**Section 104.330 Facilities Certified Under Both Medicare and Medicaid**

a) If a SNF is participating, or seeking to participate in both Medicare and Medicaid, and if the basis for denial, termination or non-renewal of certification and participation in Medicaid is also a basis for the denial, termination or non-renewal of participation in Medicare, the Department shall notify the facility that:

1) The facility is entitled to the review procedures specified or referred to in 42 CFR 405, Subpart D, in lieu of the procedures specified or referred to in these rules; and

2) A final decision entered under the Medicare review procedures shall be binding on the issue of certification for purposes of Medicaid participation.

b) The Department of Public Aid may continue to seek to deny, suspend or terminate participation in the Medical Assistance Program on the basis of non-certification issues for facilities participating or seeking to participate under both Medicare and Medicaid, pursuant to 89 Ill. Adm. Code 140.14 and 140.16.

(Source: Amended at 15 Ill. Reg. 6557, effective April 30, 1991)