



**AMERICAN ACADEMY of
DERMATOLOGY | ASSOCIATION**

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May 6, 2020

The Honorable Alex Azar
Secretary
Department of Health and Human Services
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Washington, DC 20201
Alex.Azar@HHS.GOV

Seema Verma
Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Mail Stop 314G
200 Independence Ave.
Washington, DC 20201
Seema.Verma@cms.hhs.gov

Dear Secretary Azar and Administrator Verma:

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 the Centers for Medicare and Medicaid Services (CMS) and the Department of Health and Human Services (HHS) to help physicians on the frontlines of care meeting public health demands during the current COVID-19 pandemic. In particular, the programs created by the “Coronavirus Aid, Relief, and Economic Security Act” (H.R. 748, the CARES Act) and strengthened by the Paycheck Protection Program and Health Care Enhancement Act (H.R. 266) 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 has allowed dermatologists to continue to deliver care and consult with their patients in certain circumstances. As you work to provide further relief in future COVID-related actions, the Academy would urge 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 CMS to halt non-emergent procedures and treatments, many dermatology practices have been forced to shift to telehealth, drastically cut their patient

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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 have still reduced their patient volume by as much as 90%, and this is even when accounting for telehealth consultations. Over the past two months, dermatologists who own their practices have gone without pay or deferred their salaries in order to maintain their practices and compensate their employees. In addition, we have also received word of employed dermatologists being furloughed, being laid off, having their salary cut or deferred up to 100% or being re-deployed as large group practices and academic practices have been rendered inactive due to restrictions and caution around spread of the virus and to preserve personal protective equipment (PPE). While temporary economic relief provided through the CARES Act has helped and given some hope to dermatology practices, their employees, and the patients they serve, the Academy urges you to take further action to help sustain access to high quality dermatologic care both during and after the public health emergency.

Medicare Reimbursement and Relief

The Academy appreciates CMS' recent expansion of the Accelerated and Advance Payment (AAP) Program to a broader group of Medicare providers for the duration of the COVID-19 public health emergency to help ensure that Medicare providers have the resources they need to maintain their focus on patient care and to keep their practices operating. We understand CMS paused these loans as of April 26 to reevaluate the program.

The Academy urges you to act quickly to reinstate the Medicare Accelerated and Advance Payment (AAP) program so that this assistance can again be available to help support practices that treat Medicare patients. Tremendous uncertainty exists for practices, as the pandemic is surging at different timelines across the country, and we fear that practices not only will be unable to resume normal operations in the near term, but that they will continue to face restricted cash flows as the pandemic runs its course.

We also urge increased flexibility available to physicians who already received payments under the now suspended AAP program. Specifically, **we ask that the program be amended to postpone recoupment until 365 days after the advance payment is issued; reduce the per-claim recoupment amount from 100% to 25%; extend the repayment period for physicians to at least two years; and waive the interest that accrues during the extended payment period.**

The Academy also appreciates the commencement of the second tranche of HHS General Relief payments to physicians. While a number of dermatologists have successfully registered for the second tranche, others have shared the obstacles they have encountered. Many practices have reported that they qualified for the first payment but did not receive it, for reasons that have not been identified. Others report they are encountering difficulty getting the first tranche funds due to problems with electronic fund transfers or delayed mailing. These are physicians who have treated patients and received Medicare fee-for-service payments. They are now unable to register for the second tranche through the portal, as they lack the requisite check number and first tranche

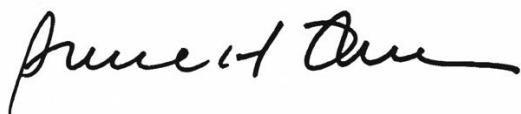
payment amount. We know that these funds are limited, so a quick response is needed. **We urge you to move quickly to permit any Medicare provider to attest that they meet the criteria and receive second tranche disbursements.**

Similarly, **we ask that you increase access for physicians to obtain real-time feedback about the status of their General Relief payments.** We know that disbursements will occur every Wednesday, but practices need to know whether payments will be received. Employment and patient access decisions are now made week-to-week, so this information is crucial.

Lastly, most dermatologists are participating in the Quality Payment Program (QPP), primarily through the Merit-based Incentive Payment System (MIPS). The national public health emergency is making it difficult, if not impossible, for physicians to meet MIPS requirements in 2020. To encourage continued participation in MIPS and quality reporting, **we urge you to eliminate QPP payment penalties through 2021 that would otherwise be mandated by the program.**

The Academy's goal is to ensure that all dermatologists can return to seeing patients on a full-time basis once the COVID-19 crisis 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 Leslie Stein Lloyd, JD, CAE, IOM, Director, Regulatory and Payment Policy, at lsteinlloyd@aad.org or 202-712-2614.

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