

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2023

Mr. WALBERG (for himself, Ms. DELBENE, Ms. CRAIG, Mr. ESTES, Ms. SHERRILL, and Mr. ALLEN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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. TREATING BENEFITS FOR TELEHEALTH SERVICES**
5 **OFFERED UNDER A GROUP HEALTH PLAN OR**
6 **GROUP HEALTH INSURANCE COVERAGE AS**
7 **EXCEPTED BENEFITS.**

8 (a) PHSA.—

9 (1) IN GENERAL.—Section 2791(c)(2) of the
10 Public Health Service Act (42 U.S.C. 300gg–
11 91(c)(2)) is amended—

12 (A) by redesignating subparagraph (C) as
13 subparagraph (D); and

14 (B) by inserting after subparagraph (B)
15 the following new subparagraph:

16 “(C) Benefits for telehealth services.”.

17 (2) LIMITATION ON EXCEPTION TO GROUP
18 HEALTH PLANS AND GROUP HEALTH INSURANCE
19 COVERAGE.—Section 2722(c)(1) of the Public
20 Health Service Act (42 U.S.C. 300gg–21(c)(1)) is
21 amended—

22 (A) by redesignating subparagraphs (A)
23 and (B) as clauses (i) and (ii), respectively, and
24 adjusting the margins accordingly;

25 (B) by striking “The requirements” and
26 inserting the following:

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), the requirements.”; and

3 (C) by adding at the end the following new
4 subparagraph:

5 “(B) APPLICATION OF PROVISIONS IN THE
6 CASE OF INDIVIDUAL HEALTH INSURANCE COV-
7 ERAGE FOR CERTAIN EXCEPTED BENEFITS.—
8 The requirements of subparts I and II shall
9 apply to any individual health insurance cov-
10 erage in relation to its provision of excepted
11 benefits described in section 2791(c)(2)(C).”.

12 (b) ERISA.—Section 733(c)(2) of the Employee Re-
13 tirement Income Security Act of 1974 (29 U.S.C.
14 1191b(c)(2)) is amended—

15 (1) by redesignating subparagraph (C) as sub-
16 paragraph (D); and

17 (2) by inserting after subparagraph (B) the fol-
18 lowing new subparagraph:

19 “(C) Benefits for telehealth services.”.

20 (c) IRC.—Section 9832(c)(2) of the Internal Revenue
21 Code of 1986 is amended—

22 (1) by redesignating subparagraph (C) as sub-
23 paragraph (D); and

24 (2) by inserting after subparagraph (B) the fol-
25 lowing new subparagraph:

1 “(C) Benefits for telehealth services.”.

2 (d) **EFFECTIVE DATE.**—The amendments made by
3 this section shall apply with respect to plan years begin-
4 ning on or after the date of the enactment of this Act.

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