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CMS Nationwide Moratoria for New Hospice and Home Health Enrollments

Earlier yesterday, the Centers for Medicare & Medicaid Services (CMS) announced nationwide moratoria for new enrollments of hospice and home health providers effective May 13, 2026. Providers can access the CMS press release ([here](#)), a set of CMS Q&As ([here](#)), and the proposed regulatory notices for hospice and home health, respectively: ([hospice](#)), ([home health](#)).

The Husch Blackwell Hospice & Palliative Care team is continuing to evaluate the full implications, scope, and effect of the moratoria, but here are a few key takeaways for providers:

1. **Term:** The moratoria last for six months, but CMS can extend the moratoria for additional six-month terms if deemed necessary. Prior moratoria have been extended over the course of multiple years, so providers should anticipate further extensions of the moratoria beyond six months.
2. **Existing Applications:** Pending enrollment applications (i.e., 855As) should not be affected by the moratoria. The notices state that the moratoria do not apply to any enrollment application that was received by a Medicare Administrative Contractor prior to the effective date of the moratoria.
3. **Additional Locations:** The moratoria appear to impact not only new enrollments, but also the addition of new practice locations. The notices state that the moratoria are being imposed on “the enrollment of all hospices and hospice practice locations” and on “new [home health agencies] or [home health agency] branches or practice locations.”
4. **Change of Location:** It is not certain how the moratoria will affect changes of location. Following the regulatory authority of 42 C.F.R. § 424.570(a)(1)(iii), the notice states that the moratorium does not apply to

“changes in practice location (except if the location is changing from a location outside the moratorium area to a location inside the moratorium area).”

5. **Transactions/Changes in Ownership:** The moratoria provide an exception for changes in ownership unless the changes in ownership require an initial enrollment. For example, the moratoria would apply to a transaction that constitutes a change in majority ownership under 42 C.F.R. § 424.550 and would trigger the 36-Month Rule, because such transaction would require a new initial enrollment. However, other equity or asset transfers that are not subject to the 36-Month Rule (and do not include an additional location or change of location as part of the transaction) should not be affected by the moratoria.
6. **Face-to-Face Encounters:** In the CMS Q&As, CMS noted that the hospice moratorium will not impact the telehealth flexibility currently available to meet face-to-face recertification requirements. It is unclear, however, what authority CMS is relying on to waive the prior statutory prohibition on the use of telehealth for face-to-face encounters in areas subject to Provisional Period of Enhanced Oversight or a moratorium. The fact that CMS appears to be facilitating the continued use of telehealth for face-to-face encounters despite this prohibition is a positive result for providers.

The CMS press release also noted that “During the six-month moratoria, CMS will intensify targeted investigations, deploy advanced data analytics, and accelerate the removal of hospice and [home health] providers” that are suspected of defrauding the Medicare program. Providers should expect increased scrutiny and enforcement in the coming months.

Contact us

The Husch Blackwell team understands the significance of this dramatic and far-sweeping action by CMS. We are incorporating this information into the guidance we provide to our clients. Any hospice or home health provider that has questions or concerns is encouraged to contact Adam Royal, Bryan Nowicki, Andrew Brenton, Zaina Niles, or another member of the Husch Blackwell Hospice team to discuss how the moratoria might affect current operations and strategies.