

<p><b>SUBJECT: FACILITY SUSPENSION AND TERMINATION</b></p> <p><b>SECTION: CREDENTIALING</b></p> <p><b>POLICY NUMBER: CR-35</b></p>	<p><b>EFFECTIVE DATE: 10/06</b></p>
<p><i>Applies to all products administered by the Plan except when changed by contract</i></p>	

**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.

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 requirements for all applicable participating facilities must be complied with as set out in Policy CR-07.

**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 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, 11/16/16 rev;  
11/28/2018 renewed; 11/18/2020 revised; 11/16/2022 revised