**Section 104.211 Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services**

a) In an action under 89 Ill. Adm. Code 140.16(a)(2) based on the Department of Health and Human Service exclusion of an entity from participation in any program under Title XVIII or Title XIX of the Social Security Act or any State health care program, the Department shall terminate the vendor's eligibility to participate in the Medical Assistance Program and terminate the vendor's provider agreement. If the exclusion is for a period of less than one year, the Department may suspend the vendor's eligibility for a period to coincide with the period of the exclusion by the Department of Health and Human Services. The Department shall notify the vendor in writing setting forth:

1) the reason for the Department action,

2) the effective date of the action,

3) a statement that the provider may submit in writing prior to the effective date evidence that there is no exclusion of the provider, and the name and address of the person to whom such evidence is to be sent,

4) a reference to the provisions of the statutes and rules involved, and

5) a statement that the action is a final and binding administrative decision as of the effective date of the action unless the vendor is notified otherwise by the Department prior to the effective date.

b) The hearing provisions set forth elsewhere in Subpart C shall specifically not apply to an action under this Section.

(Source: Amended at 19 Ill. Reg. 1321, effective January 30, 1995)