**Section 240.1607 Standard CCP Provider Agreement**

a) In order to enter into a CCP Provider Agreement, a provider must first be certified by the Department under Section 240.1600 or 240.1605.

b) A Provider Agreement shall be entered into between the Department and the certified provider agency as evidence of the terms and conditions of the agreement to provide CCP services within the geographic area specified within the Provider Agreement. Except during the transition period referred to in Section 240.1600(b), Provider Agreements generally will be for a period of 3 years. A Provider Agreement does not guarantee that the provider will be the sole provider of CCP services within the described geographic area.

c) The terms and conditions of the Provider Agreement shall, at a minimum, include the following:

1) the Provider Agreement may be terminated without cause by either party upon 60 calendar days written notice;

2) the Provider Agreement may be amended, with the mutual consent of both parties, at any time during the term of the Agreement; and

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

d) At the time of application for certification and before the Provider Agreement is entered, the provider shall submit documentation specified by the Department to confirm the legal structure under which it is doing business.

1) The Department shall be immediately notified by the provider in the event of a merger/consolidation/sale of assets of a provider and shall be given copies of all relevant supporting documents.

A) Following review of the merger/consolidation/sale of assets documents, the Department will determine whether the merger/consolidation/sale of assets has resulted in an assignment of the Provider Agreement (see subsection (k)).

B) If the merger/consolidation/sale of assets has not resulted in an assignment, the Department retains the right to terminate the Provider Agreement if performance of the Provider Agreement 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.

2) Failure to notify the Department shall result in termination of the Provider Agreement.

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

f) Providers shall have sufficient personnel to ensure service to all CCP participants.

g) During the term of the Provider Agreement, the provider will maintain its adherence to the Illinois Act on the Aging, this Part and any requirements and representations made by the provider during the certification process.

h) Providers may be units of State government, units of local government, for-profit or not-for-profit corporations, limited liability companies, sole proprietorships or partnerships.

1) An agency of State government must submit a letter from the head of the agency citing the statutory authority for the agency to enter into a Provider Agreement 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 Provider Agreement. The resolution or ordinance shall designate the individual authorized to execute the Agreement on behalf of that unit of government.

3) A partnership or sole proprietorship must submit copies of the "Certificate of Ownership of Business" issued by the county clerks for the counties in which the provider is proposing to provide CCP 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. When renewing a Provider Agreement, a non-exempt provider shall submit to the Department, upon request, a letter certified by the provider's Board of Directors stating that the provider remains in compliance or is exempt.

6) A nongovernmental agency shall certify that it is legally qualified to contract with the State of Illinois.

i) Providers shall certify that they acknowledge and comply 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.).

j) Providers shall certify to the Department that they are fiscally sound, as defined in Section 240.160 and further provided in Section 240.1505(a)(10 and 11).

k) Assignment by a provider of a Provider Agreement to any other organizations or entities is not allowed. Any succeeding provider must be certified as a CCP provider under this Part and must enter into a new Provider Agreement with the Department.

l) Failure by providers to seek and obtain written Department approval prior to entering into subcontracts with other entities for the provision of CCP services shall result in the immediate termination of the Provider Agreement.

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