

I just wish to clarify a point. Senator Wesely...and I believe it was clarified by Senator Cope, but I just wanted to reemphasize that the appeals panel Senator Wesely is eliminating with his amendment, or proposes to eliminate, is a consumer dominated appeals panel. On each appeal there must be two consumers and one provider. I personally... I don't think this amendment is I suppose that big a deal but I personally believe that the appeal should be there particularly in light of the fact that we are eliminating health systems agencies, the role of citizens in this entire process has been diminished to some extent because of that. And I think that it would be unwise for us to eliminate the appeals panel and remove that citizen review in this particular case. Much of the comments addressing this amendment and all of the other amendments in the bill in general have been health care costs and health care costs. The editorials have blasted this bill as a bill that is weakening certificate of need. Even the headlines have been to that effect and some stories have said that we are gutting certificate of need. I think nothing could be further from the truth. I think the certificate of need will be stronger after LB 378 is passed in its current form, should it pass in that form, than it is today. I think it will give the Department of Health the incentive and the time to concentrate on significant projects and do a good job on those significant projects. If we eliminate the minor projects from the review in certificate of need, the staff of the Department of Health can concentrate on things that really are costly. The procedures here I think that we have changed are procedures that will make for a more rational process, a more fair process. I think it will also make the Department of Health justify its decision a little more. If the Department of Health prepares for an adversary proceeding before the review committee, then they are going to be ready for an adversary proceeding before the appeal board. And I think that they are going to do a better job and they are going to win more of those appeals if they do prepare more adequately. So I hope that you can believe me when I say that I think LB 378 is going to make for a much better, more effective certificate of need process. I personally doubt that after this bill is passed you can look back and see that two of ninety-two of the projects reviewed after enactment of this bill are finally constructed. So I urge you to oppose Senator Wesely's amendment to repeal the certificate of need appeals panel.

SENATOR CLARK: The Urban Affairs Committee would like to have an Executive Session right now under the north balcony. Senator Wesely, do you wish to close on your amendments? Senator Wesely. No closing?

SENATOR WESELY: Mr. President and members of the Legislature, notwithstanding Senator Cullan's arguments, on the contrary my feeling is that the appeal board does not