

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Developmental Disabilities Special Investigative Committee
April 15, 2008

[LR283]

The Developmental Disabilities Special Investigative Committee met at 12:00 noon on Tuesday, April 15, 2008, in Room 2102 of the State Capitol, Lincoln, Nebraska.

Senators present: Steve Lathrop, Chairperson; John Harms, Vice Chairperson; Greg Adams; Abbie Cornett; Tim Gay; Arnie Stuthman, and Norm Wallman. Also present: Senator L. Pat Engel, Chairperson, Executive Board. []

SENATOR ENGEL: (Recorder malfunction)...and get this over with. Basically, the only reason I'm here is to call the meeting to order and go through the first round of elections, as far as who is going to be your Chair. Once the Chair is elected, then I'll turn it over to the Chair, and then you go to the Vice Chair after that. So I'd open for the floor for nominations and we're going to vote by ballot, by secret ballot here, is how we're going to do it, so...and if there are no nominations on the floor, we'll just pass it out and you can start voting, so however you want to do it. [LR283]

SENATOR CORNETT: I know that I've talked to Steve. I'll nominate Steve. I'll nominate Steve. [LR283]

SENATOR ENGEL: As Chair? [LR283]

SENATOR CORNETT: Yes. [LR283]

SENATOR ENGEL: Okay. [LR283]

SENATOR GAY: I'll second. [LR283]

SENATOR ENGEL: And seconded by Senator Gay. Is there any discussion on...? Would the nominee himself like to speak, or would you just like to vote? [LR283]

SENATOR STUTHMAN: I think we should vote. [LR283]

SENATOR LATHROP: I think we can probably just vote. [LR283]

SENATOR ENGEL: Okay. [LR283]

SENATOR LATHROP: I appreciate the nomination and the second. [LR283]

SENATOR ENGEL: Okay. Okay, then pass out the...well, I guess we can just call the roll on this, if that's the case. Are there any other nominations? [LR283]

SENATOR STUTHMAN: Mr. Chair, I move the nominations cease and Senator Steve Lathrop be elected by acclamation. [LR283]

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SENATOR ENGEL: Okay. Okay. All those in favor say aye. You now are Chair, sir. You now can come up here and you can take over, sir, and I'm going to go see the Pope. [LR283]

SENATOR LATHROP: All right. Tell him I said hello. [LR283]

SENATOR ENGEL: I will. Congratulations. [LR283]

SENATOR LATHROP: Thank you, Pat. I appreciate that. [LR283]

SENATOR ENGEL: Anyhow, you guys got a real responsible job and it's going to take a lot of time, and I know we got the right people on the committee to do it. So I'm real anxious to find out what the results are, so... [LR283]

SENATOR ADAMS: Say hi to the Pope. [LR283]

SENATOR ENGEL: Bye (inaudible). [LR283]

SENATOR STUTHMAN: Thank you. [LR283]

SENATOR ENGEL: (Inaudible.) [LR283]

SENATOR GAY: Did a fine job. [LR283]

SENATOR LATHROP: Yeah. Well done. Well done. If we're ready, I think our second order of business is to elect a Vice Chairperson and for that, I guess we'll look to the commission for nominations for Vice Chair. [LR283]

SENATOR GAY: I'd nominate Senator Harms. [LR283]

SENATOR WALLMAN: I'd second it. [LR283]

SENATOR LATHROP: All right. There's a second. Any additional nominations? [LR283]

SENATOR STUTHMAN: I move the nominations cease and a unanimous ballot be cast for Senator Harms. [LR283]

SENATOR LATHROP: All in favor say aye. Any opposed? All right, we have ourselves a Vice Chair. The third item on the agenda is miscellaneous, and I suppose that would bring us to a discussion of timing as much as anything. Maybe the first order of business is just to figure out what people are thinking, in terms of the time they have, when are good times to meet and how we're going to coordinate the meetings and the

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taking of testimony. [LR283]

SENATOR HARMS: Can I ask you a question? When we put the time together, are we just going to do a block of time and just continually... [LR283]

SENATOR LATHROP: I think, given that you are coming from Scottsbluff, we don't want to do it every Monday. [LR283]

SENATOR HARMS: Yeah, it would be so much easier for me. But I'd like to just have a block of time that we just complete this project, where we just concentrate it, because I've been on similar situations like this and what I found is by breaking this thing out and coming, you know, every other week, you start to lose the perspective of everything. That's why it's important to get engulfed in the whole issue and try to find solutions to it, rather than spread it out over a long period of time. I don't know how the rest of you feel, but I've done that with institution of higher education, gone in and helped with troubled colleges. It's just difficult if you don't stay with it. [LR283]

SENATOR LATHROP: And when you say stay with it, are you talking about... [LR283]

SENATOR HARMS: I'm talking about a week at a time or whatever it takes. [LR283]

SENATOR LATHROP: ...trying to do...trying to take a block or a week and... [LR283]

SENATOR HARMS: Or two weeks, whatever it takes. [LR283]

SENATOR LATHROP: Now that we have people going back to their other lives, maybe we ought to have some input on whether that...I'm agreeable to that myself, but we ought to figure out how it works for people that are trying to bank and...anyway, Arnie. [LR283]

SENATOR STUTHMAN: Senator Lathrop, I, you know, I agree with the fact of taking a time frame, but I think we, as you as Chairman, ought to figure out, you know, what the plan is; you know, what are we going to look at; what issues are we going to discuss; what people do when they get involved in it. And I think we need to get that first before we decide, you know, we're going to take a week and we don't have no real direction as to what we're going to do that week. [LR283]

SENATOR LATHROP: Do you want to take the time today to do that, or do you want to give some thought to what your ideas are on where we want to go and then reconvene before, say, on Thursday; just take some time over the lunch hour to sit down and say these are my ideas on what we ought to look at, so that we have kind of an outline of what we want to do? Is that what you're thinking? [LR283]

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SENATOR STUTHMAN: That's kind of what I have in mind. I feel, you know, that you, as the Chairperson, maybe ought to try to get some of those, you know, key components itemized as to what we need to look at and where we can be effective and stuff like that. [LR283]

SENATOR LATHROP: I'd be happy to do that. I'd be happy to do that and provide an outline of maybe the areas of inquiry, and the things that we want to look at and the direction we want to go or the directions we want to go in, and then I can share that with you. It might be a good idea to try to meet one more time, like on Thursday, before we...every scatters. [LR283]

SENATOR STUTHMAN: I think that would be good. And then, you know, as to, you know, do we visit the facilities, would we take one day, whether we take a day to visit and then discuss some of the items on your agenda and then come to some type of a conclusion. [LR283]

SENATOR CORNETT: The other thing that I think is very important is we have a lot of documents in my office. I have three large notebook folders of information that I've gathered over the past year in regards to the reports for the last four years from Beatrice from the federal government, what Health and Human Services has provided us, the difference between the first report that they provided us and the second report, the miscommunication or inaccurate numbers. But I think that before we make any definitive plans and start, you know, telling people we need to, you know, we're doing hearings and meeting over this time period, that I think that everyone on the committee should have time to go through that information and consolidate questions or concerns. So I mean besides you doing what the concerns are, I think that we should try and get copies of that information to everybody on the committee so they have a chance to look it over. [LR283]

SENATOR LATHROP: Are they...you said four boxes? [LR283]

SENATOR CORNETT: No, binders. [LR283]

SENATOR LATHROP: Binders. Oh, okay. I thought... [LR283]

SENATOR CORNETT: And they are organized and I will get copies of all the data that I have on Beatrice and everything that has been provided to me from Health and Human Services and distributed to the committee. But I'll be frank, I cannot do that before Thursday. [LR283]

SENATOR LATHROP: Okay. I do think that probably the first meeting we ought to arrange for a visit down to Beatrice and a visit to, if there's such a thing, a typical community-based provider, so that we have some frame of reference for the types of

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care that are provided and what we're talking about when we talk about either one of them. [LR283]

SENATOR CORNETT: The other thing that we need to look at, because one of the issues is removing people from Beatrice and putting them in community based, is, since you're the Chair, having the staff find out exactly what is available throughout the state in community-based services, what the waiting list is and...because I know that we keep talking about moving everyone to community-based services but there are no community-based services in a lot of areas. Where are these people going to go? And where there are community-based services, there's huge waiting lists. So everybody keeps saying move everybody to community-based services, but we need to know what's available in that regard. [LR283]

SENATOR LATHROP: It makes perfect sense, I thank you, that that certainly has to be part of our inquiry as we go forward and try to say how do we solve or how do we provide for the care of the developmentally disabled and as between community-based care and Beatrice, and what are the challenges in moving more people to community-based care if that's what's the right thing to do in the first place. Perhaps we should get the binders from you. It sounds to me or it makes sense to me that we'll probably need to meet one time just to kind of set sort of our agenda, make sure that we agree on or that you're okay with whoever committee counsel is or whatever staff we have, and the direction we go in. That ought to be something we do as a committee so that we're all on the same page and we can have an outline of what we're going to do, the direction we're going to go. And then we can figure out when we can all meet, how to accommodate everyone's schedule so that if the Gays are on vacation we're not sitting important witnesses on the same day. And then we'll have an outline so that we know what each witness...or have an idea what each testifier is going to say when they come before us. [LR283]

SENATOR CORNETT: If it would be all right with you, Steve--since this is the last week of session, I was going to kind of let my staff take it easy on Friday--start getting those binders copied and together and packets for everyone next week, beginning of the week. [LR283]

SENATOR LATHROP: Okay. Well, I think John has the longest drive in. Are you... [LR283]

SENATOR CORNETT: We can mail. We can ship it to you. I won't... [LR283]

SENATOR LATHROP: Okay, let's do that and then figure on about, what are we going to need, two weeks to go through the binder? I'll develop an outline and then we can come back and talk about sort of our process, the direction we want to go in, how we're going to get there and who we're going to use to help us get there. [LR283]

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SENATOR CORNETT: And, Arnie, would you want yours shipped to you also? [LR283]

SENATOR STUTHMAN: Yeah, please. [LR283]

SENATOR ADAMS: You can just have it...to my office. [LR283]

SENATOR CORNETT: To your office? [LR283]

SENATOR ADAMS: Yeah. I'm in all the time anyway, so... [LR283]

SENATOR CORNETT: Tim, you want it (inaudible)? [LR283]

SENATOR GAY: Just office is fine. [LR283]

SENATOR STUTHMAN: Abbie, you can either take it to my office and then we'll make a decision. I might be coming down, you know, within a day or so. [LR283]

SENATOR CORNETT: Or your staff can mail it to you, if you're not. [LR283]

SENATOR STUTHMAN: Yeah. Yeah. [LR283]

SENATOR CORNETT: All right. [LR283]

SENATOR STUTHMAN: That would be good. [LR283]

SENATOR CORNETT: Well, we'll just assume that yours is going to get mailed. Okay. [LR283]

SENATOR LATHROP: Tim. [LR283]

SENATOR GAY: I'd just say we do have the resolution actually that was written, that we follow it; otherwise we could go completely off base here. But on some of that, on page 4, it said we shall utilize any existing studies and reports, and I'm sure there are a lot that have been done in the past that maybe we should look at and get some copies of those, too. Or if anyone finds anything along the way that they feel is pertinent to include, we have some center. Maybe we forward it to you or whoever staff is to then distribute accordingly. Because there's probably mountains of information out there already. Senator Cornett has some more to add, but if we have anything to add or if others in the public want to add something to it, that they have one central place to go, yourself, and then you can distribute out accordingly. [LR283]

SENATOR LATHROP: That's fine. That's fine. Are you...do you know if Health and

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Human Services, your committee... [LR283]

SENATOR GAY: I'm sure they would probably have some things, don't you think, Senator Stuthman? I'm sure they will, which they should. [LR283]

SENATOR LATHROP: If you can talk to Jeff or whomever would have that cataloged and find out whatever studies so that we don't have to reinvent the wheel. [LR283]

SENATOR GAY: Yeah. And then on the fact of I trust you. Senator Harms would be, you know, from complete different ends of the state, whatever you guys want to do. I do agree with Senator Harms that at some point, if it's the third week of each month, we kind of know and you pick four or five dates and here's what we're going to cover. And there will be some times where, you know, maybe Senator Adams can't make it, whatever. Or if we want to go, you know, further out, if we're looking at community-based services, that means statewide, so if we want to do these things and get public opinion anywhere else, I wouldn't mind going and doing that as well if we have something to go, but I would assume everyone would, but whatever you guys work out because you are from complete different ends of the state. And I think that would be agreeable probably to everyone. [LR283]

SENATOR LATHROP: Okay. I guess we're blessed with people that are retired so that makes it a little easier than having...well, I'm certainly not. [LR283]

SENATOR CORNETT: I was going to say it will be...if we start the blocks of meetings, it will be easier for me when my day-care person is out of school,... [LR283]

SENATOR LATHROP: Okay. [LR283]

SENATOR CORNETT: ...and she'll be done the first week of June or last week of May. [LR283]

SENATOR LATHROP: Okay. I think... [LR283]

SENATOR CORNETT: But I can do the one-day meetings. That's not a problem. But if we were talking like ten-day blocks or something like that, it would be easier if I had... [LR283]

SENATOR GAY: (Inaudible) me too. [LR283]

SENATOR CORNETT: Yeah. (Laugh) It would be easier if I had day care arranged. [LR283]

SENATOR LATHROP: Okay. I just think as a matter of a beginning point, maybe we'll

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pick something up two weeks out, meet and perhaps run down to Beatrice and take a tour and if we can find a community-based care provider that would be a typical situation when you start out with a tour, so we have a frame of reference, and then we can sit down and talk about the dates that we meet and the subject matters and then any other studies or work that's already been done that we can consider so that we don't have to reinvent the wheel. John. [LR283]

SENATOR HARMS: One of the things I'd like to have us do as we start to prepare this and just before we go in, I'd like to have us bring in the Fiscal staff or I don't know if it's Liz or Jeanne, whoever deals with that aspect of Beatrice. We need to have them come in and talk to us a little bit about the fiscal issues they see there, as well as any other issues they might know, because they know a lot, and I didn't realize that until I got on Appropriations Committee, because they lived with this. They might be able to help us also, so I we have some idea...because it's all going to roll down to, as we put this package together, how are we going to finance everything. I think there's money there that's not being spent. We just need to get a handle on that before we go in so that we know what we're talking about and have a better picture of this. [LR283]

SENATOR LATHROP: Okay. If you can find out who that is. [LR283]

SENATOR HARMS: I know. (Inaudible). [LR283]

SENATOR LATHROP: Maybe if you can, rather than have them at the front side, maybe you can talk to them so that you can bring us some background and then eventually, in the process,... [LR283]

SENATOR HARMS: Sure. [LR283]

SENATOR LATHROP: ...we'll have them come in and testify so that we have it in the record and it's... [LR283]

SENATOR HARMS: (Inaudible.) [LR283]

SENATOR LATHROP: ...it's not secondhand. [LR283]

SENATOR GAY: Are we looking at a snapshot, maybe when we do this tour, whatever, just a snapshot of where we are now,... [LR283]

SENATOR LATHROP: I think that's all we can do. [LR283]

SENATOR GAY: ...where we want to go, and that's what you're doing? [LR283]

SENATOR LATHROP: If we do a tour...if we do a tour, all it will tell us is what things are

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like on the day we went there and... [LR283]

SENATOR GAY: Sure, and where...our starting point. [LR283]

SENATOR LATHROP: Right. It will...but it will give us some background that I think will be useful when we're talking about the level of disability by the typical resident and the facilities that are available. [LR283]

SENATOR WALLMAN: There is a huge difference in the range of disabilities there. [LR283]

SENATOR LATHROP: I suspect so, and I don't have expertise in developmental disabilities so we'll need that. Senator Stuthman. Oh. [LR283]

SENATOR WALLMAN: And a private care provider in Beatrice I think is full. Mosaic is full, I think. Isn't it, Tim? [LR283]

SENATOR GAY: Yeah. [LR283]

SENATOR CORNETT: Mosaic is full pretty much everywhere (inaudible). [LR283]

SENATOR STUTHMAN: I think it's very good...very good to take the tour and set up kind of your basic ground of the plan of what we intend to do. [LR283]

SENATOR LATHROP: Yeah. [LR283]

SENATOR STUTHMAN: I think that's very important on the first shot. And I think most important is the tour, to start with, so that we can get a snapshot of it. [LR283]

SENATOR LATHROP: Okay. Good. then it sounds like we're all on the same page. All right. We will...I'll get a hold of your offices and will just roughly plan on something about two weeks out. No? Not enough time? [LR283]

SENATOR CORNETT: No, two weeks is fine. I thought you were asking if I had any questions? No. [LR283]

SENATOR LATHROP: Oh. Oh. You made a face and I didn't know if that was a... [LR283]

SENATOR CORNETT: No, I was thinking about something else. [LR283]

SENATOR LATHROP: Okay. [LR283]

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SENATOR STUTHMAN: It's not a two-week tour. [LR283]

SENATOR LATHROP: All right. [LR283]

SENATOR CORNETT: At that point, you become a patient. (Laugh) [LR283]

SENATOR LATHROP: Anything else anybody else wants to take up while we're together? Okay. I think we're adjourned. Thanks. [LR283]

Chairperson

Committee Clerk