

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

Health and Human Services Committee
March 30, 2016

[CONFIRMATION]

The Committee on Health and Human Services met at 12:00 p.m. on Wednesday, March 30, 2016, in Room 2102 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on three Gubernatorial confirmations: Diane Jackson, Michael Hansen, and Wayne Stuberg. Senators present: Kathy Campbell, Chairperson; Sara Howard, Vice Chairperson; Nicole Fox; Mark Kolterman; and Merv Riepe. Senators absent: Roy Baker and Sue Crawford.

SENATOR CAMPBELL: (Recorder malfunction)...to visit with us. [CONFIRMATION]

DIANE JACKSON: Sure. [CONFIRMATION]

SENATOR CAMPBELL: With us today is Senator Riepe; Senator Fox; Senator Howard; legal counsel Joselyn Luedtke; our clerk, Elice Hubbert; and a page and I don't...okay, the audience. Can you tell us...tell us a little bit about yourself. We always kind of start with that and then go to other questions. [CONFIRMATION]

DIANE JACKSON: Okay. Well, currently I am an instructor at the university nursing college on the Kearney campus, UNMC-Kearney campus. I teach, primarily, in the third and fourth semester students. And then I work one day a week at the emergency room at Good Samaritan Hospital as a nurse practitioner. And then I work one day a week at the Urgent Care Center in Hastings, also as a nurse practitioner. Those are my practice hours, what I do to maintain my APRN license. I currently live in Kearney. I've been on the board since September of 2010. And I really enjoy it. I'm currently serving as the secretary. [CONFIRMATION]

SENATOR CAMPBELL: Excellent. What has been the most surprising thing to you as you've served on the Board of Health? [CONFIRMATION]

DIANE JACKSON: Probably the most surprising thing to me is...well, I did not know beforehand a lot about the process of...like the 407 process; I didn't understand any of that prior to all this. And so that has been a quick eye-opener for me. I served on the technical review committee for the surgical first assists last fall and I did learn a lot about different processes that are taken in order to have change take place. And that's been probably the most interesting thing I've learned since I've been on the board. [CONFIRMATION]

SENATOR CAMPBELL: In the time that I've been in the Legislature, Senator Gloor put forward a bill and we revised it. So the process that you're working with now is vastly improved than

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when I first came to the Legislature. And it appears...I know there's some...still some adversarial points to it, but it is far less adversarial than it used to be. [CONFIRMATION]

DIANE JACKSON: I agree. When I first started, that's when the changes were all taking place. And I do believe that the process is much easier to complete in a timely fashion than what it was before. [CONFIRMATION]

SENATOR CAMPBELL: And we depend very much on the 407 process in the Health Committee. I can't imagine being in the Legislature and having none of the professional people making comments and reviewing those before a bill comes to us. That would make it very difficult. As you look into the future, what do you think would be some of the issues before the State Board of Health? [CONFIRMATION]

DIANE JACKSON: Well, there's just some issues in healthcare in general. And being part of the Nebraska system, there are issues currently with the Department of Health and Human Services that I think the Governor and Phillips are working on trying to improve and make changes that are going to be positive for the state. Of course, as a nurse practitioner, having the ability for increased practice abilities for nurse practitioners, I think, will help improve some of the rural access of health that are problems in the state. Mental health is always a huge issue in the state of Nebraska. And I think that's one area that we can continue to improve on. As far as the Board of Health goes, there's always concerns regarding cost and having constraints that are based upon different aspects of the board that are things that will continue to come up and be reviewed and revised. [CONFIRMATION]

SENATOR CAMPBELL: Excellent. How many students do you have in the nursing program at Kearney? [CONFIRMATION]

DIANE JACKSON: Well, in the...we admit 56 in the fall for the first semester. And then, depending on how they've done in their first semester...like this fall we started out with 56 in semester one students, and then semester three students...for the second year of nursing students there was 43 of them. [CONFIRMATION]

SENATOR CAMPBELL: Okay. [CONFIRMATION]

DIANE JACKSON: So all total, here on the Kearney campus, this year, you know, we've had 99 students, close to 100 students. [CONFIRMATION]

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SENATOR CAMPBELL: Excellent. Do a number of them live in the area in central or western Nebraska? [CONFIRMATION]

DIANE JACKSON: Yeah. The students that we had this semester, which is called fourth semester, the last semester of their second year in nursing school, we had students that drive from Holdrege. There are students from the Hastings area; (inaudible) Nebraska that drive into Kearney to work...or to go to school. And then there's people from the Grand Island and Wood River area, too, that come here to classes. So it's a wide variety within the central Nebraska area. [CONFIRMATION]

SENATOR CAMPBELL: And that's really what I think it's hoped is that by having the medical programs at Kearney that we will help more people...more health practitioners stay in the central and western part of the state because we certainly know that we need those providers. [CONFIRMATION]

DIANE JACKSON: Yeah. Of the class that will be graduating in May, there's a large majority, I can't tell you the exact number for sure, but the majority of them are staying within the Grand Island, Hastings, Kearney area to work. There's a few that are leaving to go to Lincoln or Omaha. And I only know of one of our students that are planning on going out of state. So, yes, it is nice that, you know, they're from central Nebraska, they're able to go to school here, and then they stay here and work too. [CONFIRMATION]

SENATOR CAMPBELL: Excellent. Well, thank you for taking time today to visit with us, and for your service on the State Board of Health. Without people like yourself who are willing to volunteer, we certainly would not have the caliber to give advice to the Legislature. So thank you very much. And it was good to visit with you today. [CONFIRMATION]

DIANE JACKSON: Thank you. I appreciate all that you do, too, to help make our job on the Board of Health a lot easier too. Appreciative that we have the chance to collaborate and work together on different things. [CONFIRMATION]

SENATOR CAMPBELL: Exactly. Well, have a great day. And thank you very much and good-bye. [CONFIRMATION]

DIANE JACKSON: Thank you. Good-bye. [CONFIRMATION]

SENATOR CAMPBELL: Bye-bye. Okay. Michael Hansen will be next, okay. Hello. [CONFIRMATION]

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MICHAEL HANSEN: This is Mike Hansen. Are you ready for me? [CONFIRMATION]

SENATOR CAMPBELL: Yes. Mr. Hansen, this is Kathy Campbell, senator from District 25, and I Chair the Health and Human Services Committee. And we appreciate you taking time out of your schedule to talk to us by phone. We're trying to do a number of these by phone because our time is so limited with the Legislature. So thanks for doing this. [CONFIRMATION]

MICHAEL HANSEN: Well, thank you, Senator Campbell. [CONFIRMATION]

SENATOR CAMPBELL: With us today is Senator Kolterman; Senator Riepe; Senator Fox; and Senator Howard; our legal counsel and our clerk, Joselyn and Elice; and a page is with us too. [CONFIRMATION]

MICHAEL HANSEN: Oh, good. [CONFIRMATION]

SENATOR CAMPBELL: We generally start these conversations by you telling us a little bit about yourself. [CONFIRMATION]

MICHAEL HANSEN: Okay. Well, I was originally born in Akron, Ohio, and my father was in the military. So as a child, we traveled around quite a bit. And I've lived in a lot of different places around the United States and then also overseas as well. As far as my healthcare career, I've been in healthcare for 30-40 years now. I've worked in all size hospitals and hospitals in Louisiana, Texas, California, Iowa, and now Nebraska. I've been a CEO here for about...a little over six years. I have been a CEO for about 11 years now total. So I've had a lot of experience in healthcare and certainly excited about serving on the Board of Health. [CONFIRMATION]

SENATOR CAMPBELL: And you have two master's degrees I saw. [CONFIRMATION]

MICHAEL HANSEN: Yeah. [CONFIRMATION]

SENATOR CAMPBELL: I can't remember what they were in. [CONFIRMATION]

MICHAEL HANSEN: I have a master's in healthcare administration and then also I have a master's in human resources development. [CONFIRMATION]

SENATOR CAMPBELL: I would guess the human resources is very helpful as a CEO. [CONFIRMATION]

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MICHAEL HANSEN: Very helpful. And I also have a bachelor's degree in psychology now. It actually comes in pretty handy too. [CONFIRMATION]

SENATOR CAMPBELL: I would guess so. You sound well prepared. Tell us, what was the major factor to your deciding that you wanted to serve on the State Board of Health?
[CONFIRMATION]

MICHAEL HANSEN: Well, I've been serving for 34 years. So I've really found that my calling in healthcare and I want to continue to serve. And I think, you know, by serving on the Board of Health, hopefully, I can help the state by participating including some, you know, how we deliver and provide services and care here in Nebraska. And hopefully influence in a way that's going to be safe, high quality, and really adds value to the (inaudible) Nebraska. [CONFIRMATION]

SENATOR CAMPBELL: What's the most pressing problem that you face as a CEO in Columbus? [CONFIRMATION]

MICHAEL HANSEN: Well, as you know, Senator Campbell, the healthcare environment is changing rapidly and we're moving into a whole new reimbursement system. So it's really just the unknowns of, you know, what's happening in healthcare and where reimbursement is going and just being able to survive as a hospital, especially a rural hospital. So I think the challenges are with the reimbursement system and the ever-changing healthcare environment. And, you know, like I said, we really focus on providing that safe care, that high quality, and now we're really working on the value proposition in doing that. So that's what I'm focused on.
[CONFIRMATION]

SENATOR CAMPBELL: Exactly. How many bed facility do you have? [CONFIRMATION]

MICHAEL HANSEN: We have 47 acute beds and then 4 long-term care beds.
[CONFIRMATION]

SENATOR CAMPBELL: Four long term? [CONFIRMATION]

MICHAEL HANSEN: Yeah, yeah. [CONFIRMATION]

SENATOR CAMPBELL: Have you always had long-term care? [CONFIRMATION]

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MICHAEL HANSEN: We have; and we're going to reevaluate that here shortly because we just had a great need here in Columbus for a while. But in the last couple of years, Brookestone was built, which is a better facility. And so we're going to kind of reevaluate whether we need to have those beds or not. So we may be transitioning those to swing beds here shortly.

[CONFIRMATION]

SENATOR CAMPBELL: Do you do any outreach with community health in-home services?

[CONFIRMATION]

MICHAEL HANSEN: We do a lot, yeah. We have our own home health and hospice agency too, and we do a tremendous amount of outreach, not just here in Columbus but throughout the region. We're about a \$148 million gross revenue facility. We provide a lot of outreach. And about two-thirds of our business is actually outpatient business. [CONFIRMATION]

SENATOR CAMPBELL: Interesting. Two-thirds, that's quite a bit. [CONFIRMATION]

MICHAEL HANSEN: Right. [CONFIRMATION]

SENATOR CAMPBELL: It shows the changing nature of healthcare, doesn't it?

[CONFIRMATION]

MICHAEL HANSEN: It does. Yeah. The reduction of inpatient care has been happening for many years now. That continues. Obviously, inpatient care is the most expensive place to get care and our emergency department as well. So we're trying to do things to be more preventative and really focus on population health and wellness, and try to keep people out of the hospital, which is kind of counterintuitive to what hospitals were about historically, but that's really what we're focused on now is to keep people out of the hospital. [CONFIRMATION]

SENATOR CAMPBELL: Senators, do you have any questions? Senator Kolterman.

[CONFIRMATION]

SENATOR KOLTERMAN: Yeah. Thank you for your willingness to do this. This is Mark Kolterman. I'm from Seward, Nebraska. And I notice that you have Roger Reamer as a reference. I'd be a little bit careful about that in the future. [CONFIRMATION]

MICHAEL HANSEN: (Laughter) I've known Roger a long time and we have big shoes to fill on the board now. [CONFIRMATION]

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SENATOR CAMPBELL: We were worried that you might not be able to hear that very important comment. [CONFIRMATION]

MICHAEL HANSEN: I could barely hear him, but I caught it, yeah. (Laughter)
[CONFIRMATION]

SENATOR CAMPBELL: Okay, yeah, excellent. Any other questions, Senators? Go right ahead, Mr. Hansen. [CONFIRMATION]

MICHAEL HANSEN: Oh, I'm sorry. I thought you were asking me if I had any questions.
[CONFIRMATION]

SENATOR CAMPBELL: Do you have any questions? Yes, we don't generally ask that, maybe because we don't know all the answers, but do you have any questions you want to ask us?
[CONFIRMATION]

MICHAEL HANSEN: No, I don't think so. Like I said, I'm really looking forward to serving on the Board of Health and working with all the others that are on the Board of Health and hopefully continuing to improve what we do here in Nebraska. It's a great state and I really enjoy working and living here and serving the people. [CONFIRMATION]

SENATOR CAMPBELL: Good. Well, with your background and experience over the years, you'll be, I'm sure, an excellent contributor to the State Board of Health. We depend greatly, as the Health and Human Services Committee, on the Board of Health and their recommendations to us. So we wish you the best and thank you very much for stepping forward. And unless you have anything else, we will say good-bye and wish you the best for today. [CONFIRMATION]

MICHAEL HANSEN: All right. Well, thank you, Senator Campbell, and thank you to everyone else. [CONFIRMATION]

SENATOR CAMPBELL: Thank you, Mr. Hansen; have a good day. [CONFIRMATION]

MICHAEL HANSEN: You too. Bye-bye. [CONFIRMATION]

SENATOR CAMPBELL: Bye. All right. [CONFIRMATION]

WAYNE STUBERG: Hello, this is Wayne. [CONFIRMATION]

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SENATOR CAMPBELL: Hi, Wayne, this is Kathy Campbell. [CONFIRMATION]

WAYNE STUBERG: Hi, Kathy; how are you? [CONFIRMATION]

SENATOR CAMPBELL: I'm very good. Thank you so much for taking time to visit with us today. [CONFIRMATION]

WAYNE STUBERG: Oh, no problem. [CONFIRMATION]

SENATOR CAMPBELL: Here with me today is Senator Kolterman; Senator Riepe; Senator Fox; Senator Howard; our legal counsel, Joselyn Luedtke; and the clerk, Elice Hubbert; and a page. So we much appreciate your service because you are still the chair, are you not? [CONFIRMATION]

WAYNE STUBERG: I am. I'm serving my second year here. [CONFIRMATION]

SENATOR CAMPBELL: And what has been one of the major issues, you think, for the State Board of Health in the last couple of years? [CONFIRMATION]

WAYNE STUBERG: Well, certainly change in the guidelines as it relates to the 407 process are an ongoing issue for one of the Board of Health activities that we do. Trying to somehow find a reasonable middle ground for purposes of all of the territorialism that goes on, because these 407 processes, often resort down to turf battles and dealing with that is a problem. One of my personal perspectives and as we move forward as relates to how we're going to serve citizens of Nebraska for health has to do with getting away from all this territorialism and trying to find a way that we use to the safe and maximum extent possible the scopes of practice of our various professions to provide healthcare on a statewide basis, particularly where we have pockets and regions of the state that we don't have the safe density of providers or level of expertise of providers that are available becomes an issue. As of this last year, there's been a little bit (inaudible), say the last two years, there's been an issue of just making sure for identification purposes of people to serve on the boards as recommendations for appointments is something that goes through one of the committees of the Board of Health as having a pool, doing something that would more broadly make those activities known on a statewide basis. Because oftentimes, what happens is professional organizations are recommending, sometimes, their most activist people to serve on these boards. And then, as what's going on right now with the Board of Health, asking Courtney Phillips and the Attorney General's Office questions regarding that scope, most recently it's been around dry needling with chiropractic and PT. But there's always things that kind of swirl around. It is important because I think one of the things that we try and

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do on the Board of Health, as well as the other boards, is get people that can step away from their professional advocacy role and into looking from a public health perspective of what's best and safest for the citizens of the state. I think that we really do...it would be helpful for somehow the board, and I don't know the process that this is going to be done, would be happy to work on it since, hopefully, I'll be serving here on the board for another four years, just trying to get better understanding of...updates of some of our statutory language. I know that's always an issue for your committee. And trying to make it be such that, we didn't do it enough, of a thoughtful, nondiscipline-specific manner would be helpful. I think another issue has to do with we are getting a lot more requests for purposes of representation. We have 31 different licensed disciplines in the state. But we have a number of those disciplines that aren't represented on boards. And that's something that needs to be taken care of. I think most recently was the acupuncturists that came to the Board of Health, came to our attention that they're not even represented through a committee on another board. And I don't think fiscally it's responsible for the state to be starting up new boards when we don't have critical mass of practitioners in those like areas. Broadening licensure...and here's...there are a lot of things. So I'll stop there unless you have questions for me. [CONFIRMATION]

SENATOR CAMPBELL: You have a long list. Well, we appreciate you being the front line for some of the territorial issues before they get to us. That's very helpful, without a doubt. Wayne, tell us a little bit about yourself, background, that type of thing. [CONFIRMATION]

WAYNE STUBERG: Sure. I am an Omaha native. I graduated from high school here in Omaha. I've done all my training through the Medical Center here. As a PT in '77. Then I received my master's and doctoral degree, my graduate training and then (inaudible) through the Medical Center here. Have been serving on faculty at the Munroe-Meyer Institute for the last 32 years; 25 of that as the director of the PT department here, more recently as the associate director of the institute, currently the interim director as we're looking for a new administrative lead here. Had served ten years on the Board of Physical Therapy and then this would be my second term on the Board of Health. [CONFIRMATION]

SENATOR CAMPBELL: Excellent. Senators, do you have any questions? I see no questions, Wayne. And we're probably more familiar with you than a lot of people just because of your serving as the chair of the State Board of Health. One last question before we let you go and that is have we heard anything from the Attorney General's Office on the dry needling question you proposed? [CONFIRMATION]

WAYNE STUBERG: We have not. [CONFIRMATION]

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SENATOR CAMPBELL: Boy, some of you are going to term out of the Board of Health before we get a response from the AG. [CONFIRMATION]

WAYNE STUBERG: Well, it only went to the AG's Office on...just a few...about a month and a half ago. [CONFIRMATION]

SENATOR CAMPBELL: Ah! [CONFIRMATION]

WAYNE STUBERG: So we're...it goes back to 2013, when Dr. Acierno was the Chief Medical Officer, that this issue arose. And that's when Dr. Michels was the chair of the Board of Health. [CONFIRMATION]

SENATOR CAMPBELL: Oh, okay. [CONFIRMATION]

WAYNE STUBERG: It wasn't acted upon until more recently as far as a letter actually sent. Courtney Phillips sent a letter over; it's not more than two, three months old. And so while it has been a question that has been...Kathy, with you and I for a long time, it hasn't gotten to the Attorney General's Office until just recently. It is one of the...it's two pieces that that letter went where we're having an issue. One of them has to do with where is the boundary for interpretive purposes of the board saying something is and is not within the scope of practice for a profession as healthcare currently evolves and new techniques come up. And you don't want a laundry list of statutory language, but the language may not be clear. And we had some practices that their practice acts aren't recent. And then a lot of people don't want to update their practice acts because then that immediately draws a turf battle with other professions, depending on which profession it is. And so it kind of has gone towards needing to do these Attorney General Opinions to sort some of that out because boards don't agree. This is a good example: Chiropractic Board is vehemently opposed to PTs doing dry needling. Currently, the Board of Physical Therapy feels that it is within the scope of practice. And so it's very difficult and we're interested in trying to move these things along. But one other thing I guess I would mention to your committee that's an issue for the Board of Health is we have a significant delay in getting regulatory language actually put into the regulation. It can take well over a year. And we have a backlog of regulations that have gone through the process but have not gotten, actually, adopted, signed off by the Governor and enacted. And that's a difficulty also in going through all these processes and, to the extent that the interpretations are allowable statutorily, to get those regulations as current and on the books as we possibly can. [CONFIRMATION]

SENATOR CAMPBELL: I have to say in the eight years that I've been here, that complaint started in year one. I mean, it just seems like it's always been like that. [CONFIRMATION]

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WAYNE STUBERG: Yeah. [CONFIRMATION]

SENATOR CAMPBELL: Well, Wayne, we will let you go for the afternoon. And thank you so much for your willingness to serve and your intense interest in healthcare issues.
[CONFIRMATION]

WAYNE STUBERG: My pleasure. [CONFIRMATION]

SENATOR CAMPBELL: Have a great afternoon. Good-bye. [CONFIRMATION]

WAYNE STUBERG: You bet. Bye-bye. [CONFIRMATION]

SENATOR CAMPBELL: All right. We will have a motion.... [CONFIRMATION]