

TENNESSEAN

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Advocates' concessions keep TennCare on table

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Governor extends deadline for pulling plug on health program

The life of the state's ailing TennCare program was extended a few days yesterday as advocates for 1.3 million enrollees made some legal concessions in response to Gov. Phil Bredesen's brinkmanship.

To evaluate the concessions, Bredesen extended today's deadline for pulling the plug on TennCare until Friday.

At a news conference at the end of a dramatic day in court and in front of TV cameras, Bredesen said the concessions "at a minimum need clarification and at worst undermine what we need to have a chance to succeed."

Bredesen is trying to control costs in the \$7.8 billion program that provides health care for the state's poor and uninsurable. He has blamed court orders won on behalf of enrollees by the Tennessee Justice Center for blocking his changes.

If those court orders are not put aside, Bredesen says, he will be forced to reduce the expanded TennCare program to the minimum Medicaid coverage required by the federal government. That would mean 430,000 Tennesseans covered would be left without health-care coverage.

The advocacy group filed motions yesterday in federal court to suspend for two years the court agreements the governor has blamed for undermining his efforts to manage TennCare. A federal judge has asked the state to be prepared to discuss the motions Friday.

After Bredesen's evening news conference, attorney Gordon Bonnyman with the advocacy group said he isn't sure what else the governor wants.

"We believe we've given the governor what we've been asked to give him," Bonnyman said. "We've got nothing left to give."

Bredesen expressed concern with conditions placed on the Justice Center's concessions, including language in the legal filings that say the state would "be required, of course, to comply with the United States Constitution" as well as a provision that says that the state has to comply with Medicaid laws that the Department of Health and Human Services has "lawful authority" to regulate.

That legal language, the governor said, might leave open the door to legal action against the reforms that Bredesen hopes will save the costly health-care program.

"What our state cannot afford is a cease-fire on paper but continuing guerrilla warfare on every issue," Bredesen said.

Bonnyman said that the Tennessee Justice Center has made its concessions and the ball remains in the

governor's court.

"All we're saying is you've got to comply with the Constitution," he said. "As attorneys, you can't say that I will agree that this group of people for whom I'm responsible won't have constitutional protections going forward. It's unethical for them to ask it. It's unethical for us to offer it. And it is illegal for a court to approve it."

Would Bonnyman agree to change any of the legal language to satisfy the governor?

"At this point, I don't think so," Bonnyman said.

Aides to the governor and Tennessee Justice Center attorneys will meet tomorrow to see if further compromise can be reached, Bredesen said.

The two sides will be in federal court Friday, and U.S. District Judge John Nixon has asked the state to complete its assessment of Bonnyman's proposals by then.

Lawmakers, watching the events from the sidelines, credited Bredesen and Bonnyman with making progress.

"Every legislator with whom I've spoken is supportive of this being worked out in this way," said state Sen. Roy Herron, D-Dresden.

"Everyone wants 430,000 working people and children to continue to have health insurance. ... I think there will be unanimous or virtually unanimous support for this to be worked out this way," he said.

A Republican colleague, Sen. Mike Williams from Maynardville, said he is glad to see things turn from confrontational to compromise.

"If we can provide services and manage it well, and the tax dollars are going where it should, taxpayers win. We all benefit," Williams said.

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