

January 27, 2021

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
U.S. Capitol Building, H-222
Washington, DC 20515

The Honorable Charles E. Schumer
Majority Leader
U.S. Senate
U.S. Capitol Building, S-230
Washington, DC 20510

The Honorable Kevin McCarthy
Republican Leader
U.S. House of Representatives
U.S. Capitol Building, H-204
Washington, DC 20515

The Honorable Mitch McConnell
Republican Leader
U.S. Senate
U.S. Capitol Building, S-221
Washington, DC 20510

Dear Speaker Pelosi, Leader Schumer, Leader McConnell, and Leader McCarthy:

As Congress considers additional legislation to address the COVID-19 pandemic, HR Policy Association and the American Health Policy Institute urge you to include provisions in the next bill to expand telehealth services, improve access to mental health benefits, and increase health care transparency.

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.

Specifically, we urge Congress to adopt the following.

- **Expand access to telehealth services** by encouraging states to join the Interstate Medical Licensure Commission Compact as a condition for receiving federal relief funding; permanently allow first-dollar coverage for telehealth in high deductible health plans; enable employers to offer standalone “excepted benefit” telehealth benefits to all employees; and establish a national, uniform set of telehealth rules for ERISA plans.
- **Increase transparency in health care by prohibiting anti-competitive contracting practices.** Eliminate “all-or-nothing,” “most-favored-nation,” “anti-tiering,” and “anti-steering” contract clauses.

- **Provide a temporary safe harbor during the pandemic for ACA employer penalties.** Under normal circumstances, the complex compliance requirements of the Affordable Care Act's employer shared responsibility provisions are particularly difficult to comply with. The pandemic-generated business closures and reduced operations will only compound these complexities even for the best-intentioned employers. To address this problem, Congress should grant employers a temporary safe harbor for inadvertent violations of Section 4980H of the ACA for rapid staffing changes and transitions that are largely out of their control.
- **Improve access to quality mental health benefits.** We urge Congress to tie higher star ratings to the volume of patients who receive behavioral health care through a network reimbursed care model; create incentives for primary care physicians to integrate measurement-based behavioral health services in their practices through a collaborative care model; and create a safe harbor for self-insured ERISA plan sponsors who rely on an independent certification of compliance with mental health parity laws. Congress should also enable private sector telehealth services to allow individuals to receive mental health services via telehealth if the person has been seen in person at least once by the qualifying practitioner during the previous six-months.
- **Modernize health savings accounts (HSAs) so employees and their families can take advantage of valuable medical and wellness program benefits.** Specifically, we urge Congress 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.
- **Enact the Commonsense Reporting Act** to provide employers with a second, voluntary, option to report the most relevant information about the type of coverage offered to full-time employees to the IRS prior to ACA exchange open enrollment. Providing this voluntary information will improve exchange efficiency, reduce unnecessary employer costs, and protect individuals from potentially onerous penalties.

Thank you for your continued efforts to address our nation's public health needs during this pandemic. We look forward to working with you to ensure the legislation that passes Congress enables companies to continue to provide high-quality health care benefits to over 183 million Americans.

Sincerely,



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