

## **Allow Telehealth for Part-Time Workers**

*Congress should act to remove restrictions that ban employers from offering telehealth to **all** employees. Employers should be allowed to provide telehealth benefits to their entire workforce -- including part-time employees, seasonal workers, interns, and others.*

**The problem:** Standalone telehealth benefits are considered a “health plan” under Affordable Care Act (ACA) rules. That means they must be paired with a full medical benefit that meets all of the different ACA requirements – 1<sup>st</sup>-dollar coverage of vaccines, meet essential health benefit and annual limit rules, and much more. Because telehealth is by definition limited and conducted remotely, it simply cannot meet all of these requirements alone – in fact, employers often use a separate vendor to design and administer their telehealth benefits, rather than the insurance company or third-party administrator that runs their full medical plan. The result is that telehealth **cannot be offered standalone** to anyone not enrolled in the full medical plan, which effectively bans employers from extending telehealth to all populations, including:



- Full-time employees who aren’t enrolled in the medical plan, or employees’ family members, if the employee is on a self-only plan;
- Part-time employees ineligible for the medical benefit;
- Seasonal, agricultural, or other temporary workers;
- Interns, trainees, and the like; and,
- New employees on a waiting period for the full medical plan; among others.

With the COVID emergency seriously increasing the need for telehealth access, now is the time to solve this problem and allow more patients to access telehealth.

**The solution:** It’s simple – Congress can **designate standalone telehealth as an excepted benefit**. This is the way Congress treats other “add-on” benefits like vision, dental, long-term care, cancer-only plans, hospital indemnity insurance, and other benefits that are health-related, but do not constitute a full medical plan. This would be a simple change by adding the word “telehealth” into the appropriate sections of HIPAA, ERISA, and the IRC.



Doing so would **not affect an employer’s responsibility** to offer minimum essential coverage to employees, nor would it weaken an individual’s responsibility to enroll in such. Employers or insurers could not swap out telehealth, which is limited in scope and closer to a supplement than a full medical plan, for a full medical benefit. It would simply open up the ability for employers to offer telehealth benefits to millions of patients who currently are not allowed – by Congress – to access those benefits.

There is precedent for Congress expanding the definition of excepted benefits (*e.g.*, Congress previously acted to allow “limited duration long term care” benefits to be offered outside a medical plan). The growth and evolution of telehealth services over the last two decades – and particularly over the last two months – is undeniable. Telehealth is a needed service and the time to act is now.

**Congress should act now: Make telehealth an excepted benefit,  
to open up telehealth benefits to millions more Americans.**