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FLOOR DEBATE

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LB 303

yesterday's debate, and this very point. I mean, I didn't even have to retype this from the U.S. Department of Transportation and National Highway Traffic Safety Administration that says more research is needed on these subjects to provide a more comprehensive picture of the full cost of motorcycle crash injuries. We found out yesterday that we don't even have a firm grasp on how many we're caring for now as a result of motorcycle injuries. And we were met with some information that used words like approximately, and about, and probably. There were assumptions made on how someone got to the nursing home via the injury. And, number one, when you talk about federal law, the first thing I believe we would have to do is apply for a Medicaid waiver. As many of you know, there are a lot of things we'd like to do to reform Medicaid in our state, and that's really the subject program here, and we can't do that because of federal guidelines unless the federal government gives us a waiver. And I guess we would have to apply for a waiver that would allow Medicaid administrators to say, okay, how were you injured? Now if you were injured from driving a car drunk, you're not as responsible as someone who is hit by another car when they were riding a motorcycle without a helmet. And this, I hope Senator Brashear doesn't mind the colloquy I think that we're engaging in right here, but the fact is I think it's riddled with problems, whether it's constitutional, practical implications along the way. And notwithstanding,...

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: One minute.

SENATOR SMITH: ...any other provision of law, in the beginning of the amendment, and to the fullest extent compatible with applicable federal law, now federal law mandates Medicaid in so many ways, as I've pointed out. So perhaps not only would this amendment cause problems, but it really wouldn't do anything anyway because of the federal involvement, and, certainly, the feds, I don't believe, would allow the state of Nebraska to disqualify a patient or a tax-paying citizen based on what could have been a very innocent act because someone else has, as is usually the case, caused the accident. The motorcycle rider did not cause the accident, and so if they...I guess if they were