

42 C.F.R. § 424.106

Criteria for determining whether the hospital was the most accessible.

- (a) *Basic requirement.* (1) The hospital must be the most accessible one available and equipped to furnish the services.
- (2) CMS determines accessibility based on the factors specified in paragraphs (b) and (c) of this section and the conditions set forth in paragraph (d) of this section.
- (b) *Factors that are considered.* CMS considers the following factors in determining whether a nonparticipating hospital in a rural area meets the accessibility requirements:
- (1) The relative distances of participating and nonparticipating hospitals in the area.

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