

Prescription Drugs Imported from Canada or Other Foreign Countries and Coverage under Flexible Spending Accounts

The IRS regulations for Flexible Spending Accounts allow expenses for legal prescriptions drugs prescribed by your physician for treatment of a medical condition. Currently prescribed drugs brought in or ordered and shipped from another country are not considered legal.

There are two exceptions:

- Prescribed drugs that the Food and Drug Administration (FDA) announces can be legally imported by individuals; and
- Prescribed drugs purchased and consumed in another country, if the drugs are legal in both the U.S and the other country.

IRS and FDA's position is that it is generally illegal for individuals to import prescription drugs from Canada. Although there was a law enacted in 2006 that allows the importation of prescription drugs from Canada for personal use in limited circumstances, it does so by way of non-enforcement and does not clearly make the importation legal.

BenefitHelp Solutions does not knowingly reimburse participants for drugs purchased or ordered from a foreign county; however, if a participant is in a foreign country where he or she is prescribed medication to treat a medical condition and that same drug is also available in the United States, the documentation submitted should include:

- 1) The completed claim form;
- 2) The receipt for the drug;
- 3) A brief description of the reason the drug was purchased in a foreign country; and
- 4) The name of the equivalent drug prescribed in the USA.

For a more thorough description of what drugs are approved by the FDA for importation, please visit http://www.fda.gov/ora/compliance_ref/rpm/chapter9/ch9-2.html.

If you have questions, you may contact BenefitHelp Solutions at 1-888-398-8057.