

file that lien at a higher rate, at a higher charge, I should say, than they normally would charge anybody else walking in. There have been some accusations that, in order to get more from a settlement, that they will increase their... their... their charges to that individual and increase the lien filed so that they will assure getting more money back when a settlement occurs. And this amendment we agreed to with Senator Matzke is to say you can't do that; you can't go above what you, normally, what your usual and customary charge would be, and it's based on that hospital at the time of services and so it's very specific. It's not a general, uncertain figure. It can be easily documented by going back into the hospital or... and see what other patients were charged for the services that would be provided and so we think it deals with the problem Senator Matzke raised and with the problems raised by opponents to the bill that the bill will encourage hospitals to overcharge to get a greater settlement and that now won't be possible so, again, I rise in support of the Matzke amendment. I think the term is clear and does deal with the concerns expressed.

SENATOR CROSBY: Thank you, Senator Wesely. Senator Hall.

SENATOR HALL: Thank you, Madam President and members. Could I ask Senator Wesely or Senator Matzke, whomever, just what concern we're talking about?

SENATOR CROSBY: Senator Matzke.

SENATOR HALL: And, Senator Matzke, it's your amendment but I know it's Senator Wesely's bill and I'll yield to either one of you, but my question is this. We're not dealing with the new language in the statute. We're dealing with a totally different exist... actually, it's an existing section of statute that was not changed by the green copy of the bill so, in other words, the standard that's in statute right now is the amount due for the reasonable value of services necessarily performed. Why are we making this change? And if there was a concern why wasn't it introduced as part of the original green copy of the bill? Why wasn't it done on General File? Why is it here before us on Select File that we're making a change in terms of the issue as it relates to determining value of service and we're going to... a new standard that's laid out in your amendment that says customary, usual and customary charges of such physician, instead of reasonable value of services? Could you explain that for me?