

42 CFR § 438.68(a) & (b) Network adequacy standards.

<https://www.law.cornell.edu/cfr/text/42/438.68>

(a) General rule.

A [State](#) that contracts with an [MCO](#), [PIHP](#) or [PAHP](#) to deliver [Medicaid services](#) must develop and enforce network adequacy standards consistent with this section.

(b) Provider-specific network adequacy standards.

(1) Time & Distance Standards for Provider Types

At a minimum, a [State](#) must develop **time and distance standards for the following [provider](#) types, if covered under the contract:**

- (i) [Primary care](#), adult and pediatric.
- (ii) OB/GYN.
- (iii) Behavioral health (mental health and substance use disorder), adult and pediatric.
- (iv) Specialist, adult and pediatric.
- (v) [Hospital](#).
- (vi) Pharmacy.
- (vii) Pediatric dental.
- (viii) Additional [provider](#) types when it promotes the objectives of the [Medicaid](#) program, as determined by [CMS](#), for the [provider](#) type to be subject to time and distance access standards.

(2) LTSS [Long Term Services & Supports]

[States](#) with [MCO](#), [PIHP](#) or [PAHP](#) contracts which cover [LTSS](#) must develop:

- (i) Time and distance standards for [LTSS provider](#) types in which an [enrollee](#) must travel to the [provider](#) to receive services; and

(ii) Network adequacy standards other than time and distance standards for [LTSS provider](#) types that travel to the [enrollee](#) to deliver services.

(3) Scope of network adequacy standards.

Network standards established in accordance with paragraphs (b)(1) and (2) of this section **must include all geographic [areas](#)** covered by the [managed care program](#) or, **if applicable, the contract** between the [State](#) and the [MCO](#), [PIHP](#) or [PAHP](#). [States](#) are permitted to have varying standards for the same [provider](#) type based on **geographic areas**.

[Would Parity place some limits on contractual varying standards based on geographic areas?]