**Section 139.600 FSP and SFSP Recipient Appeals**

For appeals by individuals or their authorized representatives regarding FSP or SFSP participation or services, the following shall apply:

a) The HFS rules for Assistance Appeals (89 Ill. Adm. Code 104.Subpart A) shall apply to all appeals under this Section except that:

1) Informal review of any appealable issue must be completed by the Department's Bureau of Behavioral Health pursuant to this Section before formal appeal of the issue may be requested by the Department's Bureau of Administrative Hearings (BAH); and

2) Sections 89 Ill. Adm. Code 104.10, 104.11, 104.70(b), 104.70(d), 104.74, 104.75 and 104.80 shall not apply.

b) The parent or legal guardian, FSP youth of legal majority, or authorized representative may appeal the following issues:

1) Failure to take action on an application for a program or request for services;

2) Denial of admission to a program or request for services;

3) Any action by the Department to reduce, change, suspend or terminate any service; or

4) Termination of participation in a program, except that the expiration of the 90 day period of SFSP enrollment shall not be appealable.

c) Individuals or their representatives seeking to appeal any of the issues in subsection (b) must first request informal review of the issue by the Department's Bureau of Behavioral Health before the issue may be appealed to the BAH.

1) Request for informal review must be submitted in writing to the Bureau of Behavioral Health within 20 days after the date of notice of the contested action and must clearly identify the issue or action for which informal review is sought.

2) If the request for informal review is received by the Bureau of Behavioral Health prior to the Department's intended action taking effect, the action shall be stayed through the completion of the informal review and the subsequent 10 day period to formally appeal the outcome of the informal review to the BAH, except that transition bed services shall not be provided beyond a total of 30 days during any instance of participation in the SFSP.

d) The Bureau of Behavioral Health shall complete the informal review of the contested action within 30 days after receipt of the request and shall determine whether to maintain, reverse or modify the action, or take other action as necessary.

1) The Department may request and review all materials pertaining to the informal review held by the Department's vendors, agents or providers.

2) The Department shall notify the individual or authorized representative in writing of the result of the informal review. The written notification shall:

A) State the result of the informal review, including action to be taken, if any;

B) State the reason and policy basis for the action; and

C) Provide notice of the right to appeal and instructions on how to proceed with formal appeal through the BAH.

e) The individual or authorized representative may appeal the result of the informal review by filing a written request for appeal with the BAH within 10 days after the date of the notice of the result of the informal review. If the request for appeal is received by the BAH prior to the Department's intended action taking effect, the action shall be stayed until the appeal is resolved through final administrative decision or withdrawal of the appeal, except that transition bed services shall not be provided beyond a total of 30 days during any instance of participation in the SFSP.

f) The final administrative decision shall be issued to the interested parties within 90 days after the date the appeal is filed with the BAH unless additional time is required for proper disposition of the appeal.

g) Appropriate action implementing the final administrative decision shall be taken within 30 days after the date the final administrative decision is issued.