

# JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

June 5, 2017

Centers for Medicare and Medicaid Services  
Office of Strategic Operations and Regulatory Affairs,  
Division of Regulations Development,  
7500 Security Boulevard,  
Baltimore, Maryland 21244-1850

VIA ELECTRONIC SUBMISSION to [www.regulations.gov](http://www.regulations.gov)

**RE: MS-10147 Medicare Prescription Drug Coverage and Your Rights**

Justice in Aging appreciates the opportunity to comment on the above-referenced notice.

Justice in Aging is an advocacy organization with the mission of improving the lives of low income older adults. Justice in Aging uses the power of law to fight senior poverty by securing access to affordable health care, economic security and the courts for older adults with limited resources. We have decades of experience with Medicare and Medicaid, with a focus on the needs of low-income beneficiaries, including those dually eligible for both programs.

We write in support of the “Medicare Prescription Drug Coverage and Your Rights” notice provided to beneficiaries who are denied coverage at the pharmacy counter Point of Sale (POS). This POS notice provides essential, if minimal, information to people who cannot access their medications. We support the continued requirement that plans coordinate with network pharmacies to ensure its distribution. We ask that CMS undertake steps to monitor the extent to which the notice is consistently delivered when coverage is denied at the POS. Anecdotal reports from beneficiaries suggest that there is room for improvement.

We also request that CMS consider translation of the notice into languages beyond Spanish. The notice is short and is uniform across plan sponsors and across the country. It contains vital information on how to get access to needed medications and on appeal rights. All of these factors point to the importance of the document to all beneficiaries, including those with limited proficiency in English, and to the cost-effectiveness of translation. We urge CMS to undertake translations into

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the 15 threshold languages. Further, particularly while full translations are unavailable, we ask CMS to instruct plans that they should ensure that a multi-language insert be provided beneficiaries at the pharmacy counter.

Thank you again for the opportunity to comment. If you need additional information, please do not hesitate to contact me at [JGoldberg@justiceinaging.org](mailto:JGoldberg@justiceinaging.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Goldberg". The signature is fluid and cursive, with the first name "Jennifer" being more prominent than the last name "Goldberg".

Jennifer Goldberg  
Directing Attorney  
Justice in Aging