The Wisconsin Ambulatory Surgical Center Assessment
A Five Year Report (2009-2014)

February 6, 2014 WISCA Webinar

2009 Wisconsin Act 28 creates Section 146.98, Wis. Stats.

- **146.98** Ambulatory surgical center assessment.
- (1) In this section, “ambulatory surgical center” has the meaning given in 42 CFR 416.2.
- (2) The department of revenue may impose an assessment on ambulatory surgical centers in this state that satisfies the requirements under 42 CFR 433.68 for collecting an assessment without incurring a reduction in federal financial participation under the federal Medicaid program. The department shall allocate any assessment imposed under this section among ambulatory surgical centers in proportion to their gross patient revenue. (emphasis added)
- (3) The department of revenue may do all of the following:
  - Subject to sub. (2), determine the amount of assessment under this section.
  - Collect assessments imposed under this section from ambulatory surgical centers.
  - Require ambulatory surgical centers to provide the department of revenue any data that is required by the department of revenue to determine assessment amounts under this section.
  - Establish deadlines by which ambulatory surgical centers shall pay assessments required under this section and provide data required under par. (c).
  - Impose penalties on ambulatory surgical centers that do not comply with requirements under this section or rules promulgated under sub. (d).
- (4) The department of revenue shall transfer 99.5 percent of the moneys collected under this section to the Medical Assistance trust fund.
- (5) The department of revenue shall promulgate rules for the administration of the assessment under this section.
- 146.98 History History: 2009 a. 28.
• **42 CFR 433.68** generally requires that provider assessments meet the following criteria:
  
  • (a) they must be broad-based, meaning they must be imposed on all health care items or services in the applicable class;
  
  • (b) they must be uniformly imposed;
  
  • (c) they must not violate hold-harmless rules, prohibiting states from providing payments, offset or waiver that guarantees that assessed entities will be held harmless for all or a portion of the assessment.
  
  • (d) between January 2008 through September 2011, states could impose an assessment up to 5.5% of revenues, after 9/11 the rate must be less than 6% of revenues.

• DOR creates Wis. Admin. Code § Tax 1.17 to administer the new assessment. Highlights of the Rule: defines terms, requirements for registration of ASCs, requirements for filing gross patient revenue data, filing and payment due dates, DOR notice responsibility and audit authority, appeal rights, collection of the assessment, penalties, etc.
Assessment Results (2009-2012)

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Gross patient revenue</th>
<th>Revenue target</th>
<th>Assessment rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>$361,543,922.00</td>
<td>$16,700,000.00</td>
<td>4.6191%</td>
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<tr>
<td>2010</td>
<td>$381,373,412.00</td>
<td>$16,700,000.00</td>
<td>4.3789%</td>
</tr>
<tr>
<td>2011</td>
<td>$399,542,540.00</td>
<td>$16,700,000.00</td>
<td>4.1798%</td>
</tr>
<tr>
<td>2012</td>
<td>$418,489,270.00</td>
<td>$16,700,000.00</td>
<td>3.9905%</td>
</tr>
</tbody>
</table>

- Gross patient revenue reported by ASCs increased by 5.48% from 2009 to 2010 ($361.5 million to $381.4 million) increased by 4.76% from 2010 to 2011 ($381.4 million to $399.5 million) and increased by 4.74% from 2011 to 2012 ($399.5 million to $418.5 million).
- Increased gross patient revenue resulted in lowering the assessment rate from 4.6191% to 4.3789% from 2009 to 2010 (a 5.2% decrease) lowering the rate from 4.3789% to 4.1798% from 2010 to 2011 (a 4.5% decrease) and lowering the rate from 4.1798 to 3.9905% from 2011 to 2012 (a 4.5% decrease).

**AMBULATORY SURGICAL CENTER ASSESSMENT – FISCAL YEAR 2014**

**IMPORTANT DATES AND TIMELINE**

<table>
<thead>
<tr>
<th>Date*</th>
<th>Task Description</th>
<th>Additional Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 16, 2014 and February 1, 2014</td>
<td>Notices of 2014 requirements sent to all ASCs through My Tax Account (MTA). ASCs should ensure that the person responsible for assessment compliance is authorized to access the ASC’s account information within MTA. For assistance call (608) 265-5338 or email demotech.com/plf/rev/mta.asp.</td>
<td></td>
</tr>
<tr>
<td>February 15, 2014</td>
<td>Gross patient revenue survey available for ASC to enter data in MTA. Survey will require ASC gross patient revenue data for the period January 1, 2013 through December 31, 2013. Definition of “gross patient revenue” and other survey terms are available at rev/mta.asp.</td>
<td></td>
</tr>
<tr>
<td>March 17, 2014</td>
<td>ASC survey due. Surveys not filed by due date are subject to a $500 per day late filing penalty.</td>
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<tr>
<td>March 20, 2014</td>
<td>Survey due for ASCs granted extensions. ASCs may apply for a 30-day extension by petitioning the DOH Secretary for good cause.</td>
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</tr>
<tr>
<td>April 1, 2014</td>
<td>Last day to file amended gross patient revenue surveys. Amended surveys must be submitted before 4:00 pm on April 1. Amended surveys will not be accepted after April 1.</td>
<td></td>
</tr>
<tr>
<td>April 15, 2014</td>
<td>ASC assessments issued totaling $16.7 million and notices sent to ASCs through MTA. ASCs may appeal the assessment by petitioning the DOH Secretary for a hearing.</td>
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</tr>
<tr>
<td>June 1, 2014</td>
<td>ASC assessment due. Payment must be received in full or before June 1. A late payment penalty of $500 per day will be imposed on accounts not paid in full.</td>
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</tr>
</tbody>
</table>

*If the date falls on a weekend or holiday, the due date is the next business day.
ASCA E-Mail –
Notice of annual survey of gross patient revenue Reminder
{to be sent to all ASCA accounts on My Tax Account (MTA)}

This is to notify you that the annual survey of ASC gross patient revenue can be viewed on My Tax Account beginning February 15, 2014. Ambulatory surgical centers must report gross patient revenue received from January 1, 2013 through December 31, 2013. The survey will provide the department with information needed to calculate this year’s ASC assessment. Don’t forget: your survey must be filed by March 17, 2014.

To view the Gross Patient Revenue survey log onto My Tax Account at: https://tap.revenue.wi.gov/mta/#1.

If you have questions regarding the annual survey or the ASC assessment, visit the ASCA Information Page and Common Questions on the Department of Revenue website at: revenue.wi.gov/html/asca.html.

File your survey before March 17, 2014, to avoid penalties.
**ASCA E-Mail – Notice of Amount Due Reminder**
*(to be sent May 28, 2013 to all ASCA accounts with balances on MTA)*

The department has calculated your ambulatory surgical center assessment based on the gross patient revenue data filed through *My Tax Account*. The Notice of Amount Due can now be viewed on *My Tax Account*. Don’t forget to make your payment by June 1, 2013.

To view the Notice of Amount Due log onto *My Tax Account* at: https://prd.wamsidp.wisconsin.gov/nidp/idff/sso?id=24&sid=0&option=credential&sid=0, click on the View Mail link and read the Notice of Amount Due.

Please note that as June 1 falls on a Saturday, ASC assessments are due to be paid on or before the next business day June 3, 2013.

To make your payment by June 3, 2013, log on to *My Tax Account* at https://prd.wamsidp.wisconsin.gov/nidp/idff/sso?id=24&sid=0&option=credential&sid=0.

If you have questions regarding the payment, visit the ASC Information Page and Common Questions at revenue.wi.gov/html/asca.html.

Pay today to avoid penalties.

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**ASCA E-Mail – Notice of new ASC Account, background on the ASC assessment**
*(to be sent one week after new account ASC account created in WINPAS)*

Subject: Ambulatory Surgical Center Account

The Wisconsin Department of Revenue (DOR) has received notification from the Wisconsin Department of Health Services of your participation as an ambulatory surgical center (ASC) in the Medicare program.

Effective July 1, 2009, Wisconsin has an assessment on the gross patient revenue of ASCs that are certified as participating in the Medicare program. The assessment generates additional funding for the Medical Assistance program, allowing for increased Medical Assistance reimbursement rates to ASCs.

The rate of the assessment is determined each year based on the total amount of gross patient revenue reported by all Medicare-certified ASCs operating in Wisconsin. DOR calculates the amount for each ASC in proportion to its gross patient revenue, up to the maximum allowed rate of 5.5%.

You will use *My Tax Account*, the department’s electronic business tax service, to manage your ASC account. From your *My Tax Account* homepage, you will select your ASC account (begins with 801) to file your annual gross patient revenue survey (due date March 15 or next business day) and pay your assessment (due date June 1 or next business day).

If you have questions about the ASC assessment, please visit our website or contact us at (608) 261-5338 or dormytaxaccounthelp@revenue.wi.gov.