



September 17, 2007

The Honorable Max Baucus
Chairman
Finance Committee
219 Dirksen Senate Office Building
U.S. Senate
Washington, DC 20510

The Honorable John Dingell
Chairman
Energy and Commerce Committee
2125 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

The Honorable Charles Grassley
Ranking Member
Finance Committee
219 Dirksen Senate Office Building
U.S. Senate
Washington, DC 20510

The Honorable Joe Barton
Ranking Member
Energy and Commerce Committee
2322A Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Baucus, Ranking Member Grassley, Chairman Dingell, and Ranking Member Barton:

On behalf of the undersigned organizations, we urge you to delay the enactment of Section 7002 (b) of PL. 110-28 of the Iraq War Supplemental Appropriations bill for one year. This provision requires all Medicaid prescriptions to be written on "tamper-resistant" pads in order to be eligible for federal reimbursement beginning October 1, 2007. Since this provision became law on May 25, states and providers have encountered numerous obstacles to their efforts to implement this requirement, which under the best of circumstances established an extraordinarily ambitious start-up schedule.

States are reporting that uniform compliance with the new requirement by the October 1 deadline is not possible due in large part to the extremely tight timeframe of the legislation. The guidance states needed to administer this new initiative was just issued on August 17, which gives states roughly six weeks to notify providers, pharmacies, and recipients.

As states are attempting to follow state procurement rules to solicit and award bids to vendors, there are many reports that the supplies are inadequate to meet the requirements of the new law. In addition, states report that there is considerable unease and confusion concerning what qualifies as a "tamper-resistant" pad. While the August 17 State Medicaid Directors letter provides some clarification, there is still insufficient time remaining to implement the requirement.

*APHSA/NASMD
810 First Street, N.E., Suite 500
Washington, DC 20002
202-682-0100
www.APHSA.org*

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Providers are similarly concerned that they will not have adequate time to prepare. Of great concern is our ability to notify human service agency clients of the change in the requirement and allow adequate time for them to return to physicians' offices prior to the deadline.

The undersigned organizations strongly urge you to delay implementation until October 1, 2008, to avoid problems similar to those that arose with Medicare Part D implementation. Should you have any questions please feel free to contact Martha Roherty, Director of the National Association of State Medicaid Directors at 202-682-0100.

National Associations

Academy of Managed Care Pharmacy
American Academy of Child and Adolescent Psychiatry
American Academy of Pediatrics
American Chronic Pain Association
American College of Apothecaries
American College of Clinical Pharmacy
American College of Physicians
American Dental Association
American Medical Association
American Optometric Association
American Pharmacists Association
American Pharmacy Cooperative Incorporated
American Podiatric Medical Association
American Psychiatric Association
American Public Human Services Association
American Society of Health-System Pharmacists
Bazelon Center for Mental Health Law
Center for Medicare Advocacy
Depression and Bipolar Support Alliance
Food Marketing Institute
Mental Health America
National Alliance of State Pharmacy Association
National Alliance on Mental Illness
National Association of Chain Drug Stores
National Association of County Behavioral Health and Developmental Disability Directors
National Association of State Medicaid Directors
National Association of State Mental Health Program Directors
National Coalition of Mental Health Consumer/Survivor Organizations
National Community Pharmacists Association
National Council for Community Behavioral Healthcare
National Health Law Program
National Hospice and Palliative Care Organization
National Pain Foundation American Psychiatric Association

*APHSANASMD
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State and Local Associations

Alaska Pharmacists Association
Arizona Osteopathic Medical Association
Arizona Pharmacy Alliance
Arkansas Optometric Association
Arkansas Pharmacists Association
Assistive Technology Law Center (Ithaca, N.Y.)
California Primary Care Association
Center for Civil Justice (Saginaw, Mich.)
Care Providers of Minnesota
Benefits Coalition, Ohio Chapter
California Optometric Association
Community Legal Services (Philadelphia, Pa.)
Compass Health
Connecticut Legal Services
Consultant Pharmacists Society of Michigan
Empire Justice Center (Rochester, N.Y.)
Florida Legal Services
Greater Hartford Legal Aid
Hennepin Medical Society
Hawaii Pharmacists Association
Idaho Optometric Association
Illinois Optometric Association
Illinois Pharmacists Association
Indiana Pharmacists Association
Iowa Optometric Association
Kentucky Pharmacists Association
Legal Services of Southern Piedmont (Charlotte, N.C.)
Maine Equal Justice Partners
Michigan Pharmacists Association
Massachusetts Pharmacists Association
Mental Health Association of Southeastern Pennsylvania
Michigan Academy of Physician Assistants
Michigan Association of Health Plans
Michigan Council of Nurse Practitioners
Michigan Hospice and Palliative Care Organization
Michigan Nurses Association
Michigan Optometric Association
Michigan Osteopathic Association
Michigan Society of Community Pharmacists
Michigan State Medical Society
Minnesota Academy of Family Physicians
Minnesota Academy of Ophthalmology

Minnesota Fourth District Nurses (Dakota, Ramsey, and Washington Counties)
Minnesota Health and Housing Alliance
Minnesota Home Care Association
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Minnesota Hospital Association
Minnesota Medical Association
Minnesota Optometric Association
Minnesota Pharmacists Association
Minnesota Psychiatric Society
Minnesota Society of Health-System Pharmacists
Missouri Pharmacy Association
Montana Optometric Association
Montana Pharmacy Association
National Alliance on Mental Illness (Ohio)
Nebraska Appleseed Center for Law in the Public Interest
New Haven Legal Assistance Association (New Haven, Conn.)
New Mexico Pharmacists Association
New Mexico Optometric Association
North Carolina Association of Pharmacists
North Dakota Pharmacists Association
North Dakota Pharmacy Service Corporation
North Dakota Society of Health-System Pharmacists
Northwest Health Law Advocates (Seattle, Wash.)
Ramsey Medical Society
Ohio Optometric Association
Ohio Osteopathic Association
Ohio Pharmacists Association
Pennsylvania Optometric Association
South Carolina Pharmacy Association
South Dakota Pharmacists Association
State of Connecticut Office of the Healthcare Advocate
Texas Pharmacy Association
The Technician Trainer
Virginia Dental Association
Universal Health Care Action Network of Ohio
Virginia Pharmacists Association
Virginia Poverty Law Center
Washington State Medical Association
Washington State Pharmacy Association
Washington State Psychiatric Association
West Virginia Dental Association
West Virginia Pharmacists Association