

special education. For the most part, this relationship has worked very well. But occasionally, the school system cannot or does not provide an appropriate education. In those rare cases, the Congress recognized that parents should have the ability to challenge the school's decision and advocate for a new Individual Education Plan.

As both school systems and parents build their cases, they bring expert witnesses to assess the student and testify about the quality of the education plan. In 1986, when Congress amended IDEA, it explained in the Conference Report that when parents win their case, a judge could award attorney's fees, including, and I quote, "reasonable expenses and fees of expert witnesses and the reasonable costs of any test or evaluation which is found to be necessary for the preparation of the parent or guardian's case." For years, prevailing parents were awarded expert witness fees, as Congress intended. But unfortunately, while Congress was very clear in its explanation of the bill, it did not include this provision in the legislative language. In 2006, the provision was challenged and the Supreme Court ruled that because Congress did not make its intention explicit in statute, courts could not longer award these fees.

As a result of this decision, parents can be faced with many thousands of dollars of expert witness fees in order to ensure their child gets an appropriate public education. A single expert witness can charge anywhere from \$100–\$300 per hour. Confronted with these costs, parents are discouraged or outright barred from bringing meritorious cases to secure the rights of their children. Low and middle income families are particularly hard hit.

Today, I introduce a bill to clarify Congress's intent and restore the expert witness fee provisions. It will allow parents to recover the high cost of expert witnesses if, and only if, they win their dispute with the school district. I want to be very clear—this bill does not impose any additional costs on school districts that comply with IDEA. The provisions apply only when a school system has been found, after an impartial hearing, to have wrongfully denied a child an appropriate education as defined in IDEA.

Madam Speaker, every student with a disability is entitled to a free and appropriate education under the law. This bill will level the playing field and help parents be effective advocates for their children's best interests.

THEY CANNOT DO BUSINESS LIKE
THIS—PHARMACISTS NEED OUR
HELP

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. MORAN of Kansas. Madam Speaker, I rise tonight to call upon Democratic leadership to bring legislation to the floor that will help our independent pharmacies stay in business. The last few years have been difficult for pharmacists across the United States, and many are struggling to keep their doors open due to changes in the Medicare Part D prescription program. In my Kansas district alone, we have lost four pharmacists since this government program went into effect.

Once again, we are asking pharmacists to bear the burden of our cost-cutting measures.

The Deficit Reduction Act of 2005 made average manufacturers price, AMP, the new basis for the Medicaid Federal upper limit on multi-source, generic prescription drugs. Earlier this year, the Government Accountability Office released a report indicating that this new pricing system would reimburse pharmacists at 36 percent below what it costs them to buy the prescriptions. I ask you, how can we realistically expect anyone to do business like that?

We need to make changes quickly; otherwise, these pharmacies will no longer be around to serve customers. Here are some real life examples of Kansas pharmacists who are going to be negatively affected by this change if we do not act soon.

Many Medicaid patients in Kansas are in treatment for psychiatric conditions. Because of their mental state, they often forget to take their medications. Mike Conlin, a pharmacist in Topeka, has initiated a program in his pharmacy to help his psychiatric patients remember to take their medications by having his staff put the meds in a unit dosage device. This device allows his patients to see at a glance which medications are called for at any particular time of day. Mike stated it will be difficult to offer this individual treatment on a medication that pays him nearly 36 percent less in reimbursement than it actually costs his drugstore.

In other parts of the State, a great number of our community pharmacists double as the local nursing home pharmacist. Jim Hampton, of Atwood, Kansas, is one such pharmacist. The physicians and staff of the local Atwood home, depend on Jim to advise them daily on such issues as drug-to-drug interactions, new drugs and dosage regimens. While Jim finds great satisfaction in providing these medications and advice on their usage, he must reconsider his ability to serve these geriatric and developmentally disabled patients. And his decision is purely a business decision. Jim will be forced to decide whether his business can really afford to remain viable in selling a product for a price far less than he can acquire that product. Average manufacturer pricing is forcing Jim to do just that. And the ramifications of Jim's decision are far reaching.

In Phillipsburg, Kansas, there is a young disabled mother that recently gave birth to a child with a heart condition. She was without her Medicaid card yet urgently needed medication for the newborn infant. In fact, she was without a medical card of any type showing that insurance would pay for the medication. The local pharmacist, Rob Wenzl of Wenzl Drug, provided the infant her lifesaving drug. Rob did this despite the fact the new mom had no proof of coverage. Rob is just one more of many pharmacists in rural Kansas that are being forced to consider letting go of their Medicaid patients. The personalized service that Rob enjoys providing his patients, and that personalized care the patients receive, will potentially be eliminated should average manufacturer pricing as currently written be foisted upon our pharmacists.

Those of us in Congress take our responsibility seriously to stand up for those who are in trouble. I encourage my colleagues to listen to those pharmacists in their districts and encourage Democratic leadership to bring legislation to the floor to fix this problem.

Access to local pharmacies is important to a strong healthcare system and is, therefore, important to each and every one of us.

CONGRATULATING ST. PAUL'S
EPISCOPAL SCHOOL
VOLLEYBALL TEAM ON WINNING
THE 2007 STATE CHAMPIONSHIP

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 13, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor the St. Paul's Episcopal School volleyball team on winning the 2007 5A state championship.

In 1947, William S. Mann founded St. Paul's Episcopal School in Mobile, Alabama. St. Paul's began with a class of 20 kindergartners, and has grown to an enrollment of 1,613 students, making St. Paul's the largest Episcopal school in North America.

Coach Kelli Hillier led the top-ranked and defending 5A championship varsity volleyball team to their second consecutive state championship earlier this month bringing the total number of volleyball state championships to 10. Incredibly, this most recent honor brings the number of St. Paul's state championships won this year to 9. Like Coach Hillier, I am so proud of her players, and I know they worked hard for this great honor.

The St. Paul's statement of philosophy regarding its athletes states, "On the field and off, win or lose, they should be the example of honor, integrity, and respect," and these young women are certainly no exception.

Madam Speaker, I ask my colleagues to join me in congratulating the St. Paul's volleyball team on a great season and state championship. This school deserves public recognition for this great honor, and I extend my congratulations to each member of the team and coaching staff:

ST. PAUL'S 2007 VOLLEYBALL TEAM ROSTER

Names: Katherine White; Grace Copeland; Annie Gonzales; Lenore Lahti; Jennifer Percy; Nancy Taylor; Neal Tisher; Courtenay Martindale; Catherine Rebarchak; Sarah Kitzmann; Johnnie Borries; Robin Jackson.

Coaching Staff: Head Coach Kelli Hillier and Assistant Coaches Jill Campbell and Sharon Mosley.

HONORING HUNTER E. STOLL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 14, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Hunter E. Stoll, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 255, and in earning the most prestigious award of Eagle Scout.

Hunter has been very active with his troop, participating in many Scout activities. Over the many years Hunter has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Hunter E. Stoll for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.