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Funds to start Maine Rx long gone

By PAUL CARRIER, Portland Press Herald
 Writer

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AUGUSTA — A court decision allowing Maine to launch a long-delayed program offering prescription discounts to uninsured residents comes at a time when the state is strapped for cash and no longer has the money set aside to start the program.

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But a spokesman for Democratic Gov. John Baldacci, as well as legislative leaders from both parties, said Tuesday that support for the Maine Rx program is strong and funding will be found. Officials said Monday that they hope to begin the program this year, but there are too many questions to offer a more precise timetable.

"I think the governor is going to do everything possible to find a way to fund it," said Lee Umphrey, Baldacci's spokesman.

Legislative leaders were equally enthusiastic, insisting that the drive to pay for the program will cross party lines, even in tough times. Some lawmakers even suggested Tuesday that the Legislature incorporate Maine Rx into Dirigo Health, the reform plan that Baldacci has submitted to the Legislature.

Starting Maine Rx is "a pressing need" and paying for it "seems to be the right thing to do," said Sen. Chandler Woodcock of Farmington, the No. 2 Republican in the Senate. As a result, there probably will be bipartisan support to do just that, said House Majority Leader John Richardson, D-Brunswick.

It is still unclear how much it will cost to start the program, which

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the Legislature created in 2000 to lower prescription prices for more than 300,000 Mainers. The state initially put up millions of dollars to get the program off the ground, but a court challenge by the pharmaceutical industry put Maine Rx on hold until Monday's U.S. Supreme Court ruling, and the startup funds are long gone.

In a 6-3 decision Monday, the high court lifted a U.S. District Court injunction that had prevented the state from negotiating discounts with drug makers. But the court did not rule on the legality of the program, leaving the door open to further challenges and to the possibility that the program will be terminated later by the courts or by the U.S. Department of Health and Human Services.

The program calls for the state to use its Medicaid drug-buying power to persuade drug makers to offer discounts to the uninsured. It also allows the state to impose price controls if the state and the manufacturers are unable to agree on discounts.

On Tuesday, Republican U.S. Sen. Olympia Snowe wrote to Health and Human Services Secretary Tommy Thompson, asking him to endorse the program, but Thompson has not done so.

Campbell Gardett, a spokesman for Thompson, said the agency will work with the state if Maine formally requests federal approval of Maine Rx. Gardett said the state has not filed such a request, and he could not predict Thompson's reaction to one.

State officials have promised to implement the program as soon as possible, even though funds are lacking. The state will need money up-front to reimburse pharmacies for discounted prescriptions. Over time, rebates from drug manufacturers would cover the cost of the discounts.

When the Legislature first created the program, officials authorized a \$4.6 million loan from a state trust fund created by the settlement of a multi-state lawsuit against the tobacco industry. In addition, the state put up at least \$650,000 in fiscal year 2001 to hire staff, promote the program and cover other startup costs.

But as Maine Rx got bogged down in the courts and the state introduced a separate program to expand Medicaid coverage for prescription drugs, lawmakers chipped away at the money until there was nothing left.

Officials said Tuesday that it is impossible to know where the Maine Rx money will come from or even how much the program will cost, in part because the price depends on variables.

For example, the state hopes to persuade Thompson to revive a separate drug program, Healthy Maine Prescriptions, that a federal

judge shot down last year. And Maine would like the federal government to provide matching funds for a state program that provides prescription discounts for the elderly and disabled. If either of those things happens, it would cut the cost of Maine Rx by providing prescription coverage for the uninsured through other programs.

The tobacco-settlement money may not be a reliable source of funding in the future, according to budget analysts. The Kentucky-based Council of State Governments reported last month that the states may lose a combined total of \$24.8 billion over the next eight years because of lower-than-expected settlement payments and lost taxes from Internet cigarette sales.

In Maine, the tobacco-settlement fund may be virtually empty within two years, said Grant Pennoyer, who runs the Legislature's fiscal office.

That may force the governor and the Legislature to look elsewhere. But "we will come up with the money to get this program up and running" no matter what, said Rep. Benjamin Dudley, D-Portland, who serves on the Legislature's Appropriations Committee.

"I'll be shocked if we cannot do it in a near-unanimous fashion," he said.

Staff Writer Paul Carrier can be contacted at 622-7511 or at:

pcarrier@pressherald.com

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