**Section 104.217 Purpose of Formal Conference**

The purposes of the formal conference shall include, but not be limited to:

a) clarification, formulation and simplification of issues;

b) resolution of matters in controversy;

c) exchange of documents and information;

d) review of audit findings;

1) An opportunity for the vendor and/or alternate payee to rebut the Department's audit findings. If the Department's findings were based on sampling and extrapolation, the vendor and/or alternate payee may present evidence to show that the sample used by the Department was invalid and, therefore, cannot be used to project the overpayments identified in the sample to total billings for the audit period.

2) The vendor and/or alternate payee may also conduct an audit of 100% of the medical records of payments received during the audit period and present the result of such an audit at the formal conference. Any such audit should demonstrate that the vendor's records for the unaudited services provided during the audit period were in compliance with the regulations, provider handbooks and other written requirements of the Department. The vendor and/or alternate payee should be prepared to submit supporting documentation to demonstrate this compliance;

e) stipulations of fact so as to avoid unnecessary introduction of evidence at the hearing. Matters which may be readily stipulated at the formal conference are:

1) that the respondent has received all applicable written communications, including the notice of intent to recover money as provided in Section 104.206;

2) all procedural matters, including appearances made by both parties and the respondent's request for hearing and answer; and

3) a list of witnesses and any evidence to be presented at the hearing by all parties;

f) the identification of witnesses;

g) such other matters as may aid in the simplification of the evidence and disposition of the issues.

(Source: Amended at 31 Ill. Reg. 2388, effective January 19, 2007)