

from the Department of Health actually as to whether or not that project should undergo a certificate of need review. The projects enumerated by current statute, there are projects enumerated in current statutes which received non-substantive review. Currently the designation of a non-substantive review is left to the discretion of the Department of Health. A determination by the Department on whether or not to grant a non-substantive review can be appealed under this new proposal. An applicant could request a public hearing for reconsideration or to appeal the determination of the Department of Health whether or not to grant a non-substantive review. Non-substantive review are granted for emergency type situations where licensing acts or fire codes or so forth require a change in a facility or for termination of services or several other things that are listed in the bill. Another major change that the bill makes is to eliminate the roles of health system agencies from certificate of need process. As many of you know the health systems agencies have received diminished federal funding and will be phased out in the State of Nebraska. The Governor has already made the decision not to continue the existence of health system agencies with state funding. Therefore if these agencies no longer exist they can not have a role in the certificate of need process. So it is important to eliminate the role for the process now. Another amendment follows the Iowa system and this I think is probably one of the most important changes in philosophy or the operation of certificate of need and that is to convert the advisory panel, the certificate of need advisory panel to the certificate of need review board. Currently the department of health makes decisions as to whether or not to grant certificate of need for an application. My proposal is to. . . . .

SENATOR CLARK PRESIDING

SENATOR CLARK: You have one minute left Senator Cullan.

SENATOR CULLAN: Thank you. My proposal is to allow a seven member board comprised of four consumers and three providers to examine each certificate of need application and to render a decision on that application so that there is an impartial tribunal reviewing evidence from any interested person and then make any decision as to whether or not that certificate of need should be granted. I think that this will provide for an impartial process and will eliminate any bias which staff of the State Department of Health might have already and I think that it is simply a much more fair