## AMENDMENT TO H.R. 824

## Offered by M\_.

Strike all after the enacting clause and insert the following:

1	SECTION 1. SHORT TITLE.
2	This Act may be cited as the "Telehealth Benefit Ex-
3	pansion for Workers Act of 2023".
4	SEC. 2. CODIFYING FLEXIBILITIES FOR DEFINED-BENEFIT
5	GROUP HEALTH PLANS.
6	(a) In General.—Section 2791(c) of the Public
7	Health Service Act (42 U.S.C. 300gg-91(c)) is amended
8	by adding at the end the following new paragraph:
9	"(5) Benefits not subject to require-
10	MENTS IF OFFERED TO EMPLOYEES WITHOUT AC-
11	CESS TO A GROUP HEALTH PLAN.—Defined-benefit
12	group health plans that provide coverage only for
13	services furnished remotely or via telehealth.".
14	(b) Limitation on Exception to Group Health
15	Plans.—Section 2722(c) of the Public Health Service Act
16	(42 U.S.C. 300gg-21(c)) is amended by adding at the end
17	the following new paragraph:
18	"(4) Defined-benefit excepted bene-
19	FITS.—

1	"(A) In general.—Subject to subpara-
2	graph (B), the requirements of subparts I and
3	II and part D shall not apply to a defined-ben-
4	efit group health plan in relation to its provi-
5	sion of excepted benefits described in section
6	2791(c)(5) if all of the following conditions are
7	met:
8	"(i) The benefits are offered only to
9	employees who do not have access to a
10	group health plan from their employer.
11	"(ii) There is no coordination between
12	the provision of such benefits and any ex-
13	clusion of benefits under any group health
14	plan maintained by the same plan sponsor.
15	"(iii) The sponsor of such benefits
16	provides a one-page notice to employees
17	that—
18	"(I) such benefits do not con-
19	stitute minimum essential coverage
20	and are not required to comply with
21	certain Federal requirements for
22	group health plans;
23	"(II) such benefits do not include
24	coverage for services that are not fur-
25	nished remotely or via telehealth, in-

1	cluding emergency services and inpa-
2	tient care; and
3	"(III) such employee may be eli-
4	gible to enroll in a qualified health
5	plan.
6	"(B) APPLICABLE REQUIREMENTS.—The
7	requirements described in section 2704 (relat-
8	ing to the prohibition of preexisting condition
9	exclusions or other discrimination based on
10	health status), section 2705 (relating to prohi-
11	bition of discrimination against individual par-
12	ticipants and beneficiaries based on health sta-
13	tus), section 2712 (relating to prohibition of re-
14	scissions), and section 2726 (relating to parity
15	in mental health or substance use disorder ben-
16	efits) of this part shall apply to all defined-ben-
17	efit plans.".
18	(c) Publication of Model Notice.—Not later
19	than 180 days after the date of enactment of this Act,
20	the Secretary of Health and Human Services, taking into
21	account input from the public, shall publish a model notice
22	that may be used by a group health plan (as defined in
23	section 2791 of the Public Health Service Act (42 U.S.C.
24	300gg-91)) for purposes satisfying the requirement under

- 1 paragraph (4) of section 2722(c) of such Act (42 U.S.C.
- 2 300gg-21(c), as added by subsection (b).
- 3 (d) REQUIRED RULEMAKING.—Not later than one
- 4 year after the date of enactment of this Act, the Secretary
- 5 of Health and Human Services shall, through notice-and-
- 6 comment rulemaking, establish regulations specifying the
- 7 manner in which a defined benefit group health plan (as
- 8 described in paragraph (5) of section 2791(c) of the Public
- 9 Health Service Act (42 U.S.C. 300gg-91(c)) shall comply
- 10 with the requirements of sections 2704, 2705, 2712, and
- 11 2726 of such Act.
- (e) Effective Date.—The amendments made by
- 13 this section shall apply with respect to plan years begin-
- 14 ning on or after the date of enactment of this Act.

Amend the title so as to read: "A bill to amend title XXVII of the Public Health Service Act to treat benefits for services furnished remotely or via telehealth under a defined-benefit group health plan as excepted benefits, and for other purposes.".

