

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THE AMERICAN HOSPITAL ASSOCIATION,)
ASSOCIATION OF AMERICAN MEDICAL)
COLLEGES, MERCY HEALTH MUSKEGON,)
CLALLAM COUNTY PUBLIC HOSPITAL)
NO. 2, d/b/a OLYMPIC MEDICAL CENTER,)
and YORK HOSPITAL,)

Plaintiffs,)

v.)

Civil Action No. 1:18-cv-2841

ALEX M. AZAR II,)
in his official capacity as SECRETARY OF)
HEALTH AND HUMAN SERVICES,)

Defendant.)

**SUPPLEMENTAL NOTICE IN SUPPORT OF
PLAINTIFFS' MOTION TO ENFORCE JUDGMENT**

This supplement pertains to the statement in Plaintiffs' Reply in Support of their Motion to Enforce Judgment that "CMS has not even changed its payment rates for CY 2019." Reply 4. Following our submission last Thursday afternoon, Plaintiffs have learned that some hospitals have recently received payments for claims processed over the past few weeks at the pre-2019 OPSS Rule payment rates for challenged services. From what counsel understands, hospitals have not been reimbursed at the appropriate payment rates for claims made for any of the prior months in 2019. Nor, of course, has the government receded from its stated intention to continue to implement in 2020 the same plan this Court already vacated.

Respectfully submitted,

/s/ Catherine E. Stetson

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