

March 1, 1982

LB 378

is, in fact, a review. Now what is happening, Senator Cullan, is saying, you know, I don't think that ought to be the second process. I think we should so gut Certificate of Need, and I think that is a fair way of saying it, that we basically have the review process first and then, because it is mandated by law, we have another review process. Basically the same kind of board will do both processes. One is supposed to be a check against abuse by the Department and Senator Cullan wants to make it a check and then another check. Now I think that significantly guts the essence and the purpose of Certificate of Need and that is why I feel very strongly about this amendment. I think the Department must make those reviews and they must make them first, and if there is a problem, if the provider feels that they have been unfairly treated, they may then take it to the review, they may then take it to the second step, and I think that is what we ought to be about doing. So it is with that in mind that I urge this body to adopt this amendment. It basically says we leave the process as it presently is established, the Department reviews first, then if there is a problem, if there is some debate, if there is some discussion, then it is reviewed in the logical manner. We do not need to have two reviews and that is what is being proposed in this amendment. This amendment does not deal with the threshold, it does not deal with the other issues that are very critical and very important. This amendment is a serious amendment, and with this amendment I think we will find a much better review process because it will be the same as we presently have. It wasn't bad before. It doesn't need to be fixed. Senator Cullan's desire to fix it is with the desire to make the process work less beneficially for the ultimate consumer.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I rise to oppose the Newell amendment to LB 378. I almost forgot, this bill has been on Select File for so long, so it is kind of fun to get back and actually see that it still is here and maybe we can work through some of these amendments and move it soon. But at any rate, to the Newell amendment, LB 378 as I designed it and this particular concept is a concept which I originated, a concept which is my idea after looking at Certificate of Need laws in other states. This is one that is borrowed from the State of Iowa where they have this similar system of a review panel rather than employees of the state making the decisions on the Certificate of Need applications. In essence it is my opinion that the Certificate of Need review process ought to be one where the decisions are