



September 14, 2009

The Honorable John Kerry
United States Senator
Washington, D.C. 20510

Re: Support for Equal Access to Medicare Options Act of 2009

Dear Senator Kerry:

The undersigned organizations representing the Consortium for Citizens with Disabilities (CCD) thank you for your leadership in introducing the Equal Access to Medicare Options Act of 2009 and wholeheartedly support this important legislation. As you well know, federal law discriminates against Medicare beneficiaries with disabilities who are under age 65, as well as beneficiaries with kidney failure (End Stage Renal Disease or “ESRD”) by denying them the same right that seniors have to guaranteed issuance of Medigap supplemental insurance policies. Your bill would also address another discriminatory provision that prohibits Medicare ESRD beneficiaries from joining Medicare Advantage plans in order to limit their out-of-pocket costs.

Eliminating this discriminatory treatment in the supplemental insurance market would dramatically assist Medicare beneficiaries with disabilities and ESRD with out-of-pocket health care costs, and would reduce reliance on Medicaid as the payer of last resort. CCD strongly supports a level playing field for Medicare beneficiaries with disabilities and ESRD under age 65 to access adequate insurance coverage, and your bill meaningfully addresses these goals.

Your bill would create a federal right to equal access to supplemental insurance for *all* Medicare beneficiaries, regardless of age, disability or ESRD status, something that more than half the states has already enacted, the most recent of which is the State of Florida.

Medigap provides beneficiaries with vital assistance to help pay Medicare program cost-sharing such as copayments and, in some cases, premiums and deductibles. There are no limits on out-of-pocket costs under Medicare and many beneficiaries under 65 have serious trouble covering Medicare copayments, premiums and deductibles. The ESRD population is particularly vulnerable to this problem as treatment for kidney failure produces significant and ongoing out-of-pocket costs for beneficiaries. Medicaid covers Medicare cost-sharing for dual eligibles but the lack of access to secondary insurance (i.e., Medigap) is a significant barrier for Medicare beneficiaries with disabilities and ESRD to access vital health care services if they do not qualify as dual eligibles.

With Congress currently considering legislation that would overhaul America's healthcare system and the foundation of those efforts being reform of the private health insurance market to prohibit discrimination based on health status, we find it highly inappropriate to retain the ability to discriminate based on health status in federal law in the Medigap market or, for that matter, with respect to access to Medicare Advantage plans. This is why your bill is so important and so timely.

We strongly support the Equal Access to Medicare Options Act of 2009 and thank you again for your leadership on this long-standing priority of the disability community. We look forward to continuing to work with you to ensure enactment of this important legislation. Please feel free to contact Peter Thomas, CCD Health Task Force Co-Chair, at 202.466.6550 or Peter.Thomas@ppsv.com if you would like to discuss this further.

Sincerely,

ACCSES

American Association of People with Disabilities
American Dance Therapy Association
American Medical Rehabilitation Providers Association
American Music Therapy Association
American Network of Community Options and Resources
American Occupational Therapy Association
American Therapeutic Recreation Association
Bazelon Center for Mental Health Law
Brain Injury Association of America
Center for Disability Issues and the Health Professions
Center for Medicare Advocacy
Community Access National Network
Council for Exceptional Children
Disability Rights Education and Defense Fund
Easter Seals
Epilepsy Foundation
Helen Keller National Center
Inter/National Association of Business, Industry and Rehabilitation
Mental Health America
National Alliance for Caregiving
National Alliance on Mental Illness
National Association of State Head Injury Administrators
National Consortium on Deaf-Blindness
National Council for Community Behavioral Healthcare
National Council on Independent Living
National Disability Rights Network
National Down Syndrome Congress
National Respite Coalition
National Spinal Cord Injury Association

Paralyzed Veterans of America
The Arc of the United States
United Cerebral Palsy
United Spinal Association