

should be under the Governor. That is what we want to do in this state, we want to bring everything under the Governor and make me accountable, that's what the Governor wants to accomplish, right? Well, in this case he has got the Health Department under his authority and he wants to take the opposite step and say, yes, I don't want to really have responsibility in this area, we want to have this review committee handle that decision making, set up a separate new committee with authority that isn't accountable to anybody just as this appeal board is not accountable. Their meetings are not open. Their decisions are not released publicly. This review committee would probably be the same way, and it seems to me that it absolutely runs counter to what we are trying to do in government to try and bring it that accountability that we talked about and it runs counter to what was done last year when the Health Department came under the Governor. If you have concerns about the Health Department's decisions in the past, I think what you ought to do is give them a chance under the Governor to continue to operate in the manner that they have and see what difference that makes, and we passed that bill last year. It's only been a few months that the Health Department has been under the Governor. It seems as though we ought to let that system work...if you have got some concerns and not change at this time before we have given the new status of the Health Department a chance to operate. I think Senator Cullan is legitimate in terms of his effort here but I think it would absolutely gut the process and again give the providers the benefits of having appeals and having a committee that they can dominate rather than having the Department with their experts making decisions. So I strongly urge your support for this amendment.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I rise to oppose Senator Wesely in his amendment. I think that this is perhaps the most important change in the certificate of need law that has been proposed since it was enacted. This change did not come from the providers but this change is my concept, my idea which I inserted in my amendments to LB 378 because I believe that fundamental changes are needed in the decision making process before the Department of Health. But one of the problems the Department of Health has had in being reversed in the appeals panel I think comes from the fact that they do not prepare adequate justification for their decisions, they do not make strong presentations before an impartial consumer dominated appeals panel. Under this process we envision an adversary process where the Department