



DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
WASHINGTON, D.C. 20224

OFFICE OF THE CHIEF COUNSEL

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The Honorable Cory Gardner  
United States Senator  
102 South Tejon Street, Suite 930  
Colorado Springs, CO 80903

Attention:

Dear Senator Gardner:

I am responding to your inquiry dated July 19, 2016, on behalf of \_\_\_\_\_ about having a health savings account (HSA) without having a qualified high deductible health plan (HDHP). Specifically, \_\_\_\_\_ would like to contribute to an HSA for dental expenses not covered by his health plan, which is not an HDHP.

I apologize for the difficulty \_\_\_\_\_ experienced trying to get information related to his circumstances from us.

The law requires individuals to have an HDHP in order to contribute to an HSA. The law does not provide for contributions to an HSA for medical expenses not covered by the HDHP, such as dental expenses. Moreover, the law does not give the IRS authority to provide a waiver or other exceptions to the HDHP requirement. However, like other medical expenses not covered by insurance, unreimbursed dental expenses generally would be taken into account in determining the itemized deduction for medical expenses under Internal Revenue Code section 213.

Congress created HSAs to assist individuals to pay for medical expenses incurred before the deductible of the HDHP was satisfied, not to cover medical expenses that an individual has declined to insure.

I hope this information is helpful. If you have any questions, please call me at  
or at .

Sincerely,

Christine Ellison, Acting Chief  
Health and Welfare Branch  
Office of Associate Chief Counsel  
(Tax Exempt and Government Entities)