



Jayhawk Chapter MOAA Newsletter



This newsletter is published bimonthly by the Jayhawk Chapter of Kansas, Military Officers Association of America, as a service to all members. The Jayhawk emblem is used with the permission of the registered trademark owner, the University of Kansas. The newsletter is only as good as the material available, so each member is requested to forward news and other items of interest to the editors.

September Program:

General Richard B. Myers, USAF (Ret), former Chairman of the Joint Chiefs of Staff, America's highest ranking military officer, has accepted our invitation to speak to the Chapter. Our meeting date will shift to Wednesday, 27 September.

5-STAR CHAPTER - 2006
4-STAR CHAPTER - 2005
5-STAR CHAPTER - 2003/2004

WEBSITE AWARD - 2004
NEWSLETTER AWARD - 2003

President's Corner

by Erv Hodges



Greetings, Jayhawk Chapter:

Please note that the next meeting of the Jayhawk Chapter will be on Wednesday, September 27 – not the regular date of Tuesday the 19th. General Myers will be available and has agreed to meet and speak with us that evening so we have changed our meeting date to meet his schedule.

I encourage all members to make their reservations early as we will also have 30 Cadets and Midshipmen as our guests. These young leaders will be placed among our members for the dinner and talk. It looks as if we will have a memorable evening. Our thanks go to Mike Sullivan for bringing General Myers to Lawrence and to our chapter.

MOAA is the most active of all the veterans groups in it's support of programs for the active and reserve forces not just the retired. Your correspondence to our Congressmen and Senators is needed to ensure that they are aware of the needs of those now serving as well as those whose service has ended. Never hesitate to "let them know" what you think. My responses from both Senators and Congressmen have indicated that my letters have been received and will be considered. A strong, active MOAA will ensure that our voice is heard.

The Give Me Ten program is continuing and we need our members to recruit new members for MOAA and the Jayhawk Chapter. Our September meeting would be a good one for a prospective member.

See you on Wednesday, September 27.

Erv Hodges

P. S. Just received the news that the Jayhawk Chapter has been awarded our second 5-STAR chapter award.

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1 September 2006

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*** Reservations should be sent to Jim Cooper by Thursday, 21 September 2006.**



JAYHAWK CHAPTER NEWS

RETIREE APPRECIATION DAY AT FORT LEAVENWORTH

Retiree Appreciation Day & Health Fair at Fort Leavenworth will be 28 October 2006, 0800-1200.

Program/Registration will be at the Harney Gym from 0800-1030. Coffee and donuts will be served. There will also be drawings for items to be given away.

Vendors/Organization Booths at the Frontier Conference Center will be open 1000-1200.

Speakers will be LTG Frederick Vollrath, USA Ret, Chairman of the Chief of Staff of the Army Retiree Council and COL John Sackett, Combat Related Special Compensation (CRSC).

ID Cards will be open from 1100-1400 hours.

Starting at 0730 hours, transportation will be provided to and from the parking area.

FALL NEARS; KISH PICKS UP PACE

from an article by Tom Keegan

in the 17 August *Lawrence Journal-World*

No need to check the calendar to remember September is upon us. Just listen to Bernie Kish talk. He's up to a million words a minute from his normal 750,000, which means college football season nearly is upon us.

Nobody has more passion for the sport's rich history than Kish, who these days teaches graduate-level classes in sports management at Kansas University.

For ten years, Kish ran the college football hall of fame in South Bend, Indiana. During vacation, I stopped by and checked it out. Pretty cool place.

Kiosks with information on enshrined players from each decade were a highlight. The '60s kiosk featured bios of John Hadl and Gale Sayers. Jim Bausch (1929-30) and Ray Evans (1941-42, 1946-47) also are inductees who played at KU.

The rivalries display prominently features Kansas-Missouri, the oldest west of the Mississippi.

Kish had a hand in Hadl's induction – *sidenote: Bernie, can you get to work on getting him into Canton, please –* long before he had anything to do with the place.

"I ran into John at Lawrence Country Club one day, in '88 or '89," Kish said, "I asked him what halls of fame he was in."

Hadl told him he was in KU's and the state of Kansas' halls. Kish immediately went to work on a mission, made a phone call and was told he could become a member and nominate a candidate. Kish asked where the nearest chapter was and was told there was one in Oklahoma and another in Nebraska, but none in Kansas.

Kish started a Jayhawks chapter and wisely made getting Hadl inducted the rallying cry. He needed a minimum of 50



members to start a chapter and soon found out what KU athletic director Lew Perkins knew when he raised funds for the proposed football facility: The name John Hadl opens doors and wallets.

"We ended up with 150 members," Kish said. "A lot of people wanted to get him in the hall."

Kish was presented with a charter in 1991, the day Tony Sands set an NCAA record by rushing for 396 yards against Missouri. Hadl was inducted in 1994.

Kish has moved on to other causes, including calling attention to the rich history of Haskell Indian Nations University football.

A retired colonel in the United States Army who served our country for 29½ years, Kish was ticket director in the KU athletic department from 1992-1995.

Kish is looking forward to the Sept. 9 Penn State game at Notre Dame Stadium, where he will present an honorary Notre Dame monogram to Easter Heathman, the man who as a teenager witnessed Knute Rockne's plane crash site in the Flint Hills on March 31, 1931.

"He lived a mile from the crash site and was shucking corn for his dad, and they heard this tremendous crash," Kish said. "His dad came by with his brother, and the three of them drove up in a pickup, and Easter – he was named Easter because he was born on Easter Sunday (in 1917) – remembers seeing this one body with a wrap around its leg. It was Knute Rockne. Knute had phlebitis and had his leg wrapped."

Kish knows so much college football he could make a nice living charging a small commission to settle trivial bar bets.

(Used with permission from Tom Keegan)



Army News

LTC Jeff Maxcy

Greetings, Jayhawk Chapter!

The fall semester and new academic year has begun. The Jayhawk Battalion's ranks have swollen to 90 cadets. The many new faces are a product of the efforts of both the cadre and cadets in recruiting the finest candidates to commission as future officers in the US Army.

Jayhawk cadets accomplished many proud achievements over the summer. Twenty cadets successfully completed Leadership Development and Assessment Course at Fort Lewis, WA. Out of the 20 cadets, nine achieved an overall "Excellence" rating and six earned the coveted "Recondo" badge. Nine cadets successfully joined ROTC through Leadership Training Course (LTC) at Fort Knox, KY. Three LTC cadets earned two-year Scholarships in the process. Three cadets attended Nurse Summer Training Program in Germany, Hawaii and Texas. Finally, two cadets earned

their Airborne wings at Fort Benning, GA while one cadet earned his Air Assault wings at Fort Campbell, KY.

Upcoming events for the Jayhawk Battalion include Family Day on 9 September 2006. The event is planned to begin at 10:00 a.m. at the Military Science Bldg for our cadets' families. Fall field training exercise (FTX) will be conducted from 29 Sep – 1 Oct for the cadets. We intend to challenge the cadets with situational training exercise (STX) lanes, rappelling, M16 rifle range, and land navigation.

Check out our website at www.ku.edu/~kuarotc/ for more details on these events.

JAYHAWKS LEAD THE WAY!

LTC Jeff Maxcy



Navy News

CDR Chris Orwoll, USN



Welcome Back from the Jayhawk Navy,

This will be my last post as I will be relieved by Captain Thomas Arnold on September 8th. Captain Arnold is a Surface Warfare Officer currently serving as the Chief of Staff for Commander, Naval Forces, Japan. In following in the footsteps of most of my predecessors, that will also be my retirement ceremony. It doesn't seem like 20 years (24 with "time served" at USNA) has passed. It has been a wild ride. I will be staying in the area and working for Primerica providing Financial Advice, so I will continue to see everyone at the MOAA meetings.

Orientation and Indoctrination (O&I) was completed the week before classes started. The Navy and Marine Corps have a new crop of nine Midshipmen and they are an outstanding group. In comparison to previous years, we have new mids from all over the country as opposed to just the local region. O&I was a great success and a few new items were added this year. The most challenging for the freshmen was the Leadership Reaction Course which pitted them in very physically and mentally challenging problem-solving situations. Every obstacle was surmounted with only one trip to the emergency room for five stitches. The midshipman staff of O&I did a marvelous job. This was the most well-prepared leadership staff I've seen in the four years we've done this.

There will be major changes in the Navy Active Duty staff this year. Besides the new CO, we also have a new XO; CDR Sean "Gomer" Fox, who comes to us from SECOND FLEET. He is an aviator from the E-6A Mercury (TACAMO) community. Sean is a Kansas native so this is homecoming for him. Additionally, GySgt Edgar Amadis has been relieved by GySgt Eric Sheppard. Gunny Sheppard spent his summer working with Midshipmen from the Naval Academy and the NROTC Program in the USMC Mountain Warfare Training Course. We have lost our senior enlisted Supply and Yeoman (administrative) billets. Both of those individuals will be replaced next year by a single civilian GS Employee. SKC Sibley has already departed and YNC Wheeler will be retiring on September 24th. We will miss both of them tremendously. LT Laura Glenn is still serving in Iraq and is, no surprise, working very hard. Please keep her and all of our troops in the combat zones in your prayers.

Well, farewell as the Commanding Officer and hello as a fellow Retiree. I'm going to have to get used to using that phrase that is printed on the t-shirt . . . "I'm Retired, do it yourself!"

Cheers,

CDR Chris Orwoll, USN



Air Force News

LtCol Sandra Leiker, USAF

Greetings, MOAA!

I beg your forgiveness for an extremely short update. I am currently TDY to Ellsworth AFB, in Rapid City, SD, manning the final AFROTC Summer Field Training Encampment of 2006. For many of my Detachment Commander peers, whose school sessions do not begin until September, serving on the senior staff of one of these camps is a summer pastime – but for me, since KU's fall term begins in August, the opportunity is a trade-off against being at home for school start with our own Det 280 cadets.

The experience I am gaining here, as Director of Support, is incredible! I'm able to see first-hand what we expect from our cadets between their sophomore and junior school years. Field Training Camp is the "gateway" to the Professional Officer Corps (POC), or leadership class, of the AFROTC program. The training and evaluation environment here is rigorous and intense; "camp" is extremely challenging for the cadets both physically and mentally. Upon completion, however, they've gained enormous confidence in themselves

and in their leadership abilities – plus, they realize that if they can do this they can do anything! They come back to school truly "energized" and ready to take on and excel in their first cadet corps leadership positions. So, I believe the trade-off is worth it . . . as I will better be able to gauge our detachment training to ensure our cadets are ready for this demanding training endeavor each summer.

Obviously, the fall semester back at KU holds tremendous excitement . . . among other things we are greatly looking forward to the MOAA-sponsored visit with General Myers . . . but I will just have to provide a more complete update to you next issue. Until then . . . thanks for your continual involvement and support!

Respectfully,

Lt Col Sandra S. Leiker

GENERAL RICHARD B. MYERS

General Richard B. Myers, United States Air Force (retired) is a former Chairman of the Joint Chiefs of Staff, America's highest ranking military officer. He became the fifteenth Chairman of the Joint Chiefs of Staff on October 1, 2001. In this capacity, he served as the principal military advisor to the President of the United States, the Secretary of Defense of the United States, and the United States National Security Council. Prior to becoming Chairman, he served as the Vice Chairman of the Joint Chiefs of Staff from March 2000 to September 2001. He retired from active duty on September 30, 2005.

General Myers was born in Kansas City, Missouri. He graduated from Shawnee Mission High School, later known as Shawnee Mission North. He is a 1965 graduate of Kansas State University, and holds a Masters Degree in Business Administration from Auburn University. The General has attended the Air Command and Staff College at Maxwell Air Force Base, Alabama; the U.S. Army War College at Carlisle Barracks, Pennsylvania; and the Program for Senior Executives in National and International Security at the John F. Kennedy School of Government, Harvard University.

General Myers entered the Air Force in 1965 through the Reserve Officer Training Corps program. His career includes

operational command and leadership positions in a variety of Air Force and Joint assignments. General Myers is a command pilot with more than 4,100 flying hours in the T-33, C-37, C-21, F-4, F-15 and F-16, including 600 combat hours in the F-4.

From August 1998 to February 2000, General Myers was Commander in Chief, North American Aerospace Defense Command and U.S. Space Command; Commander, Air Force Space Command; and Department of Defense manager, space transportation system contingency support at Peterson Air Force Base, Colorado. As commander, General Myers was responsible for defending America through space and intercontinental ballistic missile operations. Prior to assuming that position, he was Commander, Pacific Air Forces, Hickam Air Force Base, Hawaii, from July 1997 to July 1998. From July 1996 to July 1997 he served as Assistant to the Chairman of the Joint Chiefs of Staff, the Pentagon; and from November 1993 to June 1996 General Myers was Commander of U.S. Forces Japan and 5th Air Force at Yokota Air Base, Japan.

General Myers and his wife, the former Mary Jo Rupp, have three children, two daughters and a son.

MOAA LEGISLATIVE UPDATES

MOAA's LEGISLATIVE UPDATE for July 14, 2006:

Issue 1: GAO TRICARE Study Underway

MOAA's COL Steve Strobbridge (USAF-Ret) and CDR John Class (USN-Ret), along with other Military Coalition members, met with the GAO (Government Accountability Office) on July 13 to discuss beneficiary concerns about DoD's proposed increases in TRICARE fees.

The GAO is looking at all issues surrounding the proposed increases. The scope will be refined once the FY2007 Defense Authorization Act is passed - the House and Senate versions of the bill both require GAO to study the TRICARE system, its costs, possible inefficiencies and ways to reduce spending.

MOAA stressed the importance of ensuring DoD pursues all possible internal efficiencies before proposing significant cost increases for beneficiaries, and provided GAO a list of alternative cost-saving initiatives that wouldn't affect beneficiary access or cost.

Other issues addressed with GAO included:

- * Lack of beneficiary input to the process;
- * Concerns over the validity of assumptions used in cost projections;
- * Generating initiatives based solely on cost savings for DoD rather than formulating principles that establish the level of benefit that beneficiaries have earned;
- * Appropriate limits on periodic increases;
- * Differences between military and civilian service conditions;
- * The unique role of military health benefits as an offset to the extraordinary demands and sacrifices inherent in a military career; and
- * The need to consider financial sacrifices already made by retired members (e.g., lifetime retired pay losses due to decades of pay caps, and past health cost absorption by Medicare-eligibles who had to pay 100% of their own health costs before enactment of TRICARE For Life).

MOAA will continue communication with the GAO as the study progresses.

Issue 2: Senators Urge Medicare Physician Payment Fixes

In a recent joint letter to Republican and Democrat leaders of the Senate, Sen. Jon Kyl (R-AZ) and Sen. Debbie Stabenow (D-MI) stressed the need to pass legislation this year to increase Medicare physician reimbursement. If Congress doesn't act, doctor payments from Medicare will be cut by almost 5% in 2007. The American Medical Association shares our concern that that can only encourage more doctors to stop seeing Medicare and TRICARE patients.

The Kyl/Stabenow letter highlighted that current law allows Medicare rates to be cut by an estimated 37% between now and 2015. Since TRICARE payment rates are linked to Medicare's by law, the same cuts would apply to TRICARE providers.

MOAA believes we need to change the current law, which cuts payments to doctors when the economy worsens, regardless of what's happening to physicians' costs.

A recently released American Medical Association (AMA) survey indicates that, if Medicare payments were to decline, almost half (45 percent) of physicians would reduce the number of new Medicare patients they accept. Similarly, 43 percent said they would reduce their caseload of TRICARE patients.

Many military beneficiaries already face problems finding doctors who will take TRICARE patients, especially in areas where there is not a large military population. This is already affecting many mobilized Guard and Reserve families, most of whom don't live near military bases. Cutting provider payments further will only worsen their health care access problems.

MOAA is working with AMA and participating in joint press conferences around the country to ensure that Medicare and TRICARE beneficiaries have equal access to providers. Last year, a similar effort eliminated a planned payment cut, but only froze 2006 payment rates at 2005 levels.

Bills to fix the problem were introduced in 2005. They're now a little dated, but they're the only current legislative vehicle we can use to highlight this problem to Congress.

Please visit http://moaaonline.org/ct/2pz_irK1ozOQ/, scroll down to "Health Care Issues" and click H.R. 2356 (introduced by Reps. E. Clay Shaw, R-FL and Benjamin Cardin, D-MD), which would change the statutory reimbursement formula to reflect changes in physicians' actual practice costs and click on S. 1081 (sponsored by Sen. Kyl), a bill that would reverse the scheduled cut for 2007 and instead provide a 2.7% increase in physician payments. In each case, a click will get you to a MOAA-suggested letter to your representative (H.R. 2356) or senators (S. 1081).

Issue 3: TRICARE Now Open to All Drilling Guard/Reserve

The Pentagon has just announced that all drilling Guard and Reserve members can now sign up for year-round TRICARE coverage, for a premium that will vary based on a couple of conditions. But they have to sign up before November 25.

Until now, year-round TRICARE coverage was only available to drilling Guard and Reserve members who had been mobilized for at least 90 days since 9-11.

The FY2006 Defense Authorization Act, passed late last year, opened eligibility to all drilling members of the Guard and Reserve. It created a tiered system of cost shares that vary depending on mobilization status and access to employer-sponsored insurance. The original (Tier 1) benefit for those mobilized since 9-11 has a monthly premium of \$81 and \$253 for self and family coverage, respectively. That premium represents 28% of the overall cost of providing the coverage, known as TRICARE Reserve Select (TRS). For each 90-day mobilization increment, the member can purchase one year of TRS coverage. The member must agree to remain in drill status.

The new open season is for members who haven't been mobilized since 9/11 or whose previous eligibility has expired. Their sign-up period will begin on August 1, 2006 and end on November 25, 2006. The qualifications and 2006 costs are:

- * Tier 2: Drilling members without access to employer-sponsored coverage will pay \$145.29 or \$451.42 a month for self or family coverage, respectively (50% of the TRS cost).
- * Tier 3: Drilling members with access to employer-sponsored coverage pay will \$247 or \$767.41 a month for self or family coverage, respectively (85% of the TRS cost).

Tier 2 and Tier 3 coverage will take effect as of Oct. 1, 2006 for members whose request forms and premiums are submitted to TRICARE from Aug. 1 through Sept. 25, 2006. For those whose request forms and premiums are postmarked or submitted from Sept. 26 through Nov. 25, 2006, coverage will begin Jan. 1, 2007.

For more information, visit TRICARE's Web site at http://moaaonline.org/ct/w1z_irK1ozOR/.

MOAA has told Congress that the Tier 2 and Tier 3 premiums are too expensive, and we are pushing legislators to adopt a House-passed plan that would extend Tier 1 coverage to all drilling Guard and Reserve members. We pushed a similar plan last year, but Congress compromised on the three-tier plan instead. It remains to be seen whether we'll have a better chance of success this year.

To support this effort, send your legislators a MOAA-suggested message via MOAA's Web site at http://moaaonline.org/ct/27z_irK1ozOP/.

MOAA's LEGISLATIVE UPDATE for July 21, 2006:

Issue 1: MOAA and AMA Join Forces on Medicare/TRICARE Cuts

On July 18th, MOAA joined the American Medical Association (AMA) and other groups at a Tampa, Florida press conference to denounce the 4.7% planned cut in Medicare physician reimbursement rates. See MOAA's Legislative Update from July 14 http://moaaonline.org/ct/Qpz_irK1IR6w/ for more information about the cuts.

Representing MOAA at the event, former Board Member Major General Robert Lynn, USA (Ret) said, "Medicare physician payment cuts pose a health care threat to more than nine million military members and their families nationwide. Reducing payment rates even further will have a devastating effect on access to care for thousands of military beneficiaries, who already find it difficult to locate physicians who accept TRICARE. When our men and women in uniform are sent in harm's way, the last thing they need to worry about it is whether their families will be able to find a TRICARE physician."

TRICARE physician reimbursements rates are directly tied to Medicare rates by law. Medicare and TRICARE already are among the lowest-paying insurance plans in the country. As physician reimbursement rates lag behind actual practice costs, physicians are less likely to take on new Medicare and TRICARE beneficiaries. An AMA survey of providers in early 2006 indicated that if payment cuts begin in 2007 almost half (45%) of physicians plan to either

decrease or stop seeing new Medicare patients and 43% plan to either decrease or stop seeing new TRICARE patients.

MOAA will continue to partner with the AMA and other groups to pressure Congress to enact a fix. Bills to address the problem were introduced in 2005.

Please visit http://moaaonline.org/ct/P7z_irK1IR6/, scroll down to "Health Care Issues" and click on H.R. 2356 (introduced by Reps. E. Clay Shaw, R-FL and Benjamin Cardin, D-MD), which would change the statutory reimbursement formula to reflect changes in physicians' actual practice costs and click on S. 1081 (sponsored by Sen. Jon Kyl, R-AZ), a bill that would reverse the scheduled cut for 2007 and instead provide a 2.7% increase in physician payments. In each case, a click will get you to a MOAA-suggested letter to your representative (H.R. 2356) or senators (S. 1081).

Issue 2: MOAA Shares Views on Electronic Medical Records

On July 20th, MOAA's CDR John Class, USN (RET) participated in a roundtable discussion concerning medical record information sharing between DoD and the VA. Representatives from DoD, VA, Humana Military Healthcare Services, and beneficiary associations were in attendance.

CDR Class noted that sharing medical information between the DoD and VA will become increasingly important to physicians as injured servicemembers are sent home to recuperate and are transferred from military health care to VA facilities.

He stressed that the interaction between the DoD and VA electronic medical record systems should be transparent and seamless to patients and providers. As both systems evolve it is important to maintain a focus on the patient visit and to ensure each provider has access to all of the patient's pertinent medical information no matter where any previous medical information was stored.

Issue 3: COLA Watch

In mid-July, the Bureau of Labor Statistics announced the June 2006 monthly Consumer Price Index (CPI), which is used to calculate the annual cost-of-living adjustment (COLA) for military retired pay, VA disability compensation, survivor annuities, and Social Security.

The CPI continued its upward trend, rising 0.2% in June - for a total of 3.1% growth so far this fiscal year. A 0.9% decrease in energy costs contributed to a smaller increase this month.

Last year, the CPI had risen 3.2% through the month of June and ended up the year at 4.1%. With inflation running only slightly behind last year's pace so far, it would seem likely that we'll end this year in the same ballpark. However, it should be noted that last year a late jump in inflation resulted when energy costs skyrocketed in the wake of Hurricane Katrina and significantly impacted the CPI during the last two months of fiscal year 2005.

But there's plenty of CPI roller-coaster left to navigate in the next three months, and that outlook could change in a hurry.

For more information, please visit MOAA's website at http://moaaonline.org/ct/Qdz_irK1IR6N/.

MOAA's LEGISLATIVE UPDATE for August 18, 2006:

Issue 1: Where Do You Refill Your Prescriptions?

TRICARE's mail-order pharmacy (TMOP) is getting a lot of legislative attention, and military beneficiaries would do well to pay attention, too.

Each prescription dispensed through the mail-order system saves the Pentagon an average of \$50 to \$150 dollars, depending on what's counted. Beneficiaries who use TMOP save 67%, too, since they get a three-month supply for the same copayment that buys only a one-month supply in a retail pharmacy.

But for whatever reason, only 6% of prescriptions are currently filled through the mail-order system, and the most rapid growth is in the retail system - the one that's most expensive for both the government and beneficiaries.

MOAA believes there are several reasons for underutilization of the TMOP, including a lack of publicity about it by the Defense Department and beneficiaries' reluctance to change what has worked for them in the past, even if the change would save them a modest amount of money.

But the cost difference is a big deal for the government, and Congress is determined to do all it can to encourage use of the much-cheaper mail-order program.

One way is to significantly sweeten the program for beneficiaries, and both the House and the Senate (at MOAA's urging) put provisions in the FY2007 Defense Authorization Bill that will eliminate any copayment for most drugs obtained through the mail-order system.

That should make using the mail-order system a no-brainer for the vast majority of people who use long-term maintenance medications. Why pay a copayment or make an extended trip to a military installation if you can get the same medications delivered right to your doorstep -- for free?

But some in Congress aren't convinced that voluntary incentives will generate enough migration to TMOP. So the Senate also passed a provision that would require military beneficiaries to obtain all refill prescriptions of maintenance medications through TMOP.

MOAA and The Military Coalition (TMC) think that's going too far. There are some instances when the mail-order system isn't appropriate or efficient - such as when the doctor changes the dosage or when replacing lost medication.

Another way to reduce government costs is to require drug companies to provide the defense department the same prices through the retail system that it charges for drugs dispensed through military and VA facilities. The Senate version of the defense bill would do that, but the Administration's Office of Management and Budget is opposing that provision - seemingly putting the interests of the drug companies ahead of the Defense Department's.

MOAA supports the Senate provision requiring reduced retail drug prices and heartily endorses elimination of any beneficiary copayments for drugs obtained through the mail-order system.

But we don't support mandatory refills of maintenance medications through the mail-order system. That doesn't allow enough latitude for individual circumstances - especially when White House budgeteers are taking the drug

companies' side in opposing consistent price discounts for all military-purchased drugs.

Issue 2: COLA Watch

In mid-August, the Bureau of Labor Statistics announced the July 2006 monthly Consumer Price Index (CPI), which is used to calculate the annual cost-of-living adjustment (COLA) for military retired pay, VA disability compensation, survivor annuities, and Social Security.

The CPI continued its upward trend, rising another 0.3% in July -- for a cumulative increase of 3.4% so far this fiscal year. Once again, a large share of the increase was due to a jump in energy prices.

Last year, the CPI had risen 3.2% through the month of July and ended up the year at 4.1%. With inflation running slightly ahead of last year's pace so far, it would seem likely that we'll end this year in the same ballpark. We can still hope that inflation in the last two months of this year may not match last year's experience, when Hurricane Katrina sent energy prices soaring.

For more information, please visit MOAA's website at http://moaaonline.org/ct/ldz_irK1TRWu/.

MOAA's LEGISLATIVE UPDATE for August 25, 2000:

Issue 1: Retroactive Disability Payments Coming

According to Defense Department and Veterans' Affairs (VA) sources, some disabled retirees due retroactive pay could start to see their payments in mid-October if all goes as planned. A small number may see payments before that; however, VA officials caution that, if any unexpected glitches crop up, the payments will be delayed until the second half of January. That's because they'll have their hands full at the end of the year reprogramming and implementing new pay rates for 2007.

Over 100,000 retirees now drawing either Combat-Related Special Compensation (CRSC) or Concurrent Retirement and Disability Pay (CRDP) ultimately will receive back payments -- and that number is growing daily with new awards. Because of the complexity of calculating who is due how much (individual circumstances vary widely, and many cases require manual review), the majority of the payments will likely be phased in from January through next summer.

Why is retroactive pay due? While the VA disability award letter usually establishes a retroactive effective date, the VA doesn't initially make retroactive payments for retirees with less than a 100% disability rating. That's because there's usually at least some offset required for retired pay already received. If the VA paid all retroactive awards immediately, it would cause major headaches for many disabled retirees, who would then have to pay back large amounts of their military retired pay.

Only if and when a disabled retiree is awarded CRDP or CRSC can the VA find out whether back disability pay is due - but it needs a ton of data from the Defense Department to figure out how much. On the other hand, retirees who experience changes in their disability awards may also be due retroactive CRSC/CRDP payments from the Defense Department.

The bottom line is that the new and complicated CRSC and CRDP programs have created major administrative and budgetary headaches for Pentagon and VA administrators. Their first priority has been to get the pays started while minimizing confusion or aggravation for disabled retirees. Now, they've invested months of combined effort to change their policies, systems, and budgets to finish the hard part - figuring out who is due how much in retroactive payments.

Defense Finance and Accounting Service (DFAS) sources say the affected retirees will receive specific details at the time their retroactive payment is made. DFAS expects to publish a detailed news release later this month.

Issue 2: VA Court Overturns Agent Orange Rule

The Court of Veterans Appeals ruled August 16 in the case of a Navy veteran who had appealed an earlier decision by the Board of Veterans' Appeals on his Agent Orange disability claim. The veteran, Mr. Jonathan L. Haas, had claimed service connection for diabetes mellitus and other conditions due to exposure to dioxin (Agent Orange) while serving aboard a Navy vessel during the Vietnam War. The Board denied his claim, since VA regulations limited potential service connection due to presumed exposure to herbicides only to veterans who actually set foot in Vietnam. "Blue Water" sea service veterans have long maintained that the "on-shore only" rules were arbitrary and unfair.

The Court essentially swept away the VA's rule. In reversing the Board's decision in Haas' case, the Court said the law was "not clear on its face concerning the meaning of the phrase 'service in the Republic of Vietnam'" [emphasis added]. It said the law doesn't "limit [application of the] presumption of service-connection for herbicide exposure to those who set foot on the soil of the Republic of Vietnam."

Specific diseases the VA presumes to be service-connected for qualifying Vietnam service include diabetes mellitus (Type II), Hodgkin's disease, prostate cancer, multiple myeloma, certain birth defects such as spina bifida in the children of Vietnam veterans, and chronic and lymphocytic leukemia. For a complete listing and related information, see: http://moaonline.org/ct/Ndz_irK1GXOz/

The Court did not actually award a disability to Haas, but sent his case back to the Board for that determination. If the Board rules in his favor, the Court directed that his other Agent Orange-related medical conditions also must be compensated.

What does the ruling mean for others? The implication of the court ruling is that all who received a Vietnam Service Medal (http://moaonline.org/ct/N1z_irK1GXOa/) and who contract one of the listed diseases could expect the VA to rule that disease as service-connected.

Issue 3: Medicare Outpatient Physical Therapy Payments at Risk

Barring congressional action before the end of the year, Medicare payments for outpatient physical therapy will be limited to a flat \$1,740 a year, starting in January. But a bipartisan effort is underway in the House to change the law and suspend the payment cap.

The cap on outpatient physical, speech-language and occupational therapy services by any providers other than

hospital outpatient departments was put in law by the Balanced Budget Act of 1997. That law required a combined cap for physical therapy and speech-language pathology, and a separate cap for occupational therapy, but Congress delayed its implementation for several years.

The \$1,740 annual cap went into affect in January 2006, but Congress authorized an exception if such services are determined to be "medically necessary" -- which most certainly are. But this exception is due to expire at the end of 2006.

In May, Reps. Benjamin Cardin (D-MD) and Philip English (R-PA) authored a bipartisan letter urging the leaders of the Ways and Means and Energy and Commerce Committees (which oversee the Medicare payment issue) to repeal the cap. At the very least, the letter said, the medical necessity exception should be extended through 2007.

177 representatives joined Cardin and English in signing the letter.

Absent a repeal of the cap or extension of the exception, TRICARE For Life (TFL) beneficiaries will experience more out-of-pocket expenses and may have to seek these services in a hospital setting.

Military eligibles will have some protection in that TFL will become primary payer after the Medicare cap is reached, but TRICARE deductibles and copays apply after that point.

Issue 4: National Media Highlight MOAA's SBP Campaign

MOAA's efforts to end the Survivor Benefit Plan (SBP) "Military Widow's Tax" have gotten national media coverage in the last two weeks, with a CNN feature on today's (Aug 25) "American Morning" and a top-of-the-page story in the August 19 New York Times.

The MOAA staff provided extensive background materials and interviews with the Times and CNN reporters. With the help of Military Coalition partner Gold Star Wives of America, Inc., we arranged for CNN to have an on-air interview with Mrs. Suzanne Stark, whose husband was killed in Iraq in 2003. The CNN reporter, Barbara Starr, used MOAA-provided charts to highlight the inequity of subtracting VA survivor benefits from military SBP annuities in cases where military service caused the member's death.

"Oh, how awful," exclaimed CNN anchor Soledad O'Brien, "to have a loss, a horrible loss, you know, be leading your family alone and then -- now you have to go and take on this legal battle, as well." We agree.

CNN said the Defense Department declined an interview request, but said in a statement: "There is no apparent need to provide both benefits."

The Times article also quoted advocates from MOAA and the Gold Star Wives.

MOAA will send copies of both stories to the House and Senate leaders now mulling whether to retain the Senate-passed fix for this problem in the final FY2007 Defense Authorization Bill, urging them to find a way to do the right thing and end the "Military Widow's Tax".

You can help by visiting MOAA's Web site (http://moaonline.org/ct/Mdz_irK1GX6C/) and sending a MOAA-suggested message to your legislators on this issue.



JAYHAWK CHAPTER MOAA



A membership meeting will be held **Wednesday, 27 September 2006**, at the Lawrence Country Club. Dinner cost is **\$20.00** per meal.

The Program: General Richard B. Myers, USAF (Ret), former Chairman of the Joint Chiefs of Staff, will be our speaker.

Social Hour: 1800 hours

Dinner: 1900 hours

The Menu: *Filet Mignon, baked potato, vegetable, rolls, salad, tea or coffee and ice cream*

Send your reservation and check payable to **Jayhawk Chapter MOAA** to arrive no later than 21 September 2006, to:
CAPT (Ret) Jim Cooper
1115 Stone Meadows Drive
Lawrence, KS 66049-3961

If you have any questions, you may contact Jim at 842-7037 or John Halladay at 843-6184.

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Yes, please make _____ reservations for me and my guests. (Spouse and other guests are welcome.)

The cost is \$20.00 per meal. I am enclosing a check for \$_____ for meal(s).

MG Clay Comfort Scholarship program contribution \$_____
(Checks made out to "KU Endowment")

TOTAL: \$_____

Name

Telephone

Dinner reservations are confirmed on Monday before the dinner. Cancellations, if necessary, should be made prior to Monday noon; otherwise, the Lawrence Country Club will charge us for those meals.

**TEAR OFF AND RETURN THIS FORM WITH A CHECK PAYABLE TO:
JAYHAWK CHAPTER MOAA**

MOAA WEBSITE: www.moaa.org

JAYHAWK CHAPTER WEBSITE: www.jayhawkmoaa.org

Thanks to those of you who responded to our 06/30/06 request, we had ten (10) more members agree to receive the newsletter by e-mail and we're up to nearly one-fourth of those who have e-mail. If you want to be added to the e-mail list, please let us know at jwhalladay@sunflower.com.

2006 Jayhawk MOAA Calendar:

Wednesday 27 September MOAA meeting
Gen. Richard Myers will be our speaker

Tuesday 21 November MOAA meeting

Tuesday 16 January MOAA meeting

Tuesday 20 March MOAA meeting

Tuesday 15 May MOAA meeting

***IF YOU NEED A RIDE TO MEETINGS,
PLEASE LET US KNOW
ON YOUR RESERVATION FORM***



*Newsletter Editor
Jayhawk Chapter, MOAA
2403 Manchester Road
Lawrence, KS 66049-1646*

***Remember to fly the flag
on Labor Day
and 11 September***