

249A.48 Temporary moratoria.

1. The Medicaid program shall impose a temporary moratorium on the enrollment of new providers or provider types identified by the centers for Medicare and Medicaid services of the United States department of health and human services as posing an increased risk to the Medicaid program.

a. [This section](#) shall not be interpreted to require the Medicaid program to impose a moratorium if the Medicaid program determines that imposition of a temporary moratorium would adversely affect access of recipients to medical assistance services.

b. If the Medicaid program makes a determination as specified in paragraph “*a*”, the Medicaid program shall notify the centers for Medicare and Medicaid services of the United States department of health and human services in writing.

2. The Medicaid program may impose a temporary moratorium on the enrollment of new providers, or impose numerical caps or other limits that the Medicaid program and the centers for Medicare and Medicaid services identify as having a significant potential for fraud, waste, or abuse.

a. Before implementing the moratorium, caps, or other limits, the Medicaid program shall determine that its action would not adversely impact access by recipients to Medicaid services.

b. The Medicaid program shall notify, in writing, the centers for Medicare and Medicaid services, if the Medicaid program seeks to impose a moratorium under [this subsection](#), including all of the details of the moratorium. The Medicaid program shall receive approval from the centers for Medicare and Medicaid services prior to imposing a moratorium under [this subsection](#).

3. *a.* The Medicaid program shall impose any moratorium for an initial period of six months.

b. If the Medicaid program determines that it is necessary, the Medicaid program may extend the moratorium in six-month increments. Each time a moratorium is extended, the Medicaid program shall document, in writing, the necessity for extending the moratorium.

[2013 Acts, ch 24, §12](#); [2023 Acts, ch 19, §811](#)

Section amended