

April 18, 1979

LB 172

SENATOR NICHOL PRESIDING

SENATOR NICHOL: One minute.

SENATOR HOAGLAND: Thank you, Mr. Speaker, Mr. Chairman. Now what that provision says is that if there is a certificate of need application and the Department of Health does not make a decision on that application within ninety days, why its failure to act is deemed an approval, an approval of the application and permission to go on with the construction. Now the Department of HEW has told us in no uncertain terms that that is absolutely unacceptable so what we have done is we have simply taken out that sentence so we don't indicate directly in the bill one way or another what the result of a failure to act is. However, we are told that if that sentence is taken out why then a failure to act will constitute disapproval of the project which is what the federal guidelines require. Amendment #20, now amendment #20 I think is self-explanatory. That again is something else we have added to the green copy and that simply says that if a certificate of need application is granted for a particular project and if a project is developed which departs from the project outlined in the application, why then the sanction shall apply.

SENATOR NICHOL: Time is up.

SENATOR HOAGLAND: Thank you, Mr. Chairman, I have only one amendment to go and I will discuss that next time my time is up. Thank you.

SENATOR NICHOL: Senator Cope. Senator Maresh.

SENATOR MARESH: Mr. President, I yield my time to Senator Hoagland.

SENATOR HOAGLAND: Thank you, Senator Maresh. All right, now the last amendment of this package that I think it important to bring to your attention is #23 which is found on the next to the last page. Now #23 takes out another loop-hole. It takes out a provision which is new to the committee amendments, that did not appear in the green copy, and this restores the bill back to the green copy and it takes out a provision which says that an application cannot be denied solely because it does not fit in with the guidelines established by the Department of Health for the development and the placement of health care facilities around the state. Now deleting this particular section, section 58, will make objective and rational evaluation of an application possible