

January 25, 1982

LB 378, 255A

I have hearing notices from the Constitutional Revision and Recreation Committee for February 4, 5, 11 and 19. That is signed by Senator Labeledz. Public Health and Welfare gives notice of hearing for February 2. Banking gives notice of hearing for February 1 and 2.

Mr. President, new A bill, LB 255A offered by Senator Wagner, Hefner and VonMinden. (Read title). (See page 404 of the Legislative Journal).

Mr. President, Senator Stoney asks unanimous consent to be excused February 16 and March 22, 23 and 24.

SENATOR CLARK: No objection, so ordered.

CLERK: Mr. President, the next amendment I have to the bill is offered by Senator Wesely.

SENATOR CLARK: Senator Wesely.

SENATOR WESELY: Thank you. This is the 3rd amendment. This amendment would deal with the question that we were talking about previously about this review committee. What I am trying to do here is to put back in the Health Department the decision making authority on certificate of need and take it away from the review committee that is now presently in LB 378. And again this discussion will parallel what we just talked about with this appeal board. The review committee has got the same problems that we have seen with the appeal board, that is to say there will be a majority of consumers or providers but as we have seen in case after case that doesn't mean that they are going to go the way the consumer wants them to go, rather it seems almost always that the providers are able to draw one or two of the consumers away and get what they want. So this is essentially the strategy on behalf of the hospitals and the nursing homes to try and again take out the authority of the Health Department and put it in this review committee decision making process. So what I am saying is, stay with what we have got. We have got the Health Department making decisions. They make those decisions based on the facts. They are the ones that know the issues. The providers come in and provide their story and that is fine, but the Health Department makes the final determination on behalf of the State of Nebraska, what is best in the interest of the State of Nebraska and the consumers in particular. This is not dissimilar from any other departments that make similar sorts of administrative decisions, the Banking Department, or Ag Department, or other departments that license and otherwise make decisions, that they determine what is best

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