



April 8, 2020

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
Washington, D.C. 20515

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
Washington, D.C. 20515

The Honorable Charles Schumer
Minority Leader
United States Senate
Washington, D.C. 20510

RE: COVID-19 Pandemic Issues of Concern for Oral and Maxillofacial Surgeons

Dear Speaker Pelosi and Leaders McConnell, McCarthy and Schumer:

On behalf of the American Association of Oral and Maxillofacial Surgeons (AAOMS), the professional organization that represents more than 9,000 oral and maxillofacial surgeons (OMSs) in the United States, I commend you and your colleagues on the swift and bipartisan action you have taken to minimize – to the extent possible – the impact of the COVID-19 pandemic on the nation’s citizens and economy.

As Congress considers future COVID-19 measures, we ask for consideration on a number of issues of concern to our membership.

Our primary concern is access to personal protective equipment (PPE). Oral and maxillofacial surgeons are the surgical specialists of dentistry – who during the COVID-19 pandemic – are playing a crucial role in treating patients with dental emergencies in private facilities and keeping them away from hospital emergency rooms. These dental emergencies – which can be life threatening if left untreated – include treatment of dental pain, abscesses, facial trauma as well as dental treatment required prior to critical medical procedures.

OMSs must have access to the proper PPE, including N-95 masks, because they are in close proximity to these patients and perform aerosol-generating procedures, which puts the surgeons and their staff at high-risk for exposure to COVID-19. In fact, the Centers for Medicare and Medicaid Services (CMS) and the Centers for Disease Control and Prevention (CDC) recommend prioritizing respirators for aerosol-generating procedures. OMSs are being asked to treat dental emergencies to keep patients out of hospital emergency rooms, but they are not being given adequate consideration by state officials when PPE distribution is being determined. Additionally, dentists, including OMSs, have been looked to by

state officials across the country as a source for providing PPE to frontline providers fighting COVID-19 despite the fact that OMSs are serving as first responders – even if the care is being provided in their offices rather than a hospital. As such, our members also need access to this critical protective equipment.

AAOMS requests Congress to consider establishing a deeming process for the U.S. Department of Homeland Security to determine priority access to PPE, and furthermore, that OMSs to be approved for priority access to PPE equipment, specifically N95 masks. Such a process will help ensure that state and local level officials across the country recognize the important role OMSs play in preventing the spread of this disease and that we should be given adequate access to PPE. **Alternatively, Congress could require the U.S. Department of Homeland Security to compel state and local officials to prioritize access to PPE for any healthcare providers who treat emergency conditions irrespective of the setting – including office-based settings – and especially when aerosol procedures are generated.**

Another concern of our members is temporary liability protections. We appreciate language in the CARES Act to provide immunity from civil liability to volunteer providers involved in treating COVID-19 patients; however, **we ask Congress to extend those protections beyond volunteer providers to include any healthcare provider whose actions or omissions are undertaken in good faith while providing services in support of the COVID-19 response.** Healthcare professionals, including OMSs, are being asked to provide care to patients in circumstances that may be outside their traditional scope of practice and in conditions that may lack adequate resources. Extending temporary immunity to all healthcare providers involved in the COVID-19 response will ensure greater capacity to treat more patients. New York and Connecticut have already provided extensive immunity to healthcare providers in their states. This pandemic is a national crisis, and as such, temporary liability protections should be uniform across the country.

The majority of OMSs are small business owners, and they have largely been forced to close their practices – except to perform dental emergencies – in response to federal and state guidance that prohibits them from performing elective procedures. Our members are eager to get their practices back up and running. The ability to conduct onsite testing of patients for COVID-19 when they arrive at a healthcare provider's office for treatment will help providers, including OMSs, and their staff feel comfortable returning to work without fear of being exposed – or exposing patients – to COVID-19. **AAOMS supports congressional funding for research to advance these types of tests and to make them as widely available as possible to all healthcare providers.** Financial stability is also crucial to practices being able to reopen. AAOMS greatly appreciates the small business loan opportunities, such as the new Paycheck Protection Act Congress authorized as part of the CARES Act. As you are aware this program is extremely popular, and Congress is working to allocate more funds so that it does not run out of funding. **AAOMS asks that Congress works to ensure that small healthcare practices, including OMS practices, have adequate access to currently available small business loan opportunities as well as to any future small business relief measures so that healthcare providers can reopen their doors and return to providing the full scope of care to patients.** A lack of access to such funds could result in further consolidation of physician and dental practices across the country.

On behalf of AAOMS, I am grateful for your leadership during this most challenging time in our nation's history, and I thank you for your consideration of our concerns. For questions or additional information, please contact Jeanne Tuerk, manager of government affairs at 800-822-6637, ext. 4321 or jtuerk@aaoms.org.

Sincerely,

Victor Nannini DDS FACS

Victor L. Nannini, DDS, FACS

AAOMS President