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November 14, 2013

The Honorable Jacob J. Lew  
Secretary  
Department of the Treasury  
1500 Pennsylvania Avenue, NW  
Washington, D.C. 20220

Dear Secretary Lew:

On behalf of the Consumer Healthcare Products Association (CHPA), the trade association representing U.S. manufacturers of over-the-counter (OTC) medicines and dietary supplements, we applaud the Administration's efforts to provide Americans with greater flexibility in their healthcare by your recent announcement to allow consumers to roll over as much as \$500 in their flexible spending arrangements (FSAs) to be used in the following year. To build on this commonsense solution, which is so important to consumers, we would like to bring to your attention a related issue that is preventing consumers from maximizing their use of healthcare dollars in the most cost-effective and efficient way for both themselves and the healthcare system.

We ask that the Administration endorse the bipartisan proposal to allow Americans to use their FSA and health savings account (HSA) funds to buy OTC medications without having to burden themselves or the healthcare system by getting a doctor's prescription. Research shows OTC products save money to the economy in less time off of work and school, reduced trips to the doctor, and lower comparative costs. Overall, the availability of OTC medicines provides \$102 billion in annual savings to the U.S. healthcare system. What this means is that, on average, every dollar spent by consumers on OTC medicines saves \$6 to \$7 for the U.S. healthcare system as a whole.

Unfortunately, Section 9003 of the Affordable Care Act (ACA) created a barrier to self-care, requiring almost 10 million households to obtain a doctor's prescription to use their set-aside dollars for OTC medicines, which previously had been permitted. Congress has before it a bipartisan solution: the Restoring Access to Medication Act (S. 1647/H.R. 2835) introduced by Sens. Mary Landrieu (D-La.) and Pat Roberts (R-Kan.) in the Senate and Reps. Lynn Jenkins (R-Kan.) and John Barrow (D-Ga.) in the House of Representatives.

We urge the Administration to support this measure that would provide flexibility for American families to again utilize these medications in the most cost-effective way and to work with Congress to restore this important consumer benefit. We appreciate your attention to this matter and look forward to discussing this with you and your staff.

Very truly yours,

A handwritten signature in blue ink that reads "Scott Melville".

Scott Melville  
President and CEO  
Consumer Healthcare Products Association (CHPA)

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