

3300.6070 APPEAL PROCEDURE.

Subpart 1. **Notice of intent to appeal.** A community rehabilitation provider appealing commissioner decisions must provide a written notice of intent to appeal to the commissioner. The written notice of intent to appeal must be received by the commissioner within 30 days from the date that the community rehabilitation provider received notice from the commissioner of the action that the community rehabilitation provider wishes to appeal. If the notice of intent to appeal is not received from the provider within the 30-day period, the decision of the commissioner is final. The notice of intent to appeal must state the grounds for the appeal, including facts and issues that will be addressed at a contested case hearing.

Subp. 2. **Informal review.** Within 30 days after the commissioner receives a notice of intent to appeal, the commissioner shall contact the community rehabilitation provider and informally review the reasons for the appeal. The informal review by the commissioner may be oral or written. Before the end of the 30-day period for informal review, the commissioner must make a written decision regarding the community rehabilitation provider's appeal. The decision by the commissioner must state the commissioner's position on the issue under appeal, the basis of that position, and the community rehabilitation provider's right to request a contested case hearing.

Subp. 3. **Contested case.** After the informal review under subpart 2, the community rehabilitation provider may make a written request for a contested case hearing before an administrative law judge as provided in Minnesota Statutes, sections 14.57 to 14.62. The written request for a contested case hearing must be received by the commissioner no more than 30 days after the date when the community rehabilitation provider received written notice of the decision of the commissioner following the informal review. Within 15 days from the date the commissioner receives a community rehabilitation provider's request for a contested case hearing, the commissioner must request the Office of Administrative Hearings to assign an administrative law judge to hear the appeal and schedule a hearing. The contested case hearing must be initiated and conducted according to Minnesota Statutes, sections 14.57 to 14.62.

Subp. 4. **Decision.** The decision of the administrative law judge must be recommended for the commissioner's adoption. The commissioner's decision on the issue under appeal is the final decision.

Statutory Authority: *MS s 268A.15*

History: *43 SR 993*

Published Electronically: *March 26, 2019*