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Citation

42 CFR
 431.51
 AT-78-90
 46 FR 48524
 48 FR 23212
 1902(a)(23)
 of the Act
 P.L. 100-93
 (section 8(f))
 P.L. 100-203
 (section 4113)

4.10 Free Choice of Providers

Section
 1902(a)(23)
 of the Social
 Security Act
 P.L. 105-33

- (a) Except as provided in paragraph (b), the Medicaid agency assures that an individual eligible under the plan may obtain Medicaid services from any institution, agency, pharmacy, person, or organization that is qualified to perform the services, including an organization that provides these services or arranges for their availability on a prepayment basis. Providers who elect not to provide services, because the consumer has been unable to pay a Medicaid co-payment in the past and has an out-standing bad debt, shall give the consumer advance notice and a reasonable opportunity for payment. Consumers retain the ability to seek services from other enrolled providers.
- (b) Paragraph (a) does not apply to services furnished to an individual--
- (1) Under an exception allowed under 42 CFR 431.54, subject to the limitations in paragraph (c), or
 - (2) Under a waiver approved under 42 CFR 431.55, subject to the limitations in paragraph (c), or
 - (3) By an individual or entity excluded from participation in accordance with section 1902(p) of the Act, or
 - (4) By individuals or entities who have been convicted of a felony under Federal or State law and for which the State determines that the offense is inconsistent with the best interests of the individual eligible to obtain Medicaid services.
- (c) Enrollment of an individual eligible for medical assistance in a primary care case management system described in section 1915(b)(1), a health maintenance organization, or a similar entity shall not restrict the choice of the qualified person from whom the individual may receive emergency services or services under section 1905(a)(4)(c).