

# Legislature grapples with prison health care

One proposal would eliminate red tape surrounding medical records; another would improve healthcare.

BY GWEN TIETGEN

State law says if patients request to see their medical records, the records must be made available. But if an inmate wants to do the same thing, he faces a barrage of bureaucracy. Sen. Ernie Chambers of Omaha hopes to clear things up with LB15, which would provide access to medical records by inmates and public counsel. The law on the books is unclear on what rights inmates have to access their medical records. For prison inmates, state law says inmate files "shall not be subject to public inspection except by court order for good cause shown and shall not be accessible to any person committed to the department." Because state law doesn't specify whether or not medical records should be included in an inmate's file, the Department of Corrections turned in 1995 to Attorney General Don Stenberg

for his opinion. The attorney general said medical records must be included in an inmate's file. Because the attorney general said medical records are a part of an inmate's file, an inmate cannot see his or her medical records. After the hearing, the bill was held in the Judiciary Committee on Wednesday. Chambers said in his statement of intent: "No valid state interest is being served by denying inmates access to their medical records." Chambers said it was disappointing to have to introduce such a law. "It should not be necessary to make a statutory change to fill a gap created by the absence of common sense and human decency," Chambers said. In April, an opinion by the attorney general's office said even though inmates do not have access to their files, the state ombudsman's office cannot have access to medical records without the inmate's written consent. The attorney general's office said without the written consent of the inmate, the ombudsman's access to these records could be seen as an inva-

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sion of private property. Before, the ombudsman's office was allowed to access these records without the inmate's written consent. "I just want the committee to restore the status quo that existed before the attorney general released the opinion in April," State Ombudsman Marshall Lux said. Lux said many inmates contact the office in writing asking it to look into a medical issue. Lux argues the inmate's written consent only slows down the investigative process. "When someone asks us to look at something, it should defer that we can look at their medical records," Lux said. Lux, along with a governor's task force, has been investigating Nebraska prisons and the health care inmates receive in prison since last year, when the task force was created. LB154, also introduced by Chambers, implements the major recommendations of the task force. The bill focuses on creating a standard of decent medical care in

Nebraska prisons, Chambers said. While introducing the bill, Chambers made several amendments to it. One amendment consisted of putting into statute that the health care service will seek to obtain accreditation. This accreditation will force into law certain standards for the prison health care service. Lux said the problems in prisons, which are filled to 161 percent of capacity, have been systemwide and only a systemic solution will help. "The result of this situation has been disastrous, including the loss of a life," Lux said. Anthony Lato Jr. knows exactly what Lux is talking about. In his testimony supporting the bill, Lato described his problems with the system while he was held in prison. Lato, who was released in July 2000, had a dental bridge knocked out of his mouth and wanted to get it replaced. He first inquired about seeing a dentist in May 1998, and though he received various responses, none offered him definite medical help. "There are definite violations of

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Ernie Chambers  
Nebraska state senator

medical authority going on down there," Lato said, "and even bigger violations of civil rights." No one testified against the bill, but Harold Clark, director of the Department of Corrections, offered neutral testimony. Clark said the corrections department has not been perfect and will strive to be better. "We want to be the best system in the country we can, including our medical facilities," Clark said. Lato reiterated the need for action. "The legislators and the governor's office needs to act on this issue now," Lato said, as he speculated about the potential of a riot. "There can't be anymore waiting around."

# Brain Drain: Teachers talk salaries

The Legislature is considering more than 100 bills dealing with education; 50 of them would increase teacher pay.

BY GEORGE GREEN

Rob McEntarffer, a psychology teacher at Lincoln Southeast High School, watched his meager pay fall this year because of increasing health care costs. For the first time in his career, McEntarffer said, he thought about throwing in the towel. And he is not alone. "There is a big morale problem," he said. Poor teacher pay is the primary culprit for dwindling teacher morale, he said. But McEntarffer said he found solace in the Legislature's roster of bills, which contains 180 bills dealing with education. Of those bills, 50 focus specifically on teacher pay. "The numbers show the Legislature recognizes this as a problem," he said. Sen. Ron Raikes of Lincoln, chairman of the Education Committee, said the Legislature will use a priority process to filter through all of the bills. The priority process grants each senator a bill he or she can designate a "priority," which means the bill can be forced into the legislative lineup. Bills that aren't stamped with priority status may or may not hit the floor for

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debate, he said. Duane Obermier, executive director of the Nebraska State Education Association, said the sheer number of bills indicates the Legislature is ready to tackle lagging teacher salaries. Nebraska ranks 44th in teacher salaries. But Obermier cautioned some bills are better for teachers than others. Obermier spotlighted LB305 as the bill with the most potential to bail out desperate teachers. LB305, introduced by the Education Committee, includes all of the recommendations a teacher task force made last year. The Legislature formed a teacher salary task force last year and charged the group with studying teacher pay in Nebraska. A year later, the group returned armed with nine suggestions to bolster teacher pay. Obermier said the centerpiece of the recommendations is a provision that funnels state money directly to teachers in the form of salary stipends. "NSEA solidly supports LB305," he said. A \$78 million price tag in the first year alone and a promise from Gov. Mike Johanns to veto any tax increases provide some major road blocks for the bill, he said. Fortunately, Obermier said, senators have proposed several different ways to fund

all or some of the recommendations. Raikes said the Legislature has three options to fund teacher salaries: The cash has to come from property, sales tax or income taxes or some combination of them all, he said. "Hopefully, the 49 senators will find a creative way to do it," Obermier said. McEntarffer, though, said the Legislature's slew of bills geared toward funding salary increases reflects the senators' underlying sentiment that teachers aren't that important. If senators were genuinely concerned, he said, they would tackle the issue head-on by agreeing to give state aid directly to schools. Jule Kirchoff, a fourth-grade teacher at Hawthorne Elementary, said teachers were particularly disappointed by the governor's State of the State address where he promised not to raise taxes. "He put education on the back burner," she said. She said Johanns' remarks exposed his lack of concern for education and took teacher morale down another notch. If morale continues to plummet, she said, the quality of Nebraska's educational system will fall as masses of teachers hit the road for other states. But Obermier said he wasn't ready to write off Nebraska's educational system as doomed. "I'm optimistic that something positive will happen," he said.

## Law & Order

### Police arrest man for burglary in theft of VCR, Ramen noodles

Lincoln police arrested Michael Mabry, 36, on suspicion of burglary and assault Tuesday. Police say Judy Soundsleeper, 44, returned to her home, 3720 Adams St., at 9:30 p.m. and found her mobile home unlocked and the screen on the door cut away. She discovered her RCA VCR, her Motorola cellular phone and her 8 mm camera were all missing. Also gone were two round steaks, packs of Ramen noodles and 11 cans of tuna fish. The total value of the stolen goods was \$714, and an additional \$25 was assessed for the damage to the door. Police talked to Soundsleeper's ex-boyfriend Mabry, a transient who resided with another man in the same mobile home park. Upon searching the mobile home where Mabry lived, police found the stolen electronics and food hidden in a closet, which led to his arrest. Compiled by Charlie Kauffman

### Perlman to speak in forum at union

FROM STAFF REPORTS  
Students can munch on snacks and chat with Interim Chancellor Harvey Perlman tonight at the Nebraska Union. Any student question relating to the university is fair game for Perlman, who will meet students at 6 p.m. in the Georgian Suite. He is expected to address questions relating to university goals, services available to non-traditional students and how the university accommodates non-traditional students. The Independent Student Association, which provides a forum for non-traditional students to discuss their concerns, is sponsoring the event. The event is open to all students.

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