

September 21, 2005

Honorable Governor Pataki
Governor of the State of New York
The State Capitol
Albany, New York 12224

Dear Governor Pataki:

We, the undersigned organizations, are writing to urge you to exempt “dually eligible” Medicare/Medicaid beneficiaries from the Medicaid Preferred Drug Program prior to the implementation of the Medicare Part D drug benefit in January of 2006.

[ms1]

In New York, over 500,000 low income elderly and disabled men and women are dually eligible for Medicare and Medicaid. Dual eligibles are among the most vulnerable populations in our society and use more drugs, have more chronic health problems and cognitive impairments, and have lower incomes than the general Medicare population.

Starting January 1, 2006, dual eligibles will no longer get prescription drug coverage through Medicaid. Instead, beginning in the fall of 2005, these individuals will be required to enroll in a Medicare Part D drug plan. Each Medicare Part D plan will have a formulary, or a list of drugs covered under their plan. If an individual needs a drug that is not on the Part D plan's formulary, an appeal or an “exception” must be sought. If denied, in New York the individual should be able to ask Medicaid to pay for the drug. This important protection will fall short if the drug is not on Medicaid's preferred drug list either, requiring the beneficiary to initiate yet a further set of appeals. Subjecting dual eligibles to “double jeopardy” of this type simply to get access to a medication they need is not acceptable.

Clearly, navigating two different formularies will make it harder for duals to get the prescription drugs they need. A number of studies from around the country that look at the impediments created by a single formulary make this point quite clearly. A Kaiser Commission on Medicaid and the Uninsured study in March 2005 of Pennsylvania's experience implementing a formulary found that beneficiaries had trouble at first obtaining prescribed medications. These barriers led to serious and sometimes life-threatening health-problems for Medicaid enrollees. Another Kaiser Commission study documented problems with Michigan's Preferred Product List established in 2001. Clinicians there reported instances of immediate re-hospitalization for patients who were discharged from the hospital. Patients were unable to get their medications upon release from the hospital.

The health of dually eligible individuals in New York should not be placed in jeopardy. NYFAHC and the undersigned organizations urge New York State to exempt them from the Medicaid Preferred Drug Program.

Sincerely,

New Yorkers for Accessible Health Coverage
Center for Independence of of the Disabled, New York
The Coalition for Voluntary Mental Health Agencies
Genesee Region Independent Living Center
Medicare Rights Center

Regional Center for Independent Living
Community Healthcare Network
National Multiple Sclerosis Society NYC
Selfhelp Community Services
Southern Tier Independence Center
Staten Island Center for Independent Living, Inc.
New York Legal Assistance Group
Care for the Homeless
Independent Living Center of the Hudson Valley
Association for Community Living
Coalition of Institutionalized Aged and Disabled
Mental Health Association of New York State

If you would like to add your name to the list of organizations that endorse this letter, e-mail Elizabeth Paul at epaul@cidny.org. You may also fax the reply form (212.254.5953) located on the next page.

NYFAHC REPLY FORM FOR PDL EXEMPTION LETTER

_____ YES!! We endorse the PDL Exemption Letter

_____ This is an Organizational Endorsement

_____ This is an Individual endorsement

_____ List organization for identification purposes

_____ Do not list organization

Contact Person: _____

Organization: _____

Address: _____

City: _____ State: _____ ZIP: _____

Phone: _____

E-mail: _____