

9505.2231 SUSPENSION OR WITHHOLDING OF PAYMENTS.

Subpart 1. **Grounds for suspension or withholding before an appeal.** The commissioner is authorized to suspend or withhold payments to a provider before an appeal provided in part 9505.2245, if:

A. there is substantial likelihood that the department will prevail in an action under parts 9505.2160 to 9505.2245;

B. there is a substantial likelihood that the provider's practice, which is the basis for the department's determination made under part 9505.2200, subpart 4, will continue in the future;

C. there is reasonable cause to doubt the provider's financial ability to repay the amount determined to be due; or

D. suspending participation or withholding payment is necessary to comply with Minnesota Statutes, section 256B.064, subdivision 2.

Subp. 2. **Exception to prehearing suspension or withholding.** The commissioner shall not order a prehearing suspension or withholding of payments to a nursing home or convalescent care facility.

Subp. 3. **Federal share.** When an overpayment has been made by the department, the commissioner is authorized to recover from a provider the federal share when it is due to the federal government under federal law and regulations.

Statutory Authority: *MS s 256B.04*

History: *15 SR 2563*

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