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June 2, 2020

Diane Benjamin
blnnews@yahoo.com

RE: FOIA #20-109 Benjamin

Dear Diane Benjamin:

Thank you for writing to the Illinois Department of Healthcare and Family Services with your request for information pursuant to the Illinois Freedom of Information Act (FOIA), 5 ILCS 140/1 et seq.

Our Office received your FOIA request on May 4, 2020 for information regarding overpayments of nursing homes.

Department Response: Responsive records are attached. Please note that the Department recoups overpayments from 99% of the long-term care providers. The Department's process is outlined below:

After all issues with the audit have been resolved and the audit is complete, the Notice of Final Audit Determination letter is mailed certified receipt to the Provider:

1. The Final Audit Determination Letter (NFAD) informs the Provider that the overpayment amount is subject to recovery under 89 Ill. Admin. Code, Chapter I, Section 140.15. Pursuant to 42 U.S.C.A., section 1320a-7k(d) and section 5/12-4.25(L) of the Illinois Public Aid Code, (305 ILCS 5/12-4.25(L)), and that the Provider has sixty (60) days from this Notice of Final Audit Determination to pay the overpayment.
2. The NFAD letter also notifies the Provider of their right to pursue an administrative hearing pursuant to Sections 104 and 140 of title 89 of the Illinois Administrative Code. 89 Ill. Adm. Code 104, 140.
3. Enclosed with the NFAD letter is a payment agreement giving the Provider the option to pay the overpayment amount in full by check or in 12 monthly installments by check.
4. If the Provider is non responsive, or is unable to repay for financial reasons the audit is referred for administrative Litigation (OCIG).

To the extent you view this as a denial of your FOIA request, you have the right to submit a request for review by the Public Access Counselor (the "PAC") in the Office of the Illinois Attorney General to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us

If you choose to submit a request for review to the PAC, you must do so within 60 days after the date of this letter. Your request for review must be in writing, signed by you, and include a copy of your FOIA request and this response. 5 ILCS 140/9.5(a). You also have the right to seek judicial review of this response. See 5 ILCS 140/11(a),(b).

Sincerely,

Kiran Mehta
Freedom of Information Officer