

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 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 that millions of Americans can once again access these lifesaving telehealth services.

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 more workers could receive covered telehealth services 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 CARES Act flexibility enabled important expansions of access to care during the pandemic for individuals who may otherwise have neglected essential care due to out-of-pocket costs.

The undersigned organizations strongly urge you to retroactively reinstate this vital telehealth provision from the CARES Act via the next possible legislative vehicle. This is especially important given plan year 2022 has already begun and millions of individuals have already selected this form of coverage. There is

also bipartisan, bicameral legislation before your committees to extend this flexibility.<sup>1</sup> 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 reinstate this important provision as soon as possible to ensure Americans can access the telehealth coverage and virtual care they need.

Thank you for your consideration of this important request.

Sincerely,

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<sup>1</sup> Important 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