**Section 132.110 Appeal of Certification Determination**

a) An entity may appeal the following actions detailed in this Part:

1) Refusal to issue a provisional certification;

2) Refusal to issue full certification;

3) Refusal to retain certification; or

4) Revocation of certification.

b) If the CSA determines that provisional certification or certification shall not be issued, that certification shall not be retained, or that an entity's certification shall be revoked, the CSA shall send written notice to DHS and the entity within 30 days after that determination. The notice shall contain the specific requirements with which the entity has not complied, the CSA's proposed action, and the entity's rights as follows:

1) If the entity chooses to appeal the CSA's decision, the entity shall submit a written request for a hearing to the DHS Bureau of Hearings, within 20 days after the date of the notice.

2) If an appeal is initiated by a CMHC with provisional certification or certification, the entity may continue to provide services pending a final administrative decision unless the entity's continued provision of services would present an imminent risk of harm.

3) Hearing Process

A) The DHS rules at 89 Ill. Adm. Code 508 (Administrative Hearings) shall apply.

B) The sole issue at the hearing shall be whether the provider is in compliance with certification requirements set forth in this Part or meets the criteria for revocation of certification set forth in this Part.

C) The burden of proof in hearings conducted pursuant to this Section shall be on the appealing entity.

4) If the final administrative decision pursuant to appeal is that certification shall not be issued or retained, or that an entity's certification shall be revoked, the notice shall specify that the decision shall take effect upon receipt by the entity and that the entity shall not be certified as a CMHC during the pendency of any proceeding for judicial review of the hearing decision, except by court order.