

9510.1140 APPEALS.

Subpart 1. **By provider.** A provider whose application for a special needs rate exception is denied or not acted on within the deadlines in part 9510.1060, subpart 1, or whose special needs rate exception is suspended, reduced, or terminated by the county may appeal the action or decision to the commissioner. The appeal must be submitted to the commissioner in writing within 30 days of the date the provider received notification or should have received notification of the action or decision. The appeal must state the reasons the provider is appealing the county's action or decision including the bases for the county's action or decision which are disputed, the specific sections of the provider's application which the provider is relying on for the appeal, and an explanation of why the provider disagrees with the county's action or decision.

The commissioner shall review the application and supporting documentation submitted to the county and any additional documents submitted with the appeal to determine if the provider can prove by a preponderance of evidence that it is eligible for a special needs rate exception and in compliance with parts 9510.1020 to 9510.1140. Within 30 days of receipt of the provider's appeal, the commissioner shall notify the provider of the commissioner's decision. No special needs rate exception payment will be made pending the outcome of the appeal.

Subp. 2. **By county.** If the county disagrees with the commissioner's decision on the county application, the county may appeal the decision to the commissioner and request reconsideration. To be reconsidered, the appeal must be filed in writing, with the commissioner, within ten days of the date the commissioner gave notice to the county of the decision on the county application. The appeal must state the reasons why the county is appealing the commissioner's decision and present evidence explaining why the county disagrees with the commissioner's decision. Within 30 days of receipt of the county's appeal, the commissioner shall review the evidence presented in the county's appeal and send written notification to the county of the commissioner's decision on the appeal. No special needs rate exception payment shall be made pending the outcome of the appeal. The commissioner's decision on the appeal shall be final.

Statutory Authority: *MS s 256B.501*

History: *10 SR 922*

Published Electronically: *October 8, 2007*