



November 29, 2004

Mr. George Madison, Director  
Governor's Office of Employee Relations  
2 Empire State Plaza, Suite 1201  
Albany, New York 12223-1250

Dear Mr. Madison:

The 2003-2007 PS&T Contract includes creation of a three-tier prescription drug formulary in the Empire Plan. In advance of the Empire Plan's implementation of the three-tier formulary, Express Scripts sent letters to PEF members and dependents who are currently using medications that will be in the Non-preferred category as of January 2005. As you know, each person who is unable to switch to alternatives on the Preferred list is facing significantly increased copayments for every Non-preferred drug. For some families with multiple Non-preferred prescriptions, the increases will amount to hundreds of dollars per year.

The Express Scripts letters were dated October 30, 2004 but the postmark was November 10, 2004, which was the actual deadline for enrolling in Health Care Spending Account. The above members who received letters about the increased drug costs from Express Scripts and wanted to enroll in the Health Care Spending Account to help defray these unanticipated costs, were told the enrollment period was closed and no exceptions are allowed. Obviously, the delayed mailing from Express Scripts prevented the timely notification of non-preferred users and their efforts to enroll in the HCSA.

I request that the enrollment window for the Health Care Spending Account be reopened to allow those members who want to enroll to do so. Paying for their increased prescription drug costs with pre-tax dollars will go a long way toward helping members manage their families' total health care costs.

Thank you.

Sincerely,

Roger E. Benson  
President

cc: William Howard, Deputy Secretary to the Governor  
Danny Donahue, President, CSEA  
William E. Scheuerman, President, UUP  
Lillian Roberts, President, DC-37  
PEF Executive Board  
PEF Council Leaders