



**AMERICAN ACADEMY of
DERMATOLOGY | ASSOCIATION**

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July 7, 2020

The Honorable Mitch McConnell
Senate Majority Leader
The U.S. Capitol
Washington, DC 20510

The Honorable Charles Schumer
Senate Democratic Leader
The U.S. Capitol
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker of the House of Representatives
The U.S. Capitol
Washington, DC 20515

The Honorable Kevin McCarthy
House Republican Leader
The U.S. Capitol
Washington, DC 20515

Dear Leader McConnell, Leader Schumer, Speaker Pelosi, and Leader McCarthy:

The American Academy of Dermatology Association (Academy), which represents more than 13,800 dermatologists nationwide, would like to express its appreciation for the recent actions taken by Congress and the Administration to help physicians on the frontlines of care meeting public health demands during the current COVID-19 Public Health Emergency (PHE). In particular, the programs created by the *Coronavirus Aid, Relief, and Economic Security Act* (H.R. 748, the *CARES Act*), which have been strengthened by the *Paycheck Protection Program and Health Care Enhancement Act* (H.R. 266), the *Paycheck Protection Program Flexibility Act* (H.R. 7010) and the Paycheck Protection Program extension through August 8 (S. 4116), have allowed dermatologists, their practices and staff to seek and receive economic relief in these unprecedented times. Furthermore, the additional flexibility and coverage for the provision of telehealth services allowed dermatologists to continue to deliver care to their patients during the PHE. As you work to help the nation recover and get back to work in future COVID-related legislation, the Academy urges you to continue providing relief and practice flexibility for our dermatologist-members.

In accordance with state directives, as well as recommendations from the Centers for Disease Control and Prevention (CDC) and the Centers for Medicare and Medicaid Services (CMS) to halt non-essential procedures and treatments, many dermatology practices have been forced to shift to telehealth, drastically cut their patient appointments or shut down altogether. Waivers provided via CMS for telehealth, and the actions of private insurers to follow suit, have provided an emerging modality for patient care. However, dermatology practices reduced their patient volume by as much as 90%, even when accounting for telehealth visits. During the state-mandated shutdowns, dermatologists who own their practices went without pay or deferred their salaries to maintain their practices and compensate their employees. In addition, employed dermatologists were furloughed, laid off, had their compensation cut or deferred up to 100% and were re-deployed as large group

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practices and academic practices were rendered inactive due to the restrictions and caution around spread of the virus and to preserve personal protective equipment (PPE). The temporary economic relief provided through the *CARES Act* has provided a bridge for dermatology practices, their employees, and the patients they serve. In order to maintain this positive momentum and to ensure that dermatologists are able to provide the high-quality care that their patients deserve, the Academy requests your support of the following measures.

Sustained Relief until Practices Can Fully Re-Open

The Academy requests that federal relief programs be maintained, strengthened or created with proper oversight through the end of the PHE, so that physicians are able to fully return to practice and are able to provide care with ample PPE and social distancing standards. As previously noted, dermatology practices have been adversely affected by stay-at-home orders and prohibitions on what have been determined to be non-essential procedures. To that end, we request that the next COVID package include:

- A provision to maintain the Paycheck Protection Program (PPP) so that small practice dermatologists will have sustained or new access to those funds as states re-mandate closures.
- Codification that expenditures related to forgiven amounts under the PPP should be tax deductible to maximize the benefit of the PPP program for small businesses.
- Codification to ensure that the Public Health and Social Services Emergency Fund and similar funding provided in response to COVID-19 is not taxable and that entities receiving these funds maintain tax deductions attributable to these funds.
- Provisions included in the *Coronavirus Health Care Worker Wellness Act* (H.R. 7255) to help promote mental health wellness among physicians and other health care workers on the frontlines of the PHE.

Medicare Reimbursement and Relief

The Academy also requests additional relief through the Medicare program. CMS' final Medicare Physician Fee Schedule (MPFS) rule for Calendar Year (CY) 2020 included broad changes to emergency and management (E/M) services. While the AADA supports a purposeful approach to revaluing the office-based E/M codes, adhering to existing budget neutrality requirements for implementing the new policy will generate sizable reductions in Medicare payments for various sections of the physician and health care provider community, including dermatologists. The COVID-19 PHE has already created substantial financial uncertainties for physician practices that will likely generate lasting impacts that could jeopardize patient access to care, and significant reductions in Medicare payments would only add to these financial challenges for practices. The Academy requests Congress waive the budget neutrality requirements slated for implementation on January 1, 2021. In this uncertain time, inclusion of legislative text waiving budget neutrality requirements in any forthcoming legislative package will provide critical reprieve for physicians facing substantial payment reductions in the coming months.

Liability Coverage

Given the sweeping impact of the COVID-19 crisis, the Academy strongly urges Congress to provide broader liability protections for physicians and other clinicians and the facilities in which they practice as they continue their non-stop efforts to see patients under extremely challenging and unprecedented conditions. The shifting of patient care to telehealth and limitations on elective care has led to delays in treatment. As small and solo practitioners continue to re-open offices, they face potential COVID-19 exposure to both their employees and patients. These concerns together create a unique situation that raises serious potential for liability claims against physicians and other health care providers and facilities; therefore, we ask that the COVID package include:

- Liability protections provided by the *Coronavirus Provider Protection Act* (H.R. 7059).
- Additional liability workplace safeguards to protect physicians, other health care providers, facilities, and their employees.

Expand Care via Telehealth

According to a recent survey, Academy members' usage of telehealth to treat their patients increased from 9% pre-PHE to 90% since the PHE was declared. The congressionally mandated waiver enabled this expansion, and the Academy is currently working with our members to responsibly move forward with virtual care that maintains a patient's access to board-certified dermatologists, even when they cannot be cared-for in-office. To help further the work of our dermatologist-members on the cutting-edge of care, we request that the next COVID-package include:

- Provisions to expand access in the *Creating Opportunities Now for Necessary and Effective Care Technologies (CONNECT) for Health Act* (H.R. 4932/S. 2741).
- An examination of the CMS telehealth waiver provided by the *Knowing the Efficiency and Efficacy of Permanent (KEEP) Telehealth Options Act* (H.R. 7233).
- Grants to expand digital sharing of healthcare education and access via the *Expanding Capacity for Health Outcomes (ECHO) Act* (H.R. 5199/S. 1618).

Assistance to Associations

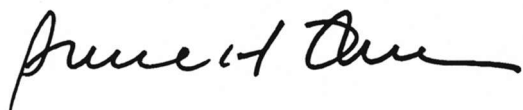
As the Academy seeks to serve dermatologists, their practices and their patients, the COVID-19 pandemic has also severely impacted professional societies and associations. Many nonprofits organizations and professional societies, including state and local dermatological societies, as 501(c)(6) organizations have not been eligible for much of the relief that was part of the *CARES Act*. To remedy this, we ask that you include:

- Provisions in the *Local Chamber, Tourism, and 501(c)(6) Protection Act* (H.R. 6697) to extend eligibility for the PPP loan program to include Internal Revenue Code section 501(c)(6) nonprofit organizations.

The Academy's goal is to ensure that all dermatologists can return to seeing patients on a full-time basis once the COVID-19 PHE has abated. The Academy thanks you for your leadership and actions to protect access to care by providing needed resources and making policy changes to help maintain dermatology practices and enable our members to continue caring for patients. With the magnitude of the pandemic's impact on the provision of dermatologic care, the Academy appreciates your

consideration of the needs of dermatologists, dermatology practices and their employees, and the patients we are called to serve, and we look forward to your continued support. If you have any questions or comments, please contact Shawn Friesen, Director, Legislative, Political & Grassroots Advocacy, at sfriesen@aad.org or 202-712-2601.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce H. Thiers". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bruce H. Thiers, MD, FAAD
President, American Academy of Dermatology Association