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Incremental start likely for Maine Rx

By PAUL CARRIER, Portland Press Herald
Writer

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AUGUSTA — The state hopes to get the Maine Rx program up and running this year now that the U.S. Supreme Court has said the program should be allowed to operate. But officials said Monday there are too many unanswered questions to predict precisely when the program will lead to discounted prescription drugs for retirees and others who are uninsured.

What is clear, the head of the Department of Human Services said, is that the launch will be incremental, meaning the program will gradually increase the number of participants instead of immediately offering discounted prescription drugs to everyone who is eligible.

"More work remains before the benefits of Maine Rx can be realized," Gov. John Baldacci said Monday.

Baldacci said he has ordered

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Peter Walsh, the acting commissioner at DHS, to pull together bureaucrats and other experts who will study issues

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related to the startup, including how it will affect the state budget. Walsh said that group should be able to report back to the governor within a week to 10 days.

The Maine Rx program allows the state to use its Medicaid buying power to try to force drug makers to offer prescription discounts to the uninsured by steering Medicaid purchases away from manufacturers that refuse to participate. The law also says that, as a last resort, the state could impose price controls if the industry refused to participate in the program.

Under the program, all Mainers who lack prescription coverage would be eligible for a discount. Participants would get a 6 percent break on the average wholesale price, but they would pay a small dispensing fee and the state would pay participating pharmacies a processing fee. There would be no limit on the number of prescriptions.

The state would reimburse participating pharmacists for the discounts they provide to consumers. That would protect the pharmacies from losses by making sure they get full price for the prescriptions they fill. The state would then collect rebates from manufacturers to reimburse state government.

Walsh said Monday that several questions remain unanswered. These include whether the state will have to borrow money to get the program off the ground, how much it might have to borrow, whether his agency will have to hire more staffers, and how many people will be eligible for the program. An old estimate pegs the number of eligible Mainers at 325,000, but Walsh said officials will have to determine whether that number remains accurate.

Although the Maine Rx program has been on the books for three years, the state is not prepared to implement it quickly because a federal judge issued an injunction against the program in 2000, before it ever started. That injunction "prevented the state from taking any further action on the development or implementation of Maine Rx," said DHS spokesman Newell Augur.

Walsh said it is unclear how Maine Rx will affect, or be affected by, other state health programs that have been created or revised since the Legislature enacted the Maine Rx law in 2000.

For example, the Healthy Maine program, which was created in 2001, had expanded Medicaid prescription coverage to 112,000 Mainers by the time that program was struck down by a federal



court last December. Under that ruling, the U.S. Department of Health and Human Services has the power to revive the Healthy Maine program. The state may use the Supreme Court ruling on Maine Rx to try to persuade the federal government to breathe new life into the Healthy Maine program.

"We now have to best gauge how (the ruling on Maine Rx) is going to impact on existing programs," Baldacci said Monday. But in the meantime, "we are that much closer to covering those people" who lack insurance coverage for prescriptions, said Senate Majority Leader Sharon Treat, D-Gardiner.

Baldacci said the Supreme Court ruling "could have an immediate impact on the budget" and the Legislature may be asked to deal with that in the current session, which is scheduled to end next month.

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