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STATE OF IOWA DEPARTMENT OF

Health <sup>AND</sup> Human

SERVICES

# Appeals Process Overview for Members

January 2023

# Right to Appeal

- A Medicaid member, their representative or a provider may file a state fair hearing request (also known as an appeal) with the Department concerning any issue.

441 Iowa Administrative Code 7.5(17A)

# Appeal Requirements

- Written authorization showing the member has authorized the individual or provider to file an appeal on their behalf is required.
  - MCO Appeals: Use form 470-5526, Authorized Representative for Managed Care Appeals.
  - Non-MCO Appeals: HHS Administrative Rules and Appeals will send authorization request once appeal is received.

641 Iowa Administrative Code 176.8(1)

# Filing an Appeal

## ■ Appeal in writing

- Online at [https://secureapp.dhs.state.ia.us/dhs\\_titan\\_public/appeals/appealrequest](https://secureapp.dhs.state.ia.us/dhs_titan_public/appeals/appealrequest)
- Mail a letter or fill out the Appeal and Request for Hearing form. Send it to:  
Department of Health and Human Services  
Administrative Rules and Appeals Bureau  
Compliance Division  
1305 E Walnut St. 5<sup>th</sup> Fl  
Des Moines IA 50319
- Fax a letter or appeal form to (515) 564-4044

## ■ Appeal by phone

- Call the Administrative Rules and Appeals Bureau at (515) 281-3094

## ■ Appeal in person at any HHS office

# Timeframes to Appeal

- A hearing will be held if the state fair hearing appeal request is made within 120 calendar days of the date on the MCO appeal determination.
- For all other Medicaid appeals, the appellant must file the appeal before the 90th day following the date on the NOD.

441 Iowa Administrative Code 7.4(3)

# After Receipt of Appeal

- HHS Administrative Rules and Appeals Bureau will:
  - Obtain copy of Notice of Decision being appealed
  - Determine issue of appeal hearing
  - Determines if appealable action and appeal filed by aggrieved party
    - For example, providers cannot appeal post-service or claim disputes regarding MCO claims through HHS Administrative Rules and Appeals Bureau. These actions can only be appealed through the MCO's internal appeals processes.
  - Certifies appeal to Department of Inspections and Appeals (DIA) Administrative Hearings Division if eligible for hearing
  - Denies appeal is not eligible for hearing
- DIA Administrative Hearings Division schedules the appeal hearing date and time and notifies all parties.

441 Iowa Administrative Code 7.3(17A), 7.4(6), 7.5, and 7.6

# Preparing for Hearing

- HHS staff are required to send a copy of their appeal summary and exhibits they propose to submit at hearing to the appellant and their representative prior to the appeal hearing
- Medicaid members, authorized representatives, or providers may submit their own exhibits.
  - Email to [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us) or
  - FAX to (515) 564-4044

HHS Administrative Rules and Appeals staff will upload to electronic appeal file and share with ALJ
- If issue originally appealed is resolved prior to hearing, Medicaid members, authorized representatives or providers may ask to withdraw their appeal using same methods as filing an appeal.

# Hearing Procedures

- Most hearings are held by telephone, but can be held in-person or by videoconference, if requested and approved by the ALJ
- ALJ swears in all parties and provides instructions at the beginning of the hearing on how the hearing will proceed
- Each party will have an opportunity to:
  - Submit evidence
  - Provide testimony
  - Ask questions

481 Iowa Administrative Code 10.20(17A) and 10.21(17A)



# Proposed Decision, Reviews, Final Decisions

- Administrative Law Judge issues a Proposed Decision based on testimony and evidence presented at appeal hearing, while taking federal and state regulations into account
- All parties given 14 calendar days to request a Director's review if disagree with Proposed Decision
- If no review request is received, a Final Decision is issued and the appeal is closed.

641 Iowa Administrative Code 176.8(4)

# Questions

Contact:

Department of Health and Human Services  
Administrative Rules and Appeals Bureau

Email: [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us)

Phone: (515) 281-3094