

June 18, 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 leadership during the COVID-19 pandemic. As the pandemic begins to subside, and the nation strives to adjust to a “new normal,” we appreciate Congress’ efforts to protect health care providers and their patients and grant much-needed flexibilities across the health care community. However, the COVID-19 pandemic has created substantial financial uncertainties for health care practices that will likely generate lasting impacts that could jeopardize patient access to care. **To help fortify the health care delivery system and ensure long-term recovery, we respectfully urge Congress to waive the budget neutrality requirements stipulated in Section 1848(c)(2) of the Social Security Act for the finalized evaluation and management (E/M) code proposal slated for implementation on January 1, 2021. This much-needed action by Congress, for inclusion in any forthcoming legislative package, will provide a critical reprieve for a broad scope of health care providers facing substantial payment reductions in the coming months.**

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 E/M services. Our organizations appreciate CMS’ commitment to these issues and support a purposeful approach to restructuring and revaluing the office-based E/M codes and the increases in primary care payments these updates will provide. However, we are deeply concerned that adhering to existing budget neutrality requirements for implementing the new policy will generate sizable cuts for various sections of the provider community.

We urge Congress to recognize that now is not the time to implement any payment policy changes that will exacerbate the financial instability of health care providers’ practices. **As such, Congress should waive the budget neutrality requirements associated with the finalized E/M code proposal slated for implementation on January 1, 2021.** Thank you for your thoughtful consideration of this request. 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,

Academy of Nutrition and Dietetics
Alliance for Physical Therapy Quality and Innovation
American Academy of Audiology
American Academy of Dermatology Association
American Academy of Facial Plastic and Reconstructive Surgery
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 Obstetricians and Gynecologists
American College of Osteopathic Surgeons
American College of Radiation Oncology
American College of Radiology
American College of Surgeons
American Gastroenterological Association
American Health Care Association
American Medical Association
American Occupational Therapy Association
American Physical Therapy Association
American Psychological Association
American Society for Dermatologic Surgery Association
American Society for Radiation Oncology
American Society for Surgery of the Hand
American Society of Anesthesiologists
American Society of Breast Surgeons
American Society of Cataract and Refractive Surgery
American Society of Colon and Rectal Surgeons
American Society of Hand Therapists
American Society of Plastic Surgeons
American Society of Retina Specialists
American Speech-Language-Hearing Association
American Urogynecologic Society
American Urological Association
Association for Quality Imaging
CardioVascular Coalition
Clinical Social Work Association
College of American Pathologists
Congress of Neurological Surgeons
Dialysis Vascular Access Coalition
Institute for Critical Care Foundation
National Association for the Support of Long Term Care
National Association of Rehabilitation Providers and Agencies
National Association of Social Workers
National Association of Spine Specialists
National Center for Assisted Living
Private Practice Section of the American Physical Therapy Association
Radiology Business Management Association
Society for Cardiovascular Angiography and Interventions
Society for Vascular Surgery
Society of Gynecologic Oncology
Society of Interventional Radiology
Society of Thoracic Surgeons

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