

October 22, 2018

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Charles Schumer  
Minority Leader  
United States Senate  
Washington, DC 20510

Dear Leader McConnell and Leader Schumer:

On behalf of the Health Choices Coalition representing physicians, dentists, consumers, retailers, manufacturers, pharmacies, pharmacists, patients, insurers, small businesses and large employers, we write to urge you to consider H.R. 6199, the *Restoring Access to Medication and Modernizing Health Savings Accounts Act of 2018* before the end of this Congress. This legislation eliminates the need for Americans to obtain a prescription to purchase OTC medicines and has broad bipartisan support.

The House of Representatives passed H.R. 6199 in July by an overwhelming bipartisan vote of 277-142. This legislation will create efficiencies and improve access to care within the U.S. healthcare system.

Millions of American families rely on flexible spending arrangements (“FSAs”), health savings accounts (“HSAs”), and other tax-preferred accounts to purchase these cost-effective medications. This issue is of critical importance to the estimated 50 million working Americans who rely on voluntary contributions of pre-tax dollars to FSAs and HSAs to help meet their own and their dependents’ basic healthcare needs, including the purchase of safe, affordable OTC medicines.

Consumers depend on OTC medicines as a first-line option for meeting their families’ healthcare needs. OTC medicines provide Americans with effective, affordable, convenient and accessible means to alleviate the symptoms of minor to moderate ailments. According to a study<sup>1</sup> conducted by the Consumer Healthcare Products Association (“CHPA”), these medicines not only save consumers billions of dollars annually, but also the healthcare system, \$102 billion in total each year. This is accomplished through reducing unnecessary doctors’ visits, less time lost from work, and the cost advantage of OTC medicines. This means that for every dollar spent on OTC medications in the U.S., the healthcare system saves \$6 to \$7. Prohibiting the use of FSA and pre-tax HSA funds to purchase these medicines, or requiring documentation from a doctor that OTCs are being used to treat a medical condition, limits access and greatly reduces the cost-efficiencies associated with these medicines.

Survey<sup>2</sup> data suggest that more than 90 percent of Americans prefer to seek treatment with OTCs before seeing a healthcare 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

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<sup>1</sup> Booz & Co., 2012, on behalf of CHPA

<sup>2</sup> “Your Health at Hand” Survey, CHPA 2010

pharmacists and physicians surveyed have experienced an increased burden on their practices because of this provision in the health care reform law.

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 remain committed to working with you and others in Congress to advance this legislation that will increase cost efficiencies in the healthcare system and give consumers control of their healthcare choices.

Sincerely,

AARP

America's Health Insurance Plans (AHIP)

American Academy of Dermatology Association (AAD)

American Association of Family Physicians (AAFP)

American College of Physicians (ACP)

American Dental Association (ADA)

American Medical Association (AMA)

American Osteopathic Association (AOA)

American Society of Association Executives (ASAE)

Anthem, Inc.

Arthritis Foundation

Associated Builders and Contractors Association (ABC)

Asthma and Allergy Foundation of America (AAFA)

BlueCross BlueShield Association (BCBSA)

Consumer Healthcare Products Association (CHPA)

ECFC

Food Marketing Institute (FMI)

National Association of Chain Drug Stores (NACDS)

National Community Pharmacists Association (NCPA)

National Federation of Independent Business (NFIB)

National Grocers Association (NGA)

Retail Industry Leaders Association (RILA)

Sjögren's Syndrome Foundation

U.S. Chamber of Commerce

WageWorks

Wex Health