



*Civil Rights and Human Dignity*

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September 24, 2009

The Honorable Charles B. Rangel, Chairman  
Committee on Ways and Means  
United States House of Representatives  
Washington, DC 20515

The Honorable Henry A. Waxman, Chairman  
Committee on Energy and Commerce  
United States House of Representatives  
Washington DC 20515

Dear Chairman Rangel and Chairman Waxman:

The Bazelon Center for Mental Health Law supports H.R. 3631, the “Medicare Premium Fairness Act.” This bill will protect the Social Security benefits of persons with disabilities by ensuring that their monthly payments are not reduced due to an increase in Medicare Part B premiums.

It is expected that there will be no cost of living adjustment (COLA) in Social Security benefits paid in 2010, which will cause a hardship for individuals with disabilities and others who receive Social Security payments. However, Medicare Part B premiums are expected to increase. Fortunately, under current law, most of these beneficiaries will be “held harmless” and will not see an actual reduction in their monthly Social Security benefits. However, about 27% of beneficiaries are not covered by the “hold harmless” provision, including low-income individuals who are eligible for both Medicare and Medicaid, new Medicare enrollees, and new enrollees whose Medicare premiums are not deducted from their Social Security checks. Their monthly Social Security benefits, which are the sole source of income for many, could be reduced by more than \$20 per month to pay for the premium increase.

A substantial number of people with mental illness are dually eligible for SSDI and Medicare benefits. However, as major mental illness typically has an age of onset in a person’s early twenties, their work history is very short and their benefits are very low (benefit level depends upon quarters you have paid in as well as earnings) making increased Medicare costs even more difficult to bear. H.R. 3631 would extend the current “hold harmless”

policy to all Medicare beneficiaries. As a result, no individual with disabilities who is a Social Security beneficiary will see a decrease in his or her monthly Social Security benefits due to Medicare Part B premiums. And former beneficiaries who buy-in to Medicare will be protected.

We support your effort to pass H.R. 3631.

Sincerely,

Chris Koyanagi  
Bazelon Center for Mental Health Law