
42 C.F.R. § 438.362

Exemption from external quality review.

(a) *Basis for exemption.* The State may exempt an MCO from EQR if the following conditions are met:

- (1) The MCO has a current Medicare contract under part C of Title XVIII or under section 1876 of the Act, and a current Medicaid contract under section 1903(m) of the Act.
- (2) The two contracts cover all or part of the same geographic area within the State.
- (3) The Medicaid contract has been in effect for at least 2 consecutive years before the effective date of the exemption and during those 2 years the MCO has been subject to EQR under this part, and found to be performing acceptably for the quality, timeliness, and access to health care services it provides to Medicaid beneficiaries.

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