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## 42 C.F.R. § 438.404

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### Timely and adequate notice of adverse benefit determination.

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(a) *Notice.* The MCO, PIHP, or PAHP must give enrollees timely and adequate notice of an adverse benefit determination in writing consistent with the requirements below and in § 438.10.

(b) *Content of notice.* The notice must explain the following:

- (1) The adverse benefit determination the MCO, PIHP, or PAHP has made or intends to make.
- (2) The reasons for the adverse benefit determination, including the right of the enrollee to be provided upon request and free of charge, reasonable access to and copies of all documents, records, and other information relevant to the enrollee's adverse benefit determination. Such information includes medical necessity criteria, and any processes, strategies, or evidentiary standards used in setting coverage limits.

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