

## Providers Get some relief in the Consolidated Appropriations Act, 2021

Late last night, 12/21/2020, Congress passed the Consolidated Appropriations Act, 2021 which covers a host of government spending provisions. Included in the bill is some welcome relief for the otherwise draconian cuts included in the CMS 2021 Fee Schedule Final Rule.

While there is more analysis required to come up with a hard figure, in general it appears cuts in payments will be reduced significantly in comparison to those in the Final Rule. This was accomplished by several measures including:

- The addition of \$3 Billion into the PFS which will increase payment overall
- Delaying payment for 3 years for a new add-on code G2211, intended to cover complex evaluation and management.

Other measures that impact payments to the Physician community are:

- Extends the COVID-19 CARES Act moratorium on sequestration until 3/31/2021.
- Maintains current thresholds for qualifying participants to achieve Alternative Payment Model 5% payment bonus. These were slated to change in the Final Rule in 2021.
- An extension of the work geographic index floor through 12/31/2021.
- Extension and enhancement of the Paycheck Protection Program to allow recipients to:
  - Deduct forgiven PPP loans
  - Allowing some borrowers to receive a second PPP loan
  - Expands PPP loan eligibility to some 501c organizations
  - Increases some kinds of eligible expenses as forgivable

### **Surprise Billing:**

As expected, Surprise billing measures for out-of-network emergency services billing are also included in the bill. The rates are based on the median in-network payment rates for services. Notably, should the provider choose to opt for arbitration, the parties are banned from considering Medicare and Medicaid rates.

This is a huge bill in scope and will need further analysis to come up with real figures regarding the impact to payment reduction.