**Section 104.320 Joint Administrative Hearing**

a) When a proceeding is initiated under these rules, the Department and IDPH, jointly, shall notify the ICF or SNF of the intended action(s) and of the right to an administrative hearing, by serving a "Notice of Intent to Terminate (and Not Certify) and Right to Hearing". Notice, service and proof of service shall be in accordance with the "Rules of Practice For Medical Vendor Administrative Proceedings" (Sections 104.200-104.295).

b) All hearings held pursuant to these rules shall be conducted by an attorney designated by the Director of the Department as a hearing officer and said hearing shall be conducted under the governed by the applicable Rules of Practice for Medical Vendor Administrative Proceedings promulgated by the Department.

c) The hearing officer shall prepare a written report of the case which shall contain findings of fact and recommended decisions with regard to the issues of certification and participation in the Medicaid program. The Director of IDPH shall make a final determination regarding certification, which shall be in writing and forwarded to the Director of IDPA. The Director of the Department shall then make a final decision concerning participation in the Medicaid program, based on the findings of fact, the recommended decision and the final certification determination by IDPH. A final administrative decision shall be issued in writing and contain findings of fact and the final determinations concerning certification and participation in the Medicaid program. A copy of the decision shall be served on each party.