

January 25, 1982

LB 378

some of that money to make sure we have a good competent Department of Health to work in the certificate of need process, to fight vigorously in the certificate of need process....

SENATOR CLARK: You have one minute left, Senator Cullan.

SENATOR CULLAN: ...and I think that is what is going to occur. I think the review committee ensures that we have some citizen consumer input, that we have citizens making the decisions and not bureaucrats and that is the bottom line. This is not something that all segments of the health care industry would endorse, but it is my concept and I ask you to reject Senator Wesely's amendment to remove this.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Mr. President and members of the Legislature, LB 378 is a very important issue and I think this amendment by Senator Wesely is probably the most important amendment to be offered on certificate of need. Now let me say that I listened very intently to Senator Cullan's arguments and I listened rather intently to Senator Wesely's arguments and I once before spoke on this bill arguing that it ought to be sent to committee because of this basic change which really is quite significant in its intent and in its desire. Now Senator Cullan's arguments have been that frankly there hasn't been very much success generated. He argues that there has been some very difficult decisions that really have not accounted for very much savings and they have really been more of a hassle and this whole process is more of a hassle to the health care industry than it is worth. And I can appreciate when Senator Cullan argues that some of the limits ought to be raised because I think that he has an argument. I think, however, that he has tried to raise them far too high, that his intent here is not so much to try to make amendments in this bill that will make it a much more palatable and workable piece of legislation for health care providers in this state. In fact, this amendments indicates... the Cullan proposal here indicates that the real desire is to gut certificate of need and I think that there are some very personal points that Senator Cullan is trying to make and that this is the primary one. Frankly, what Senator Cullan proposes here is to create two boards of appeal, the board of appeal which is now created which basically says if the department has not done a good job, this board of appeal which is a majority of providers, but only a majority, basically will review that and can check the department's activities. Now Senator Cullan admits and everyone recognizes that the appeals board has, in fact, functioned and