

September 24, 2026

The Honorable Michael Pollock
Chair
Health Insurance and Long-term Care Issues Committee
National Council of Insurance Legislators

By email to Will Melofchik, CEO, NCOIL

Dear Representative Pollock:

Re: **Eye Care Services Model before the Health Insurance & Long Term Care Issues Committee-Summer National Meeting-July 17, 2026**

I listened carefully during your committee's latest meeting in Boston this past July where you and your colleagues discussed the proposed Eye Care Services Model Act. While we would not necessarily have a position on a proposal such as this, we noted that there was no recognition, by any of the invited witnesses or Members of direct or unintended impact on Health Savings Account (HSA) owners.

In my letter to Representative Gordon, the Model's Sponsor, we made reference to a potential impact the Model may have on HSAs, which was prompted by another letter to you from an interested party suggesting the same. At issue is the potential the Model may require, depending on interpretation, third-party payments to count towards satisfaction of an enrollee's deductible, contrary to federal HSA rules.

Under federal law, IRS rules only allow payments made by an enrollee, and not by any other third party (such as with a drug coupon) to apply to an individual's deductible if that individual is insured by an HSA-qualified plan.

This issue routinely arises in the HSA industry, so much so that the HSA Council petitioned NCOIL in November 2023, to adopt a resolution in support of a safe harbor for HSAs when confronted with similar mandates.

A link to that Resolution is [here](#). The resolution was adopted unanimously and has since been adopted in several states. In states where the NCOIL HSA model has been adopted, any potential conflicts would be immediately resolved in favor of HSAs by virtue of the supremacy of the HSA language over the proposed state health benefit mandate.

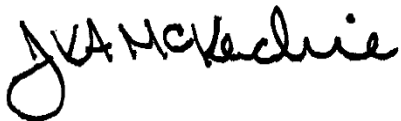
It is in this spirit that I wrote Representative Gordon, recommending an amendment to Section 4, which would incorporate NCOIL's HSA resolution. In doing so, it was not my intent to become another area of friction for the Model's supporters and detractors.

To the point, we are confident, as a matter of process, that NCOIL leaders would not adopt a Model Act that conflicts with or otherwise invalidates another NCOIL Model Act. In addition, I met with the Vision Model's supporters and have been assured that none of their cumulative efforts are intended to impair HSA contribution eligibility or HDHP plan integrity. I believe them.

But, were a problem to arise, we would urge coordination efforts between Models be swiftly exercised prior to adoption and NCOIL already has the necessary tools to resolve a potential conflict within the pages of its own records.

We appreciate your efforts to protect HSA owners and look forward to visiting with you at NCOIL's Annual Meeting.

Respectfully submitted,

A handwritten signature in black ink, reading "J. Kevin A. McKechnie". The signature is written in a cursive, flowing style.

J. Kevin A. McKechnie
Executive Director & Founder, ABA HSA Council