

January 14, 2022

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

The Honorable Mike Crapo
Ranking Member
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 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 COVID-19 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.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 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,

Conveners

ABA Health Savings Account Council
Academy of Oncology Nurse & Patient Navigators (AONN)
Allergy & Asthma Network
Alliance for Connected Care
Alliance to Fight for Health Care
American Academy of PAs
American Academy of Physical Medicine & Rehabilitation
American Association for Respiratory Care
American Benefits Council
American Portable Diagnostics Association
American Telemedicine Association
American Urological Association
Americans for Prosperity
America's Health Insurance Plans
AMGA
Association of Oncology Social Work
Business Group on Health
Business Roundtable
Cancer Support Community
Cancer Support Community Arizona
Cancer Support Community Delaware
Cancer Support Community Indiana
CancerCare
Church Alliance
Coalition for Headache and Migraine Patients
Connected Health Initiative
Consumer Choice Center
Corporate Health Care Coalition
Council for Affordable Health Coverage
Employers Council on Flexible Compensation (ECFC)

Employers' Advanced Cooperative on Healthcare
Executives for Health Innovation
Fight Colorectal Cancer
Gilda's Club Kansas City
Gilda's Club Quad Cities
Gilda's Club South Florida
HCU Network America
Health Innovation Alliance
HealthCare 21 Business Coalition
Healthcare Information & Management Systems Society (HIMSS)
Healthcare Leadership Council
Hemophilia Federation of America
HR Policy Association
HSA Coalition
International OCD Foundation
Midwest Business Group on Health
Miles for Migraine
MN HIMSS
National Alliance of Healthcare Purchaser Coalitions
National Association of Health Underwriters
National Association of Pediatric Nurse Practitioners
National Kidney Foundation
National Nurse-Led Care Consortium
National Taxpayers Union
New Jersey Association of Mental Health and Addiction Agencies
Partnership for Employer-Sponsored Coverage
Partnership to Advance Virtual Care (PAVC)
REDC Consortium
Silicon Valley Employers Forum

¹ 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](#).

Small Business & Entrepreneurship Council
St. Louis Area Business Health Coalition
Susan G. Komen
The AIDS Institute
The Council of Insurance Agents and Brokers

The ERISA Industry Committee
The Libre Initiative
U.S. Chamber of Commerce
United Leukodystrophy Foundation
URAC

Individual Organizations

98point6
AFC Urgent Care Idaho
Amwell
Array Behavioral Care
Care Compass Network
CareSpan USA, Inc.
Centerstone
CirrusMD Inc.
Connected Home Living
Cromford Health
Curve Health
CVS Health
Dayamed
Dermatologist On Call
ExamMed
EZaccessMD
Global Liver Institute
Go2Care
HealthEquity, Inc.
Hinge Health
Included Health (Doctor On Demand + Grand Rounds)
Intel Corporation
KJ Solutions
Kohnling, Inc.
Kroger Health
LifePoint Health
Mend VIP, Inc.
Mercer
Noom
OCHIN
Omada Health, Inc.
One Medical
Primary Care Development Corporation
Providence
Qure4u Health
Scripps Health
The Cheesecake Factory
Teladoc Health
Traverse Therapeutics
Virta Health
Walmart