

chosen by the employer and, as a result, they would not be within the managed care plan.

SENATOR VRTISKA: Well, I guess my concern was that this was originally in the bill and it seems like that that's one of the areas that we were trying to deal with in order to make the program not only take care of the problem but to, hopefully, contain costs and that's, of course, I felt that was the important part of the whole issue because it was demonstrated that you can save costs on that end and, obviously, you can give better coverage in total. The NACO county officials plan that I'm familiar with indicated in their time that they have been using this they have saved a tremendous amount of money by managed care and some of the other methods and I thought it was a good way to continue or to set this program up. Senator Landis.

SENATOR HALL: Senator Landis, if you would respond.

SENATOR LANDIS: (Microphone not activated) ... Senator Vrtiska, because I share, as you know, a lot of the same concerns you do. The reason I thought this language was okay is because the managed care section itself says that the employer has to accept responsibility before the employee can get into the managed care network. Part of the triggering mechanism is the agreement that they are, in fact, liable for something and they're going to pay off their liability through managed care. Chris asked the question, what happens when they say we're not going to pay you. And there I think the logical answer is, I don't get to say I'm not going to give you anything, but you also have to go to my managed care network for the injury that I'm not responsible for. So, since it was, I thought, logical with the rest of the bill but just a little unclear, I thought it was reasonable for Chris to nail down the fact that if the employer says, I'm not liable, I'm not paying you, that the employee now says, well, I'm on my own, I'm going to bear this burden myself, and since I'm going to bear this burden I can go to anybody I want to, to take care of the problem. I would guess that if the court was pressed to interpret 757 without this language, it would come to the same conclusion.

SENATOR VRTISKA: Okay.

SENATOR LANDIS: But this nails it down. And remember that it's only triggered when the employer has...