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Health and Human Services Committee  
February 17, 2016

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[LB816 LB899 LB908 CONFIRMATION]

The Committee on Health and Human Services met at 1:30 p.m. on Wednesday, February 17, 2016, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on confirmations for the Commission for the Blind and Visually Impaired, LB908, LB816, and LB899. Senators present: Kathy Campbell, Chairperson; Sara Howard, Vice Chairperson; Roy Baker; Sue Crawford; Nicole Fox; Mark Kolterman; and Merv Riepe. Senators absent: None.

SENATOR CAMPBELL: Good afternoon and welcome to the hearings of the Health and Human Services Committee. I'm Kathy Campbell, District 25, which is east Lincoln. And we are going to start this afternoon with gubernatorial appointments, so if you're here for a particular bill, you can just sit back and relax for a little bit, while we visit with a couple of people. On the line we have Chad Bell from Alliance. And Mr. Bell, I'm going to have the senators go around and introduce themselves, so you know everyone that's here. [CONFIRMATION]

CHAD BELL: Okay. [CONFIRMATION]

SENATOR CAMPBELL: So I'm going to start on my far right. Senator, do you want to start us off? [CONFIRMATION]

SENATOR FOX: Senator Nicole Fox, District 7: downtown and south Omaha.  
[CONFIRMATION]

SENATOR KOLTERMAN: Senator Mark Kolterman, Seward, York, and Polk Counties: District 24. [CONFIRMATION]

SENATOR BAKER: Senator Roy Baker, Gage and Lancaster Counties. [CONFIRMATION]

SENATOR HOWARD: Senator Sara Howard, I represent District 9 in Midtown Omaha.  
[CONFIRMATION]

JOSELYN LUEDTKE: Joselyn Luedtke, committee counsel. [CONFIRMATION]

SENATOR RIEPE: Senator Merv Riepe, I'm from District 12, which is Millard and Ralston.  
[CONFIRMATION]

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ELICE HUBBERT: Elice Hubbert, committee clerk. [CONFIRMATION]

SENATOR CAMPBELL: Mr. Bell, we do these appointments...these hearings rather informally. So you just need to relax, we're not going to ask any really tough questions, I don't think. Mr. Bell would be a new appointment, I believe, to the Commission for the Blind and Visually Impaired. Is that correct, Mr. Bell? [CONFIRMATION]

CHAD BELL: Yes, that is. [CONFIRMATION]

SENATOR CAMPBELL: We usually start out with this really tough question, which is tell us a little bit about yourself. [CONFIRMATION]

CHAD BELL: (Exhibit 1) Okay, I'd be glad to. Good afternoon, everybody. As you said, I'm Chad Bell from out here in Alliance, Nebraska. And I'm married and got two young sons, seven and nine, and we're involved in agriculture out here, raise lambs, hogs, and cattle. And I guess my affiliation or my connection with the Nebraska Commission for the Blind and Visually Impaired is I graduated high school in 1995 and the following September was involved in an automobile accident which I broke my back in four places and went through 18 hours of back surgery and then came out of the back surgery totally blind. And so once I basically learned to walk again and overcome the paralysis, I attended the center in Lincoln in 1996 and went through 6 months of training there and basically got on with my life. And I've done some contract work with the Commission here and there, helping young blind kids in my area out here, and just was contacted by Mike Hansen...which I think he is next...but to see if I was interested on applying to get on the board. And so I thought, you know, it's my turn to pay back for what the Commission has done for me, and so I tried and I guess here I am. [CONFIRMATION]

SENATOR CAMPBELL: Well, we really appreciate all of our gubernatorial appointments who step forward to volunteer to help the state. We would be in deep trouble, Mr. Bell, if we didn't have all of you who are willing to give of your time. I noticed in the resume that we had that you have been involved or serving on the Friends of the Commission. I'm not sure I've heard about that, can you tell us a little bit about that? [CONFIRMATION]

CHAD BELL: Yeah, the Friends of the Commission is...and I'm new to that too as well, but it's just, I guess you could say, a support group of the Commission. We're not affiliated or...I should say we're not funded anything by the Commission, but when people want to donate some money and there's other grants and stuff that we get, and so what we can do is go help a client if they need help financially while they're going through the center or things like that. But what we also do, too, is we've given grants to different camp abilities, different things like that, and it's just I

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guess you could say a nonprofit consumer group that we are there to back the Commission.  
[CONFIRMATION]

SENATOR CAMPBELL: Excellent. And as you start your service on the Commission, what do you think are some of the important issues that the Commission should be addressing?  
[CONFIRMATION]

CHAD BELL: So far I don't see anything other than that there's coming down the pipeline. And I'm learning a little bit every day with the e-mails that I get all the time, but the Work Initiative Opportunity Act and how the moneys are going to be, I guess, funneled down through the federal government and to see how that's going to affect the agency. I think that's probably, in my opinion, that's going to be the number one thing here soon, is to make sure we get all the things figured out that we need to do with it. [CONFIRMATION]

SENATOR CAMPBELL: Okay. Senators, any questions that you might have or that you'd like Mr. Bell to talk about with you? I'm not seeing them raise...oh, sorry, Senator Riepe. Thank you.  
[CONFIRMATION]

SENATOR RIEPE: I'm over here alone. [CONFIRMATION]

SENATOR CAMPBELL: I know, you're by yourself. [CONFIRMATION]

SENATOR RIEPE: Thank you for being with us. And the question that I have...one question, one comment. On this friends of the organization, is that a tax-exempt? Are you able to accept charitable contributions? [CONFIRMATION]

CHAD BELL: Yes. Yeah, it is a 501(c)(3), and so we...there's, you know, we've been gifted different things like estates and stuff like that. So yes, it is tax-exempt. [CONFIRMATION]

SENATOR RIEPE: Very good. The second one I had was are you familiar with Outlook Nebraska, in Omaha? [CONFIRMATION]

CHAD BELL: Repeat that, please. [CONFIRMATION]

SENATOR RIEPE: It's an organization called Outlook Nebraska, in Omaha.  
[CONFIRMATION]

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CHAD BELL: I've heard of it. I believe I got an e-mail or two on it, but that's all I'm familiar with it. [CONFIRMATION]

SENATOR RIEPE: Well, I know they work with a lot of visually impaired, but they also have some really interesting and strong support, a lot of interesting technology for visually impaired people of you know...they have computer screens that are the size of oversized football television screens and all kinds of new technology. I just share that... [CONFIRMATION]

CHAD BELL: Yeah. And I believe a lot of our field counselors, you know, use that technology for some of the clients as well. [CONFIRMATION]

SENATOR RIEPE: Okay. [CONFIRMATION]

SENATOR CAMPBELL: Mr. Bell...oh, sorry, Senator. [CONFIRMATION]

SENATOR RIEPE: No, I'm through. Thank you very much. [CONFIRMATION]

CHAD BELL: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Mr. Bell, did you grow up in Alliance? [CONFIRMATION]

CHAD BELL: Yes and no. I was here from 1992...my dad was a railroader, so my thing has always been I've always been within a mile of the railroad tracks. But I was actually born in Casper, Wyoming, and then lived in Guernsey, Wyoming, and Sterling, Colorado. And then we moved to Alliance in 1992 and then, like I said, I graduated in 1995. [CONFIRMATION]

SENATOR CAMPBELL: And you say you raise hogs and cattle? [CONFIRMATION]

CHAD BELL: Yes. My wife and I and the boys...we are heavily involved in 4-H and so they raise hogs and goats for 4-H projects. And then we own and run some cattle with my father-in-law. [CONFIRMATION]

SENATOR CAMPBELL: So did you buy the farm or ranch that you're on? [CONFIRMATION]

CHAD BELL: Yes, it's just a small acreage outside of town is what we have now. But my father owns the big ranch where the cows are. But just for the few pigs and the few goats and stuff that we raise for 4-H projects, we do that right here at our place. [CONFIRMATION]

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SENATOR CAMPBELL: Well, I want you to know that we don't often get people who live in what I would call in western Nebraska, so it is especially helpful, I think, to the Commission that you're willing to serve and represent an area that obviously you've reached out to help other people. But you can give a really good perspective I think. [CONFIRMATION]

CHAD BELL: Yeah, that's...when I attended my first Commission board meeting in the first part of February, you know, that was what I said, is: I'm from western Nebraska, the other time zone. [CONFIRMATION]

SENATOR CAMPBELL: Exactly. Well, Mr. Bell, I don't see any other questions from the senators. How this works is we will vote on your appointment, and I expect that will be a yes vote, affirmatively, and then it will go to the floor of the Legislature. And then you will be able to start your term. So once again, thank you for serving. And if at any point as you're serving on the Commission that you think of items that this committee should know about, we'd certainly appreciate your getting in touch with us. [CONFIRMATION]

CHAD BELL: Okay, thank you very much. [CONFIRMATION]

SENATOR CAMPBELL: Thanks. Have a great day. [CONFIRMATION]

CHAD BELL: All right, bye bye. [CONFIRMATION]

SENATOR CAMPBELL: Bye. Is there anyone who is in the hearing room who wishes to make a comment on Mr. Bell's appointment? Okay. Our next appointee is Michael Hansen. Welcome, just have a chair. As you can tell, we ask really tough questions here. Mr. Hansen, tell us a little bit about yourself. [CONFIRMATION]

MICHAEL HANSEN: (Exhibit 2) I'm originally from Papillion, Nebraska. I came down here to Lincoln to go to school, when I graduated high school, and liked it so much I never left. I was born with a condition called the Coloboma of the optic nerve, and what that is is that my optic nerves never fully developed. And I had some other retinal problems and stuff like that, so my vision is fairly poor, but not yet that I use a cane. So that just gives you a little background of where my vision is. Growing up, I didn't have a lot of interaction with the Commission, I had some of the people that were assisting me through the public school system. And my parents, while they may have known about it, didn't reach out to those resources, so I didn't find out about the Commission until I was transitioning from high school to college. And at that time, I got involved with a counselor from the Commission for the Blind and Services for the Visually Impaired, and they assisted me in being ready to go to college, to help with some of the

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independent skills that I needed as far as accessible...gaining access to resources, books, so on in an accessible format, where some of those types of things were always done for me when you're in the public school system. And I guess other things, I'm a member of a consumer group here in the state of Nebraska called the National Federation of the Blind of Nebraska. In fact, I'm their representative on the board of commissioners for the Blind and Visually Impaired. I'm very active with them, like I said I live here in town. I have my wife Lynette and we have a young daughter who just started kindergarten, and so that's an experience that we're adjusting to. I can't believe homework already for a six-year-old. [CONFIRMATION]

SENATOR CAMPBELL: I know. Mr. Hansen, I have a kindergartener grandson, so I can identify with this homework. I was surprised that I had to help with homework, when I went to visit him. You currently are employed at the university? [CONFIRMATION]

MICHAEL HANSEN: I am. I take care of some of the telephone systems for the University of Nebraska-Lincoln, so their voice mail system administrator. If you call the ticket office and have to listen to hold music while you're waiting for an agent to help you, you can thank me. [CONFIRMATION]

SENATOR CAMPBELL: But that doesn't mean, Mr. Hansen, that you can get us tickets, right? [CONFIRMATION]

MICHAEL HANSEN: No, I don't have that kind of pull. [CONFIRMATION]

SENATOR CAMPBELL: I was so hopeful there, you can tell. You graduated from the university, or attended the... [CONFIRMATION]

MICHAEL HANSEN: I attended the university, I did not...I apologize, I did not graduate. I was senior class standing. I did graduate from Southeast Community College. I went back after I was married and started to finish up the last couple courses I needed for graduation, and life happened and my daughter was born. And there were some complications with the pregnancy and with my daughter's health after she was born, and I never got back to it. It's something that I would like to do at some point when time permits, but that hasn't happened yet. [CONFIRMATION]

SENATOR CAMPBELL: Well, your degree from the Southeast Community College, in terms of the computer and network management, you know, you're using those skills, most likely, in your employment with the university. And once you get there, I'm sure they're holding on to you to try

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to get all the information they can. Senators, any questions or comments that you have?  
[CONFIRMATION]

SENATOR KOLTERMAN: Just a comment. [CONFIRMATION]

SENATOR CAMPBELL: Sure. Go right ahead, Senator Kolterman. [CONFIRMATION]

SENATOR KOLTERMAN: Yeah, thank you for coming and thank you for your willingness to serve. Don't give up on the degree. I graduated in 1969 and I didn't get my degree until 1994. That's a long time, but something if you want to do it, just do it. Again, thank you for serving.  
[CONFIRMATION]

MICHAEL HANSEN: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Mr. Hansen, your appointment is a reappointment, correct?  
[CONFIRMATION]

MICHAEL HANSEN: That's correct. I first served as a...to finish out the term by a previous commissioner who had to step down for other commitments. And then I served one of my terms already, so this is my second term. [CONFIRMATION]

SENATOR CAMPBELL: Give the senators some idea of what you think are the critical issues for the Commission. [CONFIRMATION]

MICHAEL HANSEN: I would agree with Chad Bell's comments a few moments ago that we owe the Workforce Innovation and Opportunities Act, which is basically the most recent reincarnation of the Rehabilitation Act, is probably the biggest unknown for us right now. It not only changes the funding of the Commission just a little bit...not dramatically, in the sense of how many funds we get or where they come from, but they're earmarking a percentage of the funds for certain activities, but yet not giving us more funds. So you know, we have to make some choices and decisions on programs that maybe we've offered in the past and find other ways to continue those, or maybe not to continue them, so that we can shift funding over to other areas that they have deemed necessary to earmark funds for. I think there's other states in the United States that might have more difficulty with that. We've been pretty good already. The main area in this where they've earmarked funds is for transition services, so children through...I'd have to go back and check the age, but it's, you know, early 20s or mid 20s, but that transition age between adolescence and adulthood...helping to make sure that they're prepared to cope with their disability and to be a productive member of society. [CONFIRMATION]

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SENATOR CAMPBELL: I'm assuming that the Opportunities and Innovation Act was passed by Congress. [CONFIRMATION]

MICHAEL HANSEN: Yeah, it was. [CONFIRMATION]

SENATOR CAMPBELL: Do you have any idea how long ago? [CONFIRMATION]

MICHAEL HANSEN: I think it was actually over a year ago. And so there's some of the other things that are involved and the changes that are involved with it is that the parts of the federal government that oversee rehabilitation is changing. So there's a lot of rules and regulations that still haven't been written, so there's a lot of federal employees that are working to interpret the law that was written and passed by Congress, and you know, work that into what does that mean as far as regulations for the state agencies and how they use and implement funds and what they can do and can't do. [CONFIRMATION]

SENATOR CAMPBELL: And how you can use them. Mr. Hansen, I, too, want to thank you very much for stepping forward and continuing to do so to help the state and give us your perspectives. We are always just so thankful for the people who volunteer to serve on the boards. It helps the state of Nebraska a great deal and we see so many talented people such as yourself who are willing to share experiences and help others. So thank you very much. [CONFIRMATION]

MICHAEL HANSEN: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: I don't see any other questions from the senators, so you have a great day. And thanks for coming down. Thank you. Okay, we will proceed with...oh, I'm sorry. Anyone in the hearing room wishes to make a comment on Mr. Hansen's appointment? Sure. [CONFIRMATION]

PEARL VAN ZANDT: Thank you. Senators, good to see you all. I'm Pearl Van Zandt, I'm executive director of the Commission for the Blind and Visually Impaired. And rather than come up twice, I'd like to comment both... [CONFIRMATION]

SENATOR CAMPBELL: We need you to spell your name for us, sorry. [CONFIRMATION]

PEARL VAN ZANDT: Sorry. First name is Pearl, P-e-a-r-l, Van Zandt, V-a-n Z-a-n-d-t. Okay. Just both really appreciate Mr. Bell and Mr. Hansen's contribution of their time, their energy,



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their intellect, and really recommend that you do confirm them. They're great guys and very honored that they're willing to serve. So thank you. [CONFIRMATION]

SENATOR CAMPBELL: How many members are there on the Commission?  
[CONFIRMATION]

PEARL VAN ZANDT: There are five commissioners. [CONFIRMATION]

SENATOR CAMPBELL: Okay. [CONFIRMATION]

PEARL VAN ZANDT: Yes, sure. [CONFIRMATION]

SENATOR CAMPBELL: We go through the appointments and you kind of lose track of how many people are on each of the commissions because we obviously see a lot of them that come through. [CONFIRMATION]

PEARL VAN ZANDT: There is one more commissioner yet to be confirmed this year.  
[CONFIRMATION]

SENATOR CAMPBELL: Well, thank you very much for coming down and our opportunity to meet you. And it still goes, anything that you think we should know at some point, be sure to let us know. [CONFIRMATION]

PEARL VAN ZANDT: Thank you very much. All right. [CONFIRMATION]

SENATOR CAMPBELL: Thank you. Have a great afternoon. Enjoy the weather.  
[CONFIRMATION]

PEARL VAN ZANDT: Yes, it's beautiful out there. [CONFIRMATION]

SENATOR CAMPBELL: Well, we don't really want to hear that yet. That's good, thank you. Okay, we will return to our regular agenda here. And I'm going to go through a few of the usual procedures, and that is if you have a cellphone on you, would you please turn it off or put it on silent. If you are testifying today, we need to have you complete one of the orange sheets that is on either side of the room, and as you come forward, you can hand that to Elice, who is the clerk for the committee. You can then come forward, if you have handouts. Oh, Senator Kolterman, go ahead. I believe you are...yes, you are. As you come forward, if you have handouts, and they're

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not necessary, you don't have to have them, but if you have handouts, we'd like 10 copies. And if you need help with that, the pages will be glad to help you with them. And you'll sit down in the chair and identify yourself and spell your name. We've already had the legal counsel remind me of that this afternoon. I do want to take just one minute before we start the hearing and have the pages introduce themselves.

ASHLEE FISH: Hi, my name is Ashlee Fish, and I'm from Seward, Nebraska.

SENATOR CAMPBELL: Major.

ASHLEE FISH: I'm a business administration major at the university.

JAY LINTON: Hello, my name is Jay Linton, and I'm a senior ag economics major at UNL.

SENATOR CAMPBELL: And Jay has been with us how many years? Two years, Jay? Yes, and we're thankful after the long hearings of this committee to come back. That's great. And we will proceed with the first hearing today, it's LB908, Senator Kolterman's bill to provide for temporary licenses for veterinary technicians. Senator Kolterman, go right ahead.

SENATOR KOLTERMAN: Thank you, Senator Campbell. My name is Mark Kolterman, M-a-r-k K-o-l-t-e-r-m-a-n, I represent the 24th District. Before we get into the bill, I'd like to request that you only ask me one question apiece. [LB908]

SENATOR CAMPBELL: That's an inside joke, folks, it's okay. [LB908]

SENATOR KOLTERMAN: LB908 is a simple bill that allows veterinary technicians to practice up to one year with a temporary license. This isn't a unique policy. Nurse practitioners, speech-language pathologists, dentists, among others licensed pursuant to the Uniform Credentialing Act, all have the ability to practice with temporary licenses when they meet specific requirements. Similarly, LB908 allows vet techs to practice if they meet one of two criteria: the applicant is a graduate of an approved veterinary technician program and has not yet taken and passed the requisite national examination; or two, the applicant is lawfully licensed in another state to practice as a veterinary technician, but the applicant's application in Nebraska is pending. Because of the lengthy delay between when vet techs complete their required training and when the national exam is offered, they lose the potential to gain valuable, practical experience while awaiting the exam. I would appreciate your consideration and respectfully ask for your yes vote. And I would be happy to answer any questions you might have. [LB908]

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SENATOR CAMPBELL: You each have one question, make it work. Sorry. Senator Riepe. [LB908]

SENATOR RIEPE: Thank you, Senator Campbell. Senator Kolterman, I promise to ask you one question at a time. [LB908]

SENATOR KOLTERMAN: Okay. [LB908]

SENATOR RIEPE: I guess my first question is who else do we give temporary licenses to? I mean, I don't think we give them to doctors, and we don't give them to nurses and lawyers. [LB908]

SENATOR KOLTERMAN: Well, actually we do give them to quite a few people, like dental hygienists, we give them to nurse practitioners, if they're waiting to pass the exam, but they have to be working with somebody that's their supervisor. In those instances, we do grant temporary licenses, as long as they've been through their classwork and they're waiting to sit for a national exam. [LB908]

SENATOR RIEPE: My experience is with like nurses at the hospital. We would hire them as nurse assistants or nurse attending, but they couldn't practice as a registered nurse until they actually had their license in hand. And so that was partly a liability standpoint. [LB908]

SENATOR KOLTERMAN: That's probably accurate. [LB908]

SENATOR RIEPE: Maybe cats don't sue, I don't know. Okay, I'll probably come back with some more. I really want to work him over. [LB908]

SENATOR CAMPBELL: Okay. Senator Howard. [LB908]

SENATOR HOWARD: Thank you, Senator Crawford. Thank you, Senator Kolterman, for bringing this bill to us today. I wanted to ask and just clarify, so the vet tech can have the temporary license for up to a year, pending the examination. What happens if they don't pass the test? [LB908]

SENATOR KOLTERMAN: Then they have their license revoked and they don't get to practice as a vet tech. [LB908]

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SENATOR HOWARD: And so the year is only pending...so if they take the test in six months and they don't pass it, then they don't have a temporary license? [LB908]

SENATOR KOLTERMAN: Correct. [LB908]

SENATOR HOWARD: Perfect. [LB908]

SENATOR KOLTERMAN: That's my understanding of the bill. [LB908]

SENATOR HOWARD: And just to clarify, lawyers...we can actually start practicing in our third year if we have another lawyer who is willing to keep an eye on us while we do it. [LB908]

SENATOR KOLTERMAN: Thank you. Just to clarify the question that's being asked. It's my understanding, and I've talked to a lot of veterinarians, a lot of the veterinarians when they graduate they've already sat for the exam and taken the national test. So they don't have to wait for this national test to come around. But unfortunately, the test is only offered in like October or November, and so they graduate in May; and because they have that time frame between May and November before they can even sit for the exam, they want to practice. So the veterinarians want to take them under their wing and work with them. And many of them have jobs already lined up, they're just waiting to take the national exam. So that's the reason for the bill. [LB908]

SENATOR CAMPBELL: Would they be required...they would be required to work with a veterinarian, they couldn't practice on their own? [LB908]

SENATOR KOLTERMAN: Correct. That's my understanding. And some veterinarians will be here to testify, as well as a vet tech. [LB908]

SENATOR CAMPBELL: Oh, okay. Excellent. Senator Crawford. [LB908]

SENATOR CRAWFORD: Thank you, Chairman Campbell. And I really appreciate that you also included in the bill someone who is coming from another state. I think that's very important that we try to help people get up and running as quick as possible from another state. So if someone is in that section, that they are coming from another state, are they required to work with another veterinarian? Or is that a different situation, since they were already authorized in another state? [LB908]

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SENATOR KOLTERMAN: You know, I don't know the answer to that. I'll defer that to them. I think that was put in there because we have only a few schools in Nebraska, so somebody might be taking a vet tech program in Iowa, Western Community College as an example, and then they come to Nebraska and want to practice. They would have the same opportunity that someone who graduates from Southeast Community College, if that's where a program is offered. So that's the rationale behind that. [LB908]

SENATOR CRAWFORD: Great. But it would also apply if somebody had been practicing, I'm assuming, for 10 years in another state and then decided to move to Nebraska. We'd welcome them here. [LB908]

SENATOR KOLTERMAN: Yeah, exactly. [LB908]

SENATOR CRAWFORD: All right, thanks. [LB908]

SENATOR KOLTERMAN: But in that particular case, if they've already taken the national exam they probably wouldn't have to take it again. [LB908]

SENATOR CRAWFORD: I hear you, okay. [LB908]

SENATOR CAMPBELL: Senator Riepe. [LB908]

SENATOR RIEPE: Thank you, Senator Campbell. Senator, do you have someone lined up to prioritize this or are you going to try it for consent calendar? Have you... [LB908]

SENATOR KOLTERMAN: It depends on how tough you guys are on us. We'd like to get this to the floor. I don't believe I have anybody that's lined up to prioritize it, but we think it's good legislation. And they asked me this summer, before we knew that there was going to be an issue. [LB908]

SENATOR RIEPE: Someone that's taken the test, how soon do they know whether they've passed or failed? [LB908]

SENATOR KOLTERMAN: They're going to have to answer that; I've never taken it. [LB908]

SENATOR RIEPE: Oh, okay. Fair enough. [LB908]

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SENATOR CAMPBELL: Any other questions? [LB908]

SENATOR KOLTERMAN: If they're like most of them, I assume they're going to find out real quick, because they take them through the...I think these national organizations that give tests. But they can address that for you. You can ask them more than one question. [LB908]

SENATOR RIEPE: Oh, thank you, sir. [LB908]

SENATOR CAMPBELL: Any other questions? Thank you, Senator Kolterman. We know you'll be here to close. Our first proponent for the bill. Good afternoon. [LB908]

LISA REDINGTON: Hello, Senators, my name is Lisa Redington, L-i-s-a R-e-d-i-n-g-t-o-n. I have been a veterinary technician for 30 years; I have seen a lot of changes in the state of Nebraska. When I graduated from the University of Nebraska School of Technical Agriculture, which is now called the Nebraska College of Technical Agriculture, in 1985, there was not a requirement for veterinary technicians. There was a voluntary certification at the time, which many did feel the importance of becoming certified. We have worked hard over the years to raise veterinary technicians to a higher standard of skills and pay. I was part of the group of veterinary technicians that worked with the veterinary technician programs, the state senators, and the veterinarians in Nebraska to introduce legislation to require veterinary technicians to pass the VTNE and become licensed. There are approximately 600 licensed veterinary technicians in Nebraska. I work in a practice with six other veterinary technicians, all of them are licensed. Unfortunately, there are many veterinary technicians practicing that are not licensed. I have helped many students study for the VTNE, and realize that the test is costly and challenging for some to pass. I understand that many veterinarians are finding it difficult to find and hire licensed veterinary technicians. This bill, to provide temporary licenses for graduates, will make it possible for veterinarians to hire veterinary technicians who can perform a list of tasks that only veterinary technicians can perform. This bill will give them a grace period to take and pass the VTNE and meet the requirements to become licensed. It will allow for veterinary technicians from other states and students to work into the even year's license that is required. [LB908]

SENATOR CAMPBELL: Okay. Questions, Senators? Senator Riepe. [LB908]

SENATOR RIEPE: Thank you, Senator Campbell. Help me to understand. You have veterinarians and you have veterinary technicians, is there another category of... [LB908]

LISA REDINGTON: Veterinary assistants. [LB908]

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SENATOR RIEPE: Assistants. And then any others in there too? [LB908]

LISA REDINGTON: Other than like office staff, receptionist, yeah. [LB908]

SENATOR RIEPE: Yeah. So is there an opportunity then for those that are...if I may use the term below...the step below the veterinary technician, is there an opportunity for them to be able to be promoted to a veterinary technician? [LB908]

LISA REDINGTON: Not without going through the schooling, the AVMA-approved program, and passing the VTNE. Yeah, that's required. [LB908]

SENATOR RIEPE: Okay. Are there any night programs, evening programs, or are they... [LB908]

LISA REDINGTON: There's online courses, there's...right now, Norfolk is a accredited program in the state, and then of course way out in Curtis, Nebraska, where I went. There was the Omaha College of Health Careers, which was bought by Vatterott, but has since closed. So there is not one in Omaha anymore. [LB908]

SENATOR RIEPE: And does this have to be a Nebraska school, or if they went to a veterinarian training school in California... [LB908]

LISA REDINGTON: Any AVMA-approved school. [LB908]

SENATOR RIEPE: Okay. And can you tell me how soon do they know whether they've passed or failed after taking... [LB908]

LISA REDINGTON: Immediately after taking the test. [LB908]

SENATOR RIEPE: Immediately. [LB908]

LISA REDINGTON: The test is offered through like a Sylvan Learning Center type center. They go in, it's all computerized, and at the end they find out if they've passed. [LB908]

SENATOR RIEPE: So it would only be those that passed that would be given a temporary license? [LB908]

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LISA REDINGTON: Well, that's not my understanding. My understanding is that it's a grace period for students that graduate until they can take the test. And yes, unfortunately the graduation rate isn't high. Right now, I think it's about 50 percent of the students that take the test pass the test. It's extremely challenging. [LB908]

SENATOR RIEPE: And if one takes the test and fails, how soon can you retake the test? [LB908]

LISA REDINGTON: As soon as they'll let you. You just have to reregister for the test. [LB908]

SENATOR RIEPE: Okay, so it's not like a year's time. [LB908]

LISA REDINGTON: Usually not, I know it's offered different times of the year. But you have to, of course, meet the deadline for registration and then they will assign you a day that you can take the test. [LB908]

SENATOR RIEPE: How much does it cost to take the test? [LB908]

LISA REDINGTON: \$310. [LB908]

SENATOR RIEPE: Okay, thank you. Thank you, Chairman. [LB908]

SENATOR CAMPBELL: Good questions, thank you, Senator Riepe. I thought you said in your testimony that there are some unlicensed in the state. [LB908]

LISA REDINGTON: There are. There are many technicians that graduate from school, that go out and work, that do not pass the test, that are performing the tasks that only a technician is supposed to be doing. And I don't know who is supposed to be policing that, if it's self-policing, if the veterinarians are supposed to report that. But I know I've helped a lot of technicians pass the test, that have taken it multiple times. And they are performing tasks that only veterinary technicians are supposed to do. [LB908]

SENATOR CAMPBELL: So by state statute, every vet tech is supposed to be licensed? [LB908]

LISA REDINGTON: Yes. [LB908]



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SENATOR CAMPBELL: Okay, and do you have any idea when that was passed? Requiring it? [LB908]

LISA REDINGTON: It was about 20 years ago that we met with the senators and the schools and the veterinarians and got the licensing in place. Had a grandfather, I believe it was five years, and then once the grandfather clause was met and the licensing was in place then the requirements were to take the course through an AVMA-approved school and pass the VTNE. [LB908]

SENATOR CAMPBELL: So even if you'd practiced a long time, you know, before that, you would still at some point have to take the test? [LB908]

LISA REDINGTON: Yes. [LB908]

SENATOR CAMPBELL: Okay. We dealt with that issue on another bill, that's why the question. Any other questions, Senators, that you have? Thank you for your testimony today. Very helpful. [LB908]

LISA REDINGTON: Thank you. [LB908]

SENATOR CAMPBELL: Our next proponent. Good afternoon. [LB908]

DR. MARK WACHAL: Good afternoon. So I'm Dr. Mark Wachal, W-a-c-h-a-l, and I'm a veterinarian and veterinary practice owner located here in Lincoln. I do small animal primarily. And I'd be in support of LB908 and think it's an excellent idea. So from a veterinarian's standpoint, maybe even more so from my practice-owning veterinarian's standpoint, the largest issue at hand is that, you know, we may consider hiring a graduate veterinary technician right out of school. First thing you probably ought to understand is that you've gotten a sense that there's not a lot of programs in the Midwest, and so veterinary technicians are hard to find, and critical to the profession. Okay? I have four now-licensed technicians in my practice and I like to keep four licensed technicians in my practice, and we're just a two-doctor practice. So if suddenly we're down to two, it's a big deal. Okay? So we want to consider hiring a graduate veterinary technician right out of school, well, depending upon when they graduate, that can dictate when they take the boards. And a common scenario, and you've heard it already, is they graduate in May or so, and then they can't take that test until October, November, or so. And actually, one of my technicians, a Curtis graduate, was saying they don't officially graduate until their externship or internship is done. So they might graduate closer to August, and that's why they miss some of these other test dates. And I printed something off, but there is usually three sets of test dates

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throughout the year, like around February. Yeah, like around February, June, and then October, November. Okay? So the timing just often hits so they're taking that test in October, November. So therefore, I also...and I might be wrong in this, but it just seems like the official result of passing the exam may not be known for a month or two. Yeah, I know that they can tell them they passed or didn't pass, but it seems like there's an official word on that. So thus, depending when a vet tech graduates and when our hire takes place, may be several months before he or she is "licensed." It's important to note that there are some key tasks that an unlicensed vet tech is not allowed to do. And a couple examples of those tasks would be, and are not limited to, of course, cleaning teeth, and induction of anesthesia, such as by injection for pets. And all of these things are, of course, under the supervision of a licensed veterinarian. So you can imagine if you only have one or two technicians and they can't do these things, that can definitely be a stress on the practice. Yeah, the whole practice: staff, doctors, etcetera. Another practical point is that when these young people enter practice, and I heard Senator Kolterman mention this, you know, it's important for their skill level to be able to provide all possible services from the start. You know, we've all been new in something and it's important to dive right in. And if they can't do all of these things because they're not licensed, you know, that three to six-month wait could be debilitating both emotionally and from a future skill set perspective. In some situations, I expect that a new graduate technician might actually be passed over by a potential employer opting to hire someone who already has a license. The situation is pretty understandable, but obviously not necessarily in the best interest of the profession. If a new graduate is turned down for job opportunities due to the fact that they've not yet taken the board to become licensed, it can be a hardship on them financially and thus make it difficult for them to afford the cost of taking the board fee...board exam, excuse me. And I think, as Lisa mentioned, that's \$310, which for a young person right out of school is a significant amount of money. Okay? And thus they might have to put it off and that gets them nowhere. Allowing for provisional license would be a win-win situation for the veterinary practice, veterinarian, the new graduate vet tech, and for the pet-owning public. So our thought would be let's let veterinary technicians do the job they've been trained to do, and all will benefit. And, of course, they still need to pass that board exam and take care of due-diligence, as the provisional license, I believe, is meant to be for one year. And you know, it is a difficult exam and not all of them pass it, but at a one-year situation, that would allow them to take it again within that one year. [LB908]

SENATOR CAMPBELL: Do you know, Doctor, whether there are other states that allow the temporary license? [LB908]

DR. MARK WACHAL: I do not know. [LB908]

SENATOR CAMPBELL: I thought maybe you just had run into it from hiring someone. [LB908]

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DR. MARK WACHAL: I do not know, and that's a good question. And the subject came up already about, you know, other professions. But within our profession in other states, I am not sure. [LB908]

SENATOR CAMPBELL: Okay, thank you. [LB908]

SENATOR RIEPE: Thank you very much. A question I have is veterinarians, do you carry malpractice insurance? And so if you have a licensed support person, does that mitigate your liability in terms of a defense? [LB908]

DR. MARK WACHAL: So the bottom line is you just need to make sure they're doing what they can do according to the law. So you know, if I'm in that situation, and I have been, where I've got four technicians and one is unlicensed, they're not cleaning teeth, they're not inducing anesthesia. [LB908]

SENATOR RIEPE: The one that's not. [LB908]

DR. MARK WACHAL: Correct. They can, you know, they can run the blood work machines, they can help restrain patients for blood draws. You know, some tasks they can certainly do and so they can still hold a place in the practice. But yeah, what they can't do, you don't let them do. [LB908]

SENATOR RIEPE: We recently heard some testimony on a different hearing about first surgical assistants in doing surgery. Do your techs close for you then? [LB908]

DR. MARK WACHAL: No. [LB908]

SENATOR RIEPE: Okay. [LB908]

DR. MARK WACHAL: I don't really know letter of the law what they're supposed to be able to do, but in my practice we do our own closure. [LB908]

SENATOR RIEPE: Okay, thank you. Thank you, Chairman. [LB908]

SENATOR CAMPBELL: Any other questions? Senator Fox. [LB908]

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SENATOR FOX: I apologize if missed some information, but I'm trying to understand, because I know the first person testifying stated that there are people in the state that are practicing without a license. I mean, is there some entity that is, you know, coming in and verifying that vet techs are licensed? Because I know, you know, in a hospital setting, if the Joint Commission comes in and they want to see my personnel file and see proof that I am up to date as far as boards and licensing...so I guess I'm trying to understand why... [LB908]

DR. MARK WACHAL: Yeah, I don't know that answer. [LB908]

SENATOR FOX: Okay. [LB908]

DR. MARK WACHAL: I can tell you in my 28 years of practice, I've never had an entity come and check if they're, in fact, licensed or call and check if they're, in fact, licensed. I don't know who would do that. But I've never had anybody come in and ask and I don't know of any of my colleagues that have had that either. So somebody else maybe knows that answer. But you know, in fact, obviously you don't have to be licensed to be able to work in a veterinary practice; it's just that there are some things that you cannot do. And because of that, most veterinarians, long-term, are going to be hesitant to want to hire... [LB908]

SENATOR FOX: Someone that is not licensed. So in a situation like that then, if say somebody...because I remember the days before I received my license having to wait to sit for an exam and you're, you know, out of school, you're wanting to make money. Are you hiring these people then say as like a veterinary assistant and then kind of bumping them up them to the tech once they've passed the exam? [LB908]

DR. MARK WACHAL: Yeah, exactly. I would say that that is common. There are occasions where I'll be able to hire somebody that is already licensed. But I would say it is almost more common because there is a lack of veterinary technicians out there that you're hoping to get a new graduate, somebody that's not been at another practice. Because most people out there that are licensed are employed and most of them, good for them, are happy right where they're at. So yes, I would say it's not uncommon that you could end up hiring someone who is unlicensed and then you, you know, you've got to watch and let them do what they only should be doing. And in my practice, when I am hiring that person, I'm making it real straightforward that hey...I'll even draw up something between us that hey, I'm expecting you to take this examination here and to continue to take it until you pass. [LB908]

SENATOR CAMPBELL: Okay, any other questions? I would guess somebody would have to file a complaint with the Board of Veterinary Medicine, with the department. And then if a

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complaint came forward then the department would send someone out. But I don't think that they just go through and routinely look for it. But somebody would if they filed a complaint. [LB908]

DR. MARK WACHAL: Yeah, I would say that that would be logical and correct. [LB908]

SENATOR CAMPBELL: Okay. Any other questions, Senators? Doctor, thank you for taking time from your practice, that was helpful. Both of you. Our next proponent? Anyone else? Okay, anyone who is opposed to the bill? Anyone in a neutral position? Senator Kolterman, we're back to you. [LB908]

SENATOR KOLTERMAN: I did a little bit of research and, Senator Riepe, in regards to your question, who else has temporary licenses, Chapter 38 of Nebraska Statutes indicates there's multiple licensees that allow for temporary licenses in the state. And Senator Howard, when we talked about their failure of the test, there's no expressed provision for this, but 38-3325 requires that they get licensed or reapply for license after a year. So we're only talking about a temporary up to a year. As they were indicating, if somebody would fail, they could still have four months to complete that licensing, the way we understand it. [LB908]

SENATOR HOWARD: Thank you. [LB908]

SENATOR KOLTERMAN: And Senator Campbell, they are required to work with a veterinarian under this. I think we have to distinguish between veterinary assistants, veterinary technicians, and regular veterinarians. And this is a veterinary technician bill. So I would assume that perhaps if somebody couldn't pass the vet tech, they could still work in the practice as a veterinarian assistant, they just wouldn't have the license to do so. [LB908]

SENATOR CAMPBELL: But I'm assuming that Senator Fox's comment would come into play here, is that they might be hired under a salary of an assistant. [LB908]

SENATOR FOX: And allowed to do the duties of an assistant and not be able to move up until they've passed. [LB908]

SENATOR KOLTERMAN: Yeah, until they pass the test. [LB908]

SENATOR CAMPBELL: Senator Howard. [LB908]

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SENATOR HOWARD: Thank you. Senator Kolterman, just a point of clarification. Are you able to renew your temporary license after a year, or do you just get that one year? [LB908]

SENATOR KOLTERMAN: I believe you just get the one year. I'll follow through on that, though. I don't believe it's the intent to have this for more than one year. [LB908]

SENATOR HOWARD: Okay, perfect. Thank you. [LB908]

SENATOR CAMPBELL: Any other questions? Thank you, Senator. You go right ahead. [LB908]

SENATOR KOLTERMAN: I just wanted to ask a question. There was a fiscal note of \$23,000, it's cash. And I'm going to look into that, because we have as an example, Senator Baker just had a bill and I've got another bill that deals with surgical techs and they have no fiscal note on those. And we're not...if they get licensed, they're going to have to have somebody write the license anyway. I don't know why we would have to create a new position for that. So anyway, I'm going to look into that. I just don't see the need. [LB908]

SENATOR CAMPBELL: One would assume that they already have someone who is reviewing that. [LB908]

SENATOR KOLTERMAN: Doing that, exactly. [LB908]

SENATOR CAMPBELL: I would question that too. [LB908]

SENATOR KOLTERMAN: Thank you. [LB908]

SENATOR CAMPBELL: Okay, we will close the hearing on Senator Kolterman's LB908. [LB908]

ELICE HUBBERT: We have one letter of support. [LB908]

SENATOR CAMPBELL: Oh, sorry. Thank you. [LB908]

ELICE HUBBERT: (Exhibit 1) We have a letter of support from the Nebraska Cooperative Council. [LB908]

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SENATOR CAMPBELL: That's interesting. Senator Scheer. Do you want to call Senator Scheer's office? You all can visit among yourselves if you want to, you're fine. We're just going to wait on Senator Scheer. We could go ahead with Senator Baker. How many people are here to testify for Senator Scheer's bill, LB816? Okay, that would make sense. Okay, that's fine. How many people are here to testify on Senator Baker's bill, LB899? Well, let's do Senator Baker's bill. Can you let Senator Scheer know that we're going to go ahead and he doesn't have to rush. Oh, there he is. You lost out, Senator Baker. Good afternoon, busy afternoon for you. [LB908]

SENATOR SCHEER: It is. [LB816]

SENATOR CAMPBELL: We will go ahead and open the hearing on LB816, Senator Scheer's bill to change and eliminate provisions relating to the state institution patient's records. Welcome. [LB816]

SENATOR SCHEER: (Exhibit 1) Thank you. Thank you, Madam Chairman and members of Health and Human Services. I do have a handout for you folks, that was provided to me by Health and Human Services, in relation to just a synopsis of what LB816 is trying to accomplish. And I will go ahead and give you an introduction, and so I don't forget it then, there is somebody after me that is far more intelligent than I, in relationship to this bill. And I would direct most of your technical questions, other than you'd like to know if it is snowing outside, to those people, rather than me. Good afternoon, Senator Campbell, members of the Health and Human Services Committee. My name is Jim Scheer, Jim Scheer, I represent the 19th District in the Legislature. I'm here to introduce LB816 on behalf of the Department of Health and Human Services. LB816 changes the requirements that currently govern the exchange of health information for individuals served in Nebraska's institutions and their reporting responsibilities. At this time, Nebraska law is more restrictive than the federal Health Insurance Portability and Accountability Act--HIPAA. This bill aligns state law with HIPAA requirements, which provide the mechanism for patient privacy and also allows certain sharing of information. The bill also proposes to eliminate the Department of Health and Human Services reporting requirements summarizing the annual reports related to the implementation of Children's Behavioral Health Helpline and Family Navigator Programs in the post-adoption, post-guardianship services. Finally, I believe this bill was important enough that it possibly might be included in one of your priority bills, if it could be accessed through some type of blending. I think it's important. I was going to ask that it might be Exec'd on and possibly be a consent agenda, but I received a note from the ACLU that were concerned about the bill. And so I don't know that that letter, in and of itself, would stop it from consent, but if it doesn't, certainly we'd try to be on a consent agenda. I think from the perspective of what I read in the letter from Ms. Miller, part of it, I think, is the assumption that we're trying to change something to broaden availability. Well, Nebraska's law was there and it was very restrictive for a long, long, long time. The federal government came in with HIPAA and determined that was the gold standard for privacy of patient records. All this does is bring

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Nebraska's much more restrictive requirements in line with the national HIPAA regulations. And so I'm not sure if they thought, perhaps, we were trying to pull something over or not. I'm not trying to read their minds. I'm just assuming that maybe they thought we were trying to do something. But historically, if you want to look at how the things were put together, Nebraska did have its own statutes, which we're trying to change under this bill, but they were there far, far before HIPAA ever was known about. And so what we're really trying to do I guess is harmonize Nebraska law with the federal law, that will give some flexibility to Health and Human Services. And so with that, I would entertain health and weather condition questions and leave the rest for someone else. [LB816]

SENATOR CAMPBELL: Any questions on the weather? Oh, sorry, Senator Howard. [LB816]

SENATOR HOWARD: Maybe just to give a heads up to Ms. Phillips, who is testifying behind you...and you may not be able to answer this, but do we have a definition of a potential treatment provider? [LB816]

SENATOR SCHEER: Excellent question, Senator. [LB816]

SENATOR HOWARD: Save it? [LB816]

SENATOR SCHEER: I don't know. [LB816]

SENATOR HOWARD: Okay. All right, thank you. [LB816]

SENATOR CAMPBELL: Seeing no other questions that you would ask for, will you be staying for close? [LB816]

SENATOR SCHEER: I won't. This is a fairly simple bill. The technical portions I would leave to Ms. Phillips to answer or those others behind me. It's just simply a cleanup. And why I was requested to do this, just my lucky day I guess. I just happened to be meeting Ms. Phillips for the first time and that came about. So there's no magic to this. I'm just here in her stead so she can have a bill introduced. [LB816]

SENATOR CAMPBELL: Absolutely. And she was the only one who raised her hand wanting to testify. So we're not anticipating anyone else. Before you go though, Elice, have we received any letters on this bill? Just to... [LB816]



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ELICE HUBBERT: (Exhibit 3, 4, 5, 6) We have. We have a letter of support from Media of Nebraska, I was just handed a letter of support from CHI Health. I have a letter in opposition from ACLU Nebraska, and I have a what would be a neutral letter from Disability Rights Nebraska. [LB816]

SENATOR SCHEER: And I guess I would just mention before I leave that I didn't know much about this before this was brought to me, but I've received three or four calls from family members of...in Norfolk, that have been trying to find information out about relatives that were deceased or whatever. And because of the restrictiveness of our law, they can't access any of that information. And if we were to simply harmonize with federal legislation, they'd be able to get that information. But they're unable to, simply because of the restrictiveness of it. So there's other aspects to it as well, that we have people who want the information and are unable to obtain it, simply because of the of the restrictiveness of it. So that's just a side that not knowing anything about it after I introduced it, I got several calls in relationship to that. So just another... [LB816]

SENATOR CAMPBELL: Any others? Thank you very much. [LB816]

SENATOR SCHEER: Thank you very much. And thank you very much, committee. [LB816]

SENATOR CAMPBELL: Our first proponent? Good afternoon. [LB816]

COURTNEY PHILLIPS: (Exhibit 2) Good afternoon, Senator Campbell and members of the Health and Human Services Committee. My name is Courtney Phillips, C-o-u-r-t-n-e-y P-h-i-l-l-i-p-s, and I serve as the CEO for the Department of Health and Human Services. I'd like to thank Senator Scheer for introducing LB816 on behalf of the department. This bill changes the requirements that currently govern the exchange of health information for individuals served in DHHS facilities and reporting responsibility, as outlined in LB603, that was passed in 2009. LB816 will align state law with the HIPAA requirements, which provide the mechanism for patient privacy and allows for certain sharing of information. The exchange of information is crucial in providing timely, quality treatment. If an individual is not cooperative in signing a release and does not have an attorney or guardian, the current statute's limitations require treatment to be delayed or require that a guardian must first be sought. For example, the absence of a release makes it difficult for the regional center staff to obtain records of medical episodes while in nonstate-operated facilities and providers in the community. The existing state law has led to difficulty in providing information about incidents that involve patients at our facilities. The change would eliminate the delay in discharging a patient when the sole reason for delay is that the patient has not signed a release. Also, if a current facility patient is seen by a doctor who is not contracted with the DHHS facility, and the patient does not sign a release for the facility to

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provide medical information, the facility cannot provide it, even though it may be relevant to their treatment purposes. Finally, if a former facility patient is in treatment in the community, the treatment provider believes the medical records from the facility will be beneficial for the current treatment and the patient is not willing to sign the release, the proposed change in statute will allow the facility to provide the records per HIPAA requirements. Current statute also makes it difficult for family members seeking information about loved ones buried at the regional center cemeteries. The current statute may require a court order to be obtained in order to release those records, where as HIPAA protects records for deceased individuals for 50 years and then allows the release of those records. Removal of the rigid state statute, while complying with federal HIPAA requirements, would allow for the provision of a more timely treatment to current patients and allow many more family members of a deceased patient to receive information without the cost of having to obtain a court order. This bill also proposes to eliminate the reporting requirements to summarize annual activities related to the Children's Behavioral Health Helpline, the Family Navigator Program, and the post-adoption, post-guardianship services required with the passage of LB603. Implemented in 2010, these programs are now well-established. The Helpline Advisory Committee continues to meet and review the Helpline and Family Navigator Programs. Boys Town, the contractor for the Family Helpline and the Nebraska Federation of Families for Children's Mental Help, the contractor for the Family Navigator Program, produce quarterly and annual reports for the Division of Behavioral Health, with data that indicates the program efficiency and effectiveness. Lutheran Family Services, with the contractor for Right Turn, the program that operates the post-adoption and post-guardianship services, also produces these monthly and annual reports for the Division of Children and Family Services for program evaluation purposes. Therefore, the current reporting requirements in statute are duplicative. Contractors for these programs are already required to report their activities and outcomes to the department, and these submitted are public reports which are also available to the members of the Legislature. I appreciate the opportunity to testify before you today regarding LB816, which we believe will help the DHHS continue our mission of helping people live better lives. I'm happy to answer any questions that you may have. [LB816]

SENATOR CAMPBELL: Thank you, CEO Phillips. Questions? Senator Riepe, did you... [LB816]

SENATOR RIEPE: Senator Campbell, thank you. Director Phillips, thank you for being here. [LB816]

COURTNEY PHILLIPS: Hi, Senator Riepe. [LB816]

SENATOR RIEPE: My question is this: with all the laws, how did this, the need for change of this particular law, come to your attention? [LB816]

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COURTNEY PHILLIPS: We've had a couple of issues in terms of when individuals would try to transition from the facility to the community, where the records are being held up in terms of their discharge, as well as the treatment plans. And it's typically when they're discharging to a lower level of care plan. We've also had issues in terms of particular services and programs. For instance, the ACT service, the Assertive Community Treatment. Some providers require for particular programs that they actually come in, talk to the individual that will be entering into that particular service program, as well as their service clinicians that have serviced them. And unless we have that discharge then we cannot discharge them into that particular service, which delays their treatment to the next level of care...to a lower level of care, rather. [LB816]

SENATOR RIEPE: Are there more of these challenges that are out there, that you're keenly aware of? [LB816]

COURTNEY PHILLIPS: We've had a few cases, yes. [LB816]

SENATOR RIEPE: Okay, thank you very much. Thank you. [LB816]

SENATOR CAMPBELL: Senator Howard. [LB816]

SENATOR HOWARD: Thank you. Thank you for speaking with us today about this. I wanted to follow up on my question before about where did the language for potential treatment providers come from? Is that HIPAA? [LB816]

COURTNEY PHILLIPS: Yes, but in terms of a standard definition of treatment providers, there isn't a standard definition. We can...it's on the continuum of care, in terms of who would be treating that individual. And like I said, typically it is for a lesser treatment than what they're receiving in the institution. [LB816]

SENATOR HOWARD: So I guess what I'm trying to clarify is could any physician call up and say I'm potentially going to treat this person and I would like access to these records? [LB816]

COURTNEY PHILLIPS: It would be someone who is actually treating that individual. [LB816]

SENATOR HOWARD: So then potential is not the word that we want there? [LB816]

COURTNEY PHILLIPS: I can actually work with our legal team to ensure that we're picking up the correct language from the HIPAA. [LB816]

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SENATOR HOWARD: Okay, because that seems a little bit broader than I think your intent is. And then I wanted to ask you is there a reason why a patient would not sign a release upon discharge, where maybe they wouldn't want their records to be shared? [LB816]

COURTNEY PHILLIPS: There have been instances that patients do not want to sign over a release. And it's not just at discharge, it's even when they're actually receiving services in our facility. I can't speak in terms of why the individuals do not want to. I mean, they have incidents in terms of individuals feeling that they may not have been placed appropriately at our facility. So sometimes that occurs as well. [LB816]

SENATOR HOWARD: Okay, so they wouldn't want those records to follow them, necessarily. [LB816]

COURTNEY PHILLIPS: That could be part of the reason. [LB816]

SENATOR HOWARD: And so we would be removing their ability to say that they don't want those records shared. [LB816]

COURTNEY PHILLIPS: That's correct. [LB816]

SENATOR HOWARD: And then my other question was about if you have a contractor within your DHHS facility, so your clinic within your facility, you're not considering that a HIPAA-protected clinical setting because you have a contractor coming in, like an MD who is coming in and providing care. [LB816]

COURTNEY PHILLIPS: If they are our contractor, that's correct. We currently have the ability. [LB816]

SENATOR HOWARD: Say, in a correctional facility, or something like that. [LB816]

COURTNEY PHILLIPS: For our contractors we have that ability to share information. [LB816]

SENATOR HOWARD: They do have the ability to share information? [LB816]

COURTNEY PHILLIPS: Yes. [LB816]

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SENATOR HOWARD: So if they're contracted in, they're working in a clinical setting, you can share. So then that was in the third paragraph of yours that if a doctor who is not contracted with DHHS... [LB816]

COURTNEY PHILLIPS: Not contracted. [LB816]

SENATOR HOWARD: But they're still coming into your facility. [LB816]

COURTNEY PHILLIPS: But if they're contracted with us. So when you say they are... [LB816]

SENATOR HOWARD: They are not contracted with you. [LB816]

COURTNEY PHILLIPS: Yes, so this would give us the ability for those physicians that are not contracted with us to now be able to share that information with them. [LB816]

SENATOR HOWARD: Okay, and they are not in your facility. [LB816]

COURTNEY PHILLIPS: No. So if I'm transitioning out of our facility and receiving treatment from a lesser care provider, to allow that information to be shared with that provider to treat me for my...in terms of actually preparing. [LB816]

SENATOR HOWARD: Okay, sure. [LB816]

COURTNEY PHILLIPS: A lot of times what we see is in terms of as I'm transitioning out of that particular level of care, in order to do the proper discharge planning of what service provider will really be appropriate for me. [LB816]

SENATOR HOWARD: Right. [LB816]

COURTNEY PHILLIPS: What plan of care needs to be in place before I discharge. Because what we don't want to happen is someone is discharged, then we're creating a plan of care for them and we miss that cycle of care that's really needed, and then you start to see the relapse of someone. [LB816]

SENATOR HOWARD: So potentially you would be sending records to the next contracted provider. Is that the intention? [LB816]

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COURTNEY PHILLIPS: It could be a contracted provider or it could be a provider that's not contracted with the state. [LB816]

SENATOR HOWARD: Who already has a patient relationship or no? [LB816]

COURTNEY PHILLIPS: Sometimes they have it previously established or it could be a referral to a particular provider. But typically it is someone who has already had an established relationship with someone who has been in our facility. [LB816]

SENATOR HOWARD: But with this bill, there would be the opportunity for there to be no patient relationship established before you shared the records. [LB816]

COURTNEY PHILLIPS: It could be. [LB816]

SENATOR HOWARD: Okay, thank you. [LB816]

SENATOR CAMPBELL: Any other questions? Senator Crawford. [LB816]

SENATOR CRAWFORD: Thank you. And welcome, Director. And congratulations on your vote this morning. [LB816]

COURTNEY PHILLIPS: The other Courtney. Too many. [LB816]

SENATOR CRAWFORD: So I just wanted to ask a question about the reporting part. [LB816]

COURTNEY PHILLIPS: Okay. [LB816]

SENATOR CRAWFORD: So what I understand from your testimony is that we have quarterly and annual reports to the Division of Behavioral Health for some of the programs, and then monthly and quarterly reports to the Division of Children and Family Services for program evaluation. Are those reports available on the Web site somewhere, if someone wants to see? Are there metrics that are available with those reports? [LB816]

COURTNEY PHILLIPS: Yes, the reporting is...we can post the reports. They're not right now, but we can put them on the Web site for those three programs. [LB816]

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SENATOR CRAWFORD: So currently, how would someone be able to access those reports?  
[LB816]

COURTNEY PHILLIPS: Anytime someone requests the Department for these particular reports we provide them. [LB816]

SENATOR CRAWFORD: But you're open to providing them on the Web site as well? [LB816]

COURTNEY PHILLIPS: Oh, yes, definitely. [LB816]

SENATOR CRAWFORD: Okay, thank you. [LB816]

SENATOR CAMPBELL: Any other questions, Senators? CEO Phillips, I want you to know that I was probably the last person that faithfully read the annual reports of LB603, and certainly concur. I mean, those programs are now deep in the Department and provide many services.  
[LB816]

COURTNEY PHILLIPS: Um-hum. [LB816]

SENATOR CAMPBELL: And I think this is fine, I agree with Senator Crawford. As long as some annually or, at least, are posted so that people who are following this could get access to them I think would be helpful. [LB816]

COURTNEY PHILLIPS: We can definitely make sure they're posted online. [LB816]

SENATOR CAMPBELL: But to have to do an annual report and then when you're already doing them, it seems redundant. Okay, anything else? Thanks for coming over. [LB816]

COURTNEY PHILLIPS: Thank you. [LB816]

SENATOR CAMPBELL: You aren't over here for another bill are you? [LB816]

COURTNEY PHILLIPS: No, ma'am. Thank you. [LB816]

SENATOR CAMPBELL: Enjoy the afternoon. Our next proponent for the bill? Okay, those who are opposed to the bill, LB816? Okay, anyone in a neutral position? We will close the public

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hearing, because the letters have been read. And are the letters posted on the drive, Elice?  
[LB816]

ELICE HUBBERT: (Exhibits 3-6) The two I just received will be posted later today. [LB816]

SENATOR CAMPBELL: Okay, we will probably want to take a look at those. All right, we'll proceed with our last hearing of the afternoon. Senator Baker finally gets up here. LB899, Senator Baker's bill, to change lead content provisions relating to the Nebraska Safe Drinking Water Act. Senator Baker, go right ahead. [LB816]

SENATOR BAKER: Good afternoon, members of Health and Human Services Committee. I'm Senator Roy Baker, R-o-y B-a-k-e-r, District 30. I'm here today to introduce LB899. I introduce this bill on behalf of the Department of Health and Human Services. The bill changes the definition of "lead free" in Nebraska Statutes Sections 71-5301, to mirror the federal definition. In Section 71-5301.01, old language is deleted and new language is inserted that would permit the department to promulgate rules and regulations regarding the use of lead-free materials in public water systems in compliance with federal standards. With that, I stop. [LB899]

SENATOR CAMPBELL: Questions? Any other questions? No? Senator Riepe, are you sure? I'm giving you a bad time today. [LB899]

SENATOR RIEPE: Thank you. That's okay. [LB899]

SENATOR CAMPBELL: Anything else? And we know Senator Baker will be here to close if he wishes. So we'll take the first proponent. Good afternoon. [LB899]

JUDY MARTIN: (Exhibit 1) Good afternoon. Good afternoon, Senator Campbell and members of the Health and Human Services Committee. My name is Judy Martin, J-u-d-y M-a-r-t-i-n, I am a deputy director with the Division of Public Health in the Department of Health and Human Services. I would like to thank Senator Baker for introducing LB899 on behalf of the department. LB899 will make a technical modification to the lead free definition in the Nebraska Safe Drinking Water Act, to make it consistent with the federal Safe Drinking Water Act. This will simply codify changes that were implemented in 2014. The Reduction of Lead in Drinking Water Act, which was part of the federal Safe Drinking Water Act, took effect on January 4, 2014. This revised the maximum lead content of wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures from not more than 8 percent to not more than a weighted average of 0.25 percent lead. Our current definition of lead free in the Nebraska Safe Drinking Water Act is 8 percent, and should be 0.25 percent to be consistent with the Federal Safe Drinking Water Act.



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This change would only be a technical update, because our public water systems in Nebraska were notified, trained, and implemented this change with the federal law in 2014. Since 2014, suppliers have not been permitted to sell materials for drinking water systems that do not meet this new standard. In addition, public water systems did not have to immediately replace fittings. Rather, when replacing parts, they must use new parts that meet the requirements. The new definition is specific to drinking water, and does not impact pipes, fitting or fixtures that are used exclusively for nonpotable services, such as manufacturing, industrial processing, or irrigation. We have notified our stakeholders, the Nebraska League of Municipalities, the Nebraska Rural Water Association, the Nebraska section of the American Water Works Association, and the Nebraska Well Drillers Association about this bill and the need for our state law to be consistent with the federal definition of lead free. They understand the need for this change. I appreciate the opportunity to testify before you today. I believe LB899 will help DHHS continue our mission of helping people live better lives. If you have a specific question, I've asked Howard Isaacs, the administrator for our drinking water program, to come along, because he's the technical expert. [LB899]

SENATOR CAMPBELL: Okay. I suppose with Flint, Michigan, we're all paying a lot more attention to what's in our drinking water. Questions, Senators, that you have about the bill? Okay. This might be a first, Ms. Martin. [LB899]

JUDY MARTIN: Thank you very much. [LB899]

SENATOR CAMPBELL: Thank you. Our next proponent. Okay, any other proponents? Anyone opposed to LB899? Anyone in a neutral position? Okay, and Senator Baker, did you want...Senator Baker waives closing. That completes our hearings for today. And we'll ask you to leave quietly, because we will be going into Executive Session. [LB899]