

January 10, 2024

Submitted via email

House Committee on Education and the Workforce
Subcommittee on Health, Education, Labor, and Pensions
2176 Rayburn House Office Building
Washington, DC 20510

Re: January 11, 2024 Health, Employment, Labor, and Pensions Subcommittee Hearing on “Lowering Costs and Increasing Access to Health Care with Employer-Driven Innovation”

Dear Chairman Good and Ranking Member DeSaulnier —

The [Partnership to Advance Virtual Care](#) (PAVC) is pleased to submit this statement for the record following the Subcommittee’s January 11 hearing titled “Lowering Costs and Increasing Access to Health Care with Employer-Driven Innovation”.

PAVC’s Background and Mission

PAVC is comprised of health systems, health IT vendors, chronic care specialists, behavioral health providers, and primary care stakeholders that are leading innovation in telehealth care delivery. We focus the collective voice of the industry to advocate for regulatory and legislative policies that improve access to and delivery of virtual health services.

The nation’s healthcare system has evolved significantly over the last few years, creating opportunities for rapid progress. During the pandemic, enhanced access to telehealth services served as a lifeline to patients across the country, allowing patients to access critical health care services while keeping vulnerable patients out of clinics and hospitals. Virtual care continues to play a vital role in our health care delivery system, ensuring continued access to high-quality health care services and to improve health equity. These services should continue to be leveraged in order to enhance patient experiences, improve health outcomes, and reduce health care costs.

Extending Flexibilities to Treat Telehealth as an Excepted Benefit

PAVC appreciates the committee’s focus on employee healthcare access. Notably, we are strongly supportive of bipartisan legislation advanced by the committee in 2023 that would allow for the classification of telehealth services as excepted benefits, the Telehealth Benefit Expansion for Workers Act (H.R. 824).

As you know, H.R. 824 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. The bill would allow employers to continue to offer workers stand-alone telehealth benefits, similar to dental and vision plans, in addition to traditional health

care plans. If enacted, it would enable all workers, including part-time and seasonal workers, to access telehealth benefits.

During the pandemic, the Departments of Labor, Health and Human Services (HHS) and Treasury jointly issued an FAQ stating 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. When the PHE ended on May 11, 2023, the treatment of telehealth services as an excepted benefit expired with the new plan year which, for most plans, was January 1, 2024.

As H.R. 824 continues to make its way through the legislative process, interim action is needed so that workers do not lose access to critical telehealth services. As such, **PAVC encourages the committee to advocate for the inclusion of a three-year extension of the PHE non-enforcement policy in the upcoming FY 2024 spending package.**

By temporarily extending this policy, Congress will have additional time to consider a longer-term solution, such as the one included in H.R. 824, while ensuring continued access to care for millions of workers.

Summary and Conclusion

Telehealth and remote care services played a vital role in extending access to high quality care during the pandemic, and continued availability of these benefits will ensure patients do not lose access to valuable healthcare services. Advances in telehealth have made care more accessible and equitable nationwide, and PAVC strongly believes that these advances should remain part of our healthcare system.

We welcome the opportunity to discuss these issues further. Please do not hesitate to contact me directly if PAVC can serve as a resource to the committee, as Congress continues to work on legislative efforts related to telehealth access and coverage.

Respectfully,

Rachel Stauffer
Executive Director
Partnership to Advance Virtual Care