

9505.2230 NOTICE OF AGENCY ACTION.

Subpart 1. **Required written notice.** The department shall give notice in writing to a vendor or recipient of a monetary recovery, placement in the restricted recipient program, or administrative sanction that is to be imposed by the department. For vendors, the notice shall be sent by certified mail. For recipients, the notice shall be sent by first class mail. The department shall place an affidavit of the first class mailing in the recipient's file as an indication of the date of mailing and the address.

A. In all cases, the notice shall state:

(1) the factual basis for the department's determination according to part 9505.2200, subpart 4;

(2) the actions the department plans to take;

(3) the dollar amount of the monetary recovery, if any;

(4) how the dollar amount was computed;

(5) the right to dispute the department's determinations and to provide evidence; and

(6) the right to appeal the department's proposed action under part 9505.2245.

B. In cases of vendor suspension or termination under part 9505.2235, in addition to the requirements of item A, the notice shall state:

(1) the length of the suspension or termination;

(2) the effect of the suspension or termination;

(3) the earliest date on which the department shall consider a request for reinstatement;

(4) the requirements and procedures for reinstatement; and

(5) the vendor's right to submit documents and written argument against the suspension for review by the commissioner before the effective date of suspension or termination.

The submission of documents and written argument for review by the commissioner under subitem (5) does not stay the deadline for filing a formal appeal under part 9505.2245.

Subp. 2. **Effective date of recovery or sanction.** For vendors, the effective date of the proposed monetary recovery or sanction shall be the first day after the last day for requesting an appeal as provided in part 9505.2245, subpart 1, item B. For recipients, the effective date of the proposed action shall be 30 days after the recipient's receipt of the notice required under subpart 1. If an appeal is made under part 9505.2245, the proposed

action shall be delayed pending the final outcome of the appeal, except as provided by part 9505.2231. Implementation of a proposed action following the resolution of an appeal may be postponed if in the opinion of the commissioner the delay of action is necessary to protect the health or safety of the recipient or recipients.

Subp. 3. **Effect of department's administrative determination.** Unless a timely and proper appeal made under part 9505.2245 is received by the department, the administrative determination of the department shall be considered final and binding.

Statutory Authority: *MS s 256B.04; 256D.03*

History: *15 SR 2563; 19 SR 1898; 33 SR 127*

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