

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

Health and Human Services Committee
February 24, 2012

[CONFIRMATION]

The Committee on Health and Human Services met at 1:30 p.m. on Friday, February 24, 2012, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on gubernatorial appointments. Senators present: Kathy Campbell, Chairperson; Mike Gloor, Vice Chairperson; Dave Bloomfield; Tanya Cook; Gwen Howard; Bob Krist; and Paul Lambert. Senators absent: none.

SENATOR CAMPBELL: Today, our public hearings all have to do with gubernatorial appointments, which is a part of our job that we always enjoy, meeting Nebraskans. And so today, our first--and I've got them...my notes in the wrong order, here--Dr. James Smith. Is Dr. Smith here? How are you today? [CONFIRMATION]

JAMES SMITH: I'm well, thank you. [CONFIRMATION]

SENATOR CAMPBELL: Well, thank you so much for coming. [CONFIRMATION]

JAMES SMITH: My pleasure. [CONFIRMATION]

SENATOR CAMPBELL: You came from a long way here. [CONFIRMATION]

JAMES SMITH: A little bit; it was a nice day. [CONFIRMATION]

SENATOR CAMPBELL: Okay. Well, I appreciate that because it's not that we're going to keep you extra long, but we just want you to know how much we appreciate you making a long trip for a short time; but it gives us an opportunity to meet Nebraskans. And I think what we'll do, if...just...that's fine. In order for the...for Dr. Smith and everyone in the audience, we should do introductions; that would be helpful for you. I'm Kathy Campbell and I serve District 25, which is east Lincoln and northern Lancaster County. And we'll go all the way to my right. Senator? [CONFIRMATION]

SENATOR COOK: I'm Tanya Cook. I represent Legislative District 13, which is in Omaha and northeast Douglas County. [CONFIRMATION]

SENATOR BLOOMFIELD: Dave Bloomfield, District 17 in the northeast part of the state, made up of Wayne, Thurston, and Dakota counties. [CONFIRMATION]

SENATOR LAMBERT: I'm Paul Lambert. I'm from District 2, which is part of Otoe County, Nebraska City, part of Sarpy County, Papillion and Springfield and all of Cass County. [CONFIRMATION]

SENATOR GLOOR: I'm Senator Mike Gloor from District 35, which is Grand Island, Dr. Smith. [CONFIRMATION]

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MICHELLE CHAFFEE: I'm Michelle Chaffee and I serve as the legal counsel to the committee. [CONFIRMATION]

SENATOR HOWARD: Senator Gwen Howard, District 9 in Omaha. [CONFIRMATION]

SENATOR KRIST: Senator Bob Krist, Omaha, Bennington, and parts of Douglas County. [CONFIRMATION]

DIANE JOHNSON: And I'm Diane Johnson, the committee clerk. [CONFIRMATION]

JAMES SMITH: Hi, Diane, how are you? I think I know you. Did you grow up in Omaha? Are you Danny (phonetic) Krist's brother? [CONFIRMATION]

SENATOR KRIST: Yeah, I am. I know you too. [CONFIRMATION]

JAMES SMITH: (Laugh) Yeah, I went to the same...yeah. [CONFIRMATION]

SENATOR CAMPBELL: Oh, wow. [CONFIRMATION]

SENATOR HOWARD: Reunion. [CONFIRMATION]

SENATOR CAMPBELL: This could be very helpful for us, Dr. Smith. [CONFIRMATION]

JAMES SMITH: It could be, oh, yeah, if I cite all that. I was young back then in high school, so. [CONFIRMATION]

SENATOR LAMBERT: We may get the inside story here, yeah. [CONFIRMATION]

SENATOR KRIST: We all were. And no, we're not telling stories. (Laughter)
[CONFIRMATION]

SENATOR CAMPBELL: That's not the purpose of today. And we have Phoebe and Michael, who are the pages with us today. So if you need some assistance, Phoebe and Michael will be glad to help you. Dr. Smith, you are a reappointment...
[CONFIRMATION]

JAMES SMITH: Yes, ma'am. [CONFIRMATION]

SENATOR CAMPBELL: ...to the Board of Emergency Medical Services, and obviously from your...you are a board-certified emergency medicine physician, so that would tell us a little bit why you would have an interest in the board. But tell us about your service on the board to this point, some of your reflections, thoughts. [CONFIRMATION]

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JAMES SMITH: (Exhibit 1) You know, it's an interesting process. I'm active in our medical staff leadership at the hospital, so I know how committees work. A lot of physicians don't have the luxury of sitting in a lot of committees, so it wasn't a big shock for me to see the committee structure at work, the processes that you have to go through, the limitations. I think we have very, very good discussion. I'm very impressed with the amount of time that other members of the board volunteer to serve on the board. I think they have the state's and the EMS's and the public safety really at heart, and I really commend the work that the board does of great leadership.
[CONFIRMATION]

SENATOR CAMPBELL: What issues do you see coming in the next term that you're going to serve? What do you think are some issues that the senators ought to know about? [CONFIRMATION]

JAMES SMITH: I think a persistent, looming issue is retention and recruitment of our EMS personnel, our volunteer personnel in particular. I just...you know, it's something we talk about nearly at every meeting. When we try and balance between ensuring public safety with the amount of hours that we need to require for them for licensure and training, and we want to make sure that we have the best providers out there, but then we have to balance that with the voluntary nature of the vast majority of our providers in the state, so we talk about that a lot. [CONFIRMATION]

SENATOR CAMPBELL: And where are you seeing the greatest shortage?
[CONFIRMATION]

JAMES SMITH: Typically, in rural areas. When I actually lived...I was on staff at the med center in the early 90s, and I lived out in Gretna; and, I mean, we made 500 calls the last year I was there in the late '90s, and that's a huge undertaking for our volunteer squad. But some of these smaller communities that people may not work in town and they're trying to manage business with community spirit and trying to do what's right for their friends and families, it is tough. But I tell you what, there's a good heart in most Nebraskans; and it's amazing what people will do and do a good job. [CONFIRMATION]

SENATOR CAMPBELL: Exactly. Questions? Senator Gloor. [CONFIRMATION]

SENATOR GLOOR: Thank you, Senator Campbell. Dr. Smith, the Lieutenant Governor's priority has to do with statewide data information systems helping with electronic medical records and whatnot. Some of us have carried bills to try and make that a little bit of an easier reality or lower some barriers from a standpoint of information sharing. Do you see that as having a big...those...well, the data sharing, electronic medical records, is that a big issue for EMS also? [CONFIRMATION]

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JAMES SMITH: It is. As you know, we...the state can utilize or we've utilized, e-NARSIS and there's a movement within the state on the State EMS Board. Matter of fact, there's a gen item the last meeting we met as to try and balance requirements that the board wants to impose upon our volunteer squads as to within how many hours do they have--or days--to submit that e-NARSIS form. Some of the challenges that our rural communities have is some of the firehouses don't have a computer. A lot of them will take it home and will finish it at home. They're trying to get back to work, so they don't want to take that extra hour while they finish the run to finish the paperwork and get back to it, so they have to juggle that. Hopefully...and we have some different feelings on the board as to what that time should be. Some of us ask what do they...why do you want the data so fast? There's a...certainly, some probably utilization of this data, if we use it wisely, that we could do some surveillance. So when there's a, you know, either a weapons of mass destruction--I was on the US&R FEMA team here for several years on Task Force 1, so there may be some data that we can use if there's a weapons of mass destruction, if there's influenza, if there's a trend; but that data has to be reported very fast and it has to be utilized. So of course, the boots on the ground wonder...it's great you're going to make us do this, but you are going to use that data or is there somebody going to be watching it so that there's some public good that comes out of that is kind of the...some of the questions that we get back, and I hope we do because that can be very powerful. These are the...I mean, you could have information within hours of something that could potentially affect the whole state. [CONFIRMATION]

SENATOR GLOOR: If I might continue, the...I think part of what you're talking about fits under a bill we had last year that dealt with syndromic surveillance... [CONFIRMATION]

JAMES SMITH: That's correct. [CONFIRMATION]

SENATOR GLOOR: ...for just exactly that sort of reason, especially for those of us along Interstate 80... [CONFIRMATION]

JAMES SMITH: Yeah. [CONFIRMATION]

SENATOR GLOOR: There's... [CONFIRMATION]

JAMES SMITH: Oh, absolutely. [CONFIRMATION]

SENATOR GLOOR: ...an opportunity to pick up somebody who might be scattering, you know, whatever along the interstate as they drive along. [CONFIRMATION]

JAMES SMITH: Yeah, yeah. [CONFIRMATION]

SENATOR GLOOR: And being able to pick up on some of that information within hours could make a huge difference in saving lives, so. [CONFIRMATION]

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JAMES SMITH: I agree. And, you know, and as my...I'm the medical director of our emergency department out in Great Plains; and we have so many participate in the syndromic surveillance that we have to report. It's not terribly onerous for us to have to do so. I'm also involved in some of the NeHII initiatives that are out there.
[CONFIRMATION]

SENATOR GLOOR: Yeah. [CONFIRMATION]

JAMES SMITH: And Great Plains is involved in NeHII, where we're one of the members. One of the things that, if I...I don't want to abuse my welcome here, but I know that there has been some bills presented from the Nebraska Academy (sic) of Emergency Physicians on the prescription drugs. I think there's some bills that were brought forward, and I certainly would be supportive of that because at 3:00 in the morning it would be really nice to be able to get onto a Web site and see if somebody traveling through North Platte from wherever had just had 100 Vicodin tablets filled, you know, someplace else or prescribed. So I think that would be very nice from us as we look at, unfortunately, the big issues that have statewide of just prescription drug abuse, especially in our teens. [CONFIRMATION]

SENATOR GLOOR: Helpful, helpful. [CONFIRMATION]

SENATOR CAMPBELL: Senator Howard? [CONFIRMATION]

SENATOR HOWARD: Thank you, Senator Campbell. You're singing my song.
[CONFIRMATION]

JAMES SMITH: Am I? [CONFIRMATION]

SENATOR HOWARD: That was my drug--my bill. [CONFIRMATION]

JAMES SMITH: Oh, is that your bill? Well, I commend you. [CONFIRMATION]

SENATOR HOWARD: But that...thank you, that's so important. [CONFIRMATION]

SENATOR KRIST: That's your drug? [CONFIRMATION]

SENATOR HOWARD: Not my...no. (Laugh) No. [CONFIRMATION]

SENATOR KRIST: Kidding. [CONFIRMATION]

SENATOR HOWARD: That's so important that you have that information and that's the key to it,... [CONFIRMATION]

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JAMES SMITH: Um-hum. [CONFIRMATION]

SENATOR HOWARD: ...that you have that information, it's accessible to you, you can look it up at 3:00 in the morning if you need to, so that you're just not operating from your gut on whether this person is telling you the truth. And you and I both know that anybody that's addicted is not going to be telling you the truth. [CONFIRMATION]

JAMES SMITH: Right. And unfortunately, what it really does--if I'm a victim of the...or guilty of this, I should say--is I probably undertreat people who deserve better pain meds because I don't have that, so I'm pretty proactive at picking up the phone at 3:00 in the morning and calling docs from wherever, maybe Colorado, Omaha, and...but unfortunately, you have somebody who is on call, they don't know that patient, they all have policies they don't refill prescriptions, you know, in the middle of the night or on weekends, and so we're often stuck in the middle trying to judge. You want to do what's right for the patient and treat pain, but I've been doing this for 24 years and, unfortunately, I know that addiction is a big problem, and you certainly don't want to enable that, either. So thank you for... [CONFIRMATION]

SENATOR HOWARD: Thank you for underprescribing. [CONFIRMATION]

JAMES SMITH: Thank you for... [CONFIRMATION]

SENATOR HOWARD: That's the better way to go. [CONFIRMATION]

JAMES SMITH: Yeah. [CONFIRMATION]

SENATOR CAMPBELL: Senator Krist? [CONFIRMATION]

SENATOR KRIST: Jim, the...well, I really respect anybody who puts their license on the line as a medical director for these volunteer fire departments all over. Thank you for doing that. [CONFIRMATION]

JAMES SMITH: You're welcome. [CONFIRMATION]

SENATOR KRIST: I mean it is a risk, and I'm sure that you all realize that and it wouldn't happen without you, so thank you for doing that. My question really is I kind of lost track of you. You went out to North Platte. [CONFIRMATION]

JAMES SMITH: Um-hum. [CONFIRMATION]

SENATOR KRIST: The question would be why. (Laugh) But the better question would be: How do we get docs into rural Nebraska? We hear that all the time. What took you

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there? [CONFIRMATION]

JAMES SMITH: You know, that's a very good question. I've been married to my lovely wife back here for almost 28 years now. Family is a large part of it; and when I finished my residency program in '91, I came back, was on staff at the med center, was interested in academics. We wanted to get an emergency medicine residency program started back then; didn't have the funding, we didn't have the volume, first of all, with the med center loan, so we needed to do it with Creighton. We didn't have the funding buy-in from Creighton at that point in time, and so the guys that we had put together to start the program kind of fell apart. I did some...left academics at that point in time, went to Immanuel, and then actually was down here at BrianLGH for eight years. I left here in 2004 for several reasons. Number one, emergency medicine is a very different field. You work nights, weekends, holidays. It's sometimes not the most rewarding job when people are trying to hurt you, which is the other bill I know that you guys are talking about, which is making it a felony if the...you assault an in-hospital worker, which I would commend you as well. But when...at the end of the day, when I'd get home, it's the time that I was spending with my family that was important to me. And when we sat down at my daughter's high-school graduation and I sat and I said boy, I missed a lot of this and just missed too much of it. And so when I went out to North Platte, the opportunity was, number one, was the directorship there. Secondly is I stopped...which all the ER doc who are...manages people do. They have a set schedule--so many on, so many off, so many on, so many off. That's great for a director, but it's crappy for families. And so I have always, since the day that I took over that directorship, we make the schedule every month, you tell me what days you want off. And it's more work, but it's good for the family. And then, to be honest with you, being...working down in the inner-city Omaha and in Lincoln, I kind of saw the worst of the worst that we see, unfortunately, and we wanted to move to an area where...that wasn't touched by that at that point in time. And I still think that Nebraska as a whole is a wonderful place to live. I grew up in Omaha. I love this state. I just like North Platte basically for family and then for a job advancement for me. [CONFIRMATION]

SENATOR KRIST: Thanks. [CONFIRMATION]

JAMES SMITH: Yeah, you bet. [CONFIRMATION]

SENATOR CAMPBELL: Any other questions? [CONFIRMATION]

SENATOR LAMBERT: Yes. [CONFIRMATION]

SENATOR CAMPBELL: Senator Lambert. [CONFIRMATION]

SENATOR LAMBERT: Doctor, thank you for all that you're giving to the state and offering to do this. Well, I guess more of a comment. I understand and I think you've got

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your finger on the pulse as volunteers. That's a...I was...well, I live in Plattsmouth.
[CONFIRMATION]

JAMES SMITH: Um-hum, yeah. [CONFIRMATION]

SENATOR LAMBERT: But, you know, bedroom community much like Gretna was and during the day, you don't get people or it's very calm. [CONFIRMATION]

JAMES SMITH: Right. I made 100 calls by--last year--myself; made 100 calls because if you...you know, I was off those days. [CONFIRMATION]

SENATOR LAMBERT: Yeah. [CONFIRMATION]

JAMES SMITH: And so I'd get in and I'd make the calls and you just, you know, you've got to do what you've got to do. I do think we need to set an expectation. This is what we expect of you and if you can't make that, then me personally...the health and the safety of our public is first and foremost; and if you're not willing to commit that time, then don't do it. But, you know, but then we've got to balance that of course with what those time commitments are. [CONFIRMATION]

SENATOR LAMBERT: Yeah, and we had to go pay; it's what we ended up doing, unfortunately. [CONFIRMATION]

JAMES SMITH: Yeah, absolutely, you know. And I...and Bellevue, you know, they're the, I think, the largest volunteer squad, my understanding is, and I want to say nationally. [CONFIRMATION]

SENATOR LAMBERT: If not, very...I think you might be right there. [CONFIRMATION]

JAMES SMITH: Well, yeah. And we used to cover for them when we would have our Gretna parties. We'd go down and cover their stations and do that sort of stuff. And organization that they have going on, it's the...really, we have assets in this state and it's our people. [CONFIRMATION]

SENATOR LAMBERT: Yeah, they're going paid. I know their fire went paid, so.
[CONFIRMATION]

JAMES SMITH: Yeah. Yes, sir. [CONFIRMATION]

SENATOR LAMBERT: But you're...as far as I see it, you're right on and again, thank you for all that you give to the state. [CONFIRMATION]

JAMES SMITH: Well, you're welcome. Thank you for what you guys do. I know that

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your position is thankless at times as well, and we wouldn't get anywhere. People like to throw rocks at shiny things and you guys are certainly shiny, so I understand that as well. (Laugh) [CONFIRMATION]

SENATOR CAMPBELL: Dr. Smith, you can come back any time. (Laughter)
[CONFIRMATION]

SENATOR LAMBERT: Yeah. (Laughs) We may just keep him. [CONFIRMATION]

SENATOR CAMPBELL: Yeah, we just may keep you. And I echo my colleagues' sentiments. Thank you so much for your service not only in your local community but on the State Board. We really appreciate it. And thanks for making the long trip in. It certainly was worth it for all of us to meet you. [CONFIRMATION]

SENATOR LAMBERT: Yes. [CONFIRMATION]

JAMES SMITH: Well, thank you very much. Any time that you need anything, I can help anyone of you, please don't hesitate to give me a call. And the next gentleman, Joel Cerny, he's the guy who is the boots on the ground. I mean day in/day out, he's the guy that struggles with these things that we're talking about, and he's a wonderful person, so. [CONFIRMATION]

SENATOR CAMPBELL: Well, if there is an issue that you think we need to know about, please don't hesitate to contact us either. [CONFIRMATION]

JAMES SMITH: Thank you, Senator. [CONFIRMATION]

SENATOR CAMPBELL: Have a safe trip home. [CONFIRMATION]

JAMES SMITH: Thank you, Senators. Bob, good seeing you. [CONFIRMATION]

SENATOR LAMBERT: Yep, thank you. [CONFIRMATION]

SENATOR KRIST: Nice seeing you. [CONFIRMATION]

SENATOR CAMPBELL: Our next appointment is Joel Cerny... [CONFIRMATION]

JOEL CERNY: And it was all true. [CONFIRMATION]

JAMES SMITH: Yeah. [CONFIRMATION]

JOEL CERNY: Now I've got to pay him off now because (inaudible). (Laughter)
[CONFIRMATION]

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SENATOR CAMPBELL: ...who was described as the boots on the ground. Mr. Cerny, you have been around this service for a good number of years yourself.
[CONFIRMATION]

JOEL CERNY: (Exhibit 2) Yes. In fact, on the way down, I was trying to remember when I became a first responder at that time, and I think it's been a little over 20 years. And I've been on the board for quite a while, too, already now, currently serving as the vice president of that board. [CONFIRMATION]

SENATOR CAMPBELL: Yeah. [CONFIRMATION]

JOEL CERNY: But I've been a volunteer firefighter for 32 years at Linwood; it's in Chris Langemeier's district. I currently live in Schuyler, but our fire department boundaries go right to the south side of the Platte River there at Schuyler, so the last three fire calls, I was still first on scene. But unfortunately, daytime calls especially, we're shorthanded like everybody's departments. But I currently work in Columbus as the health and safety environmental manager at Camaco, where we manufacture car seat frames, so that's what I do for a paid job. And like I said, been a volunteer, been chief, just recently reelected as chief. I was chief for 13 years and stepped down while I went through the chairs of the State Volunteer Fire Association. And I just got off as president of that, and I'm currently the District 4 director, which includes Lincoln, so. Been married to my wonderful wife, Rhonda, for 35 years already; and she's just about as big a fire nut as I am, so we spend a lot of weekends doing fire stuff, so. [CONFIRMATION]

SENATOR LAMBERT: That's what makes it work, isn't it? [CONFIRMATION]

JOEL CERNY: Yeah, it helps, it makes it a lot easier. [CONFIRMATION]

SENATOR CAMPBELL: A tremendous amount of service on your part. Doctor--or Senator Gloor. I almost made you a physician here. [CONFIRMATION]

SENATOR GLOOR: Thanks for your efforts and your willingness to serve. I notice you're an outlaw here. [CONFIRMATION]

SENATOR CAMPBELL: Yeah. [CONFIRMATION]

SENATOR GLOOR: You've got a criminal record of being picked up on a minor in possession. Is that on yours? Is that...? [CONFIRMATION]

JOEL CERNY: Yes. [CONFIRMATION]

SENATOR GLOOR: I can tell you this with all comfort. I saw that and chuckled today. I

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checked with one of the attorneys; that's not considered criminal. [CONFIRMATION]

SENATOR CAMPBELL: Yeah. [CONFIRMATION]

JOEL CERNY: Yeah, yeah. [CONFIRMATION]

SENATOR GLOOR: And the difference between you and I is that you got caught and I didn't, back in our day. (Laughter) [CONFIRMATION]

JOEL CERNY: Yeah, yeah. [CONFIRMATION]

SENATOR GLOOR: So I won't...I tell you that I saw that and thought, I know this is an honest man if he puts that down, wants us to know. [CONFIRMATION]

SENATOR CAMPBELL: Yes. I did, too. [CONFIRMATION]

JOEL CERNY: Yeah, that was back in high school, so that was a long time ago. [CONFIRMATION]

SENATOR GLOOR: Yeah, yes. [CONFIRMATION]

JOEL CERNY: Well, not in high school; I think it was like the weekend after graduation. [CONFIRMATION]

SENATOR GLOOR: In fact, you and I were in fact even more alike than that. [CONFIRMATION]

JOEL CERNY: Yeah, yeah. [CONFIRMATION]

SENATOR CAMPBELL: Hmm. [CONFIRMATION]

SENATOR GLOOR: Tell me about the opportunities or the challenges you have getting enough continuing education, not just for you but for the unit overall. [CONFIRMATION]

SENATOR CAMPBELL: Yeah. [CONFIRMATION]

JOEL CERNY: For me, I don't have a problem because I am so active, you know. I recently had a physical where they asked me what my hobbies were, and I said fire fighting. And they said no, what do you do? And I said no, I work and I do fire-fighting stuff. That's all I do. So, you know, I enjoy going to conferences that are available. We do a lot of in-house training there at our own department and...but a lot of my members on our service are not as dedicated as I am, and it is a struggle for them to make classes and get their continuing ed hours in. So it's always a struggle because people

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are busy, you know. Like I said, this is all I do besides work, so it's not a problem for me. But some of the other ones that...my family is all grown and none of them even living real close to us, so I don't have grandkids over every weekend, not as often as I wish they were. But it's...I'm available; but the other kids, and the younger kids especially that have small children at home, it's just a real struggle for them to get their continuing ed hours in. [CONFIRMATION]

SENATOR GLOOR: Yeah. Well, and technology changes so that you get faced with things that are due that people are supposed to learn about. [CONFIRMATION]

JOEL CERNY: Um-hum. [CONFIRMATION]

SENATOR GLOOR: I would imagine it's not just trying to learn once a year to get your...up to snuff. [CONFIRMATION]

JOEL CERNY: Yeah. [CONFIRMATION]

SENATOR GLOOR: It's...you're constantly hit with things that you need to or want to at least know more about, so. [CONFIRMATION]

JOEL CERNY: Yeah. In our service, we're not near as busy as North Platte. Our total calls last year was 18, 9 fire and 9 EMS, and so that's a struggle, too, for our people to even keep up their skills because they're not using them as often. [CONFIRMATION]

SENATOR GLOOR: Yeah. [CONFIRMATION]

JOEL CERNY: And so...and that's how come we have monthly drills where we try to do just skills and I...in our own department, so you know. [CONFIRMATION]

SENATOR GLOOR: Well, good for you for trying to keep at it. I'm sure that's a challenge. [CONFIRMATION]

JOEL CERNY: Um-hum. [CONFIRMATION]

SENATOR GLOOR : It's the reason I asked the question. I've heard that in the past,... [CONFIRMATION]

JOEL CERNY: Yeah. [CONFIRMATION]

SENATOR GLOOR: ...is trying to remain proficient when you don't have a lot of activity. And given the fact it's an important service, a volunteer service, it's just hard to get everybody where you want them to be, I'm sure. But good for you for working at it. [CONFIRMATION]

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JOEL CERNY: Yeah. I would thank the--what's the right word?--the Health and Human Services. They do...they offer a lot of continuing ed around through the community colleges. And if we hit the ones closest to us, like David City and North Bend and Schuyler when their services have one, we can get our hours. But yeah, like I said, it's giving up four hours a night to go do a three-hour class because the time you drive there and drive home, so it's a struggle. [CONFIRMATION]

SENATOR GLOOR : Sure, yeah. Thanks. [CONFIRMATION]

SENATOR CAMPBELL: Yeah, exactly. Other questions? Mr. Cerny, any other...we asked Dr. Smith about issues that would come before the board that you think in your next term, and he mentioned retention. Any other issue that you think we should be aware of? [CONFIRMATION]

JOEL CERNY: No, that's probably the biggest one, and trying to keep that fine line between training requirements and that. As the past president of the association, I went--Firefighters Association--across the state listening, and I hear a lot of complaints about trying to...the EMS board is trying to push too much stuff on us, we can't get all this done, and we can't get all that done. And so it...and keeping the volunteers on the EMS board is very important to me. You know, I pick on Doc (phonetic) sometimes as...I think I'd like to see a few more of the positions on that board volunteers, but then I'm sure it's hard for the board to...or to find volunteers that can give up. You know, I'm...I give up probably five days of vacation a year just to do the EMS board stuff. So it's a struggle, I'm sure, to find people that are willing to give up that kind of stuff, so. [CONFIRMATION]

SENATOR CAMPBELL: Yeah, that's exactly true. Well, thank you so much for your service past and your willingness to continue on the board. [CONFIRMATION]

JOEL CERNY: Okay. [CONFIRMATION]

SENATOR CAMPBELL: And you, too, have a safe drive home. [CONFIRMATION]

JOEL CERNY: All right. [CONFIRMATION]

SENATOR CAMPBELL: Thanks a lot for coming. It's always...it's really an honor for all of us to meet you all that are willing to do this, so we appreciate it a lot. [CONFIRMATION]

JOEL CERNY: Okay, thank you. [CONFIRMATION]

SENATOR BLOOMFIELD: Yes, thank you. [CONFIRMATION]

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JOEL CERNY: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Thanks, Mr. Cerny. Our next appointment this afternoon is Dr. Jan Moore. Dr. Moore is for a reappointment, I believe, to the Commission for the Deaf and Hard of Hearing. [CONFIRMATION]

JAN MOORE: Um-hum. [CONFIRMATION]

SENATOR CAMPBELL: Dr. Moore, welcome. [CONFIRMATION]

JAN MOORE: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: And I think know how you got interested in serving on this, because of your professional life; but perhaps you'd like to tell us a little bit about how you got interested in serving on this board. [CONFIRMATION]

JAN MOORE: (Exhibit 3) Well, I came to Nebraska not quite four years ago, to take a position in Kearney. And my professional life has always been dedicated to hard-of-hearing people, particularly children. And I had professional colleagues at Boys Town and found out about the board in that way and thought I could serve outstate Nebraska a little bit by representing the...one of the professional slots on the board, and also maybe providing some insight about what's happening outside of the metropolitan areas here, so. [CONFIRMATION]

SENATOR CAMPBELL: Excellent. What issues do you see coming up in your next term that you think the senators ought to be aware of? [CONFIRMATION]

JAN MOORE: Well, of course we're interested in having the interpreter law, bill, passed if at all possible, so that people who are profoundly deaf would have access, especially in emergency and medical situations, to licensed interpreters and not to have to rely on family members or other not-qualified people. I guess being in outstate Nebraska, I do see, through the University speech and hearing clinic, quite a number of patients with cochlear implants who have gotten their implants in Omaha--or actually have patients who have gotten their implants in other states as well--but it's too far to go back for services, and we're providing therapeutic services at the University that are at a--I guess--a more specialized level of therapy than they can get locally where they are. So certainly, we're interested in making sure the speech and...speech pathology students that we train as well as the speech pathologists in the state are, I guess, kept up to date on, you know, the, I guess, standard of care that children need who get cochlear implants; and adults as well. So I actually see more adult patients in Kearney than I do children patients. But that's growing, too, so. [CONFIRMATION]

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SENATOR CAMPBELL: Interesting. Questions? Senator Krist. [CONFIRMATION]

SENATOR KRIST: There's really not...since...well, it's been several decades since we had a school in the state. [CONFIRMATION]

JAN MOORE: Um-hum. [CONFIRMATION]

SENATOR KRIST: Most of our referrals in my part of Nebraska go to the Iowa School for the Deaf. [CONFIRMATION]

JAN MOORE: Right. [CONFIRMATION]

SENATOR KRIST: Who else supports us around our state? Who else has a quality institution when it comes to sending kids to schools? [CONFIRMATION]

JAN MOORE: Well, I know the state...after the School for the Deaf was closed, the state is divided into kind of regions that service children with deafness and hard of hearing. And the ESU 9 in Hastings is the one that actually serves literally two thirds of the state to the west. And so I think that's problematic. I mean, in terms of parents being very isolated; if you're out in Alliance or someplace like that and you have a child who is deaf, there's just not a lot of...there's not a good support network there. I think technology has helped that, actually. I mean, with Skype and all...you know, that you can actually maybe hook up with people or access maybe sign-language classes or a support group, that kind of thing. I guess that is a concern in terms of the school level of support that kids get in the schools. That's really not kind of part of what the Commission for the Deaf and Hard of Hearing does. I know that's Education's purview, but certainly we...I do see patients at the University whose...you know, they're not...even though they're hearing impaired, there's...they're not bad enough to get services. In kind of the birth-to-three area, they're kind of on a, I guess, a more monitoring, where the parents really need really more direct support then because if we provide the direct support then, we don't have to do it when they're in school, and that's where it's actually a lot more expensive, so...but I know that's not in the purview of this committee, it's under Education. But I guess that is a little frustrating for me as somebody who's...provides care for people and trains students to do that in their future life, that there's kind of conflict between, you know, when we know we need to intervene with families with deaf children and what actually happens, so. [CONFIRMATION]

SENATOR KRIST: I had a constituent that for whatever reason ended up incarcerated and was a young man and it... [CONFIRMATION]

JAN MOORE: Um-hum, um-hum. [CONFIRMATION]

SENATOR KRIST: He really regressed in the time that he spent the time in captivity, if

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you will. [CONFIRMATION]

JAN MOORE: Um-hum. [CONFIRMATION]

SENATOR KRIST: And he...I don't think we did a good job of making sure that his deafness was not as big an issue for where he was. [CONFIRMATION]

JAN MOORE: Um-hum. [CONFIRMATION]

SENATOR KRIST: Do you get involved with some of those issues at all as a commission? [CONFIRMATION]

JAN MOORE: No, no. [CONFIRMATION]

SENATOR KRIST: No? [CONFIRMATION]

JAN MOORE: I know some of the commission members are quite--especially here in Lincoln--quite involved with just making sure law enforcement are trained and...because there is such a large population of deaf people here and in Omaha, too, and in Nebraska City, the whole Metroplex area, here. But I really primarily work with children who are deaf and their parents. And I, like I said, I've picked up some more adult patients over the...in Kearney, just because they don't have a place to go. And so I can--we can--work with the cochlear implants and do tweaking on them, so they don't have to come to Omaha or they don't have to go to Mayo Clinic or they don't have to go to Denver and really, that's kind of it, you know. I don't really know if there's anybody else in the state who is doing it outside of Omaha and me in the middle of the state, so. [CONFIRMATION]

SENATOR KRIST: Well, thanks for what you do. [CONFIRMATION]

JAN MOORE: Yeah. [CONFIRMATION]

SENATOR CAMPBELL: Senator Gloor. [CONFIRMATION]

SENATOR GLOOR: Thank you. And thank you for your interest and service. I know there used to be two factions within the--not hearing impaired, but--profoundly deaf community of... [CONFIRMATION]

JAN MOORE: Um-hum. [CONFIRMATION]

SENATOR GLOOR: ...of those who felt comfortable with the technology of cochlear implants... [CONFIRMATION]

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JAN MOORE: Um-hum. [CONFIRMATION]

SENATOR GLOOR: ..and those who have said we have to deal with our hearing loss without that as a crutch to lean on. [CONFIRMATION]

JAN MOORE: Um-hum, right. [CONFIRMATION]

SENATOR GLOOR: Does that still exist? Is that still a big issue within?
[CONFIRMATION]

JAN MOORE: It still exists. I mean even on our board, even, I would say...
[CONFIRMATION]

SENATOR GLOOR: Really? Yeah. [CONFIRMATION]

JAN MOORE: ...that because we do have several members who are profoundly deaf and have used sign language their whole life, and then there's people like me who are...fill the professional seats. And so I think, you know, everyone is...when you're coming to it from your own personal experience, I think it's just very different, I mean...
[CONFIRMATION]

SENATOR GLOOR: Sure. [CONFIRMATION]

JAN MOORE: But certainly, I think of the attitude of the deaf community to cochlear implants has changed dramatically, I'd say, in the last 10 years because frankly, now we have children who are adults with...that we implanted in the late 1980s or in the '80s and now these kids are adults and are functioning, many of them really, really well. I mean certainly, there's a wide variety of outcomes,... [CONFIRMATION]

SENATOR GLOOR: Sure. [CONFIRMATION]

JAN MOORE: ...which is related to their etiology of deafness as well as the services they've gotten over the years. And so I...there's still a...there...I think there is still some discomfort maybe, on the part of some deaf adults. I know a couple years ago, I was trying to get a little grant from Sertoma to start a camp in Kearney in the summertime for like fourth graders who were deaf and hard of hearing and their parents, actually, kind of a week-long camp that would look at their language and literacy. And so I was telling some of the other people on the board, and they were...and they said well, aren't you going to have a deaf adult there? And I said, "not unless I need one"; and they were kind of appalled by that. I said well, most deaf children have hearing parents, 96 percent of them do; so if we need some people, we'll get them. But yeah, it was kind of shocking. I've spent like 30 years of my life working with deaf children and their parents. And someone said: Well, who is your expert on deafness? And I said that would be me.

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(Laughter) So it was a moment, but anyway. But I'm happy to serve and just provide some level of kind of the scientific community into the discussions and what's going on, so. [CONFIRMATION]

SENATOR GLOOR: Well, thank you. [CONFIRMATION]

SENATOR CAMPBELL: Dr. Moore, I have to say we're very pleased that your life pathway brought you to Nebraska. You've served in a lot of places, in Canada, in Texas; you've had quite varied travels. [CONFIRMATION]

JAN MOORE: Yes. [CONFIRMATION]

SENATOR CAMPBELL: And so your vitae is a long one and it was enjoyable to read through it. And particularly, I have to say a personal note. I have two children who went to Purdue, so it's always good to see another Boilermaker. [CONFIRMATION]

JAN MOORE: Yes, yeah, I don't know. [CONFIRMATION]

SENATOR GLOOR: But one of them is Andy Campbell and he gets in lots of trouble (inaudible). [CONFIRMATION]

SENATOR KRIST: He's in trouble all the time. [CONFIRMATION]

SENATOR HOWARD: Yeah, he's in trouble all the time. [CONFIRMATION]

SENATOR CAMPBELL: (Laugh) He gets in a lot of trouble. But Dr. Moore, thank you so much for your service on the commission and your willingness to continue. [CONFIRMATION]

JAN MOORE: Oh, sure, um-hum. [CONFIRMATION]

SENATOR CAMPBELL: And we certainly can tell from all the materials that you provided that you continue to give a great amount of service to this state. So thank you so much for making the travels, and it's great to have all of you here today. Thank you so much. [CONFIRMATION]

SENATOR GLOOR: Thank you. [CONFIRMATION]

SENATOR BLOOMFIELD: Yeah, thank you. [CONFIRMATION]

SENATOR CAMPBELL: And with that, we will complete our hearings, so thank you. And for all of the nominees, what will...(recorder malfunction)...we would send your names forward and then the full Legislature will vote on them, but we fully expect your

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confirmation. [CONFIRMATION]

JAN MOORE: Okay. [CONFIRMATION]

SENATOR CAMPBELL: So thank you once again, travel safely. [CONFIRMATION]

JAN MOORE: Okay. [CONFIRMATION]