

SAMPLE LETTER

June 10, 2010

Secretary Kathleen Sebelius
Department of Health & Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Sebelius:

Now that health care reform has passed and the immense task of putting more than 2,000 pages of legislation into action is beginning, I want to share with you my concerns about a particular provision – Section 3309 – of the new law. I am excited that this provision will provide vital prescription drug coverage to a poor, elderly population – those who rely on both Medicare and Medicaid, including those who live in home- and community- based settings under Medicaid waiver programs. This section of the law will allow those dual eligible individuals living in non-institutional settings to have their Medicare Part D co-payments paid for in the same way as they currently are paid for those living in institutional settings. As we both know, this is a particularly vulnerable segment of the population and this law will help ensure that these vulnerable seniors receive their prescription medications.

I am concerned, however, about the effective date for this provision. The provision, as written, states that the Secretary of Health & Human Services (HHS) can eliminate these co-payments no earlier than January 1, 2012, but does not stipulate a firm deadline for eliminating them. I am appealing to you because any delay in implementing this provision will have negative consequences for frail, elderly seniors. Eliminating these co-payments by January 1, 2012 will require the Centers for Medicare & Medicaid Services (CMS) to lay groundwork for changes to payment systems and communications with states and Part D plan networks in 2011. Given this, I thought that it would be important to reach out to you now and let you know of my concerns regarding the implementation date for this section of the new law.

Section 3309 is crucial since it opens the door for members of this population who are covered under Medicaid home- and community-based waivers to receive their drug co-payments thus helping them receive care in the most appropriate and least restrictive setting. Without Section 3309, these frail seniors face uncertainty and the potential for institutional placement simply to have access to the prescription drugs they need. I know you share my concern for the welfare of our nation's poor, frail seniors and ask that you work to implement Section 3309 in a timely manner.

I look forward to hearing about your plans for implementing Section 3309 and will work with you to ensure that this section of the law is put into effect on January 1, 2012.

Sincerely,

Member of Congress