



April 21, 2020

The Honorable Eric D. Hargan
Deputy Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Re: CARES Act Relief Funds – Terms & Conditions

Dear Deputy Secretary Hargan,

The Medical Group Management Association (MGMA) sincerely appreciates the Department of Health & Human Services' (HHS) quick efforts to distribute the initial \$30 billion in grants to providers under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748). **On behalf of our members, we are requesting additional guidance regarding certain terms and conditions associated with accepting these payments.**

Group practices who have been allocated a payment from the initial \$30 billion in Provider Relief grants must agree to terms and conditions within 30 days of receiving payment via an attestation portal. HHS began disbursing Provider Relief funds on April 10, meaning the earliest recipients of funds only have until Sunday, May 10 to submit their attestations.

MGMA has heard from numerous group practices with questions and concerns regarding ambiguous or unclear conditions contained in the agreement document. MGMA respectfully recommends that HHS take further action to assist recipients of Provider Relief grants in understanding associated terms and conditions and determining their eligibility. Not only is clarification needed for groups to feel confident in submitting attestations in advance of fast-approaching deadlines, it is necessary to allow eligible entities to begin allocating these much-needed funds toward acceptable uses and covered losses. We suggest that HHS:

- Amend the agreement language, at the second condition, to clarify that entities are eligible for payment if they provide, or provided after January 1, 2020, care to *any* patient, and that such care does not need to be specific to treating COVID-19. MGMA appreciates that HHS updated the “[w]ho is eligible” section of the Provider Relief website¹ to reflect that HHS “broadly views every patient as a possible case of COVID-19.” However, to provide certainty to entities that must attest to the actual *contractual terms*, we encourage HHS to explicitly include language reflecting this interpretation in the agreement itself at condition two. Despite the helpful clarification published on the Provider Relief landing page, the contractual text continues to generate concerns from group practices relying on the four corners of the agreement.
- Clarify situations where Provider Relief grants overlap with funds received or obligated from other sources, such as the Payroll Protection Program (condition four).

¹ Available at: <https://www.hhs.gov/provider-relief/>.

- Release guidance on the records needed to support the appropriate use of Provider Relief grants (condition five). Further, condition six requires an additional, quarterly reporting requirement from any entity receiving more than \$150,000 under COVID-19 economic stimulus legislation on the nature of expenses, including a list of all projects and activities for which funds were expended or obligated, and the amount of funds received that were expended or obligated for each project or activity.
- Clarify the scope of the balance billing prohibition (condition seven), including the applicable patient population and the time period to which this prohibition applies.

MGMA again thanks the Administration for its quick distribution of the initial \$30 billion to providers. These funds will help medical groups keep their practices open and continue treating patients during this critical time. We request these clarifications to eligibility criteria so that group practices can make informed decisions before submitting attestations.

As the voice for the country's medical group practices, MGMA remains committed to promoting policies that enhance the ability of our members to provide high-quality, cost-effective care to the millions of patients they serve routinely, and to the emergency cases they may be called upon to serve in the current crisis. If you have any questions, please contact Mollie Gelburd at mgelburd@mgma.org or 202-293-3450.

Regards,

/s/

Anders Gilberg, MGA

Senior Vice President, Government Affairs