

§ 430.102 Decisions following hearing.

(a) *Administrator presides.* If the presiding officer is the Administrator, he or she issues the hearing decision within 60 days after expiration of the period for submission of posthearing briefs.

(b) *Administrator's designee presides.* If the presiding officer is other than the Administrator, the procedure is as follows:

(1) Upon expiration of the period allowed for submission of posthearing briefs, the presiding officer certifies the entire record, including his or her recommended findings and proposed decision, to the Administrator. The Administrator serves a copy of the recommended findings and proposed decision upon all parties and amici, if any.

(2) Any party may, within 20 days, file with the Administrator exceptions to the recommended findings and proposed decision and a supporting brief or statement.

(3) The Administrator reviews the recommended decision and, within 60 days of its issuance, issues his or her own decision.

(c) *Effect of Administrator's decision.* The decision of the Administrator under this section is the final decision of the Secretary and constitutes "final agency action" within the meaning of 5 U.S.C. 704 and a "final determination" within the meaning of section 1116(a)(3) of the Act and § 430.38. The Administrator's decision is promptly served on all parties and amici.

§ 430.104 Decisions that affect FFP.

(a) *Scope of decisions.* If the Administrator concludes that withholding of FFP is necessary because a State is out of compliance with Federal requirements, in accordance with § 430.35, the decision also specifies—

(1) Whether no further payments will be made to the State or whether payments will be limited to parts of the program not affected by the non-compliance; and

(2) The effective date of the decision to withhold.

(b) *Consultation.* The Administrator may ask the parties for recommendations or briefs or may hold conferences of the parties on the question of further payments to the State.

(c) *Effective date of decision.* The effective date of a decision to withhold Federal funds will not be earlier than the date of the Administrator's decision and will not be later than the first day of the next calendar quarter. The provisions of this section may not be waived under § 430.64.

PART 431—STATE ORGANIZATION AND GENERAL ADMINISTRATION

Sec.

431.1 Purpose.

Subpart A—Single State Agency

431.10 Single State agency.

431.11 Organization for administration.

431.12 Medical care advisory committee.

431.15 Methods of administration.

431.16 Reports.

431.17 Maintenance of records.

431.18 Availability of agency program manuals.

431.20 Advance directives.

Subpart B—General Administrative Requirements

431.40 Basis and scope.

431.50 Statewide operation.

431.51 Free choice of providers.

431.52 Payments for services furnished out of State.

431.53 Assurance of transportation.

431.54 Exceptions to certain State plan requirements.

431.55 Waiver of other Medicaid requirements.

431.56 Special waiver provisions applicable to American Samoa and the Northern Mariana Islands.

431.57 Waiver of cost-sharing requirements.

Subpart C—Administrative Requirements: Provider Relations

431.105 Consultation to medical facilities.

431.107 Required provider agreement.

431.108 Effective date of provider agreements.

431.110 Participation by Indian Health Service facilities.

431.115 Disclosure of survey information and provider or contractor evaluation.

431.120 State requirements with respect to nursing facilities.

Subpart D—Appeals Process for NFs and ICFs/MR

431.151 Scope and applicability.

431.152 State plan requirements.

431.153 Evidentiary hearing.