

42 C.F.R. § 438.102

Provider-enrollee communications.

(a) *General rules.* (1) An MCO, PIHP, or PAHP may not prohibit, or otherwise restrict, a provider acting within the lawful scope of practice, from advising or advocating on behalf of an enrollee who is his or her patient, for the following:

- (i) The enrollee's health status, medical care, or treatment options, including any alternative treatment that may be self-administered.
- (ii) Any information the enrollee needs to decide among all relevant treatment options.
- (iii) The risks, benefits, and consequences of treatment or non-treatment.

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