



March 19, 2020

The Honorable Tom Wolf
Governor of the Commonwealth of Pennsylvania
Harrisburg, PA 17120

Dear Governor Wolf:

Thank you so much for your leadership as Pennsylvania grapples with addressing the Coronavirus or COVID-19. We also thank Secretary of Health, Dr. Rachel Levine, for being a constant resource and partner to the Pennsylvania Medical Society (PAMED). As a Pennsylvania organization representing physicians across the spectrum, many of whom are on the frontlines of the fight against this virus, we fully offer ourselves to the administration as a resource.

As a partner, we offer the following key issues and potential solutions for your consideration and action.

Telemedicine - While we recognize that the legislature continues to debate the merits of enacting telemedicine legislation, we believe the growing number of COVID-19 cases in the Commonwealth merit immediate attention relative to several elements of this potentially life-saving treatment option.

- Can physicians living in border communities treat established patients who are residents in a neighboring state?
- Are physicians able to use smartphones or other non-HIPAA compliant technology when providing COVID-19 related telemedicine services?
- Mandated reimbursement for COVID-19 related telemedicine services under Medicare and Medicaid have been established as well as relaxed HIPAA regulations paving the way for the expanded use of everyday communication technology, such as Skype and FaceTime. Other states across the country, such as Massachusetts and New Hampshire, have recently mandated reimbursement for telemedicine services by commercial insurers.

Patient demand for telemedicine services in lieu of in-patient care is growing exponentially every day and we've heard from several practices who are considering closing their doors out of concern for the exposure of their staff and patients.



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In an effort to limit potential exposure to at-risk populations and the community, we ask that you

- A) Direct insurers - Medicaid, CHIP, Commercial Plans - to reimburse for telehealth services, set the reimbursement at the same rate as face-to-face services, and*
- b) We ask that Pennsylvania extend similar benefits across the Commonwealth to match the federal relaxation of HIPAA regulations such as allowing the use of everyday communication technology, such as Skype and FaceTime, and*
- c) Contact your fellow governors in bordering states to request that Pennsylvania providers can treat established patients from their states via telemedicine.*

Active-Retired Physicians - Additional health care personnel may be needed to meet the urgent patient needs presented by the COVID-19 outbreak. Recently retired physicians, if they so choose, could temporarily return to active practice to help meet this demand.

We request that the Bureau of Professional and Occupational Affairs of the Department of State allow active-retired physicians, who have entered active-retired licensure status within the past two years, be temporarily permitted to return to active unrestricted status and that all requirements that typically must be fulfilled by an applicant seeking to return to active practice be waived.

Department of Health Dedicated Telephone Line for Health Care Providers - We've heard from many of our member physicians that they've waited on the Department of Health's line for assistance with a specific patient that they suspect has COVID-19 for extended periods of time. In one example, the physician was a Medical Director for a nursing home. We very much understand that DOH is being inundated with questions and inquiries from all over.

We request that you designate a line that is only for health care providers addressing a potential and active case of COVID-19.

Availability of PPEs - Again, we appreciate that there is a nationwide shortage of PPEs. PAMED is hearing from our members that they are considering closing their doors due to lack of availability of equipment they can use to protect themselves and their patients. Also, given the time it is taking to receive test results and response from DOH, physicians in settings like nursing homes are using N95 masks at a rapid rate to protect themselves while awaiting test results on suspected coronavirus cases.

In order to minimize risk, we ask that you direct funding to the purchase and provision of PPEs to practices and facilities that need it.



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Prior Authorization & Utilization Management Activities - With physician resources being stretched to the breaking point, unnecessary requirements pull them away from direct patient care. With COVID-19 infections expected to climb, we need physicians on the frontlines of care, not on hold with an insurance company awaiting treatment approvals.

In an effort to reduce time-consuming, administrative burdens on already overwhelmed practices, we ask that you direct insurers to suspend all prior authorization and utilization management activities to allow for more time to focus on direct patient care.

Financial Relief for Practices - Practices are facing costs for employee benefits such as sick leave and paid time off while staff may be unable to work as a result of schools and daycare centers closing. Plus, practices must now purchase the necessary supplies in order to treat their patients as a result of the pandemic. Furthermore, patients with non-urgent care are cancelling appointments to avoid possible exposure, reducing revenue in the practice. Without financial relief and a mandate for reimbursement for telemedicine benefits, practices will not be able to withstand the financial pressures and may ultimately close their doors.

We ask that the state provide financial relief for medical practices who are overwhelmed with significantly increased costs and substantially reduced revenue, in order to avoid closure.

Financial Relief for Health Care Workers - Health care workers must remain on the frontlines to care for patients and address COVID-19 while seeking alternate childcare as schools and daycares close.

PAMED asks that you provide financial relief for health care workers who must seek alternate childcare due to the closure of schools and daycare facilities.

State Licensure Board Regulations - State medical board regulations at 49 Pa. Code § 16.42 require physicians, prior to prescribing, to perform an initial medical history to be taken and an initial physical examination to be conducted unless emergency circumstances justify otherwise. Included in this requirement is an objective evaluation of the heart, lungs, blood pressure, and body functions that relate to the patient's specific complaint.

Given the increase in services related to COVID-19, we believe that emergency circumstances are present, and we ask you authorize the state licensure boards under the Department of State to waive this requirement and any other state licensure requirement that will hamper the use of telehealth or provision of medical services during this pandemic.



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Temporary Cessation of all Non-Emergent Inspections and Facility Surveys - Several Commonwealth agencies, including the Departments of State, Health, and Human Services, conduct inspections and investigations of facilities and practitioners under their jurisdiction. The Joint Commission and the Centers for Medicare and Medicaid Services (CMS) both announced the cessation of non-emergency survey inspections.

We would similarly ask the administration to direct any department responsible for surveys and investigations to be judicious at this time and evaluate the need for surveys or investigations that would compromise patient care at this time.

Informed Consent - At a time when practitioners are being stretched to their limits, it is important to enable them to make decisions to best utilize the health care team. Currently, both HB 1580 and SB 761 would authorize physicians to delegate the task of obtaining a patient's informed consent to other specified health care practitioners. While physicians would still be responsible for the patient's care, these bills would free up some of a physician's time to other matters that require his or her immediate attention.

We urge this administration to support these bills and work with the legislature to prioritize their enactment into law.

Advisory Opinions from State Agencies - Section 204 of the Commonwealth Attorneys Act provides the Governor or head of a state agency may seek advisory opinions from the Attorney General. In effect, this prohibits state attorneys and other personnel under the Governor's jurisdiction from providing direct legal advice or other advisory opinions. While the intent of this law may be understandable, in emergency situations such as we are in, physicians and other providers are looking for assistance in staying compliant with applicable laws and regulations.

Allowing licensees to seek legal advice and/or advisory opinions directly from state agencies such as the Departments of State, Health, Humans Services, and Insurance, will enable them to balance the need to remain compliant with laws while at the same time provide them answers that non-government entities cannot adequately give them.

Expedited Professional Licensure - We understand this may put a strain on government personnel and resources, but given the present circumstances, it is imperative that the Commonwealth be able to place more practitioners licensed by the Department of State in hospitals and other facilities to meet the growing demand for their services. In addition, frontline providers such as EMS personnel licensed by the Department of Health will be needed in growing numbers.

In anticipation of increased demand for health care services as a result of COVID-19, we request expedited processing of licensure applications for physicians as well as other health care providers, including the review and approval of physician-physician assistant written agreements.



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Assistance with Medical Liability Surcharges - Under the Medical Care Availability and Reduction of Error Act (MCARE), physicians and other health care providers are required to obtain medical professional liability insurance. As part of the requirements under MCARE, health care providers obtain insurance through private entities and additionally pay an MCARE surcharge to the MCARE Fund.

Given the current climate, we encourage the administration to work with the General Assembly to provide relief to health care providers from paying the MCARE surcharge at this time, whether through a waiver or by supplementing payments through the state's Rainy Day Fund or other appropriation.

Good Samaritan Protection - As health care providers and volunteers are stepping up to provide more care, it is imperative that they know they will be protected from suit for their good-faith actions. In any situation such as we are experiencing, the threat of lawsuits is real and may cause individuals to fear assisting in a crisis. Good Samaritan protections as found in 42 Pa.C.S. Subch. C must be clearly extended to all individuals who are assisting during this crisis.

We request the Governor to ensure that Good Samaritan protections are extended to all individuals who in good-faith are providing needed services during the COVID-19 pandemic.

Again, thank you for your leadership during this challenging time. I, along with our physician leadership, look forward to working with you and your team to address these concerns as we continue to fight COVID-19. I can be reached at (717) 558-7827 or mraniowski@pamedsoc.org.

Sincerely,

Martin Raniowski
Executive Vice President/CEO

CC: The Honorable Joe Scarnati, President Pro Tempore, Pennsylvania Senate
The Honorable Mike Turzai, Speaker, Pennsylvania House of Representatives
The Honorable Jake Corman, Senate Majority Leader
The Honorable Jay Costa, Senate Minority Leader
The Honorable Bryan Cutler, House Majority Leader
The Honorable Frank Dermody, House Minority Leader



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The Honorable Michele Brooks, Chair, Senate Health and Human Services Committee
The Honorable Art Haywood, Minority Chair, Senate Health and Human Services Committee
The Honorable Kathy Rapp, Chair, House Health Committee
The Honorable Dan Frankel, Minority Chair, House Health Committee
The Honorable Mario Scavello, Chair, Senate Banking & Insurance Committee
The Honorable Sharif Street, Minority Chair, Senate Banking & Insurance Committee
The Honorable Tina Pickett, Chair, House Insurance Committee
The Honorable Tony Deluca, Minority Chair, House Insurance Committee
The Honorable Tommy Tomlinson, Chair, Senate Consumer Protection & Professional Licensure Committee
The Honorable Lisa Boscola, Minority Chair, Senate Consumer Protection & Professional Licensure Committee
The Honorable David Hickernell, Chair, House Licensure Committee
The Honorable Harry Readshaw, Minority Chair, House Licensure Committee
Rachel Levine, MD, Secretary of Health
Teresa Miller, Secretary of Human Services
Jessica Altman, Insurance Commissioner
Kathy Boockvar, Secretary of the Commonwealth
K. Kalonji Johnson, Acting Commissioner of the Bureau of Professional and Occupational Affairs