

May 25, 2011

The Honorable Orrin G. Hatch
United States Senate
104 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Hatch:

On behalf of the Consumer Healthcare Products Association (CHPA) and our member companies, thank you for introducing the “Family and Retirement Health Investment Act of 2011.”

CHPA is a 130-year-old trade association representing almost 200 manufacturers of over-the-counter (OTC) and dietary supplement products. OTC medicines offer consumers immediate access to safe and effective medications without having to consult a physician. They empower consumers to make informed choices and take better care of themselves and their families, and play a vital role in meeting consumers’ needs while serving as a critical component of our healthcare system.

The Family and Retirement Health Investment Act of 2011 would address the provision of the Patient Protection and Affordable Care Act of 2010 (PPACA, P.L. 111-148/P.L. 111-152) that prevents consumers from using their flexible spending arrangements (FSAs) and health savings accounts (HSAs) to purchase OTC medicines without first getting a doctor’s prescription (excluding insulin and diabetic testing supplies). The prescription requirement in PPACA imposes a financial disincentive for Americans to save for their own healthcare and will lead to greater inefficiency by forcing consumers to have more unnecessary doctor visits.

A recent survey sponsored by CHPA earlier this year concluded that 88 percent of physicians recommend that patients attempt to address minor ailments with self-care interventions, including the use of OTC medicines, before seeking the advice of a healthcare professional. Furthermore, 89 percent of physicians agree that OTC medicines could help lower healthcare costs in general by eliminating approximately 10 percent of office visits each year. This amounts to over 40 million appointments each year that could be avoided with effective self-care.

On behalf of CHPA and its member companies, we greatly appreciate your leadership on this issue and look forward to working with you to ensure consumers have access to OTC medicines using FSAs or HSAs. In the meantime, please do not hesitate to call if I can be of any assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott M. Melville". The signature is fluid and cursive, with the first name "Scott" and last name "Melville" clearly distinguishable.

Scott M. Melville
President and CEO