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**Benefit Strategies, LLC**

August 9, 2010

**This advisory will be sent to all active participants that have provided Benefit Strategies with an e-mail address. The e-mail addresses used for the participant advisory were provided by the participant upon enrollment. This will also be posted on the website under "News and Advisories" for future reference.**

### **Over-The-Counter (OTC) Eligibility**

OTC Drugs/Medicine - Effective January 1, 2011, over-the-counter medications and drugs (except insulin) will no longer be eligible for reimbursement through a Health FSA, HRA or HSA. The actual language, as amended, reads, "...reimbursement for expenses incurred for a medicine or a 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." The language is somewhat ambiguous in that it does not clearly define "medicine or drug", nor does it define "prescribed" drug. Please see the attached list of what we believe will be eligible and non-eligible items, please remember that this list is subject to change. This new rule is effective January 1, 2011, regardless of plan year or grace period. As long as an OTC expense is incurred prior to January 1, 2011, it may be considered eligible without a prescription regardless of whether it is actually submitted for reimbursement after the effective date. For employers with debit cards, these drugs and medicines will not be accepted using the card on or after January 1, 2011, these items will have to be submitted manually with the appropriate "prescription" in order to be eligible for reimbursement.

Please refer to our first advisory for additional information:[OTC Advisory 1](#)

Attached is an updated list of eligible OTC expenses:[OTC Eligible Expenses](#)

**If you have any questions, you can call our toll free number at (888) 401-3539.**

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