



PARTNERSHIP FOR EMPLOYER-SPONSORED COVERAGE

February 6, 2023

The Honorable Tim Walberg (R-MI-5)
Member of Congress
RHOB 2266
Washington, DC 20515

The Honorable Suzan DelBene (D-WA-1)
Member of Congress
RHOB 2330
Washington, DC 20515

The Honorable Ron Estes (R-KS-4)
Member of Congress
RHOB 2234
Washington, DC 20515

The Honorable Angie Craig (D-MN-2)
Member of Congress
RHOB 2442
Washington, DC 20515

The Honorable Rick Allen (R-GA-12)
Member of Congress
CHOB 462
Washington, DC 20515

The Honorable Mikie Sherrill (D-NJ-11)
Member of Congress
LHOB 1427
Washington, DC 20515

Dear Representatives Walberg, DelBene, Estes, Craig, Allen, and Sherrill:

As members of the Partnership for Employer-Sponsored Coverage, we write with our strong support for H.R. 824, *the Telehealth Benefit Expansion for Workers Act of 2023*. Your bill would amend title XXVII of the Public Health Service Act, the Employee Retirement Income and Security Act of 1974, and the Internal Revenue Code of 1986 to treat benefits for telehealth services offered under a group health plan or group health insurance coverage as excepted benefits.

We are grateful for your continued bipartisan leadership on this important effort to permanently allow employers to expand additional telehealth benefit options for employees. While many employers want to provide telehealth or remote care benefits to all employees, they are prohibited from doing so without exposure to penalties under ERISA.

Under current law, provision of telehealth services is considered a “group health plan” under ERISA, which triggers a number of *Affordable Care Act* (ACA) mandates and potential penalties. If the mandates are not met, then the employer is subject to per-day, per-violation penalties. This prevents the employer from offering these services to all employees, not just those full-time employees who accept coverage in an employer’s group health plan. The *Cares Act* (P.L. 116-136) changed the IRS high deductible health plan (HDHP) rules to enable first-dollar coverage of telehealth services.

Defining telehealth services as an excepted benefit would also allow employees not enrolled in the employer’s group health plan to enroll in a standalone telehealth plan. This could include part-time employees (not eligible by hours for coverage) or seasonal employees.

Again, P4ESC commends your bipartisan leadership in proposing a commonsense solution that will help employees as well as employers. We are proud to support H.R. 824, *the Telehealth Benefit Expansion for Workers Act of 2023*. If you or your staff would like to meet to discuss this legislation, please have your staff contact P4ESC's Executive Director Neil Trautwein at neil@trautweinstrategies.com.

Sincerely,

Members of the Partnership for Employer-Sponsored Coverage (P4ESC)

American Rental Association

Associated Builders & Contractors, Inc.

Associated General Contractors of America

The Council of Insurance Agents & Brokers

ERIC – The ERISA Industry Committee

FMI – The Food Industry Association

HR Policy Association

NABIP – National Association of Benefits and Insurance Professionals

National Association of Wholesaler-Distributors

NFIB – National Federation of Independent Business

National Restaurant Association

National Retail Federation

Retail Industry Leaders Association

SHRM – Society for Human Resource Management

SPBA – Society of Professional Benefit Administrators