



**Susan M. Whitely, MD**  
President

**Libby McDannell, CAE**  
Chief Executive Officer

March 27, 2020

The Honorable Doug Ducey  
Governor of the State of Arizona  
Phoenix, AZ

Dear Governor Ducey:

Thank you for your ongoing leadership as Arizona grapples with addressing COVID-19. We also thank the AZ Department of Health Director, Dr. Cara Christ, for being a constant resource and partner to the Arizona Medical Association (ArMA). As an Arizona 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 recommend the following key issues and potential solutions for your consideration and action:

#### Medication Management

Under the declared state of emergency, it is imperative that patients continue to have access to necessary medications. As such, we recommend the following:

- **Medication Access** – In an effort to encourage residents to stay home during this pandemic, we respectfully ask that insurers waive early medication refill limits of maintenance medications for non-controlled substances. For controlled substances, earlier refill should be at the discretion of the physician prescriber.
- **Opioid Treatment Program (OTP)** – Request blanket exceptions from the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA) that will help patients in an Opioid Treatment Program (OTP) during the COVID-19 pandemic.

The blanket exception will allow patients to obtain up to 28 days of Take Home medication if they are stable, and up to 14 days for patients who are less stable but who the OTP believes can safely handle that level of Take Home medication. [More information is here.](#)

#### Prior Authorization

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** to allow for more time to focus on direct patient care.

#### Medical Liability

Follow the actions of other states and mandate that for the duration of the public health emergency:

- All physicians, physician assistants, specialist assistants, nurse practitioners, licensed registered professional nurses and licensed practical nurses shall be immune from civil liability for any injury or death alleged to have been sustained directly as a result of an act or omission by such medical professional in the course of providing medical services in support of the State's response to the COVID-19 outbreak, unless it is established that such injury or death was caused by the gross negligence of such medical professional.
- Healthcare employers are immune from civil liability under the following circumstances: 1) there was not adequate or appropriate PPE access; 2) the risks were fully disclosed by the employer to employees; and 3) that affected employees were allowed to decline performing the job.

#### Economic Sustainability

COVID-19 is putting enormous financial strain on the healthcare delivery system and threatens the system's ability to care for patients through this crisis and beyond. Patients expect the healthcare system to be available when they need care. We must ensure the system survives this crisis and is not further weakened.

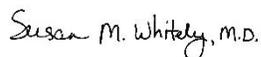
Enclosed is a letter that was disseminated to our Arizona Congressional Representatives today. If any of the recommendations outlined can be addressed on a state level, we would appreciate your consideration of this.

#### Social Distancing

In addition to the recommendations noted above, we also want to reiterate our grave concern of those Arizona residents not adhering to the social distancing recommendations that your office has previously put forth. We strongly encourage you to use whatever measures available to enforce those recommendations as we must do everything possible to mitigate the spread of COVID-19. ArMA is helping to spread this message via the launch of a social media campaign this week with the hashtag #StayHomeAZ. We would love to work with your communications team if there is interest in joint messaging.

Again, thank you for your leadership during this challenging time. ArMA leadership look forward to working with you and your team to address these concerns as we continue to battle COVID-19.

Sincerely,



Susan M. Whitely, MD  
President

Cc: Dr. Cara Christ, ADHS Director



## AN URGENT MESSAGE FROM THE ARIZONA MEDICAL ASSOCIATION

### COVID-19 Poses a Serious Threat to Patients and the Sustainability of our Healthcare System

The Arizona Medical Association (ArMA) is proud to support the physicians on the front lines of the COVID-19 pandemic and recognizes that our ability to withstand and recover from this emergency will only be as strong as our healthcare system.

ArMA has convened a COVID-19 Response Team to assess pandemic efforts and provide a “heads up” on issues of great concern that directly affect patient care. As a primary matter, the pandemic is putting enormous financial strain on the healthcare delivery system and threatens the system’s ability to care for patients through this crisis and beyond.

***As Arizonans seek care, we must ensure the system survives this crisis and is not further weakened. As policymakers with the ability to protect the healthcare system at this most critical time, the ArMA COVID-19 Response Team asks you to consider the following concerns:***

### THE IMPACT OF COVID-19 ON OUR ALREADY FRAGILE HEALTH CARE SYSTEM



**The healthcare delivery system (hospitals, ambulatory surgery centers and clinicians) has ramped up spending to attack the pandemic, even at a time when its revenue streams are shrinking. Issues of great concern are:**

- Shortages of Emergency Departments; inpatient beds; ICU; Personal Protection Equipment (PPE); ventilators; and caregiver capacity
- Patients relying upon EDs for COVID-19 testing, further flooding the system

- Salaries of quarantined, incapacitated and underutilized or stranded providers
- Premium pay for overtime, off hours and hazard payment
- Expected 70%+ decline in surgeries and other scheduled visits resulting in facilities and clinicians temporarily without revenue to support their businesses
- Need to invest in converting facilities and workforce into surge capacity for ED and ICU
- Expected liquidity and bankruptcy risks across vital parts of our healthcare system -- Ambulatory Surgery Centers (ASCs), Hospitals (especially those focused in rural and lower income communities), many procedure-based clinical practices (surgeons, gastroenterologists, ophthalmologists, anesthesiologists) creates:
  - Short term threat to needed overflow / surge capacity of facilities and clinicians
  - Long term threat to healthcare capacity, limiting patient access and increasing total cost of care in the US



**Any emergency legislation should include these provisions to stabilize the health care system:**

- **Access to PPE and Ventilators**
- **Regulatory relief to practice medicine under emergency circumstances (remove originating site, geographic and licensure restrictions during emergency period)**
- **Regulatory relief to allow alternate sites of care for triage and testing or overflow capacity**
- **Access to low interest bridge loans to hospitals, ambulatory surgery centers, medical groups, small private practice groups, and solo practitioners to cover up to six months of reduced elective volumes**
- **Suspend Medicare Sequestration Cuts to healthcare systems and providers**
- **Postpone 2021 Medicare Physician Fee Schedule and provide exemption for MACRA reporting for the 2020 performance year**
- **Medicaid/Medicare equivalence for emergency services during emergency period and fund care provided to uninsured patients at Medicare rates**
- **Guaranteed and timely payment from insurance companies (relief from prior authorizations, co-insurance coverage for Covid-19 related testing, hospitalizations and follow up and guaranteed 30-day payment)**
- **Fund lost revenue (revenue guarantee) for hospitals, ambulatory surgery centers and medical groups should disruption extend beyond three months**

- **Allow the transfer of appropriate patients from tertiary centers to rural hospitals so that more critical cases can be admitted to the higher and more appropriate level of care; this can be done through transfer agreements and education at a national level**
- **Address the inadequate supply of respirators for use by our healthcare personnel performing high risk procedures like intubations and bronchoscopies; there has been inadequate resources and inadequate training**
- **Anesthesia needs PPE (isolation gowns specifically) and surgical gowns, etc. so these specialists can continue operations at ASC's. If these specialists were adequately supplied, they could act as a safety valve and continue to treat patients who have been injured or are in pain while the hospitals are not doing any elective surgeries**
- **Suspend enforcement of the Stark Law and Anti-Kickback Statute to enable hospitals and health systems to meet the unique and exigent circumstances created by the COVID-19 public health emergency**
- **Economic assistance for small, privately owned/independent practices and small/rural hospitals, including a medical practice sustainability task force; this should include consultancy services to provide information regarding the availability of financing and other resources**
- **Fund an increase in Medicaid payments to physicians to set reimbursement rates at no less than Medicare rates**

We recognize that this list is extensive and will likely grow as more issues arise. But there is no greater importance to Americans and the American economy than a pandemic recovery that is as quick, complete, and sustainable as possible. Accordingly, we respectfully ask that you make these essential healthcare concerns your top priority as you continue to craft policy in response to this emergency.

Thanks for your continued efforts on behalf of all Arizonans, and please do not hesitate to contact us if you have any questions.

**Jon Amores**

Director of Government Relations

[jamores@azmed.org](mailto:jamores@azmed.org)

(602) 347-6905

**Meghan McCabe**

Deputy Director of Government Relations

[mmccabe@azmed.org](mailto:mmccabe@azmed.org)

(602) 347-6918



**ARMA**  
 ARIZONA MEDICAL  
 ASSOCIATION  
 Physician led. Patient focused.