

PROVIDER TERMINATION* DUE PROCESS PROCEDURES

**This process applies to all appealable agency actions including, but not limited to, terminations, suspensions, provider enrollment denials, exclusions, and claims disputes.*

A Notice of Termination is an action which removes a provider from the agency's active provider list, and prevents the entity from continuing to bill AHCCCS for services provided to members as of the termination date. Providers have due process rights to appeal a Notice of Termination.

AHCCCS serves a termination notice to a provider by certified mail. Provider may appeal the termination and request an informal settlement conference and State Fair Hearing:



INFORMAL SETTLEMENT CONFERENCE: At the informal settlement conference, the provider has the opportunity to present evidence to an AHCCCS representative if they believe a termination should be rescinded. Following this informal settlement conference, AHCCCS may **continue**, **modify**, or **rescind** the termination.



Termination rescinded

Termination stands or is modified



STATE FAIR HEARING: An evidentiary hearing is conducted by an Administrative Law Judge at the Office of Administrative Hearings, an independent State entity. The provider can elect to appear at the hearing with or without their own legal counsel. As part of the hearing process, providers may request witnesses and documents. At the hearing, providers have the opportunity to make arguments in support of their position, submit evidence, and cross examine witnesses.

After the conclusion of the hearing, the Administrative Law Judge issues a **written Recommended Decision** to AHCCCS. AHCCCS reviews the Administrative Law Judge's findings and conclusions and issues a **Director's Decision** which accepts, modifies, or rejects the Recommended Decision.



Termination rescinded

Termination stands



After exhausting administrative appeals, the provider may elect to appeal to **Arizona Superior Court** within 35 days. The Court may accept, reject, or remand the Director's Decision.



Termination rescinded

Termination stands



If upheld, the provider may appeal to the **Court of Appeals**, which may uphold, reject, or remand the decision to the Superior Court.



Termination rescinded

Termination stands



Finally, the provider may seek review by the **Arizona Supreme Court**.



Termination rescinded

Termination stands

Due process appeals exhausted