



Advancing High Performance Health

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September 15, 2020

Speaker Nancy Pelosi  
U.S. House of Representatives  
H-232 The Capitol  
Washington, DC 20515

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

Minority Leader Kevin McCarthy  
U.S. House of Representatives  
H-204 The Capitol  
Washington, DC 20515

Minority Leader Charles Schumer  
U.S. Senate  
322 Hart Senate Office Building  
Washington, D.C. 20510

Dear Speaker Pelosi, Majority Leader McConnell, Minority Leader Schumer, and Minority Leader McCarthy:

On behalf of AMGA, I would like to thank you for assisting our members and other healthcare providers as we battle the novel coronavirus (COVID-19) pandemic. Founded in 1950, AMGA represents more than 440 multispecialty medical groups and integrated delivery systems, representing about 175,000 physicians who care for one in three Americans. Our physicians, medical groups, and integrated systems have been on the front lines of this public health emergency from the beginning and have navigated the new normal to continue providing high-quality, cost-effective, patient-centered medical care. AMGA members have expanded telehealth services, worked with state and local health authorities to create testing centers, repurposed staff to expand patient access, and slowly reopened offices with enhanced safety protocols to remain a reliable mainstay in the communities they serve.

Yet, despite these efforts, there is still a need for additional funding to ensure that our providers can treat patients in these uncertain times, especially as they prepare for the upcoming flu season. The overlap of COVID-19 and influenza could devastate our nation's healthcare system, which has already been profoundly impacted by the pandemic. AMGA members indicate that the combination of these viruses will likely stretch hospital and provider capacity at least through the spring of 2021. Therefore, we urge Congress to act swiftly to approve a much-needed additional COVID-19 relief package so that medical groups and integrated delivery systems can continue to operate in their communities and care for their patients. As Congress continues to work together on these COVID-19 relief efforts, AMGA asks policymakers to consider the following:

#### **Enhance the Provider Relief Fund**

We thank Congress for their previous financial support for providers during the COVID-19 pandemic. However, despite the prior relief funding, much more assistance is needed so that

medical groups and health systems can remain open and care for patients—both during and after the pandemic. This is especially true in the coming months as providers face the uncertainty of how to deal with an influx of patients affected by both the coronavirus and the flu.<sup>1</sup> We ask Congress to continue funding the Public Health and Social Services Emergency Fund (Provider Relief Fund) in future legislative packages and to work with the U.S. Department of Health and Human Services to continue to exercise oversight over the distribution of these funds. Additionally, we ask that Congress approve the Eliminating the Provider Relief Fund Tax Penalties Act (H.R.7819/S. 4525), which would ensure that any funding received by for-profit entities under the Provider Relief Fund would not be taxable.

### **Reform the Medicare Accelerated and Advance Payment Program**

The Medicare Accelerated and Advance Payment (AAP) Program has extended more than \$100 billion in loans to providers. While this program has been an important option for providers during this health crisis, more reasonable repayment terms and interest rates are necessary. Although there have been many requests to postpone loan recoupment, the Centers for Medicare & Medicaid Services (CMS) may start making providers repay their AAP loans, adding further stress. In addition to these requirements, which are already difficult to meet, CMS on April 26 abruptly and without any previous notice announced its intentions to suspend and reevaluate the AAP Program. We support efforts in Congress that would reinstate the AAP Program, as well as those that would extend more reasonable interest rates and repayment terms for the loans.

### **Permanently Lift Restrictive Barriers in Telehealth**

This public health emergency has resulted in a significant expansion of telehealth services and allowed providers to reach their patients in unprecedented ways. Providers have assessed the way they deliver care and have rapidly transitioned to utilizing telehealth as an effective delivery mechanism for their patients, regardless of their COVID-19 status. Previously, Congress enacted legislation to waive Medicare's geographic limitations during this national emergency through H.R. 6074, the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020. Additionally, CMS expanded the number of services that can be utilized under telehealth. The pandemic has shown that telehealth is an essential method for patients to receive care and will remain so long after this crisis is over. Telehealth services allow the patient to be even more connected to their provider, leading to better overall care and potential cost savings. We request that the Medicare telehealth waivers be extended permanently to ensure patients get access to care in the safest possible setting.

Certain state licensure and credentialing policies restrict how and where providers can deliver care. Providers should be able to provide care to patients regardless of their location, especially during this public health emergency. Ensuring timely access to care must be a priority. We ask that Congress approve the Temporary Reciprocity to Ensure Access to Treatment (TREAT) Act (S. 4421), which would provide state reciprocity in licensing of healthcare professionals to enable them to practice across state lines during the COVID-19 pandemic.

AMGA also urges Congress to work with CMS to make permanent a recent agency decision to allow diagnoses made over telehealth encounters to count toward risk adjustment for Medicare

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<sup>1</sup> Joint witness testimony before the House Select Subcommittee on Coronavirus Crisis for the hearing entitled *The Urgent Need for a National Plan to Contain the Coronavirus*. July 31, 2020.

Advantage, Accountable Care Organizations, and other Medicare risk-adjusted programs. Throughout the COVID-19 pandemic, providers have seen the value in delivering services remotely to reach populations they otherwise may not have been able to treat. In the future, patients will continue to rely on telehealth for safe, convenient, and effective medical services.

### **Enhance the Employee Retention Tax Credit**

Congressional efforts to ensure businesses remain open through focused tax policy reform is essential as our country works to recover from the pandemic. The Coronavirus Aid, Relief, and Economic Security (CARES) Act created the Employee Retention Tax Credit (ERTC), which provides payroll relief to employers financially impacted by COVID-19. The Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act aimed for an even bigger economic impact by making several improvements to the CARES Act, such as increasing the credit to cover 80% of up to \$45,000 in qualified wages this year (up from 50% of \$10,000). The proposal clarifies that “qualified wages” include qualified health benefits and that employers who continue providing such benefits to their employees qualify for the ERTC, even if they do not continue paying other qualifying wages. The size limit for large employers was also increased, from originally having more than 100 employees to having more than 1,500 employees, which grants more employers significant tax relief. We hope that Congress includes these tax reforms in an upcoming COVID-19 relief package so that more employees can keep their jobs.

Thank you for supporting policies that ensure providers have the resources they need to care for patients during this public health crisis. If we can provide you with any more information, please feel free to contact me or AMGA’s Chief Policy Officer Chet Speed at [cspeed@amga.org](mailto:cspeed@amga.org).

Sincerely,



Jerry Penso, M.D., M.B.A.  
President and Chief Executive Officer  
AMGA