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.—
(A) IN GENERAL.—Subject to subparagraph (B), the requirements of subparts I and II and part D shall not apply to a defined-benefit group health plan in relation to its provision of excepted benefits described in section 2791(c)(5) if all of the following conditions are met:

(i) The benefits are offered only to employees who do not have access to a group health plan from their employer.

(ii) There is no coordination between the provision of such benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor.

(iii) The sponsor of such benefits provides a one-page notice to employees that—

(I) such benefits do not constitute minimum essential coverage and are not required to comply with certain Federal requirements for group health plans;

(II) such benefits do not include coverage for services that are not furnished remotely or via telehealth, in-
cluding emergency services and inpa-
tient care; and

“(III) such employee may be eli-
gible to enroll in a qualified health plan.

“(B) APPLICABLE REQUIREMENTS.—The requirements described in section 2704 (relat-
ing to the prohibition of preexisting condition exclusions or other discrimination based on health status), section 2705 (relating to prohi-
bition of discrimination against individual par-
ticipants and beneficiaries based on health sta-
tus), section 2712 (relating to prohibition of re-
scissions), and section 2726 (relating to parity in mental health or substance use disorder ben-
efits) of this part shall apply to all defined-ben-
efit plans.”.

(c) PUBLICATION OF MODEL NOTICE.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services, taking into account input from the public, shall publish a model notice that may be used by a group health plan (as defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91)) for purposes satisfying the requirement under
paragraph (4) of section 2722(c) of such Act (42 U.S.C. 300gg–21(e)), as added by subsection (b).

(d) REQUIRED RULEMAKING.—Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services shall, through notice-and-comment rulemaking, establish regulations specifying the manner in which a defined benefit group health plan (as described in paragraph (5) of section 2791(c) of the Public Health Service Act (42 U.S.C. 300gg–91(c)) shall comply with the requirements of sections 2704, 2705, 2712, and 2726 of such Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning 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.”.