

March 1, 1982

LB 378

CLERK: Mr. President, I have a series of amendments to LB 378. The first thing we have to dispose of are the E & R amendments.

SENATOR CLARK: The E & R amendments.

SENATOR KILGARIN: I move the E & R amendments to LB 378.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. They are adopted. First amendment.

CLERK: Mr. President, the first amendment I have is from Senator Newell.

SENATOR CLARK: Is Senator Newell in the room? If all those that have amendments would stay in the room, it would certainly help to expedite things a little.

SENATOR NEWELL: Mr. President, members of the Legislature, the amendment that I offer to LB 378 is a very serious amendment and I want to make the record very clear that if this amendment is attached to the bill I think I could support the bill and actually I have two amendments and would like to have both of them but this is the most important of the two amendments but it is not a frivolous issue. It is one that I think this Legislature ought to consider very seriously as have others. The proposal I am offering would basically undo the changes that Senator Cullan has proposed in terms of how we process the Certificate of Need information. Presently what is done is that the Department accepts the application. The application is assessed and evaluated by the Department. They make a recommendation. If for some reason or another the institution making the application is not satisfied, they may then take it to a review committee. The review committee must have a majority of users. In other words it cannot be a majority of providers. Now frankly the reason we have this kind of process presently is because that is the way most states in the Union do it. We remember, we go back to the fact that this is a federal mandate that we have Certificate of Need and that is why this Legislature passed such legislation and we did it, we did it recognizing that there was some problems in terms of facilities and associated costs to the health care industry, and when it is a cost to the industry, it is a cost to the provider or to the individuals who are being...who are getting the care. So basically what is happening is that we adopted the Certificate of Need action and we allowed and authorized as the federal law mandates a review process. You have to review the process. If you don't like what is going on, there