**Section 509.65 Process for Suspension of Funding/Cancellation of Award/Agreement**

a) Suspension/Cancellation. The process for suspension of funding pursuant to Section 509.50 and cancellation pursuant to Section 509.60 is as follows:

1) Notice. The provider shall be notified, in writing, by the Department of the action taken, the reason for the action, and the effective date of the action. The Notice shall be sent by certified mail, registered mail, or private carrier.

2) Request for Review. The provider shall have 7 days from the receipt of the notice, as determined by the certified mail, registered mail, or private carrier receipt, to request a review of the suspension/cancellation action by the Secretary of the Department and to provide supportive information to the Secretary as to why the action should not occur. In the event that the request and information are not submitted within the 7-day period, the Department may proceed with the suspension or cancellation.

3) Additional Information. To assist the Secretary in his/her review, the Department may request additional information from the provider or other sources. Any additional information requested from the provider must be submitted within the time period established by the Department. Failure of the provider to comply with the request for additional information in a timely manner may result in resolution of the issue without consideration of that information.

4) Secretary's Decision. The Secretary may delegate the responsibility for investigation of the issue and fact finding. The Secretary shall issue a final written decision as expeditiously as possible after receiving the request for review, supportive information, and any additional information requested by the Department. The Secretary's final decision to suspend funding, in part or in whole, shall indicate terms and conditions for rescinding the suspension and reinstatement of funding. The decision of the Secretary is a final decision of the agency for purpose of the Administrative Review Law [735 ILCS 5/Art. III], if applicable.

b) Cancellation of Funding.

1) Funding under this Part to a provider who is served a notice under subsection (a)(1) may be suspended summarily without opportunity to provide supportive information as provided in subsection (a)(2) if, in the Secretary's discretion, it is determined that immediate suspension is necessary because the risk of continuing funding is sufficient to seriously outweigh the general policy in favor of advance notice and the opportunity to provide supportive information. If the suspension is pending a final decision of cancellation under Section 509.60, the provider shall not incur costs chargeable to the Department after the effective date included in the notice. Opportunity to provide supportive information shall be provided according to the provisions of subsection (a)(2) following suspension pending cancellation of funding. If the Secretary finds for the provider, funding shall then be reinstated.

2) For all other actions for suspension or cancellation of funding, in whole or in part, suspension or cancellation shall occur after issuance of the Secretary's final written decision.

(Source: Amended at 32 Ill. Reg. 7769, effective April 30, 2008)