

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

MICHIGAN ADMINISTRATIVE HEARING SYSTEM

MSA PROVIDER HEARINGS

(By authority conferred on the executive director of the Michigan administrative hearing system by sections 6 and 9 of 1939 PA 280, MCL 400.6 and MCL 400.9, and Executive Reorganization Order Nos. 2005-1 and 2011-4, MCL 445.2021 and 445.2030)

R 400.3401 Rescinded.

History: 1979 AC; 2015 MR 1, Eff. Jan. 15, 2015.

R 400.3402 Preliminary conference; initial findings; request for bureau conference; final determination letter.

Rule 2. (1) The bureau shall, prior to the taking of an adverse action, hold a preliminary conference with the provider or applicant, or with the representative thereof, to discuss the results of the investigation. The provider or applicant shall be advised of the preliminary conference in writing. The provider or applicant may submit any additional information which the provider or applicant wishes to be considered prior to the closing of the investigation.

(2) Within 10 calendar days of the completion of the preliminary conference, the bureau representative shall inform the provider or applicant, in written form, of his initial findings including copies of all written reports which influenced the findings. At the same time, the bureau representative shall inform the provider or applicant of the right to a conference with the bureau director or his delegate.

(3) Within 20 calendar days of receipt of the initial findings by the provider or applicant, the provider or applicant may request, in writing, a bureau conference. If the provider or applicant makes a timely request for a bureau conference, the provider or applicant shall, at the same time, submit a written response to the initial findings.

(4) If no timely request for a bureau conference is made by a provider or applicant, a final determination letter shall be mailed pursuant to R 400.3405.

History: 1979 AC.

R 400.3403 Rescinded.

History: 1979 AC; 2015 MR 1, Eff. Jan. 15, 2015.

R 400.3404 Decision to take an adverse action.

Rule 4. (1) The bureau director shall, within 30 days after the completion of the bureau conference, decide whether to take an adverse action against an applicant or provider.

(2) The bureau director may, in his discretion, consult with independent professional personnel in the applicable field, as long as the recommendations of such professionals are in writing, are made available to all parties of the hearings, and are incorporated in the record.

History: 1979 AC.

R 400.3405 Final determination notice.

Rule 5. Prior to the taking of an adverse action, the provider shall receive a final determination notice.

History: 1979 AC.

R 400.3406 Formal hearing.

Rule 6. (1) A provider or applicant is entitled to a hearing pursuant to chapter 4 of Act No. 306 of the Public Acts of 1969, being S24.271 et seq. of the Michigan Compiled Laws, in any case in which there has been a final determination of an adverse action as defined in R 400.3401, except where that action is predicated upon the situation described in subrule (2).

(2) A request for a formal hearing shall not be granted if the adverse action is the result of the revocation, suspension, or termination, by an authority other than the department, of the provider's license or certification to practice in the provider's profession or to operate a nursing home, hospital, or other such medical facility, and if the department is in receipt of a certified copy or formal notification of such revocation, suspension, or termination.

(3) A formal hearing shall be granted if the revocation, suspension, or termination of the provider's license, certification, or authorization is the result of a department action, unless the provider previously had an opportunity to have that action reviewed.

(4) Unless a written request for a formal hearing is received within 30 calendar days of notification of intent to terminate, the provider's participation shall automatically terminate as of the thirtieth calendar day after date of notification. Such termination shall then be a final and binding administrative determination.

(5) The request shall identify those aspects of the determination with which the provider or applicant is dissatisfied; shall explain why the provider or applicant believes the determination on those matters is incorrect; shall set out the dollar amount involved, if any; and shall be submitted with any documentary evidence the provider or applicant considers necessary to support its position.

History: 1979 AC.

R 400.3407 Suspension and adjustment of program payments.

Rule 7. (1) Regardless of any request for a hearing, payments on pending and subsequently submitted bills may be immediately suspended, in whole or in part, if the bureau director determines that the practice set out in the final determination requires immediate action to protect the health, safety, or welfare of recipients or the general public. This subrule does not prejudice the provider's right to a hearing as provided in R 400.3406. Any hearing requested pursuant to this subrule shall be commenced forthwith if requested by the provider.

(2) The final determination notice shall constitute the basis for making retroactive adjustment of any program payments made to the provider during the period to which the determination applies, including the suspension of further payments to the provider, in order to recover, or to aid in the recovery of, an overpayment identified in the determination to have been made to the provider or applicant. If the provider or applicant requests a hearing, adjustments and recovery shall not be made, except as provided in subrule (1), until 10 days after the mailing of the hearing decision as provided in R 400.3424.

History: 1979 AC.

R 400.3408 Filing final determination notice with bureau of administrative hearings.

Rule 8. The bureau of medical assistance shall file with the bureau of administrative hearings, within 30 days after receipt by the department of the hearing request, a copy of the final determination notice and supporting documentation.

History: 1979 AC.

R 400.3409 Rescinded.

History: 1979 AC; 2015 MR 1, Eff. Jan. 15, 2015.

R 400.3410 Rescinded.

History: 1979 AC; 2015 MR 1, Eff. Jan. 15, 2015.

R 400.3410 Rescinded.

History: 1979 AC; 2015 MR 1, Eff. Jan. 15, 2015.

R 400.3411 Rescinded.

History: 1979 AC; 2015 MR 1, Eff. Jan. 15, 2015.

R 400.3412 Rescinded.

History: 1979 AC; 2015 MR 1, Eff. Jan. 15, 2015.

R 400.3413 Rescinded.

History: 1979 AC; 2015 MR 1, Eff. Jan. 15, 2015.

R 400.3414 Rescinded.

History: 1979 AC; 2015 MR 1, Eff. Jan. 15, 2015.

R 400.3415 Rescinded.

History: 1979 AC; 2015 MR 1, Eff. Jan. 15, 2015.

R 400.3416 Rescinded.

History: 1979 AC; 2015 MR 1, Eff. Jan. 15, 2015.

R 400.3417 Rescinded.

History: 1979 AC; 2015 MR 1, Eff. Jan. 15, 2015.

R 400.3418 Rescinded.

History: 1979 AC; 2015 MR 1, Eff. Jan. 15, 2015.

R 400.3419 Rescinded.

History: 1979 AC; 2015 MR 1, Eff. Jan. 15, 2015.

R 400.3420 Rescinded.

History: 1979 AC; 2015 MR 1, Eff. Jan. 15, 2015.

R 400.3421 Rescinded.

History: 1979 AC; 2015 MR 1, Eff. Jan. 15, 2015.

R 400.3422 Rescinded.

History: 1979 AC; 2015 MR 1, Eff. Jan. 15, 2015.

R 400.3423 Rescinded.

History: 1979 AC; 2015 MR 1, Eff. Jan. 15, 2015.

R 400.3424 Final decision of director or hearing authority.

Rule 24. The director or hearing authority shall render a final decision in each case based upon the evidence in the record not later than 45 days after the administrative law judge makes his recommendation. The decision shall be made in writing. A copy of the decision shall be mailed to each party at the party's last known address. Copies of all decisions of the director or hearing authority shall be accessible to the public at the state office of the department. Copies may be obtained at actual cost.

History: 1979 AC.

R 400.3425 Nonapplicability of rules to alternate method of hospital reimbursement.

Rule 25. R 400.3401 to R 400.3423 do not apply to the alternate method of hospital reimbursement. That method shall follow the procedures in the approved state medical assistance plan.

History: 1979 AC.