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Cafeteria Plans

XX. What Expenses Can Be Reimbursed Under a Health FSA?

XX.M. Table of Common Expenses, Showing Whether They Are for "Medical Care"

M. Table of Common Expenses, Showing Whether They Are for "Medical Care"

Administration Tip. In order to demonstrate that plan administrators are being reasonable, uniform, and consistent in their interpretation of what's reimbursable and what's not, we recommend keeping a table of how different types of expenses are handled.*

* ERISA plans are required to maintain reasonable procedures governing benefit claims that ensure consistency in the claims approval process. See Section XXII for details.

The following table describes whether certain types of expenses qualify as medical care under Code §213(d) for purposes of reimbursement by a health FSA or HRA, or for a tax-free distribution from an HSA. The table consists of three columns. We list various expenses in Column 1. In Column 2, we comment on whether the item is likely to be a qualifying expense, not a qualifying expense, or a potentially qualifying expense. In Column 3, we provide additional comments and special rules based on specific Treasury Regulations, Revenue Rulings, Private Letter Rulings, informal comments by IRS officials, and other guidance. For items for which there is no official guidance, our comments are based on our interpretation of available guidance. For more details, see the Key to using the Table below.

Cautions Regarding Use of the Table.

Additional Restrictions Apply. Confirming that an expense is for medical care under the Table does not mean that the expense is reimbursable under a health FSA or HRA or qualifies for a tax-free distribution from an HSA—other legal requirements must also be met. Requirements applicable under a health FSA are summarized in a short checklist in subsection B and are described in detail in subsections C through K; also see subsection L for a discussion of expenses that are difficult to administer. HRAs and HSAs are discussed in detail in *Consumer-Driven Health Care* (Thomson Reuters/EBIA, 2004-present, updated quarterly). Note also that some items in the Table might not be reimbursable under a health FSA or HRA if the health FSA or HRA contains exclusions, restrictions, or other limitations or requirements.

Caution re Use of Publication 502. On occasion, the Table makes reference to IRS Publication 502, usually in circumstances where no other source was readily available. However, administrators should use Publication 502 only with caution. (See subsection D.)

Consult Other Subsections. The statements under Column 3 are only intended to briefly highlight general principles. For a full understanding of how to determine whether an expense is for medical care, read subsection D, which discusses generally applicable principles; also, if noted under the Table, consult subsection L.

Guidelines Only. Just because an item is listed as a qualifying expense doesn't mean that an administrator can ignore actual knowledge that the participant is using it for personal purposes. Nor does the fact that an item is generally known to be incurred or obtained primarily for personal, cosmetic, or general health purposes mean that an administrator can't be persuaded by credible evidence that an item is in fact being used for medical care.

Key to Using the Table:

Each item in the Table has been identified in column 2 as a "qualifying expense," "not a qualifying expense," or a "potentially qualifying expense." These designations are the views of EBIA and are not in all cases based on official guidance—reasonable minds can differ on them. Each administrator will have to develop its own list of appropriate designations and decide how to use them in substantiating claims based on experience.

Qualifying Expense. These are items or services that are generally known to be incurred or obtained primarily for medical care; in other words, they are items or services that practically no one would incur or obtain unless they had a medical condition that prompted the expenditure. These "primarily medical" items or services are the types of expenses that normally qualify for reimbursement under a health FSA or HRA or for a tax-free distribution from an HSA if other health FSA, HRA, or HSA requirements are met. See subsection D for details.

Not a Qualifying Expense. These are items or services in one of the following two categories:

- Items or services that are generally known to be incurred or obtained primarily for personal, cosmetic, or general health purposes and not primarily for medical care. These "primarily personal" items or services almost never qualify for reimbursement from a health FSA or HRA or for a tax-free distribution from an HSA. Items or services in this category theoretically could qualify in the extremely rare case where an individual can overcome a strong presumption of nonqualification and prove that, based on all the facts and circumstances and taking into account the prevailing IRS guidance, the item or service was incurred or obtained primarily to treat an existing medical condition diagnosed by a medical practitioner.
- Items or services for which reimbursement is not allowed under statutory or regulatory provisions, even if they might seem to be for medical care (for example, insurance premiums cannot be reimbursed by a health FSA).

See subsection D for details.

Potentially Qualifying Expense. These are items or services that are generally known to be used for both a medical purpose and a personal, cosmetic, or general health purpose. These dual-purpose items or services qualify for reimbursement under a health FSA or HRA or a tax-free distribution from an HSA only if there is appropriate proof that the item or service was incurred or obtained primarily for medical care; in most cases, participants are required to show that the item or service is recommended by a medical practitioner to treat a specific medical condition. See subsection D for details.

Expenses with the õ icon are items that are generally available for retail purchase over the counter (i.e., without a prescription). Some OTC items are qualifying expenses (for example, aspirin), some are potentially qualifying expenses (for example, air purifier), and some are not qualifying expenses (for example, hand lotion).

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
AA meetings, transportation to	Potentially qualifying expense	See Alcoholism treatment.
Abortion	Qualifying expense	Expenditures for operations that are illegal do not qualify. [*]
Acne treatment [OTC]	Potentially qualifying expense	Because acne is considered a disease, the cost of acne treatment qualifies (including over-the-counter (OTC) acne medications). [†] However, the cost of regular skin care (face creams, etc.) does not qualify. And when the expense has both medical and cosmetic purposes (e.g., Retin-A, which can be used to treat both acne and wrinkles), a note from a medical practitioner recommending the item to treat a specific medical condition is normally required. See Drugs and medicines; Cosmetic procedures; Cosmetics; Retin-A; and Toiletries.
Acupuncture	Qualifying expense [‡]	
Adaptive equipment [OTC]	Potentially qualifying expense	Includes various items that assist individuals in performing activities of daily living (e.g., feeding, bathing, toileting, and mobility). To qualify, the item must be used to relieve or alleviate sickness or disability. To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition (e.g., multiple sclerosis or arthritis) is normally required. Where applicable, only amounts above the cost of the regular version of the item will qualify. Depending on the nature of the item, other special rules may apply. See Capital expenses and Home improvements.
Adoption, pre-adoption medical expenses	Qualifying expense	Medical expenses incurred before an adoption is finalized will qualify, if the child qualifies as your tax dependent when the services/items are provided. (Adoption fees and other nonmedical expenses incurred in connection with adoption assistance may qualify for an adoption assistance credit (under Code §23) or for reimbursement under an adoption assistance program (under Code §137).) [‡]

Air conditioner [OTC]	Potentially qualifying expense	The primary purpose must be to treat or alleviate a medical condition and the expense must not have been incurred "but for" the condition. ^b To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required. If it is attached to a home (such as central air conditioning), only the amount spent that is more than the value added to the property will qualify. ^c See Capital expenses.
Air purifier [OTC]	Potentially qualifying expense	To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition (such as a severe allergy) is normally required. ^d Several special rules apply. See Air conditioner and Capital expenses.

^{*} Rev. Rul. 73-201 , 1973-1 C.B. 140.

^f See IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

[‡] Rev. Rul. 72-593 , 1972-2 C.B. 180.

[‡] IRS Publication 502 (Medical and Dental Expenses). For more information on adoption assistance programs, see *Fringe Benefits* (Thomson Reuters/EBIA, 2006-present, updated quarterly).

^b Treas. Reg. §1.213-1(e)(iii) .

^c Treas. Reg. §1.213-1(e)(iii) .

^d Priv. Ltr. Rul. 8009080 (Dec. 6, 1979).

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Alcoholism treatment	Qualifying expense	Amounts paid for in-patient treatment (including meals and lodging), at a therapeutic center for alcohol addiction will qualify. See Health institute fees; Lodging at a hospital or similar institution; Meals at a hospital or similar institution; and Schools and education, residential. Transportation expenses associated with attending meetings of an Alcoholics Anonymous group in the community would also qualify if attending due to a physician's advice that membership is necessary to treat alcoholism. [*]
Allergy medicine [OTC] (Examples: Alavert, Claritin)	Qualifying expense	
Allergy treatment products; household improvements to treat allergies [OTC]	Potentially qualifying expense	Expenses generally won't qualify if the product would be owned even without allergies, such as a pillow or a vacuum cleaner. [‡] However, an air purifier or water filter necessary to treat a specific medical condition might qualify. [‡] To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required. See Air purifier; Air conditioner; Capital expenses; and Drugs and medicines.
Alternative healers, dietary substitutes, and drugs and medicines	Potentially qualifying expense	Non-traditional healing treatments provided by professionals may be eligible if provided to treat a specific medical condition, but the IRS looks at these expenses very closely. [‡] The treatments must be legal. And the expenses do not qualify if the remedy is a food or substitute for food that the person would normally consume in order to meet nutritional requirements. [‡] It appears that drugs and medicines recommended by alternative healers to treat a specific medical condition also can qualify as medical care. To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required. See Drugs and medicines; Christian Science practitioners; Special foods; and Vitamins.
Ambulance	Qualifying expense ^c	

Analgesics [OTC] (Examples: Advil, Aspirin, Tylenol)	Qualifying expense	
Antacids [OTC] (Examples: Maalox, Prilosec OTC, Zantac)	Qualifying expense ^d	
Antibiotic ointments [OTC] (Examples: Bacitracin, Neosporin)	Qualifying expense	

^{*} Rev. Rul. 63-273 , 1963-2 C.B. 112.

[†] Informal, nonbinding remarks of Katherine Kiss, IRS, Office of Chief Counsel, Aug. 1998 ECFC Annual Symposium.

[‡] Priv. Ltr. Rul. 8009080 (Dec. 6, 1979).

^a Treas. Reg. §1.213-1(e)(1)(ii) ; IRS Information Letter 2000-0410 (Nov. 27, 2000). See also IRS Information Letter (July 30, 1999).

^b Rev. Rul. 55-261 , 1956-1 C.B. 307.

^c Treas. Reg. §1.213-1(e)(1)(ii) .

^d IRS Information Letter (July 14, 2009) , reproduced behind Appendix Tab 4.

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Antihistamines [OTC] (Examples: Benadryl, Claritin)	Qualifying expense	
Anti-itch creams [OTC] (Examples: Benadryl, Cortaid, Ivarest)	Qualifying expense	
Appearance improvements	Not a qualifying expense	See Cosmetic procedures; Cosmetics; Toiletries; and subsection L.1 .
Arthritis gloves [OTC]	Qualifying expense	
Artificial limbs	Qualifying expense [*]	
Artificial teeth	Qualifying expense [†]	
Aspirin [OTC]	Qualifying expense	
Asthma treatments	Qualifying expense	Includes asthma medications and delivery devices (e.g., inhalers and nebulizers).
Automobile modifications	Potentially qualifying expense	To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition (e.g., a physical handicap) is normally required. [‡] But see Capital expenses.

		Expenses of operating a specially equipped car do not qualify ^a (but see Transportation).
Babysitting and child care	Not a qualifying expense ^b	Babysitting, child care, and nursing services for a normal, healthy baby do not qualify as medical care. ^c But see Dependent care expenses and Disabled dependent care expenses.
Bactine [OTC]	Qualifying expense	
Bandages, elastic (Example: Ace) [OTC]	Qualifying expense	
Bandages, for torn or injured [OTC] skin (Examples: Band-Aid, Curad)	Qualifying expense ^d	
Behavioral modification programs	Potentially qualifying expense	See Schools and education, residential and Schools and education, special.

^{*} Treas. Reg. §1.213-1(e)(1)(ii) .

^f Treas. Reg. §1.213-1(e)(1)(ii) .

[‡] Rev. Rul. 66-80 , 1966-1 C.B. 57; *see also Henderson v. Commissioner*, T.C. Memo 2000-321 (2000).

^a IRS Publication 502 (Medical and Dental Expenses).

^b Rev. Rul. 78-266 , 1978-2 C.B. 123. See Section XXIV regarding expenses reimbursable under a dependent care assistance program (DCAP).

^c IRS Publication 502 (Medical and Dental Expenses).

^d Rev. Rul. 2003-58 , 2003-22 I.R.B. 959.

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Birth-control pills	Qualifying expense [*]	See Contraceptives; Drugs and medicines; "Morning-after" contraceptive pills; and subsection L.2 .
Birthing classes	Potentially qualifying expense	See Lamaze classes.
Blood-pressure monitoring devices [OTC]	Qualifying expense	They are diagnostic items. [‡] See Diagnostic items/services and Screening tests.
Blood storage [OTC]	Potentially qualifying expense	Fees for temporary storage may qualify under some circumstances, such as where the blood is collected as part of the diagnosis, treatment, or prevention of an existing or imminent medical condition (e.g., in advance of a scheduled surgery for use in a possible transfusion). Fees for indefinite storage, just in case the blood might be needed, would not be considered medical care. [‡] "Temporary" is not defined; however, one consideration might be whether the blood is stored and used within the same year. ^a Also see Stem cell, harvesting and/or storage of and Umbilical cord, freezing and storing of.

Blood-sugar test kits and test strips [OTC]	Qualifying expense	They are diagnostic items. ^b See Diagnostic items/services and Screening tests.
Body scans	Qualifying expense	Body scans employing MRIs and similar technologies are diagnostic services. ^c See Diagnostic items/services and Screening tests.
Braille books and magazines	Qualifying expense	Only amounts above the cost of regular printed material will qualify. ^d
Breast pumps [OTC]	Potentially qualifying expense	Will not qualify if used merely to benefit general health, or for convenience, scheduling, or other personal reasons. ^e However, may qualify if used for medical reasons. To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition (e.g., a breast abscess) is normally required. ^f
Breast reconstruction surgery following mastectomy	Qualifying expense	Will qualify to the extent that surgery was done following a mastectomy for cancer. ^g This is an exception to the general rules regarding cosmetic procedures. See Cosmetic procedures.
Calamine lotion [OTC]	Qualifying expense	

^{*} Rev. Rul. 73-200 , 1973-1 C.B. 140.

[†] Treas. Reg. §1.213-1(e)(1)(ii) (allowing that payments for medical care include "medical, laboratory, surgical, dental and other diagnostic and healing services").

[‡] See, e.g., Priv. Ltr. Rul. 200140017 (June 25, 2001).

[‡] Informal, nonbinding remarks of John Sapienza, IRS, Office of Chief Counsel, May 2002 ECFC Teleconference.

^b Treas. Reg. §1.213-1(e)(1)(ii) (allowing that payments for medical care include "medical, laboratory, surgical, dental and other diagnostic and healing services") and Rev. Rul. 2003-58 , 2003-22 I.R.B. 959.

^c See Treas. Reg. §1.213-1(e)(1)(ii) (allowing that payments for medical care include "medical, laboratory, surgical, dental and other diagnostic and healing services"); see also Rev. Rul. 2007-72 , 2007-50 I.R.B. 1154 (full-body electronic scan that served "no non-medical purpose" was diagnostic and therefore was for medical care even though it was obtained without a doctor's recommendation).

^d Rev. Rul. 75-318 , 1975-2 C.B. 88.

^e IRS Information Letter 2009-0033 (Mar. 4, 2009); see also Treasury Tax Correspondence, 2004 TNT 118-51 (June 8, 2004).

^f Informal, nonbinding remarks of Katherine Kiss, IRS, Office of Chief Counsel, Aug. 1998 ECFC Annual Symposium.

^g Rev. Rul. 2003-57 , 2003-22 I.R.B. 959. Health FSAs are potentially subject to the Women's Health and Cancer Rights Act (WHCRA) and thus may be required to cover breast reconstruction surgery, prostheses, and certain other expenses following mastectomy. See Section XXII .

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Capital expenses	Potentially qualifying expense	Improvements or special equipment added to a home (for example, an Elevator or Inclinator) or other capital expenditures (such as Automobile modifications for a physically handicapped person) may qualify if the primary purpose of the expenditure is medical care for you (or your spouse or dependent) and the expense would not be incurred "but for" this purpose. [*] To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required. How much of the expense would qualify depends on the extent to which the expense permanently improves the property. Also see subsection L.9 .

Car modifications	Potentially qualifying expense	See Automobile modifications.
Carpal tunnel wrist supports [OTC]	Qualifying expense	
Cayenne pepper [OTC]	Potentially qualifying expense	May qualify if used primarily to treat a specific medical condition. To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required. ¹ See Alternative healers; Drugs and medicines; Special foods; Vitamins; and subsections L.2 , L.3 , L.4 , and L.7 .
Chelation therapy	Qualifying expense	Will qualify if used to treat a medical condition such as lead poisoning. ²
Childbirth classes	Potentially qualifying expense	See Lamaze classes.
Chinese herbal practitioner & herbal treatments	Potentially qualifying expense	See Alternative healers.
Chiropractors	Qualifying expense ^a	
Chondroitin [OTC]	Potentially qualifying expense	Will qualify if used primarily for medical care (for example, to treat arthritis). Won't qualify if used just to maintain general health. To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition (for example, arthritis) is normally required.
Christian Science practitioners	Potentially qualifying expense	Fees that you pay to Christian Science practitioners for medical care will qualify. ^b Fees for other purposes generally do not qualify. See Alternative healers and subsection L.7 .
Circumcision	Qualifying expense	
Claritin (loratadine), an allergy drug [OTC]	Qualifying expense	

^{*} Treas. Reg. §1.213-1(e)(iii) . See also *Zipkin v. U.S.*, 86 AFTR 2d 2000-7052 (D. Minn. 2000) (\$646,000 deduction approved for custom-building a house to accommodate medical condition).

¹ IRS Information Letter 2001-0297 (Dec. 31, 2001).

² Chelation therapy (EDTA) is a recognized treatment for heavy metal (such as lead) poisoning. However, if a participant undergoes this therapy upon the recommendation of a medical practitioner for another medical reason, such as coronary heart disease, it should also be reimbursable.

^a Rev. Rul. 63-91 , 1963-1 C.B. 54.

^b IRS Information Letter 2000-0410 (Nov. 27, 2000); Rev. Rul. 55-261 , 1955-1 C.B. 307, as modified by Rev. Rul. 63-91 , 1963-1 C.B. 54.

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Club dues and fees	Potentially qualifying expense	See Health club fees.

COBRA premiums	Depends on whether plan is a health FSA, HRA, or HSA; see next column for details	<i>Health FSA:</i> COBRA premiums are not qualifying expenses. [*] <i>HRA:</i> COBRA premiums are qualifying expenses. [†] <i>HSA:</i> COBRA premiums are qualifying expenses. [‡] Also see Insurance premiums.
Co-insurance amounts	Qualifying expense	Will qualify if the underlying service/item qualifies.
Cold medicine [OTC] (Examples: Comtrex, Sudafed)	Qualifying expense ^a	
Cold/hot packs [OTC]	Qualifying expense	Only cold/hot packs sold as medical supplies will qualify; those sold for other purposes (e.g., to keep beverages cold or hot) won't qualify.
Cologne [OTC]	Not a qualifying expense	See Toiletries and Cosmetics.
Compression hose [OTC]	Potentially qualifying expense	Won't qualify if used for personal or preventive reasons. If used to treat or alleviate a specific medical condition, only the excess cost of the specialized hose over the cost of regular hose will qualify. ^b To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required.
Condoms [OTC]	Qualifying expense ^c	See Contraceptives.
Contact lenses, materials, and equipment [OTC]	Qualifying expense	Materials and equipment needed for using lenses (such as saline solution and enzyme cleaner) would qualify if the lenses are needed for medical purposes, as would distilled water used to store and clean the lenses. ^d Contact lens insurance would not qualify, however. See Insurance premiums. Contact lenses for solely cosmetic purposes (for example, to change one's eye color) do not qualify. See Cosmetics and subsection L.1 .
Contraceptives [OTC]	Qualifying expense	Includes Birth-control pills; Condoms; "Morning-after" contraceptive pills; and Spermicidal foam. Also see Sterilization procedures.
Controlled substances in violation of federal law	Not a qualifying expense	If the substance violates federal law (e.g., the Controlled Substances Act), the expense would not qualify even if a state law allows its use with a physician's prescription (for example, marijuana or laetrile prescribed to treat a specific medical condition). ^e See Drugs and medicines; Illegal operations and treatments; and subsection D .
Co-payments	Qualifying expense	Will qualify if the underlying service/item qualifies.

^{*} Prop. Treas. Reg. §1.125-5(k)(4) .

[†] IRS Notice 2002-45 , 2002-28 I.R.B. 93, Part II.

[‡] Code §223(d)(2)(C) and IRS Notice 2004-2 , 2004-2 I.R.B. 269, Q/A-27.

^a IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

^b IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

^c Informal, nonbinding remarks of Donna Crisalli, IRS, Office of Chief Counsel, May 2002 ECFC Teleconference.

^d IRS Publication 502 (Medical and Dental Expenses); Priv. Ltr. Rul. 7308270520A (Aug. 27, 1973).

^e Treas. Reg. §1.213-1(e)(1)(ii) and Rev. Rul. 97-9 , 1997-9 I.R.B. 4.

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Cosmetic procedures	Not a qualifying expense	Most cosmetic procedures do not qualify. This includes cosmetic surgery or other procedures that are directed at improving the patient's appearance and don't meaningfully promote the proper function of the body or prevent or treat illness or disease. Examples include face lifts, hair transplants, hair removal (electrolysis), teeth whitening, and liposuction. There is an exception, however, for procedures necessary to ameliorate a deformity arising from congenital abnormality, personal injury from accident or trauma, or disfiguring disease—these may qualify. [*] See Breast reconstruction surgery. Also see Drugs and medicines and subsections L.1 and L.2 .
Cosmetics [OTC]	Not a qualifying expense	Cosmetics are articles used primarily for personal purposes, and are intended to be rubbed on, poured on, sprinkled on, sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance. [‡] Examples include skin moisturizers, perfumes, lipsticks, fingernail polish, eye and facial makeup, shampoos, permanent waves, hair colors, toothpastes, and deodorants. Also see Cosmetic procedures; Toiletries; and subsection L.2 .
Cough suppressants [OTC] (Examples: PediaCare, Robitussin, cough drops)	Qualifying expense	Also see Throat lozenges.
Counseling	Potentially qualifying expense	Will qualify if for a medical reason. Marriage counseling doesn't qualify. To show that the expense is primarily for medical care, a note from a medical practitioner recommending the counseling to treat a specific medical condition is normally required. Also see Psychiatric care and Psychologist.
Crowns, dental	Potentially qualifying expense	Will not qualify if they are obtained for a cosmetic reason. See Cosmetic procedures.
Crutches [OTC]	Qualifying expense	Will qualify whether purchased or rented. [‡]
Dancing lessons	Potentially qualifying expense	Generally the cost of dancing lessons, swimming lessons, etc., does not qualify, even if recommended by a medical practitioner, if the lessons are to improve general health. ^a But the expenditure might qualify if recommended by a medical professional to treat a specific medical condition (such as part of a rehabilitation program after surgery) and the expense would not have been incurred "but for" the condition. To show that the lessons are primarily for medical care, a note from a medical practitioner recommending them to treat a specific medical condition is normally required.
Decongestants [OTC] (Examples: Dimetapp, Sudafed)	Qualifying expense	
Deductibles	Qualifying expense	Will qualify if the underlying service/item qualifies.
Dental floss [OTC]	Not a qualifying expense	
Dental sealants	Qualifying expense	

^{*} Code §213(d)(9) ; see also Rev. Rul. 2003-57 , 2003-22 I.R.B. 959.

[‡] Code §213(d)(9)(A) and Treas. Reg. §1.213-1(e)(2) .

^a Treas. Reg. §1.213-1(e)(1)(iii) .

^a IRS Publication 502 (Medical and Dental Expenses).

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Dental treatment	Qualifying expense	Includes fees for X-rays, fillings, braces, extractions, dentures, etc., but not teeth whitening. [*] When an orthodontic treatment plan is paid up front at the time of the first visit, some health FSAs will apportion the reimbursements as services are provided during the treatment plan. See subsection G.3 discussing how to reconcile reimbursement requests involving a prepayment component with the claims incurred requirement, particularly for orthodontia. Also see Prepayments.
Dentures and denture adhesives [OTC]	Qualifying expense [†]	
Deodorant [OTC]	Not a qualifying expense [†]	See Cosmetics and Toiletries.
Dependent care expenses	Not a qualifying expense	Such expenses won't qualify, even if you are paying for dependent care (for example, hiring a babysitter) so that you can receive medical care. [‡] But see Disabled dependent care expenses. Such expenses might be reimbursable under a DCAP if applicable rules are met (but the same expenses may not be reimbursed under a health FSA, HRA, or HSA and a DCAP—there is no “double-dipping” allowed). Also see Babysitting and child care.
Diabetic socks [OTC]	Potentially qualifying expense	Won't qualify if used for personal or preventive reasons. If used to treat or alleviate a specific medical condition, only the excess cost of the specialized socks over the cost of regular socks will qualify. [‡] To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required.
Diabetic supplies [OTC]	Qualifying expense	Also see Blood-sugar test kits and test strips; Glucose-monitoring equipment; and Insulin.
Diagnostic items/services	Qualifying expense [‡]	Includes a wide variety of procedures to determine the presence of a disease or dysfunction of the body, such as tests to detect heart attack, stroke, diabetes, osteoporosis, thyroid conditions, and cancer. Also see Body scans; Blood-pressure monitoring devices; Blood-sugar test kits and test strips; Medical monitoring and testing devices; and other entries throughout.
Diaper rash ointments and creams [OTC] (Example: Desitin)	Qualifying expense	
Diapers or diaper service [OTC]	Not a qualifying expense	Regular diapers or diaper services for newborns do not qualify. But diapers or diaper services that are used to relieve the effects of a diagnosed medical condition do qualify. [‡] To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required. See also Incontinence supplies and subsections D.6 and L.15 .

^{*} Treas. Reg. §1.213-1(e)(1)(ii) .

[†] Informal, nonbinding remarks of John Sapienza, IRS, Office of Chief Counsel, Nov. 5, 2003 ECFC Teleconference.

[‡] Informal, nonbinding remarks of Harry Beker, Barbara Pie, and John Sapienza, IRS, Office of Chief Counsel, Oct. 22, 2003 ECFC Teleconference.

^a Rev. Rul. 78-266 , 1978-2 C.B. 123. See subsection D .

^b IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

^c Treas. Reg. §1.213-1(e)(1)(ii) ; see also Rev. Rul. 2003-58 , 2003-22 I.R.B. 959 and Rev. Rul. 2007-72 , 2007-50 I.R.B. 1154 (explaining that amounts paid for certain diagnostic procedures and devices are medical care expenses under Code §213(d) , even when incurred by an individual without symptoms of illness; ruling addresses annual physical exams, full-body electronic scans, and pregnancy test kits).

^d Rev. Rul. 55-261 , 1955-1 C.B. 307, as modified by Rev. Rul. 63-91 , 1963-1 C.B. 54; IRS Priv. Ltr. Rul. 8137085 (June 17, 1981); IRS Publication 502 (Medical and Dental Expenses).

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Diarrhea medicine [OTC] (Examples: Imodium, Kaopectate)	Qualifying expense	
Dietary supplements [OTC]	Potentially qualifying expense	The cost of dietary supplements, nutritional supplements, vitamins, herbal supplements, and natural medicines does not qualify if they are merely beneficial for general health (e.g., one-a-day vitamins). ^a To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition (e.g., 1,000 mg of Vitamin B-12 daily to treat a specific vitamin deficiency) is normally required. See Special foods; Mineral supplements; and Vitamins.
Diet foods [OTC]	Not a qualifying expense	Costs of special foods to treat a specific disease (such as obesity) do not qualify to the extent that they satisfy ordinary nutritional requirements. ^b Thus, the costs of food associated with a weight-loss program, such as special pre-packaged meals, would not qualify, since they just meet normal nutritional needs. See Weight-loss programs. But see Special foods.
Disabled dependent care expenses	Potentially qualifying expense	Such expenses will qualify if the expenses are for medical care of the disabled dependent. Note that some disabled dependent care expenses that qualify as medical expenses may also qualify as work-related expenses for purposes of the dependent care tax credit under Code §21 or for reimbursement under a dependent care assistance program under Code §129 . You must not use the same expenses for more than one purpose (for example, medical expenses reimbursed under a health FSA cannot be used to claim a dependent care tax credit). ^c
DNA collection and storage	Potentially qualifying expense	Such expenses generally won't qualify. But temporary storage may qualify under some circumstances, such as where the DNA is collected as part of the diagnosis, treatment, or prevention of an existing or imminent medical condition. "Temporary" is not defined; however, one consideration might be whether it is stored and used within the same plan year. ^d Also see Umbilical cord, freezing and storing of.
Doula	Potentially qualifying expense	Will only qualify to the extent that the doula provides medical care for the mother or child. Services such as emotional support, parenting information, child care, and housekeeping will not qualify. See Household help; Lamaze classes; and Nursing services.
Drug addiction treatment	Qualifying expense	Amounts paid for an inpatient's treatment at a therapeutic center for drug addiction will qualify. ^e See Alcoholism treatment.
Drug overdose, treatment of	Qualifying expense	
Drugs and medicines [OTC]	Potentially qualifying expense	Will qualify if primarily for medical care (and not for personal, general health, or cosmetic purposes), legally procured, and generally accepted as medicines and drugs. ^f Also see Aspirin and other entries throughout for both

		prescription and OTC drugs. See subsections L.1 and L.2 .
Dyslexia	Potentially qualifying expense	See Language training.

^{*} IRS Information Letter 2007-0037 (Aug. 9, 2007); Treasury Tax Correspondence, 2006 TNT 144-20 (July 19, 2006).

[†] Rev. Rul. 2002-19 , 2002-16 I.R.B. 778; IRS Information Letter 2007-0037 (Aug. 9, 2007).

[‡] IRS Publication 502 (Medical and Dental Expenses). See Section XXIII for more information about the dependent care credit vs. the DCAP.

^a Informal, nonbinding remarks of John Sapienza, IRS, Office of Chief Counsel, May 2002 ECFC Teleconference.

^b IRS Publication 502 (Medical and Dental Expenses).

^c Code §213(d) ; Rev. Rul. 2003-102 , 2003-38 I.R.B. 559.

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Ear piercing	Not a qualifying expense	See Cosmetic procedures and subsection L.1 .
Ear plugs [OTC]	Potentially qualifying expense	Will qualify if recommended by a medical practitioner for a specific medical condition (for example, to protect surgically implanted ear tubes). To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required.
Ear wax removal products [OTC] (Examples: Debrox, Murine)	Qualifying expense	
Eczema treatments [OTC]	Qualifying expense [*]	
Egg donor fees	Potentially qualifying expense	Amounts paid for the egg donor fee, an agency fee, an egg donor's medical and psychological testing, and the legal fees for preparation of the egg donor contract will qualify, if preparatory to a procedure performed on you, your spouse, or your dependent. [†] Also see Fertility treatments; Sperm, storage fees; Surrogate expenses; and subsection L.13 .
Eggs and embryos, storage fees	Potentially qualifying expense	Fees for temporary storage qualify, but only to the extent necessary for immediate conception. Storage fees for undefined future conception probably aren't considered medical care. "Temporary" is not defined; however, one consideration might be whether it is stored and used within the same year. [‡] Also see Fertility treatments; Sperm, storage fees; Surrogate expenses; and subsection L.13 .
Electrolysis or hair removal	Not a qualifying expense	See Cosmetic procedures.
Elevator	Potentially qualifying expense	Installing an elevator upon the advice of a physician so that a person with heart disease won't have to climb stairs may be medical care to the extent of the amount in excess of value enhancement to the property. ^a To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required. See Capital expenses and subsection L.9 .

Exercise equipment or programs [OTC]	Potentially qualifying expense	Qualifies only if required to treat an illness (such as obesity) diagnosed by a physician. ^b See subsection L.6 . The purpose of the expense must be to treat the disease rather than to promote general health, and the expense must not have been incurred "but for" this purpose. ^c To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item or program to treat a specific medical condition is normally required. See Capital expenses; Health club fees; Pre-payments; and Weight-loss programs.
Expectorants [OTC] (Examples: Comtrex, Robitussin)	Qualifying expense	
Eye drops [OTC] (Example: Visine)	Qualifying expense	

^{*} IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

[†] Priv. Ltr. Rul. 200318017 (Jan. 9, 2003); IRS Information Letter 2005-0102 (Mar. 29, 2005); *Magdalin v. Comm'r*, T.C. Memo. 2008-293 (2008).

[‡] Informal, nonbinding remarks of John Sapienza, IRS, Office of Chief Counsel, May 2002 ECFC Teleconference.

^a Treas. Reg. §1.213-1(e)(1)(iii) .

^b *Disney v. Comm'r*, 267 F. Supp. 1 (C.D. Cal. 1967), *aff'd on other issues*, 413 F.2d 783 (9th Cir. 1969).

^c IRS Information Letter 2003-0202 (Sept. 30, 2003).

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Eye examinations, eyeglasses, equipment, and materials	Qualifying expense [*]	Materials and equipment needed for using the eyeglasses (such as eyeglass cleaners) also should be medical care. [†] Also see Contact lenses and Sunglasses.
Face creams [OTC]	Not a qualifying expense	See Cosmetics; Toiletries; and Cosmetic procedures.
Face lifts	Not a qualifying expense	See Cosmetic procedures and subsection L.1 .
Feminine hygiene products (tampons, etc.) [OTC]	Not a qualifying expense	Such expenses generally won't qualify, as they are ordinarily considered as being used to maintain general health. See Toiletries and Cosmetics. There may be exceptions (e.g., if a medical practitioner recommends the product to alleviate a specific medical condition). See Incontinence supplies and Menstrual pain relievers.
Fertility treatments	Potentially qualifying expense	Will qualify to the extent that procedures are intended to overcome an inability to have children and are performed on you, your spouse, or your dependent. [†] Examples are IVF (in vitro fertilization—including temporary storage of eggs or sperm), surgery (including an operation to reverse prior surgery preventing someone from having children), shots, treatments, and GIFT (gamete intrafallopian transfer). Expenses paid to or for an in vitro surrogate usually do not qualify, nor do egg donor expenses unless preparatory to a procedure performed on you, your spouse, or a dependent. ^a See Egg donor fees; Eggs and embryos, storage fees; Legal fees in connection with fertility treatments; Pre-payments; Sperm, storage fees; Surrogate expenses; and subsection L.13 .
Fever-reducing	Qualifying expense	

medications [OTC] (Examples: Aspirin, Motrin, Tylenol)		
Fiber supplements [OTC]	Potentially qualifying expense	Won't qualify if used for general health purposes or other personal reasons. May qualify if used to treat or alleviate a specific medical condition, and if the expense would not have been incurred "but for" the condition. ^b To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required. See Dietary supplements; Prenatal vitamins; and Special foods.
First aid cream [OTC]	Qualifying expense	
First aid kits [OTC]	Qualifying expense	
Fitness programs	Potentially qualifying expense	See Exercise equipment or programs.
Flu shots [OTC]	Qualifying expense	Immunizations to prevent disease will qualify, even though no medical condition has been diagnosed. ^c

^{*} IRS Publication 502 (Medical and Dental Expenses).

[†] Treas. Reg. §1.213-1(e)(iii) provides that normally, if a capital expenditure (such as eyeglasses) qualifies as a medical expense, expenditures for the operation or maintenance of a capital asset will also qualify, so long as the medical reason for the capital expenditure still exists.

[‡] IRS Publication 502 (Medical and Dental Expenses); *Magdalin v. Comm'r*, T.C. Memo. 2008-293 (2008).

[§] See IRS Information Letter 2002-0291 (Aug. 12, 2002); *Magdalin v. Comm'r*, T.C. Memo. 2008-293 (2008).

^{||} IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

[¶] Informal, nonbinding remarks of Katherine Kiss, IRS, Office of Chief Counsel, August 1998 ECFC Conference.

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Fluoride rinses [OTC]	Potentially qualifying expense	Won't qualify if used to maintain general health or for other personal reasons (e.g., as a toiletry). May qualify if used to treat or alleviate a specific medical condition, and if the expense would not have been incurred "but for" the condition. [*] To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required.
Fluoridation services	Qualifying expense	Will qualify if recommended by a dentist to prevent tooth decay. The amount that qualifies is limited to the cost allocable to the current year.
Foods [OTC]	Potentially qualifying expense	See Special foods; Meals; and Alternative healers, dietary substitutes, and drugs and medicines.
Food thickeners [OTC]	Potentially qualifying expense	Whether food thickeners are a medical care expense is a question of fact that must be determined on a case-by-case basis. [†] To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required.
Founder's fee	Not a qualifying expense	Founder's fees are amounts you pay under an agreement with a retirement home. Even if a portion is allocable to medical care, these expenses usually

		do not qualify. [†] See subsection L.10 .
Funeral expenses	Not a qualifying expense	These are not for medical care. ^a
Gambling problem, treatment for	Potentially qualifying expense	Pathological gambling has been classified as an impulse control disorder by the American Psychiatric Association and thus, it could be argued, is a mental illness. If so, its treatment would be a qualifying expense. See Alcoholism treatment.
Gauze pads [OTC]	Qualifying expense	See Bandages.
Genetic testing	Potentially qualifying expense	Would qualify to the extent that testing is done to diagnose a medical condition or to determine possible defects. ^b However, testing done just to determine the sex of a fetus would not qualify.
Glucosamine [OTC]	Potentially qualifying expense	See Chondroitin.
Glucose-monitoring equipment [OTC]	Qualifying expense	Items such as blood-glucose meters and glucose test strips are diagnostic items and are primarily for medical care. ^c Also see Blood-sugar test kits and test strips.
Guide dog; other service animal	Qualifying expense	Expenses for buying, training, and maintaining a service animal used by a physically disabled person would qualify; this includes the expenses of food and inoculations. ^d Veterinary fees for such animals also qualify as medical care. ^e See Veterinary fees.

^{*} IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

[†] IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

[‡] See, e.g., *Baker v. Comm'r*, 122 T.C. 143 (2004).

^a IRS Publication 502 (Medical and Dental Expenses).

^b Informal, nonbinding remarks of Donna Crisalli, IRS, Office of Chief Counsel, July 31, 2009 ECFC Annual Symposium. See also Rev. Rul. 2007-72, 2007-50 I.R.B. 1154.

^c Treas. Reg. §1.213-1(e)(1)(ii) (allowing that payments for medical care include "medical, laboratory, surgical, dental and other diagnostic and healing services"); see also Rev. Rul. 2003-58, 2003-22 I.R.B. 959.

^d Treas. Reg. §1.213-1(e)(1)(iii); Rev. Rul. 55-261, 1955-1 C.B. 307, as modified by Rev. Rul. 63-91, 1963-1 C.B. 54; Rev. Rul. 57-461. Rev. Rul. 57-461. Rev. Rul. 57-461, 1957-2 C.B. 116 ("food, inoculations, and other expenses" of maintaining guide dog were deductible as medical expenses); Rev. Rul. 68-295, 1968-1 C.B. 92. See also Priv. Ltr. Rul. 6806110470A (June 11, 1968) and Priv. Ltr. Rul. 8033038 (May 20, 1980).

^e IRS Publication 502 (Medical and Dental Expenses).

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Hair colorants [OTC]	Not a qualifying expense	See Cosmetics and Toiletries.
Hair removal and transplants	Not a qualifying expense	Such expenses generally won't qualify. [*] See Cosmetic procedures; Drugs and medicines; and subsections L.1 and L.2 .

Hand lotion [OTC]	Not a qualifying expense	Such expenses generally won't qualify. See Cosmetics and Toiletries.
Hand sanitizer [OTC]	Potentially qualifying expense	Won't qualify if used for general health purposes or other personal reasons (e.g., as a toiletry). May qualify if used to treat or alleviate a specific medical condition, and if the expense would not have been incurred "but for" the condition. ¹ Might also qualify where there is an imminent probability of contracting a specific illness (e.g., from a household member who has a contagious disease). A note from a medical practitioner recommending the item to treat a specific medical condition (or if applicable, to prevent a specific and imminent illness) is normally required.
Headache medications [OTC] (Examples: Advil, Aspirin, Tylenol)	Qualifying expense	
Health club fees	Potentially qualifying expense	Only in very limited circumstances would fees paid to a health club qualify. One instance might be where fees are incurred upon the advice of a medical practitioner to treat a specific medical condition (e.g., rehabilitation after back surgery or treatment for obesity). The expense must not have been incurred "but for" the disease (for example, if you belonged to the health club before being diagnosed, then the fees would not qualify). When treatment is no longer needed, the fees would no longer qualify. To show that the expense is primarily for medical care, a note from a medical practitioner recommending it to treat a specific medical condition is normally required. See Prepayments and Weight-loss programs.
Health institute fees	Potentially qualifying expense	Qualifies only if the treatment at the health institute is prescribed by a physician who issues a written statement that the treatment is necessary to alleviate a physical or mental defect or illness of the individual receiving the treatment. ¹
Hearing aids [OTC]	Qualifying expense	The costs of the hearing aid and its batteries would qualify. ^a
Hemorrhoid treatments [OTC] (Example: Preparation H)	Qualifying expense	
Herbs [OTC]	Potentially qualifying expense	See Vitamins.
HMO premiums	Depends on whether plan is a health FSA, HRA, or HSA	See Insurance premiums.

^{*} IRS Publication 502 (Medical and Dental Expenses).

¹ IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

[±] IRS Publication 502 (Medical and Dental Expenses).

^a IRS Publication 502 (Medical and Dental Expenses).

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Holistic or natural healers, dietary substitutes, and drugs and medicines	Potentially qualifying expense [*]	See Alternative healers and subsection L.7 .

Home care	Potentially qualifying expense	See Nursing services.
Home improvements (such as exit ramps, widening doorways, etc.)	Potentially qualifying expense	May qualify if done to accommodate a disability. If the improvement is permanent and increases the value of the property, the expense will qualify only to the extent that the improvement cost exceeds the increase in property value. If the improvement doesn't increase the property value at all, then the entire cost may qualify. Items that usually don't increase property value include constructing entrance or exit ramps, widening or modifying doorways or hallways, installing railings or support bars to bathrooms, lowering or modifying kitchen cabinets or equipment, moving or modifying electrical outlets and fixtures, installing porch lifts, modifying fire alarms or smoke detectors, modifying other warning systems, and modifying stairways. i To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required. See Capital expenses; Elevator; and Air conditioner.
Hormone replacement therapy (HRT)	Potentially qualifying expense	Will qualify if used primarily for medical care (for example, to treat menopausal symptoms such as hot flashes, night sweats, etc.). Won't qualify if primarily for maintaining general health. To show that the expense is primarily for medical care, a note from a medical practitioner recommending the therapy to treat a specific medical condition is normally required. See Drugs and medicines and subsections L.2 , L.3 , L.4 , and L.7 .
Hospital services	Qualifying expense	Expenses of inpatient care (plus meals and lodging) at a hospital or similar institution qualify if a principal reason for being there is to get medical care. i Also see Nursing services; Meals at a hospital; and Lodging at a hospital.
Household help	Not a qualifying expense	Won't qualify, even if a medical practitioner recommends such help, unless the expenses qualify as nursing services. a See Nursing services. In some cases, household services may qualify for reimbursement under a DCAP if attributable in part to care of a qualifying individual (i.e., certain children under age 13 and certain individuals who are physically or mentally incapable of self-care). b
Humidifier [OTC]	Potentially qualifying expense	To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition (such as a severe allergy) is normally required. Several special rules apply. See Air conditioner; Air purifier; and Capital expenses.
Hypnosis	Potentially qualifying expense	Will qualify if performed by a professional to treat a medical condition, or for other medical purposes (e.g., smoking cessation); won't qualify if for general stress relief, personal enjoyment, or other personal purposes. To show that the expense is primarily for medical care, a note from a medical practitioner recommending it to treat a specific medical condition is normally required. Also see Psychoanalysis and Therapy.

[*](#) See IRS Information Letter (July 30, 1999).

[i](#) IRS Publication 502 (Medical and Dental Expenses).

[ii](#) Treas. Reg. §§1.213-1(e)(1)(ii) and 1.213-1(e)(1)(v) .

[a](#) IRS Publication 502 (Medical and Dental Expenses).

[b](#) See Section XXIV regarding expenses reimbursable under a DCAP.

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
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Illegal operations and treatments	Not a qualifying expense	Won't qualify, even if they are rendered or prescribed by licensed medical practitioners. [*] See Controlled substances and subsection D .
Immunizations	Qualifying expense	Immunizations to prevent disease (such as tetanus or well-baby shots) will qualify, even if no medical condition has been diagnosed. [†]
Inclinators	Potentially qualifying expense	May qualify to the extent of the amount in excess of value enhancement to the property, if the primary purpose of the expenditure is medical care for you (or your spouse or dependent) and the expense would not be incurred "but for" this purpose. [‡] To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required. See Capital expenses and Elevator. Also see subsection L.9 .
Incontinence supplies &c;	Qualifying expense	Adult diapers used to relieve incontinence generally will qualify as medical care expenses. ^a But see Diapers.
Infertility treatments	Potentially qualifying expense	See Egg donor fees; Eggs and embryos, storage fees; Fertility treatments; Prepayments; Sperm, storage fees; Surrogate expenses; and subsection L.13 .
Insect-bite creams and ointments [OTC] (Examples: Benadryl, Cortaid)	Qualifying expense	
Insulin [OTC]	Qualifying expense ^b	Equipment needed to inject the insulin, such as syringes or insulin pumps, also qualifies as a medical expense. Also see Glucose-monitoring equipment.
Insurance premiums	Depends on whether plan is a health FSA, HRA, or HSA; see next column for details	<p><i>Health FSA:</i> Insurance premiums are not qualifying expenses. ^c</p> <p><i>HRA:</i> The following premiums are qualifying expenses: premiums for traditional health insurance (including COBRA) or qualified long-term care insurance. (Note that reimbursing premiums for individual major medical insurance policies raises concerns under HIPAA, COBRA, and ERISA.) The following insurance premiums are not qualifying expenses: premiums for employer-sponsored group health coverage that could be paid on a pre-tax basis under the employer's cafeteria plan, LTD insurance, fixed indemnity cancer insurance, hospital indemnity insurance.</p> <p><i>HSA:</i> Payments for health insurance premiums or contributions for self-funded health coverage generally aren't qualifying expenses. However, the following premiums will qualify for reimbursement from an HSA: COBRA coverage, a qualified long-term care insurance contract, any health plan maintained while the individual is receiving unemployment compensation under federal or state law, or, for those age 65 or older (whether or not they are entitled to Medicare), any deductible health insurance (e.g., retiree medical coverage) other than a Medicare supplemental policy. (Note: Long-term care insurance premium reimbursements that exceed certain limits will be treated as taxable and may be subject to an additional 10% excise tax.)</p> <p>Also see COBRA premiums.</p>

^{*} Treas. Reg. §1.213-1(e)(1)(ii) .

[†] Informal, nonbinding remarks of Katherine Kiss, IRS, Office of Chief Counsel, August 1998 ECFC Conference.

[‡] Treas. Reg. §1.213-1(e)(1)(iii) .

^a IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

^b Code §213(b) .

^c Prop. Treas. Reg. §1.125-5(k)(4) .

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
IVF (in vitro fertilization)	Potentially qualifying expense	See Eggs and embryos, storage fees; Fertility treatments; Prepayments; Sperm, storage fees; Surrogate expenses; and subsection L.13 .
Laboratory fees	Qualifying expense	Such expenses will qualify if they are part of medical care. [*]
Lactation consultant	Potentially qualifying expense	If a woman is having lactation problems and cannot breastfeed her child, then the expense of a lactation consultant helping to overcome this dysfunction might qualify. [†] To show that the expense is primarily for medical care, a note from a medical practitioner recommending it to treat a specific medical condition is normally required.
Lamaze classes	Potentially qualifying expense	Expenses may qualify to the extent that instruction relates to birth and not childrearing. [†] The fee should be apportioned to exclude instruction in topics such as newborn care. Expenses for the coach or significant other do not qualify. ^a
Language training	Potentially qualifying expense	Such expenses will qualify for a child with dyslexia or an otherwise disabled child. ^b But amounts paid for regular schooling normally don't qualify. ^c To show that the expense is primarily for medical care, a note from a medical practitioner recommending it to treat a specific medical condition is normally required. Also see Learning disability, instructional fees; Prepayments; Schools and education, residential/special; and subsection L.14 .
Laser eye surgery; Lasik	Qualifying expense	Will qualify because the procedure is done primarily to promote the correct function of the eye. ^d Also see Radial keratotomy; Vision correction procedures; and Prepayments.
Late fees (e.g., for late payment of bills for medical services)	Not a qualifying expense	Such fees would not be for medical care.
Laxatives [OTC] (Example: Ex-Lax)	Qualifying expense ^e	
Lead-based paint removal	Potentially qualifying expense	The expense of removing lead-based paints from surfaces in the participant's home to prevent a child who has (or has had) lead poisoning from eating the paint would qualify. [†] To show that the expense is primarily for medical care, a note from a medical practitioner recommending it to treat a specific medical condition is normally required. The surfaces must be in poor repair (peeling or cracking) or be within the child's reach; the cost of repainting the scraped area does not qualify. If instead of removing the paint, the area is covered with wallboard or paneling, treat these items as Capital expenses. The cost of painting the wallboard does not qualify. Also see Chelation therapy.
Learning disability, instructional fees	Potentially qualifying expense	If prescribed by a physician, tuition fees paid to a special school and tutoring fees paid to a specially trained teacher for a child who has learning disabilities caused by mental or physical impairments (such as nervous system disorders) will qualify. ^g Also see Prepayments; Schools and education, residential/special and subsection L.14 .

^{*} Treas. Reg. §1.213-1(e)(1)(ii) .

[†] Informal, nonbinding remarks of John Sapienza, IRS, Office of Chief Counsel, May 2002 ECFC Teleconference.

[†] Priv. Ltr. Rul. 8919009 (Feb. 6, 1989).

^a Informal, nonbinding remarks of Katherine Kiss, IRS, Office of Chief Counsel, August 1998 ECFC Conference.

^b See, e.g., Rev. Rul. 69-607, 1969-2 C.B. 40 and Priv. Ltr. Rul. 8401024 (Sept. 30, 1983).

^c See, e.g., *Coyne v. Comm’r*, T.C. Memo 1982-262 (T.C. 1982) and *Barnes v. Comm’r*, T.C. Memo 1978-339 (T.C. 1978).

^d Rev. Rul. 2003-57, 2003-22 I.R.B. 959 and IRS Publication 502 (Medical and Dental Expenses).

^e IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

^f IRS Publication 502 (Medical and Dental Expenses).

^g See, e.g., *Treas. Reg. §1.213-1(e)(1)(v)*; *Sims v. Comm’r*, T.C. Memo 1979-499 (1979); and Rev. Rul. 78-340, 1978-2 C.B. 124.

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Legal fees, general	Potentially qualifying expense	Legal fees may qualify as medical care if they bear a direct or proximate relationship to the provision of medical care—for example, if the medical care could not have been provided without legal assistance. [†] Fees for legal services retained to authorize treatment for mental illness may qualify. But legal fees for management of a guardianship estate for conducting the affairs of the person being treated or other fees that aren't necessary for medical care do not qualify; [†] neither do divorce costs. [†] See Legal fees in connection with fertility treatments.
Legal fees in connection with fertility treatments	Potentially qualifying expense	May qualify if the legal fees are in connection with a medical procedure performed upon you (or your spouse or dependent). Legal fees for preparing a contract for you to obtain a donated egg from an egg donor may also qualify, if preparatory to a procedure performed on you, your spouse, or your dependent. ^a In contrast, legal fees incurred in connection with a procedure performed on a surrogate mother do not constitute medical care. See Fertility treatments and Legal fees, general.
Lipsticks [OTC]	Not a qualifying expense	See Cosmetics and Toiletries.
Liquid adhesive for small cuts [OTC]	Qualifying expense	See Bandages.
Lodging at a hospital or similar institution	Qualifying expense	Will qualify if a principal reason for being there is to receive medical care. ^b See discussion in subsections L.8 and L.14. Also see Meals at a hospital or similar institution and Schools and education, residential.
Lodging not at a hospital or similar institution	Potentially qualifying expense	Up to \$50 per night will qualify if these conditions are met: (1) The lodging is primarily for and essential to medical care; (2) the medical care is provided by a physician in a licensed hospital or medical care facility related to (or equivalent to) a licensed hospital; (3) the lodging isn't lavish or extravagant; and (4) there is no significant element of personal pleasure, recreation, or vacation in the travel. ^c If a parent is traveling with a sick child, up to \$100 may qualify (\$50 for each person). Also see Meals not at a hospital and subsection L.8.
Lodging of a companion	Potentially qualifying expense	Will qualify if accompanying a patient for medical reasons and all of the conditions described under Lodging not at a hospital or similar institution are also met. For example, if a parent is traveling with a sick child, up to \$100 per night (\$50 for each person) will qualify. See Lodging not at a hospital or similar institution. Also see subsection L.8.

^{*} Priv. Ltr. Rul. 200318017 (Jan. 9, 2003) (legal fees for preparing a contract between the taxpayer and an egg donor were found to

be deductible as medical care). See also IRS Information Letter 2008-0033 (July 21, 2008) (explaining that legal fees and mileage directly related to establishing a guardianship to provide medical care would qualify as medical care expenses).

¹ Rev. Rul. 71-281, 1971-2 C.B. 165.

² *Smith v. Comm'r*, T.C. Memo 1982-441 (1982).

³ Priv. Ltr. Rul. 200318017 (Jan. 9, 2003) (legal fees for preparing a contract between the taxpayer and an egg donor were found to be for medical care where donated egg was to be implanted into taxpayer's body); *Magdalin v. Comm'r*, T.C. Memo. 2008-293 (2008) (legal fees and other expenses incurred to father children through unrelated egg donor and gestational carriers were not for medical care where expenses were not incurred to prevent or alleviate a physical or mental defect or illness of the taxpayer and did not affect a function or structure of taxpayer's body).

⁴ Treas. Reg. §1.213-1(e)(1)(v).

⁵ Code §213(d)(2).

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Lodging while attending a medical conference	Not a qualifying expense ¹	See Medical conference admission, transportation, meals, etc. and Meals while attending a medical conference.
Makeup [OTC]	Not a qualifying expense	See Cosmetics and Toiletries.
Marijuana or other controlled substances in violation of federal law	Not a qualifying expense ¹	See Controlled substances and Illegal operations and treatments.
Masks, disposable [OTC]	Potentially qualifying expense	Won't qualify if used for general health purposes or other personal reasons. May qualify if used to treat or alleviate a specific medical condition, and if the expense would not have been incurred "but for" the condition. ² Might also qualify where used to prevent a specific illness that is imminent (e.g., if a household member has a contagious disease). A note from a medical practitioner recommending the item to treat a specific medical condition (or if applicable, to prevent a specific and imminent illness) is normally required.
Massage therapy	Potentially qualifying expense	The costs of a massage just to improve general health don't qualify. ³ However, if the massage therapy was recommended by a physician to treat a specific injury or trauma, then it would qualify. ⁴ To show that the expense is primarily for medical care, a note from a medical practitioner recommending it to treat a specific medical condition is normally required. See subsections D and L.15.
Mastectomy-related special bras	Qualifying expense	See Breast reconstructive surgery following a mastectomy.
Maternity clothes	Not a qualifying expense ⁵	
Mattresses	Not a qualifying expense	In rare cases, a portion of the expenditure might qualify if a unique type of mattress is prescribed by a physician to treat a specific medical condition. ⁶ Also see Capital expenses.
Meals at a hospital or similar institution	Potentially qualifying expense	Meals that are part of the cost of inpatient care at a hospital or similar institution will qualify if a principal reason for the recipient's being there is to receive medical care; the meals must be furnished as a necessary incident to the individual's continuing medical care. Meals that are not part of inpatient care generally won't qualify. It is unclear whether meals provided at a hospital or similar institution for an outpatient who must remain at the institution for continuing care for some period (e.g., following a medical procedure) would qualify. ⁷ See Lodging at a hospital or similar

		institution; Meals of a companion; Schools and education, residential; and Schools and education, special. Also see subsections L.8 and L.14 .
Meals not at a hospital or similar institution	Not a qualifying expense ^f	See Lodging not at a hospital or similar institution. Also see subsection L.8 .

^{*} Rev. Rul. 2000-24 , 2000-19 I.R.B. 963.

[†] Rev. Rul. 97-9 , 1997-9 I.R.B. 4.

[‡] IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

^a Informal, nonbinding remarks of Katherine Kiss, IRS, Office of Chief Counsel, Aug. 1998 ECFC Annual Symposium. Note that some states have "every category of provider" statutes requiring that every health plan permit every category of health care provider to provide health services or care for conditions included in the basic health plan services. Of course, many of these laws are challenged on preemption grounds.

^b Informal, nonbinding remarks of Donna Crisalli, IRS, Office of Chief Counsel, May 2002 ECFC Teleconference.

^c Publication 502 (Medical and Dental Expenses).

^d Rev. Rul. 55-155 , 1955-1 C.B. 245; Rev. Rul. 55-261 , 1955-1 C.B. 307, as modified by Rev. Rul. 63-91 , 1963-1 C.B. 54.

^e Treas. Reg. §§1.213-1(e)(1)(iv) and (v) (referring to meals that are part of the cost of "inpatient care" as an expenditure for medical care), and Rev. Rul. 2000-24 , 2000-19 I.R.B. 963. See also Rev. Rul. 73-325 , 1973-2 C.B. 75 and Publication 502 (Medical and Dental Expenses).

^f Publication 502 (Medical and Dental Expenses). See also *Levine v. Comm'r*, 695 F.2d 57 (2d Cir. 1982).

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Meals of a companion	Not a qualifying expense	Won't qualify even if accompanying a patient for medical reasons. See Lodging of a companion and subsection L.8 .
Meals while attending a medical conference	Not a qualifying expense	See Medical conference admission, transportation, meals, etc.
Medical alert bracelet or necklace	Qualifying expense	Will qualify if recommended by a medical practitioner in connection with treating a medical condition. [*]
Medical conference admission, transportation, meals, etc.	Potentially qualifying expense	Expenses for admission and transportation to a medical conference qualify, if they relate to a chronic disease suffered by you, your spouse, or your dependent and if the conference is primarily for and essential to the person in need of medical care. [†] Includes transportation expenses to the city where the conference is held, plus local transportation to the conference. Most of the time at the conference must be spent attending sessions on medical information. The expenses of meals and lodging while attending the conference don't qualify. [‡] See subsection L.8 .
Medical information plan charges	Qualifying expense	These are expenses paid to a plan to keep medical information so that it can be retrieved from a computer databank for your (or your spouse's or dependent's) medical care. ^a
Medical monitoring and testing devices [OTC]	Qualifying expense ^b	Examples of such devices are blood-pressure monitors, syringes, glucose kit, etc. Also see Blood-sugar test kits and test strips; Body scans; Diagnostic items/services; Ovulation monitor; and Pregnancy test kits.

Medical newsletter	Not a qualifying expense	Although a newsletter may discuss current information about treatments for a specific medical condition, the newsletter itself does not directly treat the condition.
Medical records charges	Qualifying expense ^c	For example, the fee associated with transferring medical records to a new medical practitioner will qualify.
Medical services	Qualifying expense	This is a very broad category, and includes expenditures for legal medical services recommended by physicians, surgeons, specialists, and other medical practitioners. ^d
Medicines and drugs [OTC]	Potentially qualifying expense	See Drugs and medicines.
Menstrual pain relievers [OTC] (Example: Midol)	Qualifying expense	
Mentally handicapped, special home for	Potentially qualifying expense	The cost of keeping a mentally handicapped person in a special home (not a relative's home) on a psychiatrist's recommendation to help that person adjust from life in a mental hospital to community living may qualify. ^e See also Schools and education, residential and subsection L.14 .

^{*} Informal, nonbinding remarks of Donna Crisalli, IRS, Office of Chief Counsel, Aug. 1997 ECFC Annual Symposium.

[†] Rev. Rul. 2000-24 , 2000-19 I.R.B. 963.

[‡] Rev. Rul. 2000-24 , 2000-19 I.R.B. 963.

^a Publication 502 (Medical and Dental Expenses).

^b Treas. Reg. §1.213-1(e)(1)(ii) (allowing that payments for medical care include "medical, laboratory, surgical, dental and other diagnostic and healing services").

^c Cf. Rev. Rul. 71-282 , 1971-2 C.B. 166 (fee for retrieval of medical information from computer databank).

^d Publication 502 (Medical and Dental Expenses).

^e Publication 502 (Medical and Dental Expenses).

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Mineral supplements [OTC]	Potentially qualifying expense	Won't qualify if used to maintain general health. [*] But under narrow circumstances, mineral supplements might qualify if recommended by a medical practitioner for a specific medical condition (for example, a prescribed dosage of iron daily to treat iron-deficiency anemia). To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required. See Dietary supplements and subsection L.4 .
Missed appointment fees	Not a qualifying expense	Such fees would not be for medical care.
Moisturizers [OTC]	Not a qualifying expense	See Cosmetics; Toiletries; and Cosmetic procedures.
"Morning-after" contraceptive pills [OTC]	Qualifying expense	Also see Birth-control pills and Contraceptives.

Motion sickness pills [OTC] (Examples: Bonine, Dramamine)	Qualifying expense	
Mouthwash [OTC]	Not a qualifying expense	Such expenses generally won't qualify. ¹ See Cosmetics and Toiletries. However, depending on the facts and circumstances, a special mouthwash recommended by a medical practitioner for the treatment of gingivitis might qualify. ¹
Nail polish [OTC]	Not a qualifying expense	See Cosmetics and Toiletries.
Nasal strips or sprays [OTC]	Potentially qualifying expense	Nasal sprays or strips that are used to treat sinus problems qualify as being primarily for medical care, as would those that are used to prevent sleep apnea. ² However, nasal strips or sprays used to prevent run-of-the-mill snoring wouldn't qualify, nor would those used by athletes. To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required. See Drugs and medicines.
Naturopathic healers, dietary substitutes and drugs and medicines	Potentially qualifying expense	See Alternative healers; Drugs and medicines; Special foods; Vitamins; and subsections L.2 , L.3 , L.4 , and L.7 .
Nicotine gum or patches [OTC] (Examples: Nicoderm, Nicorette)	Qualifying expense	Such items are primarily for medical care when used for stop-smoking purposes. See Drugs and medicines.
Non-prescription drugs and medicines [OTC]	Potentially qualifying expense	See Drugs and Medicines.
Norplant insertion or removal	Qualifying expense ³	Also see Contraceptives; Birth-control pills; Vasectomy; and Spermicidal foam.

^{*} Rev. Rul. 2003-102 , 2003-38 I.R.B. 559.

¹ Informal, nonbinding remarks of Harry Beker, Barbara Pie, and John Sapienza, IRS, Office of Chief Counsel, Oct. 22, 2003 ECFC Teleconference.

² Informal, nonbinding remarks of Harry Beker, Barbara Pie, and John Sapienza, IRS, Office of Chief Counsel, Oct. 22, 2003 ECFC Teleconference.

³ IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

⁴ Treas. Reg. §1.213-1(e) .

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Nursing services provided by a nurse or other attendant	Potentially qualifying expense	Wages, employment taxes, and other amounts you pay for nursing services (including extra costs for nurses' room and board) generally will qualify, whether provided in the participant's home or another facility. [*] The attendant doesn't have to be a nurse, so long as the services are of a kind generally performed by a nurse. These include services connected with caring for the patient's condition, such as giving medication or changing dressings, as well as bathing and grooming. But if the person providing nursing services also provides household and personal services, the amounts must be accounted for separately—only those for nursing services qualify. ¹ Also see subsection L.10 .

Nursing services for a baby	Not a qualifying expense.	Won't qualify if the baby is normal and healthy. [†]
Nutritionist's professional expenses	Potentially qualifying expense	May qualify if the treatment relates to a specifically diagnosed medical condition. Won't qualify if the expense is for general health. ^a To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required. Also see Special foods and subsections L.3 and L.4 .
Nutritional supplements [OTC]	Potentially qualifying expense	See Dietary Supplements. ^b
Obstetrical expenses	Qualifying expense ^c	
Occlusal guards to prevent teeth grinding	Qualifying expense ^d	
One-a-day vitamins [OTC]	Not a qualifying expense	See Vitamins.
Operations	Qualifying expense	Will qualify if the operations are legal (and aren't cosmetic procedures). ^e See Cosmetic procedures and subsection L.1 .
Optometrist	Qualifying expense	Also see Eye examinations, eyeglasses, etc.
Organ donors	Qualifying expense	See Transplants.
Orthodontia	Qualifying expense	Such expenses generally will qualify. ^f When an orthodontic treatment plan is paid up-front at the time of the first visit, some health FSAs will apportion the reimbursements as services are provided during the treatment plan. Also see Dental treatment; Prepayments; and subsections G.3 and L.1 .
Orthopedic shoe inserts [OTC]	Qualifying expense	Will qualify if used to treat injured or weakened body parts. ^g

^{*} Treas. Reg. §1.213-1(e)(1)(ii) .

[†] IRS Publication 502 (Medical and Dental Expenses).

[‡] IRS Publication 502 (Medical and Dental Expenses).

^a Informal, nonbinding remarks of Katherine Kiss, IRS, Office of Chief Counsel, Aug. 1999 ECFC Annual Symposium.

^b Rev. Rul. 2003-102 , 2003-38 I.R.B. 559.

^c Treas. Reg. §1.213-1(e)(1)(ii) .

^d Informal, nonbinding remarks of Katherine Kiss, IRS, Office of Chief Counsel, August 1996 ECFC Annual Symposium.

^e Treas. Reg. §1.213-1(e)(1)(ii) .

^f See IRS Information Letter (Feb. 19, 1997).

^g IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
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Orthopedic shoes [OTC]	Potentially qualifying expense	Won't qualify if used for personal or preventive reasons. If used to treat or alleviate a specific medical condition, only the excess cost of the specialized orthopedic shoe over the cost of a regular shoe will qualify. ^a To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required.
Osteopath fees	Qualifying expense ^b	
Over-the-counter (OTC) medicines [OTC]	Potentially qualifying expense	Some OTC medicines qualify (for example, aspirin). See Drugs and medicines.
Ovulation monitor [OTC]	Qualifying expense ^b	Also see Medical monitoring and testing devices.
Oxygen	Qualifying expense	This includes the expenses of oxygen and oxygen equipment for breathing problems caused by a medical condition. ^c
Pain relievers [OTC] (Examples: Advil, Aspirin, Tylenol)	Qualifying expense	
Perfume [OTC]	Not a qualifying expense	See Cosmetics and Toiletries.
Permanent waves [OTC]	Not a qualifying expense	See Cosmetics and Toiletries.
Personal trainer fees	Potentially qualifying expense	Will qualify if a medical practitioner has recommended a supervised exercise regimen in order to treat a disease or injury (e.g., rehabilitation after surgery or the treatment of obesity) and if incurred for a limited duration. ^b The expense must not have been incurred "but for" the disease (e.g., if you were working with a personal trainer before being diagnosed, the expense would not qualify). To show that the expense is primarily for medical care, a note from a medical practitioner recommending it to treat a specific medical condition is normally required. See Weight-loss programs.
Petroleum jelly [OTC]	Potentially qualifying expense	Won't qualify if used to maintain general health or for other personal reasons (e.g., as a toiletry or a cosmetic). May qualify if used to treat or alleviate a specific medical condition, and if the expense would not have been incurred "but for" the condition. ^c To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required.
Physical exams	Qualifying expense ^d	
Physical therapy	Qualifying expense ^e	
Pregnancy test kits [OTC]	Qualifying expense ^f	Also see Medical monitoring and testing devices and Ovulation monitor.

^a IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

^b Rev. Rul. 55-261, 1955-1 C.B. 307, as modified by Rev. Rul. 63-91, 1963-1 C.B. 54.

^c Treas. Reg. §1.213-1(e)(1)(ii) (allowing that payments for medical care include "medical, laboratory, surgical, dental and other diagnostic and healing services").

^a Rev. Rul. 55-261 , 1955-1 C.B. 307, as modified by Rev. Rul. 63-91 , 1963-1 C.B. 54.

^b Informal, nonbinding remarks of Harry Beker, Barbara Pie, and John Sapienza, IRS, Office of Chief Counsel, Oct. 22, 2003 ECFC Teleconference.

^c IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

^d Rev. Rul. 2007-72 , 2007-50 I.R.B. 1154 (annual physical exam is diagnostic and qualifies as a medical care expense, even when individual lacks symptoms of illness).

^e Rev. Rul. 55-261 , 1955-1 C.B. 307, as modified by Rev. Rul. 63-91 , 1963-1 C.B. 54.

^f Treas. Reg. §1.213-1(e)(1)(ii) (allowing that payments for medical care include “medical, laboratory, surgical, dental and other diagnostic and healing services”); see also Rev. Rul. 2007-72 , 2007-50 I.R.B. 1154 (pregnancy test kit is for medical care).

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Prenatal vitamins [OTC]	Potentially qualifying expense ^a	Obstetricians routinely recommend prenatal vitamins for the health of unborn children. If taken during pregnancy (a medical condition), prenatal vitamins would be considered primarily for medical care. ^a Vitamins taken at other times generally do not qualify. See Vitamins.
Prepayments	Not a qualifying expense	Generally, prepayments for services/items that have not yet been incurred/obtained are not reimbursable under a health FSA. See Dental treatment; Fertility treatments; and Orthodontia.
Prescription drugs	Potentially qualifying expense	See Drugs and medicines.
Prescription drugs and medicines obtained from other countries	Not a qualifying expense	Importing prescription drugs from other countries generally will violate federal law. ^a However, a drug or medicine may qualify for reimbursement if (1) it is purchased and consumed in the other country and is legal in both that country and the U.S. or (2) the FDA announces that it can be legally imported by individuals. See Drugs and medicines and subsection L.2 .
Prescription drug discount programs	Not a qualifying expense	If an individual pays a fee for a card that provides for a 20% discount on all drugs, the fee would not qualify. In contrast, the cost of a prescribed drug generally will qualify. See Drugs and Medicines.
Preventive care screenings	Qualifying expense	Will qualify if the tests are used for medical diagnoses. ^a Examples include hearing, vision, and cholesterol screenings. Also see Body scans and Diagnostic Items/services.
Probiotics [OTC]	Potentially qualifying expense	Won't qualify if used to maintain general health or for other personal reasons. May qualify if used to treat or alleviate a specific medical condition, and if the expense would not have been incurred “but for” the condition. ^b To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required.
Propecia	Potentially qualifying expense	Generally won't qualify if purchased for cosmetic purposes (for example, to treat male pattern baldness), even if recommended by a medical practitioner. But the expense may qualify if it is to ameliorate a deformity arising from congenital abnormality, personal injury from accident or trauma, or disfiguring disease. See Cosmetic procedures and Drugs and medicines.
Prosthesis	Qualifying expense ^c	See Artificial limbs and teeth.
Psychiatric care	Qualifying expense	Includes the cost of supporting mentally ill dependent at a special center that provides medical care. ^d

Psychoanalysis	Potentially qualifying expense	Will qualify if provided for medical care, and not just for the general improvement of mental health, relief of stress, or personal enjoyment, nor if the expense stems from training to be a psychoanalyst. ^e To show that the expense is primarily for medical care, a note from a medical practitioner recommending it to treat a specific medical condition is normally required. Also see Psychologist and Therapy.
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^{*} Informal, nonbinding remarks of John Sapienza, IRS, Office of Chief Counsel, Nov. 5, 2003 ECFC Teleconference.

[†] Informal, nonbinding remarks of John Sapienza, IRS, Office of Chief Counsel, Nov. 5, 2003 ECFC Teleconference.

[‡] See IRS Publication 502 (Medical and Dental Expenses) and IRS Information Letter 2005-0011 (Mar. 14, 2005).

^a Priv. Ltr. Rul. 200140017 (June 25, 2001).

^b IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

^c IRS Publication 502 (Medical and Dental Expenses).

^d IRS Publication 502 (Medical and Dental Expenses).

^e IRS Publication 502 (Medical and Dental Expenses).

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Psychologist	Potentially qualifying expense	Will qualify if the expense is for medical care, [*] and not just for the general improvement of mental health, relief of stress, or personal enjoyment. [†] To show that the expense is primarily for medical care, a note from a medical practitioner recommending it to treat a specific medical condition is normally required. Also see Therapy.
Radial keratotomy	Qualifying expense [‡]	Corneal ring segments (removable plastic half-rings that correct vision) would also qualify. ^a See Laser eye surgery and Vision correction procedures.
Reading glasses [OTC]	Qualifying expense ^b	See Eye examinations, eyeglasses, etc.
Recliner chairs	Not a qualifying expense	Generally won't qualify, unless used exclusively to treat a specific medical condition, as diagnosed and prescribed by a medical practitioner. See Mattresses.
Rehydration solution [OTC] (Example: Pedialyte)	Qualifying expense ^c	
Retin-A [OTC]	Potentially qualifying expense	Generally won't qualify if purchased for cosmetic purposes (for example, to reduce wrinkles), even if recommended by a medical practitioner. But may qualify if recommended by a medical practitioner for a specific medical condition (e.g., acne vulgaris) and not for cosmetic purposes. To show that the expense is primarily for medical care, a note from a medical practitioner recommending it to treat a specific medical condition is normally required. See Acne treatment; Cosmetic procedures; Drugs and medicines; and subsections L.1 and L.2 .
Rogaine [OTC]	Potentially qualifying expense	Generally won't qualify if purchased for cosmetic purposes. But may qualify if it is recommended by a medical practitioner for a specific medical condition. To show that the expense is primarily for medical care, a note from a medical practitioner recommending it to treat a specific medical condition is normally required. See Propecia and Drugs and medicines. Also see subsections L.1 and L.2 .

Rubbing alcohol [OTC]	Qualifying expense	Will qualify when purchased for first-aid purposes (e.g., when purchased in first-aid quantities in a pharmacy or first-aid section of a retail store). ^d
Rubdowns	Potentially qualifying expense	Generally won't qualify, unless a medical practitioner determines that the procedure is necessary to treat a specific medical condition. ^e To show that the expense is primarily for medical care, a note from a medical practitioner recommending it to treat a specific medical condition is normally required. See Massage therapy and subsection L.6 .
Safety glasses [OTC]	Not a qualifying expense	Probably won't qualify unless prescribed. ^f See Eye examinations, eyeglasses, etc.

^{*} Rev. Rul. 75-187 , 1975-1 C.B. 92.

[†] IRS Publication 502 (Medical and Dental Expenses).

[‡] Priv. Ltr. Rul. 9625049 (June 21, 1996); Priv. Ltr. Rul. 200226003 (Mar. 7, 2002); IRS Publication 502 (Medical and Dental Expenses) (under "eye surgery").

^a Rev. Rul. 2003-57 , 2003-22 I.R.B. 959.

^b Informal, nonbinding remarks of Katherine Kiss, IRS, Office of Chief Counsel, Aug. 1999 ECFC Annual Symposium.

^c IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

^d Although not official guidance, the Federal Flexible Spending Account Program treats rubbing alcohol as a reimbursable expense. See the Federal "Eligible Expenses Juke Box," available at <https://www.fsafeds.com/fsafeds/eligibleexpenses.asp> (as visited Sept. 1, 2009).

^e IRS Information Letter 2000-0405 (Dec. 29, 2000).

^f Informal, nonbinding remarks of Katherine Kiss, IRS, Office of Chief Counsel, Aug. 1999 ECFC Annual Symposium.

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Schools and education, residential	Potentially qualifying expense	Payments made to a residential school or program to treat an individual for behavioral, emotional, or addictive conditions (tuition, meals, and lodging) will qualify if a principal reason for attending the program is to receive medical care. (Ordinary education must be an incidental component.) Whether someone is attending to receive medical care is a question of fact that must be determined for each individual—just because a school or program provides medical care to some individuals does not mean that it provides medical care to all individuals. If a child is at a school because the courses and disciplinary methods have a beneficial effect on the child's attitude, the expenses won't qualify. See subsection L.14 . Also see Schools and education, special and Pre-payments.
Schools and education, special	Potentially qualifying expense	Payments made for a mentally impaired or physically disabled person to attend a special school (tuition, meals, and lodging) will qualify if a principal reason for attending the school is to overcome or alleviate the disability. (Ordinary education must be an incidental component.) This includes teaching Braille to a visually impaired person, teaching lip reading to a hearing-impaired person, and remedial language training to correct a condition caused by a birth defect. If a child is at a school because the courses and disciplinary methods have a beneficial effect on the child's attitude, the expenses won't qualify. See subsection L.14 . Also see Schools and education, residential and Prepayments.
Screening tests	Qualifying expense	Will qualify if the tests are used for medical diagnoses. [*] Examples include hearing, vision, and cholesterol screenings. Also see Body scans and Diagnostic items/services.

Seeing-eye dog	Qualifying expense	See Guide dog.
Shampoos [OTC]	Not a qualifying expense	Generally won't qualify. See Cosmetics and Toiletries.
Shaving cream or lotion [OTC]	Not a qualifying expense	See Cosmetics and Toiletries.
Shipping and handling fees	Qualifying expense	Shipping and handling fees incurred to obtain an item that constitutes medical care (e.g., drugs or medicine) are inextricably linked to the cost of the medical care and therefore qualify. [†] See subsection L.12 .
Sinus medications [OTC] (Example: Sudafed)	Qualifying expense [‡]	See Drugs and medicines and Nasal strips or sprays.
Skin moisturizers [OTC]	Not a qualifying expense	See Cosmetics and Toiletries.
Sleep-deprivation treatment	Qualifying expense	Probably qualifies if the person is under the care of a medical practitioner.
Smoking-cessation medications [OTC]	Qualifying expense	Amounts paid for prescribed and OTC drugs used to stop smoking would qualify. [§] See Drugs and medicines; Nicotine gum or patches; and subsection L.2 .

^{*} Priv. Ltr. Rul. 200140017 (June 25, 2001).

[†] Informal, nonbinding remarks of Harry Beker, Barbara Pie, and John Sapienza, IRS, Office of Chief Counsel, Oct. 22, 2003 ECFC Teleconference.

[‡] IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

[§] Rev. Rul. 99-28 , 1999-25 I.R.B. 6.

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Smoking-cessation programs	Qualifying expense	Amounts paid for a smoking-cessation (stop-smoking) program would qualify. [†] See Smoking-cessation medications and subsection L.2 .
Soaps [OTC]	Not a qualifying expense	Generally won't qualify. See Cosmetics and Toiletries.
Special foods (such as foods needed for a gluten-free or salt-free diet) [OTC]	Potentially a qualifying expense	Will qualify if prescribed by a medical practitioner to treat a specific illness or ailment and if the foods do not substitute for normal nutritional requirements. [†] But the amount that may qualify is limited to the amount by which the cost of the special food exceeds the cost of commonly available versions of the same product. [‡] To show that the expense is primarily for medical care, a note from a medical practitioner recommending it to treat a specific medical condition is normally required. See Drugs and medicines; Vitamins; and subsection L.4 .
Speech therapy [OTC]	Qualifying expense [§]	
Spermicidal foam [OTC]	Qualifying expense	See Contraceptives.

Sperm, storage fees	Potentially a qualifying expense	Fees for temporary storage might qualify, but only to the extent necessary for immediate conception. Storage fees for undefined future conception probably aren't considered to be for medical care. "Temporary" is not defined; however, one consideration might be whether it is stored and used within the same year. ^b Also see Fertility treatments; Eggs and embryos, storage fees; Surrogate expenses; Prepayments; and subsection L.13 .
St. John's Wort [OTC]	Potentially qualifying expense	Will qualify if used primarily for medical care (for example, to treat a diagnosed medical condition such as depression); won't qualify if used to maintain general health. To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required.
Stem cell, harvesting and/or storage of	Potentially qualifying expense	Might qualify if there is a specific and imminent medical condition that the stem cells are intended to treat. For example, the cost of harvesting and storing stem cells because a newborn has a birth defect and the stem cells would be needed in the near future might be allowable. ^c But collection and storage indefinitely, just in case an item might be needed, is not medical care. ^d See DNA collection and storage; Prepayments; and Umbilical cord, freezing and storing of.
Sterilization procedures	Qualifying expense	Sterilization means the cost of a legally performed operation to make a person unable to have children. ^e Also see Vasectomy.
Stop-smoking Program	Qualifying expense	See Smoking-cessation programs.
Student health fee	Potentially qualifying expense	A fee that is simply the cost of belonging to the program won't qualify. Expenses for specific medical services might qualify.

^{*} Rev. Rul. 99-28 , 1999-25 I.R.B. 6.

^f Treasury Tax Correspondence, 2006 TNT 144-20 (July 19, 2006). See also IRS Information Letter 2008-0039 (Sept. 2, 2008) (explaining that a health FSA could not provide tax-free reimbursement for infant formula for the baby of a woman who could not breastfeed due to a double mastectomy because food, including infant formula, that satisfies nutritional requirements is a personal expenditure, not a medical care expense).

^g See, e.g., *Randolph v. Comm'r*, 67 T.C. 481 (1976).

^a Rev. Rul. 55-261 , 1955-1 C.B. 307, as modified by Rev. Rul. 63-91 , 1963-1 C.B. 54.

^b Informal, nonbinding remarks of John Sapienza, IRS, Office of Chief Counsel, May 2002 ECFC Teleconference.

^c See ABA Joint Committee on Employee Benefits, Questions and Answers for the IRS, Q/A-3 (May 11, 2002), available at <http://www.abanet.org/jceb> (as visited Sept. 1, 2009), in which the IRS (on an informal, nonbinding basis) agreed with a proposed response that harvesting stem cells during a woman's pregnancy for use if anything is wrong with the child after it is born could be analogous to storing blood prior to an operation for use in a possible transfusion. The IRS noted, however, that the expense must still be for "medical care" under Code §213 .

^d See, e.g., Priv. Ltr. Rul. 200140017 (June 25, 2001).

^e Rev. Rul. 73-603 , 1973-2 C.B. 76.

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Sunglasses [OTC]	Potentially qualifying expense	Prescription sunglasses would qualify. Allowable amounts include the expenses of eye examinations and eyeglasses and lenses needed for medical reasons. It is unclear whether non-prescription sunglasses or clip-on sunglasses recommended by a physician to alleviate an eye condition would qualify. [*]

Sunburn creams and ointments [OTC] (Example: Solarcaine)	Qualifying expense	Will qualify if used to treat a sunburn (and not as regular skin moisturizers). See Drugs and medicines and Sunscreen.
Sunscreen [OTC]	Potentially qualifying expense	Won't qualify if to maintain general health or for other personal reasons (e.g., as a toiletry or a cosmetic). May qualify if used to treat or alleviate a specific medical condition, and if the expense would not have been incurred "but for" the condition. [†] A personal history of skin cancer might qualify, but family history or other genetic propensity would not be sufficiently imminent for the expense to qualify as medical care. [‡] To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required.
Supplies to treat medical condition	Qualifying expense	Will qualify if the medical supply is used to diagnose or treat a specific medical condition and isn't a personal comfort item. Also see Bandages and Crutches.
Support braces [OTC]	Qualifying expense	Will qualify if used for injured or weakened body parts. ^a
Surgery	Qualifying expense	Generally will qualify. See Operations.
Surrogate or gestational carrier expenses	Not a qualifying expense	Such expenses generally won't qualify, even if they are for medical care of the surrogate/gestational carrier or her unborn child. ^b The procedure must be performed upon you, your spouse, or your dependent in order to be medical care. Also see Fertility treatments; Egg donor fees; Eggs and embryos, storage fees; Legal fees in connection with fertility treatments; Sperm, storage fees; and subsection L.13 .
Swimming lessons	Potentially qualifying expense	Such expenses generally won't qualify, but there are some exceptions. ^c See Dancing lessons and subsection D .
Swimming pool maintenance	Potentially qualifying expense	Such expenses generally won't qualify if the swimming pool is used for recreation. However, if the swimming pool is used primarily for medical care by someone who has been diagnosed with a medical condition and a medical practitioner has substantiated that the pool is part of the medical treatment, then the cost of maintaining the pool might qualify. ^d Also see Capital expenses.
Tanning salons and equipment	Not a qualifying expense	See Cosmetic procedures. In rare cases, they might qualify if recommended for a specific medical condition (such as a skin disorder), so long as there is no personal element or use of the equipment by other family members. ^e
Taxes on medical services and products	Qualifying expense	Such expenses generally will qualify to the extent that the tax is imposed on qualified medical care services/items. This includes local, sales, service, and other taxes. See subsection L.12 .

^{*} IRS Information Letter 2000-0073 (June 30, 2000).

[†] IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

[‡] Informal, nonbinding remarks of Donna Crisalli, IRS, Office of Chief Counsel, July 31, 2009 ECFC Annual Symposium.

^a IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

^b IRS Information Letter 2002-0291 (Aug. 12, 2002); *Magdalin v. Comm'r*, T.C. Memo. 2008-293 (2008).

^c IRS Publication 502 (Medical and Dental Expenses).

^d See *Emanuel v. Comm'r*, T.C. Summary Opinion 2002-127 (2002).

^e Informal, nonbinding remarks of Katherine Kiss, IRS, Office of Chief Counsel, Aug. 1998 ECFC Annual Symposium.

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Teeth whitening	Not a qualifying expense	Won't qualify if tooth discoloration is simply the result of aging and the whitening is done for cosmetic purposes. ^a But if tooth discoloration (rising to the level of a deformity) was caused by disease, birth defect, or injury, expenses for teeth whitening might qualify. ^f See Cosmetic procedures and subsection L.1 .
Telephone for hearing-impaired persons	Qualifying expense	The expenses of buying and repairing special telephone equipment for a hearing-impaired person will qualify. ^f This includes teletypewriter (TTY) and telecommunications device for the deaf (TDD) equipment. See Capital expenses.
Television for hearing-impaired persons	Qualifying expense	Equipment that displays the audio part of television programs as subtitles for hearing-impaired persons will qualify. But the amount that qualifies is limited to the excess of the cost over the cost of the regular item. For example, the cost of a specially equipped television qualifies only to the extent that it exceeds the cost of a regular model. ^a See Capital expenses.
Therapy	Qualifying expense	Will qualify if provided for medical care (and not just for the general improvement of mental health, relief of stress, or personal enjoyment). ^b Also see Psychoanalysis; Psychologist; Schools and education, residential/special; and subsection L.14 .
Thermometers	Qualifying expense	Will qualify if for medical uses. See Supplies to treat medical condition.
Throat lozenges [OTC] (Examples: Cepacol, Chloraseptic)	Qualifying expense	Also see Cough suppressants.
Toiletries [OTC]	Not a qualifying expense	A toiletry is an article or preparation that is used in the process of dressing and grooming oneself. Examples include toothpaste, shaving cream or lotion, and cologne. Also see Cosmetics.
Toothache and teething pain relievers [OTC] (Example: Orajel)	Qualifying expense	
Toothbrushes [OTC]	Not a qualifying expense	Won't qualify even if a dentist recommends special ones (such as electric or battery-powered ones) to treat a medical condition like gingivitis. Toothbrushes are items that are used primarily to maintain general health—a person would still use one even without the medical condition. Thus, they are not primarily for medical care. ^c See Toiletries and Cosmetics.
Toothpaste [OTC]	Not a qualifying expense	Won't qualify even if a dentist recommends a special one to treat a medical condition like gingivitis. Toothpaste is an item that is primarily used to maintain general health—a person would still use it even without the medical condition. Thus, it is not primarily for medical care. ^d But topical creams or other drugs (e.g., fluoride treatment) used to treat a dental condition would qualify, so long as they are primarily for medical care. See Cosmetics; Drugs and medicines; and Toiletries.

^a Rev. Rul. 2003-57 , 2003-22 I.R.B. 959.

^f Informal, nonbinding remarks of Donna Crisalli, IRS, Office of Chief Counsel, May 2002 ECFC Teleconference.

^b Rev. Rul. 71-48 , 1971-1 C.B. 99; Rev. Rul 73-53 , 1973-1 C.B. 139.

[a](#) IRS Publication 502 (Medical and Dental Expenses).

[b](#) IRS Publication 502 (Medical and Dental Expenses).

[c](#) Informal, nonbinding remarks of Harry Beker, Barbara Pie, and John Sapienza, IRS, Office of Chief Counsel, Oct. 22, 2003 ECFC Teleconference.

[d](#) Informal, nonbinding remarks of Harry Beker, Barbara Pie, and John Sapienza, IRS, Office of Chief Counsel, Oct. 22, 2003 ECFC Teleconference.

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Transplants	Qualifying expense	Includes surgical, hospital, and laboratory services, and transportation expenses for organ donors. a
Transportation costs of disabled individual commuting to and from work	Not a qualifying expense	A disabled individual's commuting costs to and from work are personal expenses and not expenses for medical care. a However, the costs incurred for transportation to and from work may be medical expenses if the employment itself is explicitly prescribed as therapy to treat a medical condition. a
Transportation to and from a medical conference	Potentially qualifying expense	See Medical conference admission, transportation, meals, etc. Also see subsection L.8 .
Transportation expenses for person to receive medical care	Qualifying expense	Will qualify if the transportation is primarily for and essential to medical care. a Includes car expenses; bus, taxi, train, plane, and ferry fares; and ambulance services. Instead of actual car expenses, a standard mileage rate (24 cents per mile for 2009; 19 cents per mile for Jan.–June 2008; 27 cents per mile for July–Dec. 2008) for use of a car to obtain medical care is allowed. Parking fees and tolls can also qualify. b See subsection L.8 .
Transportation of someone other than the person receiving medical care	Potentially qualifying expense	Will qualify in some cases. Transportation expenses of the following persons will qualify: (1) a parent who must go with a child who needs medical care; (2) a nurse or other person who gives injections, medications, or other treatment required by a patient who is traveling to get medical care and is unable to travel alone; and (3) an individual who travels to visit a mentally ill dependent, if such visits are recommended as part of treatment. See Transportation expenses for person to receive medical care and Lodging not at a hospital or similar institution.
Treadmill [OTC]	Potentially qualifying expense	See Exercise equipment; Capital expenses; and subsection L.9 .
Tuition for special-needs program	Potentially qualifying expense	Will qualify if the primary purpose is for medical care. c Includes reading program for dyslexia. See Learning disability, instructional fees; Schools and education, residential/special; Prepayments; and subsection L.14 .
Tuition evidencing separate breakdown for medical expenses	Qualifying expense	Will qualify to the extent that charges for medical expenses are separately broken down in a bill for tuition for a college or private school and are for specific qualified medical services/items that have been incurred/obtained (and are not premiums for medical care generally). See Student health fee and Insurance premiums.
Ultrasound, prenatal	Potentially qualifying expense	Will qualify if used as a diagnostic tool to determine fetal health and development. Won't qualify if for other purposes (e.g., to obtain prenatal snapshots).

* Rev. Rul. 73-189 , 1973-1, C.B. 139.

† See, e.g., *Alderman v. Comm'r*, T.C. Summary Opinion 2004-74 (2004) (citing cases).

‡ *Weinzimer v. Comm'r*, T.C. Memo. 1958-137 (1958); *Misfeldt v. Kelm*, 44 AFTR 1033 (D. Minn. 1951).

^a Code §213(d)(1)(B) and Treas. Reg. §1.213-1(e)(iv) .

^b IRS Publication 502 (Medical and Dental Expenses).

^c See, e.g., Rev. Rul. 69-607 , 1969-2 C.B. 40 and Priv. Ltr. Rul. 200521003 (Mar. 1, 2005).

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Umbilical cord, freezing and storing of	Potentially qualifying expense	Might qualify if there is a specific medical condition that the umbilical cord is intended to treat. Collection and storage indefinitely, just in case it is needed, is not medical care. * "Temporary" is not defined—one consideration might be whether it is stored and used within the same year. † The cost of storing cord blood where a newborn has a birth defect and where the cord blood would be needed in the near future might qualify. ‡ See Prepayments.
Usual and customary charges, excess	Qualifying expense	Medical expenses in excess of an insurance plan's usual, customary, and reasonable charges qualify if the underlying expense is for medical care.
Vaccines	Qualifying expense	See Immunizations.
Varicose veins, treatment of	Potentially qualifying expense	Such expenses generally won't qualify if the procedure merely improves appearance and doesn't meaningfully promote the proper function of the body or prevent or treat illness or disease. May qualify if the procedure promotes the proper function of the body or prevents or treats an illness or disease. To show that the expense is primarily for medical care, a note from a medical practitioner recommending it to treat a specific medical condition is normally required. See Cosmetic procedures.
Vasectomy	Qualifying expense ^a	See Sterilization procedures.
Vasectomy reversal	Qualifying expense	
Veneers	Not a qualifying expense	Such expenses generally won't qualify, as veneers are used primarily for cosmetic purposes. See Cosmetic procedures and Teeth whitening.
Veterinary fees	Potentially qualifying expense	Will qualify if the veterinary fees are incurred for the care of a guide dog or other animal used by a disabled person. ^b Otherwise, no.
Viagra	Qualifying expense	Will qualify if prescribed by a physician to treat a medical condition. ^c
Vision correction procedures	Qualifying expense	Medical procedures that correct vision, including laser procedures such as Lasik and radial keratotomy, qualify. ^d Also see Laser eye surgery and Radial keratotomy.
Vision discount programs	Not a qualifying expense	Such expenses generally won't qualify. See Insurance premiums. But will qualify to the extent that an expense is for actual medical treatment (such as an eye exam). ^e
Vitamins [OTC]	Potentially qualifying expense	Won't qualify if used to maintain general health (e.g., one-a-day vitamins). ^f But under narrow circumstances, vitamins might qualify if recommended by a medical practitioner for a specific medical condition (for example, a

		prescribed dosage of Vitamin B-12 daily to treat a specific vitamin deficiency). To show that the expense is primarily for medical care, a note from a medical practitioner recommending the item to treat a specific medical condition is normally required. See Prenatal vitamins; Dietary supplements; Special foods; and subsection L.4 .
Walkers [OTC]	Qualifying expense	Will qualify if used to relieve sickness or disability.

* See, e.g., Priv. Ltr. Rul. 200140017 (June 25, 2001).

† Informal, nonbinding remarks of John Sapienza, IRS, Office of Chief Counsel, May 2002 ECFC Teleconference.

‡ Informal, nonbinding remarks of John Sapienza, IRS, Office of Chief Counsel, May 2002 ECFC Teleconference.

§ IRS Publication 502 (Medical and Dental Expenses).

|| IRS Publication 502 (Medical and Dental Expenses).

¶ Informal, nonbinding remarks of Katherine Kiss, IRS, Office of Chief Counsel, Aug. 1998 ECFC Annual Symposium.

ⓓ Rev. Rul. 2003-57 , 2003-22 I.R.B. 959.

ⓔ Informal, nonbinding remarks of Katherine Kiss, IRS, Office of Chief Counsel, Aug. 1998 ECFC Annual Symposium.

ⓕ Rev. Rul. 2003-102 , 2003-38 I.R.B. 559.

Expense	Is Expense a Qualifying Expense?	Comments and Special Rules
Wart remover treatments [OTC] (Example: Compound W)	Qualifying expense	Although not addressed in IRS guidance, we believe such products are for the treatment of a disease and thus would qualify as medical care. † See Drugs and medicines.
Weight-loss programs and/or drugs prescribed to induce weight loss	Potentially qualifying expense	Will qualify if the weight-loss program is recommended by a physician to treat a specific medical condition (such as obesity, heart disease, or diabetes) and is not simply to improve general health. † However, the costs of food associated with a weight-loss program (such as special pre-packaged meals) would not qualify, since it just meets normal nutritional needs. To show that the expense is primarily for medical care, a note from a medical practitioner recommending it to treat a specific medical condition is normally required. See Exercise programs; Health club fees; Prepayments; Special Foods; and subsection L.5 .
Wheelchair	Qualifying expense	If used to relieve sickness or disability, amounts you pay for a wheelchair or autoette and the upkeep costs will qualify. † Wheelchair cushions will also qualify as a necessary accessory to the wheelchair. §
Wigs [OTC]	Potentially qualifying expense	Might qualify if the wig is prescribed by a physician for the mental health of a patient who has lost all of his or her hair from disease or treatment (e.g., chemotherapy or radiation).
X-ray fees	Qualifying expense	Will qualify if the X-rays are performed for medical reasons. ¶
Yeast infection medications [OTC] (Example: Monistat)	Qualifying expense	
YMCA day camp	Not a qualifying expense	Such expenses generally won't qualify. However, if a camp is a special program that is therapeutic and treats a specific disability, then the expense might qualify. ⓓ To the extent attributable to a qualifying individual under a

	dependent care assistance program (DCAP), such expenses might be reimbursable under a DCAP if applicable rules are met (but the same expenses may not be reimbursed under a health FSA, HRA, or HSA and a DCAP—there is no “double-dipping” allowed).
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* According to one dictionary definition, a wart is “caused by any of numerous genotypes of the human papillomavirus.” U.S. National Library of Medicine, MEDLINEplus: Medical Dictionary, available at <http://www.nlm.nih.gov/medlineplus/mplusdictionary.html> (as visited Sept. 1, 2009).

† Rev. Rul. 2002-19 , 2002-16 I.R.B. 778.

‡ Treas. Reg. §1.213-1(e)(1)(iii) .

§ IRS Information Letter (July 14, 2009), reproduced behind Appendix Tab 4.

¶ Rev. Rul. 62-189 , 1962-2 C.B. 88.

‡ Treas. Reg. §1.213-1(e)(1)(ii) .

§ See *Emanuel v. Comm’r*, T.C. Summary Opinion 2002-127 (2002).

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