

America's Healthy Future Act

The Senate Finance Committee Chairman Max Baucus (D-MT) issued the *America's Healthy Future Act* on September 16, 2009 (modified September 22, 2009),¹ the third major proposed bill to emerge under President Obama's healthcare reform initiative.² During his delivery of the 2010 Budget Overview back on February 26, 2009, the President delineated eight contingencies that should serve as the foundational guidelines for Congress' final healthcare reform package:

1. Protect Families' Financial Health;
2. Make Health Coverage Affordable;
3. Aim for Universality;
4. Provide Portability of Coverage;
5. Guarantee Choice;
6. Invest in Prevention and Wellness;
7. Improve Patient Safety and Quality; and
8. Maintain Long Term Fiscal Sustainability.³

Sen. Baucus believes that the new bill will enhance the efficiency, quality, and organization of the healthcare delivery system without adding to the federal deficit.⁴ Additionally, the *America's Healthy Future Act of 2009* will make affordable healthcare coverage available to everyone while allowing Americans to maintain their current coverage if they would prefer to do so.⁵ According to Sen. Baucus, "[t]he Finance Committee has carefully worked through the details of health care reform to ensure this package works for patients, for health care providers, and for our economy. We worked to build a balanced, common-sense package that ensures quality, affordable coverage and doesn't add a dime to the deficit."⁶

The proposed provisions of the \$856 billion reform package are aimed at: (1) ensuring reasonable, reliable coverage for all Americans; (2) reforming the healthcare delivery system to improve the quality, efficiency, and affordability of care; and (3) encouraging preventative healthcare and wellness.⁷ Among Baucus's September 22, 2009 modifications to the Chairman's Mark were increased efforts to provide affordable care to low and middle income families and to reduce penalties for those who fail to get the required health insurance.⁸ While Baucus declined to propose a public plan option in an effort to gain bipartisan support, his attempt has seemingly fallen flat.⁹ The Senate Finance Committee began markup on September 22, 2009,¹⁰ and recessed on

Friday, September 25, 2009.¹¹ The committee reconvened yesterday, September 29, 2009.¹²

The inclusion of a public option has sparked controversy not only between Democrats and Republicans, but also between liberal and moderate Democrats.¹³ The Senate Finance Committee also met yesterday to debate two public option plans proposed as an alternative to Baucus' plan by Senators Rockefeller (D-WV) and Schumer (D-NY).¹⁴ Rockefeller's proposed, "Community Choice Health Plan" was rejected after a 15 to 8 vote (including five Democrats and 10 Republicans voting against the plan).¹⁵ Additionally, Schumer's variation of a public plan option was defeated in a 13 to 10 vote (including three Democrats and 10 Republicans voting against the plan).¹⁶ Nonetheless, Schumer declares that he plans to continue fighting for a public plan option, stating, "We are going to keep at this and at this and at this until we succeed, because we believe in it so strongly."¹⁷

Affordable Health Choices Act

On June 9, 2009, the Senate Health, Education, Labor, and Pensions (HELP) Committee issued the first highlighted healthcare reform plan, the *Affordable Health Choices Act*, which is expected to merge with the Senate Finance Committee's newly released bill.¹⁸ The Senate HELP bill includes an *Affordable Health Benefit Gateway*, which mandates a health insurance exchange that is managed by the states.¹⁹ As outlined by the bill's "shared responsibility" section, individuals would be required to obtain healthcare coverage (with some exceptions), and employers with greater than 25 employees are responsible for contributing to, at minimum, 60 percent of the premium cost.²⁰ Individuals and employers that violate these provisions would be subject to a minimum penalty of \$750 per person annually.²¹ Additionally, the Senate HELP Bill emphasizes prevention and wellness efforts, prohibits insurers from denying coverage on the basis of preexisting conditions, and promotes higher quality of care through policies and financial incentives.²²

America's Affordable Health Choices Act

The *America's Affordable Health Choices Act* (H.R. 3200), issued July 14, 2009, was introduced by the House Tri-Committee, comprised of the Education and Labor, Ways and Means, and Energy and Commerce

(Continued from previous page)

committees in the House of Representatives.²³ Though not as focused on prevention and wellness as the Senate HELP Bill, H.R. 3200 proposes: broadened access to health insurance; standardized health benefits; provisions to stunt premium increases and coverage denial on the basis of pre-existing conditions; elimination of co-pays for preventative care services; incorporation of “Affordability credits,” caps on out of pocket expenses; an employer mandate; provision of guaranteed coverage in the circumstance of a medical catastrophe; and the implementation of a Health Insurance Exchange that affords consumers whose income is less than 400 percent of the poverty level the choice of either private coverage or coverage under the new public plan.²⁴

Representatives Anthony Weiner (D-NY) and Bruce Braley (D-IA) had sought to include an amendment to H.R. 3200 on physician self-referral, excluding “[c]ertain advanced diagnostic imaging services” from the “in office ancillary services exemption” to the Stark Law.²⁵ However, this amendment remains outstanding, as it was not presented at the mark-up session on July 31, 2009.²⁶ At present, it is uncertain if the amendment will be presented when the U.S. House Energy and Commerce Committee reconvenes.²⁷

1 Source: Baucus Modifies Chairman’s Mark to Improve Health Care Affordability, Maintain Deficit Reductions, Committee on Finance News Release, Sept. 22, 2009, <http://finance.senate.gov/press/Bpress/2009press/prb092209c.pdf> (accessed Sept. 27, 2009).

2 Source: “America’s Affordable Health Choices Act,” 111th Congress House of Representatives, H.R. 3200, July 14, 2009; “Focus on Health Reform: Side-by-Side Comparison of Major Healthcare Reform Proposals,” by the Henry Kaiser Family Foundation, July 24, 2009 (accessed on 07/24/2009).

3 Source: “Jumpstarting the Economy and Investing for the Future” in “A New Era of Responsibility: Renewing America’s Promise,” by the Office of Management and Budget, February 26, 2009, p. 27.

4 Source: “Chairman’s Mark: America’s Healthy Future Act of 2009,” by Chairman Max Baucus of the Senate Committee on Finance, September 16, 2009, http://finance.senate.gov/sitepages/leg/LEG%202009/091609%20Americas_Healthy_Future_Act.pdf (accessed on 09/16/2009).

5 Source: “Chairman’s Mark: America’s Healthy Future Act of 2009,” by Chairman Max Baucus of the Senate Committee on Finance, September 16, 2009, http://finance.senate.gov/sitepages/leg/LEG%202009/091609%20Americas_Healthy_Future_Act.pdf (accessed on 09/16/2009).

6 Source: “Baucus Introduces Landmark Plan to Lower Health Care Costs, Provide Quality, Affordable Coverage,” by the Senate

Finance Committee, September 16, 2009, <http://finance.senate.gov/press/Bpress/2009press/prb091609.pdf> (accessed on 09/16/2009).

7 Source: “Chairman’s Mark: America’s Healthy Future Act of 2009,” by Chairman Max Baucus of the Senate Committee on Finance, September 16, 2009, http://finance.senate.gov/sitepages/leg/LEG%202009/091609%20Americas_Healthy_Future_Act.pdf (accessed on 09/16/2009).

8 Source: “Baucus Modifies Chairman’s Mark to Improve Health Care Affordability, Maintain Deficit Reductions,” Committee on Finance News Release, Sept. 22, 2009, <http://finance.senate.gov/press/Bpress/2009press/prb092209c.pdf> (accessed Sept. 27, 2009).

9 Source: “Senate Finance Committee Rejects Public Option Proposal in Health Care Bill,” By Jonathan Karl & Byron Wolf, ABC News, Sept. 29, 2009, <http://abcnews.go.com/Politics/HealthCare/max-baucus-releases-856-billion-health-care-proposal/story?id=8589359> (accessed Sept. 29, 2009).

10 Source: “Chairman’s Mark: America’s Healthy Future Act of 2009,” by Chairman Max Baucus of the Senate Committee on Finance, September 16, 2009, http://finance.senate.gov/sitepages/leg/LEG%202009/091609%20Americas_Healthy_Future_Act.pdf (accessed on 09/16/2009).

11 Source: “Baucus statement on Mark Up Progress,” By Scott Mulhauser and Erin Shields for Finance Committee Chairman Max Baucus (D-MT), Sept. 25, 2009, <http://finance.senate.gov/press/Bpress/2009press/prb092509.pdf> (accessed Sept. 28, 2009).

12 Source: “Baucus statement on Mark Up Progress,” By Scott Mulhauser and Erin Shields for Finance Committee Chairman Max Baucus (D-MT), Sept. 25, 2009, <http://finance.senate.gov/press/Bpress/2009press/prb092509.pdf> (accessed Sept. 28, 2009).

13 Source: “Senate Finance Committee Rejects Public Option Proposal in Health Care Bill,” By Jonathan Karl & Byron Wolf, ABC News, Sept. 29, 2009, <http://abcnews.go.com/Politics/HealthCare/max-baucus-releases-856-billion-health-care-proposal/story?id=8589359> (accessed Sept. 29, 2009).

14 Source: “Senate Finance Committee Rejects Public Option Proposal in Health Care Bill,” By Jonathan Karl & Byron Wolf, ABC News, Sept. 29, 2009, <http://abcnews.go.com/Politics/HealthCare/max-baucus-releases-856-billion-health-care-proposal/story?id=8589359> (accessed Sept. 29, 2009).

15 Source: “Senate Panel Rejects Pair of Public Options in Health Plan,” By David M. Herszenhorn, The New York Times, Sept. 29, 2009, <http://www.nytimes.com/2009/09/30/health/policy/30health.html> (accessed Sept. 29, 2009).

16 Source: “Senate Panel Rejects Pair of Public Options in Health Plan,” By David M. Herszenhorn, The New York Times, Sept. 29, 2009, <http://www.nytimes.com/2009/09/30/health/policy/30health.html> (accessed Sept. 29, 2009).

17 Source: “Senate Panel Rejects Pair of Public Options in Health Plan,” By David M. Herszenhorn, The New York Times, Sept. 29, 2009, <http://www.nytimes.com/2009/09/30/health/policy/30health.html> (accessed Sept. 29, 2009).

(Continued from previous page)

- 18 Source: "Focus on Health Reform: Side-by-Side Comparison of Major Healthcare Reform Proposals," by the Henry Kaiser Family Foundation, July 24, 2009
http://www.kff.org/healthreform/upload/healthreform_sbs_full.pdf
(accessed on 07/24/2009).
- 19 Source: "Focus on Health Reform: Side-by-Side Comparison of Major Healthcare Reform Proposals," by the Henry Kaiser Family Foundation, July 24, 2009
http://www.kff.org/healthreform/upload/healthreform_sbs_full.pdf
(accessed on 07/24/2009).
- 20 Source: "Focus on Health Reform: Side-by-Side Comparison of Major Healthcare Reform Proposals," by the Henry Kaiser Family Foundation, July 24, 2009
http://www.kff.org/healthreform/upload/healthreform_sbs_full.pdf
(accessed on 07/24/2009).
- 21 Source: "Focus on Health Reform: Side-by-Side Comparison of Major Healthcare Reform Proposals," by the Henry Kaiser Family Foundation, July 24, 2009
http://www.kff.org/healthreform/upload/healthreform_sbs_full.pdf
(accessed on 07/24/2009).
- 22 Source: "Focus on Health Reform: Side-by-Side Comparison of Major Healthcare Reform Proposals," by the Henry Kaiser Family Foundation, July 24, 2009
http://www.kff.org/healthreform/upload/healthreform_sbs_full.pdf
(accessed on 07/24/2009).
- 23 Source: "Focus on Health Reform: Side-by-Side Comparison of Major Healthcare Reform Proposals," by the Henry Kaiser Family

- Foundation, July 24, 2009
http://www.kff.org/healthreform/upload/healthreform_sbs_full.pdf
(accessed on 07/24/2009).
- 24 Source: "Focus on Health Reform: Side-by-Side Comparison of Major Healthcare Reform Proposals," by the Henry Kaiser Family Foundation, July 24, 2009
http://www.kff.org/healthreform/upload/healthreform_sbs_full.pdf
(accessed on 07/24/2009).
- 25 Source: "House Tables Self-Referral Ban in Reform Bill" by Health Imaging Editorial Staff, 2009, TriMed Media Group, August 4, 2009,
http://www.healthimaging.com/index.php?option=com_articles&view=article&id=18248 (accessed: 08/08/09).
- 26 Source: "House Tables Self-Referral Ban in Reform Bill" by Health Imaging Editorial Staff, 2009, TriMed Media Group, August 4, 2009,
http://www.healthimaging.com/index.php?option=com_articles&view=article&id=18248 (accessed: 08/08/09).
- 27 Source: "House Tables Self-Referral Ban in Reform Bill" by Health Imaging Editorial Staff, 2009, TriMed Media Group, August 4, 2009,
http://www.healthimaging.com/index.php?option=com_articles&view=article&id=18248 (accessed: 08/08/09).



(800) FYI - VALU

*Providing Solutions
in the Era of
Healthcare Reform*

Founded in 1993, HCC is a nationally recognized healthcare economic financial consulting firm

- [HCC Home](#)
- [Firm Profile](#)
- [HCC Services](#)
- [HCC Experts](#)
- [Clients Projects](#)
- [HCC News](#)
- [Upcoming Events](#)
- [Contact Us](#)
- [Email Us](#)

HEALTH CAPITAL CONSULTANTS (HCC) is an established, nationally recognized healthcare financial and economic consulting firm headquartered in St. Louis, Missouri, with regional personnel nationwide. Founded in 1993, HCC has served clients in over 45 states, in providing services including: valuation in all healthcare sectors; financial analysis, including the development of forecasts, budgets and income distribution plans; healthcare provider related intermediary services, including integration, affiliation, acquisition and divestiture; Certificate of Need (CON) and regulatory consulting; litigation support and expert witness services; and, industry research services for healthcare providers and their advisors. HCC's accredited professionals are supported by an experienced research and library support staff to maintain a thorough and extensive knowledge of the healthcare reimbursement, regulatory, technological and competitive environment.



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.



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.



Jeffrey S. Sedlacek is a research associate at Health Capital Consultants (HCC). Mr. Sedlacek is a third year law student at Saint Louis University School of Law and will graduate in May 2010 with a J.D. and Health Law Certificate. Mr. Sedlacek also has a MBA specializing in Management Information Systems from Southern Illinois University in Edwardsville. At HCC, Mr. Sedlacek provides research support in the area of legal and economic trends related to a wide and diverse array of healthcare industry enterprises.