

the bill. Another change, significant change, concession to Senator Wesely and others would allow that the review panel which would review certificates of need could be composed of all consumers by striking the requirement that there be a doctor and nursing home administrator and a hospital administrator on the review panel. So it would allow the entire review panel to be composed of consumers if that is desirable. Another amendment is a technical one which was promised on General File. That is the amendment which allows the Department of Health to appeal a decision which was made by the review committee as well as allowing the other, the interested party, the applicant to appeal a decision made by the review committee. And then there is another, the last amendment simply strikes "department" and inserts "review committee", merely a technical amendment. The other part of the amendment simply reenacts Senator Marsh's amendment on Select File with respect to home health agencies. That was inadvertently struck in one of the amendments that was adopted on General File. It was not our intention to strike that and I think there was some confusion with Enrollment and Review and so we are reinstating the amendment on home health agencies that the Legislature adopted on General File, the Marsh amendment at that point in time. I don't see anything controversial about the amendments and I would ask that you adopt them.

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. President, members of the Legislature, elements of the amendments Senator Cullan has proposed are good and they do make some technical changes that need to be made. I would point out for instance, one of them, dealing with the clinical equipment which would make it a four hundred thousand across the board figure is exactly an amendment that I proposed several weeks ago when this bill was brought up. I made the point then and I make it again that there was a mistake in the bill as amended by Senator Cullan and of course my amendment failed but here it is again and Senator Cullan did see the wisdom in that motion to amend. So I certainly support that. There was a problem there. There continues to be, however, one technical flaw in the Cullan amendment that I am going to have an amendment to it prepared for and that is this. The bill still includes language dealing with the review committee and the appeal panel that would say that upon a decision of the appeal panel or the review committee it would still be considered the department making that decision even though Senator Cullan talked about this independent review committee making a decision with the Health Department on one side and the providers on the other and it seems to me