

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

**ANDERSON HOSPITAL**

6800 State Route 162  
Maryville, IL 62062

**ASPIRUS RIVERVIEW HOSPITAL**

410 Dewey Street  
Wisconsin Rapids, WI 54494

**AULTMAN HOSPITAL**

2600 Sixth Street Southwest  
Canton, OH 44710

**BRYAN MEDICAL CENTER**

1600 South 48th Street  
Lincoln, NE 68506

**CALDWELL MEMORIAL HOSPITAL**

321 Mulberry Street, Southwest  
Lenoir, NC 28645

**CARLE FOUNDATION HOSPITAL**

611 West Park Street  
Urbana, IL 61801

**ELKHART GENERAL HOSPITAL**

600 East Boulevard  
Elkhart, IN 46514

**ESKENAZI HEALTH**

720 Eskenazi Avenue  
Indianapolis, IN 46202

**FRANCISCAN HEALTH INDIANAPOLIS**

8111 South Emerson Avenue  
Indianapolis, IN 46237

**GOOD SAMARITAN HOSPITAL**

520 South Seventh Street  
Vincennes, IN 47591

**GREAT RIVER MEDICAL CENTER**

1221 South Gear Avenue  
West Burlington, IA 52655

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

**COMPLAINT  
FOR JUDICIAL REVIEW,  
DECLARATORY JUDGMENT,  
AND MANDAMUS RELIEF**

**HANCOCK REGIONAL HOSPITAL**

801 North State Street  
Greenfield, IN 46140

**HENRY COMMUNITY HEALTH**

1000 North 16th Street  
New Castle, IN 47362

**INDIANA UNIVERSITY HEALTH**

1701 North Senate Blvd  
Indianapolis, IN 46202

**MARION GENERAL HOSPITAL**

441 North Wabash Avenue  
Marion, IN 46952

**MAYO CLINIC HEALTH SYSTEM  
IN EAU CLAIRE**

1221 Whipple Street  
Eau Claire, WI 54703

**MAYO CLINIC HEALTH SYSTEM -  
FRANCISCAN HEALTHCARE IN LA CROSSE**

700 West Avenue South  
La Crosse, WI 54601

**MEMORIAL HEALTHCARE**

826 West King Street  
Owosso, MI 48867

**MEMORIAL HOSPITAL**

615 North Michigan Street  
South Bend, IN 46601

**METHODIST HOSPITAL**

1305 North Elm Street  
Henderson, KY 42420

**MHP MEDICAL CENTER**

2451 Intelliplex Drive  
Shelbyville, IN 46176

**NORTHSIDE HOSPITAL GWINNETT**

1000 Medical Center Boulevard  
Lawrenceville, GA 30046

**NORTON HOSPITALS, INC.**

200 East Chestnut Street  
Louisville, KY 40202

**PARKLAND HOSPITAL**

5200 Harry Hines Boulevard  
Dallas, TX 75235

**PIH HEALTH GOOD SAMARITAN HOSPITAL**

1225 Wilshire Boulevard  
Los Angeles, CA 90017

**PRISMA HEALTH BAPTIST HOSPITAL**

Taylor at Marion Streets  
Columbia, SC 29220

**RMC ANNISTON**

400 East Tenth Street  
Anniston, AL 36202

**SAINT TAMMANY PARISH HOSPITAL**

1202 South Tyler Street  
Covington, LA 70433

**ST. BERNARDS MEDICAL CENTER**

225 East Jackson  
Jonesboro, AR 72401

**STONEWALL JACKSON MEMORIAL  
HOSPITAL**

230 Hospital Plaza  
Weston, WV 26452

**UNION HOSPITAL**

1606 North Seventh Street  
Terre Haute, IN 47804

**UNIVERSITY HEALTH  
LAKEWOOD MEDICAL CENTER**

7900 Lee's Summit Road  
Kansas City, MO 64139

**UNIVERSITY HEALTH  
TRUMAN MEDICAL CENTER**

2301 Holmes Street  
Kansas City, MO 64108

**UNIVERSITY OF IOWA  
HOSPITALS & CLINICS**  
200 Hawkins Drive  
Iowa City, IA 52242

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

**WEIRTON MEDICAL CENTER**  
601 Colliers Way  
Weirton, WV 26062

**WOOSTER COMMUNITY HOSPITAL**  
1761 Beall Avenue  
Wooster, OH 44691  
Plaintiffs,

v.

**XAVIER BECERRA**, Secretary of the United States  
Department of Health and Human Services  
Room 700-E  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Defendant.

**COMPLAINT FOR JUDICIAL REVIEW,  
DECLARATORY JUDGMENT, AND MANDAMUS RELIEF**

1. The above-captioned 37 Plaintiff hospitals (hereinafter “Plaintiffs” or “Providers”), by and through their undersigned counsel, bring this action against Defendant Xavier Becerra in his official capacity as the Secretary (“Secretary”) of the United States Department of Health and Human Services (“HHS”), and state as follows:

**NATURE OF ACTION**

2. This is an action for judicial review, pursuant to 42 U.S.C. § 1395oo(f)(1), of a final decision of the Secretary finding that the Provider Reimbursement Review Board (“PRRB” or “Board”) is without authority to review the Plaintiffs’ challenges to the calculation of their

Medicare disproportionate share hospital (“DSH”) adjustments for the services they furnished to low-income patients in fiscal years 2009 through 2017. The final administrative decisions in response to the Plaintiffs’ requests for expedited judicial review (“EJR Determinations”) are attached hereto as **Exhibits 1, 2, and 3**, and are incorporated herein by reference. The EJR Determinations acknowledged the Plaintiffs’ right to seek judicial review in this matter.

3. The Plaintiffs maintain that their DSH reimbursement calculations were understated due to the failure of the Centers for Medicare and Medicaid Services (“CMS”) and the relevant Medicare Administrative Contractors (“MAC” or “contractor”) to include in the numerator of the Medicare fraction of the Medicare DSH calculation all patient days for patients who were eligible for and enrolled in the SSI program but may not have received an SSI payment for the month in which they received services (hereinafter “SSI Enrollees”), as required by 42 U.S.C. § 1395ww(d)(5)(F) (the “DSH statute”).

4. In enacting the statute, Congress intended the Medicare DSH payment to compensate hospitals, like the Plaintiffs in the instant case, that shoulder the financial burden of providing care to a disproportionate number of low-income patients. It is based on a proxy measure for a hospital’s low-income patient utilization which is the sum of two fractions expressed as a percentage. *See* 42 U.S.C. § 1395ww(d)(5)(F)(vi); 42 C.F.R. § 412.106(b).

5. In filings submitted to the PRRB, the Secretary’s administrative tribunal, the Plaintiffs established that the Secretary used a legally flawed method to count the patient days included in the numerator of the Providers’ respective Medicare fractions (hereinafter “SSI Days”).

6. As the DSH statute is currently construed by the Secretary, a hospital patient is “entitled” to Medicare Part A benefits so long as they are enrolled in Part A and regardless of

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