

April 16, 2020

The Honorable Mitch McConnell
Senate Majority Leader
U.S. Senate
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
233 Cannon House Office Building
Washington, D.C. 20515

Dear Leader McConnell and Speaker Pelosi:

On behalf of the undersigned organizations, thank you for your continued efforts to provide relief for the immediate and escalating impacts of the COVID-19 pandemic. As you compile additional relief packages, we urge you to include provisions to fortify the long-term financial stability of physician and non-physician practices across the health care delivery system.

As you are likely aware, the Centers for Medicare and Medicaid Services' (CMS) final Medicare Physician Fee Schedule (MPFS) rule for CY 2020 included broad changes to reduce administrative burden, improve payment rates, and reflect current clinical practice, especially as it relates to evaluation and management services (E/M). Our organizations appreciate CMS' commitment to reducing physician burden and documentation requirements and support the American Medical Association's (AMA) purposeful approach to restructuring and revaluing the office-based E/M codes and the concordant planned increases in primary care payments these updates shall provide. However, we are deeply concerned about the sizable cuts this update will impose as a result of the current requirement for budget neutrality upon various sections of the provider community who do not frequently, if ever, bill E/M codes. Notwithstanding the current COVID-19 crisis, many healthcare providers were *already* concerned about the impact of these policy changes on their patients and their practices.

The financial impact of the COVID-19 pandemic has been swift and is being felt across every sector of the healthcare provider community. Surgical practices are cancelling nearly all elective procedures, many imaging centers and hospital departments are operating at 40-70% below their normal volume, therapy clinics and rehabilitation facilities are struggling to meet short-term obligations, such as payroll and rent, all in an effort to limit the spread of the virus and prepare for the expected patient onslaught. While these sort of changes are undoubtedly necessary, the reduced revenues associated with such changes are resulting in staff furloughs and other residual financial impacts on healthcare practices across the provider community. It has become clear that now is not the time to implement any payment policy changes that will exacerbate the financial instability of healthcare providers' practices. These cataclysmic economic impacts are beyond anyone's ability to predict and will have repercussions for years to come. We concur with the AMA's recommendation in their April 15, 2020 letter to Congress outlining their priorities for the COVID Phase 4 relief that requests a waiver of budget neutrality for the E/M code proposal. **Therefore, we respectfully urge Congress to waive the budget neutrality requirements**

stipulated in Section 1848(c)(2) of the Social Security Act for the finalized E/M code proposal slated for implementation on January 1, 2021. This much-needed action by Congress will provide a critical reprieve for a broad scope of healthcare providers facing substantial payment reductions in the coming months.

Thank you for your thoughtful consideration of this request. Our organizations and collective memberships, representing over *one million* healthcare providers, remain committed to assisting Congress and the Administration in combatting the COVID-19 pandemic. If you have any questions or comments related to this request, please contact Cynthia Moran (ACR, cmoran@acr.org) Katie Orrico (AANS, korrico@neurosurgery.org) or Justin Elliott (APTA, justinelliott@apta.org).

Sincerely,

Alliance for Physical Therapy Quality and Innovation
American Academy of Audiology
American Academy of Ophthalmology
American Association of Neurological Surgeons
American Association of Orthopaedic Surgeons
American Chiropractic Association
American College of Mohs Surgery
American College of Osteopathic Surgeons
American College of Radiology
American College of Surgeons
American Health Care Association/National Center for Assisted Living
American Occupational Therapy Association
American Physical Therapy Association
American Psychological Association
American Society for Dermatologic Surgery
American Society of Cataract and Refractive Surgery
American Society of Plastic Surgeons
American Society for Radiation Oncology
American Society of Retina Specialists
American Speech-Language-Hearing Association
American Urological Association
Association for Quality Imaging
Clinical Social Work Association
Congress of Neurological Surgeons
National Association of Rehabilitation Providers and Agencies
National Association for the Support of Long Term Care
National Association of Social Workers
National Association of Spine Specialists
Private Practice Section of the American Physical Therapy Association
Radiology Business Management Association
Society for Cardiovascular Angiography and Interventions
The Academy of Nutrition and Dietetics
The Society for Cardiovascular Angiography and Interventions

cc: The Honorable Charles Schumer
The Honorable Kevin McCarthy
The Honorable Seema Verma