necessary for this purpose in the form and at the times specified in this sub-
chapter and by CMS guidelines.

(c) The agency must have on file ade-
quate records to substantiate compli-
ance with the requirements of §441.182
and to ensure that all necessary adjust-
ments have been made.

(d) Facilities that did not meet the
requirements of §§441.151–441.156 in the
base year, but are providing inpatient
psychiatric services under those sec-
tions in the current quarter, must be
included in the maintenance of effort
computation if, during the base year,
they were—
(1) Providing inpatient psychiatric
services for individuals under age 21; and
(2) Receiving State aid.

§ 441.182 Maintenance of effort: Com-
putation.

(a) For expenditures for inpatient
psychiatric services for individuals
under age 21, in any calendar quarter,
FFP is available only to the extent
that the total State Medicaid expendi-
tures in the current quarter for inpa-
tient psychiatric services and out-
patient psychiatric treatment for indi-
viduals under age 21 exceed the sum of
the following:
(1) The total number of individuals
receiving inpatient psychiatric services
in the current quarter times the aver-
age quarterly per capita non-Federal
expenditures for the base year; and
(2) The average non-Federal quar-
terly expenditures for the base year for
outpatient psychiatric services for indi-
viduals under age 21.
(b) FFP is available for 100 percent
of the increase in expenditures over the
base year period, but may not exceed
the Federal medical assistance per-
centage times the expenditures under
this subpart for inpatient psychiatric
services for individuals under age 21.

Subpart E—Abortions

§ 441.200 Basis and purpose.

This subpart implements section 402
of Pub. L. 97–12, and subsequent laws
that appropriate funds for the Medicaid
program, including section 204 of Pub.
L. 98–619. All of these laws prohibit the
use of Federal funds to pay for abor-
tions except when continuation of the
pregnancy would endanger the mother’s life.
[52 FR 47935, Dec. 17, 1987]

§ 441.201 Definition.

As used in this subpart, “physician”
means a doctor of medicine or osteop-
athy who is licensed to practice in the
State.
[52 FR 47935, Dec. 17, 1987]

§ 441.202 General rule.

FFP is not available in expenditures
for an abortion unless the conditions
specified in §§441.203 and 441.206 are
met.
[52 FR 47935, Dec. 17, 1987]

§ 441.203 Life of the mother would be
endedangered.

FFP is available in expenditures for
an abortion when a physician has
found, and certified in writing to the
Medicaid agency, that on the basis of
his professional judgment, the life of
the mother would be endangered if the
fetus were carried to term. The certifi-
cation must contain the name and ad-
dress of the patient.

§§ 441.204–441.205 [Reserved]

§ 441.206 Documentation needed by
the Medicaid agency.

FFP is not available in any expendi-
tures for abortions or other medical
procedures otherwise provided for
under §441.203 if the Medicaid agency
has paid without first having received
the certifications and documentation
specified in that section.
[52 FR 47935, Dec. 17, 1987]

§ 441.207 Drugs and devices and termi-
nation of ectopic pregnancies.

FFP is available in expenditures for
drugs or devices to prevent implantation
of the fertilized ovum and for med-
ical procedures necessary for the ter-
mination of an ectopic pregnancy.

§ 441.208 Recordkeeping requirements.

Medicaid agencies must maintain
copies of the certifications and docu-
mentation specified in §441.203 for 3