

State: West Virginia

Citation 4.10 Free Choice of Providers

- 42 CFR 431.51
AT 78-90
46 FR 48524
48 FR 23212
1902(a)(23)
P.L. 100-93
(section 8(f))
P.L. 100-203
(Section 4113)
- (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 of the Act an organization that provides these services or arranges for their availability on a prepayment basis. Providers who elect not to provide services based on a history of bad debt, including unpaid co-payments, shall give recipients advance notice and a reasonable opportunity for payment. Recipients 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.
- Section 1902(a)(23)
Of the Social
Security Act
P.L. 105-33
- (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 consistent with the best interest of the individual eligible to obtain Medicaid services, or
- Section 1932(a)(1)
Section 1905(t)
- (5) Under an exception allowed under 42 CFR 438.50, or 42 CFR 440.168, subject to the limitations in paragraph (c).
- (c) Enrollment of an individual eligible for medical assistance in a primary care case management system described in section 1905(t), 1915(a), 1915(b)(1), or 1932(a); or managed care organization, prepaid inpatient health plan, a prepaid ambulatory health plan, 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).

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