**Section 240.480 The Appeal Decision**

a) The decision resulting from the appeal shall be made in writing no later than 90 calendar days after the close of the hearing record. The appellant/authorized representative and all other parties to the appeal shall be notified by sending to them a copy of the decision by U.S. mail. The decision shall be made by applying Department rules to the particular case situation. Appeals shall be considered on a case-by-case basis.

b) The final adminstrative decision shall be issued by the Director of the Department and it shall either:

1) uphold or modify the Hearing Officer's recommendation in the appeal;

2) not uphold the Hearing Officer's recommendation; or

3) determine a lack of Department jurisdiction.

c) The decision shall instruct the vendor/CCU/Department to take corrective action as appropriate. In the event that the participant who is a party to the appeal purchased services not provided by the vendor during the period in which the appeal was conducted, the Department will reimburse the participant under the following conditions:

1) the decision rendered by the Department is in favor of the participant in whose behalf the appeal was taken; and

2) the appeal was based upon the denial of a request for services.

d) Payment shall be authorized only for the level, type and amount of services for which payment would have been made through CCP during the same time period. Payment shall not exceed the amount that would have been paid through CCP for the same services.

e) The decision resulting from the appeal and the recorded transcript shall become a part of the record of the appeal.

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