

November 5, 2013

The Honorable Pat Roberts  
United States Senate  
Washington, DC 20510

The Honorable Mary Landrieu  
United States Senate  
Washington, DC 20510

Dear Senators Roberts and Landrieu:

On behalf of the Health Choices Coalition representing physicians, dentists, consumers, retailers, manufacturers, pharmacies, pharmacists, pharmacy benefit managers, 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 that prohibit their use for purchasing over-the-counter (“OTC”) medications without a prescription. Your legislation, the Restoring Access to Medication Act, will restore 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 new administrative burdens 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 critically important 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 verifying that OTC items are being used to treat a medical condition, is already limiting access to, and greatly reducing the cost-efficiencies associated with, these medicines.

A recent survey<sup>1</sup> found that more than 90 percent of Americans prefer to seek treatment with OTC items 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 this restriction is unnecessarily increasing the burden on medical professionals.

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<sup>1</sup> “Your Health at Hand” Survey, CHPA 2010

We believe this restriction 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 Dermatology  
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  
CVS Caremark  
Evolution 1  
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  
National Restaurant Association  
Perrigo Company  
Retail Industry Leaders Association  
Sjögren's Syndrome Foundation  
U.S. Chamber of Commerce