

American Medical Association wants to be free of this issue. Yes, I quoted you from one of the doctors from Omaha who says that if we do this we're taking a giant step backward because if the doctor has a patient and there is a doubt in the mind that he can say to his patient, I have to report this and I want you to know it is a matter of confidentiality. The patients say, then in that case, that she is not. But otherwise a doctor in an ethical profession would report it. I can't believe the profession who says, who states that they have ethics would be in here wanting to be immune from something so serious as abuse of children or the elderly and all you have to do is read the newspapers and you know the elderly are being abused, sometimes intentionally and sometimes unintentionally. So I just believe that Senator Marsh who accepted this amendment did it hoping she could save the body of the bill and I submit to you, if we adopt this amendment the body of the bill is meaningless. Not only that but we are also jeopardizing the child abuse law Senator Haberman alluded to a moment ago in 1977. So I believe that we should strike the Marsh amendment, go on with the legislation as is because they have all the protection they need under the law unless they are maliciously falsifying a report. That is the only time there could be any retribution or any charges. I move for the striking of the Marsh amendment.

SENATOR CLARK: Senator DeCamp, did you wish to talk again?

SENATOR DeCAMP: Mr. President, members of the Legislature, now this is a pretty serious and important issue because you are deciding things in one area that obviously will be dealt with others in the future. If you can solve your problems, if you can solve problems by ordering people, ordering people in very specialized professions to disclose everything they learn in a certain type of area, in this case, the elderly, then there is no limits to how far the state can go. Now let's use a typical case, Senator Fowler, and I think it is important if you've got a few months you maybe drop over to the law school and learn what the legal profession is about. So and so is accused of a crime. So and so cannot under your system, a crime in this area let's say, abuse of the elderly or whatever, so and so can't go to a lawyer and even discuss. Let's assume they are innocent, let's assume they are guilty, it doesn't matter. That lawyer is obligated under your bill to immediately say, aha, I found out something. I run to the county attorney and say I learned this from so and so. I think you are playing with fire. Okay, if you can crack, so to speak, the confidentiality of the confessional for this area, why can't you take the confessional and make, by state law, why can't you order the priest to disclose any crimes, any offenses he is aware of? If you can do it in A area why can't you order him for everything. So you are playing with dynamite here and I suggest you adopt the amend-