

March 12, 1976

PRESIDENT: Thank you Senator Schmit. We will try and make the discussion as relevant as possible. Would you bear that in mind please Senator Chambers.

SENATOR CHAMBERS: I have about six more words, may I read them and then if you say that it is irrelevant, then I won't...

PRESIDENT: Well, alright.

SENATOR CHAMBERS: But, I feel that it ties in with the issue that we are discussing.

PRESIDENT: The relevancy problem is difficult for the Chair but we will all try to keep this relevant.

SENATOR CHAMBERS: This is the part that I want to read to show that it is from the bill and what I am saying. The Legislature finds and declares that it is in the public interest that competent medical and hospital services be available to the public. Now, competent medical and hospital services. We are talking about a person opting in or out of a bill that provides malpractice coverage. Now, is this service, this health care that the legislature finds the public is entitled too going to be raised if you and the doctor are in or out of the bill. Now that is a question which I think can be addressed if this issue is really one of competent medical and hospital care. As has been pointed out by what Senator Dworak has said here and others prior to this, the bill is one talking about insurance. The testimony before the committee dealt with insurance. Now, we have gotten even away from the insurance as such and are talking about the non-accessibility or non-availability of medical care period to the patient. Now we are creating a situation where...like The Sword of Damocies, I think that some of you know what that is. There was a tyrant in Syracuse named Dionysius, and one of his courtiers thought that being the king was the greatest thing in the world, so to show the courtier what the problems were he sat the courtier in a chair and suspended a sword over his head by a thread. He said that is the precariousness of the fortunes of a king. I don't know if it persuaded the courtier about the fortunes of a king, but it let him know that if he sat in a chair under a sword suspended by a hair it made you very uneasy. You are putting a patient under a sword of Damocies with a bill and a provision like this. You are saying that your alternatives are to accept treatment under a bill which tells a doctor that he needs to exercise no standard of care in treating you, or get no treatment at all. So, what are you presented with in the form of a choice, really nothing. I hope that the members listened to the things that Senator Dworak said. There is a bill which can accomplish the stated purposes of Senator Schmit and the medical profession. But, the purpose that they are stating is not the purpose that they have in mind. It doesn't take a bill as long as this one to do what they have in mind. There is a very small section that deals with insurance. A good doctor, and I have his name here, it was in this mornings paper. Dr. Hofman said that even if LB703 is passed by the legislature as expected, it will