

May 26, 1981

LB 448

SENATOR CULLAN: I don't know what the...exactly their position is. I know that they opposed continuing education...mandatory continuing education requirement in statute. I do believe that there is a lot of continuing education that occurs but the Nebraska State Medical Association did testify in opposition to a mandatory continuing education requirement.

SENATOR MARSH: Thank you very much.

PRESIDENT: Motion on the desk, Mr. Clerk. No motion. The motion has been...no motion. All right, we are still discussing then the committee amendments to LB 448. The Chair recognizes Senator Warner.

SENATOR WARNER: I...two questions for Senator Cullan, one, you struck the filing of the complaints with the Attorney General's office. The reason those were in, and these I think were meant to indicate all Performance Review Audit sunset reviews, the reason the filing with the Attorney General's office, it came to our attention of an instance during the review which did not pertain to the group of health professionals that are under discussion here, but it was in another group, in which there had been a violation of statute by one health profession where they, in fact, had used drugs which they were prohibited from law from using, and that was a clear violation of the law and it was not forwarded to the Attorney General's office. The reason that that suggestion is in the bill for all health professionals is that we did not believe it was appropriate for a peer group to determine the seriousness, particularly an illegal use, as just a correction to be made by that group that is charged with licensing. Could you explain more fully what is wrong with sending those violations to the Attorney General's office when there was at least one clear example I could cite, if I need to, where a professional health regulated group individual had, in fact, illegally used drugs prohibited by statute and yet nothing was done about it nor was it sent to the Attorney General for review? I don't quite understand the problem with having these sent to the Attorney General to determine any illegal misuse. Can you explain what your rationale... with the history of one example, at least?

SENATOR CULLAN: Well, Senator Warner, I do appreciate the concern that you raised. I think that this is perhaps one of the committee amendments that you would like to be voted upon separately and certainly would not object to a division of the question in this regard. The reason that