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5th. Circ. Medicare Ruling Could Halt Pro-Provider Trend

Law360

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Austin Partner [Kent Hofmann](#) authored an article for Law360 examining a recent U.S. Court of Appeals for the Fifth Circuit opinion that likely forecloses the possibility of injunctive relief in that jurisdiction against recoupment for Medicare providers still faced with an overpayment demand after navigating the first two stages of the administrative appeal process. Hofmann discusses the noteworthy opinion in *Sahara Health Care Inc. v. Azar*, which affirmed the district court's denial of injunctive relief, writing that the government had afforded the provider adequate process. He notes the importance of this ruling because "providers had experienced some recent success in obtaining injunctive relief to stop recoupment." Now, the Fifth Circuit's opinion could have a broader effect because it aligns with a decision in another jurisdiction that had previously also vacated a preliminary injunction against recoupment.

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