**Section 104.208 Notice of Intent to Terminate, Suspend, Exclude or Not Renew Provider Agreement or to Revoke Alternate Payee**

a) Effective July 1, 2012, except for actions brought jointly by the Department of Healthcare and Family Services and the Department of Public Health pursuant to Section 104.300, the following provisions apply. If, in an action other than one under 89 Ill. Adm. Code 140.16(a)(2), under 89 Ill. Adm. Code 140.16(a)(10) based on a conviction for a violation of applicable federal or state law or regulation, or under 89 Ill. Adm. Code 140.16(c), the Department intends to terminate, suspend or exclude a vendor's eligibility to participate in the Medical Assistance Program, or terminate (or not renew) a vendor's provider agreement, it shall notify the vendor in writing, setting forth:

1) the reason for the Department's action;

2) a statement of the right to request a hearing prior to the intended action taking effect;

3) a statement of the time, place and nature of the hearing;

4) a statement of the legal authority and jurisdiction under which the hearing is to be held; and

5) a reference to the provisions of the statutes and rules involved.

b) Effective July 1, 2012, except for actions brought jointly by the Department of Healthcare and Family Services and the Department of Public Health pursuant to Section 104.300, the following provisions apply. If, in an action under 89 Ill. Adm. Code 140.16(a)(2), under 89 Ill. Adm. Code 140.16(a)(10) based on a conviction for a violation of applicable federal or state law or regulation, or under 89 Ill. Adm. Code 140.16(c), except in an action initiated pursuant to Section 104.211, the Department intends to terminate, suspend or exclude a vendor's eligibility to participate in the Medical Assistance Program, or terminate (or not renew) a vendor's provider agreement, it shall notify the vendor in writing, setting forth:

1) the reason for the Departments' action;

2) the effective date of the action;

3) a statement that the vendor has the opportunity to respond prior to the effective date and a statement of how and to whom such a response should be made;

4) a statement that the action will be effective on that date regardless of whether any hearing requested has been completed;

5) a statement of the right to request a hearing;

6) a statement of the time, place and nature of the hearing;

7) a statement of the legal authority and jurisdiction under which the hearing is to be held; and

8) a reference to the provisions of the statutes and rules involved.

c) In an action brought jointly against a nursing home (not an ICF/DD facility) by the Department of Healthcare and Family Services and the Department of Public Health pursuant to Section 104.300 in which the Department of Healthcare and Family Services intends to terminate, suspend or deny the provider agreement, and the Department of Public Health intends to deny certification, the Departments shall notify the vendor in writing, setting forth:

1) the reason for the Departments' action;

2) the effective date of the action;

3) a statement that the vendor has an opportunity to respond prior to the effective date and a statement of how and to whom such a response should be made;

4) a statement that the action will be effective on that date regardless of whether any hearing requested has been completed;

5) a statement of the right to request a hearing;

6) a statement that a hearing will be scheduled to take place within 30 days after receipt of a request for hearing;

7) a statement of the legal authority and jurisdiction under which the hearing is to be held; and

8) a reference to the Sections of the statutes and rules involved.

d) In an action brought jointly against an ICF/DD facility by the Department of Healthcare and Family Services and the Department of Public Health pursuant to Section 104.300 in which the Department of Healthcare and Family Services intends to terminate, suspend or deny the provider agreement, and the Department of Public Health intends to deny certification, the Departments shall notify the vendor in writing, setting forth:

1) the reason for the Departments' action;

2) a statement of the right to request a hearing prior to the intended action taking effect;

3) a statement that a hearing will be scheduled to take place within 30 days after receipt of a request for hearing;

4) a statement of the legal authority and jurisdiction under which the hearing is to be held; and

5) a reference to the provisions of the statutes and rules involved.

e) In an action in which the Department intends to seek revocation of an alternate payee in the Medical Assistance Program, it shall notify the alternate payee in writing, setting forth:

1) the reason for the Department's action;

2) a statement of the right to request a hearing prior to the intended action taking effect;

3) a statement of the time, place and nature of the hearing;

4) a statement of the legal authority and jurisdiction under which the hearing is to be held; and

5) a reference to the provisions of the statutes and rules involved.

f) The notice shall also inform the vendor, when applicable, that the final administrative decision of the Department could result in suspension for a specific period of time as well as termination.

g) Effective July 1, 2012, for actions of the Department for the purpose of immediate suspension of a provider pursuant to Section 104.75, the Department shall notify the vendor in writing, setting forth:

1) the reason for the Department's action;

2) the effective date of the action;

3) a statement that the action will be effective on that date regardless of whether any hearing requested has been completed;

4) a statement of the time, place and nature of the hearing;

5) that the purpose of the hearing shall be to determine whether to recommend to the Director that the vendor's medical assistance program participation be denied, terminated, suspended, placed on provisional status or reinstated;

6) a statement of the legal authority and jurisdiction under which the hearing is to be held; and

7) a reference to the provisions of the statutes and rules involved.

(Source: Amended at 37 Ill. Reg. 10172, effective June 27, 2013)