

procedure. As I indicated earlier this concept is borrowed from the State of Iowa. The Department of Health will also play a significant, is required to play a significant role in the process. The Department of Health is required to make a written recommendation to the Review Committee within 60 days after the application is filed.

SENATOR CLARK: Your time is up Senator Cullan.

SENATOR CULLAN: I would request permission of the Legislature and articulate three or four. . . .

SENATOR CLARK: I will give you time after the others have spoken.

SENATOR CULLAN: I would simply. . .okay.

SENATOR CLARK: Senator Wesely and then Senator Marsh.

SENATOR WESELY: I yield my time to Senator Cullan.

SENATOR CLARK: Senator Cullan. Senator Wesely yielded his time to you.

SENATOR CULLAN: Thank you Senator Wesely. I simply would like to review quickly two or three more major changes or significant changes which are proposed in my amendments to LB 378. The certificate of need advisory committee is changed to the review committee and a nursing home administrator and a consumer are added to that committee to bring the total membership to seven and the Governor will make the appointments to this review committee. The last major change that I would like to review is that exceptions to the state health plan can be made when justification for an exception to the state health plan is shown by a preponderance of the evidence. The reason that I mention this is that this is the only segment of the bill that I know which disagrees with federal regulation. That disagreement is intentional. If any of you have seen the state health plan it is a document two or three inches thick, contains a lot of data and information about the state health plan. I think that we ought to be able to move away from the state health plan when that is appropriate and that is why I have included this particular clause in the bill. Maybe the health plan would not allow services in an area that desperately needs them and I think we shouldn't blindly follow a plan adopted by the Department of Health. When the evidence is efficient to show that the plan should be deviated from, we ought to allow those deviations. But again I want you to know that this is one area of the bill where I intentionally decided to ignore a federal regulation. If anyone would like to see a copy of the health