

## *Heightened Hospital Charity Care Requirements on the Horizon*

Top ranking Republican on the Senate Finance Committee, Chuck Grassley, has stated his intent to propose legislation that would set minimum requirements for charity care that must be achieved in order for hospitals to maintain their 501 (c)(3) status. Grassley, whose previous efforts to pass legislation that created more transparency in community benefit efforts of tax-exempt hospitals have failed (e.g., hospitals must give 5% of operating revenue to charity care), stated that benchmarks need to be created to ensure that hospitals are meeting the standards set forth by the government.<sup>1</sup> While none of Grassley's previous attempts to have legislation in this area passed, Grassley's continued efforts have resulted in an updated Form 990 for tax-exempt organizations. The new form requires more information from tax-exempt hospitals regarding their mission, programs, community benefit, and charity care. Additionally, the new form requires reporting on executive compensation practices.<sup>2</sup>

Critics of Grassley argue that attempts to create more transparency in charity care of non-profit hospitals appear to be misguided, as evidenced by a study released by the Internal Revenue Service (IRS) in July of 2008. Results of the study indicated that uncompensated care was the largest charitable expense of non-profit hospitals. The July 2008 Report, which included survey data from over 500 non-profit hospitals, also indicated that 90% of hospitals stated they treated patients regardless of their ability to pay. However, while 97% of respondents stated they had a charity care program, no standard, universal definition of charity care exists. Without a common definition, it may be difficult to regulate the charitable acts of non-profit hospitals.

<sup>1</sup> "Grassley Considering Legislation to Establish Charity Care Standards for Exempt hospitals," BNA's Health Law Reported, December 25, 2008

<sup>2</sup> "Exempt Organizations Work Plan, 2009" Internal Revenue Service, November 25, 2008, p. 10, [http://www.irs.gov/pub/irs-tege/finalannualrptworkplan11\\_25\\_08.pdf](http://www.irs.gov/pub/irs-tege/finalannualrptworkplan11_25_08.pdf); "Grassley Considering Legislation to Establish Charity Care Standards for Exempt hospitals," BNA's Health Law Reported, December 25, 2008



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**Robert James Cimasi**, MHA ASA, CBA, AVA, CM&AA, President. Mr. Cimasi is a nationally recognized healthcare industry expert, with over 25 years experience in serving clients, in over 49 states, with a professional focus on the financial and economic aspects of healthcare industry including: valuation consulting; litigation support & expert testimony; business intermediary and capital formation services; certificate-of-need and other regulatory and policy planning; and, healthcare industry transactions, joint ventures, mergers and divestitures.

Mr. Cimasi holds a Masters in Health Administration from the University of Maryland, and several professional certifications. He has been certified and has served as an expert witness on cases in numerous states, and has provided testimony before federal and state legislative committees.

Mr. Cimasi is a nationally known speaker on healthcare industry topics, is the author of several nationally published books, chapters, published articles, research papers and case studies, and is often quoted by healthcare industry press. Mr. Cimasi's latest book, "*The U.S. Healthcare Certificate of Need Sourcebook*", was published in 2005 by Beard Books. In 2006, Mr. Cimasi was honored with the prestigious "*Shannon Pratt Award in Business Valuation*" conferred by the Institute of Business Appraisers and was elevated to the Institute's College of Fellows in 2007.



**Todd A. Zigrang**, MHA, MBA, CHE, Senior Vice-President. Mr. Zigrang has over twelve years experience in providing valuation, financial analysis, and provider integration services to HCC's clients nationwide. He has developed and implemented hospital and physician driven MSOs and networks involving a wide range of specialties; developed a physician-owned ambulatory surgery center; participated in the evaluation and negotiation of managed care contracts, performed valuations of a wide array of healthcare entities; participated in numerous litigation support engagements; created pro-forma financials; written

business plans and feasibility analyses; conducted comprehensive industry research; completed due diligence analysis; overseen the selection process for vendors, contractors, and architects; and, developed project financing.

Mr. Zigrang holds a Masters in Business Administration and a Master of Science in Health Administration from the University of Missouri at Columbia. He holds the Certified Healthcare Executive (CHE) designation from, and is a Diplomat of, the American College of Healthcare Executives and a member of the Healthcare Financial Management Association.



**Lance A. Haynes**, MSF, Vice President. Mr. Haynes focuses on the area of financial and economic analysis and consulting. His main responsibilities are comprised of business, tangible asset and intangible asset valuations, as well as financial analysis and forecasting for healthcare services related enterprises. Mr. Haynes has performed valuations for many types of ancillary services providers including Surgical/Specialty Hospitals and Ambulatory Surgery Centers, Cardiac Catheterization Labs, Diagnostic Imaging Centers and Kidney Dialysis Centers, and has also performed valuations and financial analyses for Home Healthcare

Providers, Long-term Care Facilities and Physician Medical Practices across various specialties. In addition, Mr. Haynes has performed joint venture service line and lease arrangement valuations for hospitals and physician groups, and has assisted with numerous litigation support engagements. Prior to joining HCC, Mr. Haynes was a Research Associate with Flagstone Securities, a specialty investment bank, located in St. Louis, Missouri, where his main responsibilities included the development and maintenance of company earnings models and proprietary stock indices for publicly traded companies.

Mr. Haynes received his Bachelor of Arts in Finance from the University of Northern Iowa and his Master of Science in Finance from St. Louis University. Mr. Haynes is a Level III candidate in the Chartered Financial Analyst (CFA) Program, and is a member of both the CFA Institute and CFA Society of St. Louis.



**Anne P. Sharamitaro**, Esq., Vice President. Ms. Sharamitaro focuses on the areas of Certificate of Need (CON); regulatory compliance, managed care, and antitrust consulting. Ms. Sharamitaro was admitted to the Missouri Bar in 2005 after graduating with J.D. and Health Law Certificate from St. Louis University School of Law. At St. Louis University, served as an editor and staff member of the Journal of Health Law, published by the American Health Lawyers Association. She has presented healthcare industry related research papers before Physician Hospitals of America (f/k/a American Surgical Hospital Association) and the National Association of Certified Valuation Analysts.



**Kelly Gordon** is a Research Associate at Health Capital Consultants (HCC). Ms. Gordon is in her second year of the Master of Health Administration program at Saint Louis University and will graduate in May 2009. Ms. Gordon also has a Master of Social Work from Washington University in Saint Louis. At HCC, Ms. Gordon provides research support in the areas of medical specialty trends related to a wide and diverse array of healthcare industry enterprises.