

under the medical fee schedule and it was, in some instances, a considerable amount below the actual charges of the doctor and hospital and that some of the doctors then billed the balance above the medical fee schedule that amount, that was allowed by the court, to the employee and the employer was ultimately liable to pay the balance due. Because the old fee schedule was out of date and because of the problem with balanced billing, that is the employer having to pay not only the insurance premium, but additional medical costs, the compensation court came to the Legislature in 1987 and asked for specific authority to develop an up-to-date medical fee schedule. You will recall in the discussion on 360 as it currently is in the amendment that we had a few minutes ago, that we provided again authority to the Workers' Compensation Court to annually review and update no less than every two years, with a printed fee schedule, the medical fee schedule to keep up with the escalating costs in health care and treatment of injuries in Nebraska. At that time, that is prior to 1987, the attorneys, in this particular case, took all of the...the medical payments were paid to the attorney and then remitted from them to the care provider whether it was the doctor or to the hospital and deducted, in at least some cases, their fee from what the medical provider received and this was something that was somewhat objectionable to the health care profession because they had neither contracted with or had any contact with the attorney for the plaintiff in these cases and did not feel that they were being fairly treated under the then existing system. It provides, current law provides that medical providers could not collect nor attempt to collect any more than what was allowed under the fee schedule. It is my belief that Senator Lindsay's amendment attempts to restore the situation that existed prior to 1987 and, therefore, is not really in keeping with the intent and content of LB 360 as currently before us. I must, I think at this time, resist and object to the adoption of this amendment to LB 360. I do believe that given the current language of law that the care providers and the employer are liable for all of the payments under a constantly updated medical fee schedule. We should not find the type of situation that did exist quite frankly several years ago and was subsequently corrected in 1987. So you can take that for what it's worth. I think that this addresses something that is not really a concern in 1992. Thank you, Mr. Speaker.

SPEAKER BAACK: Thank you, Senator Coordsen. Anyone else wishing to discuss this amendment by Senator Lindsay? Senator