

April 5, 1984

LB 561

SPEAKER NICHOL: Senator Haberman. Oh, Higgins, excuse me. I missed...you look alike so (interruption.)

SENATOR HIGGINS: Thanks, Mr. President, except Senator Haberman is much prettier than I am. I have put this amendment up here for the same reason the other amendments were put up here. I just don't like to see unfair play and I think it has been a very unbalanced debate when we have two different amendments up here and most of those speaking are opposed to the bill and I think that tells us something. It really is a turf fight I guess. I would only say this, those people that are fighting the most to keep optometrists from doing simple treatments, they keep telling us about all of the terrible things that will happen if we allow optometrists to do this. But, senators, I just keep asking you this one question. Who has the law that prevents you from suing them for more than a certain amount, the optometrists or the MD's? Who, evidently, has done the most damage to the people in their practice, the optometrists or the MD's? Have the optometrists ever come to this body and said, "Hey, put a lid on how much the public can sue us. It is getting so bad out there we can't afford the insurance. We have got so many malpractice claims." That has to say something. If we are talking about people being treated by optometrists, let me tell you a true story. Nephew-in-law of mine in Sioux City, Iowa, went to an MD, said, my eyes are bothering me, my vision is getting blurred and that MD treated him, and, thank God after three days, my sister talked that young man into going to another doctor and that doctor said, we have got to get this boy to Ames, Iowa immediately or he is going to lose his sight. And when he got to the hospital at Ames, they said a few more hours and it would have been gone. That was an MD and I will ask you to think about this. Remember, the MD's are the ones that don't want to be sued for only a certain amount. Do you think optometrists are stupid enough to treat somebody for something they don't feel safe with, that they are not qualified for, and jeopardize their own malpractice insurance? Certainly not. And you don't have any records of that. I withdraw this amendment and the only reason I put it up there was because it was so obviously an

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