

THE ENT Advocate



AMERICAN ACADEMY OF
OTOLARYNGOLOGY-
HEAD AND NECK SURGERY



Dear ENT Advocacy Network Member:

July 10, 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

Ask Congress to Support Physician Liability Protection

As the COVID-19 pandemic rages on, physicians must continue to treat patients under unprecedented conditions. The Academy needs your help to fight for federal physician liability protection legislation. In order to protect frontline pandemic physicians from the threat of substantial medical liability lawsuits and ensure patient access to care, otolaryngologist-head and neck surgeons need to urge their Member of Congress to cosponsor [H.R. 7059](#), the “Coronavirus Provider Protection Act.” This essential legislation would grant targeted, limited liability protections to pandemic responders on the front lines of the COVID-19 response. [Please click here](#) to access the action alert on the AAO-HNS Advocacy website and raise your voice!

Legislative and Political Reports

AAO-HNS Advocates to Maintain FDA's Authority on Tobacco Products

On July 7, the Academy joined members of the [PARTNERS Coalition in sending a letter](#) to the House Appropriations Committee opposing any efforts to weaken FDA's authority over cigars or any other tobacco products. The letter asked the Committee to oppose any amendments to exempt cigars or other tobacco products from FDA oversight during consideration of the Fiscal Year 2021 appropriations bill. The AAO-HNS will continue to advocate with Members of Congress to ensure that the FDA exercises its full authority over manufacturers and sellers of tobacco products.

President Trump Signs PPP Deadline Extension Legislation

On July 4, President Trump signed into law a five-week extension of the [Paycheck Protection Program \(PPP\)](#). Approximately \$130 billion of funding remains available for new PPP loans. Qualified small businesses, including physician practices, will have until August 8 to apply for relief.

Regulatory Reports

New Medicare Prior Authorization Requirements

Beginning July 1, certain procedures commonly performed by otolaryngologists in the hospital outpatient department will now require prior authorization for payment under the [Medicare Hospital Outpatient Prospective Payment System](#). For example, rhinoplasty procedures reported with CPT 20912 (nasal cartilage graft) are now subject to these prior authorization requirements. Due to the persistent advocacy efforts by the AAO-HNS, CMS reversed its decision and opted to remove CPT 21235 (obtaining ear cartilage for grafting) from the list of codes that require prior authorization as a condition of payment.

CMS Announces MIPS Flexibilities for 2020 Performance Year

On June 24, the Centers for Medicare & Medicaid Services (CMS) announced that because of the COVID-19 pandemic, additional flexibilities are available to clinicians participating in the [Quality Payment Program Merit-based Incentive Payment System \(MIPS\)](#). Clinicians significantly impacted by the public health emergency may submit an Extreme & Uncontrollable Circumstances Application to reweight any or all the MIPS performance categories for performance year 2020. To be considered for this exemption, providers must submit their application before December 31, 2020.

CMS Physician Compare Preview Period Now Open

On June 22, the Centers for Medicare and Medicaid Services (CMS) opened the [Physician Compare 60-day Preview Period](#). This period allows clinicians and groups to review their performance information before it is publicly reported on Medicare's Physician Compare website. Clinicians can preview their 2018 Quality Payment Program performance data until August 20, 2020, at 8 pm (ET).

Cigna Now Covers Hypoglossal Nerve Stimulation

On June 15, following ongoing advocacy efforts by the AAO-HNS and its Sleep Committee, [Cigna updated its medical policy](#) on "Obstructive Sleep Apnea Treatment Services" to include coverage of hypoglossal nerve stimulation (HGNS) when specific clinical criteria are met. Cigna previously deemed this procedure as investigational. The Academy will continue its advocacy and outreach to other private payers to ensure patient access to this established surgical treatment option for OSA.

Academy Updates Position Statements on Evidence-Based Medicine and Communicable Diseases

On June 9, after an extensive review process by the Outcomes Research and Evidence-Based Medicine, Ethics, and Infectious Diseases Committees as well as by the Physician Payment Policy (3P) Workgroup, the AAO-HNS Executive Committee approved the following updated position statements: [Evidence-Based Medicine and Communicable Diseases](#).

Main Street Lending Program Begins Operation

On June 15, the Federal Reserve Bank announced the launch of its [Main Street Lending Program \(MSLP\)](#). The Federal Reserve recently made changes to the program to allow more small and medium-sized business to be able to receive support, such as lowering the minimum loan size for certain loans to \$250,000 from \$500,000 and extending the repayment period for all loans by delaying principal payments for two years, rather than one. Potential borrowers should contact their existing lenders to confirm whether they will participate and discuss the application process.

HHS Releases New Provider Relief Fund Payments for Medicaid/CHIP Providers

On June 9, the U.S. Department of Health and Human Services (HHS) [announced \\$15 billion in new COVID-19 related relief payments](#) to physicians and hospitals that participate in state Medicaid programs and the Children's Health Insurance Program (CHIP). Eligible providers are those experiencing lost revenue or increased expenses due to COVID-19, who have not yet received payments from the Provider Relief Fund General Distribution. Providers who are eligible can apply through the enhanced HHS relief act portal and must agree to the program Terms and Conditions.

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, articles published in Otolaryngology–Head and Neck Surgery, and resources from other specialties and federal and state agencies. 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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