

November 20, 2017

The Honorable Orrin G. Hatch
Chairman, Senate Finance Committee
U.S. Senate
219 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Ron Wyden
Ranking Member, Senate Finance Committee
U.S. Senate
219 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Hatch and Ranking Member Wyden:

As Congress looks to address a series of important health care policy issues this year, we, the undersigned groups representing employers and employees, urge you to include some modest but important policy changes concerning the treatment of Health Savings Accounts (HSAs) in legislation that will make it to the President's desk this year.

More than 177 million Americans receive their health insurance through their employer. There are now 20 million Americans covered by HSAs, with significant growth of 13 percent in 2015 and 20 percent in 2016. Consumer demand for increased HSA offerings is likely to continue to increase, and as such, statutory reforms are needed to accommodate medical advances and ensure that HSAs work well for patients and their families.

The proposals listed below have been introduced in a variety of legislative measures and each has bipartisan cosponsors and support from a broad spectrum of industry and consumer stakeholder groups. As the workplace transforms to meet new trends – ranging from wellness incentives to delivery of benefits – we encourage you to include HSA reforms in end-of-year legislation so that employees can proactively engage in improving their health. These reforms include:

- Greater flexibility to offer first-dollar coverage of health services at an onsite employee clinic and retail health clinic;
- Clarifying that “excepted benefits,” which are non-major medical benefits like telehealth and second opinion services, do not jeopardize a beneficiary’s eligibility to contribute to an HSA;
- Correcting the definition of “dependents” to include adult children, domestic partners, and non-traditional dependents;
- Greater flexibility to offer first-dollar coverage of services and medications for chronic disease prevention;
- Streamlining conversion from a Medical Savings Account (MSA), Flexible Spending Arrangement (FSA), or Health Reimbursement Arrangement (HRA) to an HSA;
- Permitting the use of HSA dollars toward wellness benefits, including exercise and other expenses associated with the sole purpose of participating in physical activity;

- Clarifying that direct primary care arrangements are not insurance and may be offered alongside an HSA; and
- Permitting an employee to contribute to an HSA even if his or her spouse has a health Flexible Spending Account.

As representatives excited about the gains employers have made to enhance coverage for their employees, we see the promise of these proposed changes first-hand. The workplace has been a continuous source of innovation as benefits and coverage policies adapt to new delivery models while promoting better health practices and containing costs.

We look forward to working with you to reduce these barriers and expand the use of HSAs for employees and employers. Thank you for your consideration.

Sincerely,

ABA HSA Council
adidas America
America's Health Insurance Plans
American Benefits Council
American College of Sports Medicine
American Council on Exercise
American Rental Association
American Staffing Association
American Supply Association
Associated General Contractors of America
ATA International (Martial Arts)
Auto Care Association
Bite Tech, Inc
Body-Solid Inc
Boys & Girls Club of America
Brooks Running
Brunswick Corporation
Business Roundtable
College and University Professional Association for Human Resources
Corporate Health Care Coalition
Council for Affordable Health Coverage
Council of Independent Insurance Agents and Brokers
Employers Council on Flexible Compensation
Empower Fitness
ERISA Industry Committee
Food Marketing Institute
Healthcare Leadership Council
Home Furnishings Association
HR Policy Association
International Franchise Association
International Health & Racquet Sports Association (IHRSA)
Molten USA, Inc.
National Association for Health and Fitness

National Association for the Self-Employed
National Association of Health Underwriters
National Association of Home Builders
National Association of Wholesaler-Distributors
National Athletic Trainers Association
National Basketball Association (“NBA”)
National Business Group on Health
National Club Association
National Coalition for Promotion of Physical Activity
National Council of Chain Restaurants
National Council of Youth Sports (NCYS)
National Retail Federation
National Sporting Goods Association
New Balance Athletic Inc.
Nike, Inc.
NIRSA: Leaders in College Recreation
Pacific Business Group on Health
Pop Warner Little Scholars, Inc.
Rawlings Sporting Goods
Retail Industry Leaders Association
Riddell All American Sports Inc.
Small Business & Entrepreneurship Council
Society for Health and Physical Education “SHAPE” America
Society for Human Resource Management
Society of American Florists
Sports & Fitness Industry Association
Technogym USA
The Cooper Institute
U.S. Chamber of Commerce
Under Armour

cc: Members of the Senate Committee on Finance