

May 13, 2020

The Honorable Charles Schumer
Senate Minority Leader
322 Hart Senate Office Building
Washington, DC 20510

RE: The Heroes Fund

Dear Majority Leader Schumer:

On behalf of the American Society of Plastic Surgeons (ASPS), we are writing in regard to your proposed COVID-19 Heroes Fund. As the largest association of plastic surgeons in the world, representing more than 7,000 members and 93 percent of all board-certified plastic surgeons in the United States, it is our responsibility to advance quality care and promote public policy that protects patients. Our top priority is to ensure that patients receive necessary services wherever and whenever they needed.

ASPS supports providing hazard pay to physicians and healthcare workers at the frontlines of the pandemic. Physicians responding to COVID-19 are being forced to take expensive additional precautions to keep their loved ones safe, such as renting apartments or staying in hotels. Residents and fellows have been forced to bear a particularly heavy load, often for working the most hours for the least amount of pay per hour, while juggling large sums of student loan debt.¹ Many residents and fellows have been pulled outside their fields of training and deployed to the frontlines of the COVID-19 response, with limited access to personal protection equipment (PPE).

This crisis has taken a devastating toll on physicians' physical and mental health. According to the CDC, at least 9,067 health care personnel have been infected with the virus.² Even more physicians have dealt with the hidden mental health toll of the crisis, which has resulted in increased levels of burnout and, tragically, physician suicides.³

For these reasons, we greatly appreciate the underlying goal of your proposal, which aims to ensure that our nation's first responders are recognized and compensated for their sacrifices during the COVID-19 pandemic. Below, we have included recommendations to strengthen the proposal as you requested. These recommendations help ensure that frontline physicians are recognized and eligible for the benefits of the Heroes Fund:

¹ <https://www.forbes.com/sites/jacquelynchorley/2020/04/05/doctors-in-training-are-dying-and-we-are-letting-them-down/#2a398ab36cdc>

² <https://www.cdc.gov/mmwr/volumes/69/wr/mm6915e6.htm>

³ <https://www.usatoday.com/story/news/nation/2020/05/03/coronavirus-death-count-has-doctors-struggling-mental-health/3063081001/>

- **Further Defining Essential Frontline Workers**

We urge you to specifically include physicians— including medical residents and fellows – providing or supporting COVID-19 health care services as determined by the Department of Health and Human Services in your definition of “essential frontline workers” so they are eligible for both the premium pay increase and the recruitment-retention incentives. Frontline physicians are sacrificing their lives. We believe they should be explicitly listed in the definition along with other frontline healthcare workers.

- **Amending the Pandemic Premium Pay Provision**

We appreciate the premium pay provision for essential frontline workers. However, not all frontline workers are paid on an hourly basis. In fact, physicians are reimbursed for their services under numerous payment models by the healthcare systems they are employed by or contracted with. They may or may not track their hours and are often not paid at an hourly rate. Therefore, we believe there needs to be further clarification that salaried employees and fee-for-service physicians are also eligible for the \$25,000 pandemic premium pay, which amounts to approximately \$13 per hour. In addition, there needs to be guidance on how participating employers would be able to apply this premium pay to physicians that are not compensated on an hourly basis.

In addition, we caution against including a universal cap that would prevent essential frontline workers earning more than \$200,000 per year from the \$25,000 premium pay. We believe that premium pay for essential workers earning over \$200,000 should be based on geographic practice cost index to ensure that essential workers including physicians are compensated based on the cost of living in the area that they practice. For example, while your physician constituents serving in New York City – arguably the epicenter of this pandemic - may be earning more than physicians in most other areas, they also have much higher costs of living, necessitating higher salaries potentially over the \$200,000 cap.

Finally, it would be helpful to exclude the pandemic payment from taxes, as tax liability would further reduce any hazard pay.

- **Incentivizing COVID-19 Heroes Fund Partners**

We believe that the legislative proposal needs to explicitly list hospitals, facilities, and healthcare systems as eligible partners of the pandemic premium pay and retention incentive programs to ensure meaningful participation by the full range of employers. The application process for eligible employers also needs to be easily accessible to reduce the administrative burden, which is often a deterrent for applicants, as exemplified by the implementation of other COVID-19 programs. Finally, we ask that you keep in mind that strong federal funding will be needed to ensure active participation, since many health care systems are under financial distress and will be unable to participate without federal support. Unfortunately, it appears that hazard pay would only be available to physicians employed by hospitals if the hospital chooses to participate.

We thank you for your leadership and appreciate your commitment to our nation's physicians and healthcare workers. ASPS appreciates the opportunity to provide our insight on this proposal and looks forward to working with you as you continue to draft this legislation. Please do not hesitate to contact Patrick Hermes, Director of Advocacy and Government Relations, at phermes@plasticsurgery.org or (847) 228-3331 with any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Lynn Jeffers". The signature is written in a cursive, flowing style.

Lynn Jeffers, MD, MBA, FACS
President, American Society of Plastic Surgeons