

January 23, 1992 LB 28, 560

SPEAKER BAACK: LB 28 advances. We'll now go to LB 560.

CLERK: LB 560, introduced by Senator Chizek. (Read title.) The bill was introduced on January 22 of last year, referred to Judiciary, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BAACK: Senator Chizek.

SENATOR CHIZEK: Mr. President, colleagues, 560 was brought to me by Corrections Department. Basically, what it does is it provides indemnification of medical service providers for expenses incurred while defending civil rights suits filed by inmates. It simply provides that the Attorney General represent persons who provide medical services to inmates who are sued for violations of civil rights. The bill also provides for the indemnification to the doctors or dentists for any civil rights judgments rendered against them. For instance, a common scenario might be a wrong tooth is pulled by a dentist. The civil rights under color of state statute argument would be that pulling the wrong tooth constitutes cruel and unusual punishment. Sounds strange, but it happens. And even though the dentists and doctors almost always win these lawsuits, they are stuck with the legal bills. The Department of Correctional Services relies heavily on private physicians to perform services on a contract basis when they need a specialist. The department has experienced difficulty, they're telling us, in attracting and retaining physicians under contract to provide services to inmates because they tend to show a greater propensity than other patients to sue service providers. As I said earlier, the upshot of all of this legal maneuvering is that physicians who contract with the department, who come to do work in department institutions, subject themselves to this, thus creates a problem because we are obligated, by law, to take care of the medical needs of the inmate population. Because the Attorney General's office is likely already representing the Department of Corrections in the same lawsuit, there will not be something...there will not be any additional costs beyond what the state is already bearing. As you can see from the fiscal note, there is little fiscal impact. In my opinion we would need...we need this bill, and I would ask you to advance it to Select File.

SPEAKER BAACK: Thank you, Senator Chizek. Senator Lynch, did