

February 8, 2008

Honorable Dave Heineman
Office of the Governor
PO Box 94848
Lincoln, NE 68509-4848

Dear Governor Heineman,

Since 2002, the Nebraska Hospital Association (NHA) has monitored the progress each legislative session of "safe haven" legislation. Nebraska's hospitals support the intent of the safe haven legislation; to allow the safe delivery of an infant to a Nebraska hospital when that infant is at risk of harm.

The legislation passed this week by the Unicameral has strayed far from its original intent. LB 157, as passed, states that "No person shall be prosecuted for any crime based solely upon the act of leaving a child in the custody of any employee on duty at a hospital licensed by the State of Nebraska. The hospital shall promptly contact appropriate authorities to take custody of the child."

In an effort to protect children from harm, the legislature may have created opportunities for greater harm. This bill contains no language as to circumstances warranting such a delivery. There are no instructions to the hospital other than that the hospital should contact "appropriate authorities" to determine the disposition of the abandoned child. There is no definition as to the meaning of "child" and there is no guidance as to who are the "appropriate authorities".

Despite the vagueness of the legislation, the NHA is preparing to assist our hospitals in complying with the legislation. If you choose to sign LB 157 into law, I ask that you direct the Department of Health and Human Services (DHHS) to immediately work with the NHA to fashion regulations which address both the needs of the affected children as well as the tremendous challenges hospitals will face when presented with this dilemma. Time will be of the essence. Clear regulatory guidance must be in place on the effective date of this law.

Caring for sick children and assisting our communities in keeping children well are integral parts of our community hospital mission. Our hospitals will provide the best

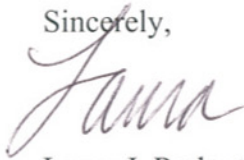
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quality care possible; however, when a child comes to one of our hospitals under this safe haven statute, their continuum of physical and emotional care will exist long after that point. LB 157 fails to address these critical concerns. Our concerns fell upon deaf ears with the legislature. Now we turn to you; seeking your help to develop regulations to clarify what is unclear.

The Nebraska Hospital Association is committed to working with the appropriate agencies and authorities to ensure that all children will be cared for appropriately. Please help the NHA to expeditiously bring clarity to this extremely important and confusing matter.

Thank you for considering my comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura".

Laura J. Redoutey, FACHE
NHA President