

## 42 C.F.R. § 414.422

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### Terms of contracts.

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- (a) *Basic rule.* CMS specifies the terms and conditions of the contracts entered into with contract suppliers under this subpart. A contract supplier must comply with all terms of its contract, including any option exercised by CMS, for the full duration of the contract period.
- (b) *Recompeting competitive bidding contracts.* CMS recompetes competitive bidding contracts at least once every 3 years.
- (c) *Nondiscrimination.* The items furnished by a contract supplier under this subpart must be the same items that the contract supplier makes available to other customers.
- (d) *Change of ownership (CHOW).* (1) CMS may transfer a contract to a successor entity that merges with, or acquires, a contract supplier if the successor entity—
- (i) Meets all requirements applicable to contract suppliers for the applicable competitive bidding program;
- (ii) Submits to CMS the documentation described under § 414.414(b) through (d) if documentation has not previously been submitted by the successor entity or if the documentation is no longer sufficient for CMS to make a financial determination. A successor entity is not required to duplicate previously submitted information if the previously submitted information is not needed to make a financial determination. This documentation must be submitted prior to the effective date of the CHOW; and

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