



March 19, 2020

Alex Azar  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue SW  
Washington, D.C. 20201

Dear Secretary Azar:

As the federal government's response to the COVID-19 pandemic continues to evolve, on behalf of the 5,800 ambulatory surgery centers represented by the Ambulatory Surgery Center Association (ASCA), I want alert you to the need for legislative and administrative actions, including economic relief, to further safeguard patients and communities across the country.

Concerns that hospitals will be overwhelmed have not been tempered. Further, there is growing alarm among providers as to how federal officials will maintain our nation's health care infrastructure so that hospitals are not the only care setting left in operation as the pandemic takes its toll, and to ensure that patients have access to postponed care once it has subsided. ASCs nationwide can and must play a role in ensuring that communities' health needs are met both during and following the cessation of the pandemic. Without financial assistance, however, many facilities—which are small businesses—may be forced to cease operations and furlough clinical and support staff, which could seriously hamper efforts to use ASC operating rooms should hospital capacity be exceeded.

The ASC community's consensus position remains that many ASCs can continue to provide safe surgical care to those patients whose condition cannot wait for the pandemic to subside, in accordance with guidelines issued yesterday by the Centers for Medicare and Medicaid Services (CMS), subject to the availability of medical supplies, including personal protective equipment.

However, case volume shortfalls from postponing procedures that can wait until after the pandemic will create enormous financial stress on facilities that must be addressed. It is expected that there will be as much as a 70 percent decline in surgeries during the pandemic. We are already aware of some facilities that have been forced to suspend all care. Federal funding will be desperately needed to make up for this operational shortfall so that ASCs and other facilities and their staff remain prepared and able to treat patients and serve as potential sites for overflow care in hospitals that are above capacity due to the pandemic.

Steps that Congress and the Administration must consider to ensure ASCs remain viable include:

- Providing direct financial support from the federal government to address operational shortfalls and immediate access to low or no-interest capital will be essential to address both short and long-term needs and to ensure the survival of ASCs, and the efficient care

they offer to millions of patients each year.

- Funding for the labor-related portion of care as staffing levels and availability are impacted by needs of other providers and required sick leave.
- Suspending payroll and other taxes for healthcare providers.
- Waiving Medicare sequestration reductions.
- Waiving budget neutrality requirements of facility and physician fee schedules.

Finally, we know that the COVID-19 pandemic will place ever-increasing stresses on the health system. We are ready to share ideas on further steps that can be taken to ensure access to care for all patients, as well as actions that can protect Medicare beneficiaries during this time. In addition, we know that ambulatory surgery centers may be called upon to provide care in ways not currently contemplated. We stand ready to work with Congress, the Administration and state and local governments to provide needed care during this extraordinary time while also working to ensure that, going forward, ASCs can continue to provide safe, efficient care to the millions of patients we treat each year.

Please feel free to contact me if there is anything that Ambulatory Surgery Center Association or our members can do to assist you as we all face the enormous health and economic challenges of the COVID-19 pandemic.

Sincerely,



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