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Johanns announces prison care changes

LINCOLN (AP) — Changes in how Nebraska's prison medical services are delivered need to be implemented to protect the state from being sued by inmates, Gov. Mike Johanns said Wednesday.

A task force appointed by the governor reported in June that Nebraska prisons are providing substandard health care to inmates. It made 13 recommendations for improvement.

"I am convinced that change is needed to ensure adequate health care services for inmates and most importantly to protect the state from potential liability issues," Johanns said.

Harold Clarke, director of the prison system, said some of the recommended changes are in the process of being implemented.

Others, such as raising salaries and hiring more staff,

will require legislative action.

Those issues will be a high priority when he submits his budget proposal to the Legislature, the governor said.

Johanns said he is considering legislation that would require inmates to pay a portion of health care services in an effort to reduce abuse of the system. He has also directed the chief medical officer to conduct random, semiannual, surprise reviews of patient care.

While he admitted that there are aspects in the prison medical system that need to be fixed, Johanns lashed out at the state ombudsman's office, which had originally pointed out some of the problems.

Johanns called the office "completely and utterly dysfunctional" but did not advocate its elimination or replacing the ombudsman, Marshall Lux.

Lux said he was surprised by the comments considering the task force report substantiated claims made in his 114-page report that was highly critical of prison medical care.

Even though the ombudsman's office report spurred the

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investigation that uncovered problems, Johanns said he has no faith in the office because he said Lux is out to get the Department of Corrections.

"He spends way too much time playing gotcha and catcha," said an obviously agitated Johanns. "I don't usually get this exercised, but I think this is a dysfunctional piece of state government."

Lux disagreed with Johanns' assessment and said he would be willing to meet with the governor to discuss it.

"We're supposed to find problems and bring them to public attention so corrective action can be taken," Lux said.

The ombudsman's office was

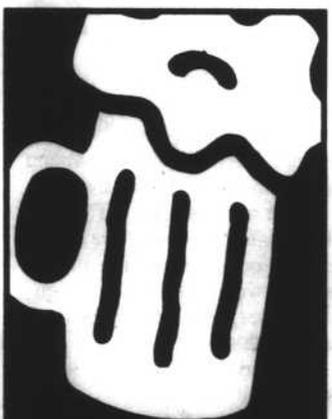
created by the Legislature and began operating in 1971. The office receives and informally resolves complaints by citizens made against state agencies and it encourages agencies to improve.

The ombudsman is appointed by the Legislature. Lux has served in that position since 1981.

Johanns said the majority of issues brought to his attention from the office pertain to the Department of Corrections, so he could not comment on whether he would trust concerns raised about other state agencies.

The governor said he was most concerned with the tone of the ombudsman's report critical of the prison medical system.

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Former NU student settles suit

LINCOLN (AP) — A fraternity pledge who was severely injured when he fell from a fraternity house window after being forced to drink alcohol has reached a \$25,000 settlement with the University of Nebraska-Lincoln.

The agreement follows a separate \$450,000 settlement that the student, Jeff Knoll, reached last year with Phi Gamma Delta House Corp. and its Nebraska chapter.

NU attorney John Wiltse confirmed the university's settlement Wednesday and disclosed both settlement amounts.

Knoll was a 19-year-old pledge with Phi Gamma Delta in 1993 when he was handcuffed to a radiator at the fraternity's house and forced to drink 15 shots of brandy and whiskey and several cans of beer over 2½ hours.

After becoming sick, he was taken to a third-floor bathroom where he was handcuffed to a toilet pipe.

Knoll broke loose from the handcuffs and attempted to escape through the bathroom window by sliding down a drainpipe. He fell from the third-story window and suffered severe head injuries.

In his lawsuit, Knoll alleged that the university failed to enforce prohibitions against hazing, the consumption of alcohol and physically abusive behavior when the university knew or should have known that the fraternity house was in violation.

The university argued that Knoll had more knowledge of the danger he was in than did the university.

The fraternity house is located on land owned by the fraternity, but it is subject to the UNL Student Code of Conduct because it is considered to be student housing.

The Nebraska Supreme Court ruled in October that the university should have protected Knoll from hazing. The court ordered that the case be tried in Lancaster County District Court.

Knoll sued the university for \$91,000 in medical expenses and an unnamed amount for pain and suffering and lost wages. The case was to go to trial next Monday.

The university imposed 15 sanctions against the fraternity as a result of the incident, which led the Legislature to pass a law making hazing a crime.

Knoll, a native of Ogallala, never graduated from college and currently works at an auto dealership in Lincoln.

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