

42 C.F.R. § 411.400

Payment for custodial care and services not reasonable and necessary.

(a) *Conditions for payment.* Notwithstanding the exclusions set forth in § 411.15 (g) and (k), Medicare pays for “custodial care” and “services not reasonable and necessary” if the following conditions are met:

- (1) The services were furnished by a provider or by a practitioner or supplier that had accepted assignment of benefits for those services.
- (2) Neither the beneficiary nor the provider, practitioner, or supplier knew, or could reasonably have been expected to know, that the services were excluded from coverage under § 411.15 (g) or (k).

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