

Congress Must Act to Ensure Continued Access to Telehealth Services for Those with HSA-Eligible HDHPs

- Through Section 3701 of the CARES Act, Congress created a safe harbor allowing those with Health Savings Account (HSA)-eligible High Deductible Health Plans (HDHPs) to have telehealth services covered on a first-dollar basis.
 - This safe harbor was extended by the Consolidated Appropriations Act, 2022 (CAA 2022), from April 1, 2022 through December 31, 2022. (There was a gap in coverage from January 1, 2022 to March 31, 2022.)
- This policy has meant that important telehealth services are covered without the patient first having to meet their deductible—ensuring that millions of Americans with employment-based health coverage have had access to important telehealth services during the COVID-19 pandemic. Further, this policy:
 - Not only includes primary care, but also some mental and behavioral health services.
 - Enables employees to receive care without taking time off work for appointments, including traveling to and from a visit.
 - Increases access to care that can help avoid costly visits to urgent care or the emergency room.
- This safe harbor created by the CARES Act and extended by CAA 2022 is not tied to the duration of the COVID-19 public health emergency (PHE).
- Without congressional action, this important provision will expire on December 31, 2022, even as the COVID-19 pandemic continues and even if the PHE is extended.
- The pandemic created a tremendous amount of uncertainty and logistical challenges for those seeking care—especially for behavioral and mental health services—and telehealth has served as an essential lifeline throughout the pandemic.
- Because of these demonstrated benefits, Congress should pass legislation extending the safe harbor, allowing individuals with HSA-eligible HDHPs to have telehealth covered on a first-dollar basis without having to first meet their deductible.
- While the benefits were accentuated during the pandemic, access to virtual behavioral health care and early interventions should not solely be considered a COVID-19 policy. With significant numbers of American workers now relying on coverage linked with account-based plans like HSAs, policymakers can meaningfully expand access to care by allowing first-dollar coverage of virtual care under HDHPs.
- Such an extension will ensure continued access to telehealth services and will allow employers to avoid subjecting employees to mid-year changes in benefits that could result in unexpected costs and disruption in care, especially for employers with off-calendar year plans.
- Failing to extend this provision will result in access to care challenges for the millions of Americans who receive their health coverage through HSA-eligible HDHPs.
 - Statistics from the Bureau of Labor Statistics demonstrate the increased utilization of HDHPs, along with diversity in participation across both wage groups and industries.