



April 5, 2022

The Honorable Jackie Swihart Walorski
Member of Congress
CHOB 466
Washington, DC 20515

The Honorable Suzan K. DelBene
Member of Congress
RHOB 2330
Washington, DC 20515

The Honorable Tim L. Walberg
Member of Congress
RHOB 2266
Washington, DC 20515

The Honorable Angie Craig
Member of Congress
RHOB 2442
Washington, DC 20515

Dear Reps. Walorski, DelBene, Walberg, and Craig:

As members of the Partnership for Employer-Sponsored Coverage, we write with our endorsement of H.R. 7353, legislation to treat telehealth services as an excepted benefit. We are grateful for your leadership on this important effort to permanently allow employers to expand additional telehealth benefit options. While many employers want to provide telehealth or remote care benefits to 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 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 leadership in proposing a commonsense solution that will help employees as well as employers. We are proud to support your bill, H.R. 7353.

Sincerely,

Partnership for Employer-Sponsored Coverage (P4ESC)

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