January 14, 2022

The Honorable Ron Wyden  The Honorable Richard Neal
Chairman  Chairman
Committee on Finance  Committee on Ways and Means
United States Senate  U.S. House of Representatives
Washington, DC 20510  Washington, DC 20515

The Honorable Mike Crapo  The Honorable Kevin Brady
Ranking Member  Ranking Member
Committee on Finance  Committee on Ways and Means
United States Senate  U.S. House of Representatives
Washington, DC 20510  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. 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 | Executives for Health Innovation |
| Academy of Oncology Nurse & Patient Navigators (AONN) | Fight Colorectal Cancer |
| Allergy & Asthma Network | Gilda's Club Kansas City |
| Alliance for Connected Care | Gilda's Club Quad Cities |
| Alliance to Fight for Health Care | Gilda's Club South Florida |
| American Academy of PAs | HCU Network America |
| American Academy of Physical Medicine & Rehabilitation | Health Innovation Alliance |
| American Association for Respiratory Care | HealthCare 21 Business Coalition |
| American Portable Diagnostics Association | Healthcare Leadership Council |
| American Telemedicine Association | Hemophilia Federation of America |
| American Urological Association | HR Policy Association |
| Americans for Prosperity | 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 Practitioners |
| 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) | Small Business & Entrepreneurship Council |
| Employers’ Advanced Cooperative on Healthcare | St. Louis Area Business Health Coalition |

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**.
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
- Travere Therapeutics
- Walmart
- Virta