

May 4, 1979

LB 172

So I would emphasize again that with these consensus amendments Nebraska meets all federal regulations. We exceed federal regulations in a number of areas and we will have one of the toughest and I think one of the most workable certificate of need bills in the United States. I would like to address for the record primarily and for the members of the Legislature as well, but I want to make very clear the language on amendment #8 in the handout that we have distributed to you which relates to health planning. In the amendments that were adopted on General File language was contained in those amendments as follows: Such plans, and that refers to the state health plan and the state medical facilities plan, "Such plans shall be placed on file with the Secretary of State and utilized as rules and regulations by the Department." We distributed those state health plans to you on Wednesday so that you would have an opportunity to see what was adopted in those particular amendments as rules and regulations and this is the set of rules and regulations that we did adopt in that one simple sentence. Now that went very much beyond certificate of need. That would have allowed these rules and regulations, this plan to be adopted as rules and regulations, and again, that went way beyond certificate of need. We have solved that problem with the new consensus amendments and the language there is that the Department, again quoting, "The Department may incorporate as part of its rules and regulations adopted pursuant to Chapter 84, Article 9, any part of such plans." This means that the Department of Health can extract from this large document such portions as may be applicable to certificate of need. They must process those rules and regulations as they would any other rule and regulation. They are not automatically adopted as rules and regulations of the Department of Health. For the record the introducers of these consensus amendments do specifically reject the language that the entire state health plan shall be utilized as rules and regulations. Any rule and regulation must be adopted pursuant to the administrative procedures act and we do not intend that this entire document, the entire state health plan and the state medical facilities plan be adopted as rules and regulations. That is an understanding that was very clear and that was, I think, one of the most important amendments. That is the one I wanted to talk about because I think it was important for the record. Again I think you have a strong certificate of need bill. I think we have worked out the nuts and bolts of the health planning process and I would urge you to support the consensus amendments and I would urge you to support the bill. Further I will say now, so I do not have