

## Committee Print

(SHOWING THE TEXT OF H.R. 824, AS FAVORABLY FORWARDED BY THE  
SUBCOMMITTEE ON HEALTH ON JULY 13, 2023)

118TH CONGRESS  
1ST SESSION

# H. R. 824

To 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.

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### IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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## A BILL

To 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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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 **TELEHEALTH 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 AN  
11 OFFER OF GROUP HEALTH INSURANCE COVERAGE.—  
12 Defined-benefit plans that provide benefits solely for  
13 telehealth or remote care services.”.

14 (b) LIMITATION ON EXCEPTION TO GROUP HEALTH  
15 PLANS AND GROUP HEALTH INSURANCE COVERAGE.—  
16 Section 2722(c) of the Public Health Service Act (42  
17 U.S.C. 300gg–21(c)) is amended by adding at the end the  
18 following new paragraph—

19 “(4) BENEFITS NOT SUBJECT TO REQUIRE-  
20 MENTS IF OFFERED TO EMPLOYEES WITHOUT AN  
21 OFFER OF GROUP HEALTH INSURANCE COVERAGE.—  
22 The requirements of subparts I and II of Part A  
23 (except section 2704 (relating to the prohibition of  
24 preexisting condition exclusions or other discrimina-  
25 tion based on health status), section 2705 (relating  
26 to prohibition of discrimination against individual

1 participants and beneficiaries based on health sta-  
2 tus), section 2712 (relating to prohibition of rescis-  
3 sions); and section 2726 (relating to parity in men-  
4 tal health or substance use disorder benefits), and  
5 subparts I and II of Part D shall not apply to any  
6 group health plan (or group health insurance cov-  
7 erage) offered by an employer in relation to its pro-  
8 vision of excepted benefits described in section  
9 2791(c)(5) if all of the following conditions are met:

10 “(A) The benefits are only offered to em-  
11 ployees (or their dependents) who do not receive  
12 an offer of group health insurance coverage  
13 from their employer.

14 “(B) There is no coordination between the  
15 provision of such benefits and any exclusion of  
16 benefits under any group health plan main-  
17 tained by the same plan sponsor.

18 “(C) The sponsor of such benefits provides  
19 a one-page notice to the employee (or their de-  
20 pendants) that—

21 “(i) Such coverage does not constitute  
22 minimum essential coverage and is not re-  
23 quired to comply with certain federal re-  
24 quirements for health insurance;

1                   “(ii) To the extent applicable, such  
2                   coverage does not include benefits for hos-  
3                   pitalization, emergency services, maternity  
4                   care, or prescription drugs; and

5                   “(iii) The employee may be eligible for  
6                   enrollment in a qualified health plan.”.

7           (c) PUBLICATION OF MODEL NOTICE.—Not later  
8 than 180 days after the date of the enactment of this Act,  
9 the Secretary of Health and Human Services, taking into  
10 account input from the public, shall publish a model notice  
11 that may be used by a group health plan or group health  
12 insurance coverage (as such terms are defined in section  
13 2791 of the Public Health Service Act for purposes satis-  
14 fying the requirement of section 2722 of such Act, as  
15 added by subsection (b).

16           (d) REQUIRED RULEMAKING.—Not later than one  
17 year after enactment of this section, the Secretary of  
18 Health and Human Services shall, through notice-and-  
19 comment rulemaking, provide specific instructions for how  
20 benefits described in paragraph (5) of section 2791(c) can  
21 comply with the requirements of Sections 2704, 2705,  
22 2712, and 2726.

23           (e) EFFECTIVE DATE.—The amendments made by  
24 this section shall apply with respect to plan years begin-  
25 ning on or after the date of the enactment of this Act.