

**SUBJECT: FACILITY SUSPENSION AND TERMINATION**  
**SECTION: CREDENTIALING**  
**POLICY NUMBER: CR-35**

**EFFECTIVE DATE: 10/06**

*Applies to all products administered by the Plan except when changed by contract*

**I. Policy Statement:** This credentialing policy sets forth the procedures that apply to the proposed revocation of facility credentials and suspension or termination of the facility Participation Agreement (as defined below), if applicable. In cases where the facility has a Participation Agreement with Excellus (“participating facilities”), to the extent that the agreement contains any additional rights with respect to suspensions and terminations not set forth in this policy, such additional rights shall apply to the extent they are not contrary to applicable law. The review, approval and notification processes as defined in our Facility Credentialing Policy (CR-07) apply here. Corporate policies exist to address issues of confidentiality and conflict of interest and apply to all employees.

The Plan expects that all participating facilities maintain New York Public Health Law Article 28, or New York Mental Hygiene Law Articles 31 or 32 licensure, as applicable, and maintain the required accreditation as defined in Policy CR-07 and noted under definitions.

All participating facilities are obligated to provide written notice to the plan immediately following:

- Suspension or revocation of facility's operating certificate;
- Suspension or termination of the facility from the Medicare or Medicaid program;
- Loss of facility’s authorization to provide care under Worker's Compensation;
- Change in liability coverage;
- Loss of accreditation; or
- Any licensing agency action that encumbers the service ability of the facility

**Accreditation - required by Policy CR-07:**

Hospitals:

- a. Operating License and Certificate.
- b. Joint Commission (JC) or American Osteopathic Association (AOA), DNV Healthcare Inc. (DNVHC) or Centers for Medicare & Medicaid Services (CMS) Accreditation.
- c. Medicare Certification as issued by the Centers for Medicare & Medicaid Services (CMS).
- e. Medicaid Certification as issued by the Department of Health, Education and Welfare.
- f. Certification from the Office of Mental Health for Acute Care General Hospitals with Mental Health Services.
- g. Certificate of Insurance.

Home Health Agencies: including Certified Home Health and Licensed Home Health Agencies:

- a. Operating License and Certificate.
- b. Medicare and/or Medicaid Certification.

- c. Joint Commission Accreditation (JC) or Accreditation Commission for Healthcare (ACHC) - Organizations not accredited are requested to submit their most recent Department of Health Survey.
- d. Certificate of Insurance.

Skilled Nursing Facilities:

- a. Operating License and Certificate.
- b. Medicare and Medicaid Certification.
- c. Joint Commission Accreditation (JC), the Commission on Accreditation of Rehabilitation Facilities (CARF), the Continuing Care Accreditation Commission (CCAC) – Organizations not accredited are requested to submit their most recent Department of Health Survey.
- d. Certificate of Insurance.

Free Standing Surgicenters/Ambulatory Care Organizations:

- a. Operating License and Certificate.
- b. Medicare and Medicaid Certification.
- c. Accreditation from a recognized accrediting body Joint Commission Accreditation (JC), Accreditation Association for Ambulatory Health Care (AAAHC).
- d. Certificate of Insurance.

Free Standing Dialysis Centers:

- a. Operating License and Certificate.
- b. Medicare and Medicaid Certification.
- c. Accreditation from a recognized accrediting body (e.g. the Joint Commission, AAAHC).
- d. Certificate of Insurance

Chemical Dependency Treatment Centers:

- a. Certification from NYS Office of Alcoholism and Substance Abuse Services (OASAS).

Community Mental Health Centers:

- a. Operating License and Certificate.
- b. Medicare and Medicaid Certification.
- c. Certificate of Insurance.
- d. List of qualified individuals providing services and stated credentials.

Inpatient Substance Abuse Facilities:

- a. Operating License and Certificate.
- b. Medicare and Medicaid certification.
- c. (i) For New York facilities, certification from NYS Office of Alcoholism and Substance Abuse Services (OASAS).  
(ii) For out of state facilities, licensure or certification from a similar state agency, or accreditation from the Joint Commission as an alcohol, substance use, or chemical dependency treatment program, providing the same level of care.
- d. Certificate of Insurance.

Inpatient Mental Health Facilities:

- a. Operating License and Certificate.
- b. Medicare and Medicaid Certification.
- c. Certificate of Insurance.

- d. (i) for New York facilities, the facility must be either (a) a “hospital” as defined in Mental Hygiene Law 1.03(10);  
(ii) For out of state facilities, licensed or certified in that state to provide the same level of treatment
- e. Certification from Office of Mental Health (OMH).

Freestanding Sleep Study Centers:

- a. Operating License and Certificate.
- b. Medicare and Medicaid Certification.
- c. Accreditation from American Academy of Sleep Medicine (AASM)
- d. Certificate of Insurance

Freestanding Urgent Care Centers:

- a. JCAHO accreditation. An on-site review may be required as stipulated in item number 5; OR
- b. Article 28 Operating License and Certificate issued by NYS DOH, OR
- c. Accreditation by a recognized accrediting body (i.e. Urgent Care Center Accreditation (UCCA), American Academy of Urgent Care Medicine (AAUCM) AND
- d. Independently practicing Nurse Practitioners must be credentialed, AND
- e. All employed providers must be credentialed, and all Nurse Practitioners supervised by an on-site credentialed physician must be registered with the Health Plan.
- f. Medicare and Medicaid Certification.
- g. Certificate of Insurance.
- h. Current unrestricted licensure of providers and nurse practitioners.

Mental Health Residential Treatment Facility

- a. Operating License and Certificate.
- b. Medicare and Medicaid Certification.
- c. (i) For NY facilities, the facility must be either (a) a “residential treatment facility for children and youth” as defined in Mental Hygiene Law 1.03(33), or (b) a facility that is part of a comprehensive care center for eating disorders identified in accordance with Public Health Law Article 27-J  
(ii) For out-of-state facilities, licensure or certification in that state to provide the same level of treatment.
- d. Certificate of Insurance

Substance Use Disorder Residential Treatment Facility

- a. Operating License and Certificate.
- b. Medicare and Medicaid Certification.
- c. (i) For NY facilities, certification from OASAS to provide services defined in 14 NYCRR 819.2(a)(1) and Part 817.  
(ii) For out-of-state facilities, licensure from a similar state agency or accreditation from the Joint Commission as an alcohol, substance use, or chemical dependency treatment program to provide the same level of treatment.
- d. List of qualified individuals providing stated services.
- f. Certificate of Insurance.

## **II. Definitions: For the purpose of this policy, the following definitions shall apply:**

**Excellus** - References to Excellus shall mean Excellus Health Plan, Inc., (the "Plan") a corporation licensed under Article 43 of the New York Insurance Law, and possessing an HMO certificate of authority under Article 44 of the New York Public Health Law. Excellus maintains operating divisions which correspond to certain geographic service areas. These include the Rochester area, (doing business as Excellus BlueCross BlueShield, Rochester Region), the Central New York area (doing business as Excellus BlueCross BlueShield, Central New York), the Utica area (doing business as Excellus BlueCross BlueShield, Utica Region), and the Buffalo area (doing business as Univera Healthcare) (collectively, the "Operating Divisions").

**Member** - An individual covered under one of the various health benefit plans offered or administered by the plan.

**Facility** - A health care institution or entity licensed pursuant to Article 28 of the New York Public Health Law, or Articles 31 or 32 of the New York Mental Hygiene Law.

**Corporate Credentialing Committee** - The committee appointed by the plan that has been delegated the responsibility for credentialing functions. The Corporate Credentialing Committee establishes policies and procedures for the appointment, reappointment, suspension and termination of facilities from time to time, and reports to the Health Care Benefits Management Committee.

**Excellus Medical Director** - The New York State licensed physician appointed by the plan whose responsibilities include the supervision of the Corporate Quality Management Program and advising the plan on the adoption and enforcement of policies concerning medical services. A plan Medical Director or his/her designee shall be a member of the Corporate Credentialing Committee.

**Participation Agreement** - The written contract between the plan and the facility.

**Suspension** - The immediate withdrawal, by a Medical Director, of a facility's right to provide patient care services to members pending an investigation

## **III. Conditions Prompting Suspension or Termination**

The plan may immediately suspend or terminate the facility's Participation Agreement in accordance with the terms of such Agreement and subject to Public Health Law Section 4406-c (5-d).

## **IV. Termination for Failure to Comply with Health Plan Policies (e.g, UM/QM and Credentialing)**

The plan may terminate a Facility's Participation Agreement or revoke a facility's credentials, as applicable, for failure to comply with the Corporate UM/QM policies and procedures; or failure to satisfy Excellus' credentialing/quality review standards, pursuant to the Participation Agreement.

Before any such proposed revocation and or termination occurs, the plan may implement an action or range of actions including but not limited to: corrective action plans with monitoring as recommended

by the Corporate Credentialing Committee; or conditional, time-limited credentialing as approved by the Corporate Credentialing Committee.

*Facility will be required to comply with any surviving term of the Participation Agreement, including the provision of continuation of treatment to a Health Plan member receiving a course of treatment at the time of termination, until medically appropriate discharge or transfer, or completion of the course of treatment, whichever occurs first.*

## **V. Reporting To Regulatory Agencies**

To the extent required by all applicable state and federal laws and regulations, the plan shall report revocation of credentials, suspensions or terminations in accordance with this policy to the appropriate regulatory agency, including without limitation, the New York State Department of Health. A description of the action taken by the plan with the specific reason for and date of the action shall be included. The report will be signed by the plan's Medical Director.

### **Cross Reference:**

CR-07 Credentialing/Recredentialing Of Health Delivery Organizations

### **Committee Approval:**

Corporate Credentialing Committee: 9/20/06, 8/20/08, 8/18/10, 8/15/12, rev 8/20/14, rev 11/16/16; rev; renew 11/28/18