

March 4, 1982

LB 378

PRESIDENT: There is an amendment on the desk, yes.

ASSISTANT CLERK: Mr. President, Senator Wesely moves to amend the Cullan amendment. (Read Wesely amendment as found on page 976 of the Legislative Journal.)

PRESIDENT: Senator Wesely.

SENATOR WESELY: Yes. Again the intent of what I am trying to accomplish is I think the intent that Senator Cullan is trying to accomplish with this amendment. To clarify that if you go to this review committee and you have both sides appealing to the review committee on behalf of the one side of the consumer, with the Health Department on the other side, the provider or whatever proposal is being submitted, that either way the decision goes it should have a chance to be appealed to the appeal board and similarly beyond the appeal board both sides should have a chance to carry the decision further if they lose the decision that is made. It is not really fair to give it to one side. It is too much to the advantage of the provider and I think that with that change we would accomplish what Senator Cullan is intending here, that both sides came before this review committee. Again, I would suggest that this is not the best process to follow and that there are others that are better. Those will be proposed in a few minutes but recognizing the fact that there is not much chance for those amendments, I think that what Senator Cullan does is an improvement over the bill as it presently stands with the amendment I am now offering to his amendment.

PRESIDENT: The Chair recognizes Senator DeCamp. Do you wish to speak to the Wesely amendment? Okay. Any further discussion on the Wesely amendment to the Cullan amendment? The Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, we have looked at the language Senator Wesely is talking about and I guess we want to make it clear for the record what our intent is. We believe that we do not agree with the way that Senator Wesely has read LB 378 but it is clear for the record that our intent is that the Department of Health should have the same rights of appeal that the applicant does and I think that our amendments have made that clear and that certainly is the intent of our amendments and I don't exactly understand Senator Wesely's amendment. For the record, we believe that the Department of Health should have the same rights of appeal as the applicant.

PRESIDENT: Senator Wesely, do you wish to close on your amendment?

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