

January 27, 2021

The President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC

Dear Mr. President:

The HR Policy Association and the American Health Policy Institute would like to work with you to strengthen employer-sponsored health coverage, expand access to affordable coverage and care, increase transparency, drive quality improvement, and foster innovation.

The HR Policy Association is the leading organization representing chief human resource officers of over 380 of the largest employers in the United States. Collectively, their companies provide health care coverage to over 20 million employees and dependents in the United States. The American Health Policy Institute serves to provide thought leadership grounded in the practical experience of America's largest employers. Over the past 20 years, large employers have worked hard to provide innovative, high value health care benefits at the lowest possible cost.

As you work with Congress on health care reform, it is important to remember that innovations in employer-sponsored health care benefits not only help to significantly reduce health care costs for employees, retirees and their dependents but also drive innovations for the system overall. Federal policies should leverage and encourage the innovation of employer-sponsored health care benefits and support the flexibility necessary to enable large employers to continue to innovate. Such policies will be critical for making the Nation's workforce healthier and more productive while allowing for a more fiscally sustainable health care system.


Specifically, we respectfully ask that your administration:

- **Clarify employers can broadly offer incentives to employees to get vaccinated.** Employer-provided incentives can greatly assist government efforts to quickly vaccinate all Americans. However, legal uncertainty about providing such incentives has made many employers hesitant to act. We urge your administration to work with the Equal Employment Opportunity Commission to provide guidance on what qualifies as a permissible incentive and ensure it is as large as possible.
- **Preserve and strengthen federal preemption under ERISA.** Employers that operate across multiple States have stressed the importance of pre-emption under the Employee Retirement Income Security Act (ERISA). According to a 2018 HR Policy Association survey, when asked to select the top three factors that would serve as a "tipping point" for their company to stop providing health benefits, 37 percent said the "erosion of ERISA such that self-insured plans become subject to substantially differing state taxes and fees."

- **Support the recent transparency in coverage and hospital transparency rules while minimizing regulatory and administrative costs.** We urge your administration to provide employers sufficient time to implement all of the reporting and disclosure requirements in the Consolidated Appropriations Act and to coordinate those requirements with the transparency in coverage rule. We also urge you to clarify whether employers can utilize third-party administrators or carriers to comply with insurer transparency requirements.
- **Expand telehealth during and after the pandemic.** Although telehealth benefits have been expanded during the pandemic, they could be improved. We urge the administration to expand the ability of employers to permanently offer standalone telehealth benefits (both audio and visual) to all employees and incentivize states to eliminate licensing restrictions on telehealth.
- **Improve access to quality mental health benefits.** We urge your administration to tie higher star ratings to the volume of patients who receive behavioral health care through a network reimbursed care model. We also request that the administration create incentives for primary care physicians to integrate measurement-based behavioral health services in their practices through a collaborative care model and to create a safe harbor for self-insured ERISA plan sponsors who rely on an independent certification of compliance with mental health parity laws.
- **Modernize health savings accounts (HSAs) so employees and their families can take advantage of valuable medical and wellness program benefits.** We urge your administration to allow the coordination of HSA-eligible High Deductible Health Plans with supplemental benefits like telehealth-only plans and direct primary care, and to enable employers to offer first-dollar coverage of high-value services, such as onsite employee health centers.

Finally, we look forward to working with you to support measures to expand access to affordable choices for high quality health care coverage for all Americans, in ways that do not disrupt or penalize employer-sponsored coverage, including funding for state reinsurance programs, increasing the generosity of the Affordable Care Act tax credits, and incentivizing States to expand Medicaid.

Sincerely,



D. Mark Wilson
 President, American Health Policy Institute
 Vice President, Health & Employment Policy,
 HR Policy Association