

CLIENT ALERTS

CMS Once Again Continues Freeze on New HHA and Ambulance Supplier Enrollments

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On February 2, 2016, the U.S. Department of Health & Human Services, Centers for Medicare and Medicaid Services (“CMS”), published the fourth 6-month extension of its moratorium freezing enrollment of new Home Health Agencies (“HHA”) and Ambulance Suppliers in federal healthcare programs, including Medicare, Medicaid, and CHIP. The initial moratorium was effective January 30, 2014 and was extended an additional 6 months in July 2014 and in January 2015 and July 2015.

New enrollment in federal healthcare programs for HHAs and Ambulance Suppliers will continue to be frozen in certain geographic areas that CMS, in consultation with federal law enforcement agencies (including the Department of Justice and the Office of Inspector General), has determined pose a significant potential for fraud, waste and abuse. Southeast Michigan continues to be included in the action affecting HHAs (along with Ft. Lauderdale, Miami, Dallas, Houston, and Chicago), and the ambulance suppliers moratorium continue in six counties in Pennsylvania and New Jersey surrounding Philadelphia.

With limited exceptions that were detailed in our original Client Alert on this topic, affected providers cannot challenge the imposition of the moratorium judicially. Only administrative challenges are available and only on the limited issue of whether the moratorium applies to the applicant.

The continued extension of this moratorium indicates that federal regulatory and law enforcement authorities still regard fraud and abuse as a significant problem in these geographic areas. This reinforces how critically important it is that home care agencies and ambulance providers—and in fact all healthcare providers—have rigorous and effective compliance programs in place. For additional information on compliance issues for providers, see our earlier alert at: [client-alert-detail/](#)

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Butzel Long attorneys have experience with HEAT Strike Force enforcement efforts in the Detroit area, and have represented healthcare providers who have been charged with Medicare and Medicaid fraud related to HHA and a wide variety of other healthcare services. We work not only in defending criminal charges, but also in vigorously assisting our clients in regulatory and civil litigation that often flows from allegations of fraud and abuse.

If you have questions regarding this moratorium, other matters involving HHAs or Ambulance providers, other compliance issues, or other healthcare law matters generally, please contact your regular Butzel Long attorney, the authors of this alert, or any member of Butzel Long's Health Care Industry Group.

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