

**9520.0926 APPEALS.**

Subpart 1. **Right to appeal.** A client who applies for or receives case management services has the right to a fair hearing under Minnesota Statutes, section 256.045, if the county terminates, denies, or suspends case management services, or does not act within five days upon a request or referral for case management services. Fiscal limitations described in Minnesota Statutes, section 245.486, shall constitute a basis for the county of financial responsibility to refuse to provide or fund the services at issue in the appeal.

Subp. 2. **Notice of adverse action.** The local agency shall mail a written notice to the adult or to the child's parent or legal representative and the child at least ten calendar days before denying, reducing, suspending, or terminating the client's case management services. The written notice shall clearly state:

- A. what action the local agency proposes to take;
- B. the reasons for the action;
- C. the legal authority for the proposed action;

D. that the adult or in the case of a child, the child and the child's parent or legal representative have the right to appeal the action within 30 days after the receipt of the notice or within 90 days if the person has good cause for delaying. At the request of the adult or in the case of a child, the child and the child's parent or legal representative, the child or adult shall continue to receive case management services pending the resolution of the appeal; and

- E. where and how to file an appeal.

Subp. 3. **General information about appeal rights.** At the time of the request for case management services and at the annual review of the adult's individual community support plan or the child's individual family community support plan, the case manager shall give the adult or, in the case of a child, the child's parent or legal representative and the child a written notice of the right to appeal under this part.

Subp. 4. **Commissioner's record of appeals.** The commissioner shall monitor the nature and frequency of appeals under this part.

**Statutory Authority:** *MS s 245.484; 256B.04; 256B.0625*

**History:** *17 SR 1448; L 2003 1Sp14 art 11 s 11*

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