

## 498.4 NFs subject to appeals process in part 498.

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A NF is considered a provider for purposes of this part when it has in effect an agreement to participate in Medicaid, including an agreement to participate in both Medicaid and Medicare and it is a -

(a) State-operated NF; or

(b) Non State-operated NF that is subject to compliance action as a result of -

(1) A validation survey by CMS; or

(2) CMS's review of the State's survey findings.