

Congress of the United States
Washington, DC 20515

December 1, 2005

Dr. Mark McClellan, Administrator
Centers for Medicare and Medicaid Services
Department of Health & Human Services
300 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Dr. McClellan:

As Members of the Massachusetts delegation, we are concerned to learn that the Centers for Medicare and Medicaid Services (CMS) has sent 9,000 letters to Massachusetts residents erroneously informing them that they would receive subsidized Medicare Part D coverage even though they are not eligible for the subsidy. According to a November 23, 2005 article in the *Boston Globe*, (Krasner, "Seniors offered subsidized drug coverage in error; State to honor letters mailed to ineligible"), you have already decided that CMS will temporarily provide these 9,000 seniors with subsidized drug coverage for 2006 despite the error. We are pleased that CMS will honor its commitment to provide these seniors with the subsidy for 2006. However, we would like more information about how CMS is planning to communicate this unusual situation to seniors in a way that avoids additional confusion when the subsidy ends at the end of 2006.

Further, we are concerned that this error may be symptomatic of larger problems associated with the implementation of this very complex program and respectfully request more information about this error, efforts to correct this error and other problems associated with the implementation of this program. Therefore, we request your assistance and cooperation in providing responses to the following questions:

1. Please explain the nature of this incident. How did it happen? Why did these 9,000 seniors receive this letter? Which beneficiaries were supposed to receive the letter?
2. Have all of the Massachusetts seniors who were supposed to receive this letter received it? If not, why not?
3. Have the 9,000 Massachusetts beneficiaries who received incorrect information been informed of the error? If so, how and when was this information communicated? If not, why not?
4. How is CMS planning to address this error? What is CMS planning to do to ensure that these seniors understand that they are generally not eligible for the subsidy but they will receive additional help for one year due to an error by CMS?
5. Does CMS have any reason to believe that there are any other groups of seniors that also received this letter in error?
6. In addition to this error in Massachusetts, CMS also sent incorrect information in the Medicare & You handbook and sent incorrect information to 30,000 people in Illinois. Have the beneficiaries who received incorrect information in the Medicare & You

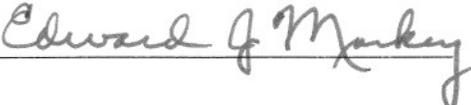
- handbook been informed of the error in the handbook? If not, why not? If so, how and when was this information communicated?
7. Have the 30,000 beneficiaries in Illinois who received incorrect information been informed of the error? If not, why not? If so, how and when was this information communicated?
 8. Other than the three aforementioned errors, are there any other instances where CMS has provided inaccurate information related to Medicare Part D?
 9. Has CMS found any errors on the website? Has CMS received any reports of errors on the website? If so, please explain.
 10. Last year, the Government Accountability Office (GAO) found that the toll-free Medicare helpline run by CMS (1-800-Medicare) provided consumers with inaccurate information 29% of the time and failed to provide answers an additional 10% of the time. We understand that you have since taken steps to avoid or reduce the problems that GAO identified in the report. According to CMS records, what percentage of callers now receive inaccurate information at 1-800-MEDICARE? What percentage of callers are not able to get answers through 1-800-MEDICARE? What was the average time that a caller had to wait to reach a Customer Service Representative (CSR) at 1-800-MEDICARE during the month of November?
 11. Does CMS have a system in place to confirm that a letter or mailing is being sent to the appropriate group of people? If so, please describe the system and explain how the Massachusetts Medicare Part D subsidy letter that was sent in error fell through the cracks? If not, why not?
 12. Are there any safeguards in place to ensure that seniors get accurate and up-to-date information from CMS? From other agencies, organizations and/or companies working with CMS on the implementation of Medicare Part D? Does CMS have any staff dedicated to quality assurance?
 13. What system does CMS have in place to investigate and resolve complaints and/or concerns about CMS or other agencies, organizations, or companies involved in the implementation of Medicare Part D?

In order to help us respond to constituent questions and concerns regarding this matter, please provide us with copies of the letter that was sent to the 9,000 Massachusetts residents and any information that CMS plans to send to these seniors and other Massachusetts residents explaining the situation.

Medicare beneficiaries are already nervous and confused by the decisions facing them in Medicare Part D. Errors on the part of CMS or other organizations or companies assisting with the implementation of the program exacerbate beneficiaries' confusion and concerns. In order for implementation to be successful, we need to ensure that beneficiaries receive accurate and timely information regarding Medicare Part D.

Thank you in advance for your prompt response to these questions.

Sincerely,





Richard E Neal

Matt Welch

Jim McEon

Michael E Caputo

John W Oves

Mike Delab

John F Tierney

Stephen D. Byrd