



ORTHOPAEDIC HOSPITAL OF WISCONSIN
BILLING AND COLLECTION POLICY
January 1, 2022

POLICY:

It is the policy of Orthopaedic Hospital of Wisconsin (“OHOW”) to ensure a socially just practice for providing medically necessary care at OHOW pursuant to its Financial Assistance Policy (FAP). This Billing and Collection Policy is specifically designed to address the billing and collection practices for Patients who are in need of financial assistance and receive care at OHOW.

All billing and collection practices will reflect our commitment to and reverence for individual human dignity and the common good, our special concern for and solidarity with persons living in poverty and other vulnerable persons, and our commitment to distributive justice and stewardship. OHOW employees and agents shall behave in a manner that reflects the policies and values of a Catholic-sponsored facility, including treating Patients and their families with dignity, respect and compassion.

This Billing and Collection Policy applies to all medically necessary services provided at OHOW. The Billing and Collection Policy does not apply to payment arrangements for elective procedures.

DEFINITIONS:

“501(r)” - Section 501(r) of the Internal Revenue Code and the regulations promulgated thereunder.

“Application Period” - the period during which a FAP Application may be submitted to OHOW. The Application Period begins on the earlier of the date the FAP Application is submitted or the date care is provided and ends on the date specified in an Application Period Termination Notice.

“Application Period Termination Notice” - a written notice stating the deadline after which OHOW will no longer accept and process a FAP Application submitted (or, if applicable, completed) by the Patient for the previously provided care at issue, with the deadline specified in the written notice being no earlier than the later of (a) thirty (30) days after the date that the written notice is provided, (b) after an account is no longer in active status (c) in the case of a Patient who has been deemed presumptively eligible for Financial Assistance less than 100%, then end of a reasonable time to apply for Financial Assistance as described herein. The Application Period Termination Notice may be a separate written document or may be language included within another written notice sent to the Patient.

“Extraordinary Collections Actions” or “ECAs” - any of the following collection activities that are subject to restrictions under 501(r):

1. Selling a Patient’s debt to another party, unless the purchaser is subjected to certain restrictions as described below.
2. Reporting adverse information about the Patient to consumer credit reporting agencies or credit bureaus.
3. Deferring or denying, or requiring a payment before providing, medically necessary care because of a Patient’s nonpayment of one or more bills for previously provided care covered under the FAP.
4. Actions that require legal or judicial process, except for claims filed in a bankruptcy or personal injury proceeding. These actions include, but are not limited to,
 - 4.1. placing a lien on the Patient’s property,
 - 4.2. foreclosing on a Patient’s property,
 - 4.3. placing a levy against or otherwise attaching or seizing a Patient’s bank account or other personal property,
 - 4.4. commencing a civil action against a Patient, and
 - 4.5. garnishing a Patient’s wages.

Notwithstanding subsection 4, above, OHOW will not, under any circumstance, place a lien on a patient’s primary residence if the lien will result in a foreclosure on or force the sale of the patient’s personal residence.

An ECA does not include any of the following (even if the criteria for an ECA as set forth above are otherwise generally met):

1. The sale of a Patient’s debt if, prior to the sale, a legally binding written agreement exists with the purchaser of the debt pursuant to which:
 - 1.1 the purchaser is prohibited from engaging in any ECAs to obtain payment for the care;
 - 1.2 the purchaser is prohibited from charging interest on the debt in excess of the rate in effect under section 6621(a)(2) of the Internal Revenue Code at the time the debt is sold (or such other interest rate set by notice or other guidance published in the Internal Revenue Bulletin);
 - 1.3 the debt is returnable to or recallable by OHOW upon a determination by OHOW or the purchaser that the Patient is eligible for Financial Assistance; and
 - 1.4 the purchaser is required to adhere to procedures specified in the agreement that ensure that the Patient does not pay, and has no obligation to pay, the purchaser and OHOW together more than he or she is personally responsible for paying pursuant to the FAP if the Patient is determined to be eligible for Financial Assistance and the debt is not returned to or recalled by OHOW

2. Any lien that OHOW is entitled to assert under state law on the proceeds of a judgment, settlement, or compromise owed to a Patient as a result of personal injuries for which OHOW provided care.
3. The filing of a claim in any bankruptcy proceeding.

“FAP” - OHOW’s Financial Assistance Policy, which is a policy to provide Financial Assistance to eligible uninsured Patients in furtherance of OHOW’s.

“FAP Application” - the application for Financial Assistance

“Financial Assistance” - the assistance OHOW may provide to a Patient pursuant to OHOW’s FAP.

“Patient” - an individual receiving care (or who has received care) from OHOW and any other person financially responsible for such care (including family members and guardians).

PROCEDURE:

OHOW maintains an orderly process for regularly issuing billing statements to Patients for services rendered and for communicating with Patients. In the event of nonpayment by a Patient for services provided by OHOW, OHOW may engage in actions to obtain payment, including, but not limited to, attempts to communicate by telephone, email, and in-person, and one (1) or more ECAs, subject to the provisions and restrictions contained in this Billing and Collection Policy.

Pursuant to 501(r), this Billing and Collection Policy identifies the reasonable efforts OHOW must undertake to determine whether a Patient is eligible under its FAP for Financial Assistance before it engages in an extraordinary collection action, or ECA. Once a determination is made, OHOW may proceed with one or more ECAs, as described herein

1. FAP Application Processing- Except as provided below, an uninsured patient may submit a FAP Application at any time during the Application Period. OHOW will not be obligated to accept a FAP Application after the Application Period unless otherwise specifically required by 501(r). Determinations of eligibility for Financial Assistance will be processed based on the following general categories.
 - 1.1. Complete FAP Applications- In the case of an uninsured Patient who submits a complete FAP Application during the Application Period, OHOW shall, in a timely manner, suspend any ECAs to obtain payment for the care, make an eligibility determination, and provide written notification, as provided below.
 - 1.2. Presumptive Eligibility Determinations- If an uninsured Patient is presumptively determined to be eligible for less than the most generous assistance available under the FAP (for example, the determination of eligibility is based on an application submitted with respect to prior care), OHOW will notify the Patient of the basis for the determination and give the Patient a reasonable period of time to apply for more generous assistance before initiating an ECA.

- 1.3. Notice and Process Where No Application Submitted- Unless a complete FAP Application is submitted or eligibility is determined under the presumptive eligibility criteria of the FAP, OHOW will refrain from initiating ECAs for at least 120 days from the date the first post-discharge billing statement for the care is sent to the Patient. In the case of multiple episodes of care, these notification provisions may be aggregated, in which case the timeframes would be based on the most recent episode of care included in the aggregation. Before initiating one (1) or more ECA(s) to obtain payment for care from a Patient who has not submitted a FAP Application, OHOW shall take the following actions:
 - 1.3.1. Provide the Patient with a written notice that indicates Financial Assistance is available for eligible Patients, identifies the ECA(s) that are intended to be taken to obtain payment for the care, and states a deadline after which such ECA(s) may be initiated that is no earlier than 30 days after the date the written notice is provided
 - 1.3.2. Provide the Patient with the plain language summary of the FAP
 - 1.3.3. Make a reasonable effort to orally notify the Patient about the FAP and the FAP Application process
 - 1.4. Incomplete FAP Applications- In the case of a Patient who submits an incomplete FAP Application during the Application Period, OHOW shall notify the Patient in writing about how to complete the FAP Application and give the Patient thirty (30) calendar days to do so. Any pending ECAs shall be suspended during this time, and the written notice shall (i) describe the additional information and/or documentation required under the FAP or the FAP Application that is needed to complete the application, and (ii) include appropriate contact information.
 - 1.5. Termination of the FAP Application Period- The Application Period may be terminated by OHOW by delivering a written Application Period Termination Notice to the Patient.
2. Restrictions on Deferring or Denying Care- In a situation where OHOW intends to defer or deny, or require a payment before providing, medically necessary care, as defined in the FAP, because of a Patient's nonpayment of one or more bills for previously provided care covered under the FAP, the Patient will be provided a FAP Application and a written notice indicating that Financial Assistance is available for eligible Patients. Patient may also be given an Application Period Termination Notice.

3. Determination Notification

- 3.1. Determinations- Once a completed FAP Application is received on a Patient's account, OHOW will evaluate the FAP Application to determine eligibility and notify the Patient in writing of the final determination within forty-five (45) calendar days. The notification will include a determination of the amount for which the Patient will be financially responsible to pay. If the application for the FAP is denied, a notice will be sent explaining the reason for the denial.

- 3.2. Refunds – OHOW will provide a refund for the amount a Patient has paid for care that exceeds the amount the Patient is determined to be personally responsible for paying under the FAP, unless such excess amount is less than \$5.00
- 3.3. Reversal of ECA(s) - To the extent a Patient is determined to be eligible for Financial Assistance under the FAP, OHOW will take all reasonably available measures to reverse any ECA taken against the Patient to obtain payment for the care. Such reasonably available measures generally include, but are not limited to, measures to vacate any judgment against the Patient, lift any levy or lien on the Patient's property, and remove from the Patient's credit report any adverse information that was reported to a consumer reporting agency or credit bureau.
4. Collections- Upon conclusion of the above procedures, OHOW may proceed with ECAs against uninsured and underinsured Patients with delinquent accounts, as determined in OHOW's procedures for establishing, processing, and monitoring Patient bills and payment plans. Subject to the restrictions identified herein, OHOW may utilize a reputable external bad debt collection agency or other service provider for processing bad debt accounts, and such agencies or service providers shall comply with the provisions of 501(r) applicable to third parties.