



Dear ENT Advocacy Network Member:

November 12, 2019

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

### AAO-HNS Advocates to Promote Patient Safety and Oppose Scope Expansion by Audiologists

On October 17, the House Committee on Energy and Commerce convened a legislative markup of H.R. 4618, the "[Medicare Hearing Act of 2019](#)". The legislation, which passed out of the committee as introduced, seeks to provide Medicare coverage for hearing aids in certain patient populations as well as grant audiologists the ability to **treat** Medicare beneficiaries. Following its passage, the House Ways and Means Committee held a legislative markup of HR 4618 on October 22.

The "Medicare Hearing Act of 2019", as approved by the Ways and Means committee, was amended to include a provision directing the HHS Inspector General to study the feasibility of audiologists furnishing audiology services without a physician referral. AAO-HNS advocacy staff and our physician leaders are in active discussions with the House committees of jurisdiction and Congressional leadership regarding opposition to the [amended version of H.R. 4618](#) in its current form. We are seeking amendment to the legislation prior to its consideration by the full House of Representatives on the floor.

## Legislative & Political Reports

### AMA Approves New CPT Codes for Novel Otolaryngology Procedures

The AAO-HNS presented new code applications, with support from The Triological Society, at the September 2019 CPT Editorial Panel Meeting. On October 25, the AMA announced their acceptance, [creating new Category I codes](#) to describe Dilation of the Eustachian Tube and Absorbable Nasal Implant Repair. The three new codes, which are effective in January of 2021, are currently undergoing survey for upcoming valuation by the AMA RUC. We ask for the participation of Academy members who received the RUC survey, so these procedures can be fairly and appropriately valued. **The importance of filling out the RUC survey cannot be overstated because this is the only data our RUC team has to support their arguments for proper valuation of the codes.**

### AAO-HNS Advocates for Market-Based Approach in Surprise Billing Legislation

The AAO-HNS joined stakeholders across the house of medicine in [sending letters](#) to U.S. House and Senate leadership outlining concerns with the current legislative approaches for addressing the issue of surprise medical bills. The letters, sent on October 16, include the recommendation that any surprise billing legislation include independent dispute resolution, along with strong protections for patients, to preserve the viability of physician services.

## AAO-HNS Comments on Draft Medicare Local Coverage Policy on Hypoglossal Nerve Stimulation for the Treatment of OSA

On October 25, the AAO-HNS [submitted comments](#) in response to Noridian's proposed Local Coverage Decision (LCD): Hypoglossal Nerve Stimulation for the Treatment of Obstructive Sleep Apnea. Noridian HealthcareSolutions, LLC serves as a Part A/B Medicare Administrative Contractor (MAC) for two different geographic regions. Overall, the Academy endorsed the proposed LCD, but suggested revisions to the covered indications, limitations, and provider qualifications for the insertion of hypoglossal nerve stimulators in patients with obstructive sleep apnea (OSA).

## AAO-HNS and Colorado ENT Society Work to Protect Patients Via Sunset Provisions

In March of 2019, the Colorado Department of Regulatory Agencies (DORA) sought input from the AAO-HNS on the Agencies' sunset (statutory and regulatory) review of the licensure of audiologists and hearing aid providers. Working in conjunction with members of the CO Ear, Nose, Throat Society, the Academy submitted [comments](#) outlining our public safety concerns with current licensure laws as well as several proposals related to scope expansion.

Last month, DORA released its sunset [review](#), which was improved to include several of our suggestions. In addition to clarifying the appropriate use of the term "doctor," and not allowing hearing aid providers to treat tinnitus or recommend implants, the Department proposed reinstating Deceptive Trade Practices provisions to include a medical clearance requirement for children with hearing loss before referral to an audiologist or hearing aid provider. DORA will now present their recommendations to the committee of reference in the CO General Assembly during the 2020 legislative session. As further changes could occur in the legislature, the Academy and our advocates will be vigilantly watching!

### Action Requested

## AAO-HNS Needs Your Support! Say No to H.R.4056

Now, more than ever, **the AAO-HNS needs your support**. Legislation has been introduced (H.R.4056/S. 2446) that seeks to designate audiologists as "practitioners" and allow them direct access to Medicare beneficiaries without a physician referral.

Your voice is needed to amplify our efforts on Capitol Hill and ensure your patients continue to receive the highest quality care. The action alert [is accessible](#) on the AAO-HNS Advocacy website, [www.entadvocacy.org](http://www.entadvocacy.org). The alert includes a sample letter you can use to make your voice heard and stop this misguided legislation from advancing in Congress. With your support, we can make a difference and tell Congress to say no to H.R.4056/S. 2446 "The Medicare Audiologist access and Services Act of 2019".

## Help Us Finish Strong...Make Your 2019 Contribution to ENT PAC!

With yet another critical election season on the horizon, now is the time to strengthen our ENT PAC coffers. If you haven't had a chance to make your 2019 contribution yet, there is still time to show your support for the Academy's political programs. Your immediate contribution will help amplify the specialty's collective voice and impact on Capitol Hill. A strong close to 2019 means ENT PAC can hit the ground running in 2020. [Make your contribution today!](#)

Sincerely,

David Boisoineau, MD  
BOG Legislative Affairs Committee Chair  
and the AAO-HNS Advocacy Team

If you no longer wish to receive important legislative and political updates via *The ENT Advocate*, please reply to this email with CANCEL ADVOCATE in the subject line.

*\*Contributions to ENT PAC are not deductible as charitable contributions for federal income tax purposes. Contributions are voluntary, and all members of the American Academy of Otolaryngology-Head and Neck Surgery have the right to refuse to contribute without reprisal. Federal law prohibits ENT PAC from accepting contributions from foreign nationals. By law, if your contributions are made using a personal check or credit card, ENT PAC may use your contribution only to support candidates in federal elections. All corporate contributions to ENT PAC will be used for educational and administrative fees of ENT PAC, and other activities permissible under federal law. Federal law requires ENT PAC to use its best efforts to collect and report the name, mailing address, occupation, and the name of the employer of individuals whose contributions exceed \$200 in a calendar year.*

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