**Section 240.400 Appeals and Fair Hearings**

a) Any participant who requests or receives CCP services has the right to appeal a decision, action, or failure to take action of the Department, a CCU or a provider. If the decision, action or inaction is based on automatic, non-discretionary changes in eligibility, rates or benefits required by federal or State statute or regulation, that adversely affect some or all participants, the appeal will be automatically denied, and the participant will not be afforded a hearing.

b) The participant/authorized representative shall be informed in writing by the CCU of their right to appeal at the initial home visit, at the time the action is taken and upon request.

c) A participant/authorized representative may file an appeal with the Department by completing and submitting a Notice of Appeal form, which may be obtained by calling the Senior HelpLine at 1-800-252-8966. If the Department is advised of a participant's/authorized representative's intent to appeal either by letter or by telephone, the Department shall, within two business days after being so advised, send to the appellant a Notice of Appeal form.

d) The written Notice of Appeal to Department on Aging shall include the following:

1) the name, address and telephone number of the participant filing the appeal, or on whose behalf the appeal is filed; and

2) the name, address and telephone number of the authorized representative, if any, filing the appeal on behalf of the participant;

3) the specific action being appealed, including the date of notice advising the participant/authorized representative of the action appealed and the effective date of that action; and

4) the name of the CCU, as indicated on the notice of the action being appealed.

e) CCUs are to provide a copy of any notice of adverse action to any participant's authorized representative, if the participant has earned ten points on the Mini-Mental State Examination (MMSE). A single notice to a residence will suffice if the authorized representative is a family member living with the appellant.

(Source: Amended at 48 Ill. Reg. 11053, effective July 16, 2024)