

March 31, 2020

The Honorable Alex Azar  
Secretary  
Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Azar:

Health care providers across the country are bracing for the financial impact that the COVID-19 will have on their practices. For some, the effect is immediate as practices close or experience a drastic reduction in capacity as elective procedures are postponed or canceled. These effects are exacerbated by the reported four- to-five fold increase in the cost of personal protective equipment (PPE) that physicians need to continue providing urgent medical procedures, to fulfill hospital on-call obligations, and to reopen for scheduled services when it is safe to do so.

As the Department prepares to allocate the \$100 billion in funding made available through the “Coronavirus Aid, Relief, and Economic Security Act” the undersigned organizations ask that physician practices and ambulatory surgery centers (ASCs) that have been or will be adversely affected by the pandemic — not just those providing diagnoses, testing, or care for individuals with possible or actual cases of COVID–19 — be eligible for relief through the Public Health and Social Services Emergency Fund.

Our country needs physician practices to come out on the other side of this pandemic standing and ready to provide care. Practices that experience significant financial loss during the pandemic will also face considerable costs to resume delivery of care, including the cost to acquire PPE and other medical supplies. The actions taken by the Centers for Medicare and Medicaid Services (CMS) yesterday to allow ASCs to enroll as a hospital during this public health emergency reflects the flexibility the health care system needs to adequately respond to the pandemic. However, ASCs have varying levels of capacity to absorb patients who are displaced due to COVID-19 hospital surge. For example, ambulatory endoscopy centers do not have the ability to take surgical patients. The reality is that access to funding through the Public Health and Social Services Emergency Fund is imperative.

We understand that additional relief for businesses, including physician practices, is available through the Small Business Administration (SBA). Early reports from our physician members who have sought SBA relief, made available in the first emergency supplemental funding bill, are that they cannot meet eligibility requirements. While we appreciate CMS has expanded its Accelerated and Advance Payment Program, physician practices and ASCs anticipate loss of productivity and only marginal volumes in the office or ASC over a sustained period of time. Recoupment of advanced payments to physician practices and ASCs will begin after 120 days; this assumes a swift recovery that defies the reality of the long-term economic and other challenges ahead. This is why all physician practices and ASCs affected by the pandemic should be eligible for relief through the Public Health and Social Services Emergency Fund.

On behalf of our physicians and the patients they will continue to serve, we ask the Department to interpret health care provider eligibility as broadly as possible to allow all physician practices and ASCs to qualify for the direct financial relief made available to health care providers by Congress.

Sincerely,

American Academy of Ophthalmology  
American Association of Orthopaedic Surgeons  
American College of Gastroenterology  
American Gastroenterological Association  
American Society for Gastrointestinal Endoscopy  
American Society of Cataract and Refractive Surgery