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## 42 C.F.R. § 486.316

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### Re-certification and competition processes.

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(a) *Re-certification of OPOs.* Based upon performance on the outcome measures set forth in § 486.318 and the re-certification survey, each OPO will be designated into either Tier 1, Tier 2, or Tier 3. The tier in which the OPO is designated will determine whether the OPO is re-certified (Tier 1), must compete to retain its DSA (Tier 2), or will receive an initial de-certification determination (Tier 3).

(1) *Tier 1.* An OPO is re-certified for at least an additional 4 years, the OPO's DSA is not opened for competition, and the OPO can compete for any open DSA if it meets all of the following:

(i) It has been shown by survey to be in compliance with the requirements for certification at § 486.303, including the conditions for coverage at §§ 486.320 through 486.360; and

(ii) It meets the outcome requirements as described in § 486.318(e)(4) for the final assessment period of the agreement cycle.

(2) *Tier 2.* An OPO's DSA is open for competition and the OPO is eligible to compete to retain its DSA and for any open DSA if it meets all of the following:

(i) It has been shown by survey to be in compliance with the requirements for certification at § 486.303, including the conditions for coverage at §§ 486.320 through 486.360; and

(ii) It meets the outcome requirements as described in § 486.318(e)(5) at the final assessment period of the agreement cycle.

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