

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

Health and Human Services Committee
March 15, 2012

[CONFIRMATION]

The Committee on Health and Human Services met at 1:00 p.m. on Thursday, March 15, 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: Come on, come forward.

_____: They're being sworn in, Diane Muelleman...

SENATOR CAMPBELL: Yes.

STEVEN MANNING: ...and Steve Manning, but we're waiting for the interpreter.

SENATOR CAMPBELL: Oh, okay.

DIANE MUELLEMAN: But I don't need one.

_____: But I can help if you want.

SENATOR CAMPBELL: But you do not need one, correct?

DIANE MUELLEMAN: Yeah.

SENATOR CAMPBELL: Are you the interpreter?

INTERPRETER: Yes. I'm sorry.

_____: Oh, there you are. Oh, okay.

DIANE MUELLEMAN: Yeah, okay, okay.

SENATOR CAMPBELL: Okay, but we can start with Diane, if that's okay, and we'll give the interpreter a little time to kind of get settled.

_____: Excuse me.

DIANE MUELLEMAN: Um-hum.

SENATOR CAMPBELL: There we go, okay. So Diane, if it's okay, we'll start with you, okay?

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DIANE MUELLEMAN: Okay, okay, sure.

SENATOR CAMPBELL: All right, are you ready?

SENATOR KRIST: It's hot in here.

SENATOR HOWARD: Yes, it's been warming up.

SENATOR CAMPBELL: Yes, it's terribly hot in here; you may wish to remove your jacket.

SENATOR KRIST: Is that an invitation?

SENATOR CAMPBELL: Yes, absolutely. [CONFIRMATION]

SENATOR KRIST: My wife is going to start talking about you.

SENATOR CAMPBELL: I told Senator Gloor to...

SENATOR GLOOR: Nice award, Senator Krist.

SENATOR CAMPBELL: Yes, congratulations.

SENATOR GLOOR: That was a nice surprise. [CONFIRMATION]

SENATOR HOWARD: Oh, what did you get an award for?

SENATOR KRIST: My partner really did it all. It is the Contractor of the Year for small businesses.

SENATOR HOWARD: Oh, my gosh. Well, congratulations.

SENATOR CAMPBELL: That's really cool. [CONFIRMATION]

SENATOR COOK: Congratulations.

SENATOR GLOOR: There was a big cash prize in that, too, wasn't there? (Laughter)

SENATOR KRIST: Yeah. (Laugh) It's that slap on the back.

SENATOR CAMPBELL: We will convene the Health and Human Services Committee for the purpose of gubernatorial appointments and we're welcoming today Diane, and is

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that Muelleman? [CONFIRMATION]

DIANE MUELLEMAN: Muelleman, uh-huh. [CONFIRMATION]

SENATOR CAMPBELL: Am I saying that correctly? Well, welcome. [CONFIRMATION]

DIANE MUELLEMAN: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: This is a reappointment, is it not? [CONFIRMATION]

DIANE MUELLEMAN: Yes, it is, it is. [CONFIRMATION]

SENATOR CAMPBELL: Okay, so you have served...well, sorry. This won't record there. You have served one four-year term, or is it three years? [CONFIRMATION]

DIANE MUELLEMAN: No, I have...neither. [CONFIRMATION]

SENATOR CAMPBELL: Neither? [CONFIRMATION]

DIANE MUELLEMAN: I came in, in 2010, for someone who got off the board,... [CONFIRMATION]

SENATOR CAMPBELL: Oh, okay... [CONFIRMATION]

DIANE MUELLEMAN: So I have not, not even quite two years. [CONFIRMATION]

SENATOR CAMPBELL: So this is your first full appointment? [CONFIRMATION]

DIANE MUELLEMAN: Yes. [CONFIRMATION]

SENATOR CAMPBELL: And the term, is the term three years or four years? [CONFIRMATION]

DIANE MUELLEMAN: I understand it's three. [CONFIRMATION]

SENATOR CAMPBELL: Good. Okay, excellent. I noted in the information that we were given that you were at UNO, or were at UNO? [CONFIRMATION]

DIANE MUELLEMAN: I was. I got my master's in special education with an emphasis on the deaf education. [CONFIRMATION]

SENATOR CAMPBELL: So are you providing...are you teaching or...? [CONFIRMATION]

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DIANE MUELLEMAN: No, I worked one year for the Omaha Hearing School, and it no longer exists. [CONFIRMATION]

SENATOR CAMPBELL: Yes, I know. Senator Krist has talked about that. As you have had at least a couple of years on the board, what areas do you think will be important to the commission in the next couple of years? [CONFIRMATION]

DIANE MUELLEMAN: Okay, first comes to mind is we need to educate people in Nebraska, those who have a hearing loss, what their options are; and those who are...have...are in a relationship with someone with a hearing loss, whether it's in the workplace or home. We just need to get a lot of education out about what can be done to improve their lives. [CONFIRMATION]

SENATOR CAMPBELL: Because we just don't have enough about the opportunities. [CONFIRMATION]

DIANE MUELLEMAN: Right. [CONFIRMATION]

SENATOR CAMPBELL: Do you think it's more in the workplace where we're lacking those opportunities or...? [CONFIRMATION]

DIANE MUELLEMAN: I can't say it's more one or the...I mean, it's just hard to communicate when you have a hearing loss and you don't have the right technology or the people don't have the skills. People don't know how to communicate with each other; I think it's both home and workplace. It's... [CONFIRMATION]

SENATOR CAMPBELL: On a day-to-day-basis. [CONFIRMATION]

DIANE MUELLEMAN: Yeah, day to day, um-hum. [CONFIRMATION]

SENATOR CAMPBELL: You talked about also that you and, I think, your siblings. And could you explain, I had bilateral sensorineural... [CONFIRMATION]

DIANE MUELLEMAN: Sensorineural. [CONFIRMATION]

SENATOR CAMPBELL: Could you explain what that is? [CONFIRMATION]

DIANE MUELLEMAN: That means bilateral, both ears. [CONFIRMATION]

SENATOR CAMPBELL: Okay. [CONFIRMATION]

DIANE MUELLEMAN: You have a hearing loss in both ears. Sensorineural means it's in

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the inner ear. [CONFIRMATION]

SENATOR CAMPBELL: Ah. [CONFIRMATION]

DIANE MUELLEMAN: It has to do with the neurological process. So when my ears pick up a sound, it's supposed to go from the auditory nerves to my brain. But when it's trying to go through the inner ear--if I'm too technical, just let (inaudible)... [CONFIRMATION]

SENATOR CAMPBELL: No, no, no, you're fine, Ms.... [CONFIRMATION]

SENATOR COOK: Oh, no. [CONFIRMATION]

DIANE MUELLEMAN: But anyway, in your inner ear, you have all these hairlike structures and they're supposed to pick up the sound to carry it from the neurological...from the nerve to the brain. If you don't have all those hairlike structures, some are missing, you don't pick up those sounds. That's sensorineural hearing loss. You're missing some of those hairlike structures. [CONFIRMATION]

SENATOR CAMPBELL: So do you wear a hearing aid or...? [CONFIRMATION]

DIANE MUELLEMAN: I wear two hearing aids, yes. I have since I was four years old. [CONFIRMATION]

SENATOR CAMPBELL: Which allows you then, for that sound, to go... [CONFIRMATION]

DIANE MUELLEMAN: Right. [CONFIRMATION]

SENATOR CAMPBELL: ...amplifies the sound enough. [CONFIRMATION]

DIANE MUELLEMAN: Not just amplifies, it clarifies for me. [CONFIRMATION]

SENATOR CAMPBELL: Oh. [CONFIRMATION]

DIANE MUELLEMAN: That's the...that's...see, that's one of the things we need to educate people. Hearing aids are not about just increasing the volume. It...each hearing aid is specific for the person's hearing loss, so that they can hear clearly. So we need our hearing aids, we need them to be programmed for our specific loss. It's not just about putting a microphone on, it's not about just volume. [CONFIRMATION]

SENATOR CAMPBELL: So do you have to have them adjusted every so often, like we would with a pair of glasses? [CONFIRMATION]

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DIANE MUELLEMAN: Well, you get tested when you go because a hearing aid lasts about seven years, so you're usually going in every five to seven years for a new hearing aid, then they test you. [CONFIRMATION]

SENATOR CAMPBELL: Oh, okay. [CONFIRMATION]

DIANE MUELLEMAN: But our type of hearing loss in my family is not a progressive loss, and so we don't see it getting worse. In fact, today, because hearing aids are getting better and better, we see our hearing getting better and better. It's exciting. [CONFIRMATION]

SENATOR CAMPBELL: That's excellent, that's excellent. [CONFIRMATION]

DIANE MUELLEMAN: Yeah, yeah. [CONFIRMATION]

SENATOR CAMPBELL: And it's, it seems to me, very helpful to have people who have variations of hearing loss on the commission. [CONFIRMATION]

DIANE MUELLEMAN: Yes, yes it is, because we...yes, it is. We all come from a different perspective; and so when we make decisions, we're able to, I think, get a good cross section of the population in the state of Nebraska. [CONFIRMATION]

SENATOR CAMPBELL: Absolutely, absolutely. [CONFIRMATION]

DIANE MUELLEMAN: Yeah, yeah. [CONFIRMATION]

SENATOR CAMPBELL: Other questions? Senator Krist. [CONFIRMATION]

SENATOR KRIST: I asked this before with folks in your field and with your expertise. It seems to me like when we made the decision not to take care of people with a deaf disability in the state and move it, basically contract across the border into Iowa, with the Iowa School or the Deaf and all that,... [CONFIRMATION]

DIANE MUELLEMAN: Um-hum. [CONFIRMATION]

SENATOR KRIST: ...it didn't hurt our community in the metropolitan area as much as I think it did hurt the outstate portion, in terms of how they are serviced. Could you comment on that? [CONFIRMATION]

DIANE MUELLEMAN: Okay, my first question would be: Are you talking about the, what we call the "capital-D Deaf," who sign, they're in the deaf culture? [CONFIRMATION]

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SENATOR KRIST: Correct. [CONFIRMATION]

DIANE MUELLEMAN: See, now that's...I am not as familiar with them.
[CONFIRMATION]

SENATOR KRIST: Okay. [CONFIRMATION]

DIANE MUELLEMAN: Because I call myself deaf, but it's a lowercase d because I have to have my hearing aids on to hear, so I know more about that culture than the capital-D Deaf culture. [CONFIRMATION]

SENATOR KRIST: Sure, okay. [CONFIRMATION]

DIANE MUELLEMAN: But I know losing the Omaha Hearing School is going to have a humongous impact. I can speak to that, if you're interested, but... [CONFIRMATION]

SENATOR KRIST: Sure. No, go ahead, yeah. [CONFIRMATION]

DIANE MUELLEMAN: Oh, well I'm very upset that it got closed because I...when I was going through my master's, I had to do a lot of research for my final project; and, you know, we need to catch these children early, and we need to catch their parents early. In the public schools, I don't know, I've just seen enough of the...I love the ESU, you know, the service units; but they really are not specialized, and they don't know how to help children with hearing loss. Just one incident. There's a research project going on that I'm involved in, Outcomes for Children with Hearing Loss, and so we're sending educators out to the homes, from birth to three years old, trying to help parents understand, coaching parents to improve the environment and the child's chances of learning. [CONFIRMATION]

SENATOR KRIST: Sure. [CONFIRMATION]

DIANE MUELLEMAN: In one family, who happens to...the father of this little one is my nephew...and when the educator came into their home, she told them that their little girl couldn't hear and she needed to sign. Well, I had been with them to Boys Town when they had the audiogram done, for audio testing, and this little girl can hear; and she does not need to sign. And here's someone in the public school telling them forget the hearing aids, she needs to sign, and I know better. I wish she would have known better, so I...you know now, we have my nephew and his wife trying to educate a public school educator because she's not specialized in the field of helping...
[CONFIRMATION]

SENATOR KRIST: How do we fix that? [CONFIRMATION]

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DIANE MUELLEMAN: Education. It would...ideally, we had already three wonderful teachers at the Omaha Hearing School. They were not doing enough early intervention because of...I don't understand politics. But somehow, public schools just weren't bringing the families to that school. [CONFIRMATION]

SENATOR KRIST: Hmm. [CONFIRMATION]

DIANE MUELLEMAN: And so they, you know, they were losing more and more influence in the community. But they were highly educated, and they still have...there are teachers out in the community that...very educated and they know how to teach the parents to improve the environment, improve the child's chances for gaining their language in that first three years, which is critical, and just coaching them to advocate, too. We have people in the community who can do that, but the doors have been shut on them. I don't understand. [CONFIRMATION]

SENATOR KRIST: I'd be interested in hearing if you think that placement in the ESU environment with critical specialty might fix the situation, or how we would go about...obviously, the decision has already been made to close the school. [CONFIRMATION]

DIANE MUELLEMAN: Right. [CONFIRMATION]

SENATOR KRIST: So how do we bridge that gap? I'd be really interested in... [CONFIRMATION]

DIANE MUELLEMAN: We educate those in the ESU. [CONFIRMATION]

SENATOR KRIST: Okay. [CONFIRMATION]

DIANE MUELLEMAN: We need to educate them on how to deal specifically with children who have a hearing loss and who are deaf... [CONFIRMATION]

SENATOR KRIST: Yeah. [CONFIRMATION]

DIANE MUELLEMAN: ...because they're not, in my experience right now, they're not doing it properly. [CONFIRMATION]

SENATOR KRIST: Could you communicate with my office that way and let me know, make some notes down about concretely how you would fix the problem? I'd be interested in knowing that. [CONFIRMATION]

DIANE MUELLEMAN: Sure, okay. [CONFIRMATION]

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SENATOR KRIST: Thank you so much. [CONFIRMATION]

DIANE MUELLEMAN: You're welcome, okay. [CONFIRMATION]

SENATOR CAMPBELL: Other questions from the senators? We really want to thank you for coming down today. [CONFIRMATION]

DIANE MUELLEMAN: Okay. [CONFIRMATION]

SENATOR CAMPBELL: And our process, I mean, I can't imagine the committee wouldn't, but we will put your name out and then the full Legislature votes and then you'll be in full service and appointed. [CONFIRMATION]

DIANE MUELLEMAN: Okay. [CONFIRMATION]

SENATOR CAMPBELL: And thank you so much for giving your time. [CONFIRMATION]

DIANE MUELLEMAN: You're welcome. [CONFIRMATION]

SENATOR GLOOR: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: And thanks for explaining that, that we have a better education today because of you. [CONFIRMATION]

DIANE MUELLEMAN: Oh, good, good. We're on our way. [CONFIRMATION]

SENATOR CAMPBELL: Yes, thank you. [CONFIRMATION]

DIANE MUELLEMAN: Uh-huh. [CONFIRMATION]

SENATOR CAMPBELL: Our next nominee is Mr. Steven Manning, and Mr. Manning is here, I know. Good afternoon. [CONFIRMATION]

STEVEN MANNING THROUGH INTERPRETER: Good afternoon. [CONFIRMATION]

SENATOR CAMPBELL: Mr. Manning, your appointment is a reappointment, I believe. You have served on the board? [CONFIRMATION]

STEVEN MANNING: Yes. [CONFIRMATION]

SENATOR CAMPBELL: Good. And how many years? [CONFIRMATION]

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STEVEN MANNING: I have been serving three years prior, and I served a year before that; and then this is my second term. [CONFIRMATION]

SENATOR CAMPBELL: Excellent. Mr. Manning, we're going to ask the same question. In the next couple of years, what do you think the commission should be emphasizing that we need to know? [CONFIRMATION]

STEVEN MANNING: As a deaf man representing a deaf community, we would like to see an improved quality of life for deaf people in Nebraska. And since I represent them, I see there are some things that the commission can do and develop some more ideas with this Legislature and to see if we can improve the quality of life for deaf people in the area of employment and education and in the area of deaf rights. [CONFIRMATION]

SENATOR CAMPBELL: Excellent. In looking at your application, I noted under the employment, it was CSDVRS, LLC, from Clearwater. What...I just couldn't recognize the company. [CONFIRMATION]

STEVEN MANNING: Oh, yes, let me think. That's the name of the company in Clearwater, Florida, and they have subcontractors with people all around the country. And so it's a videoconferencing service and it's called ZVRS, and so the business name is that CSDVRS. That's the name of the company, the business name. So I am a subcontractor, I install videophones for deaf people in their homes, and then also some businesses where deaf people are employed. [CONFIRMATION]

SENATOR CAMPBELL: Interesting. So how many companies...and I think you come from Omaha, correct, Mr. Manning? Did I read that right? [CONFIRMATION]

STEVEN MANNING: Yes, that's correct. [CONFIRMATION]

SENATOR CAMPBELL: So how many companies in Omaha would have this type of equipment? [CONFIRMATION]

STEVEN MANNING: Not many. Sadly, there's not that many. I would say around maybe 10 companies, 10 to 15. Not very many. [CONFIRMATION]

SENATOR CAMPBELL: If more companies had it, would it provide more work opportunities? [CONFIRMATION]

STEVEN MANNING: Yes. Many businesses don't feel comfortable to allow having the videophones in the workplace because they might be concerned about security issues with their computer fire walls, but it's really just talking about access to the telephones for deaf people so that they can have equal access to the telephone, just like hearing people. So it's kind of sad that people think that way; in most cases, installing a

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videophone doesn't really cost the company anything, and if they have high-speed Internet, it's already accessible and it doesn't really cost them anything.

[CONFIRMATION]

SENATOR CAMPBELL: Might be a good education tool for the commission, to educate the business community. [CONFIRMATION]

STEVEN MANNING: Yes. [CONFIRMATION]

SENATOR CAMPBELL: Other questions? Senator Krist. [CONFIRMATION]

SENATOR KRIST: I had an opportunity to work for one of my constituents who was caught in a bad situation and had to go to jail. And during that time as a young man, he regressed in his skills to communicate. He was as...was described a capital D, and that is had to sign. I had to go to extreme lengths to get him a retrofitted alarm clock for his bed that shook the bed as opposed to making a sound because the system, the penitentiary system, was concerned, I guess, about him blowing up the place. So I would think that something that the commission could do would be to look at those folks who have hearing deficiencies or loss who are incarcerated. It seems to me, it's a fundamental right that we would protect. Could you comment on that for me?

[CONFIRMATION]

STEVEN MANNING: Yes. I have heard many stories from people in the past few years, and I have seen some concerns with that. If a deaf person is arrested, in general they have, you know, a right to a phone call; but they don't give that to them sometimes. A lot of times, there's no videophone available for them to do that. So how can they make their phone call when they don't have access to the videophone? Sometimes, they'll just give them a TTY and say here, make your phone call. But most people--deaf people--don't really use TTYs anymore because it's outdated technology and, you know, and it uses a land line. And a lot of people have high-speed Internet and are used to using a videophone. And that's a big concern for me, you know, that deaf people should have a right to contact their lawyer or their family member when they're arrested or incarcerated. You know, a land line phone doesn't solve the problem. They need access to a videophone. We need to have that everywhere. It doesn't really cost much money. It's a simple solution to install, and that would...you can use it with a laptop or whenever someone has, you know, a place, that they could start to communicate with people outside, you know, at the police station or things like that. I've seen more problems recently with that. [CONFIRMATION]

SENATOR KRIST: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Any other questions? What the commission might do is to have a conversation with the Jail Standards Board because the Jail Standards Board deals

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with most of the county facilities across the state, and it might be a way to open up some dialogue in terms of having those phones available. Having served on the county board in Lancaster, it would have been really helpful for me to know that from the commission, because it wouldn't have crossed my mind that we didn't have the right equipment in the Lancaster County Jail. Thank you, Mr. Manning. [CONFIRMATION]

STEVEN MANNING: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: And we particularly appreciate your service on the commission and your willingness to continue; and certainly, your advocacy, which is so evident in your comments today. Thank you very much. [CONFIRMATION]

STEVEN MANNING: Thank you very much. [CONFIRMATION]

SENATOR CAMPBELL: Thank you. That will conclude our gubernatorial appointments for the...(recording ends). [CONFIRMATION]