



Concepts in Benefits, Inc. would like to inform you:
Legislation has been introduced to Repeal the Restrictions on OTC Purchases

Good afternoon,

Bipartisan legislation was introduced recently to repeal Section 9003 of the Affordable Care Act (ACA), which requires a prescription to receive reimbursement for over-the-counter (OTC) medicines purchases with Flexible Spending Accounts (FSAs). [Senator Ben Nelson \(D-NE\)](#) and [Senator Pat Roberts \(R-KS\)](#) are the lead Senate sponsors; [Representative Lynn Jenkins \(R-KS\)](#) and [Representative Shelley Berkley \(D-NV\)](#) are the lead House sponsors.

Below is a copy of the press release:

FOR IMMEDIATE RELEASE

Rep. Jenkins: Sean Fitzpatrick – (202) 225-6601

Sen. Roberts: Andrea Candrian – (202) 224-4774

June 30, 2011

Roberts and Jenkins Introduce Bill to Repeal Portion of Health Care Reform Law

Bill would allow millions of Americans to purchase over-the-counter drugs using medical savings accounts

WASHINGTON, D.C. – Senator Pat Roberts (R-Kan.), Sen. Ben Nelson (D-Neb.), Congresswoman Lynn Jenkins (R-Kan.) and Congresswoman Shelley Berkley (D-Nev.) introduced bipartisan, bicameral legislation this week that would repeal a portion of the new health care reform law that prohibits people from using their medical savings account funds from buying over-the-counter (OTC) medications.

“This prohibition takes away choice and flexibility from individuals about how to manage their health care expenses and adds yet another burden to physicians,” said Roberts. “Rather than promoting cost-effectiveness and accessibility, this provision directs people to potentially more costly, less convenient, and more time-consuming alternatives.”

“Health care reform should be about increasing, not limiting, personal options and accessibility,” Jenkins said. “Medical savings accounts encourage personal ownership of one’s health care by giving individuals control over health care decisions and how to pay for that care. I am proud to help champion this bipartisan, bicameral bill in the House and hope our chamber will move quickly on this commonsense fix.”

The legislation would repeal section 9003 of the Patient Protection and Affordable Care Act (PPACA), also known as the new health care reform law, restoring the ability of those participating in a medical savings account, such as a Flexible Savings Account (FSA), or other similar type of medical savings account, to use the funds to purchase OTC medications.

Under current law, plan participants may no longer use funds from these accounts to purchase OTC medications, unless they have a prescription for the medication. In Kansas, and throughout the U.S., a broad coalition of groups support this legislation, including the U.S. Chamber, pharmacist groups, drug store organizations and consumer groups.

“I am pleased that legislation is being introduced to reverse this policy,” said Dr. Joel Feder, a family physician in Leawood, Kansas. Many of my patients face undue burdens purchasing needed medications that are essential to their health maintenance and overall wellbeing. Reversal of this policy will allow my patients to continue to purchase the numerous beneficial over-the-counter products that are so important in our daily lives and will eliminate a substantial administrative burden on my practice.”

Nearly 50 million Americans participate in FSAs and other health savings accounts. The accounts allow individuals to set aside their own money each year on a pre-tax basis to pay for health care expenses, such as co-payments, and other health care expenses not covered by insurance, prescriptions or over-the-counter medications.

Sincerely,

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Should you have any questions, please do not hesitate to contact us.

“Bringing Out the Best in Benefits”