

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

ADCARE HOSPITAL - WORCESTER  
107 Lincoln Street  
Worcester, MA 01605

ADENA REGIONAL MEDICAL CENTER  
272 Hospital Road  
Chillicothe, OH 45601

ADVOCATE BROMENN REGIONAL  
MEDICAL CENTER  
1304 Franklin Avenue  
Normal, IL 61761

Case No. \_\_\_\_\_

**COMPLAINT**

ADVOCATE CHRIST MEDICAL CENTER  
4440 West 95th Street  
Oak Lawn, IL 60453

ADVOCATE CONDELL MEDICAL CENTER  
801 South Milwaukee Avenue  
Libertyville, IL 60048

ADVOCATE GOOD SAMARITAN  
HOSPITAL  
3815 Highland Avenue  
Downers Grove, IL 60515

ADVOCATE GOOD SHEPHERD HOSPITAL  
450 West Highway 22  
Barrington, IL 60010

ADVOCATE ILLINOIS MASONIC MEDICAL  
CENTER  
836 West Wellington Avenue  
Chicago, IL 60657

ADVOCATE LUTHERAN GENERAL  
HOSPITAL  
1775 Dempster Street  
Park Ridge, IL 60068

ADVOCATE SHERMAN HOSPITAL  
1425 North Randall Road  
Elgin, IL 60123

ADVOCATE SOUTH SUBURBAN  
HOSPITAL  
17800 South Kedzie Avenue  
Hazel Crest, IL 60429

ADVOCATE TRINITY HOSPITAL  
2320 East 93rd Street  
Chicago, IL 60617

ALAMANCE REGIONAL MEDICAL  
CENTER  
1240 Huffman Mill Road  
Burlington, NC 27215

ALLEGHENY GENERAL HOSPITAL  
320 East North Avenue  
Pittsburgh, PA, 15212

ALLEGHENY VALLEY HOSPITAL  
1301 Carlisle Street  
Natrona Heights, PA 15065

ALLIANCE COMMUNITY HOSPITAL  
200 East State Street  
Alliance, OH 44601

AMITA HEALTH ALEXIAN BROTHERS  
MEDICAL CENTER ELK GROVE VILLAGE  
800 Biesterfield Road  
Elk Grove Village, IL 60007

AMITA HEALTH SAINT ALEXIUS  
MEDICAL CENTER HOFFMAN ESTATES  
1555 Barrington Road  
Hoffman Estates, IL 60169

AMITA HEALTH SAINT FRANCIS  
HOSPITAL EVANSTON  
355 Ridge Avenue  
Evanston, IL 60202

AMITA HEALTH SAINT JOSEPH HOSPITAL  
ELGIN  
77 North Airlite Street  
Elgin, IL 60123

ANDERSON HOSPITAL  
6800 State Route 162  
Maryville, IL 62062

ANDERSON REGIONAL MEDICAL  
CENTER NORTH  
2124 14th Street  
Meridian, MS 39301

ANMED HEALTH MEDICAL CENTER  
800 North Fant Street  
Anderson, SC 29621

ASANTE ASHLAND COMMUNITY  
HOSPITAL  
280 Maple Street  
Ashland, OR 97520

ASANTE ROGUE REGIONAL MEDICAL  
CENTER  
2825 East Barnett Road  
Medford, OR 97504

ASANTE THREE RIVERS MEDICAL  
CENTER  
500 Southwest Ramsey Avenue  
Grants Pass, OR 97527

ASCENSION ALL SAINTS HOSPITAL  
3801 Spring Street  
Racine, WI 53405

ASCENSION BRIGHTON CENTER FOR  
RECOVERY  
12851 Grand River Road  
Brighton, MI 48116

ASCENSION COLUMBIA SAINT MARY'S  
HOSPITAL MILWAUKEE  
2301 North Lake Drive  
Milwaukee, WI 53211

ASCENSION COLUMBIA SAINT MARY'S  
HOSPITAL OZAUKEE  
13111 North Port Washington Road  
Mequon, WI 53097

ASCENSION CRITTENTON HOSPITAL  
1101 West University Drive  
Rochester, MI 48307

ASCENSION GENESYS HOSPITAL  
One Genesys Parkway  
Grand Blanc, MI 48439

ASCENSION MACOMB-OAKLAND  
HOSPITAL, WARREN CAMPUS  
11800 East 12 Mile Road  
Warren, MI 48093

ASCENSION NORTH EAST WISCONSIN -  
MERCY CAMPUS  
500 South Oakwood Road  
Oshkosh, WI 54904

ASCENSION NORTHEAST WISCONSIN  
SAINT ELIZABETH CAMPUS  
1506 South Oneida Street  
Appleton, WI 54915

ASCENSION PROVIDENCE HOSPITAL,  
SOUTHFIELD CAMPUS  
16001 West 9 Mile Road  
Southfield, MI 48075

ASCENSION RIVER DISTRICT HOSPITAL  
4100 River Road  
East China Township, MI 48054

ASCENSION SAINT CLARE'S HOSPITAL  
3400 Ministry Parkway  
Weston, WI 54476

ASCENSION SAINT JOHN HOSPITAL  
22101 Moross  
Detroit, MI 48236

ASCENSION SAINT MICHAEL'S HOSPITAL  
900 Illinois Avenue  
Stevens Point, WI 54481

ASPIRUS RIVERVIEW HOSPITAL  
410 Dewey Street  
Wisconsin Rapids, WI 54494

ASPIRUS WAUSAU HOSPITAL  
333 Pine Ridge Boulevard  
Wausau, WI 54401

ATHENS-LIMESTONE HOSPITAL  
700 West Market St.  
Athens, AL 35611

ATMORE COMMUNITY HOSPITAL  
401 Medical Park Drive  
Atmore, AL 36502

ATRIUM MEDICAL CENTER  
One Medical Center Drive  
Middletown, OH 45005

AULTMAN HOSPITAL  
2600 Sixth Street Southwest  
Canton, OH 44710

AURORA BAYCARE MEDICAL CENTER  
2845 Greenbrier Road  
Green Bay, WI 54311

AURORA LAKELAND MEDICAL CENTER  
W3985 County Road NN  
Elkhorn, WI 53121

AURORA MEDICAL CENTER GRAFTON  
975 Port Washington Road  
Grafton, WI 53024

AURORA MEDICAL CENTER IN SUMMIT  
36500 Aurora Drive  
Summit, WI 53066

AURORA MEDICAL CENTER KENOSHA  
10400 75th Street  
Kenosha, WI 53142

AURORA MEDICAL CENTER  
MANITOWOC COUNTY  
5000 Memorial Drive  
Two Rivers, WI 54241

AURORA MEDICAL CENTER OSHKOSH  
855 North Westhaven Drive  
Oshkosh, WI 54904

AURORA MEDICAL CENTER  
WASHINGTON COUNTY  
1032 East Sumner Street  
Hartford, WI 53027

AURORA MEMORIAL HOSPITAL OF  
BURLINGTON  
252 McHenry Street  
Burlington, WI 53105

AURORA SAINT LUKE'S MEDICAL  
CENTER  
2900 West Oklahoma Avenue  
Milwaukee, WI 53215

AURORA SHEBOYGAN MEMORIAL  
MEDICAL CENTER  
2629 North Seventh Street  
Sheboygan, WI 53083

AURORA WEST ALLIS MEMORIAL  
HOSPITAL  
8901 West Lincoln Avenue  
West Allis, WI 53227

AVERA HEART HOSPITAL OF SOUTH  
DAKOTA  
4500 West 69th Street  
Sioux Falls, SD 57108

AVERA MCKENNAN HOSPITAL &  
UNIVERSITY HEALTH CENTER  
1325 South Cliff Avenue  
Sioux Falls, SD 57117

AVERA QUEEN OF PEACE HOSPITAL  
525 North Foster  
Mitchell, SD 57301

AVERA SAINT LUKE'S HOSPITAL  
305 South State Street  
Aberdeen, SD 57401

AVERA SAINT MARY'S HOSPITAL  
801 East Sioux Avenue  
Pierre, SD 57501

BACKUS HOSPITAL  
326 Washington Street  
Norwich, CT 06360

BAPTIST EASLEY HOSPITAL  
200 Fleetwood Drive  
Easley, SC 29640

BAPTIST HEALTH CORBIN  
One Trillium Way  
Corbin, KY 40701

BAPTIST HEALTH FLOYD  
1850 State Street  
New Albany, IN 47150

BAPTIST HEALTH LAGRANGE  
1025 New Moody Lane  
LaGrange, KY 40031

BAPTIST HEALTH LEXINGTON  
1740 Nicholasville Road  
Lexington, KY 40503

BAPTIST HEALTH LOUISVILLE  
4000 Kresge Way  
Louisville, KY 40207

BAPTIST HEALTH MADISONVILLE  
900 Hospital Drive  
Madisonville, KY 42431

BAPTIST HEALTH MEDICAL CENTER  
CONWAY  
1555 Exchange Avenue  
Conway, AR 72032

BAPTIST HEALTH MEDICAL CENTER-HOT  
SPRING COUNTY  
1001 Schneider Drive  
Malvern, AR 72104

BAPTIST HEALTH MEDICAL CENTER -  
LITTLE ROCK  
9601 Baptist Health Drive  
Little Rock, AR 72205

BAPTIST HEALTH MEDICAL CENTER -  
NORTH LITTLE ROCK  
3333 Springhill Drive  
North Little Rock, AR 72117

BAPTIST HEALTH MEDICAL CENTER -  
STUTTGART  
1703 North Buerkle Street  
Stuttgart, AR 72160

BAPTIST HEALTH PADUCAH  
2501 Kentucky Avenue  
Paducah, KY 42003

BAPTIST HEALTH RICHMOND  
801 Eastern Bypass  
Richmond, KY 40475

BAXTER REGIONAL MEDICAL CENTER  
624 Hospital Drive  
Mountain Home, AR 72653

BAYHEALTH KENT GENERAL HOSPITAL  
640 South State St., MC 3078  
Dover, DE 19901

BAYHEALTH MILFORD MEMORIAL  
HOSPITAL  
21 West Clarke Avenue  
Milford, DE 19963



BAYONNE MEDICAL CENTER  
29th Street & Avenue East  
Bayonne, NJ 07002

BEAUMONT HOSPITAL, DEARBORN  
18101 Oakwood Boulevard  
Dearborn, MI 48124

BEAUMONT HOSPITAL, FARMINGTON  
HILLS  
28050 Grand River Avenue  
Farmington Hills, MI 48336

BEAUMONT HOSPITAL, GROSSE POINTE  
468 Cadieux Road  
Grosse Pointe, MI 48230

BEAUMONT HOSPITAL, ROYAL OAK  
3601 West Thirteen Mile Road  
Royal Oak, MI 48073

BEAUMONT HOSPITAL, TAYLOR  
10000 Telegraph Road  
Taylor, MI 48180

BEAUMONT HOSPITAL, TRENTON  
5450 Fort Street  
Trenton, MI 48183

BEAUMONT HOSPITAL, TROY  
44201 Dequindre Road  
Troy, MI 48085

BEAUMONT HOSPITAL, WAYNE  
33155 Annapolis Street  
Wayne, MI 48184

BEAVER DAM COMMUNITY HOSPITAL  
707 South University Avenue  
Beaver Dam, WI 53916

BEEBE HEALTHCARE  
424 Savannah Road  
Lewes, DE 19958

BELLIN HOSPITAL  
744 South Webster Avenue  
Green Bay, WI 54305

BELOIT MEMORIAL HOSPITAL  
1969 West Hart Road  
Beloit, WI 53511

BLANCHARD VALLEY HOSPITAL  
1900 South Main Street  
Findlay, OH 45840

BLOUNT MEMORIAL HOSPITAL  
907 East Lamar Alexander Parkway  
Maryville, TN 37804

BOCA RATON REGIONAL HOSPITAL  
800 Meadows Road  
Boca Raton, FL 33486

BON SECOURS COMMUNITY HOSPITAL  
160 East Main Street  
Port Jervis, NY 12771

BON SECOURS SAINT FRANCIS HOSPITAL  
2095 Henry Tecklenburg Drive  
Charleston, SC 29414

BORGESS MEDICAL CENTER  
1521 Gull Road  
Kalamazoo, MI 49048

BRISTOL REGIONAL MEDICAL CENTER  
1 Medical Park Boulevard  
Bristol, TN 37620

BRONXCARE HOSPITAL CENTER  
1276 Fulton Avenue  
Bronx, NY 10456

BRYAN HOSPITAL  
433 West High Street  
Bryan, OH 43506

BRYAN MEDICAL CENTER - EAST  
CAMPUS  
1600 South 48th Street  
Lincoln, NE 68506

BRYAN W. WHITFIELD MEMORIAL  
HOSPITAL  
105 Highway 80 East  
Demopolis, AL 36732

BUTLER MEMORIAL HOSPITAL  
One Hospital Way  
Butler, PA, 16001

CANONSBURG HOSPITAL  
100 Medical Boulevard  
Canonsburg, PA 15317

CAPE REGIONAL MEDICAL CENTER  
Two Stone Harbor Boulevard  
Cape May Court House, NJ 08210

CARNEY HOSPITAL  
2100 Dorchester Avenue  
Dorchester, MA 02124

CAROLINAS HEALTHCARE SYSTEM BLUE  
RIDGE - MORGANTON  
2201 S Sterling Street  
Morganton, NC 28655

CAROLINAS HEALTHCARE SYSTEM  
CLEVELAND  
201 East Grover Street  
Shelby, NC 28150

CAROLINAS HEALTHCARE SYSTEM  
KINGS MOUNTAIN HOSPITAL  
706 West King Street  
Kings Mountain, NC 38086

CAROLINAS HEALTHCARE SYSTEM  
NORTHEAST  
920 Church Street North  
Concord, NC 38025

CAROLINAS HEALTHCARE SYSTEM  
STANLY  
301 Yadkin Street  
Albemarle, NC 28002

CAROLINAS MEDICAL CENTER  
1000 Blythe Boulevard  
Charlotte, NC 28203

CAROLINAS MEDICAL CENTER -  
LINCOLN  
433 McAlister Rd.  
Lincolnton, NC 28092

CAROLINAS MEDICAL CENTER - MERCY  
2001 Vail Avenue  
Charlotte, NC 28207

CAROLINAS MEDICAL CENTER - UNION  
600 Hospital Drive  
Monroe, NC 28112

CAROLINAS MEDICAL CENTER -  
UNIVERSITY  
8800 North Tryon Street  
Charlotte, NC 28262

CAROMONT REGIONAL MEDICAL  
CENTER  
2525 Court Drive  
Gastonia, NC 28054

CEDAR PARK REGIONAL MEDICAL  
CENTER  
1401 Medical Parkway  
Cedar Park, TX 78613

CENTRA BEDFORD MEMORIAL HOSPITAL  
1613 Oakwood Street  
Bedford, VA 24523

CENTRASTATE MEDICAL CENTER  
901 West Main Street  
Freehold, NJ 07728

CHARLOTTE HUNGERFORD HOSPITAL  
540 Litchfield Street  
Torrington, CT 06790

CHESAPEAKE REGIONAL MEDICAL  
CENTER  
736 Battlefield Boulevard North  
Chesapeake, VA 23320

CHILTON MEDICAL CENTER  
97 West Parkway  
Pompton Plains, NJ 07444

CHRIST HOSPITAL  
176 Palisade Avenue  
Jersey City, NJ 07306

CHRIST HOSPITAL  
2139 Auburn Avenue  
Cincinnati, OH 45219

CLAY COUNTY HOSPITAL  
83825 Highway 9  
Ashland, AL 36251

CLIFTON SPRINGS HOSPITAL AND CLINIC  
2 Coulter Road  
Clifton Springs, NY 14432

COLUMBUS REGIONAL HEALTHCARE  
SYSTEM  
500 Jefferson Street  
Whiteville, NC 28472

COLUMBUS REGIONAL HOSPITAL  
2400 East 17th Street  
Columbus, IN 47201

COMMUNITY HOSPITAL  
805 Friendship Rd.  
Tallahassee, AL 36078

COMMUNITY HOSPITAL  
901 MacArthur Boulevard  
Munster, IN 46321

COMMUNITY HOSPITAL ANDERSON  
1515 North Madison Avenue  
Anderson, IN 46011

COMMUNITY HOSPITAL EAST  
1500 North Ritter Avenue  
Indianapolis, IN 46219

COMMUNITY HOSPITAL NORTH  
7150 Clearvista Drive  
Indianapolis, IN 46256

COMMUNITY HOSPITAL SOUTH  
8180 Clearvista Parkway, Suite 200  
Indianapolis, IN 46256

COMMUNITY HOWARD REGIONAL  
HEALTH  
3500 South Lafountain Street  
Kokomo, IN 46902

CONWAY MEDICAL CENTER  
300 Singleton Ridge Road  
Conway, SC 29526

COOKEVILLE REGIONAL MEDICAL  
CENTER  
1 Medical Center Boulevard  
Cookeville, TN 38501

COOPER UNIVERSITY HOSPITAL  
One Cooper Plaza  
Camden, NJ 08103

COX NORTH HOSPITAL  
1423 North Jefferson Avenue  
Springfield, MO 65802

D.W. MCMILLAN MEMORIAL HOSPITAL  
1301 Belleville Ave.  
Brewton, AL 36426

DAVIS HOSPITAL AND MEDICAL CENTER  
1600 West Antelope Drive  
Layton, UT 84041

DCH REGIONAL MEDICAL CENTER  
809 University Boulevard East  
Tuscaloosa, AL 35401

DEACONESS MIDTOWN HOSPITAL  
600 Mary Street  
Evansville, IN 47747

DECATUR MORGAN HOSPITAL  
1201 Seventh Street Southeast  
Decatur, AL 35601

DELTA REGIONAL MEDICAL CENTER  
1400 East Union Street  
Greenville, MS 38703

DESOTO MEMORIAL HOSPITAL  
900 North Robert Avenue  
Arcadia, FL 34266

DIVINE SAVIOR HEALTHCARE  
2817 New Pinery Road  
Portage, WI 53901

DYERSBURG HOSPITAL  
400 Tickle Street  
Dyersburg, TN 38024

EAST ALABAMA MEDICAL CENTER  
2000 Pepperall Pkwy  
Opelika, AL 36801

EASTON HOSPITAL  
250 South 21st Street  
Easton, PA 18042

EDWARD HOSPITAL  
801 South Washington Street  
Naperville, IL 60540

ELKHART GENERAL HOSPITAL  
600 East Boulevard  
Elkhart, IN 46514

ELMHURST HOSPITAL  
155 East Brush Hill Road  
Elmhurst, IL 60126

ENGLEWOOD HOSPITAL AND MEDICAL  
CENTER  
350 Engle Street  
Englewood, NJ 07631

ESKENAZI HEALTH  
1001 West Tenth Street  
Indianapolis, IN 46202

EVANGELICAL COMMUNITY HOSPITAL  
One Hospital Drive  
Lewisburg, PA 17837

F.F. THOMPSON HOSPITAL  
350 Parrish Street  
Cananadaigua, NY 14424

FIRELANDS REGIONAL MEDICAL  
CENTER - MAIN CAMPUS  
1111 Hayes Avenue  
Sandusky, OH 44870

FISHER-TITUS MEDICAL CENTER  
272 Benedict Avenue  
Norwalk, OH 44857

FIVE RIVERS MEDICAL CENTER  
2801 Medical Center Drive  
Pocahontas, AR 72455

FORBES HOSPITAL  
2570 Haymaker Road  
Monroeville, PA 15146

FORREST GENERAL HOSPITAL  
6051 U.S. Highway 49  
Hattiesburg, MS 39401

FORT HAMILTON HOSPITAL  
630 Easton Avenue  
Hamilton, OH, 45013



FORT MADISON COMMUNITY HOSPITAL  
5445 Avenue O  
Fort Madison, IA 52627

FRANCISCAN HEALTH CARMEL  
12188-B North Meridian Street  
Carmel, IN 46032

FRANCISCAN HEALTH  
CRAWFORDSVILLE  
1710 Lafayette Road  
Crawfordsville, IN 47933

FRANCISCAN HEALTH CROWN POINT  
1201 South Main Street  
Crown Point, IN 46307

FRANCISCAN HEALTH DYER CAMPUS  
24 Joliet Street  
Dyer, IN 46311

FRANCISCAN HEALTH HAMMOND  
5454 Hohman Ave.  
Hammond, IN 46320

FRANCISCAN HEALTH INDIANAPOLIS  
8111 South Emerson Avenue  
Indianapolis, IN 46237

FRANCISCAN HEALTH LAFAYETTE EAST  
1701 South Creasy Lane  
Lafayette, IN 47905

FRANCISCAN HEALTH MICHIGAN CITY  
301 West Homer Street  
Michigan City, IN 46360

FRANCISCAN HEALTH MOORESVILLE  
CAMPUS  
1201 Hadley Road  
Mooresville, IN 46158

FRANCISCAN HEALTH MUNSTER  
701 Superior Avenue  
Munster, IN 46321

FRANCISCAN HEALTH OLYMPIA FIELDS  
CAMPUS  
20201 South Crawford Avenue  
Olympia Fields, IL 60461

FRANKLIN WOODS COMMUNITY  
HOSPITAL  
300 MedTech Parkway  
Johnson City, TN 37604

FROEDTERT & MEDICAL COLLEGE OF  
WISCONSIN  
9200 West Wisconsin Avenue  
Milwaukee, WI 53226

FROEDTERT AND MEDICAL COLLEGE OF  
WISCONSIN COMMUNITY MEMORIAL  
HOSPITAL  
W180 N8085 Town Hall Road  
Menomonee Falls, WI 53051

GENESIS MEDICAL CENTER EAST,  
DAVENPORT  
1227 East Rusholme Street  
Davenport, IA 52803

GENESIS MEDICAL CENTER SILVIS  
801 Illini Drive  
Silvis, IL 61282

GLEN COVE HOSPITAL  
101 Saint Andrews Lane  
Glen Cover, NY 11542

GLENWOOD REGIONAL MEDICAL  
CENTER  
503 McMillan Road  
West Monroe, LA 71291

GOOD SAMARITAN HOSPITAL  
520 South Seventh Street  
Vincennes, IN 47591

GOOD SAMARITAN HOSPITAL  
2222 Philadelphia Drive  
Dayton, OH 45406

GOOD SAMARITAN HOSPITAL  
255 Lafayette Avenue  
Suffern, NY 10901

GOOD SAMARITAN MEDICAL CENTER  
200 Exempla Circle  
Lafayette, CO 80026

GOOD SAMARITAN MEDICAL CENTER  
235 North Pearl Street  
Brockton, MA 02301

GOOD SAMARITAN REGIONAL MEDICAL  
CENTER  
3600 Northwest Samaritan Drive  
Corvallis, OR 97330

GRADY MEMORIAL HOSPITAL  
80 Jesse Hill Jr. Drive Southeast  
Atlanta, GA 30303

GRANDVIEW MEDICAL CENTER  
405 West Grand Avenue  
Dayton, OH 45405

GREAT RIVER MEDICAL CENTER  
1520 North Division Street  
Blytheville, AR 72315

GREAT RIVER MEDICAL CENTER  
1221 South Grear Avenue  
West Burlington, IA 52655

GREENE MEMORIAL HOSPITAL  
1141 North Monroe Drive  
Xenia, OH 45385

GREENVILLE MEMORIAL HOSPITAL  
701 Grove Road  
Greenville, SC 29605

GREENWOOD LEFLORE HOSPITAL  
1401 River Road  
Greenwood, MS 38930

GREER MEMORIAL HOSPITAL  
830 South Buncombe Road  
Greer, SC 29650

GRIFFIN HOSPITAL  
130 Davison St  
Derby, CT 06418

GUADALUPE REGIONAL MEDICAL  
CENTER  
1215 Court Street  
Sequin, TX 78155

GUNDERSEN LUTHERAN MEDICAL  
CENTER  
1900 South Avenue  
La Crosse, WI 54601

GWINNETT MEDICAL CENTER -  
LAWRENCEVILLE  
1000 Medical Center Boulevard  
Lawrenceville, GA 30046

HACKETTSTOWN MEDICAL CENTER  
651 Willow Grove Street  
Hackettstown, NJ 07840

HAMILTON MEDICAL CENTER  
1200 Memorial Drive  
Dalton, GA 30720

HANCOCK REGIONAL HOSPITAL  
801 North State Street  
Greenfield, IN 46140

HARDIN MEDICAL CENTER  
935 Wayne Road  
Savannah, TN 38372

HARDIN MEMORIAL HOSPITAL  
913 North Dixie Avenue  
Elizabethtown, KY 42701

HARRINGTON MEMORIAL HOSPITAL  
100 South Street  
Southbridge, MA 01550

HARTFORD HOSPITAL  
80 Seymour Street  
Hartford, CT 06102

HAWKINS COUNTY MEMORIAL  
HOSPITAL  
851 Locust Street  
Rogersville, TN 37857

HEALTH CENTRAL HOSPITAL  
10000 West Colonial Drive  
Ocoee, FL 34761

HEALTHALLIANCE - BROADWAY  
CAMPUS  
396 Broadway  
Kingston, NY 12401

HEALTHALLIANCE HOSPITAL MARY'S  
AVENUE CAMPUS  
105 Mary's Avenue  
Kingston, NY 12401

HELEN KELLER HOSPITAL  
1300 South Montgomery Ave.  
Sheffield, AL 35660

HENDRICK MEDICAL CENTER  
1900 Pine Street  
Abilene, TX 79601

HENDRICKS REGIONAL HEALTH  
DANVILLE  
1000 E Main Street  
Danville, IN 46122

HENRY COUNTY MEDICAL CENTER  
301 Tyson Ave.  
Paris, TN 38242

HENRY FORD ALLEGIANCE HEALTH  
HOSPITAL  
205 North East Avenue  
Jackson, MI 49201

HENRY FORD HOSPITAL  
2799 West Grand Boulevard  
Detroit, MI 48202

HENRY FORD MACOMB HOSPITALS -  
CLINTON TOWNSHIP  
15855 19 Mile Road  
Clinton Township, MI 48038

HENRY FORD WEST BLOOMFIELD  
HOSPITAL  
6777 West Maple Road  
West Bloomfield, MI 48322

HENRY FORD WYANDOTTE HOSPITAL  
2333 Biddle Avenue  
Wyandotte, MI 48192

HIGHLAND HOSPITAL  
1000 South Avenue  
Rochester, NY 14620

HIGHLANDS MEDICAL CENTER  
380 Woods Cove Rd.  
Scottsboro, AL 35768

HILLCREST MEMORIAL HOSPITAL  
729 Southeast Main Street  
Simpsonville, SC 29681

HILLSDALE HOSPITAL  
168 South Howell Street  
Hillsdale, MI 49242

HOBOKEN UNIVERSITY MEDICAL  
CENTER  
308 Willow Avenue  
Hoboken, NJ 07030

HOLLAND HOSPITAL  
602 Michigan Avenue  
Holland, MI 49423

HOLSTON VALLEY MEDICAL CENTER  
130 West Ravine Road  
Kingsport, TN 37660

HOLY CROSS HOSPITAL  
2701 West 86th Street  
Chicago, IL 60629

HOLY FAMILY HOSPITAL - METHUEN  
70 East Street  
Methuen, MA 01844

HOLZER GALLIPOLIS MEDICAL CENTER  
100 Jackson Pike  
Gallipolis, OH 45631

HOSPITAL OF THE UNIVERSITY OF  
PENNSYLVANIA  
3400 Spruce Street  
Philadelphia, PA 19104

HUGH CHATHAM MEMORIAL HOSPITAL  
180 Parkwood Drive  
Elkin, NC 28621

HUNTINGTON HOSPITAL  
270 Park Avenue  
Huntington, NY 11743

HUNTSVILLE HOSPITAL  
101 Sivley Road  
Huntsville, AL 35801

INDIAN PATH MEDICAL CENTER  
2000 Brookside Drive  
Kingsport, TN 37660

INDIANA UNIVERSITY HEALTH ARNETT  
5165 McCarty Lane  
Lafayette, IN 47905

INDIANA UNIVERSITY HEALTH BALL  
MEMORIAL HOSPITAL  
2401 West University Avenue  
Muncie, IN 47303

INDIANA UNIVERSITY HEALTH  
METHODIST HOSPITAL  
1701 North Senate Boulevard  
Indianapolis, IN 46202

INDIANA UNIVERSITY HEALTH NORTH  
HOSPITAL  
11700 North Meridian Street  
Carmel, IN 46032

INDIANA UNIVERSITY HEALTH WEST  
HOSPITAL  
1111 North Ronald Regan Parkway  
Avon, IN 46123

INSPIRA MEDICAL CENTER ELMER  
501 West Front Street  
Elmer, NJ 08318

INSPIRA MEDICAL CENTER VINELAND  
1505 West Sherman Avenue  
Vineland, NJ 08360

INSPIRA MEDICAL CENTER WOODBURY  
509 North Broad Street  
Woodbury, NJ 08096

INTEGRIS BAPTIST MEDICAL CENTER  
3300 Northwest Expressway  
Oklahoma City, OK 73112

INTEGRIS BASS BAPTIST HEALTH  
CENTER  
600 South Monroe  
Enid, OK 73701

INTEGRIS CANADIAN VALLEY  
REGIONAL HOSPITAL  
1201 Health Center Parkway  
Yukon, OK 73099

INTEGRIS GROVE HOSPITAL  
1001 East 18th Street  
Grove, OK 74344

INTEGRIS HEALTH EDMOND  
4801 Integris Parkway  
Edmond, OK 73034



INTEGRIS MIAMI HOSPITAL  
200 Second Avenue Southwest  
Miami, OK 74354

INTEGRIS SOUTHWEST MEDICAL  
CENTER  
4401 South Western Avenue  
Oklahoma City, OK 73109

IOWA LUTHERAN HOSPITAL  
700 East University Avenue  
Des Moines, IA 50316

IOWA METHODIST MEDICAL CENTER  
1200 Pleasant Street  
Des Moines, IA 50309

IU HEALTH BLOOMINGTON HOSPITAL  
601 West Second Street  
Bloomington, IN 47403

JACKSON-MADISON COUNTY GENERAL  
HOSPITAL  
620 Skyline Drive  
Jackson, TN 38301

JANE PHILLIPS MEDICAL CENTER  
3500 E. Frank Phillips Boulevard  
Bartlesville, OK 74006

JEANES HOSPITAL  
7600 Central Avenue  
Philadelphia, PA 19111

JEFFERSON HOSPITAL  
565 Coal Valley Road  
Jefferson Hills, PA 15025

JENNINGS AMERICAN LEGION HOSPITAL  
1634 Elton Road  
Jennings, LA 70546

JERSEY COMMUNITY HOSPITAL  
400 Maple Summit Road  
Jerseyville, IL 62052

JOHN T. MATHER MEMORIAL HOSPITAL  
75 North Country Road  
Port Jefferson, NY 11777

JOHNSON CITY MEDICAL CENTER  
400 North State of Franklin Road  
Johnson City, TN 37604

JOHNSTON MEMORIAL HOSPITAL  
16000 Johnston Memorial Drive  
Abingdon, VA 24211

JOINT TOWNSHIP DISTRICT MEMORIAL  
HOSPITAL  
200 Saint Clair Street  
Saint Marys, OH 45885

JONES MEMORIAL HOSPITAL  
191 North Main Street  
Wellsville, NY 14895

JORDAN VALLEY MEDICAL CENTER  
3580 West 9000 South  
West Jordan, UT 84088

KARMANOS CANCER INSTITUTE  
4100 John R Street  
Detroit, MI 48201

KETTERING MEDICAL CENTER  
3535 Southern Boulevard  
Kettering, OH 45429

KINGMAN REGIONAL MEDICAL CENTER  
3269 Stockton Hill Road  
Kingman, AZ 86409

LAKELAND HOSPITAL WATERVLIET  
400 Medical Park Drive  
Watervliet, MI 40908

LAKELAND MEDICAL CENTER ST.  
JOSEPH  
1234 Napier Avenue  
Saint Joseph, MI 49085

LAKELAND REGIONAL MEDICAL  
CENTER

1324 Lakeland Hills Boulevard  
Lakeland, FL 33805

LANCASTER GENERAL HOSPITAL

555 North Duke Street  
Lancaster, PA 17602

LAUGHLIN MEMORIAL HOSPITAL

1420 Tusculum Boulevard  
Greeneville, TN 37745

LAWRENCE MEDICAL CENTER

202 Hospital St.  
Moulton, AL 35650

LEHIGH VALLEY HOSPITAL - CEDAR  
CREST

1200 S. Cedar Crest Boulevard  
Allentown, PA 18103

LEHIGH VALLEY HOSPITAL-HAZLETON

700 East Broad Street  
Hazleton, PA 18201

LEHIGH VALLEY HOSPITAL -  
MUHLENBERG

2545 Schoenersville Road  
Bethlehem, PA 18017

LEHIGH VALLEY HOSPITAL - POCONO

206 East Brown Street  
East Stroudsburg, PA 18301

LEHIGH VALLEY HOSPITAL SCHUYLKILL  
E. NORWEGIAN STREET

700 East Norwegian Street  
Pottsville, PA 17901

LEHIGH VALLEY HOSPITAL-SCHUYLKILL  
S. JACKSON STREET

420 South Jackson Street  
Pottsville, PA 17901

LENOX HILL HOSPITAL  
100 East 77th Street  
New York, NY 10075

LITTLE COMPANY OF MARY HOSPITAL  
2800 West 95th Street  
Evergreen Park, IL 60805

LONESOME PINE HOSPITAL  
1990 Holton Avenue  
Big Stone Gap, VA 24219

LONG ISLAND JEWISH MEDICAL CENTER  
270-05 76th Avenue  
New Hyde Park, NY 11040

LOURDES HOSPITAL  
169 Riverside Drive  
Binghamton, NY 13905

LUTHERAN MEDICAL CENTER  
8300 West 38th Avenue  
Wheat Ridge, CO 80033

MADISON HEALTH  
210 North Main Street  
London, OH 43140

MAGEE-WOMENS HOSPITAL OF UPMC  
300 Halket Street  
Pittsburgh, PA 15213

MARIETTA MEMORIAL HOSPITAL  
401 Matthew Street  
Marietta, OH 45750

MARION GENERAL HOSPITAL  
441 North Wabash Avenue  
Marion, IN 46952

MARSHALL MEDICAL CENTER SOUTH  
2505 US Highway 431  
Boaz, AL 35957

MARY GREELEY MEDICAL CENTER  
1111 Duff Avenue  
Ames, IA 50010

MAYO CLINIC HEALTH SYSTEM -  
FRANCISCAN HEALTHCARE IN LA  
CROSSE  
700 West Avenue South  
La Crosse, WI 54601

MAYO CLINIC HEALTH SYSTEM IN EAU  
CLAIRE  
1221 Whipple Street  
Eau Claire, WI 54703

MAYO CLINIC HEALTH SYSTEM IN  
MANKATO  
1025 Marsh Street  
Mankato, MN 56002

MAYO CLINIC HEALTH SYSTEM IN RED  
WING  
701 Hewitt Boulevard  
Red Wing, MN 55066

MAYO CLINIC HOSPITAL  
5777 East Mayo Blvd.  
Phoenix, AZ 85054

MAYO CLINIC HOSPITAL IN FLORIDA  
4500 San Pablo Road  
Jacksonville, FL 32224

MCBRIDE CLINIC ORTHOPEDIC  
HOSPITAL  
9600 North Broadway Extension  
Oklahoma City, OK 73114

MCLAREN BAY REGION  
1900 Columbus Avenue  
Bay City, MI 48708

MCLAREN CENTRAL MICHIGAN  
1221 South Drive  
Mount Pleasant, MI 48858

MCLAREN FLINT  
401 South Ballenger Highway  
Flint, MI 48523

MCLAREN GREATER LANSING  
401 West Greenlawn  
Lansing, MI 48910

MCLAREN LAPEER REGION  
1375 North Main Street  
Lapeer, MI 48446

MCLAREN MACOMB  
1000 Harrington Boulevard  
Mount Clemens, MI 48043

MCLAREN OAKLAND  
50 North Perry Street  
Pontiac, MI 48342

MCLAREN PORT HURON HOSPITAL  
1221 Pine Grove Avenue  
Port Huron, MI 48060

MELBOURNE REGIONAL MEDICAL  
CENTER  
250 North Wickham Road  
Melbourne, FL 32935

MEMORIAL HEALTHCARE  
826 West King Street  
Owosso, MI 48867

MEMORIAL HOSPITAL  
615 North Michigan Street  
South Bend, IN 46601

MEMORIAL HOSPITAL  
1401 West Locust Street  
Stilwell, OK 74960

MEMORIAL HOSPITAL  
500 London Avenue  
Marysville, OH 43040

MEMORIAL MEDICAL CENTER  
701 North First Street  
Springfield, IL 62781

MERCER COUNTY COMMUNITY  
HOSPITAL  
800 West Main Street  
Coldwater, OH 45828

MERCY MEDICAL CENTER  
701 Tenth Street Southeast  
Cedar Rapids, IA 52403

MERCY REGIONAL MEDICAL CENTER  
3700 Kolbe Road  
Lorain, OH 44053

MERCY SAINT CHARLES HOSPITAL  
2600 Navarre Avenue  
Oregon, OH 43616

MERCY SAINT VINCENT MEDICAL  
CENTER  
2213 Cherry Street  
Toledo, OH 43608

MERCY TIFFIN HOSPITAL  
45 Saint Lawrence Drive  
Tiffin, OH 44883

METHODIST HOSPITAL  
8303 Dodge Street  
Omaha, NE 68114

METHODIST HOSPITAL OF CHICAGO  
5025 North Paulina  
Chicago, IL 60640

METHODIST HOSPITALS - NORTHLAKE  
CAMPUS  
600 Grant Street  
Gary, IN 46402

METHODIST JENNIE EDMUNDSON  
933 East Pierce Street  
Council Bluffs, IA 51503

METROHEALTH MEDICAL CENTER  
2500 MetroHealth Drive  
Cleveland, OH 44109

MHP MEDICAL CENTER  
2451 Intelliplex Drive  
Shelbyville, IN 46176

MIAMI VALLEY HOSPITAL  
One Wyoming Street  
Dayton, OH 45409

MIDMICHIGAN MEDICAL CENTER -  
GRATIOT  
300 East Warwick Drive  
Alma, MI 48801

MIDSTATE MEDICAL CENTER  
435 Lewis Avenue  
Meriden, CT 06451

MIDWEST ORTHOPEDIC SPECIALITY  
HOSPITAL  
10101 South 27th Street, 2nd Flr.  
Franklin, WI 53132

MILAN GENERAL HOSPITAL  
4039 Highland Street  
Milan, TN 38358

MILLCREEK COMMUNITY HOSPITAL  
5515 Peach Street  
Erie, PA 16509

MIZELL MEMORIAL HOSPITAL  
702 North Main Street  
Opp, AL 36467

MOBILE INFIRMARY MEDICAL CENTER  
5 Mobile Infirmary Circle  
Mobile, AL 36607

MONROE COUNTY MEDICAL CENTER  
529 Capp Harland Road  
Tompkinsville, KY 42167



MORRISTOWN MEDICAL CENTER  
100 Madison Avenue  
Morristown, NJ 07960

MORTON HOSPITAL  
88 Washington Street  
Taunton, MA 02780

MOUNT SINAI HOSPITAL  
1500 South Fairfield Avenue  
Chicago, IL 60608

MOUNTAIN VISTA MEDICAL CENTER  
1301 South Crimson Road  
Mesa, AZ 85209

MURRAY-CALLOWAY COUNTY  
HOSPITAL  
803 Poplar Street  
Murray, KY 42071

NANTICOKE MEMORIAL HOSPITAL  
801 Middleford Road  
Seaford, DE 19973

NASHOBA VALLEY MEDICAL CENTER  
200 Groton Road  
Ayer, MA 01432

NEW BRIDGE MEDICAL CENTER  
230 East Ridgewood Avenue  
Paramus, NJ 07652

NEW ORLEANS EAST HOSPITAL  
5620 Read Boulevard  
New Orleans, LA 70127

NEWARK-WAYNE COMMUNITY  
HOSPITAL  
100 Kings Highway South  
Rochester, NY 14617

NEWTON MEDICAL CENTER  
600 Medical Center Drive  
Newton, KS 67114

NEWTON MEDICAL CENTER  
175 High Street  
Newton, NJ 07860

NICHOLAS H. NOYES MEMORIAL  
HOSPITAL  
111 Clara Barton Street  
Dansville, NY 14437

NORMAN REGIONAL HOSPITAL  
901 North Porter Avenue  
Norman, OK 73071

NORTH BALDWIN INFIRMARY  
1815 Hand Avenue  
Bay Minette, AL 36507

NORTH SHORE UNIVERSITY HOSPITAL  
300 Community Drive  
Manhasset, NY 11030

NORTHERN WESTCHESTER HOSPITAL  
400 East Main Street  
Mount Kisco, NY 10549

NORTHWEST COMMUNITY HOSPITAL  
800 West Central Road  
Arlington Heights, IL 60005

NORTHWESTERN LAKE FOREST  
HOSPITAL  
1000 North Westmoreland Road  
Lake Forest, IL 60045

NORTHWESTERN MEDICINE CENTRAL  
DUPAGE HOSPITAL  
25 North Winfield Road  
Winfield, IL 60190

NORTHWESTERN MEDICINE DELNOR  
HOSPITAL  
300 Randall Road  
Geneva, IL 60134

NORTHWESTERN MEDICINE  
KISHWAUKEE HOSPITAL  
One Kish Hospital Drive  
Dekalb, IL 60115

NORTHWESTERN MEMORIAL HOSPITAL  
251 East Huron Street  
Chicago, IL 60611

NORTON COMMUNITY HOSPITAL  
100 15th Street Northwest  
Norton, VA 24273

NORTON HOSPITAL  
200 East Chestnut Street  
Louisville, KY 40202

NORWOOD HOSPITAL  
800 Washington Street  
Norwood, MA 02062

OCH REGIONAL MEDICAL CENTER  
400 Hospital Road  
Starkville, MS 39759

ODESSA REGIONAL MEDICAL CENTER  
520 East Sixth Street  
Odessa, TX 79761

OHIO STATE UNIVERSITY WEXNER  
MEDICAL CENTER  
410 West Tenth Avenue  
Columbus, OH 43210

OLEAN GENERAL HOSPITAL  
515 Main Street  
Olean, NY 14760

ORLANDO REGIONAL MEDICAL CENTER  
52 West Underwood Street  
Orlando, FL 32806

OSF HEART OF MARY MEDICAL CENTER  
1400 West Park Street  
Urbana, IL 61801

OSF SACRED HEART MEDICAL CENTER  
812 North Logan Avenue  
Danville, IL 61832

OSF SAINT ANTHONY MEDICAL CENTER  
5666 East State Street  
Rockford, IL 61108

OSF SAINT ELIZABETH MEDICAL CENTER  
1100 East Norris Drive  
Ottawa, IL 61350

OSF SAINT FRANCIS MEDICAL CENTER  
530 Northeast Glen Oak Avenue  
Peoria, IL 61637

OSF SAINT JOSEPH MEDICAL CENTER  
2200 East Washington Street  
Bloomington, IL 61701

OSF SAINT MARY MEDICAL CENTER  
3333 North Seminary Street  
Galesburg, IL 61401

OSF ST. ANTHONY'S HEALTH CENTER  
1 Saint Anthony's Way  
Alton, IL 62002

OVERLOOK MEDICAL CENTER  
99 Beauvoir Avenue  
Summit, NJ 07902

PALMETTO HEALTH BAPTIST HOSPITAL  
Taylor at Marion Streets  
Columbia, SC 29220

PALMETTO HEALTH BAPTIST  
PARKRIDGE HOSPITAL  
400 Palmetto Health Parkway  
Columbia, SC 29212

PALMETTO HEALTH TUOMEY  
129 North Washington Street  
Sumter, SC 29150

PARKLAND HOSPITAL  
5200 Harry Hines Boulevard  
Dallas, TX 75235

PARKVIEW HUNTINGTON HOSPITAL  
2001 Stults Road  
Huntington, IN 46750

PARKVIEW NOBLE HOSPITAL  
401 Sawyer Road  
Kendallville, IN 46755

PARKVIEW ORTHOPEDIC HOSPITAL  
11130 Parkview Plaza Drive  
Fort Wayne, IN 46845

PARKVIEW REGIONAL MEDICAL CENTER  
11109 Parkview Plaza Drive  
Fort Wayne, IN 46845

PARKVIEW WHITLEY HOSPITAL  
1260 East State Road 205  
Columbia City, IN 46725

PARKWEST MEDICAL CENTER  
9352 Park West Boulevard  
Knoxville, TN 37923

PATEWOOD MEMORIAL HOSPITAL  
175 Patewood Drive  
Greenville, SC 29615

PEACEHEALTH SACRED HEART  
MEDICAL CENTER AT RIVERBEND  
3333 Riverbend Drive  
Springfield, OR 97477

PEACEHEALTH SACRED HEART  
MEDICAL CENTER UNIVERSITY DISTRICT  
1255 Hilyard Street  
Eugene, OR 97401

PEACEHEALTH SAINT JOHN MEDICAL  
CENTER  
1615 Delaware Street  
Longview, WA 98632

PEACEHEALTH SOUTHWEST MEDICAL  
CENTER

400 Northeast Mother Joseph Place  
Vancouver, WA 98664

PECONIC BAY MEDICAL CENTER

1300 Roanoke Avenue  
Riverhead, NY 11901

PENN PRESBYTERIAN MEDICAL CENTER

51 North 39th Street  
Philadelphia, PA 19104

PENNSYLVANIA HOSPITAL

800 Spruce Street  
Philadelphia, PA 19107

PETERSON REGIONAL MEDICAL CENTER

551 Hill Country Drive  
Kerrville, TX 78028

PHELPS MEMORIAL HOSPITAL CENTER

701 North Broadway  
Sleepy Hollow, NY 1059

PLAINVIEW HOSPITAL

888 Old Country Road  
Plainview, NY 11803

PLATTE VALLEY MEDICAL CENTER

1600 Prairie Center Parkway  
Brighton, CO 80601

POMERENE HOSPITAL

981 Wooster Road  
Millersburg, OH 44654

PRESENCE RESURRECTION MEDICAL  
CENTER

7435 West Talcott Avenue  
Chicago, IL 60631

PRESENCE SAINT JOSEPH HOSPITAL  
ELGIN

77 North Airlite Street  
Elgin, IL 60123

PRESENCE SAINT JOSEPH MEDICAL  
CENTER  
333 North Madison Street  
Joliet, IL 60435

PRESENCE SAINTS MARY AND  
ELIZABETH MEDICAL CENTER-SAINT  
MARY CAMPUS  
2233 West Division Street  
Chicago, IL 60622

PRESENCE ST. MARY'S HOPSITAL  
500 West Court Street  
Kankakee, IL 60901

PRINCETON MEDICAL CENTER  
One Plainsboro Road  
Plainsboro, NJ 08536

PRISMA HEALTH RICHLAND HOSPITAL  
5 Richland Medical Park Drive  
Columbia, SC 29203

PROHEALTH OCONOMOWOC MEMORIAL  
HOSPITAL  
791 Summit Avenue  
Oconomowoc, WI 53066

PROHEALTH WAUKESHA MEMORIAL  
HOSPITAL  
725 American Avenue  
Waukesha, WI 53188

PROVIDENCE HEALTH CENTER  
6901 Medical Parkway  
Waco, TX 76712

PROVIDENCE HOSPITAL  
6801 Airport Boulevard  
Mobile, AL 36685

PROVIDENCE HOSPITAL  
1150 Varnum Street, Northeast  
Washington, DC 20017

PUNXSUTAWNEY AREA HOSPITAL  
81 Hillcrest Drive  
Punxsutawney, PA 15767

RANDOLPH HOSPITAL  
364 White Oak Street  
Asheboro, NC 27204

RIVERSIDE DOCTORS HOSPITAL  
WILLIAMSBURG  
1500 Commonwealth Avenue  
Williamsburg, VA 23185

RIVERSIDE REGIONAL MEDICAL CENTER  
500 J. Clyde Morris Boulevard  
Newport News, VA 23601

RIVERSIDE SHORE MEMORIAL HOSPITAL  
20480 Market Street  
Onancock, VA 23417

RIVERSIDE TAPPAHANNOCK HOSPITAL  
618 Hospital Road  
Tappahannock, VA 22560

RIVERSIDE WALTER REED HOSPITAL  
7519 Hospital Drive  
Gloucester, VA 2061

RIVERVIEW HEALTH  
395 Westfield Road  
Noblesville, IN 46060

RMC ANNISTON  
400 East Tenth Street  
Anniston, AL 36202

RMC STRINGFELLOW MEMORIAL  
HOSPITAL  
301 East 18th Street  
Anniston, AL 36207

ROCHESTER GENERAL HOSPITAL  
1425 Portland Avenue  
Rochester, NY 14621



ROCKLEDGE REGIONAL MEDICAL  
CENTER

110 Longwood Avenue  
Rockledge, FL 32955

ROPER HOSPITAL

316 Calhoun Street  
Charleston, SC 29401

ROPER ST. FRANCIS MOUNT PLEASANT  
HOSPITAL

3500 Highway 17 North  
Mount Pleasant, SC 29466

RUSH OAK PARK HOSPITAL

1700 W Van Buren  
Chicago, IL 60612

RUSH UNIVERSITY MEDICAL CENTER

1653 West Congress Parkway  
Chicago, IL 60612

RUSH-COPLEY MEDICAL CENTER

2000 Ogden Avenue  
Aurora, IL 60504

RUSSELL COUNTY MEDICAL CENTER

58 Carroll Street  
Lebanon, VA 24266

SACRED HEART HOSPITAL

5151 North Ninth Avenue  
Pensacola, FL 32504

SACRED HEART HOSPITAL EMERALD  
COAST

7800 U.S. Highway 98 West  
Miramar Beach, FL 32550

SACRED HEART HOSPITAL ON THE GULF

3801 East Highway 98  
Port Saint Joe, FL 32456

SAINT ANNE'S HOSPITAL

795 Middle Street  
Fall River, MA 02721

SAINT ANTHONY COMMUNITY  
HOSPITAL  
15 Maple Avenue  
Warwick, NY, 10990

SAINT CATHERINE HOSPITAL  
4321 Fir Street  
East Chicago, IN 46312

SAINT CLAIR HOSPITAL  
1000 Bower Hill Road  
Pittsburgh, PA 15243

SAINT DOMINIC HOSPITAL  
969 Lakeland Drive  
Jackson, MS 39216

SAINT ELIZABETH EDGEWOOD  
1 Medical Village Drive  
Edgewood, KY 41017

SAINT ELIZABETH FLORENCE  
4900 Houston Road  
Florence, KY 41042

SAINT ELIZABETH FORT THOMAS  
85 North Grand Avenue  
Fort Thomas, KY 41075

SAINT ELIZABETH'S MEDICAL CENTER  
736 Cambridge Street  
Brighton, MA 02135

SAINT FRANCIS HOSPITAL  
333 Laidley Street  
Charleston, WV 25301

SAINT FRANCIS MEDICAL CENTER  
211 Saint Francis Drive  
Cape Girardeau, MO 63703

SAINT JAMES HOSPITAL  
411 Canisteo Street  
Hornell, NY 14843

SAINT JOHN BROKEN ARROW  
1000 Wet Boise Circle  
Broken Arrow, OK 74012

SAINT JOHN MEDICAL CENTER  
1923 South Utica Avenue  
Tulsa, OK 74104

SAINT JOHN OWASSO HOSPITAL  
12455 East 100th Street North  
Owasso, OK 74055

SAINT JOSEPH HOSPITAL  
1375 East 19th Avenue  
Denver, CO 80218

SAINT JOSEPH HOSPITAL  
360 Broadway  
Bangor, ME 04402

SAINT JOSEPH HOSPITAL  
200 Hemlock Road  
Tawas City, MI 48764

SAINT JOSEPH HOSPITAL  
172 Kinsley Street  
Nashua, NH 03061

SAINT JOSEPH MEDICAL CENTER  
1401 Saint Joseph Parkway  
Houston, TX 77002

SAINT JOSEPH'S HOSPITAL, WEST BEND  
3200 Pleasant Valley Road  
West Bend, WI 53095

SAINT JOSEPHS UNIVERSITY MEDICAL  
CENTER  
703 Main Street  
Paterson, NJ 07503

SAINT LUKE'S HOSPITAL  
1026 A Avenue Northeast  
Cedar Rapids, IA 52402

SAINT LUKE'S HOSPITAL  
915 E First Street  
Duluth, MN 55805

SAINT LUKE'S MEDICAL CENTER  
1800 East Van Buren Street  
Phoenix, AZ 85006

SAINT MARY MEDICAL CENTER  
1500 South Lake Park Avenue  
Hobart, IN 46342

SAINT MARY'S HOSPITAL AT  
AMSTERDAM  
427 Guy Park Avenue  
Amsterdam, NY 12010

SAINT MARY'S OF MICHIGAN - SAGINAW  
800 South Washington Avenue  
Saginaw, MI 48601

SAINT MARY'S REGIONAL MEDICAL  
CENTER  
93 Campus Avenue  
Lewiston, ME 04240

SAINT PETER'S UNIVERSITY HOSPITAL  
254 Easton Avenue  
New Brunswick, NJ 08901

SAINT TAMMANY PARISH HOSPITAL  
1202 South Tyler Street  
Covington, LA 70433

SAINT THOMAS DEKALB HOSPITAL  
520 West Main Street  
Smithville, TN 37166

SAINT THOMAS HIGHLANDS HOSPITAL  
401 Sewell Drive  
Sparta, TN 38583

SAINT THOMAS MIDTOWN HOSPITAL  
2000 Church Street  
Nashville, TN 37236

SAINT THOMAS RIVER PARK HOSPITAL  
1559 Sparta Road  
McMinnville, TN 37110

SAINT THOMAS RUTHERFORD HOSPITAL  
1700 Medical Center Parkway  
Murfreesboro, TN 37129

SAINT THOMAS STONES RIVER  
HOSPITAL  
324 Doolittle Road  
Woodbury, TN 37190

SAINT THOMAS WEST HOSPITAL  
4220 Harding Pike  
Nashville, TN 37205

SAINT VINCENT ANDERSON  
2015 Jackson Street  
Anderson, IN, 46016

SAINT VINCENT CARMEL HOSPITAL  
13500 North Meridian  
Carmel, IN 46032

SAINT VINCENT EVANSVILLE  
3700 Washington Avenue  
Evansville, IN 47750

SAINT VINCENT FISHERS HOSPITAL  
13861 Olio Road  
Fishers, IN 46037

SAINT VINCENT HEALTH CENTER  
232 West 25th Street  
Erie, PA 16544

SAINT VINCENT HEALTHCARE  
1233 North 30th Street  
Billings, MT 59101

SAINT VINCENT HEART CENTER OF  
INDIANA  
10580 North Meridian Street  
Indianapolis, IN 46290

SAINT VINCENT INDIANAPOLIS  
HOSPITAL  
2001 West 86th Street  
Indianapolis, IN 46260

SAINT VINCENT KOKOMO  
1907 West Sycamore Street  
Kokomo, IN 46901

SAINT VINCENT'S MEDICAL CENTER  
RIVERSIDE  
1 Shircliff Way  
Jacksonville, FL 32204

SAINT VINCENT'S MEDICAL CENTER  
SOUTHSIDE  
4201 Belfort Road  
Jacksonville, FL 32216

SALEM REGIONAL MEDICAL CENTER  
1995 East State Street  
Salem, OH 44460

SALT LAKE REGIONAL MEDICAL CENTER  
1050 East South Temple  
Salt Lake City, UT 84102

SAMARITAN ALBANY GENERAL  
HOSPITAL  
1046 SW Sixth Avenue  
Albany, OR 97321

SANFORD ABERDEEN MEDICAL CENTER  
2905 3rd Avenue SE  
Aberdeen, SD 57401

SANFORD BEMIDJI MEDICAL CENTER  
1300 Anne Street Northwest  
Bemidji, MN 56601

SANFORD BISMARCK MEDICAL CENTER  
300 North Seventh Street  
Bismarck, ND 58501

SANFORD MEDICAL CENTER FARGO  
801 Broadway North  
Fargo, ND 58122

SANFORD USD MEDICAL CENTER SIOUX  
FALLS  
1305 West 18th Street  
Sioux Falls, SD 57117

SARASOTA MEMORIAL HOSPITAL  
1700 South Tamiami Trail  
Sarasota, FL 34239

SCHNECK MEDICAL CENTER  
411 West Tipton Street  
Seymour, IN 47274

SCOTLAND MEMORIAL HOSPITAL  
500 Lauchwood Drive  
Laurinburg, NC 28352

SEBASTIAN RIVER MEDICAL CENTER  
13695 US Hwy. One  
Sebastian, FL 32958

SETON MEDICAL CENTER AUSTIN  
1201 West 38th Street  
Austin, TX 78705

SETON MEDICAL CENTER HAYS  
6001 Kyle Parkway  
Kyle, TX 78640

SETON MEDICAL CENTER WILLIAMSON  
201 Seton Parkway  
Round Rock, TX 78665

SETON NORTHWEST HOSPITAL  
11113 Research Boulevard  
Austin, TX 78759

SETON SMITHVILLE REGIONAL  
HOSPITAL  
1201 Hill Road  
Smithville, TX 78957

SETON SOUTHWEST HOSPITAL  
7900 FM 1826  
Austin, TX 78737

SHARON REGIONAL HEALTH SYSTEM  
740 East State Street  
Sharon, PA 16146

SHORE MEDICAL CENTER  
100 Medical Center Way  
Somers Point, NJ 08244

SMYTH COUNTY COMMUNITY HOSPITAL  
245 Medical Park Drive  
Marion, VA 24354

SOIN MEDICAL CENTER  
3535 Pentagon Park Boulevard  
Beavercreek, OH 45431

SOUTH COUNTY HEALTH  
100 Kenyon Avenue  
Wakefield, RI 02879

SOUTH LAKE HOSPITAL  
1900 Don Wickham Drive  
Clermont, FL 34711

SOUTH SHORE HOSPITAL  
8012 South Crandon Avenue  
Chicago, IL 60617

SOUTHSIDE HOSPITAL  
301 East Main Street  
Bay Shore, NY 11706

SOUTHWEST GENERAL HOSPITAL  
7400 Barlite Boulevard  
San Antonio, TX 78224

SPECTRUM HEALTH BIG RAPIDS  
HOSPITAL  
605 Oak Street  
Big Rapids, MI 49307



SPECTRUM HEALTH BUTTERWORTH  
HOSPITAL  
100 Michigan Street NE, MC 406  
Grand Rapids, MI 49503

SPECTRUM HEALTH PENNOCK HOSPITAL  
1009 West Green Street  
Hastings, MI 49058

SPECTRUM HEALTH UNITED HOSPITAL  
615 South Bower Street  
Greenville, MI 48838

SPECTRUM HEALTH ZEELAND  
COMMUNITY HOSPITAL  
8333 Felch Street  
Zeeland, MI 49464

SPENCER HOSPITAL  
1200 First Avenue East  
Spencer, IA 51301

SPRINGFIELD REGIONAL MEDICAL  
CENTER  
100 Medical Center Drive (at North Street)  
Springfield, OH 45504

ST VINCENT'S BIRMINGHAM  
810 Saint Vincent's Drive  
Birmingham, AL 35205

ST VINCENT'S CHILTON HOSPITAL  
2030 Lay Dam Road  
Clanton, AL 35045

ST VINCENT'S EAST  
50 Medical Park East Drive  
Birmingham, AL 35235

ST VINCENT'S MEDICAL CENTER  
2800 Main Street  
Bridgeport, CT 06606

ST VINCENT'S MEDICAL CENTER CLAY  
COUNTY

1670 St. Vincent's Way  
Middleburg, FL 32068

ST VINCENT'S SAINT CLAIR

7063 Veterans Parkway  
Pell City, AL 35125

ST. BERNARDS MEDICAL CENTER

225 East Jackson  
Jonesboro, AR 72401

ST. LUKE'S MEDICAL CENTER

1800 East Van Buren Street  
Phoenix, AZ 85006

STATEN ISLAND UNIVERSITY HOSPITAL

475 Seaview Avenue  
Staten Island, NY 10305

STRONG MEMORIAL HOSPITAL

601 Elmwood Avenue  
Rochester, NY 14642

SUMMA AKRON CITY HOSPITAL

525 East Market Street  
Akron, OH 44304

SYCAMORE MEDICAL CENTER

4000 Miamisburg-Centerville Road  
Miamisburg, OH 45342

SYCAMORE SHOALS HOSPITAL

1501 West Elk Avenue  
Elizabethton, TN 37643

TAKOMA REGIONAL HOSPITAL

401 Takoma Avenue  
Greeneville, TN 37743

TALLAHASSEE MEMORIAL HEALTHCARE

1300 Miccosukee Road  
Tallahassee, FL 32308

TANNER MEDICAL CENTER  
CARROLLTON  
705 Dixie Street  
Carrollton, GA 30117

TANNER MEDICAL CENTER VILLA RICA  
601 Dallas Highway  
Villa Rica, GA 30180

TAYLOR REGIONAL HOSPITAL  
1700 Old Lebanon Road  
Campbellsville, KY 42718

TEMPLE UNIVERSITY HOSPITAL  
3401 North Broad Street  
Philadelphia, PA 19140

THE CHESTER COUNTY HOSPITAL  
701 East Marshall Street  
West Chester, PA 19380

THE HOSPITAL OF CENTRAL  
CONNECTICUT AT NEW BRITAIN  
GENERAL  
100 Grand Street  
New Britain, CT 06050

THE MEDICAL CENTER OF SOUTHEAST  
TEXAS  
2555 Jimmy Johnson Boulevard  
Port Arthur, TX 77640

THE MOSES H. CONE MEMORIAL  
HOSPITAL  
1200 North Elm Street  
Greensboro, NC 27401

THE UNIVERSITY HOSPITAL  
150 Bergen Street, C-431  
Newark, NJ 07103

THE UNIVERSITY OF TOLEDO MEDICAL  
CENTER  
3000 Arlington Avenue  
Toledo, OH 43614

THE VALLEY HOSPITAL  
223 North Van Dien Avenue  
Ridgewood, NJ 07450

THOMAS HOSPITAL  
750 Murphy Avenue  
Fairhope, AL 36532

THOMAS MEMORIAL HOSPITAL  
4605 MacCorkle Avenue Southwest  
South Charleston, WV 25309

TIFT REGIONAL MEDICAL CENTER  
901 E 18th Street  
Tifton, GA 31794

TOURO INFIRMARY  
1401 Foucher Street  
New Orleans, LA 70115

TRACE REGIONAL HOSPITAL  
1002 East Madison Street  
Houston, MS 38851

TRINITAS REGIONAL MEDICAL CENTER  
225 Williamson Street  
Elizabeth, NJ 07202

TRUMBULL REGIONAL MEDICAL  
CENTER  
1350 East Market Street  
Warren, OH, 44482

TUCSON MEDICAL CENTER  
5301 East Grant Rd.  
Tucson, AZ 85712

TWIN LAKES REGIONAL MEDICAL  
CENTER  
910 Wallace Avenue  
Leitchfield, KY 42754

UF HEALTH SHANDS FLORIDA  
1600 Southwest Archer Road  
Gainesville, FL 32608

UNICOI COUNTY MEMORIAL HOSPITAL  
100 Greenway Circle  
Erwin, TN 37650

UNION HOSPITAL  
1606 North Seventh Street  
Terre Haute, IN 47804

UNIONTOWN HOSPITAL  
500 West Berkeley Street  
Uniontown, PA 15401

UNITED MEMORIAL MEDICAL CENTER  
127 North Street  
Batavia, NY 14020

UNITY HEALTH WHITE COUNTY  
MEDICAL CENTER  
3214 E Race Ave.  
Searcy, AR 72143

UNITY HOSPITAL  
1555 Long Pond Road  
Rochester, NY 14626

UNITYPOINT HEALTH - ALLEN HOSPITAL  
1825 Logan Avenue  
Waterloo, IA 50703

UNITYPOINT HEALTH - FINLEY  
350 North Grandview Avenue  
Dubuque, IA 52001

UNITYPOINT HEALTH - MERITER  
202 South Park Street  
Madison, WI 53715

UNITYPOINT HEALTH - METHODIST  
221 Northeast Glen Oak Avenue  
Peoria, IL 61636

UNITYPOINT HEALTH-PEKIN  
600 South 13th Street  
Pekin, IL 61554

UNITYPOINT HEALTH - PROCTOR  
5409 North Knoxville Avenue  
Peoria, IL, 61614

UNITYPOINT HEALTH - ST. LUKE'S  
2720 Stone Park Boulevard  
Sioux City, IA 51104

UNITYPOINT HEALTH TRINITY -  
BETTENDORF  
4500 Utica Ridge Road  
Bettendorf, IA 52722

UNITYPOINT HEALTH TRINITY - ROCK  
ISLAND  
2701 17th Street  
Rock Island, IL 61201

UNIVERSITY MEDICAL CENTER AT  
BRACKENRIDGE  
601 East 15th Street  
Austin, TX 78701

UNIVERSITY MEDICAL CENTER NEW  
ORLEANS  
2000 Canal Street  
New Orleans, LA 70112

UNIVERSITY OF ILLINOIS MEDICAL  
CENTER  
1740 West Taylor Street  
Chicago, IL 60612

UPMC ALTOONA  
620 Howard Avenue  
Altoona, PA 16601

UPMC BEDFORD  
10455 Lincoln Highway  
Everett, PA 15537

UPMC CHAUTAUQUA WCA  
207 Foote Avenue  
Jamestown, PA 14702

UPMC EAST  
2775 Mosside Boulevard  
Monroeville, PA 15146

UPMC - HAMOT  
201 State Street  
Erie, PA 16550

UPMC HORIZON - GREENVILLE  
110 North Main Street  
Greenville, PA 16125

UPMC JAMESON  
1211 Wilmington Avenue  
New Castle, PA 16105

UPMC MCKEESPORT  
1500 Fifth Avenue  
McKeesport, PA 15132

UPMC - MERCY  
1400 Locust Street  
Pittsburgh, PA 15219

UPMC NORTHWEST  
100 Fairfield Drive  
Seneca, PA 16346

UPMC PASSAVANT - MCCANDLESS  
9100 Babcock Boulevard  
Pittsburgh, PA 15237

UPMC PINNACLE CARLISLE  
361 Alexander Spring Road  
Carlisle, PA 17015

UPMC PINNACLE HANOVER  
300 Highland Avenue  
Hanover, PA 17331

UPMC PINNACLE HARRISBURG  
111 South Front Street  
Harrisburg, PA 17101

UPMC PINNACLE LANCASTER  
250 College Avenue  
Lancaster, PA 17603

UPMC PINNACLE LITITZ  
1500 Highlands Drive  
Lititz, PA 17543

UPMC PINNACLE MEMORIAL  
325 South Belmont Street  
York, PA 17405

UPMC PRESBYTERIAN  
200 Lothro Street  
Pittsburgh, PA 15213

UPMC SAINT MARGARET  
815 Freeport Road  
Pittsburgh, PA 15215

UPMC SUSQUEHANNA LOCK HAVEN  
24 Cree Drive  
Lock Haven, PA 17745

UPMC SUSQUEHANNA SUNBURY  
350 North Eleventh Street  
Sunbury, PA 17801

UPMC SUSQUEHANNA WILLIAMSPORT  
700 High Street  
Williamsport, PA 17701

UPPER VALLEY MEDICAL CENTER  
3130 North County Road 25-A  
Troy, OH 45373

UPSON REGIONAL MEDICAL CENTER  
801 West Gordon Street  
Thomaston, GA 30286

VCU MEDICAL CENTER  
1250 East Marshall Street  
Richmond, VA 23219



VIA CHRISTI HOSPITAL IN MANHATTAN  
1823 College Avenue  
Manhattan, KS 66502

VIA CHRISTI HOSPITAL SAINT FRANCIS  
929 North Saint Francis  
Wichita, KS 67214

VIA CHRISTI SAINT TERESA  
14800 West Saint Teresa  
Wichita, KS 67235

VIDANT BEAUFORT HOSPITAL  
628 East 12th Street  
Washington, NC 27889

VIDANT DUPLIN HOSPITAL  
401 North Main Street  
Kenansville, NC 28349

VIDANT EDGECOMBE HOSPITAL  
111 Hospital Drive  
Tarboro, NC 27886

VIDANT MEDICAL CENTER  
2100 Stantonsburg Road  
Greenville, NC 27835

VIDANT ROANOKE-CHOWAN HOSPITAL  
500 South Academy Street  
Ahoskie, NC 27910

VIRGINIA HOSPITAL CENTER  
1701 N George Mason Drive  
Arlington, VA 22205

VOLUNTEER HOSPITAL  
161 Mount Pelia Road  
Martin, TN 38237

WADLEY REGIONAL MEDICAL CENTER  
1000 Pine Street  
Texarkana, TX 75501

WADLEY REGIONAL MEDICAL CENTER  
AT HOPE  
2001 South Main Street  
Hope, AR 71801

WAGONER COMMUNITY HOSPITAL  
1200 West Cherokee  
Wagoner, OK 74467

WAKEMED CARY HOSPITAL  
1900 Kildaire Farm Road  
Cary, NC 27518

WAKEMED RALEIGH CAMPUS  
3000 New Bern Avenue  
Raleigh, NC 27610

WARREN MEMORIAL HOSPITAL  
1000 North Shenandoah Avenue  
Front Royal, VA 22630

WASHINGTON REGIONAL MEDICAL  
CENTER  
3215 North Hills Boulevard  
Fayetteville, AR 72703

WAYNE HOSPITAL  
835 Sweitzer Street  
Greenville, OH 45331

WEIRTON MEDICAL CENTER  
601 Colliers Way  
Weirton, WV 26062

WEST JEFFERSON MEDICAL CENTER  
1101 Medical Center Blvd  
Marrero, LA 70072

WEST PENN HOSPITAL  
4800 Friendship Avenue  
Pittsburgh, PA 15524

WESTCHESTER MEDICAL CENTER  
100 Woods Road  
Valhalla, NY 10595

WHEATON FRANCISCAN - ST. JOSEPH  
CAMPUS  
5000 West Chambers Street  
Milwaukee, WI 53210

WHEATON FRANCISCAN HEALTHCARE -  
FRANKLIN  
10101 South 27th Street  
Franklin, WI 53132

WHEATON FRANCISCAN HEALTHCARE -  
SAINT FRANCIS  
3237 South 16th Street  
Milwaukee, WI 53215

WINDHAM HOSPITAL  
112 Mansfield Avenue  
Willimantic, CT 06226

Plaintiffs,

vs.

ALEX M. AZAR II, Secretary  
U.S. Department of Health & Human Services  
200 Independence Ave., S.W., Room 700-E  
Washington, D.C. 20201

Defendant.

### **COMPLAINT**

The above-captioned 622 Plaintiff hospitals (“Providers” or “Plaintiffs”), by and through their undersigned attorneys, bring this action against Defendant, Alex M. Azar II, in his official capacity as Secretary (“Secretary”) of the Department of Health and Human Services (“HHS”), and state as follows:

## **INTRODUCTION**

1. This action arises under Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 *et seq.* (the “Medicare Act”), the Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.* (“APA”), and other statutes enacted and amended by Congress.

2. Plaintiffs, Medicare-participating hospitals, challenge the Secretary’s decision to continue into Federal Fiscal Years (“FFYs”) 2018 and 2019 an unauthorized 0.7% reduction in hospital reimbursement, in direct contravention of a congressional directive to recoup no more than \$11 billion in overpayments by use of such reductions and to complete that recoupment by FFY 2017.

3. There are three Congressional Acts at play, each concerning the application of fractions of percentages to the standardized reimbursement rate for the Plaintiffs. CMS has conflated these Acts to justify its unlawful conduct, which resulted in massive savings for CMS and significant financial detriment to the Plaintiffs.

4. The Secretary’s failure to reverse the 0.7% reduction by FFY 2018, and his continuation of that reduction into FFY 2019 as well, is in excess of his statutory authority and otherwise not in accordance with law. This reduction of Medicare inpatient hospital payments amounts to roughly \$840 million per year, or about \$200,000 per year on average for each Medicare-participating hospital, effective with the start of FFY 2018. The Plaintiffs’ loss is approximately \$124.4 million per year.

5. The 0.7% rate reduction that the Secretary has unlawfully continued into FFYs 2018 and 2019 arose from a series of temporary, limited adjustments authorized by Congress for the narrow purpose of recovering \$11 billion during FFYs 2014–2017 to recoup alleged industry-wide overpayments made in prior years. These overpayments resulted from a 2008 administrative

change in the Inpatient Prospective Payment System (“IPPS”), the methodology used since 1983 to pay most inpatient hospitals, including Plaintiffs. When the HHS agency administering the Medicare program, the Centers for Medicare and Medicaid Services (“CMS”), changed its coding classification system for IPPS payments starting in FFY 2008, the agency expressed concern that the change would increase aggregate payments to hospitals. To address this anticipated increase, Congress authorized CMS to calculate and recoup the resulting overpayment through temporary rate adjustments confined to specific years. First, in 2007, Congress authorized recoupment adjustments in FFYs 2010, 2011, and 2012 for any overpayments made in FFYs 2008 and 2009. TMA, Abstinence Education, and QI Programs Extension Act of 2007, Pub. L. No. 110-90, § 7(b)(1)(B), 121 Stat. 984, 986–87 (2007) (“TMA”). In 2013, Congress authorized the additional recoupment adjustments at issue for FFYs 2014 through 2017 to recover the approximately \$11 billion in overpayments made in FFYs 2010 through 2012. *Id.* at § 7(b), *amended by* American Taxpayer Relief Act of 2012, Pub. L. No. 112-240, § 631(b), 126 Stat. 2313 (2013) (“ATRA”).

6. Congress explicitly prohibited CMS from continuing any of the recoupment adjustments beyond FFY 2017, stating: Recoupment adjustments “*shall not be included* in the determination of standardized amounts for discharges occurring in a subsequent year.” *Id.* § 7(b)(2) (emphasis added). In order for the ATRA recoupment adjustments to be reversed, CMS needed to adopt an offsetting increase in the IPPS payment rate, effective with the start of FFY 2018 on October 1, 2017. However, that did not occur as of October 1, 2017, due to congressional action delaying much of the restoration (and using the savings to fund another Medicare initiative) and, more importantly for purposes of this action, due to CMS’ unlawful refusal to reverse the remaining negative 0.7% recoupment adjustment at issue here.

7. CMS originally planned to implement the ATRA recoupment reductions through four annually progressive and cumulative 0.8% reductions to the per discharge payment rate for inpatient hospital services, which would have resulted in a cumulative final negative adjustment of 3.2% by the end of FFY 2017, which would then be offset by a corresponding positive adjustment of 3.2% in FFY 2018. The FFY 2018 3.2% positive adjustment would have complied with the explicit prohibition against including the section 7(b)(1)(B) adjustments in years after FFY 2017. For FFY 2017, however, CMS proposed and finalized a larger ATRA recoupment adjustment of 1.5% (instead of 0.8%), giving rise to a cumulative total final negative adjustment of 3.9%.

8. In 2015, Congress amended TMA section 7(b)(1)(B) to stage partial restoration of the 3.2% ATRA recoupment adjustments over a span of six years. *See* TMA § 7(b), *amended by* ATRA § 631(b), and Medicare Access and CHIP Reauthorization Act of 2015, Pub. L. No. 114-10, § 414, 129 Stat. 87, 162 – 63 (“MACRA”). Congress instructed CMS to make a series of 0.5% positive adjustments in FFYs 2018 through 2023 instead of implementing the one-time positive adjustment “estimated to be an increase of 3.2 percent” previously slated for FFY 2018. Congress used the savings from the gradual restoration of the “3.2%” ATRA reduction to fund the reform of Medicare payment for physician services via MACRA. The Congressional Budget Office estimated that the funding generated from the delayed implementation of the 3.2% rate increase was \$15.1 billion (*see* CBO Letter to J. Boehner Re: Cost Estimate and Supplemental Analysis for [MACRA] at 7 (Mar. 25, 2015)). In sum, the graduated rate *reductions* in FFYs 2014–2017 authorized by ATRA served the purpose of recovering Medicare IPPS overpayments under Medicare Part A (as discussed further below), while the corresponding graduated rate *increases* in FFYs 2018–2023 directed by MACRA served the purpose of funding reform of Medicare payment

for physician services under Medicare Part B. Put simply, Congress enacted two separate statutory schemes to address separate funding needs for Medicare Part A and Medicare Part B.

9. MACRA was enacted before CMS proposed or finalized the FFY 2017 ATRA adjustment, which increased the cumulative total ATRA recoupment adjustments from 3.2% to 3.9%. However, Congress, through MACRA, only authorized CMS to delay restoration of 3.2% of the recoupment adjustment. Congress did not contemplate the significantly higher negative recoupment adjustment in FFY 2017, nor did Congress permit CMS to delay restoration of the additional 0.7% recoupment adjustment. The fact that CMS later adopted the additional 0.7% recoupment adjustment does not undermine the clear action and intent of Congress to only authorize delay of the estimated 3.2% restoration. Significantly, Congress did not amend or alter the existing statutory prohibition against continuing ATRA recoupment adjustments into subsequent years. TMA § 7(b)(2). Simply put, there is no support for the proposition that Congress intended or authorized a permanent 0.7% cut in Medicare IPPS payments (a 20% deeper IPPS payment cut—and physician services funding increase—than Congress addressed in MACRA). And it makes no sense that Congress would, *sub silentio*, endorse a 0.7% cut after explicitly requiring full restoration of all previous cuts.

10. Finally, in 2016, Congress further amended section 7(b) of the TMA to further delay the restoration of a small fraction of the ATRA adjustment—0.0412%. TMA § 7(b), *amended by* 21st Century Cures Act, Pub. L. No. 114-255, § 15005, 130 Stat. 1033 (2016) (“21st Century Cures”). Thus, the directive to CMS was to implement a 0.4588% positive adjustment to the IPPS rate in FFY 2018, while preserving the previous directive to implement 0.5% positive adjustments for FFYs 2019 to 2023. Notably, Congress did not amend the statute at that time to reflect CMS’ final ATRA adjustment of 3.9% instead of the estimated 3.2%. By keeping the 3.2% reference,

Congress maintained the baseline adjustment upon which its incremental restoration of the ATRA adjustments—and MACRA funding—was based. Congress also did not amend the TMA’s express statutory prohibition on carrying over recoupment adjustments into subsequent years. TMA § 7(b)(2) (“An adjustment made under paragraph (1)(B) for discharges occurring in a year shall not be included in the determination of standardized amounts for discharges occurring in a subsequent year.”).

11. CMS asserted in its FFY 2018 IPPS Final Rule that the MACRA and 21st Century Cures amendments to the TMA direct it to provide *only* a 0.4588% rate increase and thus prohibited the agency from additionally restoring the final 0.7% ATRA recoupment adjustment. Hospital IPPS and Fiscal Year 2018 Rates, 82 Fed. Reg. 37,990, 38,009 (Aug. 14, 2017) (“FFY 2018 IPPS Final Rule”) (noting CMS’ belief that “the directive regarding the applicable adjustment for FY 2018 is clear” and its refusal to include a 0.7% positive adjustment for FFY 2018). Thus, CMS *sua sponte* continued a multi-year (and apparently permanent) 0.7% recoupment adjustment in FFY 2018, in derogation of Congress’ explicit direction that recoupment adjustments not continue into subsequent years after FFY 2017. CMS has continued the 0.7% recoupment adjustment into FFY 2019, Hospital IPPS and Fiscal Year 2019 Rates, 83 Fed. Reg. 41,144, 41,148 (Aug. 17, 2018) (“FFY 2019 IPPS Final Rule”), and issued a final rule that will continue it into FFY 2020 as well, Hospital IPPS and Fiscal Year 2020 Rates, 84 Fed. Reg. 42,044, 42,047 (August 16, 2019) (“FFY 2020 IPPS Final Rule”).

12. The Plaintiffs are aware that Congress has limited the scope of judicial review of “determinations and adjustments” under section 7 of the TMA. TMA § 7(b)(5) (“There shall be no administrative or judicial review under section 1878 of the Social Security Act (42 U.S.C. 1395oo) or otherwise of any determination or adjustments made under this subsection.”). The Providers,



however, are not challenging the Secretary's "determination or adjustments" made under section 7 of the TMA. Rather, the Providers here challenge the Secretary's *ultra vires* failure to reverse a 0.7% payment reduction, as required by Congress. The Providers are also challenging the Secretary's arbitrary and capricious failure to address comments urging him to use his exceptions and adjustments authority to offset the 0.7% reduction.

13. The Providers thus ask the Court to order the Secretary to restore their statutorily authorized funding by making a positive 0.7% adjustment to their reimbursement rate for FFYs 2018 and 2019 that would then carry forward to subsequent FFYs.

### **THE MEDICARE APPEALS PROCESS**

14. A hospital is entitled to a Provider Reimbursement Review Board ("PRRB") hearing if the hospital "is dissatisfied with a final determination of the Secretary as to the amount of the payment under subsections (b) or (d) of [42 U.S.C. § 1395ww]," the "amount in controversy is \$10,000 or more," and "such provider files a request for a hearing within 180 days after notice . . . of the Secretary's final determination." 42 U.S.C. § 1395oo(a)(1)(A)(ii), (2), (3).

15. If a hospital's jurisdictionally proper appeal involves a question of law that the PRRB is without authority to decide, the PRRB may, through its own motion or upon the request of the hospital, grant expedited judicial review ("EJR") of the appeal in accordance with 42 U.S.C. § 1395oo(f)(1). If EJR is granted, a hospital may seek judicial review of the final determination without a PRRB hearing. *Id.*

16. Under 42 C.F.R. § 405.1867, the PRRB is required to comply with all policies issued by the Secretary under the Social Security Act. *See Sarasota Mem'l Hosp. v. Shalala*, 60 F.3d 1507, 1509–10 (11th Cir. 1995) (noting the PRRB's recognition that EJR was granted because the Board is bound by Medicare regulations as well as IPPS rate adjustment factors).

17. Judicial relief is available under the equitable remedy of mandamus where a hospital has a clear right to the relief sought and the Secretary has a defined and non-discretionary duty to honor that right. *See Monmouth Med. Ctr. v. Thompson*, 257 F.3d 807 (D.C. Cir. 2001).

### **THE ADMINISTRATIVE PROCEDURE ACT**

18. Under 42 U.S.C. § 1395oo(f)(1), an action brought for judicial review after the PRRB orders EJR “shall be tried pursuant to the applicable provisions under chapter 7 of title 5” of the U.S. Code, which contains the APA. Under the APA, a “reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2)(C).

19. The APA further provides that a “reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . without observance of procedure required by law.” 5 U.S.C. § 706(2)(D). The APA mandates that the agency provide notice of proposed rulemaking, afford interested parties an opportunity to comment on the proposed rulemaking, and consider the relevant matters presented. *See* 5 U.S.C. § 553.

### **PROCEDURAL BACKGROUND**

20. Medicare-participating hospitals across the nation appealed the Secretary’s refusal to implement a 0.7% positive adjustment in the FFY 2018 IPPS Final Rule. *See AdCare Hospital – Worcester, et al v. Azar*, Case No. 1:18-cv-02113-CKK (D.D.C.); *Fresno Comm’y Hosp. & Med. Ctr., et al v. Azar*, Case No. 18-cv-00867-CKK (D.D.C.), *on appeal* Case No. 19-5254 (D.C. Cir.) (“*Fresno*”).

21. In *Fresno*, the District Court granted in part and denied in part the Secretary’s motion to dismiss, finding that the TMA’s preclusion statute barred judicial review of the Secretary’s failure to restore the -0.7% ATRA reduction in FFY 2018, but it did not bar judicial

review of the Secretary's failure to explain his reasoning for not offsetting the -0.7% recoupment adjustment through his 'exceptions and adjustments' discretion, or in the alternative, his failure to address commenters' questions and requests concerning his use of his 'exceptions and adjustments' discretion. The plaintiff-hospitals stipulated to dismissal with prejudice of the surviving claims and have appealed to the D.C. Circuit Court the issue of whether judicial review of the Secretary's continuation of the ATRA reduction beyond FFY 2017 is barred.

22. This action consolidates 72 separate PRRB group appeals challenging CMS's failure again in FFY 2019 to restore the 0.7% reduction to inpatient hospital payment rates at all Medicare-participating hospitals. Each of the Providers appealed the failure to restore the reduction, published in the FFY 2019 IPPS Final Rule, by filing timely and jurisdictionally valid appeals in accordance with 42 U.S.C. § 1395~~00~~. Most if not all of the Providers are also parties in actions pending in the D.C. District Court concerning the Secretary's same failure to restore the -0.7% reduction in the FFY 2018 IPPS Final Rule.

23. On August 23, 2019, the PRRB issued a notice to Plaintiffs that it was considering granting expedited judicial review ("EJR") on its own motion because, although the PRRB had jurisdiction over their appeals, the PRRB lacked the authority to review the validity of the payment reduction at issue.

24. In a September 25, 2019 letter, the PRRB granted EJR for Plaintiffs. A copy of this letter is attached as Exhibit 1.

25. This action is timely-filed under 42 U.S.C. § 1395~~00~~(f).

### **JURISDICTION AND VENUE**

26. This Court has jurisdiction under 42 U.S.C. § 1395~~00~~(f) (appeal of final Medicare program agency action), 28 U.S.C. § 1331 (federal question), and 28 U.S.C. § 1361 (mandamus).

27. Venue lies in this judicial district under 42 U.S.C. § 1395~~oo~~(f)(1) and 28 U.S.C. § 1391.

### **PARTIES**

28. At all times relevant to this Complaint, the Providers were qualified as Medicare-participating providers of hospital services under the Medicare Act. Although some of the plaintiff hospitals have been known by various names over the years, the plaintiff hospitals can be identified definitively by their Medicare provider numbers. Additionally, the plaintiff hospitals' fiscal years sometimes are not the same as the FFY. One FFY may overlap with two hospital fiscal years. If so, then only a portion of the hospital's fiscal years fall within the FFY that is the subject of this lawsuit. For example, for a hospital's fiscal year that ends on December 31, the period of FFY 2019 from October 1, 2018 through December 31, 2018, would fall within the hospital's fiscal year 2018, and the period of FFY 2019 from January 1, 2019 through September 30, 2019, would fall within the hospital's fiscal year 2019. Depending on the date on which the hospital's fiscal year ends, IPPS payments for FFY 2019 could affect the Hospital's IPPS payments for 2018, 2019, and/or 2020.

29. Defendant, Alex M. Azar II, is the Secretary of the Department of Health and Human Services, the federal department which encompasses CMS. The Secretary, the federal official responsible for administration of the Medicare Program, has delegated to CMS the responsibility to administer that program.

### **THE MEDICARE PROGRAM AND THE IPPS FOR ACUTE CARE HOSPITALS**

#### **A. General Medicare Background**

30. The Medicare Act establishes a system of health insurance for the aged, disabled, and individuals with end-stage renal disease. 42 U.S.C. § 1395c. The Providers entered into written

agreements with the Secretary to receive payment from Medicare for hospital services provided to Medicare-eligible individuals as “providers of services” under the Medicare Act. 42 U.S.C. § 1395cc.

31. The Medicare program is federally funded and is administered by the Secretary through CMS and its contractors. *See* 42 U.S.C. § 1395kk; Health, Education, and Welfare, Reorganization Order, 42 Fed. Reg. 13,262 (Mar. 9, 1977).

32. The Medicare program consists of Part A, which covers inpatient hospital services and certain other institutional services; Part B, which covers physician services and certain outpatient services; Part C, which covers managed health care plans; and Part D, which provides prescription drug coverage. The ATRA recoupment adjustments relate to payments made under Part A.

33. The Medicare program is implemented, in part, through the issuance of official CMS Rulings. 42 C.F.R. § 401.108. In addition to the substantive rules published by the Secretary in the Code of Federal Regulations and the CMS Rulings, CMS publishes other interpretive rules implementing the Medicare programs, which are compiled in one or more CMS Manuals. The Secretary issues other sub-regulatory documents to implement the Medicare IPPS, which generally do not have the force and effect of law. The Medicare Act requires that “[n]o rule, requirement, or other statement of policy . . . that establishes or changes a substantive legal standard governing the scope of benefits [or] the payment for services . . . [under Medicare] shall take effect unless it is promulgated by the Secretary by regulation[.]” 42 U.S.C. § 1395hh(a)(2). The Medicare Act therefore prohibits the application of any rule or policy that establishes or changes a substantive legal standard governing the payment for services, unless it is promulgated by the Secretary through notice-and-comment rulemaking.

**B. IPPS Acute Care Hospital Reimbursement**

34. Effective with cost reporting years beginning in FFY 1983, Congress enacted statutes requiring the Secretary to implement the IPPS to reimburse hospitals, including the Providers, for inpatient hospital operating costs. Under IPPS, hospitals are reimbursed for inpatient services to each Medicare patient discharged from the hospital according to prospectively determined, nationally applicable payment rates referred to as the “Standardized Amount.” IPPS payment rates generally apply without regard to the actual cost of services rendered to any particular Medicare beneficiary patient.

35. Under the initial implementation of IPPS, hospital inpatient services were reimbursed according to the classification of the Medicare beneficiary’s condition into one of many diagnosis related groups (“DRGs”). 42 U.S.C. § 1395ww(d)(1)–(2). In FFY 2008, CMS updated the DRG classification system, increasing the number of payment groups from 538 to 745. This updated DRG classification system is also known as the Medicare Severity (“MS-”) DRG classification system. Each DRG is assigned a relative weight reflecting the average relative resources required to treat cases in the DRG. To determine payment for a specific Medicare patient the “Standardized Amount” is multiplied by the DRG weight, which includes both labor- and nonlabor-related components that may be adjusted for geographic factors. Additional amounts may be added to or subtracted from this MS-DRG payment amount (*e.g.*, indirect medical education and disproportionate share hospital adjustments, high-cost outlier payments, new technology additions, value-based payment adjustments) to give the final IPPS payment amount.

36. Under IPPS, Congress requires the Secretary to adjust the MS-DRG classifications and relative weights at least annually to account for changes in resource consumption. 42 U.S.C.

§ 1395ww(d)(4)(C)(i). These adjustments are made to reflect changes in treatment patterns, technology, and any other factors that may change the relative use of hospital resources.

### **MS-DRG DOCUMENTATION AND CODING ADJUSTMENTS**

37. CMS transitioned from the DRG classification system to the MS-DRG classification system in FFY 2008 to better account for patient acuity in Medicare payment rates for IPPS hospitals. Changes to the Hospital IPPS and Fiscal Year 2008 Rates, 72 Fed. Reg. 47,130 (Aug. 22, 2007) (“FFY 2008 IPPS Final Rule”). In doing so, CMS asserted that the adoption of the MS-DRG system had the potential to increase aggregate payments because more thorough “documentation and coding” by hospitals would result in the assignment of higher-weighted MS-DRGs without a corresponding increase in patients’ actual severity of illness. The Medicare Act permits CMS to prospectively adjust IPPS base payment rates (standardized amounts) when it determines that a change to the DRG classification and weighting factors are likely to result in a change in aggregate IPPS payments due to changes in coding and classification instead of changes in the “case mix” of the patients served. 42 U.S.C. § 1395ww(d)(3)(A)(vi).

38. Purportedly using that authority, CMS adjusted the IPPS base payment rates (standardized amounts) to prospectively eliminate the aggregate increase in payments that might flow from any change in industry behavior for documentation and coding of patient diagnoses that did not reflect real changes in the severity of patients’ illness.

#### **A. Section 7 of the TMA (2007): Prospective Adjustments and Limited Recoupment Adjustments in FFYs 2010 through 2012**

39. A few months after CMS’ adoption of the FFY 2008 IPPS Final Rule, Congress enacted the TMA, which required CMS to make prospective documentation and coding adjustments and limited recoupment adjustments for FFYs 2010 through 2012. TMA § 7. Prospective adjustments under section 7(b)(1)(A) do not recoup or repay overpayments or

underpayments; instead, they prospectively eliminate the effect of the MS-DRG coding and classification changes that do not reflect actual case mix changes. *Id.*; 42 U.S.C. § 1395ww(d)(3)(A)(vi) (permitting the Secretary to “adjust the average standardized amounts . . . for subsequent fiscal years so as to eliminate the effect of such coding or classification changes”).

40. In section 7(b)(1)(B) of the TMA, Congress also directed the Secretary to determine whether any additional adjustments are necessary to recoup or repay any increase or decrease in aggregate payments and to implement appropriate recoupment or repayment adjustments. In section 7(b)(2), Congress expressly prohibited CMS from making any of these recoupment or repayment adjustments permanent: “An adjustment made under paragraph (1)(B) for discharges occurring in a year shall not be included in the determination of standardized amounts for discharges occurring in a subsequent year.” (emphasis added).

41. In FFY 2013, CMS completed implementing the prospective adjustments required under section 7(b)(1)(A) to eliminate the effect of the MS-DRG changes. Hospital IPPS and Proposed Fiscal Year 2014 Rates, 78 Fed. Reg. 27,486, 27,503-04 (May 10, 2013) (“FFY 2014 IPPS Proposed Rule”). Separately, CMS also implemented *recoupment* adjustments under section 7(b)(1)(B). These recoupment adjustments were then to be reversed by a single positive adjustment in the following FFY in accordance with the requirement that adjustments “not be included in the determination of standardized amounts for discharges occurring in a subsequent year.” TMA § 7(b)(2).

42. In the TMA, Congress limited administrative or judicial review of certain aspects of the Secretary’s implementation of the recoupment adjustments under section 7(b) stating: “There shall be no administrative or judicial review under [42 U.S.C. § 1395~~oo~~] or otherwise of any determination or adjustments made under this subsection.” TMA § 7(b)(4). Congress,



however, did not, and could not, strip this Court of its authority to review *ultra vires* agency action and to order the executive to follow the law. *See Marbury v. Madison*, 1 Cranch 137 (1803); *Bartlett v. Bowen*, 816 F.2d 695, 704-07 (D.C. Cir. 1987); *Aid Ass’n for Lutherans v. USPS*, 321 F.3d 1166, 1173 (D.C. Cir. 2003) (“[T]he case law in this circuit is clear that judicial review is available when an agency acts *ultra vires*.”).

**B. Section 7 of the TMA, as Amended by ATRA section 631 (2013): Additional Recoupment Adjustments in FFYs 2014 through 2017**

43. Because CMS did not fully phase in the prospective adjustments under section 7(b)(1)(A) until FFY 2013, payments in FFY 2010 through FFY 2012 were overstated in CMS’s view. *E.g.*, FFY 2014 IPPS, 78 Fed. Reg. at 27,504 (“delaying full implementation of the prospective portion of the adjustment . . . until FY 2013 resulted in payments in FY 2010 through FY 2012 being overstated.”). The original TMA did not permit recovery of these overpayments because section 7(b)(1)(B) was limited to recoupments of overpayments made in FFY 2008 and FFY 2009.

44. The passage of ATRA addressed the FFYs 2010 to 2012 overpayments by amending TMA section 7(b)(1)(B) to require that CMS make additional *recoupment* adjustments totaling approximately \$11 billion by FFY 2017. TMA § 7(b)(1)(B)(ii), *amended by* ATRA § 631(b). Congress explicitly limited these ATRA recoupment adjustments to discharges “occurring only during fiscal years 2014, 2015, 2016, and 2017. . . .” *Id.* In addition, the ATRA recoupment adjustment provision is subject to the TMA’s prohibition against recoupment adjustments continuing for discharges in subsequent years. TMA § 7(b)(2). A copy of section 7 of the TMA as amended by ATRA section 631(b) is attached hereto as Exhibit 2.

45. In implementing section 631(b) of ATRA, the Secretary laid out a plan to impose an escalating recoupment adjustment for FFYs 2014, 2015, 2016, and 2017 based on actuarially

projected discharges in each year such that the adjustment to the standardized amount would equal negative 0.8% in FFY 2014 (the first ATRA adjustment year) and would escalate by negative 0.8% each year until the cumulative adjustment equaled negative 3.2% in FFY 2017 (the last ATRA adjustment year). FFY 2014 IPPS Proposed Rule, 78 Fed. Reg. at 27,504–05. The Secretary indicated his belief that this series of escalating adjustments would result in full recoupment of the \$11 billion purportedly overpaid in FFYs 2010 through 2012. *Id.* In the FFY 2014 IPPS Final Rule, CMS adopted the negative 0.8% reduction for FFY 2014. Hospital IPPS and Fiscal Year 2014 Rates, 78 Fed. Reg. 50,496, 50,515–17 (Aug. 19, 2013) (“FFY 2014 IPPS Final Rule”). Likewise, in FFYs 2015 and 2016, CMS increased the ATRA adjustment by -0.8% to -1.6% and -2.4%, respectively. Hospital IPPS and Fiscal Year 2015 Rates, 79 Fed. Reg. 49,854, 49,873–74 (Aug. 22, 2014) (“FFY 2015 IPPS Final Rule”); Hospital IPPS and Fiscal Year 2016 Rates, 80 Fed. Reg. 49,236, 49,345 (Aug. 17, 2015) (“FFY 2016 IPPS Final Rule”).

46. In FFYs 2014, 2015, and 2016 IPPS rulemaking, CMS did not propose specific adjustments for FFY 2017, because “estimates of any future adjustments are subject to *slight* variations in total savings.” FFY 2014 IPPS Final Rule, 78 Fed. Reg. at 50,515 (emphasis added). Nonetheless, in each rulemaking cycle, CMS reiterated its plan to implement an adjustment of “*approximately*” -0.8% in FFY 2017 for a total adjustment of -3.2%. *See, e.g.*, FFY 2016 IPPS Final Rule, 80 Fed. Reg. at 49,345 (emphasis added). At no point prior to the FFY 2017 rulemaking cycle did CMS suggest that the adjustment could be nearly double the estimated -0.8% adjustment or vary more than “slight[ly]” from projections.

47. CMS also reaffirmed in each rulemaking cycle that “the adjustment required under section 631 of the ATRA is a one-time recoupment of a prior overpayment, not a permanent reduction to payment rates. Therefore, any adjustment made to reduce rates in one year would

eventually be offset by a positive adjustment, once the necessary amount of overpayment is recovered.” *E.g.*, FFY 2015 IPPS Final Rule, 79 Fed. Reg. at 49,873; FFY 2014 IPPS Final Rule, 78 Fed. Reg. at 50,515; *see also* FFY 2016 IPPS Final Rule, 80 Fed. Reg. at 49,345. The Secretary, thus, acknowledged the clear requirement under section 7(b)(2) that any adjustment under section 7(b)(1)(B)—including the ATRA recoupment adjustments— “shall not be included in the determination of standardized amounts for discharges occurring in a subsequent year.” Thus, as of early 2016, it was expected that CMS would adopt a final ATRA recoupment adjustment of -0.8% for FFY 2017 and that the ATRA recoupment adjustments of approximately -3.2% would be reversed by a correlating positive adjustment in FFY 2018.

**C. Section 7 of the TMA, as Amended by MACRA Section 414 (2015): Delayed Restoration of ATRA Adjustments from FFYs 2018 through 2023**

48. On April 16, 2015, Congress further amended section 7(b) of the TMA with the passage of MACRA. A copy of section 7 of the TMA as amended by MACRA section 414 is attached hereto as Exhibit 3. To generate savings to pay for a significant change to the methodology used for physician payments under Medicare Part B, Congress instructed CMS to delay restoration of the estimated 3.2% ATRA recoupment adjustment in FFY 2018 by instead implementing a schedule of cumulative, restorative adjustments of 0.5% for each of the six years from FFYs 2018 through 2023. As amended by MACRA, section 7(b)(1)(B)(iii) requires the Secretary to:

. . . make an additional adjustment to the standardized amounts under such section 1886(d) of an increase of 0.5 percentage points for discharges occurring during each of fiscal years 2018 through 2023 and not make the adjustment (*estimated to be an increase of 3.2 percent*) that would otherwise apply for discharges occurring during fiscal year 2018 by reason of the completion of the [ATRA recoupment] adjustments . . . .

TMA § 7(b)(1)(B) (emphasis added). Through the addition of the parenthetical “estimated to be an increase of 3.2 percent,” Congress expressed its understanding that the total adjustment through

the end of FFY 2017 would approximate -3.2%, the restoration of which, over the delayed schedule outlined in MACRA, would fund the Medicare Part B initiative.

49. After MACRA's passage, CMS proposed and finalized a significantly higher ATRA adjustment of -1.5% for FFY 2017, resulting in a total ATRA adjustment of -3.9%, as opposed to the expected -3.2% expressly referenced by MACRA. *See* Hospital IPPS and Fiscal Year 2017 Rates, 81 Fed. Reg. 56,762 (Aug. 22, 2016) ("FFY 2017 IPPS Final Rule").

**D. Section 7 of the TMA, as Amended by 21st Century Cures Section 15005 (2016): Additional Delay of Restoration for 0.0412%**

50. On December 13, 2016, Congress further amended TMA section 7(b) with the enactment of 21st Century Cures. A copy of TMA section 7 as amended by section 15005 of 21st Century Cures is attached hereto as Exhibit 4. Section 15005 of 21st Century Cures reduces the FFY 2018 positive adjustment to the standardized amount by 0.0412% (from 0.5% to 0.4588%), leaving the 0.5% positive adjustments for FFYs 2019–2023 in place. Critically, however, Congress did not amend the parenthetical language in section 7(b)(1)(B)(iii) estimating the Part B Medicare physician payment funding to be based on a delay of ATRA adjustments of 3.2%. Instead of capturing additional funding or savings attributable to the additional -0.7% ATRA recoupment adjustment applied in FFY 2017 by amending this parenthetical language, Congress instead only delayed restoration of a mere 0.0412% adjustment to the standardized amount, which the Congressional Budget Office estimated would reduce direct spending for Medicare by approximately \$750 million. *See* Congressional Budget Office Cost Estimate Re HR 5273 at 3 (Jun. 3, 2016)<sup>1</sup>. Again, Congress also left intact the requirement that the "adjustment made under [section 7(b)(1)(B)] for discharges occurring in a year . . . not be included in the determination of

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<sup>1</sup> H.R. 5273 appears to be subsumed into 21st Century Cures with respect to this provision.

standardized amounts for discharges occurring in a subsequent year.” See Exhibit 4, TMA § 7(b)(2), *as amended by* 21st Century Cures § 15005. Thus, nothing in 21st Century Cures suggests Congressional intent to recoup more than the 0.0412% (representing \$750 million in reduced spending) explicitly addressed in the statute.

**E. CMS’ FFYs 2018 and 2019 IPPS Final Rules Implementing MACRA Section 414 and 21st Century Cures Section 15005**

51. To summarize, prior to the FFY 2018 IPPS Proposed Rule, ATRA authorized CMS to recoup \$11 billion in alleged overpayments in FFYs 2010–2012 via negative adjustments to the standardized IPPS reimbursement rate between FFYs 2014–2017 only. After that \$11 billion was recovered, CMS was not permitted to continue any recoupment adjustments under ATRA into FFY 2018 and beyond. MACRA then staggered the implementation of the corresponding positive adjustment in FFY 2018, estimated by CMS at the time to be a +3.2% adjustment, in order to fund another program under MACRA. This delayed implementation was anticipated to save \$15.1 billion in direct Medicare spending. Finally, 21st Century Cures saved another roughly \$750 million in direct Medicare spending by delaying an additional 0.0412% of the total positive adjustment, to fund additional objectives under that Act. In short, there are three separate acts at issue that relate to specific objectives and budgets to accomplish those objectives. Not one of those acts contemplates a permanent 0.7% adjustment to the standardized reimbursement rate, or even a continued -0.7% adjustment merely through FFY 2023, nor accounts for the corresponding substantial savings in direct Medicare spending by an amount Plaintiffs estimate to be \$5 billion over the period from FFY 2018 to FFY 2023.

52. In the FFY 2018 IPPS Proposed Rule, CMS proposed to implement only the positive 0.4588% adjustment to the standardized amount directed by Congress in 21st Century Cures, failing to restore the additional -0.7% ATRA reduction imposed for FFY 2017 that it was

not permitted to carry beyond FFY 2017. Hospital IPPS and Proposed Fiscal Year 2018 Rates, 82 Fed. Reg. 19,796 (Apr. 28, 2017) (“FFY 2018 IPPS Proposed Rule”). CMS also stated that it expected to propose 0.5% adjustments to the standardized amounts for each FFY from 2019 through 2023, thus making the 0.7% ATRA reduction permanent (an estimated budgetary savings of nearly \$840 million per year, into perpetuity and adjusting for inflation). *Id.* at 19,816. Again, ATRA only authorized a total recoupment of \$11 billion not to extend beyond FFY 2017.

53. Commenters to the FFY 2018 IPPS Proposed Rule addressed the continued ATRA reduction by noting that, if CMS were to adopt only a positive 0.4588% adjustment for FFY 2018 and continue the 0.7% additional ATRA reduction, hospitals would be left with a larger permanent cut than Congress intended and implemented following the enactment of MACRA. FFY 2018 IPPS Final Rule, 82 Fed. Reg. at 38,009. Commenters asserted that CMS’ proposal to apply a 0.4588% positive adjustment for FFY 2018 misinterprets the relevant statutory authority, and urged CMS to follow the direction of Congress by restoring an additional, positive 0.7% adjustment to the standardized amount in FFY 2018.

54. Notwithstanding the comments to the FFY 2018 IPPS Proposed Rule, in the FFY 2018 IPPS Final Rule, CMS retained the 0.7% additional ATRA reduction in violation of section 7(b)(2) of the TMA. *See* 82 Fed. Reg. at 38,009. CMS erroneously concluded that “the directive regarding the applicable adjustment for FY 2018 is clear,” and that it was required to finalize only a positive 0.4588% adjustment for FFY 2018, thus continuing the negative 0.7% ATRA reduction as a permanent reduction. *Id.* In doing so, CMS improperly ignored the clear and explicit prohibition against continuing adjustments into years after FFY 2017 under TMA section 7(b)(2). Therefore, CMS unlawfully failed to implement a 0.7% positive adjustment to bring the standardized rate to the Congressionally-contemplated baseline, before applying the positive

adjustments that Congress phased in over FFY 2018 to FFY 2023 for specific program funding purposes. For FFY 2018, the directed positive adjustment to the standardized amount was 0.4588%, and with the 0.7% positive adjustment required to offset those ATRA reductions that were not permitted to be phased in, a total 1.1588% adjustment was required by Congress.

55. In the FFY 2019 IPPS Final Rule, CMS again refused to implement the 0.7% positive adjustment in order to offset that portion of the ATRA recoupment that Congress did not permit CMS to offset in phases, and instead applied only the 0.5% positive adjustment to the standardized amount directed for FFY 2019. *See* 83 Fed. Reg. at 41,157. CMS responded to comments critical of this approach by stating that “[w]e are not convinced that the adjustments prescribed by MACRA were predicated on a specific ‘baseline’ adjustment level. . . . We see no evidence that Congress enacted these adjustments with the intent that CMS would make an additional +0.7 percentage point adjustment in FY 2018 to compensate for the higher than expected final ATRA adjustment made in FY 2017.” *Id.*

56. In the recently published FFY 2020 IPPS Final Rule, CMS stated that it will not restore the -0.7% reduction in FFY 2020. 84 Fed. Reg. at 42,047.

**THE SECRETARY’S CONTINUATION OF THE 0.7% ATRA  
REDUCTION IS INCONSISTENT WITH THE STATUTE**

57. The Secretary’s continuation of its final 0.7% ATRA adjustment into FFYs 2018 and 2019 (as well as FFY 2020) by applying only the positive adjustments specified in section 414 of MACRA, as amended by section 15005 of 21st Century Cures, is (a) in excess of statutory jurisdiction; (b) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (c) without observance of procedure as required by law; and (d) is otherwise defective both procedurally and substantively.

**1. The Secretary’s Continuation of the 0.7% ATRA Reduction into FFYs 2018 and 2019 is Contrary to the Plain Language of the TMA**

***a. The TMA, as amended, explicitly requires that adjustments in a particular year not apply to subsequent years.***

58. Despite numerous amendments to section 7(b) of the TMA over the years, Congress never changed the requirement that each “adjustment made under [section 7(b)(1)(B)] for discharges occurring in a year . . . not be included in the determination of standardized amounts for discharges occurring in a subsequent year.” That requirement remains undisturbed to this day.

59. Acknowledging the section 7(b)(2) requirement, CMS has stated in its IPPS rulemakings over many years that “the adjustment required under section 631 of the ATRA is a one-time recoupment of a prior overpayment, not a permanent reduction to payment rates. Therefore, any adjustment made to reduce payment rates in one year would eventually be offset by a positive adjustment, once the necessary amount of overpayment is recovered.” FFY 2016 IPPS Final Rule, 80 Fed. Reg. at 49,345 (emphasis added); FFY 2016 IPPS Proposed Rule, 80 Fed. Reg. at 24,342; FFY 2015 IPPS Final Rule, 79 Fed. Reg. at 49,873; FFY 2015 IPPS Proposed Rule, 79 Fed. Reg. at 27,997 – 98; FFY 2014 IPPS Final Rule, 78 Fed. Reg. at 50,515; FFY 2014 IPPS Proposed Rule, 78 Fed. Reg. at 27,504.

60. In light of section 7(b)(2) of the TMA, CMS’ decision to only adjust the standardized amount by 0.4588% in FFY 2018 and by 0.5% in FFYs 2019 through 2023 in order to fund the Medicare physician payments under MACRA unlawfully continues a residual negative 0.7% ATRA recoupment adjustment to IPPS payment rates beginning in FFY 2018. Such a permanent negative reduction is contrary to the plain language of the TMA, which requires that recoupment adjustments not be included in the determination of standardized amounts for discharges occurring in a subsequent year. Ultimately, the Secretary is obligated to fully restore



the ATRA adjustment by (i) restoring the residual ATRA adjustment of 0.7% for FFY 2018 and (ii) applying the positive adjustments for FFY 2018 through FFY 2023 as specified in section 414 of MACRA as amended by section 15005 of 21st Century Cures. The Secretary failed to implement the required positive 0.7% offsetting adjustment in FFY 2018 and again in FFY 2019, the FFY at issue in this Complaint.

***b. Congress did not intend to, and did not, create a large, on-going negative adjustment to IPPS payments.***

61. In the MACRA and the 21st Century Cures amendments to ATRA, Congress left intact the parenthetical language in section 414 of MACRA which references the 3.2% estimate of ATRA adjustments to be reversed incrementally in order to, *inter alia*, fund the Medicare physician payment reform.

62. The MACRA and 21st Century Cures amendments to ATRA likewise leave in place TMA section 7(b)(2), which unequivocally bars CMS from continuing a recoupment adjustment into a subsequent year. Adjustments under TMA section 7(b)(1)(B) (*i.e.*, recoupment adjustments) “shall not be included in the determination of standardized amounts for discharges occurring in a subsequent year.” TMA § 7(b)(2).

63. All of the ATRA adjustments were recoupment adjustments authorized by section 7(b)(1)(B), including the unanticipated additional -0.7% adjustment applied in FFY 2017. As a recoupment adjustment, each ATRA adjustment *must be reversed* under section 7(b)(2) unless Congress explicitly authorizes CMS to delay restoration. In section 414 of MACRA, as amended by 21st Century Cures, Congress authorized CMS to stage out restoration of the estimated -3.2% total ATRA adjustment so that the savings therefrom could fund different Medicare objectives. Congress, however, was wholly silent concerning disposition of the residual 0.1588% of the estimated 3.2% ATRA adjustment that would still remain after implementing the final 0.5%

adjustment in FFY 2023, and Congress did not address the additional, unexpected -0.7% adjustment CMS applied in FFY 2017—which brought the total ATRA recoupment adjustment to 3.9%. Congress neither authorized CMS to continue the additional recoupment adjustment of -0.7% nor delay its restoration; moreover, Congress never explained any intended use for the significant savings in Medicare direct spending that results from such a continuation or delay. In the absence of such express authorization, the -0.7% recoupment adjustment must be reversed under section 7(b)(2).

64. Congress' silence with regard to the negative 0.7% recoupment adjustment in FFY 2018 and beyond is particularly marked in light of its passage of 21st Century Cures in 2016. Congress had the opportunity in 21st Century Cures to authorize CMS to continue all or a portion of the additional -0.7% ATRA recoupment adjustment by, for example, changing the parenthetical reference in section 7(b)(1)(B)(iii) of the TMA to allow staging of the full 3.9% recoupment adjustment. Instead, Congress under 21st Century Cures only delayed restoration of a mere 0.0412% of the original -3.2% recoupment adjustment (producing budgetary savings of about \$60 million in FFY 2018) and remained silent with regard to the additional 0.7% recoupment adjustment (and the approximately \$840 million in budgetary savings that will be achieved annually beginning in FFY 2018 by delaying restoration of this adjustment).

***c. The Secretary's failure to restore the 0.7% ATRA reduction was not an exercise of agency discretion.***

65. The Secretary based the decision to continue the additional ATRA reduction of -0.7% on an erroneous interpretation of the applicable statutes and a belief that such interpretation is compelled by Congress. Thus, the Secretary did not exercise his own judgment or discretion. And, in fact, TMA section 7(b)(2) does not provide the Secretary with any discretionary authority to continue a recoupment adjustment like the -0.7% adjustment into a subsequent year.

66. Under the APA, the Secretary is prohibited from taking action and making findings and conclusions that are arbitrary and capricious, and actions are considered arbitrary and capricious when not explained, or when not rationally explained. 5 U.S.C. § 706(2)(A). The Secretary, when he implements a provision of the Act, must sufficiently explain the reasons for the choices he makes in such implementation.

67. The APA also prohibits the Secretary from implementing the Medicare Act by actions, findings, or conclusions that are found to be without observance of procedure required by law. 5 U.S.C. § 706(2)(D). The APA mandates that the agency provide notice and rulemaking and consider the relevant matters presented. 5 U.S.C. § 553. The Medicare Act also prohibits the application of any rule or policy that establishes or changes a substantive legal standard governing the payment for services, unless the rule or policy is promulgated by the Secretary by regulation. 42 U.S.C. § 1395hh(a).

68. Comments submitted in response to the FFY 2018 IPPS Proposed Rule requested that the Secretary exercise his discretionary “exceptions and adjustment” authority under 42 U.S.C. § 1395ww(d)(5)(I) to apply a positive adjustment of 0.7% in FFY 2018, in addition to the 0.4588% adjustment required under 21st Century Cures. *See* FFY 2018 IPPS Final Rule, 82 Fed. Reg. at 38,009. Notwithstanding these comments, the Final Rule did not even mention, let alone evaluate application of CMS’ “exceptions and adjustment” authority.

69. The FFY 2018 IPPS Final Rule failed to address commenters’ requests regarding CMS’ discretionary “exceptions and adjustment” authority and did not provide a rational explanation for either the failure to address the requests or the decision not to exercise discretion.

70. Comments submitted in response to the FFY 2019 IPPS Proposed Rule similarly requested “that CMS reverse its previous position and implement additional 0.7 percentage point

adjustments for both FY 2018 and FY 2019. Some of the commenters requested that CMS use its statutory discretion to ensure that all 3.9 percentage points in negative adjustment be restored. In addition, some of the commenters, while acknowledging that CMS may be bound by law, expressed opposition to the permanent reductions and requested that CMS refrain from making any additional coding adjustments in the future.” 83 Fed. Reg. 41,157.

71. In response to these comments, CMS again failed to mention or evaluate its discretionary authority, despite the fact that at the time the FFY 2019 IPPS Final Rule was published (August 17, 2018) the *Fresno* case had been filed (April 13, 2018) challenging, *inter alia*, CMS’s failure to respond to comments requesting the Secretary employ his discretionary authority in the FFY 2018 Final Rule.

72. The Providers here challenge the Secretary’s continuation of the -0.7% ATRA reduction in FFY 2019, and, therefore, his failure to abide by Congress’ explicit direction that any recoupment adjustments not be carried over into subsequent years.

73. This Court has jurisdiction under 28 U.S.C. § 1361 because Congress did not, and could not, strip this Court of its authority to review *ultra vires* agency action. Plaintiffs have no other adequate remedy, either judicial or administrative, to redress the Secretary’s unlawful actions, and therefore require action by the Court in the instant case.

74. This Court also has jurisdiction under 28 U.S.C. § 1331 because a finding by this Court that it lacks mandamus jurisdiction could foreclose the Providers’ ability to obtain judicial review of the Secretary’s actions that are in excess of his statutory authority and otherwise not in accordance with law. When a plaintiff challenges administrative action—or inaction—by the Secretary for which jurisdiction is not provided under the Social Security Act, the Supreme Court has held that jurisdiction for such review is available under 28 U.S.C. § 1331 because of “the

strong presumption that Congress intends judicial review of administrative action.” *Bowen v. Mich. Acad. of Family Physicians*, 476 U.S. 667, 670 (1986).

### **CAUSES OF ACTION**

#### **COUNT I:**

#### **Violation of the APA, the Medicare Act, and Other Statutes**

75. Plaintiffs repeat and reallege paragraphs 1 – 74 as if set forth fully herein.

76. The APA prohibits the Secretary from implementing the Medicare Act by actions, findings or conclusions that are in excess of statutory jurisdiction, authority, or limitations, or short of statutory right. 5 U.S.C. § 706(2)(C). The multi-year, or possibly permanent, 0.7% ATRA reduction in inpatient hospital payment rates is unlawful and should be set aside. Section 7(b)(2) of the TMA, as amended, requires that any adjustment under section 7(b)(1)(B)—including the ATRA recoupment adjustments— “shall not be included in the determination of standardized amounts for discharges occurring in a subsequent year.” CMS has no authority to delay restoration of the recoupment adjustments except as specifically directed by Congress in the TMA.

77. Further, Congress only authorized CMS to stage restoration of an ATRA recoupment adjustment of approximately 3.2% in section 7(b)(1)(B)(iii). Despite amending the TMA in 2016 (after CMS had finalized the additional -0.7% ATRA adjustment), Congress did not amend the TMA to replace the reference to a 3.2% adjustment with a reference to a 3.9% adjustment or to otherwise authorize CMS to continue the additional 0.7% recoupment adjustment. Absent such statutory authorization for continuing the 0.7% payment reduction, CMS’ action is unlawful.

78. Thus, the Secretary’s failure to restore the 0.7% ATRA reduction in FFYs 2018 and 2019 is inconsistent with the TMA, as amended, and thus “not in accordance with law.”

**COUNT II:  
Violation of the APA, the Medicare Act, and Other Statutes**

79. Plaintiffs repeat and reallege paragraphs 1 – 78 as if set forth fully herein.

80. Agency action is considered arbitrary and capricious when it is not adequately explained or rationally explained. In the FFY 2019 IPPS Final Rule, just as with the FFY 2018 IPPS Final Rule, the Secretary failed to adequately explain the rationale (or provide any rationale whatsoever) for not applying his “exceptions and adjustment” discretion under 42 U.S.C. § 1395ww(d)(5)(I). The Secretary’s continuation of the 0.7% payment reduction without explanation for his failure to implement an offsetting positive discretionary adjustment is therefore arbitrary and capricious and violates the APA.

**COUNT III:  
Violation of the APA, the Medicare Act, and Other Statutes**

81. Plaintiffs repeat and reallege paragraphs 1 – 80 as if set forth fully herein.

82. The APA prohibits the Secretary from implementing the Medicare Act through actions, findings or conclusions that are found to be without observance of procedure required by law. 5 U.S.C. § 706(2)(D). The APA dictates rulemaking procedural requirements, specifically the requirement that the agency provide notice of proposed rulemaking, that the agency afford interested parties an opportunity to comment on the proposed rulemaking, and that the agency consider the relevant matters presented. 5 U.S.C. § 553. The Medicare Act also prohibits the application of any rule or policy that establishes or changes a substantive legal standard governing the payment for service, unless it is promulgated by the Secretary by regulation. 42 U.S.C. § 1395hh(a).

83. In the FFY 2019 IPPS Final Rule, the Secretary failed to address commenters’ questions and requests regarding the exercise of his ‘exceptions and adjustment’ authority under

42 U.S.C. § 1395ww(d)(5)(I). 83 Fed. Reg. 41,157 (referring to CMS’s “statutory discretion”); therefore it is apparent that the Secretary failed to consider the commenters’ relevant questions and requests concerning FFY 2019 reductions to the IPPS base payment rate in violation of the APA.

**COUNT IV:  
Mandamus (28 U.S.C. § 1361)**

84. Plaintiffs repeat and reallege paragraphs 1 – 83 as if set forth fully herein.

85. The Secretary has the non-discretionary duty to reimburse the Providers fully at the amounts to which they are entitled under the law. The Secretary’s failure to restore the additional 0.7% ATRA reduction violates the APA and the TMA. Under the Court’s authority pursuant to 28 U.S.C. § 1361, the Providers are entitled to issuance of a writ of mandamus, directing the Secretary to reverse the unlawful 0.7% payment reduction by applying a corresponding positive adjustment of 0.7% for FFYs 2018 and 2019.

**COUNT V:  
All Writs Act (28 U.S.C. § 1651)**

86. Plaintiffs repeat and reallege paragraphs 1 – 85 as if set forth fully herein.

87. The Secretary has violated the APA in failing to restore the 0.7% ATRA reduction to hospital payment rates. The Providers are entitled to their full payment under IPPS, without the unauthorized permanent reduction. Under the All Writs Act, 28 U.S.C. § 1651, and other authority, the Providers are entitled to issuance of an order requiring the Secretary to reverse the unlawful continuation of the 0.7% payment reduction and apply an offsetting positive adjustment of 0.7% for FFYs 2018 and 2019.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for judgment as follows:

1. For an Order:
  - a. Declaring that the Secretary's failure to restore the 0.7% ATRA reduction in the FFY 2019 IPPS Final Rule (or otherwise) is not in accordance with law, including within the meaning of 5 U.S.C. § 706(2)(A), (C) and (D);
  - b. Directing the Secretary to apply a positive adjustment of 0.7% applicable to FFYs 2018 and 2019 to offset the additional negative recoupment adjustment applied in FFY 2017 under section 631 of ATRA, *in addition to* the congressionally directed 0.5% rate adjustment mandated for FFY 2019 under section 414 of MACRA, as amended by section 15005 of 21st Century Cures; and make the payments due to the Providers, with interest determined in accordance with 42 U.S.C. § 1395oo(f)(2);
2. For costs of suit incurred by Plaintiffs, including reasonable attorneys' fees; and
3. For such other and further relief as the Court deems appropriate.

Dated this 19th day of November, 2019.

Respectfully Submitted,

/s/ Sara Jean MacCarthy

Daniel F. Miller, D.C. Bar No. WI0032  
Sara Jean MacCarthy, D.C. Bar No. WI0037  
Heather D. Mogden, D.C. Bar No. WI0039  
HALL, RENDER, KILLIAN, HEATH &  
LYMAN, P.C.  
330 East Kilbourn Avenue, Suite 1250  
Milwaukee, WI 53202



Telephone: (414) 721-0442  
Facsimile: (414) 721-0491  
Email: dmiller@hallrender.com  
Email: smaccarthy@hallrender.com  
Email: hmogden@hallrender.com

*Attorneys for Plaintiffs*