

January 14, 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 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	Employers' Advanced Cooperative on Healthcare
Academy of Oncology Nurse & Patient Navigators (AONN)	Executives for Health Innovation
Allergy & Asthma Network	Fight Colorectal Cancer
Alliance for Connected Care	Gilda's Club Kansas City
Alliance to Fight for Health Care	Gilda's Club Quad Cities
American Academy of PAs	Gilda's Club South Florida
American Academy of Physical Medicine & Rehabilitation	HCU Network America
American Association for Respiratory Care	Health Innovation Alliance
American Benefits Council	HealthCare 21 Business Coalition
American Portable Diagnostics Association	Healthcare Information & Management Systems Society (HIMSS)
American Telemedicine Association	Healthcare Leadership Council
American Urological Association	Hemophilia Federation of America
Americans for Prosperity	HR Policy Association
America's Health Insurance Plans	HSA Coalition
AMGA	International OCD Foundation
Association of Oncology Social Work	Midwest Business Group on Health
Business Group on Health	Miles for Migraine
Business Roundtable	MN HIMSS
Cancer Support Community	National Alliance of Healthcare Purchaser Coalitions
Cancer Support Community Arizona	National Association of Health Underwriters
Cancer Support Community Delaware	National Association of Pediatric Nurse Practitioners
Cancer Support Community Indiana	National Kidney Foundation
CancerCare	National Nurse-Led Care Consortium
Church Alliance	National Taxpayers Union
Coalition for Headache and Migraine Patients	New Jersey Association of Mental Health and Addiction Agencies
Connected Health Initiative	Partnership for Employer-Sponsored Coverage
Consumer Choice Center	Partnership to Advance Virtual Care (PAVC)
Corporate Health Care Coalition	REDC Consortium
Council for Affordable Health Coverage	Silicon Valley Employers Forum
Employers Council on Flexible Compensation (ECFC)	

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
Walmart
Virta Health