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TODD SUMMERS BOX 8 (eight)

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THE WHITE HOUSE
WASHINGTON

MEMORANDUM FOR DEBORAH VON ZINKERNAGEL

From: Todd Summers
Deputy Director
Office of National AIDS Policy
(202) 632-1090

Date: September 2, 1997

Re: Request from Massachusetts Dept. of Public Health Regarding Medigap Insurance

As per our conversation, I have informed John Auerbach that you will be providing a response to his request for clarification of the applicability of a certain law (referenced in his letter, attached) to a proposal by Massachusetts to use state funds for Medigap insurance.

Please let me know if I can help in any way. I appreciate your willingness to respond to his request!

THE WHITE HOUSE
WASHINGTON

September 2, 1997

John Auerbach
Director
HIV/AIDS Bureau
Department of Public Health
Commonwealth of Massachusetts
250 Washington Street
Boston, MA 02108-4619

RE: Clarification on the Commonwealth of Massachusetts' Ability to Purchase Medigap Insurance

Dear John:

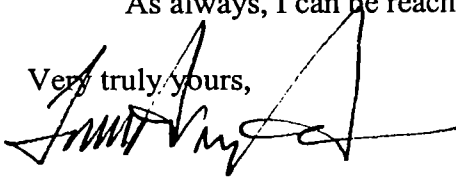
I have forwarded your request for clarification on the federal law governing Medigap insurance to the Department of Health and Human Services for a response.

Should you wish to follow up with them directly, please contact Deborah von Zinkernagel at (202) 690-5560. Also, if you do not receive the response requested, please let me know.

Finally, if you are able to implement the initiative described in your letter, please keep me informed as to its progress. It may well prove to be an effective strategy for other states that are addressing the same problem.

As always, I can be reached at (202) 632-1090.

Very truly yours,

A handwritten signature in black ink, appearing to read "Todd A. Summers", written over a horizontal line.

Todd A. Summers
Deputy Director
Office of National AIDS Policy



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

ARGEO PAUL CELLUCCI
Governor

WILLIAM D. O'LEARY
Secretary

DAVID H. MULLIGAN
Commissioner

28 August, 1997

Todd Summers
Deputy Director
Office of National AIDS Policy
The White House
Washington, DC 20201

**RE: Clarification on the Commonwealth Of Massachusetts' Ability to
Purchase Medigap Premiums**

Dear Mr. Summers: *Todd*

As I indicated during our phone conversation on 25 August 1997, the Commonwealth of Massachusetts Department of Public Health (MDPH) HIV/AIDS Bureau is investigating the development of a pilot program to provide financial assistance for Medigap premiums for People Living With HIV/AIDS (PLWH/A) enrolled or eligible to enroll in our HIV Drug Assistance Program (HDAP) who are covered by Medicare. We believe that purchasing this coverage would dramatically improve the access to pharmaceutical coverage beyond the limited formulary of the HDAP. The Bureau has been working closely with the Department's Office of the General Counsel to explore any legal issues that may preclude us from developing a Medigap premium coverage program. We would request your assistance with clarification on the federal statutes that govern our ability to provide such a program.

Specifically, is there language in federal law governing Medicare and Medigap policies that would prohibit the MDPH from using government funds to cover the cost of Medigap premiums for those PLWH/A enrolled or eligible to enroll in HDAP who are covered by Medicare? Our research has led us to an amendment to the Social Security Act - 42USC1395ss(d)(3)(B)(iii)(III), 1994 - which is an amendment affecting the sale of Medigap

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policies. We request an interpretation as to whether this amendment would affect the purchase of Medigap policies with federal or state funds.

Thank you for your assistance.

You may contact me at 617/624-5303 (fax#617/624-5399).

Sincerely,

A handwritten signature in black ink, appearing to read "John Auerbach", with a long horizontal flourish extending to the right.

John Auerbach, Director
HIV/AIDS Bureau
Massachusetts Department of Public Health

cc: Edmund Sullivan, Legal Counsel
Massachusetts Department of Public Health

Donna Levin, General Counsel
Massachusetts Department of Public Health

Massachusetts Department of Public Health
HIV/AIDS Bureau
250 Washington Street, 3rd Floor
Boston, MA 02108-4619
Phone: (617) 624-5300
Fax: (617) 624-5399



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From: THEKA MEETHAN

Fax: 202/632-1090

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Phone:

Page(s), including cover: 3

Subject:

cc:

Notes:

Todd-
This is a follow-up
from a phone call w/
Deborah on Wed -
Will keep you posted -
Theka.



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

ARGEO PAUL CELLUCCI
Governor

WILLIAM D. O'LEARY
Secretary

HOWARD K. KOH, MD, MPH
Commissioner

6 November, 1997

Deborah von Zinkernagel
Office of HIV/AIDS Policy
Office of Public Health and Science
Department of Health & Human Services
200 Independence Avenue, SW
Room 726E, Humphrey Building
Washington, DC 20201

**RE: Clarification on the Commonwealth Of Massachusetts' Ability to
Purchase Medigap Premiums**

Dear Ms. von Zinkernagel:

I would like to clarify your question concerning the funding sources the Massachusetts Department of Public Health (MDPH) HIV/AIDS Bureau would utilize to pay for Medigap premiums for individuals covered by Medicare who are enrolled in our HIV Drug Assistance Program (HDAP).

As I indicated in my letter of August 28, 1997, the MDPH HIV/AIDS Bureau is investigating the development of a pilot program to provide financial assistance for Medigap premiums for People Living With HIV/AIDS (PLWH/A) enrolled or eligible to enroll in our HDAP who are covered by Medicare. We believe that purchasing this coverage would dramatically improve the access to pharmaceutical coverage beyond the limited formulary of the HDAP.

The Bureau would utilize either state funds in the AIDS Line Item in the state budget, or Ryan White CARE Act Title II base funds. Based on the language in our state budget and the language in the CARE Act, both of these sources would allow using the funds to provide insurance continuation or insurance premium programs.

If you require any further information concerning our initial request of our ability to purchase Medigap premiums, please feel free to contact me at 617/624-5303, or contact Thera Meehan in the HIV/AIDS Bureau at 617/624-5328.

Thank you for your assistance. I look forward to hearing from you.

Sincerely,



John Auerbach, Director
HIV/AIDS Bureau
Massachusetts Department of Public Health

cc: Todd Summers, Deputy Director
Office of National AIDS Policy

Edmund Sullivan, Legal Counsel
Massachusetts Department of Public Health

Donna Levin, General Counsel
Massachusetts Department of Public Health