**Section 148.390 Hearings**

Effective for dates of service on or after July 1, 2014:

a) The Department may initiate administrative proceedings pursuant to 89 Ill. Adm. Code 104.Subpart C to suspend or terminate certification and eligibility to participate in the Illinois Medical Assistance Program where the provider:

1) Has failed to comply with 77 Ill. Adm. Code 2090.40;

2) Does not have a valid license for an enrolled treatment service category;

3) Any of the grounds for payment recovery or termination set forth in 89 Ill. Adm. Code 140.15 or 140.16 or 89 Ill. Adm. Code 104.Subpart C are present.

b) When a proceeding is initiated against providers of alcoholism or substance abuse services, the Department shall notify the provider of the intended actions. Notice, service and proof of service shall be in accordance with the "Rules of Practice For Medical Vendor Administrative Proceedings" (89 Ill. Adm. Code 104.Subpart C).

c) 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 and governed by the applicable "Rules of Practice For Medical Vendor Administrative Proceedings" promulgated by the Department (89 Ill. Adm. Code 104.Subpart C).

d) 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 recoupment, certification and continued participation in the Medicaid Program. The Director of the Division of Alcoholism and Substance Abuse (Department of Human Services) may also make a recommendation in writing and forward to the Director of the Department. The Director of the Department shall then make a final decision based on the findings of fact and all recommendations. A final administrative decision shall be issued in writing and contain findings of fact and the final determinations concerning recoupment, certification and continued participation in the Medicaid Program. A copy of the decision shall be served on each party.

(Source: Amended at 38 Ill. Reg. 15165, effective July 2, 2014)