

42 CFR § 422.100 - General requirements.

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(m) Special requirements during a disaster or emergency.

(1) When a [state](#) of disaster is declared as described in [paragraph \(m\)\(2\)](#) of this section, an [MA organization](#) offering an [MA plan](#) must, until one of the conditions described in [paragraph \(m\)\(3\)](#) of this section occurs, ensure access to [benefits](#) in the following manner:

(i) Cover Medicare Parts A and B services and supplemental Part C plan [benefits](#) furnished at non-contracted facilities subject to [§ 422.204\(b\)\(3\)](#).

(ii) Waive, in full, requirements for gatekeeper referrals where applicable.

(iii) Provide the same [cost-sharing](#) for the enrollee as if the service or benefit had been furnished at a plan-contracted facility.

(iv) Make changes that benefit the enrollee effective immediately without the 30-day notification requirement at [§ 422.111\(d\)\(3\)](#).

(2) Declarations of disasters. A declaration of disaster will identify the geographic [area](#) affected by the event and may be made as [one of the following](#):

(i) Presidential declaration of a disaster or emergency under the either of the following:

(A) [Stafford Act](#).

(B) [National Emergencies Act](#).

(ii)

(A) Secretarial declaration of a [public health emergency](#) under section 319 of the [Public Health Service Act](#).

(B) If the President has declared a disaster as described in [paragraph \(m\)\(2\)\(i\)](#) or [\(ii\)](#) of this section, then the [Secretary](#) may also authorize waivers or modifications under section 1135 of the [Act](#).

(iii) Declaration by the Governor of a State or Protectorate.

(3) End of the disaster. The public health emergency or state of disaster ends when any of the following occur:

(i) The source that declared the public health emergency or state of disaster declares an end.

(ii) The CMS declares an end of the public health emergency or state of disaster.

(iii) Thirty days have elapsed since the declaration of the public health emergency or state of disaster and no end date was identified in paragraph (m)(3)(i) or (ii) of this section.