

May 30, 2007

Honorable Michael O. Leavitt
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Leavitt:

I applaud the leadership of President Bush and his Administration, especially your Department, in federal efforts to ensure that all Americans living with HIV as well as millions of others around the world have access to lifesaving AIDS treatment.

As a practicing physician who has cared for patients living with HIV, I am, however, gravely concerned about the ongoing crisis taking place in Puerto Rico.

Countless Puerto Ricans living with HIV/AIDS may not be receiving appropriate care or life saving treatment as the result of the ongoing inefficient management, poor administration and misuse of federal AIDS funds by the Puerto Rico Department of Health and the city of San Juan. I would, therefore, request your personal attention to resolving this matter as soon as possible.

I understand that the Health Resources and Services Administration (HRSA) is aware of the situation and is providing technical assistance. The misuse of federal AIDS funds, however, has plagued Puerto Rico for decades and the health and well being of patients is dependent upon more prompt and decisive leadership.

In the 1990s, 12 administrators of the now-defunct San Juan AIDS Institute were exposed for embezzling \$2.2 million in federal funds. Lawrence Poole, an HHS official responsible for monitoring the distribution of CARE Act funds, admitted under oath in 1999 that his department continually paid millions to the Institute without ever receiving an accounting or financial report.

HRSA found that from April 2001 to March 2002, the Puerto Rico Department of Health misused more than \$1.6 million in CARE Act funds.

In 2003, HRSA identified that the San Juan City Council had, for years, distributed hundreds of thousands of federal AIDS dollars to groups under agreements that violated Federal regulations. At the time, officials indicated that the city's program could be placed in a type of "receivership" if the pattern of irregularities continued.

A 2005 grant review demonstrated that San Juan did not meet the minimum standards for the required maintenance of efforts as required by law.

In 2006, an Office of Minority Health Study noted that a majority of the Commonwealth's STD/HIV/AIDS clinics did not have basic amenities. For over a year and a half, HRSA sponsored AIDS Education and Training Center, through their Florida/Caribbean office, has been conducting and reporting clinical chart reviews of the various ADAP clinics and has documented crass disparities in healthcare treatment and availability of medication.

In December 2006, FBI agents raided four San Juan city government health offices that manage the AIDS funds as part of a fraud investigation, although no arrests have yet been made.

This long history of corruption and fraud and abuse must end.

This misuse of taxpayer dollars is unacceptable, especially when the true victims are the patients who depend upon this program for their very livelihood. People's lives are in danger and the misuse of federal AIDS dollars has been tolerated for far too long. There is absolutely no excuse for not taking immediate action, including holding those responsible accountable and ensuring that those with HIV receive the treatment necessary to stay healthy and alive.

Please provide a detailed description of the following:

- 1) All activities being undertaken by HRSA or other HHS staff to ensure federal dollars are not being misspent and patients with HIV/AIDS are receiving appropriate treatment;
- 2) A description of the options that are legally available for the Department to remedy this ongoing abuse of federal AIDS funds, including setting up a type of receivership to ensure federal funds are being properly spent, accounted for, and reaching patients who need assistance;
- 3) The total amount of funds identified that may have been misspent or misused by both the Title II and Title I grantees in Puerto Rico over the past decade;
- 4) The total amount of unspent or unobligated CARE Act funds (all Titles) that have been rolled over from year to year over the past decade; and
- 5) The total number of Puerto Rico residents on ADAP waiting lists each year during the past decade.
- 6) An estimate of the number of individuals living with HIV/AIDS in Puerto Rico who are not receiving care and treatment.

Thank you for your attention to this matter. I thank you for your attention to this matter and look forward to a prompt reply.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom A. Coburn". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Tom A. Coburn, M.D.
U.S. Senator