

April 30, 2020

The Honorable Mitch McConnell
Senate Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Charles Schumer
Senate Democratic Leader
United States Senate
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Kevin McCarthy
House Republican Leader
U.S. House of Representatives
Washington, D.C. 20515

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

As Congress continues to discuss provisions within the fourth relief package, the undersigned organizations urge Congress to expand statutory authority to the U.S. Department of Labor (DOL) in order for the agency to require ERISA plans to cover telehealth services during the COVID-19 pandemic.

As you know, the Centers for Disease Control and Prevention recommends the increased use of telehealth services in response to the COVID-19 emergency as an alternative to face-to-face interactions in order to limit the risk of exposure of the virus.¹ Although social distancing is critical for reducing disease transmission, Americans who are isolated and stressed—as much of the population is during the pandemic—underscores the need for availability of telehealth services, especially for individuals with mental health and substance use disorders.²

Although many insurers have taken steps to expand telehealth coverage either voluntarily or to comply with state orders, self-insured ERISA plans which are not subject to state orders, remain an outlier for comprehensive expansion of telehealth during the COVID-19 emergency. Given that 60% of covered workers are in self-insured ERISA plans³, the impact on the health of Americans that do not have coverage for this modality is immense.

We urge Congress to provide temporary statutory authority to DOL that would allow the agency to ensure all ERISA plans cover telehealth services, including mental health and addiction treatment. Further, this authority would grant DOL the ability to make the following regulatory changes for ERISA plans during COVID-19:

- Coverage for in- and out-of-network telehealth services at all levels of care, including outpatient care, intensive outpatient care, and partial hospitalization care.
- Services provided via telehealth will be reimbursed at the same rate as an in-person visit.
- Services provided via telehealth will not be subject to higher cost-sharing than the same cost-sharing if the service was provided in-person.

¹ Centers for Disease Control and Prevention. (February 29, 2020) Interim Guidance for Healthcare Facilities: Preparing for Community Transmission of COVID-19 in the United States. Retrieved from <https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-hcf.html>

² Volkow, Nora. (April 2, 2020). Collision of the COVID-19 and Addiction Epidemics. *Ann Intern Med*. Retrieved from <https://annals.org/aim/fullarticle/2764313/collision-covid-19-addiction-epidemics>

³ Pollitz, Karen. (March 18, 2020). Private Health Coverage of COVID-19: Key Facts and Issues. Kaiser Family Foundation. Retrieved from <https://www.kff.org/private-insurance/issue-brief/private-health-coverage-of-covid-19-key-facts-and-issues/>

We thank you for your efforts to safeguard Americans' access and coverage for critical health services during this national emergency. We look forward to continuing to work with each of you to address the health care needs across the nation.

Sincerely,

2020 Mom

American Art Therapy Association

American Association for Marriage and Family Therapy

American Association for Psychoanalysis in Clinical Social Work

American Association of Child and Adolescent Psychiatry

American Association of Suicidology

American Association on Health and Disability

American Counseling Association

American Dance Therapy Association

American Foundation for Suicide Prevention

American Group Psychotherapy Association

American Mental Health Counselors Association

American Occupational Therapy Association

American Psychoanalytic Association

Association for Ambulatory Healthcare

Centerstone

Children and Adults with Attention-Deficit/Hyperactivity Disorder

Clinical Social Work Association

College of Psychiatric and Neurologic Pharmacists

Confederation of Independent Psychoanalytic Societies

Depression and Bipolar Support Alliance

Eating Disorders Coalition for Research, Policy & Action

Global Alliance for Behavioral Health and Social Justice

International OCD Foundation

The Jewish Federations of North America

Mental Health America

NAADAC, the Association for Addiction Professionals

National Alliance for Mental Illness

National Association for Rural Mental Health

National Association of County Behavioral Health and Developmental Disability Directors

National Association of Social Workers
National Association of State Mental Health Program Directors
National Council for Behavioral Health
National Eating Disorders Association
National League for Nursing
Postpartum Support International
Psychotherapy Action Network (PsiAN)
Residential Eating Disorders Consortium
Sandy Hook Promise
SMART Recovery
The Kennedy Forum
The National Alliance to Advance Adolescent Health
The Trevor Project
Treatment Communities of America

CC: House Education and Labor Committee
House Ways & Means Committee
House Energy & Commerce Committee
Senate Committee on Finance
Senate Committee on Health, Education, Labor & Pensions