

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 16, 2005 LB 588

the subpoena. And could you give us an example of what might not be available that we would have to exercise the subpoena powers to get?

SENATOR BEUTLER: Senator, I should have some more examples, but there are spread out throughout the statutes a number of confidentiality records, and if you...if you were looking at Medicaid reimbursements or that sort of thing, if at some point you wanted a certain type of information that may be defined as confidential, as many areas of health records are, then that might be an instance where you would...you would be empowered, by virtue of this bill, to look at those records.

SENATOR REDFIELD: And there would be no constraints under HIPAA, the federal law, trumping that?

SENATOR BEUTLER: HIPAA is a federal law, and to the extent that federal law prohibits a Performance Audit Committee from looking at the records, then the federal law would stand. We couldn't do anything about that. And...but interestingly enough, federal law generally recognizes the legitimacy of Performance Audit Committees at the state level, and with respect to tax records, for example, if a legitimate audit system is set up, then the federal government will approve that audit system for purposes of looking at confidential tax records.

SENATOR REDFIELD: All right.

SENATOR BEUTLER: And we would have to get that approval, too, by the way. I mean, if we get these laws in place then, with respect to tax records, we're going to have to go back to the federal government and say we have a...we have a legitimate Performance Audit Unit here and we would like to have the authority to review confidential tax records if needed.

SENATOR REDFIELD: All right. Thank you. I have one other question. Oftentimes, when we are looking at a policy area, we tend to look at the people that are there and we have a trust factor and everything looks wonderful, but I know that, down the road, we don't know who will actually be in these positions and what staff may be hired for these positions. And so I'm