

October 10, 2024

The Honorable Chuck Schumer
Senate Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Mike Johnson
Speaker of the House
United State Capitol
Washington, D.C. 20515

The Honorable Mitch McConnell
Senate Minority Leader
United States Senate
Washington, D.C. 20510

The Honorable Hakeem Jeffries
House Minority Leader
United States Capitol
Washington, D.C. 20515

Dear Senate Majority Leader Schumer, Senate Minority Leader McConnell, Speaker Johnson, and House Minority Leader Jeffries:

As organizations representing U.S. employers, we ask for your commitment to protect expanded access to more affordable health care for millions of American workers and their families. At the end of the year, employers and insurers will lose the flexibility to offer pre-deductible coverage of telehealth services for workers enrolled in high-deductible health plans (HDHPs). Congress must act to prevent millions of Americans from losing access to telehealth or being hit with unexpected, higher costs for both routine, preventive and behavioral virtual care in 2025.

Before passage of the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, Americans with a Health Savings Account (HSA)-qualified HDHP had to meet the minimum deductible as stipulated by statute before their health plan could cover telehealth services. Section 3701 of the CARES Act waived this requirement, creating a safe harbor that allowed health plans to offer coverage of telehealth services pre-deductible. Since the CARES Act, Congress has twice passed bipartisan legislation to extend this critical policy, providing employers large and small, across industries, more flexibility to leverage telehealth to expand access to behavioral health, urgent and preventative care while also advancing innovative chronic care management services.

In 2023, 36 percent of all U.S. workers with employer sponsored insurance were enrolled in an HDHP with access to an HSA that could benefit from lower cost sharing requirements because of this telehealth flexibility.¹

¹ Bureau of Labor Statistics, U.S. Department of Labor, *The Economics Daily*, 51 percent of private industry workers participated in high deductible health plans in 2023 at <https://www.bls.gov/opub/ted/2024/51-percent-of-private-industry-workers-participated-in-high-deductible-health-plans-in-2023.htm>; <https://www.bls.gov/ebs/factsheets/high-deductible-health-plans-and-health-savings-accounts.htm>

The Employee Benefit Research Institute conducted a survey of employers finding that nearly all employers surveyed adopted pre-deductible coverage for telehealth following passage of the CARES Act provision.²

If Congress doesn't act, employers and insurers will be forced to revisit 2025 plan designs, curtailing access and raising the cost of virtual care for millions of American workers.³

Congress has the opportunity to help millions of American workers and their families struggling with high health care costs. We appreciate your consideration of this critical bipartisan policy and ask that any end of year legislation include an extension that would allow employers to continue to offer telehealth on a pre-deductible basis beyond 2024.

Alliance to Fight for Health Care
American Benefits Council
Associated Builders and Contractors
Business Group on Health
Corporate Health Care Coalition
The Council of Insurance Agents & Brokers
The ERISA Industry Committee
HR Policy Association
Independent Insurance Agents and Brokers of America
National Alliance of Healthcare Purchaser Coalitions
National Association of Benefits and Insurance Professionals
National Association of Manufacturers
National Retail Federation
Partnership for Employer-Sponsored Coverage
Purchaser Business Group on Health
Self-Insurance Institute of America, Inc.
Silicon Valley Employers Forum
Small Business Majority
Society for Human Resource Management
Society of Professional Benefit Administrators
Warner Pacific

² EBRI, Employer Uptake of Pre-Deductible Coverage for Preventive Services in HAS-Eligible Health Plans at <https://www.ebri.org/content/employer-uptake-of-pre-deductible-coverage-for-preventive-services-in-hsa-eligible-health-plans>

³ Bureau of Labor Statistics, U.S. Department of Labor, *The Economics Daily*, 51 percent of private industry workers participated in high deductible health plans in 2023 at <https://www.bls.gov/opub/ted/2024/51-percent-of-private-industry-workers-participated-in-high-deductible-health-plans-in-2023.htm>