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May 15, 2009

Michael R. Carter, Regional Manager
Department of Health and Human Services
Office of the Secretary
Office for Civil Rights Region II
Federal Building
26 Federal Plaza
Room 3312
New York, NY 10278

Ref: Transaction Number 06-44385

Dear Mr. Carter:

I am responding to your request for written correspondence confirming recent discussions with OCR in my capacity as Assistant Counsel of Medco Health Solutions, Inc. ("Medco"). To summarize, the U.S. Department of Health and Human Services, Office for Civil Rights ("OCR") received a complaint alleging that Medco has engaged in unlawful discrimination on the basis of national origin. Specifically, it has been alleged that Medco has failed to provide limited English proficient ("LEP") members with meaningful access to mail order pharmacy services and other pharmacy benefit management services provided by Medco.

In connection with the resolution of OCR's complaint investigation (reference number 06-44385) (the "Complaint"), Medco is willing to implement the following measures to strengthen its provision of language assistance services to LEP members with whom Medco directly communicates:

In late 2008, Medco instituted a project (the "Other Than English Language" project) staffed with a core team of senior level Medco employees (the "Team"). The goal of the Other Than English project is to better capture member language preferences and maintain and utilize those preferences for member communications. In 2009, the project and Team are primarily focused on the Spanish language. However, the Team expects that this will be a multi-year project that will continue to work on languages other than Spanish and will continue to update communication forms and programs to support languages other than English.

The Team's deliverables for 2009 include the following items:

- Call Center Spanish team expansion was recently accomplished. Currently, Medco has approximately 100 bilingual, Spanish-speaking customer service representatives who are trained to communicate directly in Spanish with Spanish-speaking members. Medco will continue to use the AT&T language line for languages other than Spanish (and for Spanish, during any hours that the Call Center Spanish team is not available).
- Enable the ability for Medco's customer service representatives to transfer calls to bilingual, Spanish-speaking Regional Consulting Pharmacists who are trained to communicate directly in Spanish with Spanish-speaking members as requested by the patient/member to discuss any pharmacist related information for mail service prescriptions.
- Display language preference indicator in customer service applications that allow representatives to add a language indicator field, making the selected language visible to all users. Ensure the ability to use the member's language preference is available to drive specific written materials and supports future capability of other documents as translated. Ensure the ability to use the member's language preference to drive effective outbound calls to members
- Once a language preference is established by customer service, support the ability to route members with Spanish indicator directly to designated bilingual, Spanish-speaking customer service representatives, bypassing any Voice Response Unit.
- Support the acceptance on the "Medco Standard Eligibility Format" of a member's language preference. Develop the ability to accept and maintain, at the member level, a language preference indicator and the language requested as passed by the client.
- Create a set of policies and guidelines for both internal and external use, of how and when we will offer communications in other than English. This includes an ongoing assessment/inventory of communication materials that will be offered in languages other than English, and the specific languages that will be supported.

In addition, the Team will be assessing the feasibility of methods to improve the provision of notice to LEP members of the availability of language assistance services from Medco. Some of the initiatives currently being considered include:

- Inclusion of a Spanish footer on all Medco communications (e.g. "Para informarse en español llama al 1-800-123-4567").

- Adding language to the commercial website (similar to the language used on the Medco Medicare Part D website) that notifies members as to the availability of language assistance services. As part of a planned whole web redesign, Medco will also consider whether actual content on the commercial website will be translated and made available in Spanish.
- The printing of certain communications that have English on one side and Spanish on the other.
- The insertion of a Spanish-language buckslip in pharmacy communications.
- Bi-lingual communications targeted based on Medco modeling (Medco uses zip code overlays and other demographic data to identify members who might benefit from a bi-lingual communications).

Finally, Medco is developing a process to ensure that Medco staff at call centers and pharmacies, who are either expected to communicate directly with LEP members in a language other than English, or are expected to function as an interpreter with English-speaking Medco staff, are assessed as to their proficiency in that language and, to the extent that they are expected to function as interpreters, their competency at interpreting. Through the use of the already established Pharmacy Compliance Assessment Team, a risk-based assessment plan will be created. The Pharmacy Compliance Assessment Team will audit against these standards during their on-site visits to the Medco call centers and pharmacies, as appropriate.

As previously discussed with an OCR investigator, Medco will monitor the systems and processes that it implements as a result of the "Other Than English Language" project. This monitoring will include periodic assessments of the effectiveness of such systems and processes. Medco will also train all relevant staff on such systems, processes, policies and procedures.

During the year following the date that OCR issues its closure letter regarding the Complaint, Medco will (through its designated representative) periodically update OCR on significant activities relating to Medco's implementation of the foregoing measures, including, by way of example, the names and titles of the individuals comprising the Team. Medco understands that OCR has agreed to serve as a technical assistance resource throughout that year, as reasonably necessary and as requested by Medco.

Medco will fully cooperate with your review of this matter. If you have any questions, please do not hesitate to contact me directly at (201) 269-5209.

Very truly yours,
/s/

Paul E. DelloRusso
Assistant Counsel