

Dear ENT Advocacy Network Member:

June 5, 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!

### **Paycheck Protection Flexibility Act Passes U.S. Congress**

On May 28, 2020, the United States House of Representatives passed H.R. 7010, the [Program Flexibility Act](#). The legislation, which passed nearly unanimously by a vote of 417-1, would change certain conditions of the Paycheck Protection Program (PPP) as authorized by

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- Extends the period for recipients to spend their received funds from eight weeks to 24 weeks
- Lowers the percentage that small businesses must spend on payroll costs from 75% to 60% in order to qualify for loan forgiveness
- Allows PPP loan borrowers who seek forgiveness of the loan to qualify for deferred payment of the
- Provides a rehiring safe harbor for businesses unable to rehire employees
- Extends the PPP through December 31, 2020
- Extends the payment deferral period to up to 10 months after the covered period ends

On June 3, 2020, H.R. 7010 passed the U.S. Senate by a vote of 98-0, H.R. 7010

## June 3 Deadline to Accept HHS Provider Relief Funds

On May 20, the [U.S. Department of Health and Human Services \(HHS\) reminded eligible healthcare providers that they had until June 3](#) to attest to receipt of payments from the Provider Relief Fund, accept the terms and conditions, and submit their revenue information to potentially qualify for an additional payment from the \$50 billion general distribution. All providers who automatically received an additional General Distribution payment prior to 5:00 pm (ET), Friday, April 24, must provide HHS with an accounting of their annual revenues by submitting tax forms or financial statements. Providers who did not submit revenue information by June 3 will no longer be eligible to receive additional funding.

## Medicare Reimbursement for COVID-19 Diagnostic Tests

On May 19, [the Centers for Medicare & Medicaid Services \(CMS\) updated its guidance](#) on payment for COVID-19 diagnostic tests to include details for additional CPT codes created by the American Medical Association as well as specific reimbursement rates from Medicare Administrative Contractors (MACs). For COVID-19 tests that do not use high throughput technology, MACs developed payment amounts for claims that will be used until CMS establishes national payment rates. There is no cost-sharing for Medicare patients.

## CMS Expands Telehealth Coverage During COVID-19 - New Educational Video

On May 8, [CMS released a video that answers common questions](#) about the latest expansion of Medicare telehealth services during the COVID-19 pandemic. The video addresses new information that includes which providers are now eligible for Medicare reimbursement for telehealth services, an expanded list of audio-only phone services, and how to correctly bill for telehealth services.

## HHS Updates CARES Act Provider Relief Fund FAQs

On May 21, the U.S. Department of Health and Human Services (HHS) [issued updated guidance for Medicare providers receiving payments from the CARES Act Provider Relief Fund](#). The updated frequently asked questions (FAQs) document addresses common questions on attestation and rejecting payments (beginning through the portal, entering taxpayer identification numbers into the General Distribution Portal, estimating lost revenue, and the definition of a rural facility).

## Academy Applauds Introduction of Physician Liability Protection Legislation

Since the COVID-19 outbreak began, the AAO-HNS and our partners in the Health Coalition on Liability and Access have been working to develop legislation to address physician liability concerns during the pandemic. As a result of these lobbying efforts, Representatives Phil Roe, MD (R-TN) and Lou Correa (D-CA) introduced [H.R. 7059](#), on May 29. This bill takes important steps to protect frontline healthcare providers acting in good faith from unwarranted liability lawsuits. H.R. 7059 will allow healthcare professionals and facilities working to care for patients with coronavirus.

pandemic. The following provisions included of the HEROES Act would have a significant impact on [ ]TJI nBTn