

that that is still not the best process we need to follow but at the same time Senator Cullan is, I think, trying to legitimately set up a process that would be fair to both sides but in the present language that we have it is not fair because if there is a decision by the review committee, that is, let's say, not favorable to the department, it is still, the language in his amendment still would provide that, that their decisions are the department's decisions and so in a few minutes I will have an amendment to that to try and clarify the fact that what I think Senator Cullan is trying to accomplish so that those decisions by the review committee can still be appealed by the Health Department and those decisions by the appeal board are also appealable by the Health Department. See, the present situation is, in the present law that under the appeal board that we now have, that if they should decide against the department the department has no recourse to go to court or anything. It is the appeal board acts for the department. With the system that Senator Cullan had set up you now had the review committee in addition to the appeal board which if they decided against the Health Department there would be no option for the Department to then appeal to a higher authority to try and get the decision reversed. It is similar to a bill that we had recently with the Attorney General's office. The Attorney General's office if they went to court and won a decision and the court then gave a sentence that the Attorney General thought was too lenient, they could not appeal to get a harsher sentence, but if the defendant felt the decision was too harsh, they could appeal so it wasn't very fair and we said at that time that should be changed and so we passed the bill just a couple of weeks ago that said the Attorney General could appeal just as the defendant could appeal if they thought the sentence was inadequate. This is the same sort of concept. Under the proposal the Senator Cullan has, even with the amendment that he is proposing it would still be the case that if you go to the review committee and the provider is on one side and the Health Department is on the other side and the providers win, the Health Department things absolutely it is important that that decision against them be reversed, they can't take it to the appeal board, and then if it does go to the appeal board and the Health Department is again held against, they can't take it to court. And we are trying to clarify, and the amendment should be up there now, the fact that I think that is the intent of Senator Cullan. I don't know if that is the case or not. I think he can comment on that but if we want to be fair we should allow both sides the chance to appeal decisions and so with that change, I think, perhaps, I could live with the amendment. Is that amendment now up there, Dick?