



Advancing High Performance Health

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November 16, 2020

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

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

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

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 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, and patient-centered medical care.

As the 116th Congress reaches its conclusion, I am writing to ask that Congress work together to address several critical issues that cannot wait until Congress reconvenes in January. Congress should take immediate steps to appropriate new funding for the Public Health and Social Services Emergency Fund (Provider Relief Fund) as well as restart Medicare's Accelerated and Advance Payments (AAP) program. Congress also should ensure that Medicare telehealth flexibilities remain available to providers after the pandemic. Additionally, AMGA recommends that Congress address several other key healthcare issues, including proposed Medicare payment reductions to certain specialists, a delay in Medicare sequestration, provider qualification for value-based care models, and surprise billing.

Unfortunately, after a spring and summer of working to contain the spread, the number of COVID-19 cases in the United States is spiking. The United States has surpassed 10 million total cases since the beginning of the pandemic. As troubling as that figure is, the more pressing concern is the new daily case numbers. Last week, the United States averaged more than 150,000 new cases daily; and on Nov. 13, there was a record high of 181,000 new cases in a single day. While troubling, the significant increase in positive COVID-19 cases is already starting to increase hospitalizations. For example, U.S. hospitalizations have almost doubled since late

September and as of Nov. 15, more than 69,000 COVID-19 patients required hospitalization, according to data collected by Johns Hopkins University and testing estimates from the COVID Tracking Project. While a lagging indicator, we can expect deaths to increase too, despite what we have learned in how to care for patients with COVID-19.

Based on these trends, our members are preparing for a surge of new COVID patients and medical groups and health systems around the nation are postponing or cancelling procedures to ensure they have the staffing, gear, and space, such as intensive care unit beds, to respond to an anticipated increase in patients with COVID-19.

As this legislative session draws to a close, we ask that you act swiftly to address the following critical needs:

Additional Provider Relief Fund Support

AMGA appreciates the significant support that Congress has provided to help providers' response to COVID-19. The increase in the number of cases, the need to cancel care, influenza season, and the coming winter months create a confluence of conditions that will strain our healthcare system's ability to respond to this national crisis. AMGA strongly recommends that Congress replenish the Provider Relief Fund, as the U.S. Department of Health and Human Services will soon exhaust available funding. Given the disturbing trend lines in COVID-19 cases, additional support will be necessary for providers to continue to serve their communities. In addition to new appropriations for the Provider Relief Fund, Congress should pass the Eliminating the Provider Relief Fund Tax Penalties Act (H.R.7819/S. 4525), which would ensure that any funding received by for-profit medical provider entities under the Provider Relief Fund would not be taxable. All providers, regardless of tax status, should receive the maximum amount of support from the Provider Relief Fund, since it is intended to ensure the viability of our healthcare system. Treating Provider Relief Fund grants as taxable income is counterproductive to the purpose of these funds.

Accelerated and Advance Payments Program

AMGA appreciates Congress' support for the Medicare AAP Program, which has extended more than \$100 billion in loans to providers. With enactment of the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), Congress improved the repayment terms for all providers and suppliers that received loans through the program. However, as of Oct. 8, 2020, the Centers for Medicare & Medicaid Services (CMS) will no longer accept applications for accelerated or advance payments as they relate to the COVID-19 public health emergency. AMGA disagrees with CMS' decisions and contends that halting new applications was premature, especially in light of the increasing case numbers. Congress should instruct CMS to continue to accept and process new applications for loans.

Promote the Use of Telehealth Services

In response to COVID-19, AMGA members quickly revised their care delivery models based on the need to keep patients at home. Telehealth became a vital tool in how our members care for their patients. Patients are now accustomed to their providers treating them via telehealth and expect this to continue after the end of the public health emergency. In response to both the pandemic and patient demand, AMGA members have invested in the technology and resources needed to deliver care via telehealth.

Through the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020, Congress waived Medicare's telehealth originating site and geographic limitations. In addition, CMS expanded the number of services that qualify for telehealth, while also increasing payments for telehealth so reimbursement is the same as for in-person services. CMS also recognized the need for patients without smartphones or computers to access care while staying at home by creating a set of audio-only codes for select services. Congress should now recognize the important role that telehealth has in a modern healthcare system and permanently lift the geographic and originating site restrictions that normally limit the availability of telehealth.

Congress also should approve the Temporary Reciprocity to Ensure Access to Treatment (TREAT) Act (S. 4421). This legislation would provide state reciprocity in licensing of healthcare professionals to enable them to practice across state lines during the COVID-19 pandemic.

Additional Policy Improvements

AMGA recommends that Congress address a number of policies that will provide stability to the Medicare program and ensure providers maintain their ability to deliver high-quality care to their patients during the pandemic. These include preventing significant reimbursement cuts that are pending in the Medicare Physician Fee Schedule, reaching consensus on surprise billing legislation that protects patients and does not set reimbursement rates, and ensuring providers have a meaningful opportunity to participate in value-based models of care.

CMS currently is considering significant spending cuts in the Medicare Physician Fee Schedule through proposed changes to Evaluation and Management (E/M) codes. Due to the budget-neutral nature of the Medicare Physician Fee Schedule, if CMS finalizes its proposal, there will be excessively steep reductions in Medicare reimbursement for select specialties. Should CMS move forward with its proposal, some provider payments would be reduced by as much as 11%. AMGA recommends that Congress move to prevent the cuts from taking effect.

AMGA appreciates that Congress temporarily halted the Medicare sequester cuts through the end of 2020 as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act. However, this provision expires at the end of 2020. Given the ongoing public health emergency, Congress should continue to halt Medicare sequester cuts during the public health emergency.

Additionally, AMGA appreciates the ongoing effort to address surprise medical billing, strengthen consumer protections, and increase transparency in the healthcare system. This remains a top priority for policymakers, especially during the COVID-19 pandemic. For this reason, physicians and other providers accepting Provider Relief Funds are prohibited from sending patients surprise medical bills for COVID-19 testing and care. AMGA recommends that any reform to ensure that patients are not directly affected by payment disputes between insurers and providers include an Independent Dispute Resolution (IDR) process. This would create a fair arbitration process in which both the provider and the insurers can address their payment disputes about out-of-network services through a neutral arbiter.

Congress also has an opportunity to continue the transition to a value-based healthcare system by reforming the qualification thresholds for the Advanced Alternative Payment Model (APM) program. As currently implemented, 50% of providers' revenue must be received through an Advanced APM. This 50% threshold will increase to 75% in January. AMGA is concerned that without revising the thresholds, the movement and support for value-based care will stall. Part

of the issue is the dearth of access to commercial risk products and limited Medicare Advanced APM options. To correct this situation, Congress should reduce these thresholds to reflect actual market conditions, which would, in turn, result in increased Advanced APM participation.

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.

Sincerely,

A handwritten signature in cursive script that reads "Jerry Penso".

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