

according to the appeals they are allowed in which to do these sort of things. So there would be no question that the Department of Health would not do that, unless they absolutely refuse to train their people within the prescribed time.

SENATOR NEWELL: Okay, Let me ask you this other question. I agree with you. I don't... The Department of Health very seldom, and only in a few really abnormal cases have they suspended someone's license. You're talking about revocation. Is suspension also in there?

SENATOR HIGGINS: No, but if you want to add it, you can.

SENATOR NEWELL: I guess what I would argue, and I'm not prepared to offer this today, but I would argue two simple things. I'm not sure that to take the penalty provision out altogether is a good thing. On the other hand I do believe that you ought to have a range of penalties, because in fact without a range of penalties what tends to happen is that if they have but just one choice and that is to revoke, they very seldom use it. If you want to get compliance you're better off having a range of penalties which the Department then can apply. I think you're more likely to get A. some more active enforcement of the measure; and also you are more likely to get them to use that enforcement mechanism. So I guess I'd like to fall somewhere between Senator Hefner and Senator Higgins. I think there ought to be a wider range, but I'm not prepared, at this time, to offer that kind of mechanism. But I think it ought to be looked at. I think maybe both proponents would find it beneficial to maybe discuss that, and maybe ask the Department of Health what kinds of mechanisms they could use for enforcement.

SENATOR MARSH: Senator Labeledz. Senator Hefner, you ready to close?

SENATOR HEFNER: Madam Chairperson and members of the body. Did you want to talk a little bit, Senator Labeledz? Okay. I'll be brief in my closing. The reason I'm offering this amendment is because I feel that the Department of Health can do this at the present time. Section 4 says the "Department of Health may adopt and promulgate such rules and regulations as are necessary for the effective administration of this act". Therefore, I think they would have their penalties included in their rules and regulations. Therefore, I would just urge you to support this amendment because the Department of Health can assess these penalties as the bill is written. I urge the adoption of the last amendment.

SENATOR MARSH: We're now ready and we'll vote on Senator