**Section 104.75 Immediate Suspension of a Vendor**

a) Effective July 1, 2012, anything in this Part to the contrary notwithstanding, upon making a determination based upon information in the possession of the Department that continuation of participation in the Medical Assistance Program by a vendor would constitute an immediate danger to the public, the Department may immediately suspend the vendor's participation in the Medical Assistance Program without a prior hearing.

b) In instances in which the Department immediately suspends the Medical Assistance Program participation of a vendor under subsection (a):

1) The Department shall notify the vendor of the action in writing.

2) A hearing upon the vendor's participation shall be convened by the Department within 15 days after suspension and completed without appreciable delay.

3) The sole issue at hearing shall be held to determine whether to recommend to the Department Director that the vendor's Medical Assistance Program participation be denied, terminated, suspended, placed on provisional status or reinstated.

4) The standard of proof at the hearing shall be a preponderance of the evidence.

5) Any evidence relevant to the vendor constituting an immediate danger to the public may be introduced against the vendor. The vendor, or his or her counsel, shall have the opportunity to discredit, impeach and submit evidence rebutting the evidence.

(Source: Added at 37 Ill. Reg.\_\_\_\_\_, effective 10172\_\_\_\_\_\_\_\_\_)