



# Committee On Finance

Max Baucus, Ranking Member

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**NEWS RELEASE**

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## **PRESIDENT MUST ADDRESS PRESCRIPTION DRUG PROGRAM PROBLEMS IN STATE OF UNION**

*Washington, DC – Senate Democratic Leader Harry Reid and Finance Committee Ranking Member Max Baucus wrote President Bush today asking that the State of the Union address difficulties Americans are having filling prescriptions due to problems with the President's prescription drug program.*

*Full text of the letter follows:*

January 26, 2006

The Honorable George W. Bush  
The President of the United States  
The White House  
Washington, D.C. 20500

Dear Mr. President,

We are writing to you out of deep concern about your Administration's stewardship over the federal government's prescription drug program. In recent weeks, we have written letters to Secretary Leavitt about the problems that too many of our seniors and people with disabilities are experiencing and inquiring how the Administration plans to fix these issues. We write today to request immediate Presidential action to address the problems of implementing the new drug program. We call on you to explain to the American people how you plan to address these problems during your State of the Union address next week.

We have both long supported adding drug coverage to Medicare. As you know, we diverged on whether to support the 2003 Medicare Modernization Act (MMA) that created the new drug program. Since the MMA's passage, however, we have worked together in the Senate in the hopes that we could ensure a smooth transition to providing our constituents the drug coverage they deserve. Over the past year, we have become increasingly concerned about the steps your Administration has taken and not taken to implement the drug benefit program, and we have both supported legislation to improve this program for seniors and people with disabilities. In light of the problems facing millions of Americans, we believe the time has come for you to take decisive and immediate action.

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There are several things you can do immediately to improve this program, and we urge you to use your State of the Union address to announce that you will take the following actions:

- *Ensure that critical information provided to plans and beneficiaries is accurate.* The Center for Medicare and Medicaid Services has failed to provide plans, pharmacies, and beneficiaries with accurate information to make the drug program function as it should. You must make providing Americans with accurate information, including consistent drug prices, a priority.
- *Enforce requirements on plans and reduce confusion.* You must protect beneficiaries from a dizzying array of plan choices by only approving the best plans and terminating the participation of any plan that fails to abide by requirements that beneficiaries receive their drugs under the terms of the Medicare program. We also call on you to revise the loose marketing regulations that allow for misleading co-branding and unsolicited phone calls. Any plan that fails to abide by these new rules should be terminated.
- *Require plans to maintain formularies.* Beneficiaries are locked into the plans they choose for the full year. You should require those plans to guarantee that beneficiaries will receive the drugs they say are on their formularies at the prices they advertise so beneficiaries are not surprised by changes once they enroll.

As you know, legislation has been introduced in the Senate that could address some of the problems created by the Administration's implementation of the program:

- *S. 2183, the Requiring Emergency Pharmaceutical Access for Individual Relief Act.* This legislation would ensure that seniors and people with disabilities immediately receive the drugs they need at prices they can afford under the terms of coverage they have been promised. This legislation also fully reimburses states, pharmacies, and beneficiaries who have been forced to pay more than they should have during this very difficult transition.
- *S. 1841, the Medicare Informed Choice Act.* This legislation would give seniors and people with disabilities more time to navigate the confusing enrollment process. It would also allow beneficiaries to change plans once during this first chaotic year.

We look forward to your speech next Tuesday with the sincere hope that you will heed our call to improve the Administration's handling of the federal government's drug benefit program. We must not allow this month's mistakes to cast a pall over the drug program or Medicare itself. And we must do more to ensure that our seniors and people with disabilities receive the drug coverage they deserve.

Sincerely,

Harry Reid  
Senate Democratic Leader  
United States Senate

Max Baucus  
Ranking Member, Committee on Finance  
United States Senate

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