

September 17, 2015

The Honorable Paul Ryan  
Chair  
House Committee on Ways & Means  
1102 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Sander Levin  
Ranking Member  
House Committee on Ways & Means  
1106 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Kevin Brady  
Chair  
House Ways & Means Subcommittee on Health  
1135 Longworth House Office Building

The Honorable Jim McDermott  
Ranking Member  
House Ways & Means Subcommittee on Health  
1139E Longworth House Office Building

Dear Chairman Ryan, Ranking Member Levin, Chairman Brady, and Ranking Member McDermott:

On behalf of the Health Choices Coalition, we write in support of the “Restoring Access to Medication Act of 2015” (H.R. 1270) to be marked up in the Ways and Means Committee. The Health Choices Coalition membership includes physicians, consumers, retailers, manufacturers, pharmacies, pharmacists, patients, insurers, small businesses and large employers. Our coalition has long supported efforts to restore over-the-counter (“OTC”) medications to full tax-preferred status, eliminating the need to first obtain a prescription. By removing the prescription requirement, H.R. 1270 will create efficiencies and improve access to care within the U.S. healthcare system.

Implemented as part of the Affordable Care Act (“ACA”), a prescription requirement for OTC medications purchased under flexible spending arrangements (“FSAs”) and health savings accounts (“HSAs”) has led to significant burdens on both patients and the physicians who treat them. Millions of American families rely on tax-preferred accounts, such as FSAs, HSAs, and others, to purchase cost-effective OTC 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 basic health care 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 save not only consumers, but also the healthcare system, billions of dollars annually, totaling \$102 billion each year.

We thank you for considering this restoration of consumers’ ability to pay for OTC medications with tax-preferred account funds without the need for a prescription. We remain committed to working with you and your colleagues in Congress to pass this legislation into law. Passage of this important measure will result in increased cost efficiencies in the healthcare system and give consumers control of their healthcare choices.

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

Sincerely,

AARP

America's Health Insurance Plans (AHIP)

American Academy of Dermatology Association (AADA)

American Medical Association (AMA)

American Osteopathic Association (AOA)

American Society of Association Executives (ASAE)

Associated Builders and Contractors Association (ABC)

BlueCross BlueShield Association (BCBSA)

Consumer Healthcare Products Association (CHPA)

Evolution1

Food Marketing Institute (FMI)

National Association of Chain Drug Stores (NACDS)

National Association of Manufacturers (NAM)

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

CC:

The Honorable Lynn Jenkins (R-KS)

The Honorable Ron Kind (D-WI)