**Section 104.210 Right to Hearing**

a) An entity may request a hearing within 10 days after the entity's receipt of the Department's notice of:

1) the Department's decision to deny an application (as provided in Section 104.204);

2) the Department's intent to recover money (as provided in Section 104.206);

3) the Department's intent to terminate or suspend a vendor's eligibility or terminate (or not renew) a vendor's provider agreement or revoke an alternate payee (as provided in Section 104.208);

4) the Department's written decision issued pursuant to Section 104.205(d).

b) A request for hearing must be received by the Department within 10 days after the date on which the vendor or alternate payee received the Department's notice.

c) This request must be in writing and must contain a brief statement of the basis upon which the Department's action is being challenged.

d) If the request is not received within 10 days, or is received but later withdrawn, the Department's decision and the grounds asserted in the notice as the basis for that decision shall be a final and binding administrative determination.

e) In actions initiated pursuant to Section 104.206 or 104.208(b), if a vendor or alternate payee requests a hearing, that request shall not delay the effective date of action set forth in the notice. In all other actions initiated pursuant to Section 104.204 or 104.208(a), (d) or (e), the action shall not take place until the final administrative decision has been issued.

f) A long term care facility may request a hearing within 60 days after receipt of the Department's notice on any action initiated pursuant to Section 104.208(c) or (d). For a nursing home (not an ICF/MR facility), the request shall not delay the effective date of action set forth in the notice pursuant to Section 104.208(c).

(Source: Amended at 37 Ill. Reg. 12838, effective July 24, 2013)