

Records subject to privacy laws

By Michelle Starr
Staff writer

As the investigation into the Department of Correctional Services' medical care for inmates continues, Attorney General Don Stenberg said Tuesday that written authorization from inmates is needed to view their medical records.

"A review of the patient statutes, case law and legislative history demonstrates that the ombudsman is not authorized to access an inmate's medical records in the absence of the inmate's consent," the opinion said.

A Nebraska law says the ombudsman, an office created by state legislation to hear complaints against government agencies, has the right to "inspect and examine the records and documents of all administrative agencies notwithstanding other provisions of the law."

But another law says "content of the file shall be confidential and shall not be subject to public inspection except by court order."

Stenberg's office considered the ombudsman as a public person and

subject to the law. Also, because medical records are confidential, the two laws conflict, the opinion said.

It was found that the ombudsman does not need a court order to obtain the records if the ombudsman has a legitimate request and the inmate approves, the opinion said.

The process will slow greatly the state ombudsman office's investigation into the Department of Correctional Services medical care, said State Ombudsman Marshal Lux.

The ombudsman's office released a detailed report of prison health care in November.

Since then, Gov. Mike Johanns has appointed a five-member task force that has been investigating the accusations against the department.

Most recently, the task force has been conducting interviews with prisoners about medical care.

In early March, the Department of Correctional Services filed a memorandum with the attorney general's office asking that inmates' written consent be required to view the records.

Lux said he thought the move

was done as a legal strategy by the department to slow down the investigation into medical care.

When the memorandum was filed, assistant ombudsman James Davis said he was confused with the request.

Most of the investigations into medical treatment of patients are sparked by letters from either inmates or their families, which implies consent, Davis said.

Lux also said one of the problems with the opinion is that obtaining written permission is a lengthy process, especially in emergency cases.

Second, if the investigation is of a deceased inmate, the administrator of the estate is required to sign the consent. Many times the inmate doesn't have an administrator of the estate.

Therefore what follows is a long court process to assign an administrator of the estate to get a signature on the consent, Lux said.

Lux said unless the opinion is taken to court, it stands firm and the office will have to abide by the rule.

Governor asks public to respect son's privacy

By Michelle Starr
Staff writer

The governor continued on Wednesday to ask for understanding, support and privacy concerning his son's hospitalization on Tuesday night.

Justin Johanns remained in serious but stable condition Wednesday at BryanLGH Medical Center West after overdosing on alcohol and Ritalin and climbing onto a balcony at the governor's mansion between 6:30 and 7 p.m., said Chris Peterson, spokesman for the governor.

Gov. Mike Johanns said Tuesday night that his son was having marital problems and was overcome with the burdens of life.

Mike Johanns, who had spent the day with his son in the hospital, said Justin Johanns was not trying to commit suicide, Peterson said.

Justin Johanns was not released from the hospital Wednesday, and it is unknown if he will be released today, Peterson said.

Justin Johanns' wife, Ann, and Mike Johanns and his wife, Stephanie, are at the hospital with Justin Johanns.

Peterson, who spoke with the governor Wednesday, said Justin Johanns was doing much better and was in higher spirits as of Wednesday.

Because Mike Johanns was at the hospital Wednesday, he had to cancel various appointments, and Lt. Gov. Dave Maurstad was acting in his place, Peterson said.

Work at the governor's office is moving at its regular pace, and the governor still will handle all legisla-

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Gov. Mike Johanns

tion on time, Peterson said. The law states the governor has five days to take action on a bill, excluding Sunday; he has until Saturday to sign or veto any bills passed on Monday, or until next Monday for any bills passed on Tuesday, Peterson said.

In a statement Wednesday, the governor thanked everyone for the support he has received.

Peterson said dozens of phone calls, e-mails, cards, letters and a few flowers were given to the family to show support.

In a press conference Tuesday night, the governor frankly told the public of the events leading up to his son's hospitalization.

"The most important thing tonight, I ask for privacy for this young couple," Mike Johanns said. "I gave this statement tonight because you have a right to know."

Peterson also said because the incident happened in a public manner, with emergency response vehicles at the mansion, the governor wanted to present clear information before rumors spread.

But now, Peterson said, the governor asked for privacy as he and his family take time to heal.

UNL receives \$2 million fund

By Veronica Daehn
Staff writer

Otto Kammerer never attended college and, until years after he'd been in the work force, he hadn't even graduated from high school.

But that didn't stop the retired AT&T crewman and army veteran from leaving his money to the University of Nebraska-Lincoln after he died.

The Kammerer Scholarship Fund was created recently with a donation of more than \$2 million from the estate of Kammerer and his wife, Gertrude, said Herbert Howe, associate to the chancellor.

A press release said that amount would be matched by contributions to be solicited by the University of Nebraska Foundation for a total of \$3.5 million in scholarship money.

Howe said the university was not expecting the donation.

"We're delighted," he said. "Sometimes some of the biggest gifts come from out of the blue."

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Herbert Howe

associate to the chancellor

The money will generate two scholarships, Howe said.

One will be an endowment of \$1.5 million that will be used for honors scholarships, and the other \$500,000 will be used to jump-start a need-based scholarship program for first-generation college students.

The endowment will generate \$150,000 a year for honors scholarships.

Howe said he was unsure when the scholarships would go into effect but predicted they would be in place by fall 2001.

Bob Stewart, Kammerer's nephew, said his uncle always had been a Nebraskan.

Kammerer grew up in Ashland and left home at 17 to drive trucks and then work for AT&T.

Stewart said his uncle did not have a high school diploma at the time, but AT&T enrolled him in several engineering courses. Kammerer earned a degree this way through correspondence classes.

"He always thought education was very important," Stewart said.

Kammerer died in 1993, and his wife, Gertrude, died last year.

Stewart said the two have several relatives left in the Ashland and Omaha areas.

Neither Kammerer nor his wife attended college, but Stewart said both of them realized the impact it could have.

"On the education end of it, he saw how important that was and decided that's where to leave his money," Stewart said.

Law & Order

15-year-old arrested for trying to steal woman's purse

A 15-year-old was arrested on Wednesday for trying to steal a woman's purse.

At about 3 a.m., a 60-year-old woman was walking to her car at Super Saver, 56th Street and Highway 2, Lincoln Police Ofc. Katherine Finnell said.

The boy tried to take the woman's purse but failed, Finnell said. She drove home and called police.

In the meantime, a witness also reported the incident, Finnell said.

Police searched the area and arrested a boy matching the description given by the victim and the witness.

Smith resident receives disturbing phone call

A female student in Smith Residence Hall received a disturbing phone call Wednesday morning.

At about 12:28 a.m., the student reported a call from a man in a different area code, Assistant University Police Chief Mylo Bushing said.

The man, after asking for her by her full name, said she was a whore, Bushing said.

He then asked if she had ever dreamed about being watched while

she was sleeping or had dreamed about being raped, Bushing said.

The man also said he has watched her walking down the street, Bushing said.

University police told the woman to dial *57 after the next call, if she receives one, Bushing said.

Man arrested, charged with DUI after hitting car in parking lot

After striking a car in a University of Nebraska-Lincoln parking lot, a man was arrested for DWI early Wednesday.

A witness reported seeing Joshua R. Hein, 28, a non-student from Fairbury, hit a car in the parking lot at the Northeast corner of 17th and R streets and drive away, Bushing said.

The car was stopped going north on 17th Street near Vine Street at about 1 a.m. by campus police.

After failing field sobriety tests, Hein was taken to Cornhusker Detox, 721 K St., Bushing said.

Hein's blood alcohol level was tested at .133, and he was arrested for DWI, Bushing said.

Bushing did not know why the officer did not cite Hein also for leaving the scene of an accident, he said.

Compiled by staff writer Michelle Starr

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