

has...he is and has been a noted cardiac surgeon in Omaha for about 15 years and he and his associates presently perform more than 300 open-heart surgeries per year. He is on the staff at Clarkson Hospital, Immanuel, University, Children's, Midlands, St. Joseph and Bergan Mercy. His endorsement of permitting Bergan Mercy to have an open-heart surgery program does not grow out of any self-interest on his part, but is an opinion of one who has the experience and the knowledge of open-heart surgery and the patient care to be able to make such a judgment. I...Senator Lindsay mentioned that there would be taken 142 patients away from St. Joseph. I think it's important to note at this time that Bergan Mercy can perform the heart surgery about \$10,000 cheaper per patient than St. Joseph and that is something to take into consideration. The fact, too, is that...I think Senator Moore mentioned but he's not on the floor and I was late for his opening too, that we should not amend...we should amend LB 429 because Bergan Mercy has been denied a certificate of need for open-heart surgery through the administrative procedure and is now trying to circumvent that procedure. I must tell you that the panel who heard Bergan Mercy's appeal for the CON approval to perform open-heart surgery was comprised of five different people, three of them, the majority felt Bergan's program should be approved. One of the three, however, felt forced to vote in opposition to Bergan's program because of the requirement of the present law and the department's interpretation and enforcement of such laws. So I ask you to reject Senator Moore and Senator Lindsay's amendment and then we'll be able to read LB 429 on Final Reading. We've gone through this before. It has taken a lot of time and hopefully no one has changed their mind. Thank you very much.

SPEAKER BARRETT: Thank you. Senator Baack, Senator Schmit on deck.

SENATOR BAACK: Yes, Mr. Speaker and colleagues, very briefly I state an opposition to the amendment also. I think that one of the things that we have failed to mention here so far is that this is what the CON thing is all about. We're talking about the haves versus the have nots and this is one of those cases again. We had the other hospitals in Omaha all grandfathered in, they had the process. Bergan was not grandfathered in. They are trying to have the open-heart surgery there. They are one of the have nots and the CON process has been preventing that so this is one of the things that we deal with. The thing