

APA-1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No: 560 Department or Agency: Alabama Medicaid Agency

Rule No: 560-X-64-.14

Rule Title: Right to Terminate Certificates of Probationary and Fully Certified Integrated Care Networks

_____ New; _____ Amend; X Repeal; _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? _____ no

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? _____ yes

Is there another, less restrictive method of regulation available that could adequately protect the public? _____ no

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? _____ no

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? _____ no

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? _____ yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? _____ no

Does the proposed rule have an economic impact? _____ no

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer: Stephanie Lindsay

Date: 5/22/2018

ALABAMA MEDICAID AGENCY

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Medicaid Agency

RULE NO. & TITLE: 560-X-64-.14 – Right to Terminate Certificates of Probationary and Fully Certified Integrated Care Networks

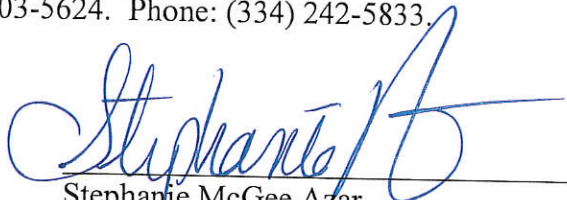
INTENDED ACTION: Repeal Rule 560-X-64-.14

SUBSTANCE OF PROPOSED ACTION: The above referenced rule is being repealed as it is no longer necessary for the implementation of the Medicaid Agency's Integrated Care Network Program.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written or oral comments may be submitted to the Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624. Agency business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written/Oral comments concerning this change must be received by the Alabama Medicaid Agency no later than July 5, 2018.

CONTACT PERSON AT AGENCY: Stephanie Lindsay, Administrative Secretary, Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624. Phone: (334) 242-5833.


Stephanie McGee Azar
Commissioner

Rule No. 560-X-64-.14 Right to Terminate Certificates of Probationary and Fully Certified Integrated Care Networks - REPEALED

- (1) The certificate of an organization as a probationary or fully certified integrated care network (referred to hereafter in this rule as "certificate") may be terminated by the Medicaid Agency, in its sole discretion, for nonperformance of contractual duty or for failure to meet or maintain benchmarks, standards, or requirements provided by Sections 22-6-220, *et seq.* of the Alabama Code or rules promulgated by the Medicaid Agency.
- (2) In the event the Medicaid Agency seeks to terminate a certificate, a written notice of termination shall be sent to the probationary or fully certified integrated care network (for the purposes of this rule hereafter collectively referred to as the "ICN").
- (3) The Medicaid Agency may terminate a certificate if the ICN fails to maintain the requirements for probationary certification as outlined in Alabama Medicaid Administrative Code Rule 560-X-64-.12.
- (4) The Medicaid Agency may terminate a certificate if the ICN fails to meet the qualification criteria established in Rule 560-X-64-.09, fails to submit a response to the Medicaid Agency's Mandated Competitive Procurement (MCP), does not have its response selected for Readiness Assessment described in Chapter 64 of the Alabama Medicaid Administrative Code, or does not complete the Readiness Assessment as required by Chapter 64 of the Alabama Medicaid Administrative Code.
- (5) The Medicaid Agency may terminate a certificate based on an ICN's failure to timely file required reports and updated information as required by Rules 560-X-64-.12(15) and 560-X-64-.08(8) or otherwise required by the Medicaid Agency after reasonable written notice with an opportunity to cure is provided by the Medicaid Agency.
- (6) The Medicaid Agency may terminate a certificate based on material misrepresentations and/or omissions in applications and/or reports required of the ICN pursuant to Medicaid rules and any contract between the ICN and the Medicaid Agency.
- (7) The Medicaid Agency may terminate a certificate for the failure on the part of the ICN to meet and/or maintain the solvency and other financial requirements set forth in Section 22-6-223 of the Alabama Code and rules promulgated by the Medicaid Agency.
- (8) The Medicaid Agency may terminate a certificate should it reasonably determine that the continued operation of the ICN is hazardous to Medicaid beneficiaries or to the state after reasonable notice of the hazardous condition and an opportunity to cure is provided by the Medicaid Agency to the ICN.
- (9) The Medicaid Agency may terminate an ICN's certificate for violations of state or federal law related to acts or omissions that could reasonably affect the delivery of care to Medicaid beneficiaries, committed by the ICN and/or any of its officers and directors.
- (10) The Medicaid Agency may terminate an ICN's certificate if the ICN Program is terminated, suspended, or otherwise discontinued by the Medicaid Agency, State of Alabama, or as a result of action

taken by CMS. The termination of a certificate under this subsection may not be appealed under subsection (11).

(11) Unless otherwise specified in this Rule, the ICN may request a fair hearing in writing if it is not satisfied with the termination action.

(12) A written request for a fair hearing must be received by the Medicaid Agency within thirty (30) calendar days from the date the notice of termination is mailed. The Medicaid Agency will not accept requests for fair hearings which are outside the thirty (30) calendar day limit.

Author: Stephanie Lindsay, Administrator, Administrative Procedures Office.

Statutory Authority: Code of Alabama, 1975 Section 22-6-220 *et seq*; 42 CFR Part 438.

History: Emergency Rule filed and effective August 21, 2017. **Amended:** Filed October 13, 2017; effective November 28, 2017. **Repealed:** Filed May 22, 2018.