

9553.0080 APPEAL PROCEDURES.

Subpart 1. **Scope of appeals.** A decision by the commissioner may be appealed by the provider, provider group, or a county welfare or human services board if the following conditions are met:

A. the appeal, if successful, would result in a change to the facility's total payment rate;

B. the appeal arises from application of parts 9553.0010 to 9553.0080, 12 MCAR SS 2.05301-2.05315 [Temporary] or parts 9510.0500 to 9510.0890; and

C. the dispute over the decision is not resolved informally between the commissioner and the appealing party within 30 days of filing the written notice of intent to appeal under subpart 2, item A.

Subp. 2. **Filing of appeals.** To be effective, an appeal must meet the following criteria:

A. The provider, provider group, or county welfare or human services board must notify the commissioner in writing of its intent to appeal within 30 days of receiving the total payment rate determination or decision which is being appealed. A written appeal must be filed with the commissioner within 60 days after receiving the total payment rate determination or decision which is being appealed.

B. The appeal must specify:

(1) each disputed item and the reason for the dispute;

(2) the computation and the amount that the provider believes to be correct;

(3) an estimate of the dollar amount involved in each disputed item;

(4) the authority in statute or rule upon which the provider is relying in each disputed item; and

(5) the name and address of the person or firm with whom contacts may be made regarding the appeal.

Subp. 3. **Resolution of appeal.** The appeal shall be heard under the contested case provisions in Minnesota Statutes, sections 14.57 to 14.62 and parts 1400.5100 to 1400.8300. Upon agreement of both parties, the dispute may be resolved informally through any informal dispute resolution method such as settlement, mediation, or modified appeal procedures established by agreement between the commissioner and the chief administrative law judge.

Subp. 4. **Payment rate during appeal period.** Notwithstanding any appeal filed under parts 9553.0010 to 9553.0080, the total payment rate established by the commissioner shall be the total payment rate paid to the provider while the appeal is pending.

Subp. 5. **Payments after resolution of appeal.** Upon resolution of the appeal any overpayments or underpayments shall be paid under part 9553.0041, subpart 13.

Subp. 6. **Appeal expenses.** Expenses incurred in the appeal or for individual items under appeal will be reimbursed to the provider to the extent that:

- A. the provider is successful on each disputed item appealed; and
- B. this amount is not in excess of limits determined under parts 9553.0010 to 9553.0080.

Statutory Authority: *MS s 256B.501*

History: *10 SR 1298*

Published Electronically: *October 15, 2013*