

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

STATE OF MISSISSIPPI, *et al.*,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of Health and Human
Services, *et al.*,

Defendants.

Civil Action No. 1:22-cv-00113-HSO-RPM

JOINT STATUS REPORT

The parties respectfully submit this Joint Status Report pursuant to this Court's Order Granting the Parties' Joint Motion for Stay Pending Rulemaking and Administratively Closing Case, ECF No. 200, to update the Court regarding the ongoing rulemaking process.

1. As anticipated in the parties' Joint Motion for Stay Pending Rulemaking, ECF No. 199 ("Joint Motion"), the Centers for Medicare & Medicaid Services (CMS) have proposed removing the improvement activity challenged in this action through a proposed rule published on July 16, 2025. *See* "Medicare and Medicaid Programs; CY 2026 Payment Policies Under the Physician Fee Schedule and Other Changes to Part B Payment and Coverage Policies; Medicare Shared Savings Program Requirements; and Medicare Prescription Drug Inflation Rebate Program," 90 Fed. Reg. 32,352, 32,725, 33,175-76, 33,180 (July 16, 2025).

2. The proposed rule specifically states that CMS is "proposing to remove . . . previously finalized improvement activities beginning with the CY 2026 performance period/2028 MIPS payment year," including IA_AHE_8, the improvement activity entitled "Create and Implement an Anti-Racism Plan." 90 Fed. Reg. at 33,175.

3. Accordingly, the Parties agree that the Stay this Court ordered on May 29, 2025 should remain in place pending completion of the rulemaking process.

4. To ensure the Court stays informed on the status of the rulemaking, the parties propose to submit a joint status report by December 5, 2025, to update the Court on further developments.

Dated: September 2, 2025

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