

December 5, 2022

The Honorable Charles Schumer  
Majority Leader  
U.S. Senate  
Washington, DC 20515

The Honorable Mitch McConnell  
Republican Leader  
U.S. Senate  
Washington, DC 20515

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Kevin McCarthy  
Republican Leader  
U.S. House of Representatives  
Washington, DC 20515

Dear Speaker Pelosi, Leader Schumer, Leader McCarthy and Leader McConnell:

The undersigned organizations, representing many of the nation's leading employers, urge Congress to pass vitally important measures that have broad bipartisan support to address the nation's mental health and substance abuse crisis before the end of the year. Recognizing that behavioral health care access is essential to the health, well-being and productivity of their workforce, employers are deeply committed to addressing this crisis. Providing health coverage to more than 178 million Americans,<sup>1</sup> employers play a critical role in providing access to affordable behavioral health services in communities around the country. We applaud the bipartisan work Congress has undertaken to expand access to behavioral health care. While much remains to be done to improve timely access to affordable, quality mental health and substance abuse care, there are important steps Congress can take *now* to address this challenge.

**Specifically, we call upon Congress to include the Restoring Hope for Mental Health and Well-Being Act (H.R. 7666), which passed the U.S. House of Representatives with overwhelming bipartisan support, as part of a year-end package.** The legislation, which reauthorizes several federal mental health treatment and recovery programs and promotes the integration of behavioral and primary health care, will provide essential support to bolster the nation's mental health and substance abuse care system. According to a Centers for Disease Control and Prevention Household Pulse Survey, 36% of adults reported symptoms of anxiety or depressive disorder in the period from October 5 through October 17, 2022.<sup>2</sup> Mental Health America reports that over half (54.7%) of adults with a mental illness do not receive treatment.<sup>3</sup> Mental Health America further reports that the vast majority of individuals with a substance use disorder in the U.S. are not receiving treatment. While 15.35% of adults had a substance use

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<sup>1</sup> [Health Insurance Coverage in the United States: 2021 \(U.S. Census Bureau\)](#), Table 1

<sup>2</sup> [Mental Health - Household Pulse Survey - COVID-19 \(cdc.gov\)](#)

<sup>3</sup> [The State of Mental Health in America | Mental Health America \(mhanational.org\)](#)

disorder in the past year, 93.5% of them did not receive any form of treatment. The Restoring Hope for Mental Health and Well-Being Act is a bipartisan solution that will help bring lifesaving care to people in need in communities around the country. Their need for care is urgent and Congress should act with urgency to pass this measure.

**We also call upon Congress to extend the flexibility for Health Savings Account (HSA)-eligible high-deductible health plans to offer telehealth services pre-deductible as part of a year-end package.** The COVID-19 pandemic transformed telehealth from an innovative option for delivering services into a vital lifeline to care for millions of patients, including those needing access to behavioral health care. According to a November 2021 national poll by Morning Consult, 21% of insured adults reported having personally had a telehealth appointment for their mental health in the past year and nearly two-thirds (64%) are willing to receive mental health care virtually through a telehealth system.<sup>4</sup>

Employers play a key role in realizing the full potential of telehealth to expand access to behavioral and mental health care. We thank Congress for expanding access to telehealth services offered by employers during the pandemic by allowing employers and plans to offer telehealth pre-deductible. In an informal survey of American Benefits Council member companies, almost 70% of respondents said extending the ability to cover telehealth services pre-deductible in an HSA-compatible high deductible health plan would improve their organization's ability to provide or expand mental health coverage. There is bipartisan, bicameral support for this policy (H.R. 5981/S. 1704). If this flexibility, which expires December 31, 2022, is not extended before the year ends, employers would be required to charge employees more to access virtual mental health care they so vitally need, hampering the efforts of employers and policymakers to address the nation's mental health crisis.

**There is more work to be done to improve access to affordable, quality mental health and substance abuse care.** Employers are committed to the mental health and well-being of their plan participants and are pursuing innovative strategies to improve timely access to affordable behavioral health care. These strategies include enhancing telehealth and Employee Assistance Program (EAP) offerings, advancing collaborative care models that integrate behavioral health with primary care, and removing the stigma associated with mental illness. Yet, employers remain frustrated by barriers in access to quality, affordable mental health care.

The shortage of mental health providers in general, and lack of in-network providers specifically, is a significant barrier to care. More than one out of three Americans reside in areas where patients are unable to access mental health care services because of a shortage of mental health providers.<sup>5</sup> The full promise of employers leveraging telehealth to expand access to

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<sup>4</sup> <https://www.fightforhealthcare.com/alliance-calls-on-congress-to-extend-cares-act-telehealth-provision-new-poll-telehealth-an-impo>

<sup>5</sup> <https://data.hrsa.gov/topics/health-workforce/shortage-areas>

mental health care, particularly in mental health “deserts,” cannot be realized if flexibility for pre-deductible telehealth coverage expires and state barriers to telehealth remain. Employers should also be allowed to offer stand-alone telehealth-only coverage separate from the employer’s group health plan as a means of expanding access to virtual behavioral health for workers. Employers can play an important role in driving toward high-quality, value-based behavioral health care. However, the development and adoption of appropriate measurement tools are needed in this effort.

We urge Congress to pursue policies that strengthen the mental health provider workforce; leverage telehealth; increase integration, coordination, and access to care; and promote the use of evidence-based care by behavioral health providers. Doing so will better enable employers to lead the way in improving access to quality, affordable behavioral care.

We recognize that successfully addressing the nation’s mental health and substance abuse crisis is a challenging and complex task that calls for comprehensive and multifaceted solutions. No doubt the work of lawmakers to address this crisis will continue into the next year and a new Congress. We stand ready to work with Congress and other stakeholders to complete this all-important effort. However, the action must begin now by including the bipartisan Restoring Hope for Mental Health and Well-Being Act and continued flexibility for employers and plans to offer telehealth benefits pre-deductible in year-end legislation. In the remaining weeks of the 117<sup>th</sup> Congress, we urge you to focus on those mental health measures with broad bipartisan support, reject measures without bipartisan support, and deliver hope and help for millions of Americans with mental illness and substance abuse disorders.

Sincerely,

American Benefits Council  
HR Policy Association  
National Alliance of Healthcare Purchaser Coalitions  
Purchaser Business Group on Health  
The Alliance  
The ERISA Industry Committee