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Senate of Pennsylvania

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Original: 2296

November 25, 2002

Secretary Feather O. Houstoun
Department of Public Welfare
Room 333
Health and Welfare Building
Harrisburg, PA 17105

Dear Secretary Houston:

I am concerned with a regulation proposed by the Department of Public Welfare. Regulation 14-477 would affect over 12,000 Pennsylvanians who are on Medical Assistance. While, I believe that it is important to find ways to save money, we must take the time to consider the impact of cost cutting decisions.

The passage of this regulation would revoke 7,000 Pennsylvanians access to prescription drugs. While, it is never a good situation when people cannot obtain prescription drugs, it is even worse when those who have no access are truly in need of medications.

For example, constituents of mine have a son who is mentally ill. He receives many prescriptions through Medical Assistance. In fact the monthly cost of his medications are equal to several times the amount he receives in disability pay. The regulation would force him to another program that does not cover prescription drugs. Furthermore, he is too young to receive pharmaceutical assistance through PACE, PACENET, or Medicare.

With these barriers to the medicines that he needs, he may be institutionalized or hospitalized. If he is hospitalized, the treatment could be compromised by the fact that the hospital will not be reimbursed for the procedures or medications that they need to administer to him. This can often mean the difference between life and death for a person with mental illness.

Additionally, those with mental illness need flexibility to try new and potentially more effective prescription drugs. New medications are being developed every day. These new medications may help those with mental illness lead normal, productive lives.

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LEGISLATIVE COMMISSION

Secretary Feather Houstoun

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However, if they do not have the ability to access these medications, then they will never receive the care that they need to overcome their illnesses.

On behalf of these individuals and their families, my constituents, and tens of thousands of Pennsylvanians I urge you to withdraw this proposed regulation. It will unduly harm Medical Assistance recipients, in particular those who have a mental illness. Additionally, I urge you to reconsider this regulation due to the court case, Crammer v. Department of Public Welfare, 449 Pa. 528 (1972). The case ruled that Medicaid patients could spend-down in order to qualify for benefits. This case legitimizes the procedure that the regulation effectively stops.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Michael J. Stack". The signature is written in a cursive style with a large initial "M".

Senator Michael J. Stack
5th Senatorial District

MJS/mff

Cc: Governor-Elect Ed Rendell
The Honorable Robert J. Mellow
Mr. Robert Nyce
Mr. and Mrs. Robert Zoolalian