
42 C.F.R. § 422.52

Eligibility to elect an MA plan for special needs individuals.

- (a) *General rule.* In order to elect a specialized MA plan for a special needs individual (Special Needs MA plan, or SNP), the individual must meet the eligibility requirements specified in this section.
- (b) *Basic eligibility requirements.* Except as provided in paragraph (c) of this section, to be eligible to elect an SNP, an individual must:
- (1) Meet the definition of a special needs individual, as defined at § 422.2;
 - (2) Meet the eligibility requirements for that specific SNP, including any additional eligibility requirements established in the State Medicaid agency contract (as described at § 422.107(a)) for dual eligible special needs plans; and
 - (3) Be eligible to elect an MA plan under § 422.50.
- (c) *Exception to § 422.50.* For plan years beginning before January 1, 2021, CMS may waive § 422.50(a)(2) concerning the exclusion of persons with ESRD.
- (d) *Deeming continued eligibility.* If an SNP determines that the enrollee no longer meets the eligibility criteria, but can reasonably be expected to again meet that criteria within a 6-month period, the enrollee is deemed to continue to be eligible for the MA plan for a period of not less than 30 days but not to exceed 6 months.

This document is only available to subscribers. Please log in or purchase access.

[Purchase Login](#)