

United States Senate

WASHINGTON, DC 20510

April 22, 2010

Kathleen Sebelius
Secretary of Health and Human Services
U.S. Department of Health and Human Services
200 Independence Ave, S.W.
Washington, D.C. 20201

Dear Secretary Sebelius:

We write today out of growing concern regarding the more than 900 individuals waiting to receive life-saving treatment through the AIDS Drug Assistance Program (ADAP) due to funding shortages across the United States. We are also concerned about the negative impact cost containment measures States are being forced to consider and adopt will have on patients in need of life-saving treatment through these programs. We are hopeful that we will be able to work together to find innovative ways to ensure our constituents continue to have access to appropriate life-saving treatment and care.

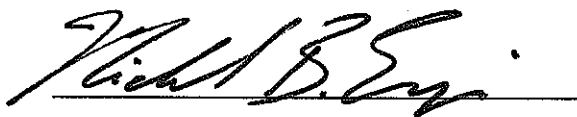
For the past few months we have watched States establish ADAP waiting lists and implement cost-containment strategies, including formulary changes, as they struggle to meet the needs of HIV/AIDS patients in this difficult economic time. In North Carolina alone, hundreds of patients are waiting to enroll in North Carolina's ADAP program and patients in Idaho, Iowa, Kentucky, Montana, South Carolina, South Dakota, Tennessee, Utah and Wyoming await a solution to accessing HIV/AIDS treatment. Every day that a patient waits to enroll in these life-saving programs threatens their health and overall quality of life.

This is not the first time that challenges have arisen in the ADAP programs and we are aware of precedents for finding solutions to effectively address ADAP waiting lists. Therefore, we respectfully request a written reply to the following questions within the next 30 days:

- What, if any, action is the Department taking to address the ADAP waiting lists and ensure that States are able to fulfill the needs of their HIV/AIDS patients?
- Does the Department need additional statutory authority to ensure sufficient flexibility to address the ADAP waiting lists without depending upon Congress to appropriate additional funding? If so, what specific authorities would help address the current situation and prevent similar situations from occurring in the future?
- Recently, the City of San Francisco received \$9.5 million in stimulus funding for AIDS office space renovations. Has the Administration considered funding the waiting lists with remaining stimulus dollars, considering the reason for the waiting lists are budget shortfalls caused by the economic downturn?

The ADAP program has been an essential part of the Ryan White program's success and your prompt attention to this urgent matter is greatly appreciated. Congress and the Administration have been able to successfully work together in responding to the HIV/AIDS epidemic and we hope to continue to work together on behalf of the millions of Americans in need of life-saving treatment and care through the Ryan White program.

Sincerely,

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Michael B. Enzi
United States Senator

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

Richard Burr
United States Senator

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

Tom Coburn, M.D.
United States Senator