

## 42 C.F.R. § 438.420

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### Continuation of benefits while the MCO, PIHP, or PAHP appeal and the State fair hearing are pending.

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(a) *Definition.* As used in this section—

*Timely files* means files for continuation of benefits on or before the later of the following:

- (i) Within 10 calendar days of the MCO, PIHP, or PAHP sending the notice of adverse benefit determination.
- (ii) The intended effective date of the MCO's, PIHP's, or PAHP's proposed adverse benefit determination.

(b) *Continuation of benefits.* The MCO, PIHP, or PAHP must continue the enrollee's benefits if all of the following occur:

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