

September 15, 2023

The Honorable Chuck Schumer
Majority Leader
United States Capitol
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Capitol
Washington, DC 20510

The Honorable Hakeem Jeffries
Minority Leader
United States Capitol
Washington, DC 20515

The Honorable Kevin McCarthy
Speaker of the House
United States Capitol
Washington, DC 20515

Dear Leader Schumer, Leader McConnell, Speaker McCarthy, and Leader Jeffries,

Thank you for your on-going commitment to examining the lessons learned from the COVID-19 pandemic and for your continued advocacy to expand telehealth access beyond the end of the public health emergency (PHE). Much attention has been given to the important role telehealth and remote care services have played in extending access to high quality care during the pandemic. The undersigned organizations write to support and endorse, the Telehealth Benefit Expansion for Workers Act of 2023 (H.R. 824), which would amend the Public Health Service Act, the Employee Retirement Income and Security Act of 1974, and the Internal Revenue Code of 1986 to treat telehealth services as excepted benefits. We applaud the House Education and the Workforce and Energy and Commerce Committees for advancing this important legislation and urge Congress to act with urgency to enact before the end of calendar year 2023.

By a way of background, on June 23, 2020, the Labor, HHS and Treasury Departments jointly issued an FAQ pertaining to the Families First Coronavirus Response Act, the Coronavirus Aid, Relief, and Economic Security Act (CARES) and other health coverage issues.¹ Specifically, it stated that the agencies would take a non-enforcement position for employers wishing to provide telehealth or other remote care services to employees ineligible for any other employer-sponsored group health plan for the duration of the PHE.

Therefore, this flexibility expired on May 11 at the end of the PHE. Until this legislation is enacted, millions of workers are at risk of losing access to critical health care services at the end of this plan year, if they haven't already. Uncertainty has driven employer hesitancy to offer telehealth benefits that will have to be taken away a short time later. Immediate passage of this legislation is needed to provide certainty and ensure expanded, long-term access to these services.

The COVID-19 pandemic has illustrated the immense benefits of telehealth and remote care services. Telehealth benefits reduce the need to leave home or work and risk infection at a physician's office, provide a solution for individuals with limited mobility or access to transportation, and has the potential to address provider shortages. Workers want these benefits, and employers want to continue offering these comprehensive telehealth benefits. It is our hope that we can work together in a bipartisan fashion to get this legislation included in any moving vehicle and enacted before the end of the year.

¹ <https://www.cms.gov/files/document/FFCRA-Part-43-FAQs.pdf>

Again, thank you for your continued leadership on this critical issue. We look forward to continuing to work with you to ensure employees can continue to receive care where and when they need it with the swift consideration of this bill.

Sincerely,

AlediumHR
Alliance for Connected Care
ALS Association
American Benefits Council
American Telemedicine Association
American Urological Association
Amwell
ATA Action
Business Group on Health
Circle Medical - A UCSF Health Affiliate
CLL Society
Consumer Technology Association
DayaMed PA
Depression and Bipolar Support Alliance
e-Facilis LLC
Federation of American Hospitals
GO2 for Lung Cancer
Health Innovation Alliance
HR Policy Association
Included Health (formerly Doctor On Demand + Grand Rounds Health)
International Franchise Association
Lifepoint Health
Melanoma Research Foundation
Mission: Cure
Nemours Children's Health
One Medical
Partnership to Advance Virtual Care (PAVC)
Purchaser's Business Group on Health
Retail Industry Leaders Association
SC My Care
Sentara Healthcare
Silicon Valley Employers Forum
Teladoc Health
The Center for Discovery
The ERISA Industry Committee
Transcarent
Trinity Health
United Spinal Association

URAC
Walmart
Zoom Video Communications