

people that live in the nursing homes is what I am asking you.

SENATOR WESELY: Mmm, hmm. One of the problems with this provision that we got into was the contract provisions, that if you...right now when you go into a nursing home as you know, Senator Higgins, you sign a contract and then that contract is in effect. One of the problems we had in implementing this protection is that these contracts are in effect out there already and so you need to have a start up point so that when these new contracts are signed in July or whatever, January or whatever that this provisional will be recognized and so they'll know that. So one of the things we're doing is buying some time for the contracts and the nursing homes across the state will know that that they can't remove these people after one year.

SENATOR HIGGINS: But they could remove them next month.

SENATOR WESELY: Yeah. But they can now. I mean...what I'm saying is there is no way to get at that problem, Senator Higgins...

SPEAKER NICHOL: One minute.

SENATOR WESELY: ...the Constitution and contracts are already there in place and the only way to get around it is to do it in this fashion. I wish we could get at it. I know Senator Withem does too, but this is the best we can do. We have to provide for this lag time or it won't hold up in court we don't think.

SENATOR HIGGINS: I'm not sure that...the purpose of the bill was to keep the elderly that are already in nursing homes from having to go through that trauma which very often can result in death by not having any place to go and if they have nowhere to go, then this bill is not going to protect those people at all, if this amendment is adopted. They are going to be out on the street if there are no other nursing homes that will take them as a Medicaid patient.

SENATOR WESELY: It will help them after the one year delay that we have to take into effect. After that point everybody who has been in a nursing home one year will have the protection. It's just this intermediate time before the law takes effect, Senator Higgins. That's the only gap that we have and there is no way to avoid it that we can find, but it will protect them.

SENATOR HIGGINS: In other words, you're saying their contract