

117TH CONGRESS
1ST SESSION

H. R. 5541

To amend the Internal Revenue Code of 1986 to extend the exemption for telehealth services from certain high deductible health plan rules, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2021

Mr. SCHNEIDER (for himself and Mr. WENSTRUP) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to extend the exemption for telehealth services from certain high deductible health plan rules, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Primary and Virtual
5 Care Affordability Act”.

6 **SEC. 2. EXEMPTION FOR TELEHEALTH SERVICES.**

7 (a) IN GENERAL.—Subparagraph (E) of section
8 223(c)(2) of the Internal Revenue Code of 1986 is amend-

1 ed by striking “December 31, 2021” and inserting “De-
2 cember 31, 2023”.

3 (b) CERTAIN COVERAGE DISREGARDED.—Clause (ii)
4 of section 223(c)(1)(B) of the Internal Revenue Code of
5 1986 is amended by striking “December 31, 2021” and
6 inserting “December 31, 2023”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on the date of the enactment
9 of this Act.

10 **SEC. 3. HIGH DEDUCTIBLE HEALTH PLAN SAFE HARBOR**
11 **FOR NO DEDUCTIBLE FOR CERTAIN PRIMARY**
12 **CARE SERVICES PROVIDED DURING THE**
13 **COVID EMERGENCY.**

14 (a) IN GENERAL.—Paragraph (2) of section 223(c)
15 of the Internal Revenue Code of 1986 is amended by add-
16 ing at the end the following new subparagraph:

17 “(G) SAFE HARBOR FOR ABSENCE OF DE-
18 DUCTIBLE FOR CERTAIN PRIMARY CARE SERV-
19 ICES PROVIDED DURING THE COVID EMER-
20 GENCY.—

21 “(i) IN GENERAL.—A plan shall not
22 fail to be treated as a high deductible
23 health plan by reason of failing to have a
24 deductible for primary care services pro-
25 vided by a qualified provider in any plan

1 year beginning on or before December 31,
2 2023.

3 “(ii) PRIMARY CARE SERVICES.—For
4 purposes of clause (i), the term ‘primary
5 care services’ means services provided by
6 primary care practitioners (as defined in
7 section 1833(x)(2)(A)) of the Social Secu-
8 rity Act.

9 “(iii) QUALIFIED PROVIDER.—For
10 purposes of clause (i), the term ‘qualified
11 provider’ means a general practitioner,
12 family physician, general internist, obste-
13 trician, gynecologist, pediatrician, geriatric
14 physician, advanced practice registered
15 nurse, or physician assistant acting in ac-
16 cordance with State laws.”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 this section shall apply to plan years beginning after De-
19 cember 31, 2019.

20 **SEC. 4. STUDY AND REPORTS.**

21 (a) STUDY.—The Comptroller General of the United
22 States shall complete a study on the effects of the safe
23 harbor for certain primary care services provided during
24 the COVID emergency under section 223(c)(2)(G) of the
25 Internal Revenue Code of 1986 (as added by section 3).

1 (b) REPORTS.—

2 (1) INTERIM REPORT.—Not later than 365
3 days after the date of the enactment of this Act, the
4 Comptroller General of the United States shall pro-
5 vide a report to Congress containing an analysis of
6 the results of the study under subsection (a). Such
7 report shall contain—

8 (A) an analysis of the effects of the safe
9 harbor on—

10 (i) whether plan sponsors opted to in-
11 corporate changes to their benefit design;

12 (ii) insurance premiums;

13 (iii) enrollment in high deductible
14 health plans;

15 (iv) utilization of primary care visits,
16 telehealth visits, emergency department
17 visits, and hospital admissions; and

18 (v) the rate of employer implementa-
19 tion of flexibilities in changes to benefit de-
20 sign; and

21 (B) comparisons of patient engagement
22 with services for those whose employer incor-
23 porated flexibilities into their benefit design and
24 those who did not do so.

1 (2) FINAL REPORT.—Not later than 365 days
2 after the interim report under paragraph (1) is
3 issued, the Comptroller General of the United States
4 shall provide a final report to Congress containing a
5 comprehensive analysis of the results of the study
6 under subsection (a). Such report shall include up-
7 dated findings, analyses, and comparisons described
8 in paragraph (1).

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