

The Honorable Patty Murray
Chair
Senate Committee on Health, Education, Labor,
and Pensions (HELP)

The Honorable Richard Burr
Ranking Member
Senate Committee on Health, Education, Labor,
and Pensions (HELP)

February 4, 2022

Dear Chair Murray and Ranking Member Burr,

Thank you for the opportunity to submit feedback on your discussion draft of the Prepare for and Respond to Existing Viruses, Emerging New Threats, and Pandemics Act (PREVENT Pandemics Act). We applaud the committee's bipartisan work to strengthen the nation's public health and medical preparedness and response systems in the wake of the COVID-19 pandemic, laying the groundwork for a stronger public health response to future pandemics. The Alliance to Fight for Health Care welcomes the opportunity to weigh in on pandemic preparedness, especially as employers and unions have played a critical role in health promotion and disease prevention activities throughout the pandemic, taking a variety of approaches to address the emerging needs of the workforce and fill gaps in the public health infrastructure.

The Alliance is a broad-based coalition comprised of businesses, patient advocates, employer organizations, unions, health care companies, consumer groups, and other stakeholders that support employer-provided health coverage. We wholeheartedly agree with the goal of the PREVENT Pandemic Act: building on lessons learned from the pandemic response to improve our nation's preparedness for future public health emergencies. We believe Alliance members can bring insight and expertise to the discussion, especially regarding actions employers and unions took to help maintain and improve employee health during the pandemic. We support policies you outline aimed at ensuring access to life-saving, innovative medical care, reducing health disparities, and bolstering the public health workforce and pandemic response infrastructure. We also urge you to include provisions to improve the testing infrastructure and expand flexibility for employers, unions, and health plans to offer pre-deductible coverage of telehealth and chronic disease prevention.

Testing Infrastructure

We support provisions focused on accelerating research and countermeasure discovery, including those focused on improving the rapid development and availability of diagnostic tests to address emerging infectious diseases more quickly. Throughout the COVID-19 pandemic, the federal government leveraged significant resources to speed the development of COVID-19 vaccines, testing, and treatments through extraordinary levels of public-private partnerships. In particular, the public health financing of COVID-19 vaccines has been enormously successful, ensuring vaccine access at no cost to all Americans. Employers played a significant role in reimbursing pharmacies and providers for dispensing vaccines and encouraging vaccinations. Importantly, federal

investments in vaccine development and distribution largely shielded patients, employers, and health insurers from increased costs thus far.

Unfortunately, the success of public health financing for distribution of vaccines has not been replicated for COVID-19 screening testing, and we urge the Committee to consider how to do this both for future pandemics and the one that is ongoing. There is no question that easy access to COVID-19 diagnostic tests and screening tests is absolutely critical to stop the spread of COVID-19 and potential future infectious illnesses, and employers have been doing their part by providing coverage at no cost to patients through the duration of the COVID-19 Public Health Emergency (PHE), as required by the Families First Coronavirus Response Act and the Coronavirus Aid, Relief, and Economic Security Act. However, because there is no corresponding nationwide solution for individuals seeking tests for routine screening purposes, many individuals are using their health insurance benefit to cover these costs, which will ultimately lead to increased premiums. A streamlined federal approach would provide the necessary access while lowering expected costs for health plans, employers, and ultimately patients. This includes:

- **Consistent public health financing.** Throughout the duration of the current PHE, ensure consistent public health financing of COVID-19 screening tests to match the commitment of health plans and employers in covering COVID-19 diagnostic tests. While the federal government has made large purchases of millions of rapid tests and is distributing them through various mechanisms, this effort requires dedicated and ongoing public health financing for this and future PHEs.
- **Clear public health messaging around screening and diagnostic tests.** We are pleased to see provisions aimed at strengthening public health communication and dissemination of scientific and evidence-based public health information. We must ensure clear and concise public guidance, including to help Americans understand when they should seek screening and/or diagnostic tests. Additionally, to ensure providers are adequately reimbursed, there should be early and clear articulation of ICD-10 codes that should be used.
- **Addressing price gouging.** We support efforts in various House and Senate Committees to address price gouging by over-the-counter testing manufacturers and health care providers to ensure that the federal government, patients, and employers are not being excessively charged for COVID-19 tests. We urge you to consider how to protect from such abuses in this and future pandemics.

Providing patients and employers with relief from COVID-19 testing costs would help make the U.S. health care system more robust, reduce employer and patient costs, and improve U.S. population health.

Removing Barriers that Limit Employer's Response to Current and Future Pandemics

In addition to the unprecedented levels of public-private partnership and innovation, another silver lining to the pandemic is the significant investment and uptake in virtual and mental health care from employers, insurers, providers, and beneficiaries. Access to enhanced virtual care allowed

American workers and their families to continue to access essential medical services while reducing unnecessary exposure and bolstering support for mental health amid pandemic stressors. During the pandemic, 76% of employers expanded telehealth or virtual health offerings, 68% provided better access to virtual health, and 62% added new mental health benefits.¹ Stories of employer actions to provide enhanced access to care and other pandemic support for their employees are available in the American Benefits Council report, [Silver Linings Pandemic Playbook](#). In light of employers' unique role throughout the pandemic period, we also want to express our support for the following policies and we urge the legislation to:

- **Bolster the mental health workforce.** The COVID-19 pandemic exacerbated the mental health and substance use crisis while creating new, unique barriers to access. During the pandemic, about 4 in 10 adults in the U.S. reported symptoms of anxiety or depressive disorder, up from one in ten adults pre-pandemic.² We applaud the committee's commitment to revitalizing the public health workforce and urge inclusion of workforce development and training programs that aim to increase the supply of behavioral health professionals and improve the distribution of a quality behavioral health workforce, as well as those specifically focused on increasing diversity to ensure providers reflect the communities they serve. Additionally, the Alliance supports **reforms** that enable mental health care providers to see more patients, specifically through enhanced telehealth options and **flexibility in** licensing. This includes legislation that allows mental health providers licensed in one state to treat — either in person or via telehealth — patients in any other state.
- **Advance the use of telehealth.** Not surprisingly, telehealth, mental health, emotional well-being and health and lifestyle coaching are among the most prevalent virtual services offered by employers, and the pandemic fueled this adoption. During the pandemic, three in four employers reduced or waived cost sharing to basic telehealth services in an effort to address barriers to accessing care at a time when most individuals were unable to visit their provider in a traditional office environment.³ **We support legislation such as the Telehealth Expansion Act (S. 1704/H.R. 5981), which makes permanent the flexibility for HSA-eligible plans to offer telehealth pre-deductible, ensuring equitable access to low- or no-deductible care via telehealth.** Allowing more patients to receive services in their homes will bring vital care to people who need it when and where they need it. Giving providers flexibility to work across state lines should be a part of any forward-looking legislation.
- **Ensure access to chronic disease management.** According to the Centers for Disease Control (CDC), the COVID-19 pandemic has had direct and indirect effects on people with chronic disease. In addition to morbidity and mortality, the pandemic raised concerns about

¹ Business Group on Health, "2022 Large Employers' Health Care Strategy and Plan Design Survey," August 2021.

² Kaiser Family Foundation, "The Implications of COVID-19 for Mental Health and Substance Use," February 10, 2021.

³ Business Group on Health, "2022 Large Employers' Health Care Strategy and Plan Design Survey," August 2021.

safely accessing health care and reduced the ability to prevent or control chronic disease.⁴
The Alliance supports legislation that removes barriers to chronic disease management. That is why we endorse the Chronic Disease Management Act (H.R. 3563/S. 1424), which gives employers and health plans greater flexibility to offer pre-deductible coverage for chronic disease prevention. We also support legislation that allows employers to provide more robust services (like chronic disease management and primary care) at onsite medical clinics pre-deductible. The Alliance also supports advancing solutions that ensure a collaborative care approach that addresses the critical integration of chronic disease management and mental and behavioral health.

We look forward to discussing how to better prepare the U.S. health care system for future pandemics and public health challenges. Thank you again for the opportunity to comment.

Sincerely,
The Alliance to Fight for Health Care

Cc: HELPPandemicbill@help.senate.gov

⁴ CDC, "COVID-19 and Chronic Disease: The Impact Now and In the Future," June 17, 2021.