

## § 460.10

*Services* includes both items and services.

*State administering agency* means the State agency responsible for administering the PACE program agreement.

*Trial period* means the first 3 contract years in which a PACE organization operates under a PACE program agreement, including any contract year during which the entity operated under a PACE demonstration waiver program.

### Subpart B—PACE Organization Application and Waiver Process

#### § 460.10 Purpose.

This subpart sets forth application requirements for an entity that seeks approval from CMS as a PACE organization.

EFFECTIVE DATE NOTE: At 67 FR 61504, Oct. 1, 2002, § 460.10 was revised, effective Oct. 31, 2002. For the convenience of the user, the revised text is set forth as follows:

#### § 460.10 Purpose.

This subpart sets forth the application requirements for an entity that seeks approval from CMS as a PACE organization and the process by which a PACE organization may request waiver of certain regulatory requirements. The purpose of the waivers is to provide for reasonable flexibility in adapting the PACE model to the needs of particular organizations (such as those in rural areas).

#### § 460.12 Application requirements.

(a) *General.* (1) An individual authorized to act for the entity must submit to CMS a complete application that describes how the entity meets all requirements in this part.

(2) CMS evaluates only complete applications from entities located in States with approved State plan amendments electing PACE as an optional Medicaid benefit.

(3) CMS accepts applications from entities that seek approval as PACE organizations beginning on February 22, 2000 except for the following:

(i) Beginning on November 24, 1999, CMS accepts applications from entities that meet the requirements for priority consideration in processing of applications, as provided in § 460.14.

(ii) Beginning on January 10, 2000, CMS accepts applications from entities that meet the requirements for special

## 42 CFR Ch. IV (10–1–02 Edition)

consideration in processing applications, as provided in § 460.16.

(b) *State assurance.* An entity's application must be accompanied by an assurance from the State administering agency of the State in which the program is located indicating that the State—

(1) Considers the entity to be qualified to be a PACE organization; and

(2) Is willing to enter into a PACE program agreement with the entity.

EFFECTIVE DATE NOTE: At 67 FR 61505, Oct. 1, 2002, § 460.12 was amended by removing and reserving paragraph (a)(2), effective Oct. 31, 2002.

#### § 460.14 Priority consideration.

Until August 5, 2000, CMS gives priority consideration in processing applications for PACE organization status to an entity that meets either of the following criteria:

(a) Is operating under PACE demonstration waivers under one of the following authorities:

(1) Section 603(c) of the Social Security Amendments of 1983, as extended by section 9220 of the Consolidated Omnibus Budget Reconciliation Act of 1985.

(2) Section 9412(b) of the Omnibus Budget Reconciliation Act of 1986.

(b) Has applied to operate under a PACE demonstration under section 9412(b) of the Omnibus Budget Reconciliation Act of 1986 as of May 1, 1997.

#### § 460.16 Special consideration.

Until August 5, 2000, CMS gives special consideration in processing applications to an entity that meets the following conditions:

(a) Indicated, by May 1, 1997, a specific intent to become a PACE organization through formal activities.

(b) Includes documentation of its formal activities.

#### § 460.18 CMS evaluation of applications.

CMS evaluates an application for approval as a PACE organization on the basis of the following information:

(a) Information contained in the application.

(b) Information obtained through on-site visits conducted by CMS or the State administering agency.