



Breaking News: Federal Judge Issues Temporary Restraining Order Against Most Favored Nation Model

MFN implementation delayed 14 days while court considers preliminary injunction

A federal judge has granted a motion for a temporary restraining order (TRO) delaying implementation of the Most Favored Nation (MFN) Model. The TRO bars the Centers for Medicare and Medicaid Services (CMS) from implementing the Medicare Part B payment model on January 1, 2021, granting a 14-day reprieve while the court continues to consider the merits of granting a preliminary injunction (PI) against the MFN Model.

The TRO was issued in the case Association of Community Cancer Centers, et al. v. Azar by District Judge Catherine C. Blake of the U.S. District Court for the District of Maryland in Baltimore.

In Friday's TRO hearing, the plaintiffs repeatedly cited the sworn declaration filed by Dr. Michael Seiden, President of The US Oncology Network, and the accompanying letter signed by 20 practice presidents.

Judge Blake granted the motion for a TRO on the grounds that the federal government violated rulemaking procedures by issuing an Interim Final Rule (IFC) without satisfying statutory public notice-and-comment requirements.

The TRO, which applies nationwide and even to parties not before the court, is the first court ruling against the MFN Model. At least three other cases are currently pending in U.S. District Courts.

To read Judge Blake's TRO, [CLICK HERE](#).

To read Judge Blake's opinion, [CLICK HERE](#).

To read the plaintiffs' motion for a TRO/PI, [CLICK HERE](#).

To read the plaintiffs' memo supporting the TRO/PI motion, [CLICK HERE](#).

To read Dr. Seiden's sworn declaration, [CLICK HERE](#).

To read the letter from The Network's practice presidents, [CLICK HERE](#).