

March 8, 1979

LB 316

Senator Venditte and all of us should, particularly with... the support the pro-life cause would be very sad that we have done that. Now again this becomes a matter of judgment and I would be the first to admit that because it is something...but I think this area and this statement by the Supreme Court is strong enough that I, for one, am not going to take that chance. I, for one, am going to vote against Senator Venditte's amendment, support the bill as it has been worked out. I think there is a lot of thought and effort been put into it. I don't know whether anybody can say whether or not the bill is perfect. In fact, I am sure that there are a lot of problems with the bill but it is the best I think, human beings through the legislative process can come up with and so I would urge you to reject this amendment.

SPEAKER MARVEL: Senator Hoagland and then Senator Johnson.

SENATOR HOAGLAND: I would like to adopt, Mr. Speaker and colleagues, the very thoughtful remarks of Senator Dworak. I think he is absolutely right on this issue. I would like to make two points. First of all, I would like to clarify some of the answers I gave to Senator Cope which really weren't quite as clear as they should have been. I think if a Senator or if any citizen of this state goes into the hospital to have a kidney operation or to have a hemorrhoid operation or any other kind of an operation for instance, why the fact that such an operation was performed, for instance at Clarkson Hospital in the month of January, would probably be public record and there are many reasons for making it public record for reasons of general health and so forth, but what would not be public record and what should not be public record is the name of the patient, the name of the doctor and the name of the referring physician. Now if Senator Venditte's amendments are adopted, why the name of the patient in many instances will become obvious. The name of the doctor will be public record and the name of the referring physician will be public record. So in fact, abortion operations will be treated very differently in this state than every other kind of medical procedure, and again as I indicated before, some medical record librarians appeared before the Appropriations Committee a week or two ago and stressed the extreme importance of maintaining the confidentiality of medical records and by that, the name of the patient, the name of the doctor across the board and we heard considerable testimony on that score. Now, secondly, I indicated earlier that if we adopt these amendments we are going to be raising a whole new set of constitutional questions and let me