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Stand with ACEP: Urge Congress to Protect EPs and other Healthcare Providers Managing COVID-19

ACEP continues to urge emergency physicians, other healthcare providers and their friends and families to contact Congress to urge their immediate attention to the lack of PPE, in particular N-95 masks, for providers on the front lines of the coronavirus. Please use the following links for more information about our efforts and to directly email your members of Congress:

Link for emergency physicians to use: <https://p2a.co/7hDxsTf>

Link to share with the public for their support: <https://p2a.co/LPxXH7j>

ACEP President Meets with White House Officials on Coronavirus Response

On Wednesday, ACEP President William Jaquis, MD, FACEP participated in a briefing with top White House officials - including President Donald Trump and Vice President Mike Pence - and a small group of other medical societies to discuss ongoing efforts to combat the COVID-19 pandemic and specific ways the administration can provide better flexibility and resources for physicians and the broader health care system.

Much of the discussion centered around the need for additional PPE and expanding access to testing. CMS Administrator Seema Verma also reviewed her department's recent decisions to provide greater flexibility for telehealth, including relaxing certain HIPAA requirements. She also stated that CMS is working to ease the quality reporting burden and eliminate federal reporting requirements during this time.

Dr. Jaquis asked HHS Secretary Alex Azar to **use his authority to consider providing certain liability protections for emergency physicians** and others on the front lines during this crisis to ensure greater ability and capacity to treat more patients. Secretary Azar asked that ACEP follow up with his team with specifics on our needs in this area, which we will provide.

Second Coronavirus Package Enacted

On Wednesday, the U.S. Senate approved H.R. 6201, the "Families First Coronavirus Response Act," by a vote of 90 to 8. The House previously approved the bill (363 to 40) on Saturday morning and President Trump signed the bill into law the same day the Senate acted.

The law, which is projected to authorize well over \$100 billion worth of aid, expands Medicaid and unemployment benefits, covers cost-sharing for coronavirus diagnostic testing, and mandates paid sick leave and childcare leave, but only for certain employees. The law ensures State Emergency

Operations Centers receive regular and real-time reporting on aggregate testing and case data from health departments and share that data with the CDC.

The law offers two weeks of paid sick leave to employees who have COVID-19 who will be paid their entire salary (up to \$511 per day). Parents will be eligible for three months of paid family leave if their children's schools are closed. Both the sick leave and family leave provisions expire at the end of the year. While health care workers and emergency responders are eligible for paid sick leave and paid family leave, their employers have the discretion to exempt them from these provisions "given the capacity challenges facing the health care system." The Department of Labor also has the authority to issue regulations exempting health care workers and emergency responders from the paid sick and family leave provisions.

The law also provides a temporary increase to states' federal medical assistance percentage (FMAP) for the duration of the public health emergency for COVID-19. It requires states to maintain eligibility standards that are no less restrictive than the date of enactment.

A third COVID-19 stimulus proposal is currently being developed by Congress that could cost upwards of \$1 trillion. The Phase 3 proposal potentially will include relief for small businesses, cash assistance for taxpayers, loans to businesses in major industries, and additional resources to combat the virus. ACEP is working with lawmakers to promote additional provisions to help emergency physicians, such as EMTALA and HIPAA waivers, liability protections, and extending cost-sharing requirements to cover treatments.

Administration Suspends Student Loan Payments

The Trump administration announced today that it will allow the nation's more than 42 million federal student loan borrowers to take a break from making their monthly payments, without incurring interest or penalties for at least the next two months. In addition to suspending payments, the Education Department said it would set the interest rates on all federally held student loans to zero until at least May 12. Trump said student borrowers won't have to make loan payments for at least the next 60 days.

To obtain the 60-day reprieve, borrowers who have federally held loans will have to make a request of their loan servicers, such as Navient, Nelnet, FedLoan Servicing or Great Lakes, over the phone or online. But for borrowers who are already more than a month behind on their monthly loan payments, the Trump administration will automatically apply the 60-day suspension.

The Trump administration's announcement comes as Congress is also debating student debt relief as part of negotiations over the COVID-19 Phase 3 stimulus package mentioned above.

Coronavirus Regulatory Updates

ACEP is constantly reviewing guidance released by federal and state agencies and posting key information on our [website](#). We are also listening to you—and relaying your questions and concerns to key congressional leaders and administration officials.

Here are some recent important regulatory actions:

- Thanks in large part of ACEP's advocacy efforts, the Centers for Medicare & Medicaid Services (CMS) will soon be issuing revised EMTALA guidance that allows medical screening exams to be delivered via telehealth. This was one of ACEP's major asks in our [letter to the HHS Secretary](#) sent last Friday.
- CMS [announced](#) major temporary expansions to existing telehealth policies under Medicare to eliminate major regulatory barriers around telehealth and enable patients to communicate with their doctors remotely during this national emergency.

For Medicare, here is the official guidance:

Emergency physicians can perform telehealth services from any location, including the ED. They can bill office/outpatient E/M services (CPT codes 99201-99215) or any other code on the list of approved

Medicare telehealth services. Some of the other codes on the list that are commonly billed include: psychiatric diagnostic evaluations (CPT codes 90791-90792), psychotherapy for crisis (CPT codes 90839-90840) and critical care consult G-codes (HCPCS codes G0508-G0509). ED E/M codes (CPT codes 99281-99285) are NOT on the list of approved Medicare telehealth services and therefore cannot be used. The place of service code for telehealth services is "02," which means the ED setting (POS 23) wouldn't be submitted on the claim.

- CMS is [recommending delaying all adult elective surgeries, non-essential medical, surgical, and dental procedures](#) during the COVID-19 response.
- CMS will soon be delaying Merit-based Incentive Payment System (MIPS) reporting requirements. As of Wednesday night, CMS couldn't address the specifics, but it is coming. This was also one of ACEP's major asks in our [letter to the HHS Secretary](#).
- On Wednesday, ACEP staff met with the FDA to discuss current and potential drug shortages due to the COVID-19 crisis. We have sent a long list of drugs to the FDA already, but if your ED is experiencing a shortage, please email DRUGSHORTAGES@fda.hhs.gov.

ACEP LAC20 Update

As you may be aware, ACEP leadership made the difficult but necessary decision to cancel the 2020 Leadership and Advocacy Conference, scheduled to take place April 26-28. Like all of you, we have been closely monitoring the COVID-19 pandemic and its repercussions across the world. Your health is our top priority, and at the same time, you are the most valuable human resource on the front lines of this pandemic. Canceling our biggest advocacy event of the year is difficult for all of us, but it allows you to focus on what's most important right now: caring for your patients. We are exploring the option of hosting a virtual LAC20 at a later date. If we reschedule it, you will be the first to know.

You are receiving the Weekly Update emails as a member of the ACEP 911 Network. If you no longer want to receive this publication and do not want to be a member of the ACEP 911 Network, please click unsubscribe below.



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