

we're talking about charges, we're not necessarily talking about what's collected on the services that are provided, and if you read the amendment it says, or hospital... usual and customary charges of such physician, nurse or hospital applicable at the times services are...and I believe, if I remember right, provided is the word that follows. But I would argue that this, in fact, by replacing the language that's currently there, "reasonable value of services necessarily", the... what you could be doing and very likely would be doing is, instead of dealing with that specific hospital, that specific physician or nurse where you'd have the ability to negotiate, which happens in virtually all these types of cases, you can negotiate down the price and I, as you well know, worked for an insurance company and that happens on a case-by-case basis, but now you're shifting it to the...what would be the usual and customary charges more than likely for that area, that region, that geographic area that would take in comparable or competing hospitals, doctors offices or nurses that would charge for these types of services, and what you do is you take away the ability for an individual type of negotiation for purposes of getting that cost as low as possible and the argument will be that, look, here's what the reasonable and customary charges are based on the individuals that happen to be in this area, the folks that provide similar kinds of services...

SENATOR CROSBY: One minute.

SENATOR HALL: ..and then it is potential that what... potentially what we do is drive the cost up, not reduce it and not necessarily narrow the definition but broaden it. Because tue... and I'm not saying that I necessarily agree with the reasonable value of services necessary, I'm not saying that that's a tremendous degree better I guess in terms of being clear on its face, but clearly when you talk about usual and customary charges those are... those are not the same on a case-by-case basis of what is paid, what is ultimately paid by an insurer with regard to the services that are provided. And I think this is not a slam-dunk amendment, I guess, for purposes of understanding what the impact is going to be in relation to the ultimate...

SENATOR CROSBY: Time.

SENATOR HALL: ..charge that will be levied. With that, again, I rise in opposition to the amendment. Thank you, Madam