**Section 240.1310 Standard Contractual Requirements for Care Coordination Units and** **Providers**

a) The contract shall be an agreement between the Department and the CCU or provider agency as evidence of the terms and conditions of the contract. The terms and conditions shall, at a minimum, include the following:

1) the contractual agreement between the Department and the CCU/provider may be terminated without cause by either party upon 60 calendar days written notice;

2) the contractual agreement between the Department and the CCU/provider may be amended, with the mutual consent of both parties, at any time during the term of the contract; and

3) all program and financial records, reports, and related information and documentation, including participant files, that are generated as a result of the agreement shall be considered the property of the Department.

b) Upon written notification from the Department of a change in the fixed unit rates of reimbursement, the CCU/provider may exercise its 60 calendar day termination rights if the CCU/provider no longer wishes to provide service at the newly established fixed unit rates of reimbursement.

c) CCUs and providers shall have sufficient personnel to ensure service to all CCP participants.

d) At the time of application for award of contracts, CCUs and providers shall submit documentation specified by the Department to confirm the legal structure under which they are doing business.

e) CCUs and providers may be units of State government, units of local government, for-profit or not-for-profit corporations, limited liability companies, sole proprietorships, partnerships or individuals.

1) An agency of State government must submit a letter from the Director or head of the agency citing the statutory authority for the agency to enter into a contract to provide the proposed CCP service.

2) A unit of local government must submit a copy of the resolution or ordinance duly passed by the governing body of the unit of government authorizing the execution of the contract. The resolution or ordinance shall designate the individual authorized to execute the agreement in behalf of that unit of government.

3) A partnership, individual or sole proprietorship must submit copies of "Certificate of Ownership of Business" issued by the County Clerks for the counties in which the applicant agency is proposing to provide service.

4) A corporation or limited liability company must submit a "Certificate of Good Standing" from the Office of the Illinois Secretary of State certifying that the corporation has complied with the requirement to file an annual report and has paid required franchise taxes.

5) A not-for-profit corporation shall submit:

A) a "Certificate of Good Standing" from the Office of the Illinois Secretary of State certifying that the corporation has complied with the requirement to file an annual report; and

B) a current letter from the Office of the Illinois Attorney General certifying that the corporation is in full compliance with or is exempt from the charitable trust laws of the State of Illinois. Thereafter, a non-exempt provider shall provide a letter, certified by the provider's Board of Directors, to the Department upon request, stating that the provider remains in compliance or is exempt.

6) A nongovernmental agency shall certify that:

A) CCU/provider or any of its officers, agents or employees have not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois nor made an admission of guilt of such conduct which is a matter of record; and

B) CCU/provider is not in arrears or not in default to the State of Illinois upon any debt or contract, and that it is not in default as to the surety, or otherwise, upon any obligation to the State of Illinois, and that it has not failed to perform faithfully any previous contract with the State of Illinois.

f) CCUs and providers shall certify that their respective agency acknowledges and complies with the Illinois Human Rights Act [755 ILCS 5]; the Equal Employment Opportunity Act of 1974, as amended (Title VII of the U.S. Civil Rights Act of 1964, as amended (42 USC 2000e et seq.)); the Civil Rights Act of 1964, as amended (42 USC 2000d et seq.); section 504 of the Rehabilitation Act of 1973, as amended (29 USC 790 et seq.); and the Immigration Reform and Control Act of 1986 (8 USC 1101 et seq.).

g) CCUs and providers shall certify to the Department that their respective agencies are fiscally sound, as defined in Section 240.160, or demonstrate the ability to obtain financial resources as required during the performance of their contract.

h) Assignment by a CCU or provider of a contract awarded between the CCU or provider and the Department to any other organizations or entities shall result in the immediate termination of the CCU or provider contractual agreement.

i) Failure by CCUs or providers to seek and obtain written Department approval prior to entering into subcontracts with other entities for the provision of CCPCCP services shall result in the immediate termination of the CCU or provider contractual agreement.

j) The Department shall be immediately notified in the event of a merger/consolidation/sale of assets of a CCU or provider by the CCU or provider and provided with copies of all relevant supporting documents.

1) Following review of the merger/consolidation/sale of assets documents by General Counsel, the Department will determine whether the merger/consolidation/sale of assets has resulted in an assignment of the contract (see subsection (h)).

2) If the merger/consolidation/sale of assets has not resulted in an assignment, the Department retains the right to terminate the contract if performance of the contract by the new corporate structure is not in the best interests of the CCP, such as a merger or consolidation with an entity that has been subject to previous contract action by the Department or some other state or federal agency.

3) Failure to notify the Department shall result in termination of the CCU or provider contract.

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