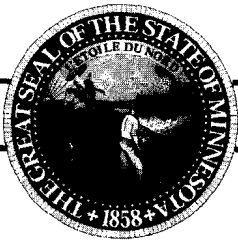


STATE of MINNESOTA

EXECUTIVE

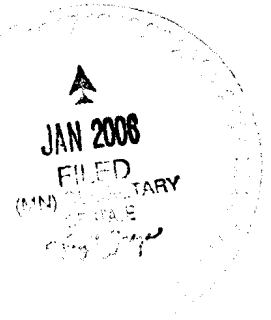


DEPARTMENT

TIM PAWLENTY
GOVERNOR

EMERGENCY EXECUTIVE ORDER NO. 06-01

**PROVIDING FOR A DECLARATION OF
PEACETIME EMERGENCY AND THE
PROVISION OF EMERGENCY RELIEF**



I, Tim Pawlenty, Governor of Minnesota, by virtue of the Authority vested in me by the Constitution and applicable statutes, including but not limited to 2005 Minnesota Statutes Chapter 12, hereby issue this Executive Order:

WHEREAS, beginning January 1, 2006, the federal government took over responsibility for the prescription drug coverage for dual eligible beneficiaries consistent with the Medicare Modernization Act of 2003; and

WHEREAS, there are approximately 100,000 Minnesotans who are dually eligible for Medicare and Minnesota Medical Assistance benefits ("dual eligible beneficiaries"); and

WHEREAS, dual eligible beneficiaries are low income and disabled individuals who qualify under the law for prescription drug benefits with low or no premiums, deductibles and co-payments; and

WHEREAS, during the transition to the new Medicare prescription drug benefit, many dual eligible beneficiaries have experienced barriers to obtaining prescription drug coverage due to malfunctions, problems and failures in the computer systems designed by the federal government; and

WHEREAS, the technological failures and malfunctions in the federal system has resulted in dual eligible beneficiaries, who cannot otherwise obtain their prescription medicines, being denied access to needed medicines and endanger the life, health and well-being of these individuals; and

WHEREAS, the Minnesota Department of Human Services has made every effort to mitigate the impact of the transition upon dual eligible beneficiaries, has supplied the Medicare program with accurate enrollment data for the dual eligible beneficiaries transitioning to Medicare, assisted thousands of beneficiaries and pharmacists confused about inconsistencies in

the federal computer system and coordinated data with federal agencies to resolve beneficiary problems; despite these efforts, an unacceptable number of eligible beneficiaries are still not receiving their needed prescriptions; and

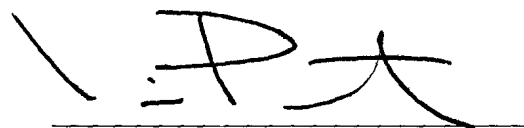
WHEREAS, efforts by the federal government to correct the systems failures in a timely manner have not been successful.

NOW, THEREFORE, I do hereby order:

1. That a peacetime emergency exists in the State of Minnesota pursuant to Minnesota Statutes 2005, Section 12.31, Subdivision 2 due to the technological failures and malfunctions of the federal systems responsible for providing prescription drug coverage for dual eligible beneficiaries and the emergency powers of the state are needed to provide emergency relief.
2. The Commissioner for the Department of Human Services is authorized to use staff and resources to continue agency efforts to ensure dual eligible beneficiaries in Minnesota are enrolled accurately in the federal benefit system.
3. The Commissioners of Human Services and Finance are authorized to establish procedures to have the State of Minnesota, through the Department of Human Services, become the payer of last resort for the purpose of paying on behalf of dual eligible beneficiaries cost-sharing and prescription drugs costs coverable by the Medicare prescription drug benefit.
4. The Commissioners of Human Services and Finance are authorized to enter into contracts necessary to carry out this order.
5. The Commissioners of Human Services and Finance must account for all payments and obligations incurred as a result of this Order.
6. The Commissioners of Human Services is directed to seek reimbursement from any available sources including the federal government, insurers, health plans or other responsible persons or entities for all state expenditures incurred pursuant to this order.

Pursuant to Minnesota Statutes 2005, Sections 12.31 and 4.035, Subdivision 2, this emergency executive order shall be effective immediately and will remain in effect until the conclusion of the emergency, but for no more than five (5) days unless the peacetime emergency is extended by the Executive Council or the Legislature in accordance with Minnesota law.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 14th day of January, 2006.



TIM PAWLNTY

Filed according to law:

Mary Kiffmeyer

MARY KIFFMEYER
Secretary of State

A
January
FILED
(MN) SECRETARY
OF STATE
Mary Kiffmeyer