

is the ability there by Bergan, because of their staff, because of the experience, because of the number of procedures that they currently provide, many more than those who have been grandfathered in, just because they happen to be there at the time, who don't combined, I think three of them don't, combined, do the number of procedures that Bergan does currently. But yet, because of the CON, Bergan is not allowed to do the open heart surgery. It's clearly a turf battle. Senator Lindsay is very honest and up front in his approach, and I appreciate that, because he says they're going to take business away from St. Joe's. It's rare that two Catholics disagree, isn't it, Senator Lindsay. But here we...but here we have a situation where we don't want to, I guess, pass the bread across the communion rail. In any case, it's a situation where the people that are hurt are the patients. You're not hurting the hospital, you're not hurting the doctors, you're not hurting the administrators. Many of those people, especially the doctors, function in more than one setting. They function in a hospital, if they're on a cardiac care team, in more than one hospital. The only people that end up being hurt are the patients. You talk about increased costs, those patients go into Bergan, they find out that they have to move to a different hospital setting in order to provide the service that they critically need, they have to be picked up and they have to be moved.

PRESIDENT: One minute.

SENATOR HALL: Inconvenience, I think yes, I mean it is ridiculous to say that because they don't meet a certain threshold, although they come very close, they do not deserve the opportunity to have this procedure. It's unfortunate that the CON is at the level that it currently is. They ought to have this ability to do that, especially when you have a number of hospitals who currently have the procedure available to them because of a grandfather provision, but yet come nowhere close to the number of procedures that Bergan currently operates, or anywhere near what CON requires at present. I would urge the rejection of Senator Lindsay's amendment, although I do appreciate the open and "honestness" of the amendment as he offers it.

PRESIDENT: Thank you. Senator Wesely, please, followed by Senator Schellpeper.

SENATOR WESELY: Mr. President, members, I do rise in support of