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**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515-3705**

January 11, 2006

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

Dear Secretary Leavitt:

I write to urge that a short-term emergency program be implemented immediately to ensure that low-income seniors are not denied access to life-saving prescription drugs during the initial implementation of Medicare's new Part D prescription drug coverage plan. This is a vital public health issue that demands immediate attention by the U.S. Department of Health and Human Services.

Since Medicare Part D's coverage took effect on January 1, 2006, over 1,000 seniors in Oregon who qualify for both Medicaid and Medicare have left pharmacies with their prescription orders unfilled because of implementation problems. Seniors are told by their pharmacists that there is no record of their enrollment despite providing proof that they are eligible for extra financial assistance for purchasing their prescription drugs. The majority of the seniors who have been denied their prescription drugs do not have the financial resources to purchase their needed medications.

The state of Oregon is working extremely hard to assist those beneficiaries who are in this situation, through no fault of their own, and assist the Centers for Medicare and Medicaid Services (CMS) in their duty to implement the new prescription drug benefit and have identified six things CMS can do immediately pending a systemic fix:

1. Encourage pharmacies to accept the states' medical id card as proof of dual eligible status and provide the drugs at the LIS copayment levels;
2. Encourage plans to accept the states' medical id card as proof of dual eligible status and override any systems to load that information in the E-1 Systems if the state can verify dual status;
3. Assure all plans and pharmacies that they will receive the correct reimbursement based on the dual eligible verification;

4. Provide simple pharmacy instructions on how to use the E-1 system and POS system;
5. Provide the state of Oregon appropriate contact at all plans;
6. Increase support personnel at all call-centers, and work with plans to develop systems to better handle the work volume.

Some states have appropriated emergency funding to fill prescription medications while programmatic flaws in the federal system are resolved. I commend the efforts of these states and ask that all states be reimbursed at the correct level for all emergency funds expended.

I look forward to your prompt attention to the above listed concerns as the denial of prescription drug coverage to seniors represents a public health emergency. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Darlene Hooley". The signature is written in a cursive, flowing style with a large initial "D".

DARLENE HOOLEY  
Member of Congress