

appeal board would then make a decision. If they again decided against the provider, the provider could go to court. Well, what is on the other side of the coin? Let's say the Health Department gets turned down before this review committee that Senator Cullan set up. They have no appeal rights and they have no appeal rights if the appeal board should turn them down. They have one shot and that is it, really, and if they win that one, there is other shots that the providers have that are not provided to the Health Department, so that everything works to the advantage of those applying for a certificate of need and it makes it very difficult for those denying to eventually win out. And we have seen this before and we will see it again and it is going to be much worse under the Cullan amendments than is the case now. And again this has already cost the taxpayers and ratepayers a couple million dollars over the past couple years because the appeal board has turned over these decisions where the Health Department had turned down unnecessary expenditures in health care. It took a lot of guts to do that but they are not going to be as willing to do that when the appeal board keeps turning over what they have decided to turn down. Another factor on the appeal board what Senator Johnson and Senator Hoagland are addressing in separate bills is the fact that they make their decisions behind closed doors and that the vote that they take is not publicized. There is not a public chance... the chance for the public to know exactly why they turned down an appeal. They don't have a...the public has no right to know how they voted and at this point I think that is another glaring example of the problem with this board. They sit down with this appeal. They go behind closed doors and make their decision. They put out their decision but nobody knows why or how that occurred. Well the answer to that is to open up the open meetings law which Senator Johnson and Hoagland have got a bill to do, but I think probably more important we ought to just get rid of the board. They are obviously not having the best interests of the consumers in mind and they are playing up to the providers in every case, but I think more importantly is even if you don't have this appeal board you still have a chance to go to the courts and overturn a Health Department decision. The courts are always the last recourse in the decision making process. So what I am saying is get rid of the appeal board. They have overturned too many decisions and they are not doing it publicly, and let any chance for an appeal go to the courts directly and quit taking up time through this administrative bureaucratic effort that really is not performing properly. That is what the amendment would do and that is the basis for supporting the amendment.