

April 10, 2020

The Honorable Mitch McConnell
Senate Majority Leader
U.S. Senate
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
233 Cannon House Office Building
Washington, D.C. 20515

Dear Leader McConnell and Speaker Pelosi:

The undersigned organizations, representing the wide variety of care orthopaedic surgeons provide, write to you to ask for support for our practices, our employees, and most importantly our patients. Orthopaedic surgeons across the country play a critical role safeguarding musculoskeletal health, treating bone cancers, chronic mobility problems, workplace injuries, and other pressing conditions. It is essential that musculoskeletal care continue to be accessible to the American public when the COVID-19 crisis is over.

Orthopaedic surgeons are complying with Center for Medicare and Medicaid Services (CMS) guidance to postpone elective surgeries, leading directly to plummeting case volumes, with practices struggling to stay in business and keep their employees on staff. As the pandemic becomes more manageable and these surgeries can take place, we are concerned that too many of our private practices will have become financially insolvent, threatening access to care. While we commend Congress for providing relief in the Coronavirus Aid, Relief, and Economic Security Act (CARES), that support may not be enough to maintain this crucial resource.

A recent survey of American Association of Orthopaedic Surgeons (AAOS) members indicates that the damage to their ability to provide orthopaedic care is already becoming severe, with over a third of practices reporting financial impact totaling over \$1 million. The average number of surgeries cancelled or indefinitely postponed totaled 150 per respondent, while nearly half of respondents noted a decline in volume of 80% or more.

Over half of the members of the AAOS are in private practice, with each orthopaedic surgeon performing on average nearly 36 procedures per month. The capacity of these surgical practices to stay open and manage the expected influx of need following this crisis will correspond directly to how quickly Americans can get back to work and help the economy recover.

To ensure the survival of this resource, and to allow orthopaedic surgeons to most effectively respond to this crisis, we ask that Congress take the following steps in the next COVID-19 response legislation:

- Direct the Department of Health and Human Services (HHS) and Department of the Treasury to prioritize relief provided within CARES for physician practices in communities at risk of losing access to needed musculoskeletal care should those practices be unable to remain open.
- Direct CMS to extend the recoupment deadline in the Medicare accelerated payments program provided for in CARES to December 31, 2021, to allow for loan forgiveness for providers and facilities that cannot afford

repayment at that date, and to clarify the tax liability for recipients. Without this extension, many orthopaedic practices have reported the accelerated payment program will not provide the intended relief.

- Include the Immediate Relief for Rural Facilities and Providers Act, introduced by Senator Michael Bennet (D-CO) and Senator John Barrasso, MD (R-WY) to extend a critical lifeline to physicians and facilities most at risk of closing their doors.
- Expand eligibility within the Paycheck Protection Program for physician practices with over 500 employees who desperately need access to forgivable loan programs in order to maintain staff.
- Add blanket liability protections for physicians who are working outside their normal practice area in order to provide surge capacity but not volunteering and therefore not covered by the “good Samaritan” language in CARES.
- Ensure physicians, healthcare workers, and first responders are included and covered under the paid sick leave provisions instituted by the Families First Coronavirus Response Act.

The historic challenge of the COVID-19 pandemic requires an equally historic response from Congress. We thank you for your work in this fast-moving crisis environment and ask that you take these steps to ensure orthopaedic surgeons are best equipped to help get the nation through this and provide care when this crisis is over.

Please contact Catherine Hayes with the AAOS Office of Government Relations (Hayes@aaos.org), if you have any questions or if the AAOS can serve as a resource to you.

Sincerely,



Joseph A. Bosco, III, MD, FAAOS
President, American Association of Orthopaedic Surgeons

cc: Daniel K. Guy, MD, FAAOS, AAOS First Vice-President
Felix H. Savoie, III, MD, FAAOS, AAOS Second Vice-President
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Alabama Orthopaedic Society
American Alliance of Orthopaedic Executives
American Association for Hand Surgery
American Association of Hip and Knee Surgeons
American Orthopaedic Foot & Ankle Society
American Orthopaedic Society for Sports Medicine

American Osteopathic Academy of Orthopaedics
American Shoulder and Elbow Surgeons
American Society for Surgery of the Hand
Arizona Orthopaedic Society
Arkansas Orthopaedic Society
Arthroscopy Association of North America



AMERICAN ASSOCIATION OF
ORTHOPAEDIC SURGEONS

California Orthopaedic Association
Colorado Orthopaedic Society
Connecticut Orthopaedic Society
EmergeOrtho
Florida Orthopaedic Society
Georgia Orthopaedic Society
Illinois Association of Orthopedic Surgeons
Iowa Orthopaedic Society
Kansas Orthopaedic Society
Limb Lengthening and Reconstruction Society
Louisiana Orthopaedic Association
Maine Society of Orthopaedic Surgeons
Maryland Orthopaedic Association
Massachusetts Orthopaedic Association
Midlands Orthopaedics & Neurosurgery, PA
Minnesota Orthopaedic Society
Mississippi Orthopaedic Society
Missouri State Orthopaedic Association
Montana Orthopedic Society
National Association of Spine Specialists
Nevada Orthopaedic Society
New Hampshire Orthopaedic Society
New Jersey Orthopaedic Society
New York State Society of Orthopaedic Surgeons

North Carolina Orthopaedic Association
North Dakota Orthopaedic Society
Ohio Orthopaedic Society
Oregon Association of Orthopaedic Surgeons
OrthoForum
Orthopaedic Trauma Association
OrthoSC
OrthoVirginia
Pediatric Orthopaedic Society of North America
Pennsylvania Orthopaedic Society
Premier Orthopaedics and Sports Medicine, LTD
Rhode Island Orthopaedic Society
Rothman Orthopaedics
Scoliosis Research Society
Signature Medical Group
South Carolina Orthopaedic Association
Tennessee Orthopaedic Society
Texas Orthopaedic Association
The Hip Society
The Knee Society
Utah State Orthopaedic Society
Virginia Orthopaedic Society
West Virginia Orthopaedic Society