**Section 240.410 When the Appeal May Be Filed**

a) The right to appeal must be exercised within 60 calendar days after the date the notice of the action being appealed was sent to the participant advising the action being taken by the CCU, such as:

1) the date the notice was sent by a CCU of a decision on a request for a determination of eligibility for CCP services;

2) the date the notice was sent by a CCU or the Department of a reduction or termination of CCP services, except for instances involving automatic, non-discretionary changes in eligibility, rates or benefits required by federal or State statute or regulation; or

3) the date the notice was sent by a CCU or the Department of denial of a request or other action that aggrieves the participant, when that denial or action was other than an eligibility determination or a decision to reduce or terminate services.

b) If a notice of appeal is filed after the 60 calendar day time period, the right to appeal is not affected. However, the final administrative decision of the Department will not be favorable to the appellant if it is determined that the 60 calendar day time period applies to the situation and has expired.

c) The 60 calendar day time limitation does not apply when:

1) a CCU or the Department fails to send the required written notification of the action taken that is being appealed;

2) a CCU or the Department fails to allow 15 calendar days from the date of the notice to the effective date of the action appealed;

3) a CCU, provider or the Department fails to take any action on a specific request made by a participant within 15 calendar days after the date of request as required in Section 240.1520;

4) a CCU, provider or the Department denies a request without informing the participant in writing within 15 calendar days after the date of request, as required in Section 240.1520;

5) a CCU or provider failed to advise the participant/authorized representative of the right to appeal; or

6) a CCU or provider has violated CCP rules.

d) If a participant/authorized representative advised the Department by telephone of his/her intent to appeal and subsequently files a written appeal with the Department, the date of the documented telephoned intent shall be the date of filing of the appeal.

e) If the intent to appeal by or on behalf of a participant is filed within 10 calendar days after the date of the notice of adverse action (see to Section 240.160) and is followed by a written appeal as requested by the Department, CCP services shall be continued at the level in effect prior to the notice of adverse action until the final decision in the appeal is reached, except for instances involving automatic, non-discretionary changes in eligibility, rates or benefits required by federal or State statute or regulation. The participant/authorized representative and all other interested parties to the appeal shall be notified in writing by the Department of the continuation of the participant's services at the previous level. If the Department determines that the health, safety or welfare of the provider/direct service worker will be jeopardized if service is continued (see Section 240.350), the participant's right to continued service may be denied until the appeal decision is reached.

f) Services shall not be continued during the appeal process for a participant receiving interim services. Those participants receiving interim services have not received full eligibility for the CCP and are only presumed eligible until a full determination of eligibility has been completed.

(Source: Amended at 42 Ill. Reg. 20653, effective January 1, 2019)