



April 21, 2020

The Honorable Donald J. Trump
President of the United States of America
White House
Washington, DC 20500

The Honorable Michael Pence
Vice-President of the United States of America
Old Executive Office Building
Washington, DC 20501

Dear Mr. President and Mr. Vice President:

On behalf of the American Academy of PAs (AAPA) and the 140,000 PAs (Physician Assistants) serving patients and our health care system across the United States of America, we are writing to emphasize our commitment to fighting COVID-19 and to ask you to exercise your authority to empower the PA workforce to work to the fullest extent of their license to extend support to our mighty, but over taxed health care system. By exercising your authority and continuing your advocacy at the state level, your actions will improve America's ability to care for patients and bolster our health care workforce during this global pandemic.

We applaud the administration for its unprecedented support for eliminating practice barriers that impede PAs from practicing to the top of their education, advanced training, and clinical experience with the goal of more effectively delivering timely, high-quality care to Americans across the country.¹ As we face this global pandemic, now is the time to expedite and expand these efforts to rapidly optimize our health care workforce.

We ask your administration to build on these efforts by taking immediate executive action and encouraging states and Congress to follow the Administration's lead to fortify our health care workforce.

Federal Recommendations for Immediate Administrative Action:

First and foremost, AAPA calls on the Administration to exercise the powers of government to prioritize the safety of our health care workforce including prioritizing access to personal protective equipment (PPE) and testing for health care workers for those working in and outside the hospital setting. According to the Centers for Disease Control (CDC), health care workers make up 19% of all COVID-19 cases. Despite efforts, health care workers are still facing dangerous shortages. **We must protect those who protect us.**

¹ See Executive Order 13890, October 3, 2019, "[Protecting and Improving Medicare for our Nation's Seniors](#)"; See also December 2018 HHS report "[Reforming America's Health Care System Through Choice and Competition](#)" delivered pursuant to Executive Order 13813, October 12, 2017.

AAPA strongly recommends that the federal government immediately institute permanent full-practice authority for all PAs working at all federal agencies that operate under a federal scope of practice. Due to the nature of the COVID-19 crisis, the pressing need to effectively utilize our health care workforce is particularly acute at the Department of Veterans Affairs and the Federal Bureau of Prisons. AAPA specifically recommends:

- **Department of Veterans Affairs:** Immediately institute PA full practice authority at the VA, effectively naming all PAs practicing at the VA “Licensed Independent Practitioners.” This action will ensure PAs can be fully utilized to set up emergency response centers, streamline care, increase access to VA patients, and allow the VA to meet its fifth mission - taking care of overflow patients from private hospitals.
- **Federal Bureau of Prisons:** Immediately institute full practice authority for PAs practicing in the federal prison system. This action will provide PAs the flexibility needed to address the growing crisis in our prison system within their scope of practice but without artificial limitations.

The Administration through the Department of Health and Human Services (HHS) has worked quickly and with focus to create critical federal flexibilities to enable the health care workforce to meet the demands of the crisis, yet more can be done. As HHS continues this work, we urge the Department to adopt the following changes and clarifications:

- Authorize PAs to perform the comprehensive visit and all other required and medically necessary visits in skilled nursing facilities
- Clarify the ability of PAs to perform hospital admissions and hospital discharges, as authorized by state law, without the need for a physician co-signature. CMS has already issued statements that indicate PAs are able to perform these duties without a physician co-signature, however, hospitals are requesting clarity from CMS/HHS. That clarity can be achieved by 1) updating [CMS Transmittal 234](#) to state that PAs are authorized to admit to hospitals without a physician co-signature, and 2) removing conflicting language contained in the [state survey manual](#) which appears to require physician co-authentication (co-signature) of hospital discharges.
- Authorize PAs to supervise clinical staff and technicians who perform diagnostic tests. PAs are able to perform all diagnostic tests, but are prohibited from supervising clinical staff/technicians who perform certain diagnostic procedures due to restrictive language in [42 CFR §410.32\(b\)](#).
- We also laud the Administration’s efforts to create flexibility to support the use of telehealth and ask that CMS seek opportunities to make the flexibility permanent beyond the current crisis. Patients have responded enthusiastically, particularly our patients with chronic conditions and in rural areas, to the ability to utilize telehealth services. We expect the need and patient expectation to remain high even after the Public Health Emergency has subsided and telehealth laws and regulations should facilitate patient access to those needed services.

Federal Recommendations for Immediate Congressional Actions:

We also, respectfully request your support in encouraging Congress to act quickly to address the following legislative barriers to care:

- Pass the Cardiac and Pulmonary Rehabilitation and Care Act (S. 2842, HR 3911). This bipartisan legislation would authorize PAs and NPs to order cardiac and pulmonary rehabilitation services, as well as begin supervising these programs earlier than 2024, the date currently set in law. COVID-19 demands that we take steps to increase the capacity to provide these services and minimize unnecessary patient visits for a patient to receive authorization for services.
- Pass the PA Direct Pay Act (S. 596, HR 1052). This bipartisan, cost-saving bill would allow PAs to be reimbursed directly by the Medicare program like all other health care providers. This critical piece of legislation enables PAs to seek reimbursement for testing and treating COVID-19 patients, eliminating an unnecessary paperwork burden from the already overwhelmed health care system. This is especially important for rural areas, such as at PA owned rural health centers (RHCs) and in other PA owned facilities where PAs would have to eat the costs of COVID-19 and other related laboratory services, that are not included in the payment bundle for RHC primary care services.
- Pass the Promoting Access to Diabetic Shoes Act (S. 237, HR 808). This bipartisan bill would allow PAs to order diabetic shoes for Medicare patients, which they are currently unauthorized to do despite being authorized to provide care that is significantly more complicated. This would eliminate an unnecessary paperwork while also removing a barrier for diabetic Medicare patients to a low-cost preventative measure, limiting the need for more costly, dangerous interventions for this high-risk COVID-19 population.
- Pass legislation creating hazard pay for frontline health care workers that expressly includes PAs. PAs and other critical healthcare workers are working in situations where there is an increased risk of infection from COVID-19 exposing their health and families to considerable risk to help others
- Pass legislation that would create and expand grants for health care providers and practices facing significant losses due to the current crisis, such as a fund like the one included in S.3559
- Pass legislation to protect providers, including PAs, from unscrupulous liability claims for COVID-19 care provided during the crisis.
- Pass the Creating Opportunities Now for Necessary and Effective Care Technologies Act or CONNECT for Health Act (S.2741/H.R.4932), in the next COVID relief package to improve access to telehealth.

State Recommendations for Immediate Gubernatorial Action:

- The [American Academy of PAs](#) is calling on Governors to join those states that have already taken action through executive orders (Maine, Michigan, New Jersey, New York, Louisiana, and Tennessee) or through prior legislation or regulation (13 states) to waive physician supervision or collaboration requirements during the public health crisis to enable PAs to provide care where it is most needed. PAs are required to have a supervisory or collaborative agreement with a physician in order to practice in most states. This unnecessarily complicates where and how PAs can practice during an emergency such as this.

- Along the lines of Secretary Azar’s March 24, 2020 letter to governors, we hope you will continue to encourage states to relax scope of practice and licensing requirements, waive statutory and regulatory standards not relevant to standards of care, increase flexibilities for the use of telehealth and alternative care sites, and encourage other flexibilities and waivers necessary to extend the capacity of the health care workforce.
- States can avoid the need to implement emergency legislation in future pandemics by adopting legislation that automatically relaxes practice barriers during a state or federal public health emergency.

About the PA Profession

PAs are highly trained providers who practice medicine in all 50 states, diagnose illness, develop and manage treatment plans, prescribe medications and often serve as a patient’s principal healthcare provider. PAs work across all practice settings and are already a significant part of the on-the-ground efforts to diagnose and treat COVID-19. PAs are an army of qualified, well-trained medical providers ready to deliver care —but they need swift federal action to give them the flexibility to step up and truly serve patients through the course of this global pandemic.

We thank you and your Administration for your actions to strengthen America’s health care workforce and provide the PAs with the flexibility they need to serve. Please let us know if we may answer any questions by reaching out to Tate Heuer at theuer@aapa.org or [571-319-4338](tel:571-319-4338).

Sincerely,

Lisa Gables



Interim Chief Executive Officer
American Academy of PAs

CC:

Secretary of Veterans Affairs
Secretary of Health and Human Services
Federal Trade Commissioner

Secretary of Labor
Director, Federal Bureau of Prisons