

July 26, 2013

The Honorable Lynn Jenkins
U.S. House of Representatives
Washington, DC 20515

The Honorable John Barrow
U.S. House of Representatives
Washington, DC 20515

Dear Representatives Jenkins and Barrow:

On behalf of the Health Choices Coalition representing physicians, dentists, consumers, retailers, manufacturers, pharmacies, pharmacists, patients, insurers, small businesses and employers, we are writing to applaud your efforts to avert the unintended consequences resulting from the restrictions placed on tax-preferred accounts reimbursing for over-the-counter (“OTC”) medications without first getting a prescription. Your legislation, the Restoring Access to Medication Act, will create efficiencies and improve access in the health care system.

The goal of the Patient Protection and Affordable Care Act was to expand access to affordable care. Unfortunately, the provision that limits coverage of OTC medicines will instead increase costs to the health care system and place a new administrative burden on already over-burdened physician offices.

Millions of American families rely on flexible spending arrangements (“FSAs”) and other tax-preferred accounts to purchase these cost-effective medications. This issue is of critical importance to the estimated 19 million working Americans who rely on voluntary contributions of pre-tax dollars to FSAs to help meet their basic health care needs, including the purchase of safe, affordable OTC medicines.

Consumers depend on OTC medicines as a first line of defense for their families’ health care needs. OTC medicines provide Americans with effective, affordable, convenient and accessible means to address their health care needs. These medicines save consumers billions of dollars annually through reducing unnecessary doctors’ visits, less time lost from work, and the cost advantage of OTC medicines. Prohibiting the use of FSA funds to purchase these medicines, or requiring documentation from a doctor that OTCs are being used to treat a medical condition, would limit access and greatly reduce the cost-efficiencies associated with these medicines.

A recent survey¹ found that more than 90 percent of Americans prefer to seek treatment with OTCs before seeing a health care provider. At the same time, nearly 90 percent of the physicians and pharmacists surveyed recommend that patients self-treat with OTC medicines prior to seeing a doctor. As a result, an overwhelming majority of pharmacists and physicians surveyed believe there will be an increased burden on medical professionals because of this provision in the health care reform law.

¹ “Your Health at Hand” Survey, CHPA 2010

We believe this provision on the use of tax-preferred accounts for the purchase of OTC medicines has resulted in unintended consequences to both physicians and patients. We thank you for your efforts to restore the ability to pay for OTC medicines with tax-preferred account funds without the need for a prescription. We remain committed to working with you and others in Congress to advance this legislation that will increase cost efficiencies in the health care system and give consumers control of their health care choices.

Sincerely,

AARP

American Academy of Family Physicians

American College of Physicians

American Dental Association

America's Health Insurance Plans

American Osteopathic Association

American Medical Association

American Society of Association Executives

Associated Builders and Contractors, Inc.

BlueCross BlueShield Association

Consumer Healthcare Products Association

Food Marketing Institute

National Association of Chain Drug Stores

National Association of Manufacturers

National Community Pharmacists Association

National Grocers Association

National Federation of Independent Business

Retail Industry Leaders Association

Sjögren's Syndrome Foundation

U.S. Chamber of Commerce