

# Senate passes education bill

AUSTIN (AP) — The Texas Senate approved a \$1.2 billion school finance reform bill Monday that Gov. Bill Clements has promised to veto.

The Senate passed the bill on a voice vote after the measure was approved 23-9 when senators met as a committee.

Bill sponsors were able to beat back major changes included in the more than 40 amendments that had been proposed.

The House on Wednesday will take up its school finance bill, which has a \$450 million price tag for the 1990-91 school year, Speaker Gib Lewis said.

"A billion dollars is quite a bit more than any numbers that I've seen," Lewis said, but he added, "That's always the old chess game that's been played for many, many years. When you start talking about money, the Senate will always come in with a lot higher figure, knowing that the House will always come in with a lot lower figure."

A House-Senate conference committee can be appointed to try to work out differences between bills passed by each chamber.

"We ought to get over to the House with the strongest bill possible," Sen. Carlos Truan, D-Corpus Christi, said. He amended the Senate bill in subcommittee, bringing its cost up to \$1.2 billion by adding \$400 million for students who need such special services as remedial, bilingual and special education, and gifted-and-talented programs.

The Senate bill is sponsored by Sens. Kent Caperton, D-Bryan, and Carl Parker, D-Port Arthur.

Gov. Clements has promised to veto the \$1.2 billion measure if it reaches his desk. He wants to spend no more than \$300 million in new state money on schools in 1990-91, saying that amount could be covered without new state taxes and that he would not allow a tax increase to become law.

The Texas Legislature is meeting in special session to address a state Supreme Court ruling that the school finance system is unconstitutional because of disparities between property-rich and poor school districts. The \$13.5 billion-a-year public school system relies on a combination of state aid, local property taxes and some federal funds.

# Lack of proof cited as reason for court ruling against couple

WASHINGTON (AP) — The U.S. Supreme Court on Monday refused to reinstate a \$550,000 award to a couple whose daughter was born with deformities after her mother took the anti-nausea drug Bendectin.

Mr. and Mrs. Floyd Brock of Moscow, Texas, sued Merrell-Dow Pharmaceuticals, the drug's manufacturer, after their daughter, Rachel, was born with deformed limbs in 1982.

The justices, without comment, let stand a three-member 5th U.S. Circuit Court of Appeals ruling made last year that overturned a

\$550,000 jury award against Merrell-Dow.

The full 5th Circuit court, by an 8-6 vote, refused to review the ruling.

The appeals court said there is no definitive scientific proof that Bendectin causes birth defects, and said the jury award was based on speculation.

"Speculation unconfirmed by ... proof cannot form the basis for causation in a court of law," the appeals court said.

The dissenters noted that six experts testified for the Brocks

that Bendectin is capable of causing birth defects, and that the testified they believed the caused Rachel's deformities.

The dissenting judges said appellate courts should not substitute their understanding of facts for that of a jury merely because medical experts disagree.

The Brocks have an unlisted telephone number in Moscow, about 30 miles south of Lubbock, and could not be reached for comment Monday by the Associated Press.

# State loans millions of dollars to help ease \$20 M Medicaid payment backlog

AUSTIN (AP) — The state is handing out millions of dollars in emergency payments to help ease the effects of a \$20 million Medicaid payment backlog to some Texas homes for elderly and mentally retarded people, according to a published report Monday.

The backlog in Medicaid payments is nearly a third of what the Texas Department of Human Services pays out each month, and DHS officials blame the delay on billing changes and agency computer problems, the Austin American-Statesman reported.

"It's killing the nursing homes because

they don't have any cash flow," said Sara Speights, spokeswoman for the Texas Health Care Association. "The (payment) system has just fallen apart."

As a result, medical professionals are withholding services to homes for mentally retarded people unless they are paid in cash, some nursing homes are delinquent on their property taxes and others have delayed payrolls and borrowed money, the newspaper reported.

"We have a psychologist who is withholding reports because we can't pay her," said Carol Anderson of Fort Worth, who helps run 41 homes for retarded people and

**"We have a psychologist who is withholding reports because we can't pay her."**

**Carol Anderson  
Special Services Management**

eight nursing homes. "We had a dentist who made us go on c.o.d. We had to hold up a check at the door and show him we were going to pay."

"The state owes us a third of a million dollars right now," said Anderson, vice president for operations of Special Services Management.

The 90-bed Cushing Care Center in East Texas has not been able to pay its 1989 Nacogdoches County property taxes of \$11,356, including \$7,369 to the Cushing Independent School district.

The home is delinquent "for the first time ever in our lives, and we've been in business since 1961," said owner Doris Moore, who is owed \$15,000 in Medicaid.

The DHS lags months behind in paying nursing homes and homes for retarded

people because of agency computer problems and recent billing changes that complicate the Medicaid payment process, officials said.

"We recognize it's a problem," said DHS Commissioner Ron Lindsey. "Our computer system is fairly well broken out there."

Lindsey said DHS has worked out a compromise in which the agency pays 90 percent of what it verifies is owed to the homes, which must repay the money when the regular payments come through. The department expects to have the stop-gap payment program completed by the end of April.

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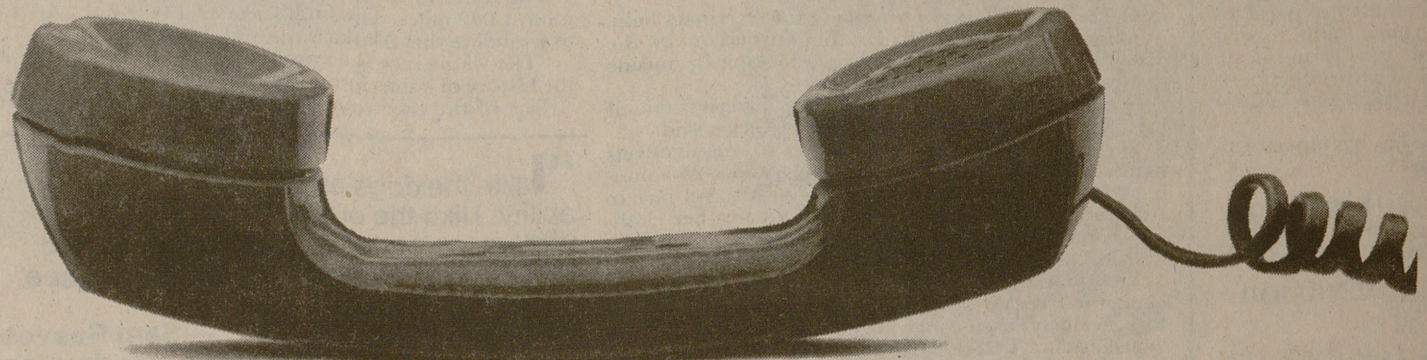
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