

SUBCHAPTER C—MEDICAL ASSISTANCE PROGRAMS

PART 430—GRANTS TO STATES FOR MEDICAL ASSISTANCE PROGRAMS

Subpart A—Introduction; General Provisions

- Sec.
- 430.0 Program description.
 - 430.1 Scope of subchapter C.
 - 430.2 Other applicable Federal regulations.
 - 430.3 Appeals under Medicaid.
 - 430.5 Definitions.

Subpart B—State Plans

- 430.10 The State plan.
- 430.12 Submittal of State plans and plan amendments.
- 430.14 Review of State plan material.
- 430.15 Basis and authority for action on State plan material.
- 430.16 Timing and notice of action on State plan material.
- 430.18 Administrative review of action on State plan material.
- 430.20 Effective dates of State plans and plan amendments.
- 430.25 Waivers of State plan requirements.

Subpart C—Grants; Reviews and Audits; Withholding for Failure To Comply; Deferral and Disallowance of Claims; Reduction of Federal Medicaid Payments

- 430.30 Grants procedures.
- 430.32 Program reviews.
- 430.33 Audits.
- 430.35 Withholding of payment for failure to comply with Federal requirements.
- 430.38 Judicial review.
- 430.40 Deferral of claims for FFP.
- 430.42 Disallowance of claims for FFP.
- 430.45 Reduction of Federal Medicaid payments.
- 430.48 Repayment of Federal funds by installments.

Subpart D—Hearings on Conformity of State Medicaid Plans and Practice to Federal Requirements

- 430.60 Scope.
- 430.62 Records to be public.
- 430.63 Filing and service of papers.
- 430.64 Suspension of rules.
- 430.66 Designation of presiding officer for hearing.
- 430.70 Notice of hearing or opportunity for hearing.
- 430.72 Time and place of hearing.
- 430.74 Issues at hearing.
- 430.76 Parties to the hearing.

- 430.80 Authority of the presiding officer.
- 430.83 Rights of parties.
- 430.86 Discovery.
- 430.88 Evidence.
- 430.90 Exclusion from hearing for misconduct.
- 430.92 Un-sponsored written material.
- 430.94 Official transcript.
- 430.96 Record for decision.
- 430.100 Posthearing briefs.
- 430.102 Decisions following hearing.
- 430.104 Decisions that affect FFP.

AUTHORITY: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

SOURCE: 53 FR 36571, Sept. 21, 1988, unless otherwise noted.

Subpart A—Introduction; General Provisions

§ 430.0 Program description.

Title XIX of the Social Security Act, enacted in 1965, authorizes Federal grants to States for medical assistance to low-income persons who are age 65 or over, blind, disabled, or members of families with dependent children or qualified pregnant women or children. The program is jointly financed by the Federal and State governments and administered by States. Within broad Federal rules, each State decides eligible groups, types and range of services, payment levels for services, and administrative and operating procedures. Payments for services are made directly by the State to the individuals or entities that furnish the services.

§ 430.1 Scope of subchapter C.

The regulations in subchapter C set forth State plan requirements, standards, procedures, and conditions for obtaining Federal financial participation (FFP). Each part (or subpart of section) in the subchapter describes the specific statutory basis for the regulation. However, where the basis is the Secretary's general authority to issue regulations for any program under the Act (section 1102 of the Act), or his general authority to prescribe State plan requirements needed for proper and efficient administration of the

§ 430.2

plan (section 1902(a)(4)), those statutory provisions are simply cited without further description.

§ 430.2 Other applicable Federal regulations.

Other regulations applicable to State Medicaid programs include the following:

(a) 5 CFR part 900, subpart F, Administration of the Standards for a Merit System of Personnel Administration.

(b) The following HHS Regulations in 45 CFR subtitle A:

Part 16—Procedures of the Departmental Appeals Board.

Part 74—Administration of Grants.

Part 80—Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health and Human Services: Effectuation of Title VI of the Civil Rights Act of 1964.

Part 81—Practice and Procedure for Hearings Under 45 CFR part 80.

Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance.

Part 95—General Administration—grant programs (public assistance and medical assistance).

[53 FR 36571, Sept. 21, 1988, as amended at 56 FR 8845, Mar. 1, 1991]

§ 430.3 Appeals under Medicaid.

Three distinct types of disputes may arise under Medicaid.

(a) *Compliance with Federal requirements.* Disputes that pertain to whether a State's plan or proposed plan amendments, or its practice under the plan meet or continue to meet Federal requirements are subject to the hearing provisions of subpart D of this part.

(b) *FFP in Medicaid expenditures.* Disputes that pertain to disallowances of FFP in Medicaid expenditures (mandatory grants) are heard by the Departmental Appeals Board (the Board) in accordance with procedures set forth in 45 CFR part 16.

(c) *Discretionary grants disputes.* Disputes pertaining to discretionary grants, such as grants for special demonstration projects under sections 1110 and 1115 of the Act, which may be awarded to a Medicaid agency, are also heard by the Board. 45 CFR part 16, ap-

42 CFR Ch. IV (10–1–04 Edition)

pendix A, lists all the types of disputes that the Board hears.

[53 FR 36571, Sept. 21, 1988, as amended at 56 FR 8845, Mar. 1, 1991]

§ 430.5 Definitions.

As used in this subchapter, unless the context indicates otherwise—

Contractor means any entity that contracts with the State agency, under the State plan, in return for a payment, to process claims, to provide or pay for medical services, or to enhance the State agency's capability for effective administration of the program.

Representative has the meaning given the term by each State consistent with its laws, regulations, and policies.

[67 FR 41094, June 14, 2002]

Subpart B—State Plans

§ 430.10 The State plan.

The State plan is a comprehensive written statement submitted by the agency describing the nature and scope of its Medicaid program and giving assurance that it will be administered in conformity with the specific requirements of title XIX, the regulations in this Chapter IV, and other applicable official issuances of the Department. The State plan contains all information necessary for CMS to determine whether the plan can be approved to serve as a basis for Federal financial participation (FFP) in the State program.

§ 430.12 Submittal of State plans and plan amendments.

(a) *Format.* A State plan for Medicaid consists of preprinted material that covers the basic requirements, and individualized content that reflects the characteristics of the particular State's program.

(b) *Governor's review*—(1) *Basic rules.* Except as provided in paragraph (b)(2) of this section—

(i) The Medicaid agency must submit the State plan and State plan amendments to the State Governor or his designee for review and comment before submitting them to the CMS regional office.

(ii) The plan must provide that the Governor will be given a specific period