January 21, 2022

The Honorable Charles Schumer  The Honorable Mitch McConnell
Senate Majority Leader  Senate Minority Leader
United States Senate  United States Senate
Washington, DC 20510  Washington, DC 20510

The Honorable Nancy Pelosi  The Honorable Kevin McCarthy
Speaker of the House  House Minority Leader
United States House of Representatives  United States House of Representatives
Washington, DC 20515  Washington, DC 20515

Dear Congressional Leaders:

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 Notably, according to unpublished estimates from EBRI, over 50 percent of individuals with an HSA live in zip codes where the median income is below $75,000 annually.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. 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
ALS Association
American Academy of Allergy, Asthma & Immunology
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
Clinical Social Work Association
Coalition for Headache and Migraine Patients
Connected Health Initiative
Consumer Choice Center
Corporate Health Care Coalition
Council for Affordable Health Coverage
Danielle Byron Henry Migraine Foundation
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
HR Policy Association
HSA Coalition
Immune Deficiency Foundation
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 | St. Louis Area Business Health Coalition |
| Partnership for Employer-Sponsored Coverage | Susan G. Komen |
| Partnership to Advance Virtual Care (PAVC) | The AIDS Institute |
| PAs in Virtual Medicine and Telemedicine | The Council of Insurance Agents and Brokers |
| Psychotherapy Action Network | The ERISA Industry Committee |
| REDC Consortium | The Libre Initiative |
| Silicon Valley Employers Forum | U.S. Chamber of Commerce |
| Small Business & Entrepreneurship Council | United Leukodystrophy Foundation |
| **Individual Organizations** | **URAC** |
| 98point6 | Noom |
| AFC Urgent Care Idaho | OCHIN |
| Amwell | Omada Health, Inc. |
| Array Behavioral Care | Onduo LLC |
| Care Compass Network | One Medical |
| CareSpan USA, Inc. | Oscar Health, Inc. |
| Centerstone | Primary Care Development Corporation |
| CirrusMD Inc. | Providence |
| Connected Home Living | Qure4u Health |
| Cox Enterprises, Inc. | Scripps Health |
| Cromford Health | Teladoc Health |
| Curve Health | The Cheesecake Factory |
| CVS Health | TOUCH-Telehealth Systems Consultants |
| Dayamed | Traver Therapeutics |
| Dermatologist On Call | Virta Health |
| Diabetes & Endocrinology Consultants of Pennsylvania, LLC | Walmart |
| Encounter Telehealth | |