

2007 OCT 18 PM 1:2

51088 Ashley Drive
Granger, Indiana 46530
October 13, 2007

Kevin Wilson
U.S. Office of Special Counsel
1730 M Street, N.W. Suite 300
Washington, D.C. 20036-4505

Re: OSC File No. DI-07-1292

Dear Mr. Wilson:

In regards to the findings that were sent on August 28, 2007, If the USMS had Section 406(b) enacted upon its behest to hold down costs for detainees medical bills. Why is the USMS doing an about face and still paying BOP rates? I would think that the USMS OGC should re-review their standing from 2001.

It does not seem equitable to apply 4006(b) to all medical vendors for USMS detainees but not to the ones that we by necessity have to house at BOP facilities. It seems that the USMS is "rolling over and playing dead" when it comes to those charges so that we do not ruffle the feathers of BOP.

In the legal opinion of the USMS OGC dated October, 2001, they sited because the services provided under the contracts are not similar to covered Medicare services. Where does the service diverge and become non-similar to Medicare services? BOP medical vendor contractors do not do anymore than what we do locally or at HQ levels do. Their services are the same for detainees as well as those outside of federal custody as a private citizen. Medical services are medical services. Most vendors can provide consolidated billing for all patients that received services. They do not provide security. BOP provides no security other than what could and is provided under most IGA local facility contracts, including transporting back and forth to medical exams by their employees/guard service. If USMS detainees are in the hospital we are still responsible for paying for the guard service contracted that is incurred whether they are in BOP facility or local contracted jails. They also stated that some contracts are 15 to 45 percent above Medicare rates that may have been true in some instances but my biggest concern is when they are 150 percent over not only Medicare rates but in some instances double original bill rate.

Maybe congress ought to take a look at 18 U.S.C.4006(b) and re-write it to include BOP or at the very least maybe USMS OGC needs to revisit their findings to see if it is still applicable. Because I still feel that there is still gross misappropriation being facilitated.

Sincerely,
Robbi Elaine Minden

