



Dear ENT Advocacy Network Member:

May 8, 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

### Fourth Coronavirus Relief Package Signed into Law

On April 24, the President signed into law, the [“Paycheck Protection Program and Health Care Enhancement Act.”](#) The Act provides \$484 billion in new funding to support the federal government’s response to the COVID-19 pandemic. Highlights of this fourth COVID-19 relief package, which directly impact practicing otolaryngologist-head and neck surgeons, include an additional:

- \$321 billion in funding for the Paycheck Protection Program, with a special focus on community banks and credit unions
- \$75 billion in funding for hospitals and Medicare providers to support COVID-19 related expenses and lost revenue
- \$60 billion in funding for Economic Injury Disaster Loans
- \$25 billion for state-led COVID-19 testing plans, research, and development, with funding support for federal agencies such as the CDC and the NIH

The AAO-HNS will continue to provide updates on implementation of each of these programs as information becomes available.

## Regulatory Reports

### SBA Re-opens PPP Applications on April 27

[The Small Business Administration resumed accepting Paycheck Protection Program \(PPP\) loan applications on Monday](#), April 27, from approved lenders on behalf of any eligible borrower. The program, authorized under the CARES Act, was quickly depleted of funds after only two weeks of operation. Following enactment of the Paycheck Protection Program and Health Care Enhancement Act on April 24, an additional \$321 billion in funding for PPP loans was appropriated. Of the \$321 billion in funding, \$60 billion was set aside for small, midsize, and community lenders (including minority lenders).

### HHS Announces Additional \$20 Billion in CARES Act Provider Relief Funding

[On April 22, the U.S. Department of Health and Human Services \(HHS\)](#) announced that an additional \$20 billion would be provided to clinicians through the CARES Act Provider Relief Fund. All facilities and providers

with a Medicare Provider Number are eligible for these funds. This \$20 billion fund distribution is based on 2018 net patient revenue, rather than a portion Medicare fee-for-service payments.

The HHS portal opened on April 25 for providers to attest to their net 2018 revenue for purposes of determining the allocation of funds. Beginning April 25, payments will be made on a weekly basis as provider information is validated. All providers who accept these funds must accept terms and conditions, such as abstaining from balance billing for care delivered to patients with presumptive or actual cases of COVID-19. Additional terms and conditions include submitting documentation to ensure funds received were used for healthcare expenses or to cover lost revenue from the COVID-19 Public Health Emergency.

### **HRSA COVID-19 Uninsured Program Portal**

Clinicians who have conducted COVID-19 testing or provided treatment for uninsured individuals with a COVID-19 diagnosis on or after February 4, 2020, are now eligible for reimbursement through the U.S. Department of Health and Human Services (HHS) Health Resources and Services Administration (HRSA) COVID-19 Uninsured Program. Funding is subject to availability. The [portal to register](#) to participate in the program is now open. Once registered, providers can begin to submit claims electronically. To receive funding, providers must attest that no other payer will reimburse them for COVID-19 testing or treatment, accept the defined program reimbursement as payment in full, and abstain from balance billing.

The agency has prepared a [FAQ document](#) outlining eligibility for the program, reimbursement rates, and terms and conditions for participation.

### **CMS Issues Guidance on Resuming Non-Emergent, Non-Covid-19 Procedures**

On April 19, as part of Phase 1 in the Administration's Guidelines for Opening Up America Again, [CMS released new recommendations](#) on providing essential non-COVID-19 care to patients without symptoms of COVID-19 in communities with relatively low and stable incidence of the virus. The recommendations update earlier agency guidance on limiting elective surgeries and medical procedures. The revised guidelines recommend a gradual transition back to these services, with providers working in collaboration with local and state public health officials. States or regions that do not meet the Phase 1 criteria are urged to continue following the Agency's earlier recommendations.

### **CMS Suspends Advance Payment Program and Reevaluates Accelerated Payment Program**

On April 26, [the Centers for Medicare & Medicaid Services \(CMS\) announced the immediate suspension of its Advance Payment Program for Part B suppliers and the decision to reevaluate its Accelerated Payment Program](#). CMS had expanded these temporary loan programs to provide frontline providers with timely financial support needed to combat the beginning stages of the COVID-19 pandemic. Since March 28, approximately \$40 billion in advance payments were made to physicians, nonphysician providers, and other suppliers. Additional grant funding will continue to be available to Medicare providers and suppliers primarily via the U.S. Department of Health & Human Services Provider Relief Fund.

### **New CPT Codes for Coronavirus (COVID-19) Antibody Tests**

On April 10, the [American Medical Association CPT Editorial Panel](#) revised one code and approved two new codes for SARS-CoV-2 (COVID-19) antibody testing. The codes were approved at a special, off-cycle panel meeting held via teleconference. The revised CPT code (86318) and new CPT codes (86328 and 86769) took effect immediately and should be used for reporting novel coronavirus antibody tests.

### **HHS Extends Provider Relief Fund Payment Deadline to 45 Days for Attestation, Acceptance of Terms and Conditions**

The U.S. Department of Health and Human Services (HHS) has extended the deadline for healthcare providers to attest to receipt of payments from the Provider Relief Fund and accept the [Terms and Conditions](#). Instead of 30 days, providers will now have 45 days from the date of payment receipt to attest and accept the Terms and

Conditions or return the funds. Under the new deadline extension, providers who have not returned payments within 45 days of receipt of funds will be deemed to accept the program's Terms and Conditions. Additional information on the deadline's extension is available [HERE](#).

## Legislative and Political Reports

### AAO-HNS Advocates for Physician Relief in COVID-19 Relief Legislation

Throughout the month of April, the Academy has been working with our Congressional champions, advocating for inclusion of meaningful physician relief in each of the COVID-19 federal legislative relief packages. On April 13, the AAO-HNS joined with 22 other members of the Surgical Coalition to [send a letter to House and Senate leadership](#), requesting that numerous provisions which would provide stability for our nation's physician workforce be enrolled in the next relief bill. The joint letter specifically urged Congress to include relief from scheduled Medicare physician payment cuts, medical liability protections, supply chain support for life-saving protective equipment, student loan relief for physicians, among other priorities.

### April Edition of the State-mENT Now Available

Read the latest edition of [The State-mENT](#), an "at a glance" one-page resource outlining the Academy's current state legislative activity. The AAO-HNS works closely with its volunteer physician State Trackers and state otolaryngology societies to advocate for the specialty at the state level. If you would like to become a State Tracker and take part in the discussion, please email [LegState@entnet.org](mailto:LegState@entnet.org)!

## Action Requested

### Ask Congress to Support Otolaryngologists in Fourth Relief Package

The AAO-HNS needs your help! As Congress 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 Representatives and 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](mailto:govtaffairs@entnet.org). Don't forget to bookmark [The ENT Advocate!](#)

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