

October 26, 2021

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. During the pandemic, Congress took steps to remove barriers to virtual care to mitigate the risk of exposure to COVID-19 infection. Those policies have allowed millions of Americans to receive care while staying home. However, most telehealth policies have focused on the Medicare population, when there are over 35 million individuals in the commercial market who are affected by this issue. We write today to encourage you to maintain the policy changes that allowed 35 million Americans with high-deductible health plans coupled with Health Savings Accounts (HDHP-HSAs) to receive telehealth benefits from their employer or insurer pre-deductible.

As you know, Americans with HDHP-HSAs must meet minimum deductibles defined in statute before the cost of telehealth can be defrayed by their employer or insurer. Congress took swift action as part of the CARES Act to ensure that employees could receive covered telehealth services before their deductible is met by allowing employers to provide pre-deductible coverage for such services. **The safe harbor is not part of the flexibilities provided by the Public Health Emergency (PHE), and will expire on December 31, 2021 regardless of how long the PHE lasts.**

The ability to offer pre-deductible telehealth services for employees is a meaningful expansion of health care access for 35 million Americans. Notably, according to unpublished estimates from the Employee Benefit Research Institute, over 50 percent of individuals with an HSA live in zip codes where the median income is below \$75,000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. These changes have 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 extend the virtual care provisions in the CARES Act for individuals with HDHP-HSAs beyond the current deadline of December 31, 2021, especially as we approach open enrollment for plan year 2022. As the pandemic continues, particularly in light of the surge in cases due to the Delta variant, individuals need continued access to these vital services. We strongly encourage you to consider extending this provision before the end of this year, when existing access will end.

Thank you for your consideration of this important request.

Sincerely,

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