

March 24, 2010

Tom Corbett  
Pennsylvania Office of Attorney General  
16th Floor, Strawberry Square  
Harrisburg, PA 17120

Dear General Corbett:

In the past few days there have been news reports indicating that you plan to join the Republican Attorneys General of a number of other states in filing a lawsuit to have the recently passed Patient Protection and Affordable Care Act struck down. The effect of your lawsuit, if successful, would be to obviate and render null all of the provisions of said bill.

Certainly, reasonable minds can disagree on the merits of health care policy in general and the Health Care Bill in particular. However, what is undeniably true is this: if the lawsuit you are contemplating is successful, it will cost Pennsylvania \$102 million in the 2010-2011 fiscal year and billions more in the short term in the years that follow.

Specifically (assuming there are no major surprises in the reconciliation bill's path to passage), this year we will lose funds by losing the authorization contained in the bill for eligibility by Managed Care Organizations to claim rebates for pharmaceuticals. In future years, our losses will fall into three categories:

1. Medicare Drug Payment reimbursements from PA to the Federal Government, that the bill phases out currently cost our citizens \$474 million annually and will have to be paid each year if your lawsuit prevails;
2. The bill federalizes the AdultBasic insurance program, saving the taxpayers of PA at least \$200 million per year. That is money that will have to be paid each year if the Health Care Bill is struck down; and
3. Similarly, covering the "doughnut hole", as the bill does, will save PA taxpayers approximately \$60 million per year and is growing annually.

Further, expanding Medicaid eligibility as spelled out in the bill will provide additional savings to Commonwealth taxpayers as well as provide more services to PA residents. As you can see, striking this bill down will cost PA taxpayers billions of dollars over the next several years.

As I'm sure you know, the legislature and the governor have assumed that this money would be available for deposit into the general fund. Fully funding our various Medical Assistance Programs is completely contingent upon the full receipt of those funds. This means that if you are successful and we lose this money, it will create a huge budgetary problem, and will ultimately result in Pennsylvanians either losing vital services or being required to pay a large tax increase to make up the difference.

We, the undersigned, are hoping that as an elected official and a resident of Pennsylvania, you will lend your skills, talents and efforts to fighting **for** Pennsylvania, rather than joining a partisan effort which has the potential to cause so much harm to our state.

This lawsuit seeks to overturn the will of the people as expressed through their elected representatives. It is being pursued exclusively by one party, whose national leaders speak openly about how they hope efforts like this lawsuit will help them in the midterm elections. It is highly inappropriate for you, an official elected to serve all Pennsylvanians regardless of party, and a candidate for higher office yourself, to use the tax dollars paid by Pennsylvania citizens to ask a court to stop the federal government from returning this crucial federal support to the Treasury of Pennsylvania.

We would further note that you are not needed in this lawsuit. The Republican Attorneys General of other states will continue the lawsuit with or without you. The results will be the same whether you join or do not join the litigation. So it is again unclear why we would be spending Pennsylvania's tax dollars on this partisan endeavor.

We are asking that you remove your name from the lawsuit and desist from using the resources of our citizens to reduce the services they receive or increase their taxes. Thank you for taking the time to review this letter.

Very Truly Yours,

Senator Daylin Leach  
D-Delaware/Montgomery

Representative Tim Briggs  
D-Montgomery

And the following senators and representatives:

Sen. Robert Mellow, D-22  
Sen. Wayne Fontana, D-42  
Sen. Shirley Kitchen, D-3  
Sen. Barry Stout, D-46  
Sen. Jay Costa, D-43

Sen. Sean Logan, D-45  
Sen. Michael O’Pake, D-11  
Sen. Michael Stack, D-5  
Sen. Ray Musto, D-14  
Sen. Anthony Williams, D-8  
Sen. Larry Farnese, D-1  
Sen. Vincent Hughes, D-7  
Sen. LeAnna Washington, D-4  
Sen. Christine Tartaglione , D-2

Rep. Dante Santoni, D-Berks  
Rep. Jim Wansacz, D-Lackawanna, Luzerne, Susquehanna, Wyoming  
Rep. Rick Taylor, D-Montgomery  
Rep. Vanessa Brown, D-Philadelphia  
Rep. Mike Sturla, D-Lancaster  
Rep. Phyllis Mundy, D-Luzerne  
Rep. Ronald Waters, D-Philadelphia/Delaware  
Rep. Dwight Evans, D-Philadelphia  
Rep. Jake Wheatley, D-Allegheny  
Rep. Steve Santarsiero, D-Bucks  
Rep. Tony Payton, D-Philadelphia  
Rep. Michael McGeehan, D-Philadelphia  
Rep. Tony Melio, D-Bucks  
Rep. Brendan Boyle, D-Philadelphia/Montgomery  
Rep. Dan Frankel, D-Allegheny  
Rep. Kevin Murphy, D-Lackawanna  
Rep. Robert Freeman, D-Northampton  
Rep. Bryan Lentz, D-Delaware  
Rep. Babette Josephs, D-Philadelphia  
Rep. Marc Gergely, D-Allegheny  
Rep. Chelsa Wagner, D-Allegheny  
Rep. Thaddeus Kirkland, D-Delaware  
Rep. Louise Bishop, D-Philadelphia  
Rep. Barb McIlvaine Smith, D-Chester  
Rep. Eddie Day Pashinski, D-Luzerne  
Rep. John Myers, D-Philadelphia  
Rep. Michael O’Brien, D-Philadelphia  
Rep. Peter Daley, D-Fayette/Washington