

PRESIDENT: Just a minute, Senator Higgins, just a moment, please. (Gavel.) Could we please have the conversation lower. We are having difficulty hearing and...thank you. Thank you, Senator Higgins.

SENATOR HIGGINS: Thank you, Mr. President. As you will recall, Senators, the last time we debated LB 250 the bill merely is doing away with giving advance notice to nursing homes whenever the Health Department is going to be coming by for an inspection. And this amendment simply, on page 2, will strike the words "announced or" so that it will say that the department shall make or cause to be made such further unannounced inspections. And also the bill does provide already that any employee or agent of the department who gives unauthorized advanced notice of an inspection shall be terminated, and I have amended that so that they can be terminated or suspended, but to be determined by the director whether they would be terminated or suspended. And then I got to thinking those are employees of the Health Department, what if some time in the future we should get a director or a deputy director who would want to give advance notice to a nursing home that they were about to be inspected, which I understand has been going on in the past. So I have added to the amendment also that in the event not an employee does this, but the director or the deputy director, they would be subject to a \$5,000 fine. Now I understand Senator Wesely has visited with the Health Department and they have no problem whatsoever with that. So, unless there are questions on the amendment, Mr. President, I would urge the adoption of the amendment.

PRESIDENT: Thank you. Senator Withem, please.

SENATOR WITHEM: Yes, Mr. President, members of the body, Senator Higgins has pointed out a couple of basic problems with drafting of the bill, with the committee amendment that a couple of positions where reference to preannounced visitations by the Department of Health were left in the bill after the committee amendments were drafted. I'm in wholehearted support of her amendment to strike those. I'm also in support of her amendment which would change the penalty somewhat for giving unauthorized advance notifi...or giving advance notice. There will be no such thing as authorized advance notice, giving advance notice of these visitations. I hope that none of these provisions will ever have to be used to penalize any individual. I hope the message is strong enough coming from the Legislature that we do not want to have prenotification to nursing homes of these