

reducing duplication and to maintain a standard of quality of care. And I didn't feel, personally, there was any threat to either concept in granting the certificate of need there. We are strictly held to regulations as set down, and we cannot go beyond that. It is not our place to change law. But I do feel there is some evidence here, in the way the regulations are implemented, to make a strong case in restraint of trade in this particular situation at least. The fine print in the regulation obstructs the original intent. I think for an individual patient it is not the best situation when you have to be transferred. And I will repeat that. This is from one of the panel members. "I think for an individual patient it is not the best situation when you have to be transferred, but that is not our responsibility." The statement illustrates why we need to change our CON law to modernize our thresholds and to set out specifically the standards in our statutes so they can be and may be more uniformly followed. There are many of you that think passing LB 429 may have an adverse effect on open heart surgery in Omaha. And let me read you again a quote from Dr. O'Halloran, the only physician that was on the appeal panel. The motion had been made to deny Bergan's case and Dr. O'Halloran said, "Bergan Mercy has shown that there is an unmet need. It appeared to me, by the numbers they showed in all the volumes of material, that they will be able to provide a quality of care that I feel is going to be better than several of the hospitals that they will take the patients away from, and that's my interpretation of the material."

PRESIDENT: One minute.

SENATOR LABEDZ: End of quote. Those statements, to me, are very reassuring that we are doing the right thing with LB 429 and the wrong thing if we adopt Senator Lindsay's amendment. Thank you.

PRESIDENT: Thank you. Senator Hall, followed by Senator Wesely.

SENATOR HALL: Thank you, Mr. President and members. I rise in opposition to Senator Lindsay's amendment to LB 429. The basis that Senator Lindsay offers the amendment to the bill is on the fact that if there are fewer operations there will be fewer deaths. I mean the argument could be made then, I guess, if Lucille Ball had not had open heart surgery she might be alive this afternoon, that's not the case. If you carry the argument