

SENATOR LINDSAY: Thank you, Mr. Speaker. I'm somewhat of at a loss at the arguments that are being brought up about how bad this provision is and yet we're dealing with the same sections. Why didn't we strike these same provisions that are already in there dealing with the benefits? Why are we so upset that there might have to be a penalty paid on medical payments when we assess that same penalty for benefits? This provision is terrible in this amendment of Coordsen's because it's got those provisions still in there. We should have gotten rid of these, George. All we're doing is adding medical payments. This stemmed out of a Nebraska Supreme Court decision two or three years ago that said, compensation as used in this penalty provision does not include medical payments. We're bringing those back in. I'm not even sure that wasn't the intent when the thing was first passed. So I'm, frankly, I'm surprised at the opposition as a...there's so much opposition to something that is just intended to get payments made without the intervention of the court and that is what this is intended to do. If the medical payments are paid when they're supposed to be, if insurance companies when they're dealing with medical payments say, we owe it, let's pay it, and they get paid according to the fee schedules that Senator Coordsen mentioned, if they're paid when they are supposed to be, no big deal. No attorney ever gets a dime, no...the work comp court never gets a case filed, the insurance companies aren't out anything, they haven't lost a dime because they owe it anyway and once you file the suit they're going to have to pay it anyway anyway. Nobody has lost anything. It is the same provision. All we're doing is adding the term "and medical payments" to the penalty provisions that are already in Senator Coordsen's amendment, that are already in existing statute. We are not changing anything except having some hammer to get medical payments paid on a timely basis. Senator Robinson asked during his questioning how many people does this apply to, and as I mentioned, I'm aware of a couple of cases. I...Senator Hefner says it's going to jeopardize the bill, if a couple of cases are going to jeopardize the bill, the bill has got some problems anyway because, and I don't think it does. I think the bill is a good bill, but this is a good provision to add on to it. It's to take some of those people who are falling through the cracks right now because there is no incentive whatsoever for the insurance companies to pay. And I might add, if this doesn't pass, if this isn't added on and it's clear that this is what can be done, why would any insurance company make any medical payment without being ordered to do so by the work comp court?