



**Center for Clinical Standards and Quality/Survey & Certification Group**

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**Ref: S&C: 13-08--Hospitals**

**DATE:** January 18, 2013

**TO:** State Survey Agency Directors

**FROM:** Director  
Survey and Certification Group

**SUBJECT:** Expiration of the Long-Term Care Hospital (LTCH) Moratorium

**Memorandum Summary**

- ***LTCH Moratorium Expired:*** The statutory LTCH moratorium expired as of December 29, 2012. The LTCH moratorium prevented, with certain exceptions, the establishment of new LTCHs, increasing existing LTCHs' number of certified beds, or the establishment of a satellite by an existing LTCH.

Section 114(d) of the Medicare, Medicaid, and SCHIP Extension Act (MMSEA) (Pub. L. 110-173), enacted December 29, 2007, established a three-year moratorium on the designation of new LTCHs or LTCH satellites, and on an increase of beds in an LTCH. The moratorium was originally scheduled to end on December 28, 2010, but Section 3106(a) of the "Affordable Care Act" (ACA) extended the ending date of the moratorium to December 28, 2012.

The Centers for Medicare and Medicaid Services (CMS) Regional Offices may now process requests from hospitals to change their classification to an LTCH, or process requests from current LTCHs seeking to increase their number of certified beds, or to establish new satellites.

Questions concerning this memorandum may be sent to [hospitalscg@cms.hhs.gov](mailto:hospitalscg@cms.hhs.gov).

**Effective Date:** This guidance is effective immediately. Please ensure that all certification personnel are appropriately informed within 30 days of this memorandum.

/s/  
Thomas E. Hamilton

cc: Survey and Certification Regional Office Management