### Late Night With Chip & Paulie



Episode #10 Thursday September 29, 2022 @ 8:00PM(ET)







Seth Kaplan, MD

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4

## **Last Webinar**

Monitoring Provider Margins

Managed Care Contract Negotiations

Employee Retention Credits



### Agenda

- This Week's Focus
- Data Nerd Report
- News Round Up
- Employee Retention Credit (ERC)
- Seth Kaplan, MD

Billy Joel
Money Supply
Disco Parties
Airline Miles
Employee Retention Credits
Inflation
Credit Card Rewards Reward
High School Football Stadium

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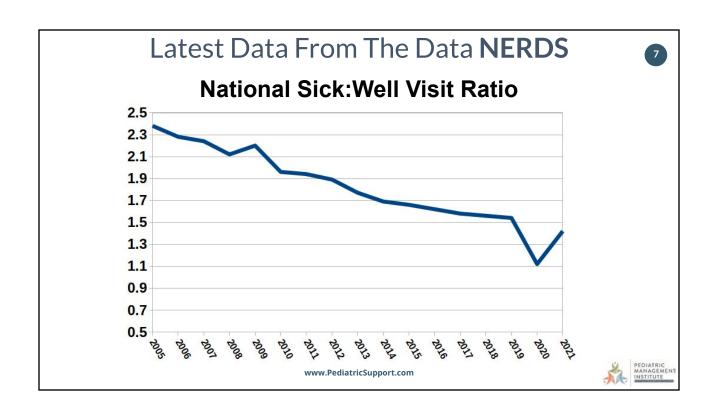


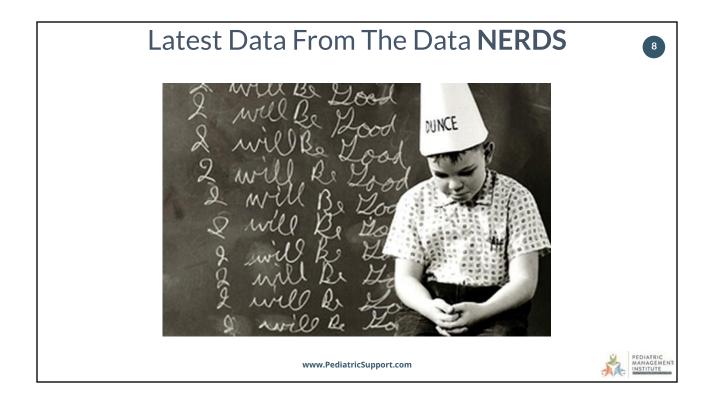
# Focus For The Week...

# 5 THINGS TO QUIT right now:

- 1. Trying to please everyone.
- 2. Fearing change.
- 3. Living in the past.
- 4. Putting yourself down.
- 5. Overthinking.









#### PMI Conference 2023

- First weekend in February
- Virtual options still available (Livestream & On-Demand Access)





#### Pre Conference Sessions for 2022



#### Practice Management

- Front Desk Best Practices (Lynne Gratton)
- Compensation Models For Pediatric Practices (Paulie Vanchiere)
- Do Your Own Financial Analysis (Tim Proctor)
- Essential KPI's For Your Practice (Alisa Vaughn)

#### Marketing

- Self-Promotion For Marketing Success (Nola Ernest)
- Responding To Social Media Attacks (Nicole Baldwin/Todd Wolynn)
- Effective Tools For Marketing Management (Feiten)

#### Supergroups

- The Role Of Supergroups In Pediatrics (Susanne Madden)
- Lessons Learned From The Field (Susan Sirota)
- CIN's- What Works For Pediatricians (Weissman & Lindquist)
- Panel/Group Discussion

#### • The Reach Institute

• Eugene Hershorin & Peter Jensen



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#### What's On The Pediatric Practice Management Calendar?



September 29th, 8pm Paulie and Chip Late Show Webinar

Check all former user email accounts and confirm forwarding (Q)

Check all user permissions (Q)

Clean Up Payor Patient Lists (Q)

Lock out former users (Q)

Check all voicemail greetings (M)

Coding Training for next year (Y)

Patient Cleanup (Q)

2022 AAP NCE Practice Management Classes Added!

bit.ly/PediatricPracticeManagementCalendar



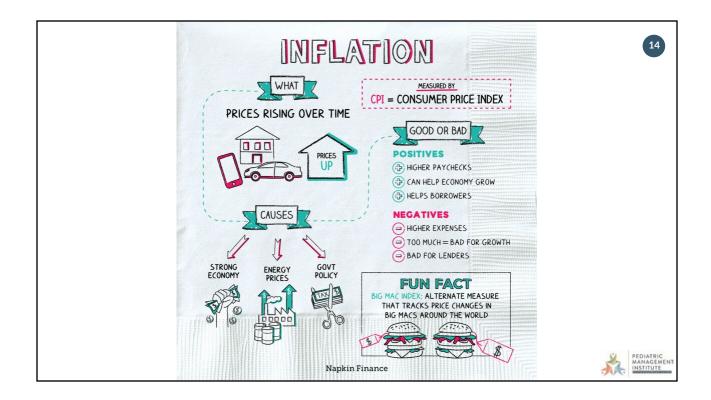


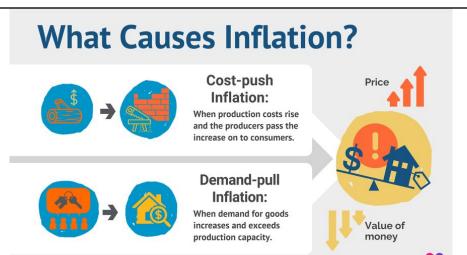


# Next Few Years...

Rising labor costs
Rising supply costs
Stagnant Payer Payments
More productivity to maintain earnings?







Trees burning in CA pushes prices up due to supply decreases (*increased cost/push*)...meanwhile, people willing to pay higher prices for new homes causes those prices to increase (*increased demand/pull*)...we are getting it from both sides...

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16

The Motley Fool

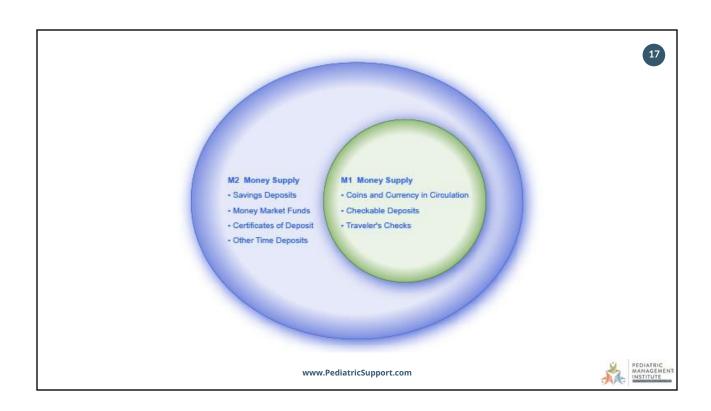
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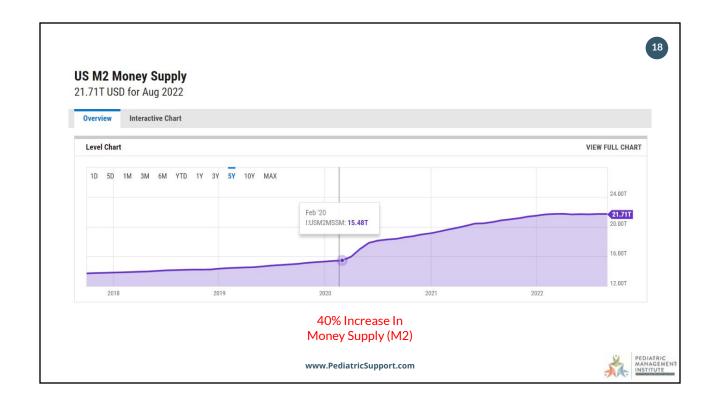
### The Federal Reserve

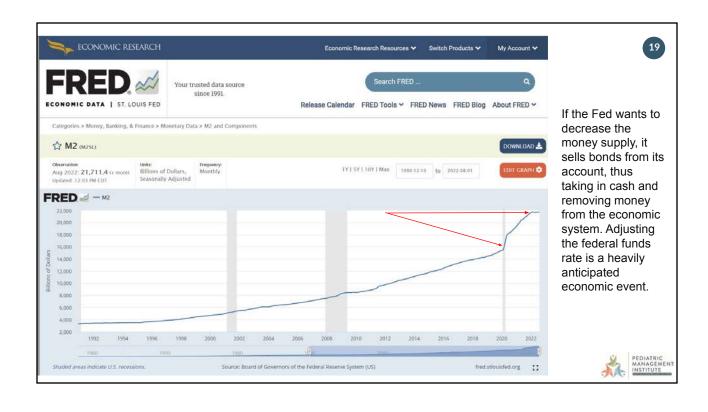
Trying to tackle inflation...

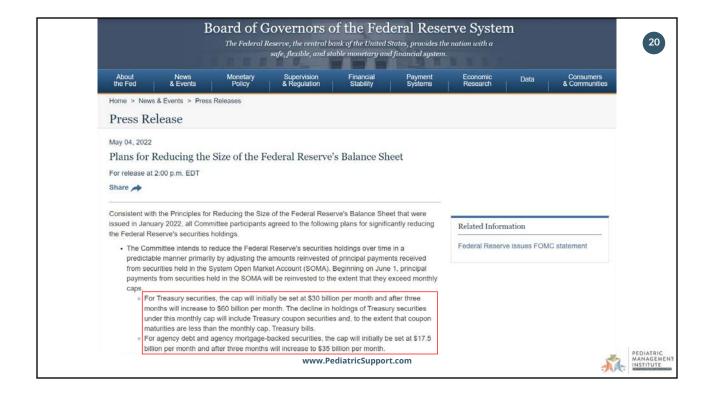
- 1. Increase cost of borrowing
  - a. Increase overnight lending rates
  - b. Trickles down to other financial products to discourage borrowing
  - c. Decrease cash in circulation reduces inflationary conditions
  - d.
- 2. Reduce Money Supply (M2)
  - a. Reduction in new funds flowing into the economy
  - b. Retiring bonds





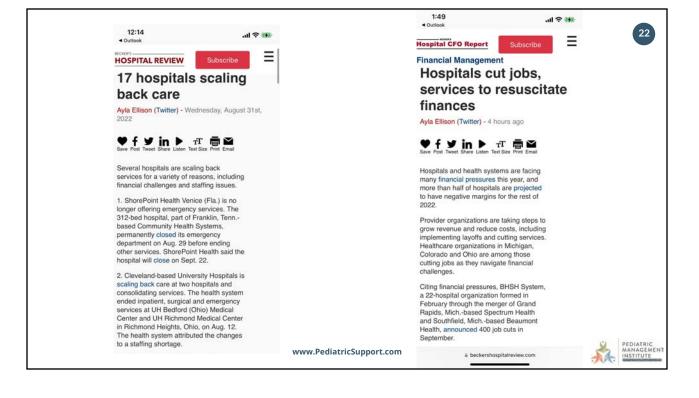






# **News Round Up**







#### Cash on hand at not-for-profit health systems posing challenges

Caroline Hudson

Days cash on hand at not-for-profit hospital systems is trending downward as the sector recalibrates after last year's higher-than-normal balances.

For some, it's requiring tough choices to be made.

Trinity Health is looking for ways to stabilize its portfolio, while also deferring capital expenses, even as demand increases to improve equipment and facilities, CEO Michael Subowski said. The Livonia, Michigan-based health system had 237 days of cash on hand as of March 31, compared with 261 days at that time in 2021, according to the most recently available data.

"The biggest prime directive about this is to try to lower our operating expenses and find any sources of revenue we can to try to get back on solid financial footing," Slubowski said.

Last year, hospitals' coffers were bolstered with federal COVID-19 relief funds, including the benefits of payroll tax deferrals and the Accelerated and Advance Payments Program implemented in early 2020 by the Centers for Medicases & Medicaid Consider.

Last year, hospitals' coffers were bolstered with federal COVID-19 relief funds, including the benefits of payroll tax deferrals and the Accelerated and Advance Payments Program implemented in early 2020 by the Centers for Medicare & Medicaid Services.

Not-for-profit systems typically hold more cash than for-profit organizations because there are no shareholders vying for excess capital releases and the entities have tax-exempt status.

Median days cash on hand have decreased by 18% from June 2021 to July of this year, according to an analysis of approximately 700 not-for-profit hospitals from consulting firm Kaufman Hall.

One big cause of the downturn is required repayments for the Medicare loan program. Providers must repay the amount in 29 months, a time frame that ended this summer for those that received the advance payments in early 2020.

Higher expenses, largely driven by increased labor costs, and the resulting squeeze on operating margins are other factors dragging down cash on hand.





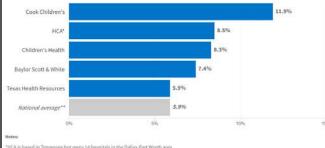
DIAGNOSIS: DEBT

#### Few Places Have More Medical Debt Than Dallas-Fort Worth, but **Hospitals There Are Thriving**

KHN

#### **Good Times for Dallas-Fort Worth Hospitals**

The average operating margin for leading hospital systems in the Dallas-Fort Worth area from 2018 to 2021 was very strong All the systems below are nonprofit, except HCA.



Average aggregate operating margin for U.S. hospitals covers only 2018-20

Credit: Noam N. Levey/KHN and Alyson Hurt/NPR

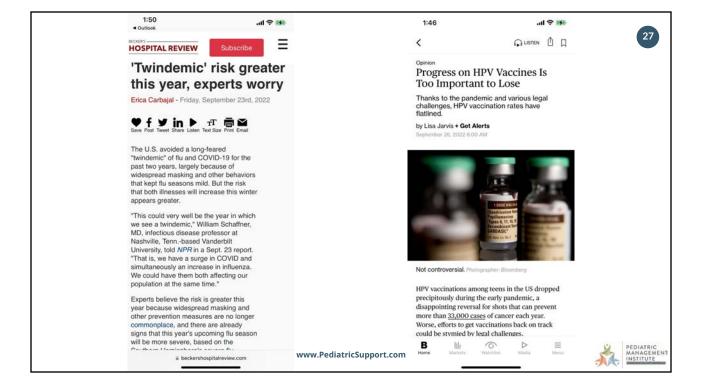
Of the nation's 20 most populous counties, none has a higher concentration of medical debt than Tarrant County, home to Fort Worth. Second is Dallas County, credit bureau data shows.

From 2018 to 2021, Texas Health, which owns hospitals in North Texas, had an average operating margin of almost 6%, according to a KHN analysis of publicly available financial reports.

Other major systems in the area, including Baylor, Children's Health, and HCA, the nation's largest for-profit hospital company, did even better, KHN found. Cook Children's, the region's second major pediatric system, had an average operating margin of nearly 12%.

By comparison, profits at most of the 25 Fortune 500 companies based around Dallas-Fort Worth, such as ExxonMobil, were less than 6% in 2019, according to Fortune PEDIATRIC MANAGEMENT INSTITUTE

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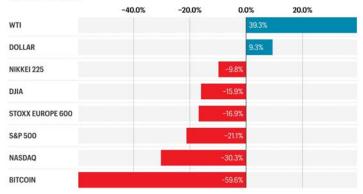


#### 28

# **Retirement Planning**

#### A first half to forget

Stocks and crypto suffered their worst first half in more than 50 years. Here's how bad it looks for investors.



NOTE: ALL VALUES YTD AS OF CLOSE OF MARKETS ON JUNE 30, 2022.

FORTUNE





29

#### Markets

# Traders Who 'Just Want to Survive' Sit on \$5 Trillion Cash Pile

- Nowhere-to-hide market keeps asset managers on defensive
- For first time in years, money funds are offering juicy yields

From stocks to bonds, credit to crypto, money managers looking for <u>somewhere to hide</u> from the Federal Reserve induced storm battering virtually every asset class are finding solace in a long reviled corner of the market: cash.

Investors have \$4.6 trillion stashed in US moneymarket mutual funds, while ultra-short bond funds currently hold about \$150 billion. And the pile is growing. Cash saw inflows of \$30 billion in the week through Sept. 21, according to figures from EPFR Global. Where once that stash yielded practically nothing, the vast bulk now earns upwards of 2%, with pockets paying 3%, 4% or more.



#### The difficulties of trying to time the market

Bank of America looked at the impact of missing the market's best and worst days each decade

Decade	Price return	Excluding worst 10 days per decade	Excluding best 10 days per decade	Excluding best/worst 10 days per decade
1930	-42%	39%	-79%	-50%
1940	35%	136%	-14%	51%
1950	257%	425%	167%	293%
1960	54%	107%	14%	54%
1970	17%	59%	-20%	8%
1980	227%	572%	108%	328%
1990	316%	526%	186%	330%
2000	-24%	57%	-62%	-21%
2010	190%	351%	95%	203%
2020	18%	125%	-33%	27%
ince 1930	17.715%	3,793,787%	28%	27,213%

Looking at data going back to 1930, the firm found that if an investor missed the S&P 500's 10 best days each decade, the total return would stand at 28%. If, on the other hand, the investor held steady through the ups and downs, the return would have been 17,715%.

Source: Bank of America, S&P 500 returns



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33



<u>Caroline Tannet</u>
Sept. 16, 2022 • 14 min read

Proposed federal legislation moving through Congress has the potential to significantly alter — if not completely eliminate — the world of credit cards that we know today. If passed, it could dramatically change the rewards ecosystem, affecting your ability to collect (and redeem) points and miles toward travel or earn cash back that can offset some of your everyday spending.

#### What is the Credit Card Competition Act of 2022?

On July 28, two U.S. senators — Richard Durbin, D-III., and Roger Marshall, R-Kan. — introduced the Credit Card Competition Act of 2022. As its name implies, the proposed legislation aims to inject more competition into the credit card industry in the hopes of lowering the fees merchants pay whenever shoppers swipe their credit cards.

If enacted, the law would amend the Electronic Fund Transfer Act by directing the Federal Reserve to require credit card issuing banks to offer a minimum of two networks for merchants processing electronic credit card transactions, according to a bill summary provided by the Congressional Research Service.

It even specifically prohibits these two networks from being those with the largest market share of cards today — Visa and Mastercard. These two companies processed nearly \$3.5 trillion in card transactions in 2021, while collecting more than \$77 billion in U.S. merchant credit card fees, according to a press release issued by the bill's co-sponsors.



# Employee Retention Credit How Much Money Is Involved?

	ERTC 2020	ERTC 2021
Eligibility Periods(s)	Mar 13, 2020 – Dec 31, 2020	Jan 1, 2021 – Mar 31, 2021 Apr 1, 2021 – June 30, 2021 July 1, 2021 – Sept 30, 2021
Credit	50% of up to \$10,000 of qualified wages for the entire year	70% of up to \$10,000 of qualified wages each quarter
Maximum Credit (per employee)	\$5,000	\$21,000

35

# Interplay With PPP

Cannot claim wages used for PPP forgiveness with ERC eligibility.

Firm should heavily scrutinize which payroll periods were used to obtain PPP forgiveness (Both rounds).



# **ERC Advisory Services**



- 1. Coordinate With Your Accountant
- 2. Be careful with new firms "specializing" in filing ERC's (ERC Mills)
- 3. Prefer for a CPA firm or Tax Attorney to complete the filing

#### Rates

- 8-35% depending on amount of ERC
  - Many legitimate options 10-15%
- Prefer flat-rate pricing based on number of quarters the practice is eligible for

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### Litmus Test

50 or 20% reduction in revenue for select quarters- compared to the same quarter in 2019.



#### 38

### ERC & "Nominal"



On its face, eligibility for claiming the Employee Retention Credit ("ERC") seems straightforward – I had to shutdown my business due to a government order so I can claim an ERC. We have all learned over the last few weeks that the devil is in the detail. Essential businesses have an additional hurdle to jump through if they are claiming an ERC because of a full or partial Prior to the IRS issuing Notice 2021-20, nominal was not defined. Therefore, many businesses referenced the conventional definition of nominal, which under the Merriam Webster definition is defined to include something trifle or insignificant. With the most recent Notice, the IRS has quantified nominal as less than 10%.

Take a hospital as an example. Even though hospitals were deemed essential during the pandemic (and we all are forever grateful to those frontline workers) parts of their operations had to be shut-down, the most common example being elective surgeries during time periods where COVID-19 peaked in specific locations. Similarly, for manufacturing companies, it was not unusual that their manufacturing facilities be shut down while their warehouse facilities were allowed to remain open.

https://www.forbes.com/sites/lynnmucenskikeck/2021/03/03/irs-defines-nominal-for-purposes-of-the-employee-retention-tax-c redit-the-definition-might-surprise--essential-businesses/?sh=7 2d6e5807a86

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## Substantiation

The IRS did add substantiation requirements in Notice 20201-20, including a requirement for essential businesses who are seeking the ERC due to a full or partial governmental shutdown having more than a nominal affect on their business.

"An eligible employer will adequately substantiate eligibility for the employee retention credit if the employer creates and maintains records that include the ...any records the employer relied upon to determine whether more than a nominal portion of its operations were suspended due to a governmental order or whether a governmental order had more than a nominal effect on its business operations."

The eligible employer should maintain these records for at least four years.

39

### **IRS Notice 2021-20**



Guidance on the Employee Retention Credit under Section 2301 of the Coronavirus Aid, Relief, and Economic Security Act

Notice 2021-20

#### I. PURPOSE

This notice provides guidance on the employee retention credit provided under section 2301 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, 134 Stat. 281 (March 27, 2020), as amended by section 206 of the Taxpayer Certainty and Disaster Tax Relief Act of 2020 (Relief Act), which was enacted as Division EE of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, 134 Stat. 1182 (December 27, 2020). The guidance provided in this notice addresses the employee retention credit as it applies to qualified wages paid after March 12, 2020, and



41

Question 11: If a governmental order requires non-essential businesses to suspend operations but allows essential businesses to continue operations, is an essential business considered to have a full or partial suspension of operations due to a governmental order?



Answer 11: An employer that operates an essential business is not considered to have a full or partial suspension of operations if the governmental order allows all of the employer's operations to remain open. However, an employer that operates an essential business may be considered to have a partial suspension of operations if, under the facts and circumstances, more than a nominal portion of its business operations are suspended by a governmental order. For example, an employer that maintains both essential and non-essential business operations, each of which are more than nominal portions of the business operations, may be considered to have a partial suspension of its operations if a governmental order restricts the operations of the non-essential portion of the business, even if the essential portion of the business is unaffected. In addition, an essential business that is permitted to continue its operations may, nonetheless, be considered to have a partial suspension of its operations if a governmental order requires the business to close for a period of time during normal working hours.



Solely for purposes of this employee retention credit, a portion of an employer's business operations will be deemed to constitute more than a nominal portion of its business operations if either (i) the gross receipts from that portion of the business operations is not less than 10 percent of the total gross receipts (both determined using the gross receipts of the same calendar quarter in 2019), or (ii) the hours of service performed by employees in that portion of the business is not less than 10 percent of the total number of hours of service performed by all employees in the employer's business (both determined using the number of hours of service performed by employees in the same calendar quarter in 2019).





# Ideal ERC "Nominal" Standard

Restaurant segue from indoor dining to take out... What is the spirit of the rule?

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As explained by the IRS, such notices are historically intended "to provide substantive or procedural guidance on an expedited basis with respect to matters of general interest that would otherwise be covered by a regulation, revenue ruling, or revenue procedure." These notices are used to advance the IRS's position where further guidance is still being drafted. And while published notices can be relied upon by taxpayers to the same extent as revenue rulings or revenue procedures to avoid accuracy-related penalties, they do not have the force and effect of Treasury regulations and can be affected by subsequent legislation, regulations, revenue rulings, revenue procedures, and case law.

# Guidance Authority

https://www.forbes.com/sites/lynnmucenskikeck/2021/03/03/irs-defines-nominal-for-purposes-of-the-employee-retention-tax-credit-the-defi nition-might-surprise--essential-businesses/?sh=72d6e5807a86



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3. My client's business was not shut down during the pandemic. Even a partial suspension order by the government (federal, state or local) of your client's business could potentially qualify. For instance, the following scenarios all still potentially qualify for the ERC:

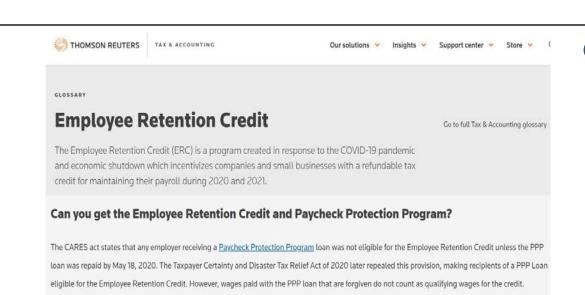
- · A partial shutdown;
- · A disruption in their business;
- · Inability to access equipment;
- · Having limited capacity;
- Shutdowns of their supply chain or vendors;
- · Reduction in services offered;
- · Reduction of hours to accommodate sanitation;
- . Shut down of some locations and not others;
- · Shutdowns of some members of a business.

The key considerations are — due to the government ordered partial (or full) suspension is/was your client's business not able to continue its activities in a comparable manner and did that result in a more than nominal impact on their business operations? Remember, the partial or full suspension is an alternative way to qualify for the ERC, separate from the reduction in gross receipts test.

https://www.tx.cpa/resources/news/articles/employee-retention-credit

www.PediatricSupport.com





https://tax.thomsonreuters.com/en/glossary/employee-retention-credit









#### Net Proceeds From ERC

ERC Qualification Amount \$ 500,000

ERC Filing Fee \$ (62,500) 12.5% of ERC Amount Associated Tax Liability \$ (130,000) 26% of ERC Amount

Fees To File Amended Retur \$ (3,500) Estimate

Estimated Net Proceeds \$ 304,000

60.80%

Tax liability incurred from disallowed payroll expense deduction equal to the amount of the ERC

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## Worse Case Scenario

51

- 1. Hire "ERC Mill"
- 2. Pay ERC Mill 10-15%
- 3. IRS disqualified qualification (Up to 2027)
- 4. Pay back plus interest and penalties
- 5. ERC Mill nowhere to be found
- 6. Cannot file amended return to recoup tax paid

IRS Interest- based on market rate- plus per year

IRS Penalties- Underpayment 2.5% per month- capped at 25%



#### Three Years From Now, Deemed Not Eligible

ERC Qualification Amount \$500,000

IRS Penalty \$125,000 25% Penalty Cap (Minimum)

IRS Interest \$ 90,000 6% for 3 Years

ERC Filing Fee Paid \$ 62,500 12.5% of ERC Amount

Associated Taxes Paid \$130,000 Exceeded SoL For Second Amended Return

\$907,500

Non-Recoverable Total \$407,500

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53

52

#### Three Years From Now, Deemed Not Eligible

ERC Qualification Amount \$500,000

IRS Penalty \$125,000 25% Penalty Cap (Minimum)

IRS Interest \$ 90,000 6% for 3 Years

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Non-Recoverable Total \$407,500

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Estimated Net Proceeds \$ 304,000

60.80%





# Impact On Buyouts?

Is the practice protected if ERC (or PPP) funds have to be returned years after a partner retires?

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55

# **Options To Consider**

We have no financial relationship...use the following link for discounted fee:

https://ertcadvisors.as.me/ertc-pediatric-mgmt



www.ERTCAdvisors.com

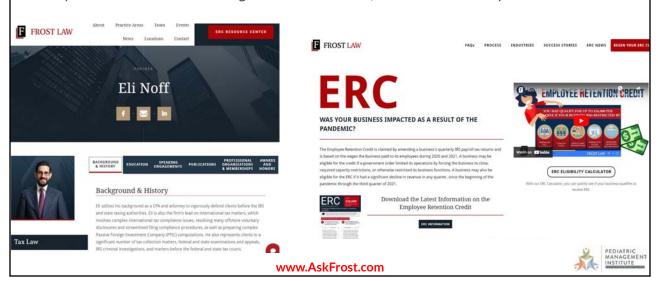


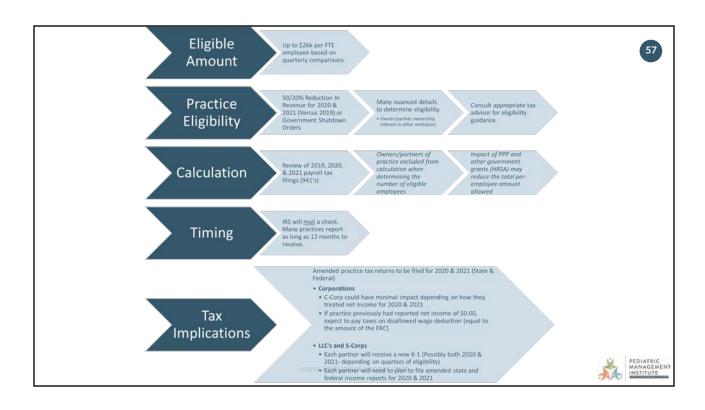
Jace & Dor

# **Options To Consider**

56

They don't know I'm mentioning them...we have no financial relationship with them either.





# Summary

- N Maximum ERC Credit
- o Estimated Tax Liability for 2020 & 2021
- P Estimated Fee Charged By Firm Filing ERC (10%)
- *Q* Estimated Fee To File 2020 Amended <u>Practice</u> Return
- R Estimated Fee To File 2021 Amended Practice Return
- s Estimated Fee To File 2020 Amended Personal Tax Returns
- T Estimated Fee To File 2021 Amended Personal Tax Returns
- U Estimated Free Cash For Practice
- V Percentage Netted To Practice

- \$ 420,000 H from above
- \$ (114,450) N+T
- (42,000) H X 10%
- (3,500) Varies depending on practice's accounting firm fee structure
- (3,500) Varies depending on practice's accounting firm fee structure
- May not be applicable depending on distribution(s) paid, etc.
- May not be applicable depending on distribution(s) paid, etc.
- \$ 256,550 Sum U:BB

61.08% BB/H

#### **Executive Summary**

While the practice may be eligible for an attention-grabbing mount, after considering the related filing fees tax implications for filing and amended tax returns for 2020 & 2021, the amount the practice benefits is potentially less than advertised

#### **Tax Advisory Note**

- 1. Every practice and partner/owner's tax situation is unique
- 2. The estimate above assumes that the increase in net income is applied to "last dollars taxed" as the individual partner/owner may have already been pushed into the higher tax bracket based on income already reported. As such, the calculation above is merely an estimate for illustration purposes to get a general sense of the tax liability derived from the ERC.
- 3. Please consult with your practice/personal tax preparation firm to better quantify the impact of the practice filing for ERC.

Practices will need to seek advice on tax treatment and whether it triggers any penalties associated with amended returns

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# Cash Flow **Planning**

Goto Forum and search "Cash Flow"

Forum.PediatricSupport.com

**Plan Year End Distributions** 

