

January 13, 2022

The Honorable Ron Wyden
Chairman
Committee on Finance
United States Senate
Washington, DC 20510

The Honorable Richard Neal
Chairman
Committee on Ways and Means
U.S. House of Representatives
Washington, DC 20515

The Honorable Mike Crapo
Ranking Member
Committee on Finance
United States Senate
Washington, DC 20510

The Honorable Kevin Brady
Ranking Member
Committee on Ways and Means
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Wyden, Ranking Member Crapo, Chairman Neal and Ranking Member Brady:

Thank you for your ongoing leadership to expand access to virtual care. As you know, virtual care and telehealth have been lifelines for millions of Americans throughout the pandemic and will continue to be essential tools to ensure access to quality health care even once the pandemic ends. We write today to encourage you to reinstate the recently expired, bipartisan policy changes that allowed [32 million Americans](#) in the employer market with high-deductible health plans coupled with Health Savings Accounts (HDHP-HSAs) to receive telehealth benefits from their employer or health plan pre-deductible.

As you know, this safe harbor flexibility unfortunately expired on December 31, 2021. Given the ongoing pandemic and recent surge in variants of concern including Omicron, as well as the related behavioral health and chronic disease management challenges, it is critical that Congress reinstate this flexibility so more Americans can access telehealth pre-deductible.

Americans with HDHP-HSAs must meet minimum deductibles defined in statute before the cost of telehealth can be covered by their employer or health plan. Congress took swift bipartisan action as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 (P.L. 116-136) to ensure that employees could receive covered telehealth services before their deductible is met by allowing employers and health plans to provide pre-deductible coverage for such services. This commonsense policy helped ensure that families could access vital telehealth services – including virtual primary care and behavioral health services – prior to having to meet their deductible. **In fact, according to a [survey](#) by the Employee Benefit Research Institute (EBRI), about 96 percent of employers adopted pre-deductible coverage for telehealth services as a result of this provision.**

The ability to offer pre-deductible telehealth services for employees is a meaningful expansion of health care access for 32 million Americans. Notably, according to unpublished estimates from EBRI, over 50 percent of individuals with an HSA live in zip codes where the median income is below \$75,000 annually. Reaching the deductible threshold of at least \$1,400 for an individual and \$2,800 for a family can be a financial strain. The safe harbor enabled important expansions of access to care during the pandemic for individuals who may otherwise have avoided care due to out-of-pocket costs.

The undersigned organizations strongly urge you to reinstate the virtual care provisions in the CARES Act retroactively for individuals with HDHP-HSAs in the upcoming appropriations package in February. This is especially important given plan year 2022 has already begun and many individuals have already selected

this form of coverage. There is also bipartisan, bicameral legislation before your committees to extend this flexibility.¹ As the pandemic continues, particularly in light of the surge in cases due to the Delta and Omicron variants, individuals need continued access to these vital services. We strongly encourage you to consider reinstating this provision to allow employers and health plans to offer telehealth pre-deductible.

Thank you for your consideration of this important request.

Sincerely,

¹ Top legislation addressing this need includes [S. 1704 / H.R.5981 - Telehealth Expansion Act of 2021](#), [H.R.5541 - Primary and Virtual Care Affordability Act](#), and [S. 2097 – TELEHEALTH HSA Act of 2021](#).

SIGNERS OF PREVIOUS LETTER (THAT WE EXPECT TO JOIN AGAIN)

Conveners

ABA Health Savings Account Council
Allergy & Asthma Network
Alliance for Connected Care
Alliance to Fight for Health Care
American Academy of PAs
American Benefits Council
American Pharmacists Association
American Portable Diagnostics Association
American Telemedicine Association
American Urological Association
Americans for Prosperity
America's Health Insurance Plans
AMGA
Business Roundtable
Coalition for Headache and Migraine Patients
Corporate Health Care Coalition
eHealth Initiative
Employers' Advanced Cooperative on Healthcare
Employers Council on Flexible Compensation (ECFC)
HCU Network America
Health Action Council
Health Innovation Alliance
HealthCare 21 Business Coalition
Healthcare Information & Management Systems Society (HIMSS)
Healthcare Leadership Council
HR Policy Association
Memphis Business Group on Health
Midwest Business Group on Health
National Alliance of Healthcare Purchaser Coalitions
National Association of Health Underwriters
National Association of Pediatric Nurse Practitioners
National Nurse-Led Care Consortium
Partnership for Employer-Sponsored Coverage
Partnership to Advance Virtual Care
PCHAlliance
Pittsburgh Business Group on Health
REDC Consortium
Rhode Island Business Group on Health
Silicon Valley Employers Forum
Small Business & Entrepreneurship Council
St. Louis Area Business Health Coalition
The ERISA Industry Committee
United Leukodystrophy Foundation
U.S. Chamber of Commerce

Individual Organizations

Amazon Care
Amwell
Array Behavioral Care
Care Compass Network
Centerstone
CirrusMD
Cromford Health
ExamMed
EZaccessMD
First Stop Health, LLC
GenieMD, Inc.
Global Liver Institute
HealthEquity, Inc.
Included Health (Doctor On
Demand + Grand Rounds)
Kohnling Inc.
Kroger Health
Mend VIP, Inc.
Mercer
98point6
Noom
OCHIN
Onduo LLC
One Medical
Primary Care Development
Corporation
Qure4u Health
Teladoc Health
Traverse Therapeutics
Virta
Walmart