

§ 800.114 Compliance with applicable State law.

(a) *Compliance with State law.* An MSP issuer must, with respect to each of its MSP options, generally comply with State law pursuant to section 1334(b)(2) of the Affordable Care Act. However, the MSP options and MSP issuers are not subject to State laws that:

- (1) Are inconsistent with section 1334 of the Affordable Care Act or this part;
- (2) Prevent the application of a requirement of part A of title XXVII of the PHS Act; or
- (3) Prevent the application of a requirement of title I of the Affordable Care Act.

(b) *Determination of inconsistency.* After consultation with the State and HHS, OPM reserves the right to determine, in its judgment, as effectuated through an MSP Program contract, these regulations, or OPM guidance, whether the standards set forth in paragraph (a) of this section are satisfied with respect to particular State laws.