

April 18, 1979

LB 172

be considered a capital expenditure and would be subject to certificate of need review. Now the reason for that is that if cost of site acquisition is not included why then the certificate of need program will not represent the real cost of developing a facility. We feel it is important that site acquisition be put back in. Dropping down to the bottom of that page, amendment #10, now let me explain what amendment #10 does because I know that it has created a lot of concern in this body and around the state. Now amendment #10 continues the exclusion of doctors offices. Now let me repeat, it continues the exclusion of doctors offices except if those doctors offices wish to purchase any major piece of equipment which is associated with hospital based patient care. Why then the decision to purchase that equipment has got to be reviewed. So it does include doctors offices only if they want to purchase an expensive kind of hospital based patient care equipment, such as, a renal dialysis therapy unit, a radiation therapy unit, a computerized tomographic scanning unit or as the amendment indicates other clinical equipment generally associated with hospital based patient care. All right, now flipping two pages further to amendment #14, now amendment #14 is one of the three areas in which we have gone beyond the green copy, and this is the most important area in which we have gone beyond the green copy, and we have done it because we think it is essential to do so. Now what we are doing is striking section 35 of the white bill which carried through a section from the green bill which gives the Department of Health, their certificate of need reviewing authority, the authority to exempt from the operation of the act certain kinds of, really any kind of review which otherwise might take place. Now as the comment indicates to that section, we feel it is essential to put this provision in because if it is not and if the Department of Health reviewing process ever becomes dominated by the health care providers, why then it could emasculate the act. It could decline to review virtually any kind of certificate of need application that was made before it. Now going onto the next page, amendments 18 and amendments 20, now similarly they depart from the green copy but here in a much more minor effect. Now what #18 does is it deals with a so-called pocket veto issue that I am sure you have read about in the newspaper. Now let me find my copy of the white copy and I will describe exactly what that does. Now if you turn to the white copy of the bill, which are the committee amendments, the last sentence beginning on page 17 and continuing over to page 18 states "If the Department fails to act within such a period, the failure to act shall constitute approval of the application."