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Health and Human Services Committee
February 06, 2008

[LB836 LB883 LB906 LB928 LB1006 CONFIRMATION]

The Committee on Health and Human Services met at 1:30 p.m. on Wednesday, February 6, 2008, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB836, LB883, LB906, LB928, and LB1006, and gubernatorial appointments. Senators present: Philip Erdman; Tom Hansen; Gwen Howard; Dave Pankonin; and Arnie Stuthman. Senators absent: Joel Johnson, Chairperson; Tim Gay, Vice Chairperson.

SENATOR STUTHMAN: Good afternoon, ladies and gentlemen, and welcome to the public hearing of the Health and Human Services Committee in the Nebraska Legislature. I am Senator Arnie Stuthman of Platte Center, and there is only one other senator with us at the present time but there will be other senators of the committee joining us in a little while. Some of them are still having meetings, and it is at the time of the legislative session when senators are introducing bills also in other committees. And I will introduce, to my far left, Senator Tom Hansen from North Platte; and our committee clerk, Erin Mack; and to my far right, Senator Pankonin from Louisville; and Jeff Santema, our legal counsel. We have a few rules that I would like to express at this time. If you have a cell phone, please turn it off. If we do hear one, it's a problem with the minutes are transcribed and we have a problem with it interfering with the transcription, so please turn those off. If they're not turned off we will confiscate them and probably give them back to you at the end of the legislative session, which will be in April sometime. (Laughter) So with that, we...also I would like to introduce Senator Howard from Omaha. She just joined us, so welcome.

SENATOR HOWARD: Thank you.

SENATOR STUTHMAN: We do have gubernatorial appointments first, and we will go through those first, and then we will go into the bills that are presented for the hearing today. I will also mention that when the bills are being heard, after the introducer is complete then we have proponents and opponents and then neutral testimony before we close the hearing on that individual bill. So with that we will start with our gubernatorial appointments. And Tawanna Black, are you here with us this afternoon? Maybe if she does appear a little bit later we will have her testimony at that time. Now, Rebecca Brown? There. Welcome, Rebecca. And these appointments, the first five of them are for the Child Abuse Prevention Fund Board. So if you would tell us a little bit about you. First of all, say your name and spell your name for the transcriber, would you please? [CONFIRMATION]

REBECCA BROWN: Sure. I'm Rebecca Zahller Brown. The last name is B-r-o-w-n.
[CONFIRMATION]

SENATOR STUTHMAN: And if you would just tell us a little bit about yourself, and tell

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us, you know, is this a reappointment or a new appointment, and what you plan to do to contribute. [CONFIRMATION]

REBECCA BROWN: (Exhibit 1) Thank you. This would be a new appointment. I am a minister here in Lincoln, Nebraska. I serve on the Child Saving Institute board. I was born and raised in Omaha, and was, in fact, a Child Saving Institute baby placed for adoption as an infant in a situation that involved child abuse of a sibling. My birth mother placed me in order to prevent that from happening to me, and worked to gain custody of my sister from the father who was beginning to be abusive. And by the time they gained custody of my sibling, she had been hospitalized for the abuse that she sustained. So the issue of child abuse is one that is close to my heart. Throughout my ministry, I've been involved with children and families. I've been serving in ministry since part way through my college years, and so I've been involved in pastoral ministry, working with children and families, in a variety of situations. While I served a church in Illinois, I was on the nine-county coalition against domestic violence board. Serving a church in Ohio, I served as a volunteer counselor for unwed mothers who were choosing whether to raise their babies or place them for adoption. And since I've been back home in Nebraska, I've served on the Child Saving Institute board. So it's an issue that is close to my heart and that I think I have some insight through the work that I've done in the church to be helpful. [CONFIRMATION]

SENATOR STUTHMAN: Okay. Thank you. Are there any questions from the committee? Senator Pankonin. [CONFIRMATION]

SENATOR PANKONIN: Thank you, Senator Stuthman. Rebecca, thanks for coming today. And, you know, we don't...as you'll see, we're not able to spend hours and hours on these, but we really appreciate the fact that people step forward, and you have a compelling reason, a lot of reasons to be on this group, and we really appreciate your ability to serve and willingness to serve. So with your life experiences I think you'll be valuable. Thank you. [CONFIRMATION]

SENATOR STUTHMAN: Senator Hansen. [CONFIRMATION]

SENATOR HANSEN: Thank you, Senator Stuthman. Do we call you Reverend Brown? [CONFIRMATION]

REBECCA BROWN: That's fine. [CONFIRMATION]

SENATOR HANSEN: Okay. Reverend Brown, this week we passed...I don't know if it this week, last week; they're running together already...but we passed the safe haven law. [CONFIRMATION]

REBECCA BROWN: Yeah. [CONFIRMATION]

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SENATOR HANSEN: Do you have any remarks about that? (Inaudible) thanks to Senator Stuthman. I'm sorry, I meant to mention that. [CONFIRMATION]

REBECCA BROWN : Thank you. I spoke with Judy Kay, who is the current...the interim CEO of Child Saving Institute about the safe haven law, and for a time CSI was ambivalent about the law, but became convinced that it was important. Nebraska had a lot of safeguards already in place, but as one of the last states in the Union to pass the safe haven law, it seemed an appropriate step to take on behalf of children. My college roommate, in fact my freshman college roommate, when we were seniors, bore a child and put him in the dumpster. And had there been a safe haven law that she might have been aware of, that baby boy might have lived. And so I think any opportunities we have to give young women, who may be in real crisis, an opportunity to take care of the baby, I think that's something that society ought to do. So I am thankful that Legislature passed that. [CONFIRMATION]

SENATOR HANSEN: Thank you for your service on this board in the future and thank you for coming today. [CONFIRMATION]

REBECCA BROWN: Thank you. [CONFIRMATION]

SENATOR STUTHMAN: Any other questions? I have one. I just feel that...and maybe this is more of a comment than anything...I feel with your background and your knowledge of child abuse, I think that's very valuable to this appointment. So I really respect you for coming forward and trying to serve and help with other children that are being abused, so thank you very much. Senator Howard. [CONFIRMATION]

SENATOR HOWARD: Thank you, Senator Stuthman, and I would certainly second what Senator Stuthman just said. I worked in Health and Human...at Health and Human Services as a case manager in foster care and adoptions and child protection service, and it's so valuable to have that reference of your own life experience and what you've done over the years, and so I think you'll be excellent at this, in this capacity. Thank you for offering to do this. [CONFIRMATION]

REBECCA BROWN: Thank you. [CONFIRMATION]

SENATOR STUTHMAN: Any other questions, otherwise thank you very much. [CONFIRMATION]

REBECCA BROWN: Thank you very much. [CONFIRMATION]

SENATOR STUTHMAN: The next one on the Child Abuse Prevention Board would be Sandra Markley. Sandra, welcome. [CONFIRMATION]

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SANDRA MARKLEY: Hello. Thank you. [CONFIRMATION]

SENATOR STUTHMAN: Tell us a little bit about yourself, your name.
[CONFIRMATION]

SANDRA MARKLEY: (Exhibit 2) My name is Sandra Markley, M-a-r-k-l-e-y, and I'm from Omaha, Nebraska. I'm working in the Sarpy County Attorneys Office as a deputy county attorney, prosecuting specifically child abuse and neglect cases. I've been doing that for seven years. Prior to that I was a private attorney and I did work in the juvenile court also there as a guardian ad litem and parents attorney, so I've seen it from both sides. Prior to that I went to law school and was a teacher before that for about 12 years at the high school and college level. So I have worked with children and for children most all of my career. I just care deeply about it and I have a firsthand knowledge of their needs and what we're seeing as far as abuse and neglect is concerned in the juvenile court, and I work with the people who and the professionals that help them. And I thank you for an opportunity to serve on the state board. [CONFIRMATION]

SENATOR STUTHMAN: Any questions from the committee? Senator Hansen.
[CONFIRMATION]

SENATOR HANSEN: Thank you. Thank you for coming today. Through the Eyes of a Child program. Is that being used in a worthy program? [CONFIRMATION]

SANDRA MARKLEY: Oh, yes. Yes, I'm the team secretary and we meet monthly, and it's wonderful for communication within our group, and we're making some good positive changes. So, yes, it's been good. [CONFIRMATION]

SENATOR HANSEN: Good to hear. Thank you. [CONFIRMATION]

SENATOR STUTHMAN: Any other questions? Seeing none, thank you very much, and thank you for being appointed. [CONFIRMATION]

SANDRA MARKLEY: Thank you. [CONFIRMATION]

SENATOR STUTHMAN: Parrish McDonald. Welcome. [CONFIRMATION]

PARRISH McDONALD: (Exhibit 3) Hi. Thank you. My name is Parrish McDonald and I'm very honored to be asked to serve on this committee. I've been a child advocate since my high school years. I come from an adult family of alcoholics and have experienced personal grief in my life because of this, and I wanted to turn it around, so I'm an educator. I've taught for ten years. I subbed for five years in Lincoln. I've been in Lincoln for nine years. I just published a book about Lincoln called Visions of Lincoln

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with Jim McKee and Joe Sartore, because I think it's such a wonderful place for children, that we have pools and great schools and parks and places for kids to go, so in terms of preventing abuse. I'm a CASA worker and went through a case with a mom whose child was removed from the home, and that was for three years. I'm currently in the public schools at Belmont and work with children in the ExCITE program, which if you don't know is basically Head Start and we decided, oh, well, if we catch them at five, it's even better to catch them at three. So I'm very committed to this position, and honored. Thank you for your time. [CONFIRMATION]

SENATOR STUTHMAN: Thank you. Any questions from the committee? Senator Pankonin. [CONFIRMATION]

SENATOR PANKONIN: Thank you, Senator Stuthman. I think we've had great candidates today, and I think that we need to turn right around and say we appreciate your willingness to serve and making a difference in this important area. I just want to ask you a question about this program, this ExCITE program, is working down to three-year-olds, is that what you said? [CONFIRMATION]

PARRISH McDONALD: Yes. What they have...this is a government-funded program, and they decided--I say they, the government along with public schools--have decided when we started with five-year-olds it was called Head Start, that children were not getting to a preschool or a kindergarten, whereas children in middle-class families, that was provided for them. So then they would take three-year-olds. And they have half special needs and half regular ed children, and they're used...the regular ed children are used as peer role models. So they come into the classroom, and you know, children learn best from each other, and they're able to verbalize and express sharing, and things that they've learned. We feed them breakfast and lunch, and go outside and play; do all the things that you would do in a regular preschool. And it's funded by the government, and it's on-site, much as hearing impaired or other programs in the public schools. It's not at every single school but it's at Prescott and Belmont and lots of other schools. [CONFIRMATION]

SENATOR PANKONIN: Thank you. [CONFIRMATION]

PARRISH McDONALD: Sure. [CONFIRMATION]

SENATOR STUTHMAN: Any other questions or comments? I would just like to make the comment, I truly do appreciate the ones that have come forward to help with this child abuse and prevention. Do you see any significant changes or more abuse because of drug problems or less abuse of our youth? [CONFIRMATION]

PARRISH McDONALD: Good question. I think it's a complex answer. I think part of it is our awareness. We used to hide it. I think part of it is more availability. When you take

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meth once, you know, brain cells are devastated and ruined. I think part of it is our culture overall has changed. I think there are more wealthy people and that, yes, it's great when people choose to volunteer to give of their money. But I think the biggest part of that is that children are not constituents, therefore it takes an adult to step forth and say these are the things that we need for them. And that, you know, people say you don't throw money at a problem, but everything takes money. And having our children in trailers at public schools or not having enough money for foster care or CASA, you know, we're always scraping for all the money that we need for children. Rubber gloves to change diapers at schools, baby food for children who have feeding tubes. It's always a battle. So, yes, there are more drugs going around. My kids are in Lincoln High and Southeast, and they talk about crack, and, you know, hopefully they will choose to not go down that road. But it's much more prevalent than when I went to school in the seventies, so. [CONFIRMATION]

SENATOR STUTHMAN: Thank you. [CONFIRMATION]

PARRISH McDONALD: We just have to keep starting with them young, which is the important thing. [CONFIRMATION]

SENATOR STUTHMAN: Yeah, so. Thank you. Any other questions? Again, thank you. [CONFIRMATION]

PARRISH McDONALD: Thanks. [CONFIRMATION]

SENATOR STUTHMAN: At this time, Tawanna Black, have you come here? Welcome. Good afternoon. [CONFIRMATION]

TAWANNA BLACK: Good afternoon. Thanks for your patience. [CONFIRMATION]

SENATOR STUTHMAN: Tawanna, if you would tell us your name and spell your name for the transcriber, and then tell us a little bit about yourself and what you plan to do as being appointed to this fund board. [CONFIRMATION]

TAWANNA BLACK: (Exhibit 4) Okay. Tawanna Black, T-a-w-a-n-n-a, middle initial A, B-l-a-c-k. Well, I am a Kansas native and have been living in Omaha for almost seven years. I have spent the majority of my career, up and until now, working in child advocacy services. My career started in Kansas with Kansas Children's Service League as a foster home recruiter, where I worked with everyone from schools to churches to corporate businesses to state officials in a privatized child welfare system to recruit foster parents, and also to advocate for the need for an entire community to be more committed to children's services and the need for increased care and concern for children who are out of their homes in much cases. That was kind of my launch into working with children. And since that time I've continued working in child advocacy and

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programs such as the CHIP program, foster care, child care services, and a little bit of mentoring and everything else in there. I've also served on the Foster Care Review Board for four years, shortly after coming to Omaha. I got engaged with that organization and was able to, (a) learn things about Nebraska's system, both as it relates to foster care, but also just the prevention of child abuse and neglect before children are placed in out-of-home care. So I've studied that system and advocated for changes in the system. Certainly from coming from a state where all child welfare services were privatized because of mistakes and struggles that the Nebraska system has experienced, I certainly have strong ideas and beliefs and ideals about what can happen when you take a system and really put the focus on what's best for children, and shortening out-of-home care and then working on the prevention side where dollars often aren't placed. [CONFIRMATION]

SENATOR STUTHMAN: Thank you, Tawanna. Any questions from the committee? Senator Erdman. [CONFIRMATION]

SENATOR ERDMAN: Tawanna, I think there's legislation this year that would either partially or do some type of privatization of a foster care system, and maybe I'm mistaken by I know that was discussed with one of my colleagues. What are some of the differences that you see in that setting, that are good or bad, either way, just the differences between, say, the way Kansas and Nebraska's systems are affecting the needs of the children? [CONFIRMATION]

TAWANNA BLACK: Certainly. I think the fear of what happens when you privatize child welfare services, or any government service, for that matter, but one of the things I can say for a privatized system is that it brings about competition. So suddenly nonprofit organizations compete yearly for their contracts. And some would disagree with that, but I think that when you look at it and you tell an agency you truly are responsible for ensuring that this child receives permanency, whether that be into adoption or back home with their families in a stable environment within two years, no gives, no ifs, ands, or buts, and the dollars stop, it forces you to do some things. Whether that means that you increase the number of child welfare workers that you have assigned to cases, you shrink those case loads, whether it means that you explore case management that involves other agencies, that involves schools, that involves churches and others who have a stake in that child's success and the family's success. Whatever that means, it certainly increases the awareness, increases the need, and increases the response time for agencies and those who are empowered to make decisions, to make decisions that are in the better interest of the child. Certainly not a solve-all by any means, not...I wouldn't even say all the time better or worse than Nebraska system comparing those two, but I certainly saw outcomes change aggressively and shrinking the time that children were in out-of-home care, as well as increased services for parents who always, 99 percent of the time, have the best interests of their child at heart. And children, no matter what they go through in child abuse, horrendous things, want Mom

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and Dad, always. So certainly seeing those increased services on the prevention side and the care side after things happen, and shrinking the time that children are not permanent, basically, or not in a permanent home. [CONFIRMATION]

SENATOR ERDMAN: Thank you. [CONFIRMATION]

SENATOR STUTHMAN: Any other questions? Senator Howard. [CONFIRMATION]

SENATOR HOWARD: Thank you, Senator Stuthman. And Senator Erdman, I'm glad you asked that question, because I was just going to head into that myself. If I remember correctly, the Kansas City...or the state of Kansas welfare department pretty much went bankrupt, didn't it? [CONFIRMATION]

TAWANNA BLACK: It did indeed. [CONFIRMATION]

SENATOR HOWARD: Yeah, that's why it was faced... [CONFIRMATION]

TAWANNA BLACK: They had been sued by the federal government several times, and it was the last option before the feds took it over. [CONFIRMATION]

SENATOR HOWARD: That's exactly right. That was the reason that they turned to privatization. And if I...again, if I remember correctly, the system of privatization that they've put in place pretty much was a payment per child for the attainment of permanency. But the payments were then reduced or removed, if that permanency wasn't obtained. [CONFIRMATION]

TAWANNA BLACK: Correct. Correct. [CONFIRMATION]

SENATOR HOWARD: Yeah. And I've been very concerned about that, and would certainly resist a movement toward putting that into place in Nebraska for a number of reasons. I recall when I was doing foster care, dealing with some...talking to some workers in Kansas on the interstate compact arrangement. And they were in such a bad situation that they couldn't...I would have to call them because they couldn't make long distance calls out, and that may ring a bell with you. But I hope this provides a little more information on that. Thank you. [CONFIRMATION]

TAWANNA BLACK: Certainly. [CONFIRMATION]

SENATOR STUTHMAN: Any other questions from the committee? Otherwise, thank you, Tawanna. Thank you very much. [CONFIRMATION]

TAWANNA BLACK: Thank you. [CONFIRMATION]

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SENATOR STUTHMAN: And now we will have the State Board of Health appointment, Dr. Dale Michels. Good afternoon, Doctor. [CONFIRMATION]

DALE MICHELS: (Exhibit 5) Good afternoon, Senator Stuthman and members of the committee. I'm Dr. Dale Michels, M-i-c-h-e-l-s, and I'm a family physician here in Lincoln, and I have been asked to be...fill the unexpired term of Dr. Les Spry who resigned to become the president-elect of the Nebraska Medical Association. And so I am filling his unexpired term, so my term, I believe, ends in 2010, and then I guess I'm eligible for reelection at that point. I am a practicing family physician, still deliver babies and still make an occasional house call. Have been...served medicine in a number of ways over the years. I'm still actively involved with the Nebraska Medical Association, the Nebraska Academy of Family Physicians, and do a number of other things in our community, as well as for the state. So I'd be happy to answer any questions. [CONFIRMATION]

SENATOR STUTHMAN: Thank you. Any questions from the board? Senator Howard. [CONFIRMATION]

SENATOR HOWARD: Thank you, Senator Stuthman. I just have to say a doctor that still makes house calls, I'm very impressed. I thought that went out with Dr. McGoogan. [CONFIRMATION]

DALE MICHELS: We do, but not very often, but we do, do it, yes. [CONFIRMATION]

SENATOR HOWARD: How wonderful. [CONFIRMATION]

SENATOR STUTHMAN: Any other questions from the committee? Seeing none, thank you, and thank you for volunteering for this. [CONFIRMATION]

DALE MICHELS: Thank you. [CONFIRMATION]

SENATOR STUTHMAN: Thank you very much. That ends the gubernatorial appointments. We will now go into the legislative bills. I would also like to mention and introduce our page here this afternoon, Matt Pederson from North Platte. And when you come up to testify, and if you have information, some handouts for the committee, please just place them on the corner of the desk and the page will see to it that they get passed out to us. So with that, we will have the...Senator Howard, would you like to open on LB836? Also, while she is coming forward, I would like to mention that the testifiers, we would like to have you hold your comments to approximately five minutes because we have five bills that we have to address today, so we want to give everyone an opportunity to testify. So if you can keep your comments to five minutes and not be repetitious, so I would appreciate that. So with that, welcome, Senator Howard. [LB836]

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SENATOR HOWARD: Thank you, Senator Stuthman and members of the Health and Human Services Committee. For the record, I am Senator Gwen Howard and I represent District 9. I appreciate this opportunity to introduce LB836. The purpose of this bill is to prevent children from being exposed to the harmful effects of secondhand smoke while traveling in motor vehicles with legal drivers. To date, California, Louisiana, Arkansas, Alabama, New Jersey, and several cities across the United States, have bans that prohibit smoking in cars with minors present. Texas, Oklahoma, and Alaska prohibit smoking in cars when foster children are present. Several other states, including Maine, Utah, Connecticut, Washington, as well as the city of New York, are considering bills to prohibit smoking in cars while children are present. The ages of children included in these bans range from 6-18 years old. LB836 would prohibit the operator or any passenger in a motor vehicle from smoking cigarettes, pipes, or cigars in a motor vehicle, passenger van, or pickup truck when a child who is under the age of 16, and that would be 15 years or younger, is also present in the vehicle regardless of whether the windows are down. There is no doubt that exposure to secondhand smoke has harmful, long-term effects, particularly on the developing body of a child. But the potentially harmful effects of secondhand smoke are personified in confined spaces with limited ventilation. According to the U.S. Environmental Protection Agency, secondhand or environmental tobacco smoke is a mixture of the smoke given off by the burning of a cigarette, a pipe, or cigar, and the smoke exhaled by smokers. Secondhand smoke contains more than 4,000 substances, many of which are known to cause cancer in humans or animals. Children are particularly vulnerable to the effects of secondhand smoke because they are still developing physically, have higher breathing rates than adults, and have little control over their indoor environments. Children exposed to high doses of secondhand smoke, such as those whose parents or primary caregivers smoke, run the greatest risk of experiencing damaging permanent health effects. Exposure to secondhand smoke can cause asthma in children who have not previously exhibited symptoms, increases the risk for sudden infant death syndrome, increases the risk for middle ear infections, and infants and children younger than six who are regularly exposed to secondhand smoke are at increased risk for lower respiratory tract infections such as pneumonia and bronchitis. For children with asthma, exposure to secondhand smoke can trigger asthma attacks and make asthma symptoms more severe. We cannot continue to turn a blind eye to this issue. The stakes are too high. This is an opportunity to reduce the physical and economic consequences that occur as a result of children being involuntarily exposed to secondhand smoke. It would not be unprecedented for this Legislature to establish guidelines about what people can and cannot do in their private vehicles, nor is it unprecedented for us to regulate adult practices regarding the safety of children who are in their care. We require adults to wear safety restraints and helmets. We also require drivers to restrain children in safety seats when they are traveling in motorized vehicles. Like these examples, this bill is designed to protect our children. This is the right thing to do and I ask for the committee's favorable consideration of this bill. Thank you. [LB836]

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SENATOR STUTHMAN: Thank you, Senator Howard. Any questions from the committee? Seeing none, thank you. [LB836]

SENATOR HOWARD: Thank you. [LB836]

SENATOR STUTHMAN: (Exhibit 1) Now we will hear the proponents of this bill, and I would also like to mention that, if you would please fill out the testifier's sheet and place it in that container on the desk. So anyone in the proponents? Anyone in the opponents? Anyone in opposition of this bill? Anyone in the...first of all, I would like to have read into the record, there is support for this bill, LB836, from the Nebraska Medical Association. They have sent a letter of support. Seeing no opponents, is there anyone in the neutral capacity? Seeing none, would you like to close? [LB836]

SENATOR HOWARD: Sure. I think if all our bills go this swiftly this afternoon, we'll be out at 3:00. This is an issue of doing what is right. There is no refuting the damaging effects that secondhand smoke has on children, and on behalf of the many children whose health is affected each day by exposure to secondhand smoke, I urge you to support this bill. And I'm just going to add, since we have a few moments, the most common opposition I've heard to this bill--we'll give a little time to that side--is from people who say, although I don't think anyone should smoke in a vehicle with children inside, I'm opposed to a smoking ban. If you stop and think about that comment, it really isn't a valid reason for us to ignore this issue. Those who have no intention of smoking in their cars while children are passengers, will not be affected. On the other hand, those who would smoke in a car with a child, despite the information available today that confirms how harmful secondhand smoke is, need this requirement in statute to protect their children. This argument is no different than arguments posed by those who say, they shouldn't have to be legislated to wear seat belts in their private vehicles or put their children in safety seats. Again, the bottom line, and for me and I'm sure many of you who know me well, know this is the case, the bottom line is safety for children, and to protect the health of vulnerable children. Thank you. [LB836]

SENATOR STUTHMAN: Thank you, Senator Howard. And that will close the hearing on LB836. And now we'll have the opening on LB906. Senator Pankonin. Good afternoon, Senator Pankonin. [LB836 LB906]

SENATOR PANKONIN: Good afternoon, Senator Stuthman and members of the Health and Human Services Committee. I am Dave Pankonin and I represent the 2nd Legislative District. I'm here to introduce LB906 on behalf of the Department of Health and Human Services. LB906 would allow the Division of Public Health's Environmental Laboratory to recover the actual costs associated with the annual certification of in-state and out-of-state laboratories, and the inspection of in-state laboratories every three years. The Division of Public Health charges fees to laboratories for inspecting them in the process of certifying them. These fees were set in statute in 1986 and are currently

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limited to maximum amounts of \$100 to \$200. These maximum amounts no longer cover the actual costs for the certification and inspection of laboratories. A formula was developed to determine the Environmental Laboratory's cost for testing samples. A similar formula would be used to determine and then recover the actual costs for certifying and inspecting laboratories and for making laboratory agreements. LB906 provides for new, not to be exceeded, fee caps. The caps were determined by categorizing the ten Nebraska labs and the nine out-of-state labs. Fees for similar activities in other states were reviewed. A proposed fee was developed for each category in Nebraska. The Division of Public Health then set the proposed caps by using the highest of the annual certification fees and inspection fees, and adding anticipated cost increases to cover the next six years. Allowing the Environmental Laboratory to recover costs would enable the laboratory to continue to function in a businesslike fashion by increasing or decreasing fees periodically as the actual costs change. This would bring the Environmental Laboratory's program in line with other licensing programs. I would be happy to answer questions if I can, however a representative from the Department of Health and Human Services will follow me to provide more details about LB906. Thank you. [LB906]

SENATOR STUTHMAN: Does the committee have any questions for Senator Pankonin? Seeing none, thank you. Oh, yeah, Senator Hansen, I'm sorry. [LB906]

SENATOR HANSEN: Sorry, I was a little slow on that bill. Senator Pankonin, in your opening did you say that the department wants to recover the actual costs of inspection? [LB906]

SENATOR PANKONIN: Yes, and they'll...you know, they...we talked about some procedures and I'm sure they can answer more specifically how that's... [LB906]

SENATOR HANSEN: Have them put caps on that. [LB906]

SENATOR PANKONIN: ...and put caps yet...but how that is done. [LB906]

SENATOR HANSEN: Thank you. [LB906]

SENATOR STUTHMAN: Thank you. Anyone that wants to testify as a proponent, please come forward. Good afternoon. [LB906]

JOSEPH ACIERNO: (Exhibit 1) Good afternoon. Good afternoon, members of Health and Human Services Committee. My name is Joseph Acierno, and that's A-c-i-e-r-n-o. I'm the deputy chief medical officer for the Division of Public Health in the Department of Health and Human Services. I'm here today to testify in support of LB906. Currently, the Division of Public Health's Environmental Laboratory in Lincoln charges fees to other laboratories for inspecting them in the process of certifying them. These fees are limited

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to a maximum amount of \$100 to \$200. These amounts were set in statute in 1986 to cover the certification and inspection process. Those maximum amounts no longer cover the costs for the department. To certify a laboratory, Environmental Laboratory personnel must perform reviews of their records, looking at the lab records, for instance, on a yearly basis, in addition to performing an on-site inspection for laboratories in Nebraska. LB906 increases the maximum fees in order to allow recovery of costs. The fees are for the certification process, as well as the inspection process. LB906 allows for an inspection fee once every three years and a certification fee every year. A formula was developed for the recovery of the Environmental Laboratory costs of testing samples, and a similar formula could be used to recover the costs of certifying inspecting and making agreements with other laboratories. As the statute currently exists, the Environmental Laboratory loses approximately \$20,000 per year in certifying, inspecting, and making agreements with other laboratories because not enough revenue is collected. The costs of certification should be borne by laboratories wishing to be certified. These laboratories are businesses and are able to analyze more types of samples, market themselves as certified by the state of Nebraska, and earn more money because of their certification. Allowing the division's Environmental Laboratory to recover costs would allow it to continue to function in a businesslike fashion, increasing or decreasing fees periodically as the costs change for those services. These would be consistent with other licensing functions in the department. Thank you. And I'd be happy to answer questions. [LB906]

SENATOR STUTHMAN: Thank you, Mr. Acierno. Any questions from the committee? Senator Erdman. [LB906]

SENATOR ERDMAN: Joseph, talk to me about the other licensing functions, how you do this. It's not done by rules and regs; it's done by some other process, or is done...? [LB906]

JOSEPH ACIERNO: No, these are...I go by Joe, by the way. You don't need to call me Joseph. [LB906]

SENATOR ERDMAN: Fair enough. [LB906]

JOSEPH ACIERNO: I haven't been called that since... [LB906]

SENATOR ERDMAN: I go by Phil, you go by Joe; we're good to go. [LB906]

JOSEPH ACIERNO: (Laugh) Anyway, it would be done through the rules and regulations, the regulatory process. That's how it's done now. So the regulations would then reflect the changes that would be made. The statute gives the...the legislation gives the authority and we already have the authority, the regulatory authority. And then we would just promulgate the regulations. [LB906]

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SENATOR ERDMAN: So, just clarifying, the language...the fees that are set by rules and regs wouldn't be an issue because that's how you do it now. [LB906]

JOSEPH ACIERNO: Correct. [LB906]

SENATOR ERDMAN: How do we...? From a standpoint of how do you set the fee, how do we know that number is the right number and we're not simply able to charge whatever we want up to a certain amount? How do we know that...? What's the due diligence done to prove that that's the right number? [LB906]

JOSEPH ACIERNO: Well, as far as the department, what has been looked at and will continue to be looked at any time there would be a fee change, is we're looking at the actual costs of doing these services. The program itself has taken a look at the issue, looked at what it costs us to inspect and to do various types of inspections depending on the breadth of what the lab is doing, and to do the annual review to maintain certification. That has been looked at and that's how the cap was created. But within that cap, I don't anticipate that that cap would be hit anytime soon, but this was just to give some play down, years from now, so we wouldn't be coming back on a routine basis. [LB906]

SENATOR ERDMAN: What's the highest proposed amount you would charge, going forward? [LB906]

JOSEPH ACIERNO: I think the caps are set at, for the annual fee, not to exceed \$1,800 per laboratory, and an inspection fee not to exceed \$3,000 per certification period. The certification period is three years, so it would be \$3,000 over the three years. [LB906]

SENATOR ERDMAN: All right. And maybe I should rephrase the question. [LB906]

JOSEPH ACIERNO: Okay. [LB906]

SENATOR ERDMAN: As you look forward, right now you're charging \$100 and \$200. [LB906]

JOSEPH ACIERNO: Well, it's a range. [LB906]

SENATOR ERDMAN: What's the actual that you would think that would probably come in at, as an average? Are we talking they'll go from \$100 to \$1,200? Are we...? [LB906]

JOSEPH ACIERNO: No. Well, I don't think that. It depends. What's hard on that, is...let me explain a little bit. [LB906]

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SENATOR ERDMAN: You have different types of facilities, you have different types of responsibilities. [LB906]

JOSEPH ACIERNO: Right. With the annual fee, what's rolled up in the annual fee is not just the, here, everyone pays this. I guess there's a little bit of that. But it's also depending on the type of services you are...type of testing you are doing, whether you're doing one type, two, or three. That will be then built into that annual fee. So annual fees could differ between laboratories depending on the breadth of what they're bringing to the table, as well as the inspection fee. I would anticipate, right now where the \$100 and \$200 is coming from, is if you would look in the area that has been stricken from it, on pages 4 and 5 of the bill, that shows you where it was \$100, up to \$200, for a certain individual type of testing. But it could be higher, obviously, if you do more than one type of testing. So that's where the \$100 to \$200 figure is coming from, so realistically, those would go up from \$100 to \$200. And I think depending on how the lab would be analyzed... [LB906]

SENATOR ERDMAN: You're doing good. [LB906]

JOSEPH ACIERNO: I don't want to pull something out of thin air. [LB906]

SENATOR ERDMAN: You're doing good if you want to stop now. [LB906]

JOSEPH ACIERNO: Okay. (Laughter) [LB906]

SENATOR ERDMAN: All right. (Laughter) [LB906]

JOSEPH ACIERNO: All right, I'm just...I'm sorry. [LB906]

SENATOR ERDMAN: I don't want to lock you into a corner that you can't get out of. [LB906]

SENATOR STUTHMAN: Any other questions from the committee? Senator Hansen. [LB906]

SENATOR HANSEN: Thank you. Joe, explain a little bit how you would go about, if you're going out to make an inspection, how are you going to recoup actual costs rather than a from-here-to-there cost? I mean, how do you arrive at actual costs for the inspection alone? The fee, the certification fee, I see is one thing, because that takes so much time in the office. But when you go out to the laboratory and investigate...or look at the laboratory, how are you going to arrive at how much that inspection fee will be? [LB906]

JOSEPH ACIERNO: I think I understand your question. I'm not sure I could answer it

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specifically, and I may have to get back...provide you information specifically. But I guess how I would look at it, is if we know a lab is providing three types of services, we're going to have people there a certain length of time, and we can figure out an average, how long it would take us to do that kind of inspection of that facility, and then determine, obviously...I guess they go from here to there, but I think that's the best way to describe it...we would have to figure out...we would have to determine almost an average of a lab doing, where they're doing three services or providing three types of testing. As far as what actual...you know, driving, inspecting, how much time to do that, I would have to provide you numbers that would reflect that a little more closely. And I could do that. [LB906]

SENATOR HANSEN: But you are going to break it down like that, instead... [LB906]

JOSEPH ACIERNO: We can do that. [LB906]

SENATOR HANSEN: ...of having a set fee to inspect. Is that correct? [LB906]

JOSEPH ACIERNO: Well,... [LB906]

SENATOR HANSEN: That's how get to the actual...? Because I was given one of these bills similar to this, and it wasn't broken down like that. All it was, was we have certification fees and we have inspection fees, and the inspection fees (inaudible) to be this much, and that's what I didn't like about that bill. [LB906]

JOSEPH ACIERNO: Well, but I think what you're going to have with the inspection fee and how that is determined, and is through the regulatory...it will be in the regulations, how that is going to be determined. So it wouldn't be out of thin air. There would be some justification through the regulatory process of what that fee would actually amount to. [LB906]

SENATOR HANSEN: Because I think in the beginning, I don't know when the beginning was, but when they started looking at these labs in swimming pools and everything else, the certification fee included the inspection cost. But now the inspection cost is bigger than they used to be, so now we need to increase that. And the department came to several senators and said we need fees on top, inspection fees on top of certification fees. [LB906]

JOSEPH ACIERNO: Right. [LB906]

SENATOR HANSEN: And then what my point is, we need to keep at actual cost rather than building in some reserve for the future on the inspection part. [LB906]

JOSEPH ACIERNO: I understand. I guess, in just, so I... [LB906]

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SENATOR HANSEN: And I understand why it would be hard to say how much they are. But in the bill that I saw, they did say how much that inspection fee was, and we couldn't tell how much was, you know, for the future and how much of that's cost. So your idea of doing it this way is better. I agree with you. [LB906]

JOSEPH ACIERNO: Okay. [LB906]

SENATOR HANSEN: As long as we can keep the actual costs. [LB906]

JOSEPH ACIERNO: And I would think, through the regulatory process, we'll be able to show that. [LB906]

SENATOR HANSEN: Okay. Very good. [LB906]

SENATOR STUTHMAN: Any other questions from the committee? Seeing none, thank you, Joe. [LB906]

JOSEPH ACIERNO: Thank you. [LB906]

SENATOR STUTHMAN: Any other testifiers in the proponent? Any in the opponent, opposition? Anyone in the neutral capacity? Seeing none, Senator Pankonin. [LB906]

SENATOR PANKONIN: I waive. [LB906]

SENATOR STUTHMAN: Thank you, and that closes the hearing on LB906. We will now go to LB883, Senator Johnson's bill, and we have Mr. Keetle. Welcome. [LB906]

ROGER KEETLE: Good afternoon, Chairman Stuthman and members of the Health and Human Services Committee. For the record, my name is Roger Keetle, K-e-e-t-l-e. I'm the legislative aide for Senator Johnson. And once again, Senator Johnson really wishes he could be here himself today, but I will try and do the best I can. Remember the saying by Henry VIII to his wife that he shan't keep her long? This shouldn't keep you long. This is a relatively simple bill. It was introduced on behalf of the city of Lincoln. It relates to the licensure of child-care programs. In 1994, LB994 inadvertently made a change to the definition of "program" under the Child Care Licensing Act and thus inadvertently resulted in the licensure or the requirement to be licensure of a recreational program operated by the city of Lincoln that had not previously been regulated. LB883 exempts "a recreational facility center program operated by a political or governmental subdivision pursuant to the authority provided in Section 13-304 from licensure requirements under the Child Care Licensing Act." Therefore, it is the intent of LB883 to return only the city of Lincoln's recreational programs to the exempt status for the purposes of the Child Care Licensing Act. I understand there are some concerns

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about the wording of this particular provision, but the intent is very clear. And I'm sure your able committee counsel, if there are any concerns about the language, we will work them out. With that, I would take any questions. [LB883]

SENATOR STUTHMAN: Thank you, Mr. Keetle. Any questions? Senator Pankonin. [LB883]

SENATOR PANKONIN: Thank you, Senator Stuthman. Roger, just looking here, the YMCAs are opposed to this. You know, I haven't had time to study this very much, but do you know anything about that or why? [LB883]

ROGER KEETLE: Again, I think there's concern that the change is broader than it really is and intended. Again, this is very narrow in its scope. It's intended to deal with recreational programs operated by cities or political subdivisions. To our knowledge, the only one there is in that category is the city of Lincoln. Again, it's a very narrow bill and that's our intention. If the words don't match that intention, I'm sure Jeff will figure out how to make it right. No pressure, Jeff. (Laugh) [LB883]

SENATOR STUTHMAN: Thank you. Any other questions? Seeing none, thank you. [LB883]

ROGER KEETLE: Thank you. [LB883]

SENATOR STUTHMAN: Anyone that wants to testify as a proponent to LB883. Good afternoon. [LB883]

LYNN JOHNSON: Good afternoon. My name is Lynn Johnson, L-y-n-n J-o-h-n-s-o-n, and I'm the parks and recreation director for the city of Lincoln. And I do appreciate the opportunity to be here this afternoon. The city of Lincoln is requesting return of our recreation camp programs to exempt status under the Child Care Licensing Act. It is our understanding that it was not the intent of the prior cleanup bill in 2006 to exclude or, pardon me, to include city recreation programs within the definition of childcare and therefore require licensing. We believe that there is a fundamental difference in the mission and purpose of recreation programs and childcare. The emphasis or recreation programs is to provide leisure activities, while the primary purpose of childcare is to provide care for children for compensation in lieu of parental care. Beyond the philosophic difference between recreation programs and child-care programs, there is a fiscal reason the city is supporting LB883. The Nebraska state plan for administration of Title XX funds administered by the state Department of Health and Human Services currently allows Title XX funds reimbursements to be paid only to licensed child-care programs. We certainly recognize and support HHS's public responsibility to assure that Title XX reimbursements are directed to qualified programs. We do not believe that licensure is the only way to measure that programs meet basic health and safety

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requirements. Approval of LB883 is a first step. We hope to next work with HHS staff to amend the state plan to allow Title XX reimbursement to qualified municipal recreation programs. We believe that the city of Lincoln is specifically authorized to offer recreation programs, including youth programs, under Nebraska Revised Statute Section 13-304. The city of Lincoln currently offers youth recreation programs at 20 locations throughout the year. More than 1,300 youth participate in before- and after-school recreation programs each day. Most of the programs are offered in economically disadvantaged areas of the community with half the participants receiving some type of financial aid. Nineteen percent of participants receive Title XX support. The emphasis of our recreation programs is large group activities with a leader interest and social development emphasis in addition to academic support. Health and safety of participants is a primary concern. Programs are organized and supervised by professional recreation staff. We work closely with other city departments and agencies to assure hiring and training of qualified staff, facilities meet health and safety standards, and that the programs are meaningful, purposeful, and enriching. We are currently finalizing written performance standards for youth recreation programs that assure the health and safety of participants and define the anticipated outcomes of the programs. These standards will be made available for public review and comment, and we anticipate that they will be formally adopted by the Lincoln City Council. Because of the change in the Child Care Licensing Act, the city of Lincoln secured provisional child-care licenses for before- and after-school recreation programs at the beginning of this school year. We have evaluated the ongoing fiscal impact associated with licensing our youth recreation programs and determined the added cost of continuing to offer existing programs to be about \$275,000 annually. This added cost will likely result in the need to restructure our youth recreation programs, reduce the number and locations where programs are offered. It is likely that this will reduce the availability of youth programs to economically challenged families. In closing, we are requesting that the city of Lincoln youth recreation programs be returned to exempt status from the child-care regulations. The city of Lincoln has authorization to offer recreation programs under state statute. The city, as a municipal-governed organization, has the unique ability to adopt local standards for youth recreation programs and also the ability through interagency cooperation to assure the health, safety of participants. Requiring the city of Lincoln youth recreation program secure child-care licenses will likely have the effect of reducing access to vulnerable and disadvantaged youth to quality programs outside of the school day and during summer months. And I do again want to say thank you for the opportunity to speak before you this afternoon. And I'd be happy to answer any questions that you might have. [LB883]

SENATOR STUTHMAN: Thank you, Lynn. Are there any questions from the committee? Seeing none, thank you. [LB883]

LYNN JOHNSON: Thanks very much. [LB883]

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SENATOR STUTHMAN: The next testifier in proponent. Good afternoon. [LB883]

VIRGIL HORNE: Good afternoon, Senator Stuthman. Virgil Horne, V-i-r-g-i-l H-o-r-n-e, representing the Lincoln Public Schools. We work with the city in providing those programs so consequently we support the bill. Thank you. [LB883]

SENATOR STUTHMAN: Okay, thank you. Any questions for Virgil Horne? Senator Erdman. [LB883]

SENATOR ERDMAN: Virgil, I was going to say you couldn't talk longer than the length of the bill, but I didn't have to so good work. [LB883]

SENATOR STUTHMAN: Thank you. [LB883]

SENATOR ERDMAN: Of course, it makes the next bill a lot harder. [LB883]

SENATOR STUTHMAN: Any other proponents? I would ask for the rest of the balance of the afternoon if all of the testifiers would work their way to the front to save time. Thank you. Good afternoon. [LB883]

GARY KRUMLAND: Senator Stuthman, members of the committee, my name is Gary Krumland, K-r-u-m-l-a-n-d, here on behalf of the League of Nebraska Municipalities in support of the bill. We just wanted to go on record that we do support it. It appears it just applies to the city of Lincoln. It was an inadvertent consequence of a technical bill that was passed two years ago. And so we do support the effort to correct that inadvertent error. [LB883]

SENATOR STUTHMAN: Thank you. Any questions for Mr. Krumland? Seeing none, thank you. Any other testifiers in the proponent? Any...now we'll take the testimony in opposition, the opponents. Good afternoon. [LB883]

BARRY GOURLEY: (Exhibit 1) Good afternoon. My name is Barry Gourley, B-a-r-r-y G-o-u-r-l-e-y. Senator Stuthman and members of the Health and Human Services Committee, my name is Barry Gourley. I'm the executive director of Family Service here in Lincoln. It is in that capacity that I speak to you today regarding LB883. Family Service, a 117-year-old agency, provides four programs throughout the state of Nebraska. Our childcare food program is in 84 out of 93 counties. We serve almost 17,000 children of which two-thirds have been identified as low income. Our before- and after-school child-care program serves over 1,200 children. I believe no programs that are serving children and youth should be exempt from meeting the minimum standards set out in the Nebraska child care licensing regulations. It is a health and safety issue for our children of Nebraska. Licensing regulations ensure that our children and youth are safe, healthy, and the programs are well administered. To exempt programs

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because they are recreational falls short in helping to raise a quality bar for our children during the after-school hours. At a time where much attention and focus is placed on the need for extended learning opportunities, we must also work to hold all organizations accountable for providing these services in accordance with minimum standards. I would ask you not to vote LB883 out of committee and let the bill die for the health and safety of our children and youth of Nebraska. I want to thank you for your time and consideration. And I'd be happy to answer any questions. [LB883]

SENATOR STUTHMAN: Are there any questions from the committee for Barry? I have one. Barry, when you state that, you know, recreational facilities for childcare, what would you say would be something that would be an item that would be exempt that shouldn't be exempt as far as the manufacturing of the recreational facilities or explain that to me about facilities that would not be in compliance. [LB883]

BARRY GOURLEY: Well, let me answer your question two ways. One, my feeling is if you exempt one agency then you may as well exempt all the agencies in the state of Nebraska. The second piece, let me be very specific, Senator Stuthman. Family Service has a partnership with Lincoln Park and Recreation at Huntington Elementary School. And in the state statute or the childcare statute, licensing statute, it talks about 1 adult for ever 15 children. Well, with this partnership at Huntington where Family Service provides the site supervisor and Lincoln Park and Recreation provides the assistants to monitor those children, because we were having issues at Huntington in regards to Park and Recreation not providing the adequate ratio for the children at Huntington, we did a survey for the month of January '08. Out of 19 student contact days in January of '08, Lincoln Parks and Recreation, they were out of compliance with the Nebraska child care licensing regulations 10 out of the 19 days or 53 percent of the time Lincoln Park and Recreation did not provide assistants to support the ratio of 1 to 15. My feeling is if you're going to exempt them in this bill, then you may as well exempt all the other child-care facilities. And the other thing is if we're going to have the regulation, let's have the regulation. Let's not make a special amendment for one organization but yet everyone else has to comply with it as well. Did I answer your question, Senator? [LB883]

SENATOR STUTHMAN: Yes. Yes. And I was trying to refer to, you know, what type of recreational situation would create the fact that, you know, they're out of compliance? And you was saying, you know, the 1 to 15 plan and, you know, that if there was 16 kids that the one was supervising, well, X marks the spot on the paper. [LB883]

BARRY GOURLEY: Well, the 1 to 15 is in the Nebraska child care licensing regulations. And so Family Service follows it and I would expect Parks and Recreation to follow it as well. And the experience we're having with Huntington right now is Family Service is doing their job, but Parks and Recreation is not doing their job. It is my understanding the genesis of this bill came from budget situation with the Lincoln city and Mayor

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Beutler. And my feeling is we shouldn't balance the city's budget on the backs of children. [LB883]

SENATOR STUTHMAN: Okay, thank you. [LB883]

BARRY GOURLEY: Thank you. [LB883]

SENATOR STUTHMAN: Any other questions? Senator Pankonin. [LB883]

SENATOR PANKONIN: Thank you, Senator Stuthman. Barry, appreciate your testimony today. Just a couple of questions. Was Lincoln exempt before this technical situation happened? I mean is this a deal where they were exempt and this happened and changes the situation? Would that be true or? [LB883]

BARRY GOURLEY: You know, Senator, I don't know that. My knowledge here is four years in the state of Nebraska so I don't know prior to that. But maybe somebody else could...maybe legal counsel could answer that question for you. [LB883]

SENATOR PANKONIN: Okay. And you actually answered the second part or my second question which was why do you think Lincoln was motivated to try to do this and so. [LB883]

BARRY GOURLEY: It's my understanding the genesis of this bill came from Mayor Beutler because of budget cuts. And I understand budget situations having been superintendent for 16 years in the Northwest. But my feeling is you don't balance your budget on the backs of children. [LB883]

SENATOR PANKONIN: Thank you. [LB883]

BARRY GOURLEY: Thank you. []

SENATOR STUTHMAN: Thank you. [LB883]

BARRY GOURLEY: Thank you. [LB883]

SENATOR STUTHMAN: Any other comments, questions? Senator Erdman. [LB883]

BARRY GOURLEY: Is that for me, Senator, or are you done? Okay. [LB883]

SENATOR ERDMAN: It is, Barry, if you're willing. Have you had your program in place prior to last year or was this year the first year that this has been? [LB883]

BARRY GOURLEY: Family Service has been a partner with Lincoln Public Schools for

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30 years, since 1972 I believe it was. [LB883]

SENATOR ERDMAN: And have there been...have you experienced similar issues that you're experiencing this year in the past or? [LB883]

BARRY GOURLEY: We've had issues with Parks and Recreation last year that I'm aware of and without them meeting the ratios, yes. [LB883]

SENATOR ERDMAN: But they weren't licensed last year. They were licensed after the bill passed, which would have been sometime this summer. [LB883]

BARRY GOURLEY: Well, all I'm doing is making reference to the Nebraska child care licensing regulation. [LB883]

SENATOR ERDMAN: So maybe you need to clarify when you say last year you're referring to '07, like the fall of '07 or literally a year ago at this time. [LB883]

BARRY GOURLEY: I was talking to the school year of last year. [LB883]

SENATOR ERDMAN: Okay, all right. Thank you. [LB883]

BARRY GOURLEY: Thank you. [LB883]

SENATOR STUTHMAN: Thank you. [LB883]

BARRY GOURLEY: Thank you. [LB883]

SENATOR STUTHMAN: Any other testifiers in the opposition? Good afternoon. [LB883]

JEFF COLE: Good afternoon. Thank you, Senator Stuthman and members of the committee, for the opportunity to testify in opposition. My name is Jeff Cole, J-e-f-f C-o-l-e. I'm the coordinator of the Nebraska Community Learning Center Network that is based at the Nebraska Children and Families Foundation. And just a couple of background points on the network, just to give you a little bit of context, we're an affiliation of approximately 50 organizations working together to build partnerships and advocate for policies that promote more high-quality after-school programs that meet the needs of Nebraska's youth, their families, and our state. We're part of a national coalition of 35 statewide after-school networks that have a similar function. This is really part of a growing national movement that recognizes the importance of after-school programs for meeting our economic and educational needs of our children and families. I think there's a growing recognition that if we just rely on education alone to overcome some of the achievement gaps we have in our nation we're not going to be able to do it. And by education I talk about that time of day that children are in the school box. And I

think there's a growing recognition that we need to provide additional support services that wrap around that school environment, provide the kind of supports that kids need to be successful. Quality is one of the key goals that we work on at a national level. We recognize that quality programs are a very important part of developing these kinds of opportunities for children. Two weeks ago we were able to work with Governor Heineman's Office and the National Governors Association to help organize a summit on extended learning opportunities here in the Capitol Building. We explored opportunities to integrate emerging initiatives in early childhood education, after school, and parental involvement to provide that supportive structure that kids and families need to be successful. Our keynote speaker for that summit was Dr. Heather Weiss of the Harvard Family Research Project, compelling speaker, really shared with us some good examples of some new research that really points to the impact that high-quality after-school programs have on improving outcomes for both elementary and middle school kids. It was some groundbreaking research nationally that really pointed to the effectiveness of these high-quality programs. A key part of our national agenda is to promote such programs, high-quality programs. And we recognize the value that parks and recreation departments have across the country in providing these kinds of supports. I recognize the value of Parks and Recreation and the city of Lincoln as a former city of Lincoln employee plays in that role there, a vital component as Mr. Johnson pointed out. They provide a lot of services in a lot of schools that meet the needs for children and families. We're just concerned about this question of quality and the suggestion that exempting one group from certain standards, in this case the Nebraska child care licensing regulations, would have for the effectiveness of those programs. We feel like standards are there for a reason. They're there for everyone. And if we exempt one group of providers from meeting those requirements, we think we're not only creating an unequal playing field for the other providers, but also creating the possibility of a two-tiered system (inaudible) system is regulated and has some requirements that they're required to meet and others don't have those same requirements. So we're afraid of that kind of a system evolving. We don't want to leave quality in government-supported programs to chance. We don't want to create that kind of an unequal environment, especially an environment where we're trying to encourage partnerships between school systems, governments, and nongovernmental organizations to work together. We think having that clear set of regulations that's applied equally to all partners is a very important piece of that. And while I understand that this is really focused on the city of Lincoln, I see opportunities across the state for these kinds of school/community/government partnerships and think that, and again just found out about this bill yesterday so I don't really know all of the intent and I appreciate the initial comments and do understand it's focused on the city of Lincoln, but think there may be other opportunities specifically in the city of Omaha. They're beginning to take a serious look at developing a citywide after-school system that would integrate resources from government, school system, and the private sector and think that we need to have that clear set of guidelines that are enforced equally in all parties. And we believe that minimum state standards should be a floor that we grow from across the state. We think

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we should go above minimum standards and create an environment here that is among the best in the country. We think that that has some important economic development implications for our state. At our summit we had representatives from Cabela's and they were talking about their support for after-school programs in Sidney. And their support for after-school programs is based on an economic development model. In order for them to attract the highest quality workers to their manufacturing operations in Sidney, they need to be able to provide those workers with the assurance that their children will be cared for in quality programs. So we think that there's some important economic development opportunities here as well. So thank you again for your time and appreciate your service. And if there are any questions that I could answer, I'd be glad to. [LB883]

SENATOR STUTHMAN: Okay, thank you, Jeff. Any questions from the committee? Senator Erdman. [LB883]

SENATOR ERDMAN: Jeff, I understand your organization and focus the coalition, the 50 groups, Nebraska groups as I understand. [LB883]

JEFF COLE: That's correct, yeah. [LB883]

SENATOR ERDMAN: Are they currently regulated? [LB883]

JEFF COLE: Yes. [LB883]

SENATOR ERDMAN: And so the theory, you can say this isn't the intent, but the theory is if we're regulated they should be too? [LB883]

JEFF COLE: That's correct. And it includes city parks and recreation department. It's a loose affiliation of people doing work in the field, private individuals as well as providers as well as government participants as well. It's a loose affiliation of partners. [LB883]

SENATOR ERDMAN: Well, here's what I'm struggling with for the sake of Barry and for you. I don't believe that we made the policy decision to do this last year. I think now we have the decision and you have correctly placed before us your opposition to what we have done as to whether or not we want to keep doing what we've inadvertently done. I understand that the language before us isn't necessarily replacing what was there last year, but whenever we, at least my opinion is, whenever we enact regulation we should do it knowingly and not by accident. But I appreciate your testimony and we'll look into the language and the comments that you shared as far as what your intent...your organization pursues and whether or not we as a Legislature agree with that or not so. [LB883]

JEFF COLE: Well, we would be glad to work with you. And the language, the

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quasi-governmental piece we didn't really exactly know what the intent was there and could envision some scenarios where some government entities are created that work in partnership with community groups that would perhaps then be exempt from the kind of regulation that others are. So we'd be glad to work with you in any capacity that we could. [LB883]

SENATOR ERDMAN: Well, we'll blame it on Mr. Keetle for bringing the bill in the wrong form then if that's the case. Thanks. [LB883]

SENATOR STUTHMAN: Thank you, Jeff. Thank you, Senator Erdman. Any other questions? If not, thank you. Anyone else want to testify in the opposition? I would like to have read into the record we have a letter here in opposition to LB883 from the YMCA and have that entered into the record (Exhibit 2). Anyone in the neutral position? I do have a letter from the Department of Health and Human Services and I'd like to have that entered into the record (Exhibit 3). They are taking no position on LB883 so we will enter that also into the record. With that, do you want to close, Roger? [LB883]

ROGER KEETLE: Will waive closing. [LB883]

SENATOR STUTHMAN: You waive closing. With that, we'll close the hearing on LB883 and now have the opening on LB928. Mr. Keetle. [LB883]

ROGER KEETLE: (Exhibit 1) Good afternoon, Senator Stuthman and members of the Health and Human Services Committee. My name is Roger Keetle, K-e-e-t-l-e, and Senator Johnson has a story that when he was appointed to the Legislature, Senator Doug Kristensen took him aside and told him that there are no easy bills left. And we're going to...after the previous bill, we'll see how this one goes. This bill is the outright repeal of the Hepatitis C Education and Prevention Act. The act terminated on December 31, 2007. I believe the committee clerk has for you a copy of the report that's been put out by the group that was put together and the membership of the task force. Again, this task force met several times over the summer, I think did a really outstanding job of putting together some recommendations. And Senator Johnson is working with some organizations to implement some of the recommendations made in that report. With that, this should be a simple bill, but I don't know whether there will be a lot of opposition or not behind me. So with that, I would take any questions you might have. [LB928]

SENATOR ERDMAN: I move we advance, oh, I'm sorry. [LB928]

SENATOR STUTHMAN: Thank you. Any questions from the committee? Seeing none, thank you for your opening. [LB928]

ROGER KEETLE: Thank you. [LB928]

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SENATOR STUTHMAN: Anyone wanting to testify in the proponent? I would like to read into the record a letter from the Department of Health and Human Services that supports LB928 and have that into the record (Exhibit 2). Anyone in the opposition? Anyone in the neutral capacity? Seeing none, would you like to close? [LB928]

ROGER KEETLE: I'll waive closing on this one. [LB928]

SENATOR STUTHMAN: Okay and that closes the hearing on LB928 and we will open the hearing on LB1006. Senator Aguilar. [LB928]

SENATOR AGUILAR: Thank you, Senator Stuthman, members of the Health and Human Services Committee. This particular bill can be summed up in one sentence. It is an attempt to make it easier for Nebraskans who need in-home personal services to find them. The mechanism of this bill to make that happen has two components. The first is the registry, by that I mean a listing of workers who provide the service made available to the public. My vision is that it can be with the workers already known to the Nebraska Department of Health and Human Services through the various programs that help pay for these services. My hope is that it will grow from there. Health and Human Services already has a contract with a web site provider that does something very similar that could be expanded. That web site is referred to as the Answers for Families web site and the resource and referral system. Of course, we would also have to make the list or registry available by means of other than the Internet for consumers so it's available to everyone. I can't tell you how many family members have told me their story of when a family member needed these services and they just didn't know where to turn to find them. The second component is a pay study with a goal of developing a plan to pay enough to attract and retain workers yet remain affordable. Of course, affordable is a relative term when choosing between paying for services that keeps a person at home versus paying for their care in an institution. I've been told these workers make very little in wages so we can take a look at that and figure out how to do what is necessary to boost this work force before all of us baby boomers need their services and put an even bigger strain on the current work force. This component also has a report due back to the Legislature on how things go so we can have a chance to review this plan. This bill gives authority to the department to create rules and regulations necessary to operate such a registry. This bill is a huge change of tactics from last year, and let me assure you there is no effort to organize workers in this bill. Thank you and I'll take any questions. [LB1006]

SENATOR STUTHMAN: Thank you, Senator Aguilar. Any questions from the committee? Senator Erdman. [LB1006]

SENATOR ERDMAN: Senator Aguilar, we have Section 2 and Section 3. Section 2 is the database; Section 3 is the study. They have a web site service now. Couldn't we

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satisfy Section 2 by working with the department to make that available in another form and then we wouldn't need this and they could do it today instead of trying to wait to get this bill through? Is it avail...let me rephrase that. [LB1006]

SENATOR AGUILAR: Honestly, I don't think we've made that attempt, but we would certainly look into that, that's for sure. [LB1006]

SENATOR ERDMAN: Is the information that's currently on their web site reflective of the information in Section 2? [LB1006]

SENATOR AGUILAR: We'll certainly look into that and see if we could. [LB1006]

SENATOR ERDMAN: The other question I have is on Section 3 about the study. On line 17-18, excuse me, 17-20, it says: The department shall prepare a plan to increase the wage level of an in-home personal service worker paid by the state to attract and encourage the retention of in-home personal services workers in Nebraska. Couldn't we just say "The department shall prepare a plan to attract and encourage retention of in-home personal service workers in Nebraska"? Are all personal service workers paid by the state? [LB1006]

SENATOR AGUILAR: I don't know if they would all be paid by the state. [LB1006]

SENATOR ERDMAN: But by reading that language, it would limit it to those in-home personal service workers who are paid by the state or, as I would read that, that all in-home personal service workers would be paid by the state going forward to attract and encourage the retention. I'm just wondering, obviously this was written to accomplish a goal, and I'm just trying to understand what goal we're trying to hit so that way I can see what we're shooting for here. I mean you can accomplish the same thing if it says the department shall prepare a plan to attract and encourage the retention of in-home personal services workers in Nebraska. The department shall prepare and submit a report to the Legislature by July 1, '09. I mean I think there's things in here and maybe they're in there intentionally. I'm just trying to understand why the language was chosen the way that it was, but we can...maybe others are here to testify. [LB1006]

SENATOR AGUILAR: Sure, the main concept behind that is to, you know, let's prove that we need this. Let's prove that it's worthwhile doing. And you can't do that unless you do follow-up, you know, reporting to come back to the body and show that it's worthwhile because there's probably ways you can expand upon this. [LB1006]

SENATOR ERDMAN: The last question is the department will do this or the department with all of the people that you've had here last year on...how do you envision this to be actually carried out as far as the plan to attract and encourage these individuals to provide their services or to continue in Nebraska? [LB1006]

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SENATOR AGUILAR: Well, hopefully by getting involved with the web site and listing their services. But, you know, the main concept is try to get some more wages so we have more of them. We don't have enough of them to provide the services necessary. [LB1006]

SENATOR ERDMAN: Beyond that, my question is how do you envision the department finding out what needs to be done? I mean you're simply telling the department to create a plan to do this. But do you have a vision of what it would look like when they do this study about...will they bring these workers in? Will they work through different regions of the state to try to determine the issues that may be affecting western Nebraska versus central Nebraska versus, you know? I want some methodology I guess to what's envisioned here. And Mr. Intermill behind you is shaking his head so maybe he's thought through this as well. [LB1006]

SENATOR AGUILAR: I would certainly hope so because as you well know, the services needed in western Nebraska are quite different than the services needed in eastern Nebraska. So hopefully we would have a wide array of people looking at the different needs. [LB1006]

SENATOR ERDMAN: Okay. Thank you, sir. [LB1006]

SENATOR AGUILAR: Thank you. [LB1006]

SENATOR STUTHMAN: Thank you. Any other questions from the committee? Seeing none, thank you. [LB1006]

SENATOR AGUILAR: Senator, I'm going to waive closing. I have to get back to my other committee over there. Thank you. [LB1006]

SENATOR STUTHMAN: Okay, thank you. Any testifiers in the proponent? Good afternoon. [LB1006]

MARK INTERMILL: (Exhibit 1) Thank you, Senator. My name is Mark Intermill. I'm here representing AARP. One of the reasons why we support this concept has to do with what we see on the horizon in terms of the demand for services. And I think there was a report that was developed pursuant to LR155 that described it as a tidal wave of demand for in-home, long-term care services. In the statement that I've included, I've included a table that shows what the projections of population will be in Nebraska or is in Nebraska. And the 80-plus population is the one that are probably most likely to use these services. And if you look from 2000 to 2030, we increase almost by 50 percent in the 80-plus population in the state. That's about a third of our state's entire growth in population. So we do need to have some sort of a system in place to meet the needs of

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the population that we're going to be...that's going to be in the state. And we see this issue of being able to develop a larger work force of in-home, long-term care services workers as key to being able to develop that long-term care system. That's in essence I'd be...I wanted just to point that out to make sure that that got into the record. And I'd be happy to try to answer any questions about our position on the bill. [LB1006]

SENATOR STUTHMAN: Okay. Thank you, Mark. Any questions from the committee? Senator Erdman. [LB1006]

SENATOR ERDMAN: Thank you, Senator Stuthman. Mark, good to see that I'll have twice as many friends in my age category as I do now in that many years. Of course, that means I'll be 22 years older. Talk to me about how you see this working. The department would do a study on the wages side of this. I mean we just say, hey, somebody at the department turn out a report by July 1 and we'll see you then? [LB1006]

MARK INTERMILL: I think there are a set of programs that are used to pay for these types of services. Medicaid is one, social service block grants, Older Americans Act, so there are a number of agencies around the state that administer those programs. So I would think if I were at the department what I would do would be to survey those entities and see what they're paying out. And we get a wide range of payment rates from those publicly funded sources. So I think that would be the first step that I would see that would need to be taken to try to get a handle on what the current situation is. [LB1006]

SENATOR ERDMAN: Are you aware that's--we'll go to a different section here--are you aware of the web service that's currently provided? [LB1006]

MARK INTERMILL: Um-hum, yes. [LB1006]

SENATOR ERDMAN: How is that financed now or how is that provided now? Is that under federal funds? Is that a pilot project? Kind of give me the, if you know. [LB1006]

MARK INTERMILL: I don't know precisely how it's funded. The Nebraska Resource, NRRS, and I'm not sure what that stands for exactly, but that's been in existence since at least 1990 when I came to the state. Answers for Families, it's provided in conjunction with the university through Extension I believe, and they've been around. They're kind of an expansion of the NRRS. And I think this is the next logical step to provide a little bit more information for persons who might be in the market for trying to find somebody to provide these services. [LB1006]

SENATOR ERDMAN: Do you...are your members or do you know of individuals who have utilized those sites for these services, I mean as far as the referrals or getting contacts? [LB1006]

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MARK INTERMILL: I don't know that they're very well known to tell you the truth. And I think what I would see this resource as being valuable to those individuals who...we do have several programs in the state that provide assistance to families in coordinating care for an elder through the care management programs, any number of agencies. I think this would be a valuable resource for those groups to be able...so you might get to a...a consumer might get to a resource through another agency in order to be able to identify who's out there to provide service. [LB1006]

SENATOR ERDMAN: Do you know how those individuals get on that list now? Maybe you or Senator Aguilar's office can give us the contact so that way I don't need to ask you all these questions that would be better directed to them because maybe what they're doing would be similar to what's being done here. And as the department has pointed out, the other registries that they have similar to this are actually funded from fees from within that industry or from non-General Funds. And if somebody is already doing this, we may not need to reinvent the wheel. And it depends on how they run it obviously, but. [LB1006]

MARK INTERMILL: And I think if we...they're a great base to build on. There may just be some additional information that we could provide through those resources that would provide some additional help to people who are looking for the type of service provider. [LB1006]

SENATOR ERDMAN: Okay. [LB1006]

SENATOR PANKONIN: Senator Stuthman. [LB1006]

SENATOR STUTHMAN: Yes, Senator Pankonin. I'm sorry. [LB1006]

SENATOR PANKONIN: Thank you. Mark, a couple of questions. By the way, I've been a member of your fine organization since I turned 50, unlike some who are in denial and don't want to join until they're 80 but. And I see, I guess I see two things here. First of all, knowing what your organization is about and helping folks as we age and whatever, could this be a role where you folks work on a list and it be some kind of a situation where, I know maybe you don't want to vouch for people, but or even a training program or whatever. But I guess what I'm trying to say here, this may be an opportunity for groups like yourself, knowing that this is a need to encourage training in this area, some kind of a certification process or a mechanism that maybe you don't endorse, but here is a list. I know we're all concerned about maybe liability when things go wrong, but if there would be some way that that could happen, I could see where this would be a valuable service for people that are members. The other comment on workers into this area that kind of goes with this, if...some of these people are going to need government assistance and that who may be the payers of such services knowing that it's still cost

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effective versus folks being in care centers or other types of institutional settings. But if there is demand and there is people that can do this work in a quality fashion, usually the market will work and wages or salaries or compensation I should say will come up. And I guess I would like to see that maybe or say that your organization could be part of this too. If we can elevate this, knowing that it's a valuable service, I guess just your thoughts on those two things. Is this something that your organization could get involved with more directly; and secondly, should you be involved in some kind of process that evaluates and elevates these people so they can make more money? [LB1006]

MARK INTERMILL: I think we could be involved in providing information to the public about what to look for as they're in the market for in-home, long-term care services. I don't know that we would be in a position of authority to be a certification type of a body. So that would be my response to that. I guess what we see as the future of this entity, and I think the question, I think Senator Erdman's question to Senator Aguilar gets at the question of how do you balance the cost of a program versus the ability of the client to pay? And that's a delicate balance and it's exacerbated by the fact that the people that we're talking about, the 80-plus population, tend to have lower incomes than maybe even the 65- to 79-year-olds and are really not able to be in the private market for those services, which is why we need some...they need some assistance from government to provide that service. Our goal is to try to make sure that the services that are delivered are delivered as efficiently as possible so that they can afford as much of the cost of those services as possible, which ultimately helps people avoid placement in a nursing home and ultimately helps them avoid Medicaid eligibility. So I don't know if I completely responded. [LB1006]

SENATOR PANKONIN: You did. I guess part of it was a question, part of it was encouraging your organization to also look at what you can do as the largest representative of folks in this age group because I think you could have a role to play that sometimes, and we always look for government to solve something, I think your organization could possibly be part of the solution here. [LB1006]

MARK INTERMILL: Thank you. [LB1006]

SENATOR STUTHMAN: Any other questions? Seeing none, thank you, Mark. [LB1006]

MARK INTERMILL: Thank you. [LB1006]

SENATOR STUTHMAN: Any other testifiers in the opponent? Proponent, still with the proponents, I'm sorry. [LB1006]

BRENDON POLT: Good afternoon, Senator Stuthman and members of the committee. My name is Brendon Polt, that's P-o-l-t. I'm assistant executive director of the Nebraska Health Care Association, and we're a trade association that has a membership of 400

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assisted living facilities and nursing facilities, but about half of those facilities are also providing in-home personal services or home health through a separately licensed home health agency. So in that capacity we have an interest in this bill. First of all, I want to say we thank Senator Aguilar for including us in a dialogue prior to the advancement of the bill so that we could provide comments and so it was a very inclusive process. I'm testifying basically on the notion of the registry. Regarding the payment study, the way we would see payment is we provide the services on a private-pay basis if it's cash flow. We already know that the Medicaid payment for waiver-type services or these types of services in the community are far less than the actual cost to provide the services. But our members still do provide those services under the waiver because they're involved in the community. There's usually a relationship with many families; oftentimes as conditions worsen with some of the folks at home, they end up moving into the facility so. But really I'd like to focus on the registry. While we see the registry would assist consumers in identifying home-based workers, it would also be useful to our members when seeking to hire folks to provide in-home services. But our question is whether if there is an official state registry, if there would be a sense from the public that that individual has had a background check or their criminal history has been checked. So although we are supportive of this bill, we would offer as a suggestion that the language be amended to require some sort of background information as the users of this registry would be the consumers. And you would be extremely vulnerable bringing someone into your home not knowing even if lower type offenses, petty shoplifting and things, become very relevant in this type of setting. By way of example, a personal service worker is a very similar...the types of tasks they're able to perform are basically identical to what would be a nursing assistant in a nursing facility or a home health aide for a licensed home health agency. And that's different than an in-home personal services agency. A home health agency is providing Medicare A services higher level care, but they do have a lower level type of direct care staff called a home health aide, and there's direct care staff in assisted living facilities. All of these types of positions do identical tasks as an in-home personal service worker. A nursing home, a home health agency, and assisted living facility are required under state law to perform a background check, a criminal history check before bringing that person onto staff. Now you could say, well, it's the consumer's responsibility to provide or to perform such a background check before they hire someone on this registry. However, we feel that there will be...that it's very natural that the public would look at a state list and assume that that is being done. Furthermore, the types of facilities that state law requires to provide a background check have legal counsel or belong to associations, have better knowledge of the law. So we just think that the folks served by this registry would be better served if they could be assured that there was some sort of background check done. I'm open for any questions. [LB1006]

SENATOR STUTHMAN: Okay. Thank you, Brendon. Any questions from the committee? Seeing none, thank you. Any other testifiers in the proponent? Good afternoon. [LB1006]

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RICHARD SKERBITZ: (Exhibit 2) Good afternoon, Senator Stuthman, members of the Health and Human Services Committee. Thank you for the opportunity to come before you and testify in favor of LB1006. [LB1006]

SENATOR STUTHMAN: Would you state your name and spell it, please. [LB1006]

RICHARD SKERBITZ: I'm sorry. I did that last year too. My name is Richard Skerbitz, R-i-c-h-a-r-d S-k-e-r-b-i-t-z. I'm the systems change coordinator for the League of Human Dignity. And as I stated, I'm testifying in favor of LB1006. Some of you may know that the League of Human Dignity provides a number of cross-disability services to people with disabilities in 54 Nebraska counties, and our mission is to promote the full integration of people of disabilities into society. We are in support of a statewide registry which would list available personal assistants in a hard copy as well as electronic format for those that do not have access to the Internet or computers. Standards of eligibility, as Brad had just talked about, we are in favor of that and a process for background checks in the sense that anyone on this registry should go through we state specifically the state, federal adult and child protective services registries. They should be cleared on those registries before being eligible to provide in-home services. This registry would allow and enable individuals with disabilities to access this registry who are in charge of hiring their own personal assistants to have a pool available to them. Thank you again for your time and for your diligence and work on this bill. [LB1006]

SENATOR STUTHMAN: Thank you, Richard. [LB1006]

RICHARD SKERBITZ: I'm open to any questions for now or for follow up. [LB1006]

SENATOR STUTHMAN: Okay. Any...Senator Hansen. [LB1006]

SENATOR HANSEN: Thank you, Richard. Thanks for being here today. [LB1006]

RICHARD SKERBITZ: Thank you. [LB1006]

SENATOR HANSEN: How do you identify, how does the League of Human Dignity identify that type...that group of people now that do serve as personal aides or? [LB1006]

RICHARD SKERBITZ: In the sense of the applicants? [LB1006]

SENATOR HANSEN: Yes, yes. [LB1006]

RICHARD SKERBITZ: Are you asking for the applicants? [LB1006]

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SENATOR HANSEN: How do you identify those people now without a registry?
[LB1006]

RICHARD SKERBITZ: Actually we do put them through background checks. And I can get you more specific information on that process. I don't have that... [LB1006]

SENATOR HANSEN: Your organization does the background checks then? [LB1006]

RICHARD SKERBITZ: Yes. [LB1006]

SENATOR HANSEN: Okay. And you have a registry of folks that... [LB1006]

RICHARD SKERBITZ: We do not have a...I don't believe we have a registry, more of a pool I think than... [LB1006]

SENATOR HANSEN: Okay. [LB1006]

RICHARD SKERBITZ: And individuals apply to be personal assistants. They call us up. [LB1006]

SENATOR HANSEN: Okay, all right. Thank you. [LB1006]

SENATOR STUTHMAN: Thank you, Richard. Seeing no other questions, thank you for your testimony. [LB1006]

RICHARD SKERBITZ: Thank you. [LB1006]

SENATOR STUTHMAN: Any other testifiers in the proponent? Anyone in the opposition? Anyone in the neutral? Good afternoon. [LB1006]

FREDERICK GROSSMAN: Good afternoon, Mr. Chairman, committee members. My name is Frederick Grossman, F-r-e-d-e-r-i-c-k G-r-o-s-s-m-a-n, and I'm kind of here under a three-hat party representation. One is as a small business owner for Home Instead Senior Care, the other as the president of the Eastern Nebraska Chapter of the National Private Duty Association, and thirdly as a stakeholder with LB236, LR155 and now LB1006. Basically I'm here in representation of those three type hats to offer our assistance to help with the continued writing, the support of, and any information that's needed outside of the state of Nebraska since our organization, both NPDA and Home Instead Senior Care, are worldwide and international. And understanding the bill the way it's been written and the information that's been passed forward, I think we have a lot to offer, a lot of assistance, and a lot of information that can be brought forth to help answer the questions that the committee has had already and to make a legitimate, well-rounded, basically a well-working type of registry, maybe that word might need to

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be changed, for the people of Nebraska. And that's my statement for the record since nobody else is here and if there's any questions. [LB1006]

SENATOR STUTHMAN: Thank you, Frederick. Any questions from the committee?
Senator Pankonin. [LB1006]

SENATOR PANKONIN: Frederick, obviously we've asked some questions about the registry and the background checks because I think one of my concerns is if the state of Nebraska puts this list out, I think people will have kind of an implicit thinking that these people have been vetted, these people are capable, these people are maybe certified. And I'm real concerned about how that...I mean your thoughts on how we could make this work. [LB1006]

FREDERICK GROSSMAN: That was part of some of the conversation that took place with LB236. The registry as it's stated is run by an individual or group of individuals that have 1099 employees. It is their responsibility, the 1099 employees, to file their taxes, make sure they have unemployment, different insurance, different credentialing. And part of the wording that went into LB236 and put it in a broad picture, the state department right now the way it's set up, takes care of A and B, which is all their programs tied up together. C and D are basically the other in-home service providers, home health agencies, those that are on the radar. Anything from E to Z there's no handle on. That includes the registries in the state of Nebraska. That includes the independents. It includes people that are doing business, but they're not legitimate businesses because they haven't filed the correct papers or they're not incorporated or sole proprietors. That is the major concern is the E through Z in the alphabet that we don't have a handle on. We don't know who they are. We don't know what they're doing. And to get them into a registry and the way the bill is stated right now, it's voluntary and it's only for those that are being paid by the state. So those would be the PSAs, the personal service attendants. In small business, we have to be registered. We have to be, not so-called licensed, but we have to provide the background checks like Richard was talking about. We are brokered through the state of Nebraska and all the programs, League of Human Dignity, the Department of Health and Human Services' waiver program, etcetera, and we have to put in an application. They will check us. We have to put in all our paperwork for license if it's required. We have to put in if we're a legal business, our insurance, the liability handling and so forth and so on with the training that is a major concern for a lot of the consumers. And then we sign a contract with the state, with the League of Human Dignity, with ENOA up in our area where I'm from, and we have to abide by their rules, laws, and regulations as well as the regulations of the state of Nebraska operating as a legitimate business. When you start going back to the alphabet scenario, E through Z meet none of those requirements supposedly. There may be a couple that do, there may be a couple that don't. But it is significantly important with AARP the way he mentioned, and you saw the pig and the python type theory that the population is going to grow very rapidly. And do we have enough people

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doing it? And are they getting paid sufficiently? Are we taking care of our employees? Are we providing the right training? I can say for my company and the companies across the state of Nebraska that are legitimate companies, yes, that's being done. That was the requirement of the previous bill of LB236. And then with LR155, with all the stakeholders and the information that was put forth, it was all risen again, all the concerns and so forth. And now with LB1006, there's an opportunity to clearly build off this base and enhance what was already done for the protection of the consumers to provide affordable, that was brought up before, accessibility and accountability too those that are providing the services. I think if it is not taken care of we'll have black market medicine, if you will. People will be going to neighbors, friends, and relatives saying, hey, I'll just pay you five bucks an hour and I'll cook you dinner next week. I don't think that's wise. There's just too much liability. And the consumers are open to a lot of being taken advantage of. So in the long term, yes, to answer your question. [LB1006]

SENATOR PANKONIN: Well, I do see this as possibly an opportunity but also fraught with a lot of risks of...I think if the state of Nebraska has a list, I think people have an implicit feeling or thought that these folks might be okay or well-qualified. And I think we just have to be very careful about how...I mean I agree with you on the other side just people that come across the street to try to help, although sometimes that probably works because they know the folks. But I'm also concerned about how this actually would work. [LB1006]

FREDERICK GROSSMAN: And that's exactly right to set a standard that everybody if they're an in-home personal service agency or a home health agency there's a baseline of certain requirements that must be met, not only to operate as a business but to operate as that in-home personal service provider. And that way the League, ENOA, the different areas offices on aging and so forth are all operating off the same basic stanchion and then from there it would go up with the levels of care that's required from in-home to assisted to skilled, memory support, etcetera. [LB1006]

SENATOR PANKONIN: Thank you. [LB1006]

SENATOR STUTHMAN: Thank you. Any other questions? Seeing none, thank you for your testimony. [LB1006]

FREDERICK GROSSMAN: Thank you, sir. [LB1006]

SENATOR STUTHMAN: Anyone else in the neutral? I would like to at this time read into the record we have a letter from the Department of Health and Human Services, a letter that they are taking no position on this bill. So I would like to have that entered into the record (Exhibit 3). With that, that closes the hearing on LB1006 and it closes the hearings of today. Thank you. [LB1006]

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Disposition of Bills:

LB836 - Indefinitely postponed.
LB883 - Advanced to General File.
LB906 - Advanced to General File.
LB928 - Advanced to General File.
LB1006 - Held in committee.

Chairperson

Committee Clerk