

Hospital, so the same quality of care that Al Pirsch received would also be received if any patient was taken to Bergan Mercy Hospital. Senator Wesely mentioned the fact that Kim Murphy made a statement, she is also part of the panel that voted against Bergan Mercy on their certificate of need for heart surgery. And there is another quote that he should have given you which said the Federal Trade Commission's letter was very interesting. But we are not here to make policy, we have to...we are just here and have to make a decision based on laws and regulations, and I'm sure she meant of the State of Nebraska. And what we're doing here with LB 429 is to modify the rules and regulations of certificate of need. Also, Carolyn Gigstad said, and I quote, "I don't believe that capacity is an issue here. I don't feel that the financial impact on other institutions has any merit here, although I'm sure it's going to definitely hurt, but that's not part of the CON's criteria before us." I believe that Bergan Mercy can give us the safety, the quality of care and the after care that Senator Pirsch mentioned while she was speaking about her husband. And we certainly are happy that Al Pirsch did come through with a very successful operation, but I'm sure that we will also receive, since we have the same doctor at Bergan Mercy, the same quality of care. Thank you.

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

SENATOR WESELY: Mr. President, members, just real briefly. Senator Labeledz keeps bringing up these quotes from the panel members, doesn't reemphasize, however, that twice members have reviewed this, twice they've looked at the issue and twice they've decided Bergan Mercy should not be allowed to have the open heart, that it wasn't in the best interests of the public, wasn't cost-effective, wasn't high quality. For whatever reasons are given on the other side, that is wonderful, Senator Labeledz. But the issue has been decided and looked at and decided against Bergan Mercy. And the quotes, I think, only reemphasize the fact that that decision has been made. Now if you look at one of the other handouts I've put out on the red sheet, you'll see the occupancy data on Omaha area hospitals. I talked about the intense competition between Omaha hospitals. If you have a chance to look at that what you'll see is that on the average they're really hurting right now. They've dropped in census down to a point where Lutheran is down to 25 percent occupancy, Bergan Mercy is 40 percent occupancy, and the best