

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 Notably, according to unpublished estimates from the Employee Benefit Research Institute, over 50 percent of individuals with an HSA live in zip codes where the median income is below \$75,000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)  
Kohnlinq 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