

Congress of the United States
House of Representatives
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January 18, 2006

The Honorable Michael Leavitt
U.S. Secretary
Department of Health and Human Services
200 Independence Ave., SW
Washington, D.C. 20201

Dear Secretary Leavitt:

I am writing to urge immediate steps to address dire shortcomings in the federal prescription drug benefit offered under Medicare Part D. Seniors deserve nothing less than clear, correct guidance on the new drug plan. Reminding private plans of what services they should be providing, as the Administration did over the weekend, is simply inadequate.

Based on the hundreds of calls from confused Sacramentans struggling to navigate the new benefit, what seems necessary is a significant overhaul of administrative procedures and existing law. Until these issues are addressed, seniors will continue to abstain from the program – despite any potential benefits – because they simply have no confidence in it working properly. Most immediately, many dual-eligible persons have been transitioned off of their prior drug coverage under Medi-Cal without first being assigned the correct new plan under Part D. Similarly, many dual-eligibles who were automatically assigned to a drug plan on January 1st found themselves with a plan that did not cover the drugs they use on a daily basis. As a result, the State of California has joined dozens of states across the nation in providing gap drug coverage to guarantee life-sustaining prescription drugs to California's seniors and disabled residents. This may cost my state \$150 million – this month alone.

Several Members of Congress, including myself, will be introducing legislation in February to allow the federal government to reimburse states for the medicines that they are providing seniors unable to access their Medicare Part D benefits. Quite simply, these states should not have been put in the position of having to fill the vacuum created by the federal government's incompetence. I urge you to support this common-sense solution, and to make its passage priority legislation for the Department.

I would also urge you to support the Medicare Informed Choice Act (H.R. 3861), which was introduced in September 2005 but has yet to receive any support from the Administration. In light of the complicated benefit and at times the incorrect information distributed by CMS and other agencies, it is both fair and necessary to prevent rushed decisions by giving America's seniors more time to decide about their potential enrollment.

I look forward to your response and your support for our common-sense proposals.

Sincerely,

A handwritten signature in black ink that reads "Doris O. Matsui". The signature is written in a cursive, flowing style.

DORIS O. MATSUI
Member of Congress

cc: The Honorable Mark B. McClellan, Administrator,
Centers for Medicare and Medicaid Services