



Charles N. Kahn III  
President and CEO

November 19, 2020

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

The Honorable Kevin McCarthy  
Minority Leader  
U.S. House of Representatives  
Washington, DC 20515

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

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

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

The Federation of American Hospitals (FAH) is the national representative for over 1,000 leading tax-paying hospitals and health systems throughout the United States. FAH members provide patients and communities with access to high-quality, affordable care in both urban and rural America. Our members include teaching and non-teaching, acute, inpatient rehabilitation, behavioral health, and long-term care hospitals and provide a wide range of inpatient, ambulatory, post-acute, emergency, children's, and cancer services.

Since the onset of the COVID-19 public health emergency (PHE) in the United States, Congress has taken decisive action to support front-line hospitals and health care providers. Yet, with the number of COVID-19 cases and hospitalizations skyrocketing and the number of legislative days dwindling before the 116<sup>th</sup> Congress adjourns, we strongly urge Congress to break the gridlock and provide much-needed additional relief. The nation's hospitals and caregivers will not relent until this pandemic is over, but we need help from Congress now.

A nationwide distribution of COVID-19 vaccines is hopefully within sight, but until then, the winter months ahead are near certain to challenge us again with record-shattering COVID-19 cases, hospitalizations, and fatalities. We urge Congress to pass a new COVID-19 relief package, along with legislation that will fully fund the federal government and its critical health care programs. There are a host of issues that we believe Congress must address before adjourning, including extending the Medicare sequester moratorium (currently set to expire on December 31, 2020) until the end of the COVID-19 PHE.

Other key issues include:

### **COVID-19 Relief and Support for Health Care Providers and Patients**

- Provide sufficient funding for personal protective equipment (PPE) procurement, testing, contact tracing, and vaccine development and distribution programs
- Replenish the Provider Relief Fund (PRF) and ensure recipients can most effectively utilize those funds by codifying a prior version of, and an amendment to, the Department of Health and Human Services' rules on the use and reporting of such funds
  - Permit eligible health care providers to calculate and report on their lost revenues by “any reasonable method,” including comparing budgeted and actual revenues
  - Permit health care systems to re-deploy funds among their eligible hospitals to where they are most needed
- Provide liability protection for health care professionals and facilities for any injury or death alleged to have been sustained because of any acts or omissions undertaken in good faith while providing health care services in support of the nation's COVID-19 response
- Refresh the Unified Post-Acute Care (PAC) Prospective Payment System (PPS) mandate and timeline outlined in *The IMPACT Act*
  - Direct CMS to outline its implementation plan and ensure that the unified payment prototype is based on post-pandemic data and lessons learned, and robustly tested and modeled by PAC providers in a real-world setting before it is presented to Congress
- Permanently remove geographic and originating site requirements as well as remove other barriers to access to telehealth services
- Ensure Americans can maintain or gain access to affordable health insurance coverage by expanding eligibility criteria and subsidy amounts for insurance obtained on the health insurance exchanges, subsidizing COBRA for displaced workers, and increasing the federal share of Medicaid funding to states

### **Government Funding, Health Care Extenders, and Other Outstanding Issues**

- Fund expiring Medicare, Medicaid, CHIP and other public health extenders through September 30, 2021
  - Eliminate cuts to the Medicaid disproportionate share hospital (DSH) program for the next fiscal year
- Enact legislation that protects patients from surprise medical bills, while ensuring a fair process for providers and payers to negotiate payment rates and settle disputes
- Prohibit the Trump Administration's finalization of the Medicaid Fiscal Accountability Regulation (MFAR)
- Enact *The Healthcare Workforce Resilience Act*, which would “recapture” and repurpose up to 25,000 unused immigrant visas for nurses and 15,000 unused visas for physicians
- If not addressed in the 2021 Physician Fee Schedule (PFS) Final Rule, enact legislation to prevent Medicare payment cuts to clinicians due to the PFS budget neutrality requirement

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The aforementioned recommendations are by no means exhaustive, as hospitals and other providers will continue to need support from Congress. In this ongoing battle against COVID-19, Congress must also assess how this pandemic has and will alter the nation's health care landscape, and what additional adjustments must be made, from bolstering access to health care in rural America, improving health equity, and further investing in behavioral health.

If you have any questions or wish to speak further, please do not hesitate to reach out to me or a member of my staff at 202-624-1534.

Sincerely,

A handwritten signature in black ink, written in a cursive style. The signature is somewhat stylized and difficult to read, but appears to be a name followed by a title or affiliation.