



TaxNewsFlash

United States



No. 2019-367
July 17, 2019

Notice 2019-45: Expanded list of preventive care for chronic conditions (HSA eligibility)

The IRS today released an advance version of Notice 2019-45 that expands a list of preventive care benefits that can be provided by a high-deductible health plan (under section 223(c)(2)) without a “deductible” or with a deductible below the applicable minimum deductible (self-only or family) for a high-deductible health plan.

Background

Individuals covered by a high-deductible health plan generally may establish and deduct contributions to a health savings account (HSA) as long as they have no disqualifying health coverage. To qualify, a high-deductible health plan generally may not provide benefits for any year until the minimum deductible for that year is satisfied. However, a high-deductible health plan is not required to have a deductible for “preventive care” (as defined by the high-deductible health plan/HSA rules).

The IRS previously issued notices in 2004, 2013, and 2018 that provided guidance on preventive care services and items. Notice 2019-45, which is effective on July 17, 2019, adds to the lists of eligible preventive care services and items.

Notice 2019-45

[Notice 2019-45](#) [PDF 126 KB] includes the following table that lists preventive care services and items for certain chronic conditions that may be treated as preventive care for purposes of section 223(c)(2)(C).

Preventive Care for Specified Conditions	For Individuals Diagnosed with
Angiotensin Converting Enzyme (ACE) inhibitors	Congestive heart failure, diabetes, and/or coronary artery disease
Anti-resorptive therapy	Osteoporosis and/or osteopenia
Beta-blockers	Congestive heart failure and/or coronary artery disease

Blood pressure monitor	Hypertension
Inhaled corticosteroids	Asthma
Insulin and other glucose lowering agents	Diabetes
Retinopathy screening	Diabetes
Peak flow meter	Asthma
Glucometer	Diabetes
Hemoglobin A1c testing	Diabetes
International Normalized Ratio (INR) testing	Liver disease and/or bleeding disorders
Low-density Lipoprotein (LDL) testing	Heart disease
Selective Serotonin Reuptake Inhibitors (SSRIs)	Depression
Statins	Heart disease and/or diabetes

As explained further in Notice 2019-45:

- The IRS considers the benefits for services and items listed in this table as preventive care for purposes of section 223(c)(2)(C).
- These specified services and items are treated as preventive care only when prescribed to treat an individual diagnosed with the associated chronic condition specified in the list, and only when prescribed for the purpose of preventing the exacerbation of the chronic condition or the development of a secondary condition.
- If an individual is diagnosed with more than one chronic condition, all listed services and items applicable to the two or more conditions are preventive care.
- However, services and items not listed and that are for secondary conditions or complications that occur notwithstanding the preventive care are not treated as preventive care for purposes of section 223(c)(2)(C).

A related IRS release—[IR-2019-129](#)—further explains that the Treasury Department and IRS consulted with the Department of Health and Human Services on this notice.

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