents (page 1), revised; pages 12 and 27, revised; and 12a, new.

Summary

This chapter is revised to:

- ◆ Incorporate changes in the filing date for Medicaid appeals. Medicaid households may orally request an appeal to protect the filing date of the appeal. However, the oral request must be followed by a written appeal. The DHS Appeals Section will consider the oral request as the appellant's filing date for the appeal.

The office where the appeal is received must document the receipt date of all appeals, including the date the appeal was orally requested for Medicaid.

- ◆ Add that appeals may be expedited for managed care decisions when it can be determined that a member's life, health or ability to attain, maintain, or regain maximum function could be in jeopardy if the regular appeal process were to take place.

Effective Date

Upon receipt.

Material Superseded

Remove the following pages from Employees' Manual, Title 1, Chapter E, and destroy them:

<u>Page</u>	<u>Date</u>
Contents (page 1)	October 10, 2005
12	January 26, 2007
27	October 28, 2005

Additional Information

Refer questions about this general letter to your service area manager.



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
EUGENE I. GESSOW, DIRECTOR

February 13, 2009

GENERAL LETTER NO. 1-E-18

ISSUED BY: Bureau of Financial and Work Supports,
Division of Financial, Health and Work Supports

SUBJECT: Employees' Manual, Title 1, Chapter E, *APPEALS AND HEARINGS*,
Contents (pages 1 and 2), revised; and pages 9 through 12 and 19 through 28,
revised.

Summary

This chapter is revised to:

- ◆ Remove references to the *Public Assistance Eligibility Report (PAER)*, the *Food Assistance Interim Report (FAIR)*, and the *Combined PAER/FAIR*. These forms are obsolete.
- ◆ Correct form numbers for the *Review/Recertification Eligibility Document (RRED)*.
- ◆ Add a requirement to notify Disability Determination Service Bureau staff when the appeal issue is a determination made there.
- ◆ Expand the explanation of what information is needed in an appeal summary when the issue is overpayment recovery.
- ◆ Update language by replacing a reference to the "local office" with "Department" to reflect that forms will be considered received when returned to any Department of Human Services office, including the Income Maintenance Customer Service Center, central office, or a local office.

Effective Date

February 1, 2009

Material Superseded

Remove the following pages from Employees' Manual, Title 1, Chapter E, and destroy them:

<u>Page</u>	<u>Date</u>
Contents (p. 1)	May 11, 2005
Contents (p. 2)	October 28, 2005
9	January 26, 2007

10	December 2, 2003
11	January 26, 2007
12, 12a	May 11, 2007
19	October 28, 2005
20	March 27, 2001
21, 22	January 26, 2007
23	October 28, 2005
24, 25	December 2, 2003
26	May 18, 1999
27	May 11, 2007
28	May 18, 1999

Additional Information

Refer questions about this general letter to your area income maintenance administrator.



Iowa Department of Human Services

Terry E. Branstad
Governor

Kim Reynolds
Lt. Governor

Charles M. Palmer
Director

April 12, 2013

GENERAL LETTER NO. 1-E-19

ISSUED BY: Bureau of Child Welfare and Community Services
Division of Adult, Children and Family Services

SUBJECT: Employees' Manual, Title 1, Chapter E, *APPEALS AND HEARINGS*, Title page, revised; Contents (page 2), revised; and pages 4b, 12, 14, 15, 26 through 29, and 33 through 41, revised.

Summary

This chapter is revised to:

- ◆ Update the definition of an “aggrieved person” for the child abuse registry.
- ◆ Implement the following law changes regarding the appeal rights for subjects of a child abuse report (child protective services assessment), as directed by 2012 Iowa Acts, House File 2226:
 - A subject has the right to request correction to a child protective services assessment.
 - A person alleged responsible has the right to file an appeal of the child protective services assessment.
 - All other subjects have the right to file a motion to intervene in the appeal of the child protective services assessment, if an appeal is granted.
 - Upon request of any party to the hearing, the administrative law judge may stay the hearing until the conclusion of the adjudicatory phase of a pending juvenile or district court case relating to the data or findings.
 - If no party files an appeal within 10 days from the date of the proposed decision, the proposed decision becomes the final decision. If a party files an appeal within 10 days from the date of the proposed decision, the director has 45 days to issue a ruling. The proposed decision becomes the final decision if there is no ruling from the director within that 45 day period.
 - A person alleged responsible has the right to file an appeal of the final agency action to the district or higher courts.
- ◆ Add failure to appear at the “prehearing” as reason to consider abandonment of the appeal.

- ◆ Revise procedures for the following sections:
 - Registration and Acknowledgment of Appeal
 - Time Limit for Granting an Appeal Hearing
 - Prehearing Conference
 - Conduct of Hearing
 - Limit on Persons Attending
 - Review of the Proposed Decision
 - Final Decision

Effective Date

February 1, 2013

Material Superseded

This material replaces the following pages from Employees' Manual, Title 1, Chapter E:

<u>Page</u>	<u>Date</u>
Title page	May 18, 1999
Contents (page 2)	February 13, 2009
4b	December 2, 2003
12	February 13, 2009
14, 15	October 28, 2005
26-28	February 13, 2009
29	October 28, 2005
33	April 2, 2002
34-36	May 18, 1999
37	December 2, 2003
38	May 18, 1999
39, 40	December 2, 2003
41	May 18, 1999

Additional Information

Refer questions about this general letter to your service area manager.



Iowa Department of Human Services

Terry E. Branstad
Governor

Kim Reynolds
Lt. Governor

Charles M. Palmer
Director

August 8, 2014

GENERAL LETTER NO. 1-E-20

ISSUED BY: Bureau of Financial, Health and Work Supports
Division of Adult, Children and Family Services

SUBJECT: Employees' Manual, Title 1, Chapter E, *APPEALS AND HEARINGS*,
Contents (page 2), revised; and pages 23, 42, 43, and 44, revised.

Summary

Chapter E is revised to add policy that assistance paid during the appeal process is not subject to recoupment when:

- ◆ A participant appeals:
 - Before the effective date of the intended action on the *Notice of Decision* establishing the beginning date of an ineligibility period, or
 - Within 10 days from the date the participant receives the notice establishing the beginning date of an ineligibility period. The date on which the notice is received is considered to be five days after the date on the notice, unless the participant shows that they did not receive the notice within the five-day period, and
- ◆ The Department is affirmed in an appeal regarding an ineligibility period for using the electronic access card at a prohibited location, and
- ◆ An ineligibility period with a new effective date applies.

Effective Date

Upon receipt.

Material Superseded

This material replaces the following pages from Employees' Manual, Title 1, Chapter E:

<u>Page</u>	<u>Date</u>
Contents (page 2)	April 12, 2013
23	February 13, 2009
42-44	October 28, 2005

Additional Information

Refer questions about this general letter to your area income maintenance administrator.



Iowa Department of Human Services

Terry E. Branstad
Governor

Kim Reynolds
Lt. Governor

Charles M. Palmer
Director

May 1, 2015

GENERAL LETTER NO. 1-E-21

ISSUED BY: Bureau of Financial, Health and Work Supports
Division of Adult, Children and Family Services

SUBJECT: Employees' Manual, Title 1, Chapter E, *APPEALS AND HEARINGS*,
Contents (page 2), revised; and pages 42, 43, and 44, revised.

Summary

Chapter E is revised to add policy that assistance paid during the appeal process is not subject to recoupment when:

- ◆ A participant appeals:
 - Before the effective date of the intended action on the *Notice of Decision* establishing the beginning date of the limited benefit plan, or
 - Within 10 days from the date the participant receives the notice establishing the beginning date of the limited benefit plan. The date on which the notice is received is considered to be five days after the date on the notice, unless the participant shows that the participant did not receive the notice within the five-day period, and
- ◆ The Department is affirmed in an appeal regarding imposition of a limited benefit plan.
- ◆ A limited benefit plan with a new effective date applies.

Effective Date

Upon receipt.

Material Superseded

This material replaces the following pages from Employees' Manual, Title 1, Chapter E:

<u>Page</u>	<u>Date</u>
Contents (page 2)	August 8, 2014
42-44	August 8, 2014

Additional Information

Refer questions about this general letter to your area income maintenance administrator.

February 28, 2020

GENERAL LETTER NO. 1-E-22

ISSUED BY: Appeals Section
Bureau of Policy Coordination

SUBJECT: Employees' Manual, Title 1, Chapter E, ***Appeals and Hearings***, Title page, revised; Contents (pages 1 and 2), revised; Contents (page 3), new; pages 1 through 44, revised; and pages 45 through 78, new.

Summary

Chapter 1-E is revised to:

- ◆ Update policies and procedures related to the appeals process for all programs to reflect current practices.
- ◆ Update legal references throughout the chapter.
- ◆ Add policies and procedures related to the state fair hearing process for managed care organization appeals.
- ◆ Add policies and procedures related to third-party liability appeals.
- ◆ Remove "aggrieved person" from the Definition Section and move the criteria to its own section to clarify who is eligible for a contested case hearing as an aggrieved party.
- ◆ Add information about accommodating written translation, verbal interpretation or other special accommodation requests for appeals.
- ◆ Update the section on Time Limit for Granting an Appeal Hearing to add the time standard for:
 - Dependent adult abuse
 - Medicaid eligibility determinations
 - Health care decision made by the Iowa Medicaid Enterprise when the appellant is covered by fee-for-service Medicaid
 - Health care decision made by a managed care organization
 - Family Planning Program
 - Autism Support Program
 - Iowa Individual Disaster Assistance Program
 - Iowa Disaster Case Management Program

- Sex Offender Risk Assessment
- PROMISE JOBS displacement grievance
- PROMISE JOBS discrimination complaint
- Offsets of county debts owed to the Department
- ◆ Add information relating to Child Care Assistance benefit and Family Planning Program overpayments. In addition, revise information relating to FIP, RCA, and PROMISE JOBS; Food Assistance; and Medicaid, State Supplementary Assistance, and Hawki Program overpayments.
- ◆ Clarify the difference between withdraw and dismissal request and which parties to the appeal can request either type.
- ◆ Add information regarding informal conferences.
- ◆ Update the criteria used to determine if benefits can continue pending the outcome of an appeal.
- ◆ Revise information regarding prehearing conferences.
- ◆ Update information regarding expedited hearings and add information specific to expedited appeal hearings for Medicaid eligibility, Medicaid managed care organization appeals, and Medicaid fee-for-service appeals.
- ◆ Clarify when a party fails to appear for an appeal hearing, the party may file a motion to vacate requesting good cause for failure to attend the appeal hearing.
- ◆ Clarify information regarding appeal hearings held in-person, hearings held by teleconference call, and administrative appeal hearings for attribution appeals.
- ◆ Revise information about who may represent an appellant during the appeals process and add information regarding an authorized representative for managed care appeals.
- ◆ Remove references to submitting a Department review to the Appeals Advisory Committee. Reviews are submitted directly to the DHS Appeals Section.

Effective Date

Immediately.

Material Superseded

This material replaces the entire Chapter E from Employees' Manual, Title 1, which includes the following pages:

<u>Page</u>	<u>Date</u>
Title page	April 12, 2013
Contents (page 1)	February 13, 2009
Contents (page 2)	May 1, 2015
1	October 28, 2005
2	January 26, 2007
3, 4, 4a	December 2, 2003

4b	April 12, 2013
4c, 4d	December 2, 2003
4e	January 26, 2007
4f	December 2, 2003
5	January 26, 2007
6	December 2, 2003
7, 8	January 26, 2007
9-11	February 13, 2009
12	April 12, 2013
13	October 28, 2005
14, 15	April 12, 2013
16	May 18, 1999
17	October 28, 2005
18	March 27, 2001
19-22	February 13, 2009
23	August 8, 2014
24, 25	February 13, 2009
26-29	April 12, 2013
30-32	May 18, 1999
33-41	April 12, 2013
42-44	May 1, 2015

Additional Information

Refer questions about this general letter to your income maintenance administrator.