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SENATE JOINT MEMORIAL 8039

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State of Washington                      59th Legislature                      2006 Regular Session

By Senators Brown, Kohl-Welles, Franklin, Pridemore and Thibaudeau

Read first time 01/30/2006. Referred to Committee on Health & Long-Term Care.

1            TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES,  
2            AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
3            REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
4            UNITED STATES, IN CONGRESS ASSEMBLED:

5            We, your Memorialists, the Senate and House of Representatives of  
6            the State of Washington, in legislative session assembled, respectfully  
7            represent and petition as follows:

8            WHEREAS, Nearly one million residents of Washington state receive  
9            health coverage through Medicare and thus became eligible to purchase  
10           prescription drug coverage through the Medicare Part D program on  
11           January 1, 2006; and

12           WHEREAS, Medicare beneficiaries must now navigate a new, complex  
13           system for purchasing coverage and receiving prescription drug  
14           benefits; and

15           WHEREAS, Nearly 100,000 of the 6.4 million Americans eligible for  
16           both Medicare and Medicaid, dual eligibles, live in Washington State;  
17           and

18           WHEREAS, Dual eligibles are sicker and poorer than other Medicare  
19           beneficiaries, with more than half of all dual eligibles requiring  
20           assistance with activities of daily living, with higher rates of

1 chronic diseases than other Medicare beneficiaries including  
2 Alzheimer's disease, diabetes, pulmonary disease, and stroke, and with  
3 more than sixty percent of dual eligibles living below the poverty  
4 level; and

5 WHEREAS, Dual eligibles in this state and across the nation have  
6 encountered numerous problems during the first weeks of implementing  
7 the new Medicare prescription drug program; and

8 WHEREAS, Those problems have included incorrectly charging dual  
9 eligibles the \$250 deductible that they are exempt from because of  
10 their low incomes and failing to consistently inform them that they are  
11 allowed to have a 30-day refill of all drugs; and

12 WHEREAS, Even modest copays of \$1 to \$3 per prescription for dual  
13 eligibles can become barriers to purchasing life-enhancing medicines  
14 when the recipients have 10 to 20 prescriptions a month and often live  
15 on less than \$600 a month; and

16 WHEREAS, The last thing we want to see happen to an already  
17 vulnerable population is a worsening of their health conditions  
18 resulting from barriers to prompt access to their medicines resulting  
19 from implementation of Medicare Part D; and

20 WHEREAS, Each prescription drug plan has a different formulary,  
21 different copayments, and varied cost-sharing that Medicare  
22 beneficiaries have struggled to understand in order to determine which  
23 plan has a formulary that not only includes most or all of the  
24 beneficiaries' drugs but is also the best value; and

25 WHEREAS, Many states will have additional costs associated with the  
26 clawback provision of the Medicare law, which requires states to  
27 reimburse the federal government for the costs of dual eligibles based  
28 on a formula that may not accurately reflect actual costs and numbers  
29 of these enrollees;

30 NOW, THEREFORE, Your Memorialists respectfully pray that the  
31 Congress and the Administration address these concerns through rule  
32 making and, as necessary, through changes to the Medicare Modernization  
33 Act, by specifically doing the following:

34 (1) Upgrading the Centers for Medicare and Medicaid's customer  
35 service system to assist clients seeking information;

36 (2) Providing additional financial resources to the states to  
37 lessen the burden of copays on dual eligibles, particularly those who  
38 rely upon multiple prescriptions to maintain their health;

1 (3) Extending the enrollment period beyond the May 15, 2006,  
2 deadline;

3 (4) Requiring all health plans that contract with the Centers for  
4 Medicare and Medicaid Services to provide uniform transition policies  
5 that provide a 30-day supply of needed drugs;

6 (5) Reimbursing states and pharmacists who have been forced to  
7 assume the burden of the costs for covering individuals who have fallen  
8 through the cracks; and

9 (6) Repealing the prohibition on the use of Medicaid funds to  
10 provide: Wraparound Medicare prescription drug benefits for the  
11 transition of dual eligibles; copayments for dual eligibles and low-  
12 income beneficiaries; and needed coverage if a particular plan's  
13 restricted formulary or network denies access to the most medically  
14 appropriate medications.

15 BE IT RESOLVED, That copies of this Memorial be immediately  
16 transmitted to the Honorable George W. Bush, President of the United  
17 States, the President of the United States Senate, the Speaker of the  
18 House of Representatives, and each member of Congress from the State of  
19 Washington.

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