

President Obama Signs Bill to Permanently Repeal SGR

On Tuesday, April 14, 2015, the U.S. Senate voted to pass legislation permanently repealing the *sustainable growth rate* (SGR) formula that currently determines physician fee schedule payments under Medicare Part B,¹ putting an end to over a decade of efforts to permanently change a formula that, year after year, has left physicians uncertain about their payments under Medicare.

President Obama signed the landmark bill, titled *Medicare Access and CHIP Reauthorization Act of 2015* (MACRA), on April 16, two days after the bill passed the U.S. Senate by an overwhelming margin of 92 to 8, and approximately one month after the U.S. House of Representatives voted to pass the bill by a vote of 392 to 37.² The bill repeals the SGR and prevents any further application of the 21% cut to physician payments under the Medicare physician fee schedule that began occurring April 1, 2015.³ However, CMS delayed paying these claims until April 15, 2015.⁴ In addition to the repeal of the SGR formula, the bill institutes a 0.5% payment increase to physicians, per year, for the next five years, and consolidates existing Medicare incentive programs, e.g., meaningful use of *electronic health records* (EHR) and value-based reimbursement, into a single *Merit-Based Incentive Payment System*.⁵ The *Congressional Budget Office* (CBO) has estimated that MACRA would increase federal deficits by approximately \$141 billion over the 2015-2025 period.⁶ The bill also extended authorization of the *Children's Health Insurance Program* (CHIP) until 2017.⁷

The passage of the *Medicare Access and CHIP Reauthorization Act of 2015* has significant present day implications. Although nearly 50 million Americans receive coverage through Medicare,⁸ physicians have heretofore faced substantial difficulty maintaining viable practices in an environment with such extreme financial uncertainty. Due in part to uncertainty caused by the SGR and the 17 Congressional overrides of scheduled payment cuts, an increasing number of doctors simply chose to cease accepting Medicare patients altogether.⁹ It is hoped that this bill will remove the recurring uncertainty that ultimately threatened patients' access to care by undermining the ability of physicians to plan for the future.

- 1 "Senate Approves a Bill on Changes to Medicare" By Robert Pear, The New York Times, April 14, 2015, http://www.nytimes.com/2015/04/15/us/politics/senate-approves-a-bill-on-changes-to-medicare.html?_r=0 (Accessed 4/15/15).
- 2 Ibid.
- 3 "Attention Health Professionals: Information Regarding the 2015 Medicare Physician Fee Schedule" Medical Learning Network, April 13, 2015, <http://www.cms.gov/Outreach-and-Education/Outreach/FFSPProvPartProg/Provider-Partnership-Email-Archive-Items/2015-04-13-Standalone.html> (Accessed 4/16/15).
- 4 Ibid.
- 5 "Medicare Access and CHIP Reauthorization Act of 2015" H.R. 2, 114th Congress, § 101(b) (March 26, 2015); "H.R. 2 Medicare Access and CHIP Reauthorization Act (MACRA): Section by Section" U.S. House of Representatives Energy and Commerce and Ways and Means Committees, March 24, 2014, <http://energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/114/Analysis/20150324-HR2-SectionbySection.pdf> (Accessed 3/28/15), p. 1; "House Passes Bill to Fix Medicare Physician Payments, Reauthorize CHIP" National Council for Behavioral Health, <https://www.thenationalcouncil.org/capitol-connector/2015/03/house-passes-bill-fix-medicare-physician-payments-reauthorize-chip/> (Accessed 3/28/15).
- 6 "Re: Cost Estimate and Supplemental Analyses for H.R. 2, The Medicare Access and CHIP Reauthorization Act of 2015" By Douglas Elmendorf, Letter to John Boehner, Congressional Budget Office, March 25, 2015, <https://www.cbo.gov/sites/default/files/cbofiles/attachments/hr2.pdf> (Accessed 3/28/15), p. 1.
- 7 "Medicare Access and CHIP Reauthorization Act of 2015" H.R. 2, 114th Congress, § 301(a) (March 26, 2015); Pear, April 14, 2015.
- 8 "Total Number of Medicare Beneficiaries" The Henry J. Kaiser Family Foundation, 2012, <http://kff.org/medicare/state-indicator/total-medicare-beneficiaries/> (Accessed 3/13/2015).
- 9 "More Doctors Steer Clear of Medicare: Some Doctors Opt Out of Program, Frustrated With Payment Rates and Mounting Rules" By Melinda Beck, Wall Street Journal, July 29, 2013, <http://www.wsj.com/articles/SB10001424127887323971204578626151017241898> (Accessed 3/13/2015); Pear, April 14, 2015.



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Robert James Cimasi, MHA, ASA, FRICS, MCBA, CVA, CM&AA, serves as Chief Executive Officer of **HEALTH CAPITAL CONSULTANTS (HCC)**, a nationally recognized healthcare financial and economic consulting firm headquartered in St. Louis, MO, serving clients in 49 states since 1993. Mr. Cimasi has over thirty years of experience in serving clients, with a professional focus on the financial and economic aspects of healthcare service sector entities including: valuation consulting and capital formation services; healthcare industry transactions including joint ventures, mergers, acquisitions, and divestitures; litigation support & expert testimony; and, certificate-of-need and other regulatory and policy planning consulting.

Mr. Cimasi holds a Masters in Health Administration from the University of Maryland, as well as several professional designations: Accredited Senior Appraiser (ASA – American Society of Appraisers); Fellow Royal Institution of Chartered Surveyors (FRICS – Royal Institute of Chartered Surveyors); Master Certified Business Appraiser (MCBA – Institute of Business Appraisers); Accredited Valuation Analyst (AVA – National Association of Certified Valuators and Analysts); and, Certified Merger & Acquisition Advisor (CM&AA – Alliance of Merger & Acquisition Advisors). He has served as an expert witness on cases in numerous courts, and has provided testimony before federal and state legislative committees. He is a nationally known speaker on healthcare industry topics, the author of several books, the latest of which include: "[Accountable Care Organizations: Value Metrics and Capital Formation](#)" [2013 - Taylor & Francis, a division of CRC Press], "[The Adviser's Guide to Healthcare](#)" – Vols. I, II & III [2010 – AICPA], and "[The U.S. Healthcare Certificate of Need Sourcebook](#)" [2005 - Beard Books]. His most recent book, entitled "[Healthcare Valuation: The Financial Appraisal of Enterprises, Assets, and Services](#)" was published by John Wiley & Sons in 2014.

Mr. Cimasi is the author of numerous additional chapters in anthologies; books, and legal treatises; published articles in peer reviewed and industry trade journals; research papers and case studies; and, is often quoted by healthcare industry press. In 2006, Mr. Cimasi was honored with the prestigious "[Shannon Pratt Award in Business Valuation](#)" conferred by the Institute of Business Appraisers. Mr. Cimasi serves on the Editorial Board of the Business Appraisals Practice of the Institute of Business Appraisers, of which he is a member of the College of Fellows. In 2011, he was named a Fellow of the Royal Institution of Chartered Surveyors (RICS).



Todd A. Zigrang, MBA, MHA, ASA, FACHE, is the President of **HEALTH CAPITAL CONSULTANTS (HCC)**, where he focuses on the areas of valuation and financial analysis for hospitals, physician practices, and other healthcare enterprises. Mr. Zigrang has over 20 years of experience providing valuation, financial, transaction and strategic advisory services nationwide in over 1,000 transactions and joint ventures. Mr. Zigrang is also considered an expert in the field of healthcare compensation for physicians, executives and other professionals.

Mr. Zigrang is the author of the soon-to-be released "[Adviser's Guide to Healthcare – 2nd Edition](#)" (AICPA, 2014), numerous chapters in legal treatises and anthologies, and peer-reviewed and industry articles such as: [The Accountant's Business Manual](#) (AICPA); [Valuing Professional Practices and Licenses](#) (Aspen Publishers); [Valuation Strategies; Business Appraisal Practice](#); and, [NACVA QuickRead](#). Additionally, Mr. Zigrang has served as faculty before professional and trade associations such as the American Society of Appraisers (ASA); the National Association of Certified Valuators and Analysts (NACVA); the Physician Hospitals of America (PHA); the Institute of Business Appraisers (IBA); the Healthcare Financial Management Association (HFMA); and, the CPA Leadership Institute.

Mr. Zigrang holds a Master of Science in Health Administration (MHA) and a Master of Business Administration (MBA) from the University of Missouri at Columbia. He is a Fellow of the American College of Healthcare Executives (FACHE) and holds the Accredited Senior Appraiser (ASA) designation from the American Society of Appraisers, where he has served as President of the St. Louis Chapter, and is current Chair of the ASA Healthcare Special Interest Group (HSIG).



John R. Chwarzinski, MSF, MAE, is Senior Vice President of **HEALTH CAPITAL CONSULTANTS (HCC)**. Mr. Chwarzinski holds a Master's Degree in Economics from the University of Missouri – St. Louis, as well as, a Master's Degree in Finance from the John M. Olin School of Business at Washington University in St. Louis. Mr. Chwarzinski's areas of expertise include advanced statistical analysis, econometric modeling, and economic and financial analysis.



Jessica L. Bailey, Esq., is the Director of Research of **HEALTH CAPITAL CONSULTANTS (HCC)**, where she conducts project management and consulting services related to the impact of both federal and state regulations on healthcare exempt organization transactions and provides research services necessary to support certified opinions of value related to the Fair Market Value and Commercial Reasonableness of transactions related to healthcare enterprises, assets, and services. Ms. Bailey is a member of the Missouri and Illinois Bars and holds a J.D., with a concentration in Health Law, from Saint Louis University School of Law, where she served as Fall Managing Editor for the Journal of Health Law and Policy.



Richard W. Hill, III, Esq. is Senior Counsel of **HEALTH CAPITAL CONSULTANTS (HCC)**, where he manages research services necessary to support certified opinions of value related to the Fair Market Value and Commercial Reasonableness of transactions related to healthcare enterprises, assets, and services, and conducts analyses of contractual relationships for subject enterprises. Mr. Hill is a member of the Missouri Bar and holds a J.D., with a concentration in Health Law, from Saint Louis University School of Law.