



**National  
Business  
Group on  
Health**

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*Creative Health Benefits Solutions for Today, Strong Policy for Tomorrow*

February 16, 2011

The Honorable Kay Bailey Hutchison  
U.S. Senate  
284 Russell SOB  
Washington, DC 20510

The Honorable Erik Paulsen  
U.S House of Representatives  
127 Cannon HOB  
Washington, DC 20515

Dear Senator Hutchison and Congressman Paulsen:

The National Business Group on Health writes to wholeheartedly support S. 312 and H.R. 605, the Patient's Right to Choose Act, that would remove the \$2,500 limit imposed in the Patient Protection and Affordable Care Act (Affordable Care Act) on flexible spending accounts (FSAs) and the ban on using FSAs, health reimbursement arrangements (HRAs), and health savings accounts (HSAs) to pay for over-the-counter (OTC) medications unless people have a prescription. We believe that your bills would go a long way toward helping people pay for their out-of-pocket medical expenses.

The National Business Group on Health represents approximately 315, primarily large, employers (including 64 of the Fortune 100) who voluntarily provide health care benefits and other health programs to over 55 million American employees, retirees, and their families.

Reducing the amount that people are able to contribute to their FSAs will make it particularly harder for people with chronic diseases to pay for their current health care expenses. FSAs are invaluable for diabetics and asthmatics to help pay for maintenance medications and testing supplies. Many others use FSAs to help pay for needed medical care. Accordingly, we support your efforts to immediately remove the cap on FSA contributions, scheduled to go into effect in 2013, to ensure lower out-of-pocket health care spending for Americans and their families.

OTC drugs increase access to medications at lower costs than those requiring a prescription. The Affordable Care Act made OTC nonprescription drugs more expensive and taxable. Ironically, the Affordable Care Act will likely also add health care costs by creating incentives to use more expensive prescription drugs even when OTC drugs are just as safe and effective. The requirement will also likely raise health care costs by encouraging additional visits to doctors for prescriptions.

For those reasons, the National Business Group on Health strongly supports your efforts to remove the cap on FSA contributions and the restrictions on the use of health accounts for OTC drugs without prescriptions in order to lower employees' out-of-pocket medical

expenses and to provide additional flexibility to employers who want to provide affordable and effective benefits to their employees. Please contact me or Steven Wojcik, the National Business Group on Health's Vice President of Public Policy, at (202) 558-3012, if you would like to discuss our comments in more detail.

Sincerely,



Helen Darling  
President

cc:

The Honorable Roy Blunt, U.S Senate  
The Honorable Richard Burr, U.S Senate  
The Honorable Tom Coburn, U.S Senate  
The Honorable Thad Cochran , U.S Senate  
The Honorable Susan Collins, U.S Senate  
The Honorable James Inhofe, U.S Senate  
The Honorable James Risch, U.S Senate  
The Honorable Roger Wicker, U.S Senate