



July 23, 2020

Alex Azar
Secretary
U.S. Department of Health and Human Services
Room 445–G, Hubert H. Humphrey Building
200 Independence Avenue SW
Washington, DC 20201

Re: ACP Strongly Recommends Extension of Public Health Emergency set to expire July 25, 2020.

Dear Secretary Azar,

On behalf of the American College of Physicians (ACP), I am writing to urge the Department of Health and Human Services (HHS) to take immediate action and renew the Public Health Emergency (PHE) set to expire on July 25, 2020, in order to continue to ensure that certain telehealth policies and regulatory waivers remain in place.

The College is the largest medical specialty organization and the second largest physician group in the United States. ACP members include 163,000 internal medicine physicians (internists), related subspecialists, and medical students. Internal medicine physicians are specialists who apply scientific knowledge and clinical expertise to the diagnosis, treatment, and compassionate care of adults across the spectrum from health to complex illness. Many of the patients most at risk due to COVID-19 are or will be treated by internal medicine specialists, especially older patients and those with pre-existing conditions like heart disease, asthma, and diabetes.

ACP sincerely appreciates the Secretary's and HHS' swift actions throughout the PHE to provide regulatory flexibilities that help physicians participating in both Medicare and Medicaid respond to and contain the spread of COVID-19, while also caring for the needs of their broader patient population. ACP is particularly appreciative of the policy changes to significantly expand patient access to and physician use of telehealth services. These changes have enabled physician practices across the country to quickly shift much of their patient care services to virtual and telephone visits, which has played a pivotal role in mitigating the effects of the COVID-19 pandemic and ensured continued patient access to needed care, while also providing a source of much needed revenue for physician practices across the country. As you are aware, many of these flexibilities and policy changes are due to expire on July 25 if immediate action is not taken to extend the PHE. Patients and physician practices would have to revert to primarily face-to-face services without any type of risk-based assessment for gradually reopening medical practices and health systems to care for non-COVID-19 and non-acute patients.¹ A quick reversal in policy also will not account for patients' comfort level in returning to physician offices to seek necessary care, as well as changes in office workflow and scheduling practices to mitigate spread of the virus within practices, resulting in substantially lower volume of in-person visits for as long as the pandemic is with us. Even a brief interruption in continuing the telehealth policies, or uncertainty about whether they will continue

past July 25, will disrupt physicians and their practices and do great harm to patients who have come to rely on telehealth and phone calls for a significant portion of their care.

The College believes that the patient care and revenue opportunities afforded by the PHE-allowed flexibilities for telehealth and telephone services will continue to play a significant role within the U.S. healthcare system and care delivery models into the near future. Therefore, we believe that the temporary waiving of geographic restrictions on Medicare coverage of telehealth should be made permanent. Additionally, other telehealth flexibilities from the PHE must remain in effect at least through the end of 2021, with an option to extend even further, and with consideration of making many of its waivers permanent, based on the experiences and lessons learned by both patients and physicians using these revised policies.

The College greatly appreciates the Secretary's and HHS' efforts to rapidly declare a PHE during this unprecedented time and implement significant regulatory flexibilities to ensure patient access to care, and we look forward to seeing these changes extended. Should you have any questions or need additional information, please contact Brian Outland, Director of Regulatory Affairs, at boutland@acponline.org.

Sincerely,

A handwritten signature in black ink that reads "Jacqueline W. Fincher MD". The signature is written in a cursive, flowing style.

Jacqueline Fincher, MD, MACP
President
American College of Physicians

¹ Doherty R, Erickson S, Smith C, Qaseem A. "Partial Resumption of Economic, Health Care and Other Activities While Mitigating COVID-19 Risk and Expanding System Capacity." American College of Physicians, May 6, 2020: https://www.acponline.org/acp_policy/policies/acp_guidance_on_resuming_economic_and_social_activities_2020.pdf