

# OTC Medicines and Drugs: Changes Effective January 1, 2011

## What Changed?

In March, 2010, President Obama signed Public Law 111-148, the Patient Protection and Affordable Care Act. Section 9003 of that legislation amended previous legislated definitions of which over-the-counter (OTC) healthcare expenses are eligible for tax-advantaged benefits plans like FSAs, HRAs, and HSAs. The language made the current definition very clear: "...reimbursement for expenses incurred for a medicine or drug shall be treated as a reimbursement for medical expenses only if such medicine or drug is a prescribed drug (determined without regard to whether such drug is available without a prescription) or is insulin."

## What Does This Mean to Me?

Interpreted literally and as it pertains to your FlexSystem Medical FSA elections, this legislation is clarified as follows:

- While all medically necessary medicines continue to be FSA eligible, some items may require additional substantiation.
- OTC medicines and drugs, with the exception of insulin, are FSA ineligible as of January 1, 2011 unless your medical practitioner provides you with a prescription or completes a Prescription Order Form for the OTC medicine.
- OTC health-related supplies continue to be FSA eligible after December 31, 2010.
- When using The TASC Card to purchase an OTC medicine or drug, request a prescription from your medical practitioner and present it to the pharmacist at the time of purchase.
- Purchases not made with the TASC Card may be submitted for reimbursement with a prescription or a Prescription Order Form.

If you require a medicine or drug for a medical condition, you will need to request a prescription from your medical practitioner or request your provider to complete a Prescription Order Form. This medical practitioner authorization will then render the expense(s) eligible under your FlexSystem Medical FSA Plan.

This change for OTCs will likely affect only a small percentage of your medical FSA reimbursements. Therefore, TASC suggests that you continue to make your FSA elections as usual. Like other Plan Participants, it is highly likely that you will use these funds for reimbursement of other expenses in lieu of those now deemed ineligible due to this change.

TASC offers a complete suite of quality services, including the following:

COBRA | ERISA | FSA | FMLA | HRA | HSA



## What is a "Prescription Order Form"?

The Prescription Order Form is an authorization from your medical practitioner similar to a prescription form. This form may be used in place of a prescription when submitting an OTC medicine or drug Request for Reimbursement to TASC. (Please note, TASC Card purchases require a prescription.) The Prescription Order Form must clearly state:

- The individual's name and the medicine you or your family member requires.
- The dosage, duration, and frequency for each OTC medicine needed.

*For example, if you require a packet of acid reflux medication each month for twelve months, the Form or prescription must clearly state this. This form must be signed by the medical practitioner.*

## Important Points

- Over-the-counter (OTC) medicines and drugs purchased after December 31, 2010, require a prescription or Prescription Order Form.  
**SEE PAGE 2 FOR A LIST OF EXAMPLES**
- OTC medical supplies continue as eligible after December 31, 2010.
- Only a small percentage of your total FSA election amount should be affected.
- TASC suggests that you continue to make your FSA elections as usual.



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## What Should I Do During My FlexSystem Reenrollment?

This change for OTC medicines is expected to affect only a small percentage of your medical FSA reimbursements. Therefore, TASC suggests that you continue to make your FSA elections as usual. Like other Plan Participants, it is highly likely that you will use these funds for reimbursement of other expenses in lieu of those now deemed ineligible due to this change.

## What Should I Do For the Remainder of This Plan Year?

The new rules go into affect January 1, 2011. Therefore, if you expect to make OTC medicine or drug purchases, we encourage you to make those purchases on or before December 31, 2010. If you incur OTC expenses after that date, you may need to request your medical practitioner to provide you with a prescription or you may request your medical practitioner to complete the Prescription Order Form if you will not be using your TASC Card to purchase the OTC medicine(s).

## How Does This Change Affect Debit Card Purchases?

Do you use the FlexSystem Debit Card or the new TASC Card? If so, be especially aware of this change after January 1, 2011. At that time, some medicine and drug purchases once available for purchase with your TASC Card may no longer be. To use your TASC Card to purchase an OTC medicine or drug, retain a prescription from your medical practitioner for the medicine(s) and present your prescription to your pharmacist at the time of purchase. Due to State guidelines, pharmacists may not accept an Prescription Order form, so be sure to retain a prescription from your medical practitioner.

Some merchants may not be able to process the OTC medicine(s) through their Inventory Information Approval System (IIAS). While inconvenient, if you do not use your TASC Card to purchase the OTC medicine(s) and you have retained a prescription or an Prescription Order Form from your medical practitioner, you may use a different method to request reimbursement for the expense after point-of-purchase.

TASC offers several non-Card expense reimbursement methods including online, text message, fax, or mail. We encourage you to use our online system to receive your reimbursement promptly. Following is the process for requesting reimbursement through our MyTASC VeriFlex online system:

- Save your **receipt** from the purchase.
- Retain the prescription or Prescription Order Form from your medical practitioner.
- Login to your MyTASC account at [www.tasconline.com](http://www.tasconline.com).
- Use our exclusive VeriFlex system to easily request reimbursement and fax us your substantiation documentation.
- Submit your request. (Reimbursements are processed on a daily basis.)

**REMEMBER!** This change applies only to items defined as medicines or drugs (except insulin). Medical supplies that fall under the IIAS auto-substantiation guidelines will remain eligible after December 31, 2010. You may continue to pay for these items at point-of-purchase using your Card or by using one of our other convenient methods of reimbursement.

## Examples of Expense Types

Items that will require a prescription or Prescription Order Form AFTER December 31, 2010 include the following:

Acid Controllers	Anti-Itch and Insect Bite	Digestive Aids	Pain Relief
Allergy and Sinus	Antiparasitic Treatments	Feminine Anti-Fungal/Anti-Itch	Respiratory Treatments
Antibiotic Products	Baby Rash Ointments and Creams	Hemorrhoidal Medications	Sleep Aids and Sedatives
Anti-Gas and Diarrheals	Cough, Cold and Flu	Laxatives	Stomach Remedies

Items that will remain eligible and need no physician authorization include the following:

Bandages & First Aid Dressings	Contact Lens Solution	Heating Pads	Orthopedic Aids
Birth Control Products	Denture Products	Hot, Cold & Steam Packs	Pregnancy & Fertility Kits
Blood Pressure Kits	Diabetes Testing Supplies	Incontinence Products	Splints, Supports & Braces
Canes & Walkers	Durable Medical Equipment	Insulin	Thermometers
Contact Lenses	Hearing Aid Batteries	Nebulizers	Wheelchair & Accessories