

American College of Surgeons Virginia Chapter
Updates from the Issues Chair, May 2020

General

- Due to COVID, all events regarding advocacy and legislation were cancelled, including the ACS Advocacy Summit in Washington DC, MSV Advocacy Summit, and MSV Specialty Advisory Council
- Also due to COVID, very little movement in the previously most pressing issues incl. **surprise medical billing, evidence-based gun reform, Medicaid reimbursement rates and physician loan repayment for underserved areas**, and various **scope of practice bills**
- All these issues remain relevant and will re-emerge soon

Health Policy Update – National

- Several relief packages were passed by Congress to aid in the COVID crisis. For healthcare, the following are relevant:
 - o **CARES (Coronavirus Aid, Relief, and Economic Security) Act**
 - \$100 billion Public Health and Social Services Emergency Fund for health care sector, incl. support for health care professionals in highly impacted areas, rural areas, and to reimburse COVID-19 care provided to the uninsured. Exact allocation TBD by Secretary of Health and Human Services
 - o **Paycheck Protection Program and Health Care Enhancement Act**
 - Additional COVID-19 relief to hospitals and small businesses, incl. medical practices

Health Policy Update – Local and Regional

- The Virginia General Assembly reconvened on April 22
- A massive decrease in state revenue due to business shutdown is expected and most budget amendments that included **new spending are on hold** and to be re-assessed later in the year
- Amendments to legislation regarding reforms to the state's Certificate of Public Need (COPN) program have passed
- The Governor **signed legislation to ban surprise medical bills** without amendments
- State budget legislation which includes a **provision to reduce Medicaid payments for ED visits** has been introduced. It would substantially cut Medicaid reimbursements for ED visits if they were deemed "unnecessary" after the fact
- As of May 1, the Governor's executive order banning elective surgeries no longer applies
- As of May 12, partial re-opening of business begins on May 15 (except NoVA)

- **Legal protections during a State of Emergency in Virginia.** Executive order #60 clarifies and emphasizes legal protections for healthcare professionals. Sections 8.01-225.01 and 8.01-225.02 of the Code of Virginia provide certain liability protection during a state of emergency:

- Absence of gross negligence or willful misconduct always required
- State of emergency needs to be enacted and issues need to arise due to lack of resources, attributable to the disaster, “rendering the health care provider unable to provide the level or manner of care that otherwise would have been required”
- If these requirements are fulfilled, “Any health care provider who responds to a disaster by delivering health care to persons injured in such disaster shall be immune from civil liability for any injury or wrongful death arising from abandonment by such health care provider of any person to whom such health care provider owes a duty to provide health care shall not be liable for any injury or wrongful death of any person arising from the delivery or withholding of health care”

Richmond, VA
5-12-20