



Dear ENT Advocacy Network Member:

June 5, 2020

Legislative and political activity directly affects our practices and our patients. As a leading advocate for otolaryngology-head and neck surgery, we hope you enjoy reading this edition of *The ENT Advocate*, your premier source of advocacy information for the specialty!

Lead Story

Paycheck Protection Flexibility Act Passes U.S. Congress

On May 28, 2020, the United States House of Representatives passed H.R. 7010, the [“Paycheck Protection Program Flexibility Act.”](#) The legislation, which passed nearly unanimously by a vote of 417-1, would change certain conditions of the Paycheck Protection Program (PPP) as authorized by the “Coronavirus Aid, Relief, and Economic Security Act” or the “CARES Act.” H.R. 7010 makes the following changes to the PPP:

- Extends the period for recipients to spend their received funds from eight weeks to 24 weeks
- Lowers the percentage that small businesses must spend on payroll costs from 75% to 60% in order to qualify for loan forgiveness
- Allows PPP loan borrowers who seek forgiveness of the loan to qualify for deferred payment of the employer’s portion of certain payroll taxes
- Provides a rehiring safe harbor for businesses unable to rehire employees
- Extends the PPP through December 31, 2020
- Extends the payment deferral period to up to 10 months after the covered period ends

On June 3, 2020, H.R. 7010 passed the U.S. Senate by unanimous consent. H.R. 7010 is poised for signature into law by President Trump.

Regulatory Reports

CMS Releases Updated COVID-19 Medicare Fee-for-Service Billing FAQ Document

On May 29, CMS shared new and updated answers to [Frequently Asked Questions \(FAQs\)](#) to supplement previously released guidance on Medicare billing during the COVID-19 pandemic. The new FAQs address telehealth telephone-only service codes, guidance on how to bill if video is disconnected during a telehealth visit, and beneficiary consent requirements for telehealth services. The policies included in this FAQ are effective for the duration of the public health emergency.

June 3 Deadline to Accept HHS Provider Relief Funds

On May 20, the [U.S. Department of Health and Human Services \(HHS\)](#) reminded eligible healthcare providers that they had until **June 3** to attest to receipt of payments from the Provider Relief Fund, accept the terms and conditions, and submit their revenue information to potentially qualify for an additional payment from the \$50 billion general distribution. All providers who automatically received an additional General Distribution payment prior to 5:00 pm (ET), Friday, April 24, must provide HHS with an accounting of their annual revenues by submitting tax forms or financial statements. Providers who did not submit revenue information by June 3 will no longer be eligible to receive additional funding.

Medicare Reimbursement for COVID-19 Diagnostic Tests

On May 19, [the Centers for Medicare & Medicaid Services \(CMS\)](#) updated its guidance on payment for COVID-19 diagnostic tests to include details for additional CPT codes created by the American Medical Association as well as specific reimbursement rates from Medicare Administrative Contractors (MACs). For COVID-19 tests that do not use high throughput technology, MACs developed payment amounts for claims that will be used until CMS establishes national payment rates. There is no cost-sharing for Medicare patients.

CMS Expands Telehealth Coverage During COVID-19 - New Educational Video

On May 8, [CMS released a video that answers common questions](#) about the latest expansion of Medicare telehealth services during the COVID-19 pandemic. The video addresses new information that includes which providers are now eligible for Medicare reimbursement for telehealth services, an expanded list of audio-only phone services, and how to correctly bill for telehealth services.

HHS Updates CARES Act Provider Relief Fund FAQs

On May 21, the U.S. Department of Health and Human Services (HHS) [issued updated guidance for Medicare providers receiving payments from the CARES Act Provider Relief Fund](#). The updated frequently asked questions (FAQs) document addresses common questions on attestation and rejecting payments (beginning on page two) with the notation “added 5/20/2020.” The FAQs also provide guidance on revenue reporting through the portal, entering taxpayer identification numbers into the General Distribution Portal, estimating lost revenue, and the definition of a rural facility.

Legislative and Political Reports

Academy Applauds Introduction of Physician Liability Protection Legislation

Since the COVID-19 outbreak began, the AAO-HNS and our partners in the Health Coalition on Liability and Access have been working to develop legislation to address physician liability concerns during the pandemic. As a result of these lobbying efforts, Representatives Phil Roe, MD (R-TN) and Lou Correa (D-CA) introduced [H.R. 7059, the “Coronavirus Provider Protection Act,”](#) on May 29. This bill takes important steps to protect frontline healthcare providers acting in good faith from unwarranted liability lawsuits. H.R. 7059 will allow healthcare professionals and facilities working to care for patients with coronavirus to focus on clinical care, without fear of frivolous lawsuits. While introduction of a Senate companion bill is pending, the Academy will continue our efforts to advance this bill through the legislative process.

HEROES Act Passes Coronavirus Relief Legislation

On May 15, the United States House of Representatives passed H.R. 6800, the [“HEROES Act.”](#) The Act is the fourth comprehensive legislative package directing the federal government’s response to the COVID-19

pandemic. The following provisions included of the HEROES Act would have a significant impact on practicing otolaryngologist-head and neck surgeons. The Act would:

- Provide additional Provider Relief Fund emergency funding to help struggling physician practices keep their doors open by partially offsetting revenue losses and increased expenses relative to COVID-19
- Make improvements in the Medicare Accelerated and Advance Payment Program
- Make physicians eligible for hazard pay as essential frontline workers
- Expand coverage and increase federal funding for Medicaid
- Fund the infrastructure and health system capacity needed to rapidly expand testing and contact-tracing, thereby enabling economic, social, and medical care activities to gradually resume on a prioritized basis while mitigating transmission and deaths from COVID-1

The legislation was sent to the U.S. Senate for consideration. Republican leadership in the Senate has expressed an unwillingness to advance the legislation in its current form. The AAO-HNS' Advocacy team will continue to provide updates as they develop.

Action Requested

Ask Congress to Support Otolaryngologists in Fourth Relief Package

The AAO-HNS needs your help! As the Senate works to draft new COVID-19 stimulus legislation, we want to ensure this legislation includes much needed relief for otolaryngologist-head and neck surgeons and the patients you serve. Your Senators need to hear from you about the impact of COVID-19 on our specialty. [Please click here](#) to access the action alert on the AAO-HNS Advocacy website. The alert includes a sample letter you can use to make your voice heard!

Check Out AAO-HNS's Resources on COVID-19

The [Coronavirus Disease 2019: Resources](#) page on the AAO-HNS website is a comprehensive list of resources for members on COVID-19 issues impacting the specialty. Here you will find podcasts on COVID-19-related topics, research and Academy statements on anosmia as a COVID-19 symptom, Position Statements, federal and state financial assistance links, telemedicine updates, journal articles, and resources from other specialties. Please check this website regularly for the latest updates and information on coronavirus from the Academy.

Sincerely,

David S. Boisoneau, MD
BOG Legislative Affairs Committee Chair
and the AAO-HNS Advocacy Team

For more information, contact govtaffairs@entnet.org. Don't forget to bookmark [The ENT Advocate!](#)

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