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June 2, 2009

The Honorable Jeff Bingaman
United States Senate
Washington, DC 20510

Re: *"Medicare Financial Stability for Beneficiaries Act of 2009"*

Dear Senator Bingaman:

On behalf of the patients we represent, National Patient Advocate Foundation is pleased to offer its strong support for the *"Medicare Financial Stability for Beneficiaries Act of 2009."* This legislation will greatly improve access to Medicare and necessary health care services for low income beneficiaries.

As you know, National Patient Advocate Foundation (NPAF) is a non-profit organization dedicated to improving access to healthcare services through policy reform. The advocacy activities of NPAF are informed and influenced by the experience of patients who receive case management services from our companion organization, Patient Advocate Foundation (PAF). Last year, PAF received more than 9.5 million inquiries from patients throughout the United States seeking assistance for access to care issues resulting from diagnoses of a chronic, debilitating or life-threatening disease. Of those, 48,369 became full patient cases involving communications made by PAF staff on behalf of a patient in order to reach positive resolution. Last year, approximately 23% of patients contacting PAF were covered by Medicare; 45% of those individuals qualified because of disability. In addition, 10% of PAF Medicare beneficiaries are dual eligibles meaning they are eligible for both Medicare and Medicaid.

The most frequently reported issues by PAF Medicare beneficiaries in 2008 were those surrounding medical copayments (28.31%). While Medicare patients are now eligible for Part D benefits, issues related to pharmaceutical copayments came in as the second highest concern (28.28%). Medicare beneficiaries also represented more than 35% of the patients served by PAF's Co-Pay Relief Program. Last year, a 77 year old New Mexico woman contacted PAF and she was unable to afford her Medicare Part D cost share. The patient had been undergoing chemotherapy for her breast cancer but her treatment was in jeopardy of being stopped because the out-of-pocket expense was too great after she had reached the Part D coverage gap. The PAF senior navigator assigned to her case reviewed her income and benefits and helped her apply and get approved for extra help for her treatment.

This legislation will address many of these issues for patients by enacting the following: limiting cost-sharing for Part D drugs to not more than 2.5 percent of income for a year for low income subsidy beneficiaries; increasing the federal resource standard for all Medicare Savings Program (MSP) and full and partial Low Income Subsidy (LIS) to \$27,500 for

individuals and to \$55,000 for couples and by excluding life insurance and in-kind support and maintenance from consideration as income for MSP; increasing to 150 percent of the federal poverty level (FPL) the eligibility ceiling for the full low income subsidy and for qualified Medicare beneficiaries (QMB) and to 200 percent FPL the eligibility ceiling for partial low income subsidy and for specified low-income Medicare beneficiaries (SLMB).

NPAF supports ending the discriminatory treatment in cost-sharing for Part D drugs for individuals who opt for community care and not institutional care which is included in the legislation. In addition, NPAF commends the inclusion of two-way deeming which will require that individuals found eligible for LIS are automatically eligible for MSP without the need to file any additional application. PAF senior navigators automatically screen to determine whether or not a patient meets the income and resource guidelines for various state and federal assistance programs, but we are very concerned that many potentially eligible beneficiaries are never screened for eligibility.

Thank you for your efforts on behalf of patients. NPAF will continue to watch with interest the movement of this important legislation through the United States Congress. If you have questions, or if we may provide you with additional information, please feel free to contact Grayson Fowler or Amy Boivin at 202-347-8009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nancy Davenport-Ennis".

Nancy Davenport-Ennis
President & CEO