

## ASA / NCCAOM Town Hall V Q&A

April 22, 2020, 5pm PDT/8pm EDT

[Video Recording](#)

[PowerPoint Slides](#)

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## NCCAOM Certification and Recertification

**Note:** The NCCAOM application for certification and recertification must be submitted through your [NCCAOM online portal](#). All Diplomates are required to report their continuing education for recertification electronically in their NCCAOM online portal. Continuing education reporting instructions are available [here](#).

### Certification

**Question:** Will the CNT for post-COVID 19 be addressed in future town halls?

**Answered on 4/28/20:** I am not sure if you are asking will the Council of Colleges of Acupuncture and Oriental Medicine (CCAOM) incorporate pandemic information in the CNT course in the future? If this is your question you will need to contact CCAOM at [www.ccaom.org](http://www.ccaom.org).

If you are asking will the NCCAOM continue to require the in-person CCAOM CNT course to achieve certification, the answer is yes, the CNT course will remain a mandatory requirement for National Board Certification.

**Question:** What are the options for new graduates who were not yet working before COVID and cannot now find a position.?

**Answered on 4/28/20:** As in 2001 and 2008, when the United States economy slows it causes a very difficult job market. We are all hopeful that once the states allow business to reopen the job market will rebound. You will want to check if your school or state acupuncture association has a job board where you can post your resume and/or look for open positions. We have seen announcements that the Veterans Administration may be hiring. You might need to be flexible about where in the United States the jobs are available and be willing to move.

### Other Topics

**Question:** When will I receive my PDA points from attending the NCCAOM/ASA Town Hall?

**Answered on 4/07/20:** Certificates of completion for Town Hall meeting attendance will be emailed within two weeks of the meeting date.

**Question:** What can we do locally to support NCCAOM?

**Answered on 4/28/20:** Use your Diplomate designation on your business cards and websites. Support national certification standards by maintaining your certification through the recertification process. Become involved in your state acupuncture associations to ensure grass roots support of national certification standards for acupuncturists in your state.

**Question:** Will we be able to get the antibody test to see if we had COVID 19 if we were not able to get tested in February?

**Answered on 4/28/2020:** You will need to check with your local city or county department of health COVID-19 center to find out the eligibility requirements for testing in your locale.

**Question:** Does NCCAOM have a position on Medicare inclusion for LAc's?

**Answered on 4/28/20:** NCCAOM and our advocacy team have been providing information to CMS concerning NCCAOM's national standards that Diplomates must meet to become certified. NCCAOM is working towards the inclusion of acupuncture in the Medicare system. Please go to the [NCCAOM Advocacy website page](#) for January 2020 CMS information.

**Question:** Will the NCCAOM and CALE merge?

**Answered on 4/28/20:** The NCCAOM continues to engage with the California Acupuncture Board (CAB) answering questions and providing information as needed. The NCCAOM has no control of the licensure process in California. Requiring the NCCAOM examinations in CA is under the state jurisdiction of the California Acupuncture Board. The California legislature must have a champion to present a bill to vote in a change on how California acupuncturists are licensed (e.g. to require the NCCAOM exams). We encourage you to contact them for further information.

**Question:** What is NCCAOM doing to address the lack of willingness at the hospital level to incorporate/integrate other forms of medicine during a pandemic when western meds are failing miserably? This was our opportunity for all medicine to work together, and it seems bias has kept this from happening. Even in of small scale in specific circumstances, why hasn't it happened and is NCCAOM addressing this?

**Answered on 4/28/20:** No, the NCCAOM is not addressing this issue with hospitals. As Dr. Majd stated during the webinar the hospitals cannot have individuals working professionally in their hospital who do not already have hospital privileges. Also, each state sets standards as to who is considered an essential health worker. Acupuncturists can treat some of the symptoms of COVID-19 and can help individuals once the pandemic is in the past. Please see the [ASA guidelines for in-per treatments](#).

## Advocacy / CARES Act

### Unemployment

**Question:** What is your advice for those whose unemployment benefit have been denied? Some practitioners in Texas have been denied.

**Answered on 4/28/20 – M. Giammarco, MPP:** The CARES Act encourages states to expand UI to self-employed and sole proprietors, so check to see if your state offers Pandemic Unemployment Assistance. The Paycheck Protection Program and Economic Injury Disaster Loan are both available to small-business owners and self-employed individuals. Both are through the Small Business Administration and are good options to consider for relief to your business if your state denies you unemployment insurance.

**Question:** Where/how can we apply for unemployment- full or partial, while not being able to work? Is it under the Cares ACT? What is the web site?

**Answered on 4/28/20 – M. Giammarco, MPP:** Apply for unemployment insurance through your state. If you are eligible through your state's program, you will also receive \$600/week from the federal government. This \$600 is in addition to what you receive from your state.

**Question:** I am not asking about a LOAN; but unemployment since we are not able to open our practices? Where is the web site? Do we apply with the regular site in CA unemployment office site?

**Answered on 4/28/20 – M. Giammarco, MPP:** Apply for unemployment insurance through your state. If you are eligible through your state's program, you will also receive \$600/week from the federal government. This \$600 is in addition to what you receive from your state.

**Question:** I recently applied for unemployment. I am an employee and was just notified that I will be receiving funds from small business loan thru my employer. Can I accept both? Also, as an employee, are payments retroactive?

**Answered on 4/28/20 – M. Giammarco, MPP:** Each state's unemployment insurance eligibility policy differs with regard to employment status -- some require recipients to be completely unemployed. It sounds like you are still employed -- this may preclude you from receiving UI from your state but check your state's specific policy.

**Question:** The town meeting two weeks ago I thought said that we could not apply for PPP & EIDL and unemployment together is that correct? MAS is saying we can do the loans and unemployment together and I was confused.

**Answered on 4/28/20 – M. Giammarco, MPP:** Each state's unemployment insurance eligibility policy differs, so check on your state's eligibility requirements to determine eligibility criteria. We are basing our guidance on the on the SBA's interim PPP rule:

<https://www.sba.gov/sites/default/files/2020-04/Interim-Final-Rule-Additional-Eligibility-Criteria-and-Requirements-for-Certain-Pledges-of-Loans.pdf>

**Question:** Can we receive unemployment before PPP funds come through?

**Answered on 4/28/20 – M. Giammarco, MPP:** This will depend on your state's UI criteria; some state UI policies prohibit individuals from receiving both UI and PPP. Check with your lender for specific rules on discontinuing UI when your PPP comes through -- or receiving both simultaneously.

**Question:** If we are "allowed" to work, will we then no longer qualify for unemployment?

**Answered on 4/28/20 – M. Giammarco, MPP:** This will depend on your state's reopening plans as well as your state's unemployment insurance policies. Many states still provide unemployment insurance if you are partially employed due to COVID-19.

**Question:** Will we be able to continue to collect unemployment if we decide not to open even though restrictions are lifted? I would not feel safe here in NYC.

**Answered on 4/13/20 – M. Giammarco, MPP:** Check New York's Pandemic Unemployment Assistance program for specific guidance on receiving pandemic-related UI once the state reopens. This guidance is what you will need to determine continued eligibility:

<https://dol.ny.gov/pandemic-unemployment-assistance>.

Governor Cuomo issued a Pause executive order on all non-essential services until May 15. At this time, acupuncturists are not deemed essential: <https://www.governor.ny.gov/news/governor-cuomo-issues-guidance-essential-services-under-new-york-state-pause-executive-order> Look for more guidance from your state on reopening plans and indicators healthcare providers can use to determine how and when to reopen.

**Question:** If we end up getting UI & applied for PPP & accepted, can we get both? And the \$600/week Fed assistance?

**Answered on 4/28/20 – M. Giammarco, MPP:** This will depend on your state's UI criteria; some state UI policies prohibit individuals from receiving both UI and PPP. I recommend checking with your lender for specific rules on discontinuing UI when your PPP comes through or receiving both simultaneously.

**Question:** Please talk about unemployment and contractors. States are not recognizing independent contractors or self-employed. How do we get our state to recognize us to get the federal unemployment money?

**Answered on 4/28/20 – M. Giammarco, MPP:** Eligibility for state unemployment insurance will depend on your state policy. The CARES Act enables states to expand UI to independent contractors and self-employed individuals through Pandemic Unemployment Insurance. Check your state's pandemic-related UI policies for more information on your eligibility. If you are eligible for unemployment through your state's UI or PUI criteria, you will then receive the \$600 supplemental from the federal government. Here's a good resource to provide more information about state PUI policy: <https://www.dol.gov/coronavirus/unemployment-insurance>

**Question:** As a designated PLLC can I file for unemployment?

**Answered on 4/28/20 – M. Giammarco, MPP:** Eligibility for state unemployment insurance will depend on your state policy. The CARES Act enables states to expand UI to independent contractors, self-employed individuals, and those with PLLCs through Pandemic Unemployment Insurance. Check your state's pandemic-related UI policies for more information on your eligibility. If you are eligible for unemployment through your state's UI or PUI criteria, you will then receive the \$600 supplemental from the federal government. Here is a good resource to provide more information about state PUI policy: <https://www.dol.gov/coronavirus/unemployment-insurance>

**Question:** Since I must stay home even after the shelter in place order has lifted due to schools closing and needing to care for my children while remote learning, is it possible to receive unemployment and then use the PPP loan once I am able to reopen my clinic full time?

**Answered on 4/28/20 – M. Giammarco, MPP:** Those who receive PPP funds would need to submit payment documents to prove payroll maintenance. These would include payroll-processor records, payroll tax filings, Form 1099-MISC. Sole proprietors could use income and expenses sole proprietors or bank records to show PPP funds were used toward payroll. Work closely with the bank you use to apply for the PPP to ensure you're properly documenting your use of PPP funds and that you're correctly calculating your payroll costs -- the PPP uses a specific formula that your bank will apply. You may also want to consult your accountant you have proper documentation methods.

**Question:** I just received my first unemployment check for \$110. I am in Florida, so a screw up is predictable. Do I contact the state or the FED about the missing \$600?

**Answered on 4/28/20 – M. Giammarco, MPP:** Each state processes PUA and the \$600 federal component a little differently and Florida is offering three different types of UI. News coverage indicates that Florida was delayed in distributing the \$600 federal PUA component, so your case may just be a delay. Regardless, it is a good idea to check with your state's program to ensure that is indeed the case.

**Question:** If you hardly pay yourself since you are a very small business how can you prove payroll for unemployment if you pay yourself only sometimes?

**Answered on 4/28/20 – M. Giammarco, MPP:** Your state will require specific tax-related documents to determine that amount of PUA/UI you may receive. You may also want to consult your accountant to determine the best relief strategy for your business.

**Question:** Unemployment: If we are an employee of our business (in IL specifically), can we file federally and or state unemployment?

**Answered on 4/28/20 – M. Giammarco, MPP:** You file through your state.

**Question:** Are there any other ways to obtain funds that are not a loan that needs to be repaid?

**Answered on 4/28/20 – M. Giammarco, MPP:** If you use 75 percent or more of the PPP on payroll, your PPP loan will be forgiven. The EIDL Advance is a one-time fund that does not need to be repaid. It is currently being issued at \$1k/employee. You can apply through the SBA: <https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/economic-injury-disaster-loan-emergency-advance>

## Federal Tax Benefit (Stimulus Funds)

**Question:** To clarify, if my business made over \$99,000 in 2019 am I eligible for a stimulus check for myself or my children?

**Answered on 4/28/20 – M. Giammarco, MPP:** The amount you receive from the CARES Act stimulus check will depend on your individual adjusted gross income for either 2018 or 2019 (depending on when you filed your 2019 taxes). If you make \$75k or less, you will receive the full \$1,200. You will receive \$5 less for every \$100 you make over \$75k. If you made over \$99k in 2018 (or 2019), you will not receive a stimulus check. You will receive \$500/child under the age of 17, regardless of your adjusted gross income.

**Question:** Just saw an article about how stimulus checks are subject to garnishment by debt collectors. Will that be fixed in the next stimulus bill?

**Answered on 4/13/20 – M. Giammarco, MPP:** While the CARES Act does not provide garnishment protections, states are in discussion around protecting stimulus checks from garnishment. There is movement of garnishment protections at the state level. At this time, it is too soon to predict if future federal COVID legislation would provide such protections.

**Question:** What is the max income that is allowed to get a stimulus check?

**Answered on 4/28/20 – M. Giammarco, MPP:** The maximum income for an individual is \$99k; the maximum income for the filed head of the household is \$112,500.

## Paycheck Protection Program (PPP)

**Question:** Where online can we obtain the PPP application?

**Answered on 4/28/20 – M. Giammarco, MPP:** Contact the bank/credit union where you have a business relationship -- that is the first step in applying for a PPP loan (you can apply for EIDL directly through the Small Business Administration website). If your lenders are not SBA-authorized, you can still apply for the PPP. The SBA provides a list of SBA-approved lenders here: <https://www.sba.gov/paycheckprotection/find>

**Question:** Can we apply directly online ourselves or do we have to go through a bank? (PPP)

**Answered on 4/28/20 – M. Giammarco, MPP:** For PPP, you will need to go through a bank to apply for the loan. It is best to start with a bank where you have an established business relationship, but this is not required.

**Question:** I just opened 1 year ago (solo acupuncturist), does this affect in any way my request for support and what would you recommend me to do?

**Answered on 4/28/20 – M. Giammarco, MPP:** It should not affect the relief that you receive. Both the Paycheck Protection Program and the Economic Injury Disaster Loan are available for sole proprietors. Check with your state unemployment insurance offerings as well. Your state may also have expanded its unemployment insurance eligibility to include sole proprietors.

**Question:** What if I was in process of setting up practice when this hit? I have not seen any patients yet, but have a clinic to work in? Can I apply for any financial support in this situation?

**Answered on 4/28/20 – M. Giammarco, MPP:** Depending on where you were in the process of establishing your business, you should be eligible for the Paycheck Protection Program, Economic Injury Disaster Loan, and possibly your state's unemployment insurance. The CARES Act stipulates that small businesses and self-employed interrupted by COVID-19 are eligible for relief, even if you had not officially begun working.

**Question:** Any suggestions on what to do if you do not have a banking relationship with one of the SBA approved banks? All three of my credit unions have opted out of the PPP program. Is there another option for me to apply if they are my only financial institutions? I cannot find a bank to take my application.

**Answered on 4/28/20 – M. Giammarco, MPP:** It is recommended to first start with a lending entity with which you have an established business relationship for expediency, but this is not required to apply for PPP. If your lenders are not SBA-authorized, you can still apply for the PPP. The SBA provides a list of SBA-approved lenders here: <https://www.sba.gov/paycheckprotection/find>

**Question:** Can you apply to multiple banks for the PPP?

**Answered on 4/28/20 – M. Giammarco, MPP:** Yes -- it's best to first start with the bank where you have an established business relationship, but because each bank's bandwidth for processing PPP loans are different, you may have better chances at another bank. The Small Business Administration will process your first loan application that it receives and will discard any subsequent applications from other banks, so there is strategy in applying for PPP through several banks -- some will process applications faster than others.

**Question:** Is the PPP better or the EIDL for a one person LLC acupuncture business?

**Answered on 4/28/20 – M. Giammarco, MPP:** This will depend on how you intend to use these funds. Keep in mind that you currently can apply to both the PPP and EIDL. The EIDL advance will likely provide you a one-time \$1000 forgivable payment. If you require more funds, you could pursue a traditional EIDL loan of up to \$2 million to use for general business expenses. The traditional EIDL requires repayment (3.75-percent interest). You can receive PPP funds for business expenses as well. These are forgivable if you use 75 percent of your loan toward payroll (in your case, paying yourself). If you use more than 25 percent of PPP funds for non-payroll expenses, you would be required to pay back the loan at 1-percent interest. Your accountant or lender may also be able to help you assess the approach.

**Question:** Do you have advice as to whether the PPP is a good choice for a sole proprietor with no payroll?

**Answered on 4/28/20 – M. Giammarco, MPP:** It will depend on how you intend to use the funds (and how much you need). If you do not need funds for payroll (and don't plan to pay yourself as part of payroll maintenance), you will be required to repay any funds you receive through the PPP (1-percent interest). The EIDL advance will provide you a forgivable \$1k. The traditional EIDL will provide you up to \$2million for any business expenses, but these funds require repayment (3.75 percent). You may benefit from discussing your options with your accountant to determine the best approach for you. Keep in mind, that you may apply to both the PPP and EIDL, but current policy requires you do use the funds for different purposes.

**Question:** Can we apply for PPP if I am just a contractor for a clinic?

**Answered on 4/28/20 – M. Giammarco, MPP:** Yes--contractors may apply for PPP. These funds are forgivable if 75-percent is used for payroll (in your case, paying yourself).

**Question:** Where online can we obtain the PPP application?

**Answered on 4/28/20 – M. Giammarco, MPP:** Contact the bank/credit union where you have a business relationship -- that is the first step in applying for a PPP loan (you can apply for EIDL directly through the Small Business Administration website).

**Question:** If I am 68, and getting my social security benefit; AND still, Self Employed JOYFULLY teaching & practicing ~ can I apply for PPP + Unemployment if getting social security dollars?

**Answered on 4/28/20 – M. Giammarco, MPP:** You are eligible to apply to PPP as a small-business owner. Check with your state unemployment insurance policy to determine if you can apply to both PPP and unemployment. Each state has different eligibility criteria, so it is best to first start with your state eligibility requirements.

**Question:** If you apply for a PPP loan or EIDL advance, you must use 75% for employee salaries. If you are a solo practitioner, how do you prove that the money is going for 'your' salary so that you can have the loan forgiven?

**Answered on 4/28/20 – M. Giammarco, MPP:** Just to clarify, you only need to use 75 percent of PPP funds toward payroll to receive loan forgiveness. The EIDL does not stipulate this requirement and unless you receive an EIDL advance, you will be required to repay a traditional EIDL loan.

**Question:** PPP is forgivable if applied appropriately, correct?

**Answered on 4/28/20 – M. Giammarco, MPP:** The PPP is forgivable as long as a recipient uses 75 percent of his/her PPP loan to maintain payroll.

**Question:** Have they modified the exclusion of businesses taking distributions via K1 vs w2? This would be the situation with a start up?

**Answered on 4/28/20 – M. Giammarco, MPP:** The PPP interim guidance (link below) clarifies that individuals treated as partners do not submit separate PPP loan applications as "eligible self-employed individuals." Applications should report K-1 service partners' income as a payroll cost, up to \$100,000/year on a PPP loan application that a partnership files.

**Question:** Will the VA adopt the Medicare fee schedule if we are recognized by CMS?

**Answered on 4/28/20 – M. Giammarco, MPP:** If a Medicare rate is available, the VA reimburses at the applicable Medicare rate. If a Medicare rate does not exist, the VA will reimburse at the lesser of billed charges or the local VA Fee Schedule amount for the time period the service was performed. The VA offers more guidance on its fee-structure protocol here: [https://www.va.gov/COMMUNITYCARE/revenue\\_ops/Fee\\_Schedule.asp](https://www.va.gov/COMMUNITYCARE/revenue_ops/Fee_Schedule.asp)

**Question:** If we practitioners were able to obtain PPP loans and our State governor lifted the stay at home order allowing us to slowly reopen our practices, what are the consequences on the loan repayment we received, since we will start having income by seeing patients again. Will we have to re-pay the loan even though our income will only be partial?

**Answered on 4/28/20 – M. Giammarco, MPP:** Consult with your lender on the guideline for using PPP funds if/when you reopen your business, even if partially. Small businesses may still use PPP funds if partially open and may still be eligible for forgiveness, depending on the circumstances. In such cases, it is critical that you document your loan expenditures.

**Question:** My PPP money just arrived in the back account. We are not allowed to be open, so is the 8-week clock for forgiveness running? I am collecting unemployment and need to stay on it as long as possible.

**Answered on 4/28/20 – M. Giammarco, MPP:** Yes; the eight-week clock begins the day your lender first dispenses loan funds into your account. The PPP is intended to maintain payrolls even if business cannot fully operate. If you have laid off employees because of your business closure, you can still be eligible for PPP loan forgiveness if you rehire your employees by June 30 and use 75 percent of your PPP loan for payroll.

**Question:** Do you know, I have been approved for PPP, but now realize it might be better to apply for the PUA. If I accept PPP, can I apply for PUA or UI at a later date? If so, how long would I have to wait? I am just trying to figure out what the best financial short- and long-term support will be for me.

**Answered on 4/28/20 – M. Giammarco, MPP:** Check with your state's PUA/UI eligibility policies. Some states preclude individuals from receiving both PPP and PUA/UI.

**Question:** If you will not get PPP grant can you re apply again?

**Answered on 4/28/20 – M. Giammarco, MPP:** It depends on the reason you did not receive a PPP loan. If you learn that you were rejected because you are not eligible for a PPP loan, you may be eligible for the SBA EIDL, which is geared toward small-business relief. It is always good to consult your accountant as well when exploring relief options for your business.

**Question:** PPP loan: Is it available to people who do not have business bank accounts, but run their business through a personal bank account? I have many Acupuncture friends who are sole props who asked me to ask this question for tonight. Will it be refunded?

**Answered on 4/28/20 – M. Giammarco, MPP:** Check with the bank where you have your personal account (and do business through that account). If that bank is an SBA-approved lender, they may advise switching your personal account to a business account before applying for the PPP to streamline the approval process. Your bank will be able to provide you more guidance.

**Question:** I do not know any acupuncturists that have received PPP funding. It appears they are giving funds to larger businesses w many employees versus a small SCorp w the owner as the employee (or one of a couple). Because I do not believe an employee of their own business can file fed or state unemployment, this leaves them with no financial support. No unemployment and no PPP.

**Answered on 4/28/20 – M. Giammarco, MPP:** The CARES Act expanded state unemployment options through the Pandemic Unemployment Assistance program. Your state may have expanded eligibility criteria so self-employed, small-businesses owners, sole proprietors, etc. If you have not already, check to see if your state has expanded its unemployment criteria. The PPP is available to all qualifying small businesses, as long as they have fewer than 500 employees. The program is very popular and quickly ran out of funds. Congress replenished those funds last week, so the PPP is again available for small businesses. It is ideal to work with your established bank to as soon as possible so you can apply for assistance, should you decide to pursue this option. The EIDL is another fund that is available to small businesses. Learn more about that fund here: <https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/economic-injury-disaster-loan-emergency-advance>

## Small Business Loans

**Question:** Is there funding for VERY small business, 20,000 annual or less?

**Answered on 4/28/20 – M. Giammarco, MPP:** Yes -- these small business funds are meant for small businesses of all sizes (fewer than 500 employees). The CARES extension set aside funds meant for smaller businesses.

## Economic Injury Disaster Loan Program (EIDL)

**Question:** With the EIDL Loan, can you apply and receive the first \$10,000 (according to employees), and not ask for any more money so as not to have to repay any money?

**Answered on 4/28/20 – M. Giammarco, MPP:** Yes; you can just apply for the EIDL advance. Do note that because of demand, the EIDL advances will likely be less than \$10k.

**Question:** How does the EIDL \$1,000 per employee grant apply to sole proprietors?

**Answered on 4/28/20 – M. Giammarco, MPP:** Sole proprietors are eligible for EIDL funds -- these funds are available to help businesses cover business costs during the COVID-19 emergency.

**Question:** If I am still in the queue for EIDL do I need to reapply if I applied previously but have not received funds?

**Answered on 4/28/20 – M. Giammarco, MPP:** Yes -- the SBA temporarily stopped processing EIDL when funds ran out. With the CARES extension signed into law, the SBA will begin processing EIDL applications and will start with those in the queue.

**Question:** Have any of the guidelines for how I can use PPP or EIDL loan funds changed with the newer allocation being passed, or do they remain the same as with the initial availability of funds. If I applied during the initial CARES Act but did not receive any funds as of yet, will the guidelines of how I can use the funds still be the same as described in the 1st round.

**Answered on 4/28/20 – M. Giammarco, MPP:** They remain the same, although due to demand, the SBA reduced the EIDL advance amounts from \$10k to \$1k/employee. As you know, the PPP is intended for payroll (to be forgiven). The EIDL is more general, but if you require more than the \$1k advance, you should be prepared to repay EIDL funds you receive outside of the \$1k advance. If you are also contemplating applying for unemployment insurance, check with your state's UI policy -- some states prohibit individuals from receiving both UI and PPP. If you receive any of these loans, carefully read the accompanying guidance.

**Question:** If someone receives both the PPP loan and the EIDL \$10,000 advance, I understand they cannot be used for the same expenses. However, could the 10k advance be used on payroll after the 8-week window of PPP forgiveness? i.e. non-overlapping payrolls

**Answered on 4/28/20 – M. Giammarco, MPP:** The guidance issued so far is that a recipient must use PPP and EIDL funds for different purposes. It may be best to consult your accountant/counsel for options and strategies for maintaining payroll after the PPP's eight-week period.

**Question:** EIDL 10kGrant: Is it true they have exhausted all funds? Will it be refunded? Is it even possible for people who already applied receive funding still? Is it true that they are giving 1k related to each employee a business has so if you are a business w you as an owner and only employee you can receive up to 1k?

**Answered on 4/28/20 – M. Giammarco, MPP:** They did exhaust all funds, but Congress passed a funding extension that replenished the EIDL and the PPP. If you have already applied to the EIDL, you do not need to reapply. It is likely that your application is being processed and due to

demand, this part of the process is delayed. Because of EIDL demand, the SBA issued guidance stating that EIDL Advance recipients will receive \$1k/employee rather than \$10k. This may change, but that is the latest issuance to date.

## Medicare (CMS)

**Question:** The slide on Advocating for the Profession says: Acupuncturists are not required to enroll in Medicare. I thought we would need to become enrolled Medicare providers, with a physician supervisor, in order to participate in the Medicare coverage for CLBP program.

**Answered on 4/28/20 – M. Giammarco, MPP:** You do not need to enroll in Medicare to provide services to Medicare beneficiaries incident to a supervising entity for CLBP. You would bill through that supervising physician (who is enrolled in Medicare). If/when CMS recognizes acupuncturists as Medicare providers, acupuncturists would then need to enroll in Medicare as providers.

**Question:** Do you have to renew enrollment if you sign up for Medicare? Or will it be continuous unless you opt out?

**Answered on 4/28/20 – M. Giammarco, MPP:** All enrolled CMS providers need to revalidate their enrollment every five years. CMS does reserve the right to conduct off-cycle revalidations.

**Question:** Will we be notified TO enroll in Medicare program? I am not enrolled.

**Answered on 4/28/20 – M. Giammarco, MPP:** Find CMS provider enrollment applications here: <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/MedicareProviderSupEnroll/EnrollmentApplications>

**Question:** When a patient has Medicare and secondary insurance, do we have to bill Medicare first? I practice in California.

**Answered on 4/28/20 – M. Giammarco, MPP:** CMS requires providers to collect insurance information from patients to determine billing protocol for those with secondary insurance. For guidance on this protocol, use the CMS Questionnaire: <https://www.cms.gov/Medicare/Coordination-of-Benefits-and-Recovery/ProviderServices/Downloads/CMS-Questionnaire.pdf>

**Question:** Does Medicare supervision for acupuncture services by a physician include a chiropractor because Medicare pays for chiropractic services to treat chronic low back pain?

**Answered on 4/28/20 – M. Giammarco, MPP:** Chiropractors are Medicare recognized only for manual manipulation of the spine, if medically necessary to correct a subluxation. For acupuncture, CMS deems chiropractors' auxiliary personnel, so they too would require supervision to furnish CLBP acupuncture services to Medicare beneficiaries.

**Question:** Can we still bill the secondary insurance of a Medicare patient if we have opted out of participating in Medicare?

**Answered on 4/28/20 – M. Giammarco, MPP:** This depends on the individual Medigap policy. If acupuncturists are recognized Medicare practitioners and an acupuncturist opts out, he/she

could bill the patient directly regardless. Commercial health plan/third-party payer reimbursement does not rely on Medicare policy, but they often follow.

**Question:** Just to be clear... LAc's in private practice are still NOT covered by Medicare? Only acupuncturists that work for hospitals or doctors?

**Answered on 4/28/20 – M. Giammarco, MPP:** Licensed acupuncturists who received a masters- or doctoral-level degree in acupuncture or Oriental Medicine from an ACAOM-accredited school are eligible to provide CLBP services to Medicare beneficiaries as long as they do so under supervision of a Medicare-recognized physician, physician assistant, or nurse practitioner/clinical nurse specialist.

**Question:** What medical professions are currently recognized by CMS as approved professions for acupuncturists to work under for CMS coverage? MDs only? or also DOs? DCs?

**Answered on 4/28/20 – M. Giammarco, MPP:** Physicians may furnish acupuncture if they meet their state requirements for doing so. Physicians assistants, nurse practitioners/clinical nurse specialists may furnish acupuncture for CLBP for Medicare beneficiaries as long they meet applicable state requirements, have a masters- or doctoral-level degree in acupuncture of Oriental Medicine from an ACAOM-accredited school, and have a current, full, active and unrestricted license to practice acupuncture in a U.S. state, territory, or commonwealth.

**Question:** Can you speak about the concern that Medicare rates will be used as a justification for decreased reimbursement by other insurance companies?

**Answered on 4/28/20 – M. Giammarco, MPP:** CMS uses the Physician Fee Schedule to determine reimbursement rates for Medicare providers. This schedule is updated each year and is based on relative value units. Generally, Medicare rates can be used as a guidepost for commercial health plans. Payment should be 30-50 percent more than Medicare rates. The low valuation of the code set in terms of RVUs is a bigger issue.

**Question:** If not enrolled can an acupuncturist treat Medicare-aged patients who want to pay cash?

**Answered on 4/28/20 – M. Giammarco, MPP:** Acupuncturists who are not enrolled in Medicare may treat Medicare beneficiaries who pay in cash.

**Question:** What should I tell my congressman to support getting LAc's to become Medicare providers? Is there any specific bill or effort I should focus on?

**Answered on 4/28/20 – M. Giammarco, MPP:** Efforts are underway to advance legislation that would enable acupuncturists to become eligible Medicare providers, but at this time, no action is required for grassroots efforts yet. Stay informed through the NCCAOM's and ASA's communications on the CMS effort and developing legislation.

**Question:** Do you want to address Medicare reimbursement rates which are incredibly low?

**Answered on 4/28/20 – M. Giammarco, MPP:** Medicare reimbursement rates are based on the RVU's assigned to the CPT codes. RVUs that are very low can be corrected by requesting a reevaluation.

**Question:** Is there any guidance on sliding scale servicers transitioning to be able to provide to Medicare patients?

**Answered on 4/28/20 – M. Giammarco, MPP:** We're happy to provide guidance, but require more information from the individual to answer this question.

**Question:** Will Medicare provide a fee schedule for Acupuncture and the other modalities?

**Answered on 4/28/20 – M. Giammarco, MPP:** CMS will provide a fee schedule for CLBP acupuncture services. CMS will make this schedule available through official communications. Continue to check for updates from CMS here: <https://www.medicare.gov/coverage/acupuncture>

**Question:** Will the VA adopt the Medicare fee schedule if we are recognized by CMS?

**Answered on 4/28/20 – M. Giammarco, MPP:** If a Medicare rate is available, the VA reimburses at the applicable Medicare rate. If a Medicare rate does not exist, the VA will reimburse at the lesser of billed charges or the local VA Fee Schedule amount for the time period the service was performed. The VA offers more guidance on its fee-structure protocol here: [https://www.va.gov/COMMUNITYCARE/revenue\\_ops/Fee\\_Schedule.asp](https://www.va.gov/COMMUNITYCARE/revenue_ops/Fee_Schedule.asp)

**Question:** Will CMS recognition impose more regulation or oversight from the Western medical establishment?

**Answered on 4/28/20 – M. Giammarco, MPP:** CMS will require providers to meet, and abide by, training, accreditation, and safety requirements as they pertain to the specific profession. CMS will also require providers to adhere to specific protocol for billing, documentation, and quality-reporting requirements. Learn more about CMS provider standards: <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/MedicareProviderSupEnroll/ProviderEnrollmentRegulation>

**Question:** Why have recent acupuncture grads been protected by the CMS blanket waiver? It has waived licensure/board regulations for nearly all healthcare providers aside from Acu/TCM? What is the NCCAOM actively doing to represent?

**Answered on 4/28/20 – M. Giammarco, MPP:** There is nothing for CMS to waive as it relates to acupuncturists. CMS only waives current policies under, and as it relates to, Medicare. CMS is not waiving broad licensure policy - that is up to the states that have also waived some requirements. Check [FSMB.org](https://www.fsmb.org) for more information.

**Question:** Does Medicare coverage change state to state?

**Answered on 4/28/20 – M. Giammarco, MPP:** No; Medicare is a federally run program.

**Question:** Can ASA or NCCAOM provide a script with which to approach our congressional representatives about CMS/Medicare recognition or other federal issues that will advance the profession?

**Answered on 4/28/20 – M. Giammarco, MPP:** Absolutely. We will reach out when a viable bill to recognize acupuncturists as Medicare providers originates in the U.S. Congress. Acupuncturists will play a critical role in this effort.

**Question:** How is Medicare paying for acupuncture?

**Answered on 4/28/20 – M. Giammarco, MPP:** Medicare will base payments of its physician fee schedule. Look for more information and updates on acupuncture reimbursement here: <https://www.medicare.gov/coverage/acupuncture>

**Question:** CMS recognition of acupuncturist, is the NCCAOM helping with the lobbying or will this be done through the ASA?

**Answered on 4/28/20 – M. Giammarco, MPP:** The NCCAOM has retained federal lobbyist to advance federal recognition of acupuncturists such as CMS recognition and the NCCAOM is working with ASA on this initiative as well.

**Question:** When acupuncturists are covered by Medicare, what will happen if you are treating someone for headache only, not for back pain can you get paid by patient for that service. You do not need to send to Medicare for service on headache? Is that right?

**Answered on 4/28/20 – M. Giammarco, MPP:** Correct. Medicare will only cover acupuncture services for CLBP. CMS will only reimburse the services it recognizes under law/regulations. You would need to document and separate these services.

**Question:** If/when LAc s can be accepted as Medicare providers; will that require that the practitioner bills Medicare for payment? Or will it be possible, for someone like me who chooses not to work with/bill insurance, be able to be listed as a provider but have the client submit for reimbursement? (as they might if processing their own insurance claim).

**Answered on 4/28/20 – M. Giammarco, MPP:** Once acupuncturists are recognized as Medicare providers, acupuncturists will have the option to enroll as Medicare providers. If you choose not to enroll in Medicare, you can accept direct payment from Medicare beneficiaries for your services, but you must do this for every Medicare beneficiary. You cannot enroll in Medicare and bill Medicare for some beneficiaries and take cash from other beneficiaries.

## Personal Protection Equipment (PPE)

**Question:** PPE shortages are a serious problem for re-opening. Will increased production and purchasing of PPE be addressed federally - and can acupuncturists lobby as a professional group to get a cut of what is being distributed?

**Answered on 4/28/20 – M. Giammarco, MPP:** PPE supply shortages continues to evolve and currently, states and individual providers are being asked to secure PPE. At this time, there is not a federal effort to secure PPE for individual provider groups.

**Question:** Are NCCAOM and ASA advocating for securing PPE for acupuncturists to treat COVID-19 patients, as well as securing funding to study the effectiveness of acupuncture treatment on COVID-19 + patients?

**Answered on 4/28/20 – M. Giammarco, MPP:** It is recommended that acupuncturists follow their state and local guidelines for practicing and/or reopening their practices to provide acupuncture services. This guidance includes ensuring that acupuncturists have a steady supply of adequate PPE. There is no evidence to indicate that acupuncture is an effective COVID-19 treatment and there is no recommendation to treat COVID-19 with acupuncture.

**Question:** Will there be any governmental help on getting out of leases without getting sued?

**Answered on 4/28/20 – M. Giammarco, MPP:** If you are leasing from a landlord with a federally backed mortgage, you are protected from being evicted as well as being charged late fees, penalties, or other charges for making late rent payments for 120 days from March 27, 2020. This moratorium does not relieve tenants of their payment obligations. You may also want to talk about your rent obligations during COVID-19 with your landlord. The U.S. Department of Housing and Urban Development also provides tenants with rent-payment assistance options. Check the HUD website to see learn more about these options: <https://www.hud.gov/coronavirus>

## Student Loan Information

**Question:** Could you please provide more details about this option? (Title IV - student repayment loan cancelled due to covid-19) What are the steps that need to be done? Once you withdraw, can you come back and finish the program? Would you obligated to re-pay what you owed if you do that?"

**Answered on 4/28/20 – M. Giammarco, MPP:** The CAREs Act suspended student-loan repayments (and associated interest) on federally back loans through September 30, 2020. If you have one of these loans, you do not need to take any action. If you dropped out of your program for which you received the loan, you should notify your lender and confirm your repayment requirements.

**Question:** Will you address student loan debt?

**Answered on 4/28/20 – M. Giammarco, MPP:** The CAREs Act suspended student-loan repayments (and associated interest) on federally back loans through September 30, 2020. If you have one of these loans, you do not need to take any action. If you have a student loan through a state or private lender, you should contact the lending source to confirm any COVID-19-related modifications to your loan. Keep in mind that non-federal lenders are not required to modify or suspend loan repayments.