

HILL-BURTON

What is it?

The Hill-Burton program started in 1947. Federal funds were made available to hospitals, nursing homes, clinics, and other facilities to help build, enlarge, or modernize their facilities. Instead of paying back the money, the facilities agreed to provide certain health care benefits to patients. Facilities that received Hill-Burton funds were required to provide a certain amount of free and reduced-fee care to patients, and to follow other practices that increased access to the facility.

Almost all the non-profit hospitals and a number of other health care facilities in North Carolina participated in the program.

Who is it for?

In the past, free and reduced-fee services were available to persons whose incomes were below the federal poverty guidelines (FPG). However, most facilities no longer have an obligation to provide free or reduced-fee services. Other provisions are still in force that ensure a certain level of access to health services for people who live or work in the service area of a participating health care facility.

BENEFITS

Health care facilities that participated in Hill-Burton have two obligations. One is known as the “community services” obligation; the other is the “uncompensated care” obligation.

- ◆ *Community services:* Under the community services obligation, a Hill-Burton facility must make its services available to anyone who lives within the facility’s service area and has some means of payment. It must make emergency services available to anyone who lives or works within its service area, regardless of that person’s ability to pay. There is no time limit on the community services obligation, as long as the facility continues to be operated by a non-profit or public entity.
- ◆ *Uncompensated care:* Health care facilities were required to provide a certain amount of free or reduced-fee care each year for 20 years after completion of the construction project using Hill-Burton funds. Facilities that still have an uncompensated care requirement must provide a certain amount of free or reduced-fee care. They must provide free care to people with incomes below the FPG, and may provide free or reduced-fee services to people with incomes up to twice the FPG. The facilities also have some discretion to determine what type of services will be offered free or for reduced fees. Each Hill-Burton facility must

post notice of the availability of uncompensated services in appropriate areas, such as the admissions areas, the business office, and the emergency room.

Most health care facilities in North Carolina have already completed the obligation to provide uncompensated services. The Atlanta Regional Office of the U.S. Department of Health and Human Services (HHS) determines whether an individual health care facility has completed its obligation.

ELIGIBILITY

Eligibility for uncompensated care is based on an individual's income. Within the community services obligation, a Hill-Burton facility may not discriminate on any grounds unrelated to an individual's need for the service or the availability of the needed service at the facility. The facility may not exclude Medicare or Medicaid recipients or establish practices that make it difficult for recipients of those programs to be admitted to the facility. It may not exclude anyone on the grounds of race, color, national origin, religion, or creed.

A Hill-Burton facility may determine, however, that the prospective patient does not need the medical service requested, needs a service not offered at the facility, or has no ability to pay for the services or to make any arrangements to pay for the services. In these cases, the facility may refuse to admit a patient (except for needed emergency services).

APPLICATIONS

Applications for uncompensated care are taken at participating health care facilities. The community service portion has no specific application process. Anyone with a complaint about a facility failing to comply with its Hill-Burton obligations may file an appeal with the U.S. Department of Health and Human Services (HHS). If HHS finds a violation, it may order appropriate corrective action.

SOURCES OF LAW

Federal regulations: 42 C.F.R. § 53.113 (community service); 42 C.F.R. § 53.111 (free care obligation)

FOR MORE INFORMATION

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