



June 30, 2020

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

The Honorable Chuck Schumer  
Democratic Leader  
U.S. Senate  
Washington, DC 20510

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

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

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

The Ambulatory Surgery Center Association (ASCA) and the 5,800 Medicare-certified ambulatory surgery centers (ASCs) across the country are grateful for Congress' action to maintain our nation's health care infrastructure and provide support and relief to families, businesses, and communities during the COVID-19 pandemic. I'd like to provide a brief update on the ability of ASCs to resume care and to highlight four priorities for future congressional action to bolster health care delivery while we continue to battle the coronavirus.

While ASCs were quick to follow federal and state guidance to postpone elective surgeries early in the pandemic, resulting in significant economic harm, most are now back to work providing care. Using a variety of testing, screening, patient masking, social distancing and limiting visitors to assure a safe clinical environment for patients and staff, ASCs are treating patients without increasing risk of COVID-19 spread.

A recent survey by the ASC Quality Collaboration revealed that only 16 patients out of more than 84,000 at 709 facilities reported being COVID-19 positive within 14 days after surgery. All were asymptomatic before and during their procedure, and none of those instances have been definitively ascribed to the episode of care provided at the ASC. Accordingly, we are confident that the protocols implemented at ASCs ensure our facilities can safely treat patients despite the pandemic and that future spikes should not lead to federal or state guidance to postpone elective care again.

With regards to future COVID-related legislation, we ask that the following priorities be included to ensure that patients can continue to access the care they need:

- Americans with diminished resources must be provided assistance so they can receive the treatment they need. This includes:
  - Substantial subsidies for COBRA continuation coverage, so laid off employees

- can stay on their employer-sponsored health insurance; and
  - Capped out-of-pocket liability for Medicare beneficiaries in the ASC setting at the same level and manner in which the hospital outpatient department coinsurance is capped at the inpatient deductible.
- Health care providers must have access to affordable personal protective equipment and medical supplies to provide care to patients, regardless of the spread of the virus.
  - Health care providers who follow current standards of care for treating patients during the pandemic must be protected from medical liability lawsuits related to any remote possibility of Covid-19 infection.
  - Health care providers must be treated similarly when extending financial or regulatory support, assuring that the entire continuum of care remains available to patients in need.

Addressing these four priorities legislatively will ensure that patients can continue to access the health care they need and allow ASCs to continue to serve patients and their families. If you require any additional information during this pandemic and beyond, please contact Steve Selde at [sselde@ascassociation.org](mailto:sselde@ascassociation.org).

Sincerely,



William Prentice  
CEO  
Ambulatory Surgery Center Association