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SCHIP Reauthorization Signed Into Law Without Prohibition on Physician Ownership in Hospitals

On February 4, 2009 President Obama signed into law the \$32.8 billion dollar State Children's Health Insurance Program ("SCHIP") reauthorization bill after the United States House of Representatives approved the bill that same day. Although early versions of the SCHIP bill contained language that would have modified the federal Stark Law by amending the whole hospital exception to (i) prohibit physician ownership or investment in hospitals without provider agreements in place on January 1, 2009, and (ii) limit expansion of existing physician owned hospitals, that language was deleted during the legislative process.

As a result, the final SCHIP reauthorization bill signed by President Obama does not contain language that prohibits physician ownership or investment in hospitals. Nor does the final bill prevent the future expansion of existing physician owned hospitals. As a result, the SCHIP bill will have no impact on physician ownership in hospitals. However, it is anticipated that federal law makers will continue to try to add language to future legislation to eliminate or limit physician ownership and/or investment in hospitals

Should you have any questions, please do not hesitate to contact your regular Hall Render attorney, or Andrea L. Impicicche at aimpicicche@hallrender.com or 317-977-1578.

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