



NEW YORK STATE SOCIETY OF
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AAOS

AMERICAN ACADEMY OF
ORTHOPAEDIC SURGEONS

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May 7, 2020

The Honorable Andrew Cuomo
Governor, State of New York
State Capitol, Executive Chamber
Albany, NY 12224

Dear Governor Cuomo:

On behalf of the orthopaedic surgeons across New York State, we are very concerned that Executive Order 202.25 left out critical components of the health care system denying free-standing ambulatory surgery centers (ASCs) the opportunity to provide medically necessary care. If this approach continues, it will further delay surgeries and procedures that will result in significant medical deterioration or materially impact patient's prognosis, morbidity and/or treatment plans.

Musculoskeletal (MSK) disorders can result in pain, loss of active lifestyles and the inability to return to the workforce, as well as decline in mental health. Working with orthopaedic specialists, patients who experience these injuries must decide what treatment option(s) will work for them, both financially and physically. Studies show that delays in direct, appropriate care can result in high percentages of patients not returning to work.

Ambulatory surgery centers are a critical component of the healthcare system and surgeons should be included in discussions regarding gradual resumption of elective surgical procedures. It will be incumbent on the surgeon and providers to reassess and reprioritize previously scheduled and postponed surgeries based off the community ASC / hospital capabilities in eventual resumption of elective surgery across the state. Acknowledging that every patient encounter is unique and postponement decisions must represent a joint decision between the treating clinician and the patient, these decisions will be based off of availability of resources, staffing, PPE, rigorous screening for patients and staff, supply chain capacity and maintaining a safe environment with enhanced cleaning protocols. Free-standing ASCs in New York State are ready and prepared to navigate these decisions.

Surgeons and providers should be the ultimate decision makers regarding the appropriate site of service for their patients keeping in mind quality, safety, and risks. With state guidance and coordination, hospitals and ambulatory surgical facilities should be given the data and guidance to allow the appropriate level of elective cases best indicated by their medical staff, administration and current needs of the community. ASCs continue to serve admirably as alternative settings that provide surgical care for those patients who would suffer from a delay, while allowing our local hospital partners to create the incremental capacity needed during these dynamic times. As the pandemic eventually abates, we will continue to assess our approach, in coordination with experts throughout the healthcare system, to best serve the needs of patients and communities.

As this crisis slowly dials back, we will need a strong working force to pick up the pieces and forge forward with restarting our communities from medical practices to restaurants. Orthopaedic surgical procedures can conserve the working force by treating the issues that help our community stay productive while financially supporting healthcare from a broader perspective. Musculoskeletal problems can cause significant impairment and disability, and in many cases, surgeries are needed in order to get people back to work and maintain or improve function.



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Enclosed is a joint letter from several medical specialty organizations representing thousands of physicians, and the patients they care for, in supporting the position to allow for resumption of elective surgeries in all ASC settings.

The orthopaedic community stands ready to work with federal officials, state and local governments, and all our colleagues. We support efforts to ensure patient and healthcare workforce safety, however caution that there are unintended challenges including the redirection of surgeries traditionally performed in ASCs to hospital settings.

We ask that you add ASCs to your discussions, regulations, and eventual reopening to be considered along with hospitals.

The NYSSOS Board of Directors and we are available to discuss this with you further.

Sincerely,

James A. Slough, MD, FAAOS
NYSSOS President

Joseph A. Bosco III, MD, FAAOS
AAOS President

cc: Kathy Hochul, Lieutenant Governor of New York, Bob Duffy, Lieutenant Governor, Axel Bernabe, Assistant Counsel to the Governor; Paul Francis, Deputy Secretary for Health and Human Services; Megan Baldwin, Assistant Secretary for Health to the Governor; Honorable Howard A. Zucker, M.D., J.D., Commissioner of Health of the New York State Department of Health; Marcus Friedrich, MD, MBA, FACP, Chief Medical Officer, Office of Quality and Patient Safety of the New York State Department of Health; Honorable members of the New York State Senate; Honorable members of the New York State Assembly