

Rule No. 560-X-62-.15 Right to Terminate Certificates of Probationary and Fully Certified Regional Care Organizations – NEW RULE

- (1) The certificate of an organization as a probationary regional care organization or as a full regional care organization (referred to collectively hereafter in this rule as “certificate”) may be terminated by the Medicaid Agency, in its sole discretion, for nonperformance of contractual duty or for failure to meet or maintain benchmarks, standards, or requirements provided by Sections 22-6-150, *et seq.* of the Alabama Code or rules promulgated by the Medicaid Agency.
- (2) In the event of termination by the Medicaid Agency, a written notice of termination shall be sent to the organization.
- (3) The Medicaid Agency may terminate a certificate based on an organization’s failure to timely file required reports and updated information as required by Rules 560-X-62-.05(20) and 560-X-62-.06(9) or otherwise required by the Medicaid Agency after reasonable written notice with an opportunity to cure is provided by the Medicaid Agency.
- (4) The Medicaid Agency may terminate a certificate based on material misrepresentations and/or omissions in applications and reports required of the organization pursuant to Medicaid rules and any contract between the organization and the Medicaid Agency.
- (5) The Medicaid Agency may terminate a certificate for the failure on the part of the organization to meet and/or maintain the solvency and other financial requirements set forth in Section 22-6-151 of the Alabama Code and rules promulgated by the Medicaid Agency.
- (6) The Medicaid Agency may terminate a certificate should it reasonably determine that the continued operation of the organization is hazardous to Medicaid beneficiaries or to the state after reasonable notice of the hazardous condition and an opportunity to cure is provided by the Medicaid Agency to the organization.
- (7) Notwithstanding any provisions of this rule, the Medicaid Agency may terminate an organization’s certificate for violations of state or federal law related to acts or omissions that could reasonably affect the delivery of care to Medicaid beneficiaries, committed by the organization and/or any of its officers and directors.
- (8) The organization may request a fair hearing in writing if it is not satisfied with the termination action.
- (9) A written request for a fair hearing must be received by the Medicaid Agency within 30 days from the date the notice of termination is mailed. The Medicaid Agency will not accept requests for fair hearings which are outside the 30 day limit.

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Statutory Authority: Code of Alabama, 1975 Section 22-6-150 *et seq.*; 42 CFR Part 438.

History: New Rule: Filed June 19, 2014.