

approved by the Board of Examiners. If the individual applying has gone through a substantially equivalent program in another state, simply allows them to waive a one-year practice requirement and to allow someone who has participated in a program that is essentially equivalent to the Nebraska preceptor program to be licensed in the State of Nebraska. We have also added an emergency clause because of a particular situation in my district. I would urge your support of the amendment.

PRESIDENT MOUL: Thank you, Senator Wickersham. Senator Schmit, do you wish to address the Senator Wickersham amendment?

SENATOR SCHMIT: I would, Madam President. Senator Wickersham, I'm troubled a little bit by the language which would allow the waiver. Would you tell me what recourse does a nursing home have in the event that they request a waiver and the waiver is not allowed? Is there any recourse?

SENATOR WICKERSHAM: Senator Schmit, they would have the recourse, as anyone would have, in a contested case. Under the Administrative Procedures Act, they could appeal to the District Court.

SENATOR SCHMIT: Thank you, Senator Wickersham. I would just want to say that I recognize the good intentions of LB 455 and I recognize that Senator Wickersham is trying to make it further amenable to the needs of Nebraskans. One of the concerns that I have is that we continually have placed additional requirements upon our nursing homes and we have increased the cost of the operation of those homes to the point where, in some instances, we are at a very serious disadvantage insofar as being able to provide nursing home care at all, particularly the farther out of the metropolitan and primary class cities that you get. And I want to go on record as saying that we have had a pretty decent kind of nursing home care here in the State of Nebraska and I recognize the importance of quality care. But I also recognize the importance of care and I do not want to find ourselves in a position, which we are rapidly approaching, where we will not have nursing home care in many of our small communities because of requirements we place in the statutes. And then I'm really bothered when we say that the department may waive, because some of my experience with the department in matters of health care have been much less than satisfactory and the right to waive is never exercised. And, in effect, the individual who is involved in controversy with the department