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# 42 U.S. Code § 1395kk-1

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## Contracts with medicare administrative contractors

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### **(a) Authority**

#### **(1) Authority to enter into contracts**

The Secretary may enter into contracts with any eligible entity to serve as a medicare administrative contractor with respect to the performance of any or all of the functions described in paragraph (4) or parts of those functions (or, to the extent provided in a contract, to secure performance thereof by other entities).

#### **(2) Eligibility of entities**

An entity is eligible to enter into a contract with respect to the performance of a particular function described in paragraph (4) only if—

- (A) the entity has demonstrated capability to carry out such function;
- (B) the entity complies with such conflict of interest standards as are generally applicable to Federal acquisition and procurement;
- (C) the entity has sufficient assets to financially support the performance of such function; and
- (D) the entity meets such other requirements as the Secretary may impose.

#### **(3) Medicare administrative contractor defined**

For purposes of this subchapter and subchapter XI—

##### **(A) In general**

The term “medicare administrative contractor” means an agency, organization, or other person with a contract under this section.

##### **(B) Appropriate medicare administrative contractor**

With respect to the performance of a particular function in relation to an individual entitled to benefits under part A or enrolled under part B, or both, a specific provider of services or supplier (or class of such providers of services or suppliers), the “appropriate” medicare administrative contractor is the medicare administrative contractor that has a contract under this section with respect to the performance of that function in relation to that individual, provider of services or supplier or class of provider of services or supplier.

#### **(4) Functions described**

The functions referred to in paragraphs (1) and (2) are payment functions (including the function of developing local coverage determinations, as defined in section 1395ff(f)(2)(B) of this title), provider services functions, and functions relating to services furnished to individuals entitled to benefits under part A or enrolled under part B, or both, as follows:

##### **(A) Determination of payment amounts**

Determining (subject to the provisions of section 139500 of this title and to such review by the Secretary

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as may be provided for by the contracts) the amount of the payments required pursuant to this subchapter to be made to providers of services, suppliers and individuals.

**(B) Making payments**

Making payments described in subparagraph (A) (including receipt, disbursement, and accounting for funds in making such payments).

**(C) Beneficiary education and assistance**

Providing education and outreach to individuals entitled to benefits under part A or enrolled under part B, or both, and providing assistance to those individuals with specific issues, concerns, or problems.

**(D) Provider consultative services**

Providing consultative services to institutions, agencies, and other persons to enable them to establish and maintain fiscal records necessary for purposes of this subchapter and otherwise to qualify as providers of services or suppliers.

**(E) Communication with providers**

Communicating to providers of services and suppliers any information or instructions furnished to the medicare administrative contractor by the Secretary, and facilitating communication between such providers and suppliers and the Secretary.

**(F) Provider education and technical assistance**

Performing the functions relating to provider education, training, and technical assistance.

**(G) Improper payment outreach and education program**

Having in place an improper payment outreach and education program described in subsection (h).

**(H) Additional functions**

Performing such other functions, including (subject to paragraph (5)) functions under the Medicare Integrity Program under section 1395ddd of this title, as are necessary to carry out the purposes of this subchapter.

**(5) Relationship to MIP contracts**

**(A) Nonduplication of duties**

In entering into contracts under this section, the Secretary shall assure that functions of medicare administrative contractors in carrying out activities under parts A and B do not duplicate activities carried out under a contract entered into under the Medicare Integrity Program under section 1395ddd of this title. The previous sentence shall not apply with respect to the activity described in section 1395ddd(b)(5) of this title (relating to prior authorization of certain items of durable medical equipment under section 1395m(a)(15) of this title).

**(B) Construction**

An entity shall not be treated as a medicare administrative contractor merely by reason of having entered into a contract with the Secretary under section 1395ddd of this title.

**(6) Application of Federal Acquisition Regulation**

Except to the extent inconsistent with a specific requirement of this section, the Federal Acquisition Regulation applies to contracts under this section.

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