



EMPLOYERS COUNCIL ON FLEXIBLE COMPENSATION

927 15th Street, NW • Suite 1000 • Washington, DC 20005 • (202) 659-4300

February 8, 2011

The Honorable Kay Bailey Hutchison
United States Senate
284 Russell Senate Office Building
Washington, DC 20510

Dear Senator Hutchison:

On behalf of the Employers Council on Flexible Compensation (ECFC), I am writing to thank you for reintroducing the "Patients' Freedom to Choose Act." ECFC's more than 100 members include employers who sponsor employee benefit plans as well as insurance, accounting, consulting, and actuarial companies that design or administer employee benefit plans.

ECFC shares your concern about the limitations that have been placed on account-based plans. Since becoming effective on January 1, 2011, the requirement that individuals have a prescription for an over the counter (OTC) medicine to be eligible for reimbursement through a flexible spending account (FSA), health reimbursement arrangement (HRA) or health savings account (HSA) has presented an unnecessary hurdle and administrative expense for patients. As I am sure you know, some providers are requiring individuals to come for an office visit before writing a prescription for an OTC, which contributes to higher overall care costs and takes physician time away from more pressing patient needs. The cap on FSA contributions slated for 2013 will also place significant hardship on patients, particularly those with a chronic condition and for whom even nominal cost sharing can quickly add up.

ECFC is grateful for your leadership on these issues. The provisions in your legislation will help ensure that FSAs, HRAs, and HSAs remain a convenient and meaningful option in helping Americans get the care and services they need to stay healthy.

Sincerely,

A handwritten signature in cursive script that reads "David M. Carver".

David M. Carver
Executive Director

A handwritten signature in cursive script that reads "Dennis Triplett".

Dennis Triplett
Board Chair