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Transcriber's Office

Appropriations Committee
March 24, 2009

[LB169 LB178 LB236 LB468]

The Committee on Appropriations met at 1:30 p.m. on Tuesday, March 24, 2009, in Room 1524 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB169, LB178, LB236, and LB468. Senators present: Lavon Heidemann, Chairperson; John Harms, Vice Chairperson; Tony Fulton; Tom Hansen; Heath Mello; Danielle Nantkes; John Nelson; Jeremy Nordquist; and John Wightman. Senators absent: None. []

SENATOR HEIDEMANN: Welcome to the Appropriations Committee. We're going to get going. We still have a couple committee members that are not here. They might be joining us later. We're going to start with introductions. Way over to my left joining us later will be Senator Jeremy Nordquist from Omaha, District 7. Senator Tom Hansen from North Platte is here from District 42; also Senator Danielle Nantkes from Lincoln, District 46. To her left is Senator John Wightman of Lexington, District 36. The Fiscal Analyst at the present time name is Liz. I am Senator Lavon Heidemann from Elk Creek, District 1. The committee clerk is Anne Fargen and the pages for today are Andy and Justin. If you need something later on, they'll come in handy. To my left is Senator John Harms from Scottsbluff, District 48; Senator John Nelson from Omaha, District 6. Then we have Senator Tony Fulton from Lincoln, District 29; and Senator Heath Mello from Omaha, District 5. At this time we ask if you do have cell phones if you would turn them off, put them on vibrate or silent mode. We would appreciate that as to not distribute us later on. Testifier sheets are on the table or near the back doors. We ask that you would please fill them out completely and put them in a box on the table when you testify. You do not have to fill this form out if you aren't publicly testifying. At the beginning of your testimony we ask that you please state and spell your name. Nontestifier sheets are near the back doors, if you do not want to testify but would record your support or opposition. You do not have to fill this out if you are not publicly testifying. If you have printed materials to distribute, we ask that you please give them to the page at the beginning of your testimony. We need approximately 12 copies. We can make that work if you don't. We ask, in the matter of time, that you please keep your testimony concise and on topic. We normally just tell you that under five minutes would be appreciated. Because of the amount of people here today and what we are going to try to cover today in the length of the time that it might take, we are going to use the light system. This is something that the Appropriations Committee usually doesn't use, but in the matter of time we will use the light system. You'll have a green light for I think it's four minutes. The yellow light comes on at that time for a minute and then a red light comes on. When you see the red light, if you could please wrap it up we would appreciate it. I think that is all, everything for the housekeeping, so that at this time we will open up the public hearing on LB169, Senator Hadley. [LB169]

SENATOR HADLEY: Senator Heidemann and members of the committee, my name is Galen Hadley. That's G-a-l-e-n H-a-d-l-e-y. I represent the 37th District in the Nebraska

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Unicameral. LB169: state intent relating to appropriations to the Department of Health and Human Services for the medical assistance program. What a cold bunch of words. What I want to do is spend a few minutes to see if we can put a human face on those words because that's what it's about here. It's about human beings and what they're doing. Let me read you a hypothetical job description real quick. Census taker: updating address lists, calling on people, knocking on doors. If someone answers, explain that they're verifying the correct address; knocking on doors of people that don't respond. Pay: \$11.50 to \$13 an hour, plus 55 cents a mile to be a census taker. Let me read you another job description. Direct care worker: provide fundamental nursing care for persons served. These are people who cannot help themselves. These are people who depend on others for their care 24 hours a day. Persons served related to personal hygiene. That might mean changing adult diapers, changing bed pans, helping them eat, helping them when they might have thrown up, grooming, helping them change clothes, helping them get out of bed, helping them go to bed. Meals, dressing them. Provide behavior training following written plans, administer medications and treatments according to plan of work for persons served, establish and maintain a safe, clean working environment. That sounds to me like a pretty difficult job. You're working with people who through no fault of their own may kick you, punch you, pinch you, not because they have it in for you but that is just what happens. I said it was \$11.13 to \$13.50 an hour for being a census taker. The job description I just read for you at Mosaic in Axtell, Nebraska, is \$8 an hour. You flip hamburgers at a fast-food place you make more than that. We've talked a lot on the floor about problems with behavioral health and we've talked a lot about reimbursement. We've talked a lot about the responsibilities of the state and there is a responsibility of the state to help these kinds of people. A lot of work has been done in healthcare over the years by nonprofit, religious, faith-based organizations. I happen to have been lucky enough to have spent nine years on a hospital board for a faith-based organization and I happen to be the chairman of the board for another faith-based national organization. The nice thing about faith-based is that means they don't pay you, but that's what faith-based means. But Mosaic, for example, is a faith-based so you have a lot of people who work there because they see it as their calling. I met down there with a lady who had spent 35 years being a maintenance worker and I asked her why she did it. Because, she said, I like helping the people here. Do you know what we're losing? We're losing those people. People in back of me are going to talk about the vacancies and such as that because people aren't willing to come to work for \$8 an hour anymore. You just can't get them. And when gas was \$4 an hour, when you expected people to drive from Kearney to Axtell, they were using their wages to pay for their gas. So I'm asking you to think about this. A couple of last things. So often when we do things the last thing I have learned here in the Legislature is you never talk about the fiscal note, right? Death by fiscal note. Is that a statement that we sometimes use in the Unicameral? If you look at the fiscal note, yes, it does have a price tag: \$2 million. I think that is a lot of money. I'm not here to tell you it isn't. But there's also leverage. For every dollar we're willing to put in as a state, the federal government is willing to give us two dollars. From where I

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come from out of the middle of Nebraska, usually that's a pretty good trade. I realize it's hard to find that kind of money in the current budget. I know that. I happen to sit on the Revenue Committee so we spent two months hearing the other side of it, everybody wanting a little nick out of revenue. I know that's difficult. This is the stimulus package as even for an enhanced match rate of 6.2 percent. They've increased it. So I hope you will think about this as you go through it. One last thing and obviously this is not pointing fingers, but the problems we have in Beatrice we don't need in Omaha, Grand Island, or Axtell, Nebraska, and unless we can get good people, that can happen. One last thing. That \$8-an-hour job I was talking about in Axtell, Nebraska, pays \$11.12 in Beatrice. Forty-five percent more in Beatrice than it pays in Axtell, Nebraska. The money we're asking for here will be used directly for salaries for those people that work directly with the patients and that work in this important healthcare industry and program. With that I will close and answer any questions. [LB169]

SENATOR HEIDEMANN: Where did you come up with your figures as far as how much money you was going to ask for...we're trying to justify your numbers. And then after you answer that, if you could tell me what will this do for those frontline people. [LB169]

SENATOR HADLEY: Okay. Basically the number we came up for, I think we looked at what it would take to bring the people up to the Beatrice beginning rate, and secondly, to bring the people that were above that up to approximately \$3 that between ours and the Beatrice rate. So it would basically bring the starting rate up to \$11 and some odd cents, and then bring the people that are in the system up the \$3 that we would be raising the starting pay. And then after that, Senator Heidemann, we would use that...I think it's worker II as the base that any increase over the next years that they get, this would increase their pay also. [LB169]

SENATOR HEIDEMANN: Thanks. Senator Wightman. [LB169]

SENATOR WIGHTMAN: Thank you, Senator Hadley. That was a great presentation, first of all. Second of all, I'm going to ask you some questions. I know you told me there will be people lined up behind you to give the answers to these. [LB169]

SENATOR HADLEY: I knew I wasn't going to get away that easy, right? [LB169]

SENATOR WIGHTMAN: Will know the answers to these better than you, but I'm going to ask you anyway. [LB169]

SENATOR HADLEY: Sure. [LB169]

SENATOR WIGHTMAN: In addition to getting \$8 an hour out at Mosaic, do they have the same healthcare benefits that the state employees would have at Beatrice, or do you know? [LB169]

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SENATOR HADLEY: I really don't know. I think the next person to me who's a vice president with Mosaic would answer that. My guess would be not but that would be pure speculation, Senator Wightman. [LB169]

SENATOR WIGHTMAN: And I think you're right. I think they will have substantially less and we'll find that out from those good people behind you. Thank you. [LB169]

SENATOR HADLEY: Okay. [LB169]

SENATOR HEIDEMANN: Senator Fulton. [LB169]

SENATOR FULTON: Thanks, Senator Hadley. Do you have...I guess can you comment a little bit on how this might interact with the increase that we provided to, generally, to providers within our preliminary budget? We provided some increase already within our preliminary budget and some of us are learning how that will actually find its way down to the frontline workers. Will this work in concert with our preliminary recommendation, or does this go on top of or...? [LB169]

SENATOR HADLEY: Senator, I really don't know the answer to that. I know...I believe there was a 1 percent...I thought I read there was...the Governor had put in a 1 percent increase. [LB169]

SENATOR FULTON: Yeah. We did a little more. We did a little better than that. [LB169]

SENATOR HADLEY: That might be a good question. I'm sorry, I really don't know the answer to that. [LB169]

SENATOR HEIDEMANN: Are there any other questions? Senator Mello. [LB169]

SENATOR MELLO: Senator Hadley, I just wanted to thank you for your passionate testimony on such a critical issue facing the state. I guess my question goes back to how...have you had conversations with any of the other senators that might have similar bills in dealing with developmental disabilities and seeing how this maybe fits into the bigger problem and the piece of the puzzle this might help solve. [LB169]

SENATOR HADLEY: I did talk to Colby Coash. He had a bill that was a little bit similar. That's interesting, Senator Mello, because last night as I was reviewing this again I thought to myself, this isn't a lot different than some of the other issues that we're facing in this whole area. And, you know, I'm probably a little slow at times on the uptake, so last night I was thinking to myself, you know, this really does, because if you...the testimony I gave regarding Richard Young Hospital and the problems they were having out in Kearney right now with all the mental health workers, you know, from the entry

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clinician all the way up. This fits exactly into it. So Senator Mello, I would say this is the same kind of problem, basically a Medicaid type of reimbursement problem that we haven't kept up over time, and I think the last thing I want to see is another Beatrice type of situation. And I'm not saying that could happen but my nightmare is I wake up one day and I have got a call from Mosaic in Axtell, and they say, I'm sorry, we can't keep this afloat anymore and so can you help us find places for 108 patients. [LB169]

SENATOR MELLO: Well, I'd agree with your assessment, as well, Senator Hadley, and thank you for bringing this bill forward. [LB169]

SENATOR HADLEY: Thank you. [LB169]

SENATOR HEIDEMANN: Senator Nantkes. [LB169]

SENATOR NANTKES: Senator Hadley, welcome to the Appropriations Committee. [LB169]

SENATOR HADLEY: I know. If you hear that clank-clank, that's my knees knocking. [LB169]

SENATOR NANTKES: No, no. (Laughter) You're amongst friends, believe me. Thank you for bringing forth this legislation. I think it's an important piece, an important bill, and it provokes a lot of interesting dialogue about a variety of critical human service needs and programs that we need to be having in this state. I don't know if you have a specific response for this or if it could maybe be a precursor for some folks who will come behind you. But we've seen just very recently, I think in the last day or so, an announcement about how Mosaic will be working in concert with the Department of Health and Human Services to try and expand and increase residential services for folks that are developmentally disabled. And I'm just wondering if you had any thoughts about it or maybe somebody behind you did in terms of that kind of a dramatic expansion in services that we're going to see in the near future, but then we're also having maybe some problems in terms of staffing and maintenance of existing services. And it just provoked a question as I was reading those announcements, and I was just wondering if you had any thoughts about it or if somebody else did or...? [LB169]

SENATOR HADLEY: I had that thought at 7:45 this morning when I was reading the Lincoln Journal Star and I saw that also. And I was told that the person behind me will be happy to explain to you how that all fits in. But I do commend them for stepping into the breach. [LB169]

SENATOR NANTKES: Yes. [LB169]

SENATOR HADLEY: If you read the article, stepping into the breach for the people from

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Beatrice that are hospitalized now that do that. But Senator Nantkes, I think we should leave that someone... [LB169]

SENATOR NANTKES: Okay, great. Thank you. [LB169]

SENATOR HEIDEMANN: Are there any other questions? Seeing none, thank you. [LB169]

SENATOR HADLEY: Thank you, Senator Heidemann. Thank you, committee. [LB169]

SENATOR HEIDEMANN: Is anyone else wishing to testify in support of LB169? Welcome. [LB169]

TAMMY WESTFALL: (Exhibit 1) Thank you. Good afternoon, Chairman Heidemann and members of the committee. It looks I'm now in the hot seat. (Laugh) My name is Tammy Westfall, T-a-m-m-y W-e-s-t-f-a-l-l, regional vice president of Mosaic services in Nebraska. We are the only private provider of ICF/MR services in the state. We currently operate three ICF/MR facilities: one in Beatrice, serving 128 individuals; one in Axtell, serving 108; and a nine-bed group home in Grand Island. These three facilities employ approximately 575 people, and as the sole provider of these services we are testifying in favor of LB169. I want to clarify that LB169 is for Mosaic's existing facilities and is a separate issue from Mosaic's recent proposal with the state that you will hear later in testimony or I can answer some questions that you have when I get done here. Without the funding increase LB169 provides, the quality of services provided to the 245 people will be in jeopardy. It is our understanding that the preliminary budget request for 2010 and 2011 appropriates a 1 percent rate increase for the private ICF/MRs. A 1 percent rate increase equates to approximately \$200,000 in additional funding; \$80,000 is the state portion of that amount. The projected 1 percent increase for our ICF/MRs will not cover annual wage increases, the inflationary costs, or allow starting wage increases. Without a significant increase in funding, Mosaic is unable to increase starting wages for our direct support staff. We are at a critical juncture in terms of recruitment and retention. And due to the limited funding increases, Mosaic's starting wage has not remained competitive. An example of this is our Beatrice ICF/MR facility where our starting wage there is \$8.20 compared to the \$11.13 that BSDC receives. These low wages and the current economy have led to increases in staff shortages--staff shortages that are placing a greater burden on our current staff, and in some instances we are relying upon temporary employees to cover our open positions. Our Axtell agency has been averaging 19 temporary staff per pay period this fiscal year. The temporary employees are making over \$12 an hour and then with an additional cost that we're paying to the temporary agency to supply those employees is even at a greater cost. LB169 appropriates an additional \$6 million, that of which the state's portion is approximately \$2.4 million. The \$6 million will allow Mosaic to increase the average starting wage from--and this is for all three facilities--averaging \$8.57 an hour

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to \$11 an hour for direct support staff. This allows all ICF/MRs in Nebraska, both BSDC and our private ICFs to have comparable wages. We recognize that the \$2.4 million is a lot of money to request but we feel it is an investment that the state needs to make in order to maintain and provide quality services for the 245 individuals currently living in these facilities. LB169 also establishes a fixed methodology to determine annual funding increases for private ICF/MRs. The annual funding increase would be tied to the annual salary increase for the developmental technical II position at BSDC. This we feel is needed to assist in the turnover appointed by elected officials, current increases that don't keep up with inflationary costs. It will create stability in the funding and allows future planning. I want to thank you for your time and consideration today, and I would be happy to answer any questions that you might have. [LB169]

SENATOR HEIDEMANN: Senator Wightman. [LB169]

SENATOR WIGHTMAN: Thank you, Tammy, for being here. Good testimony. I guess your bill only addresses 2009-2010, but obviously if that is passed on, if we were to pass that bill we probably would be looking at that for 2010-2011 with a little increase, would we not? [LB169]

TAMMY WESTFALL: Yes. [LB169]

SENATOR WIGHTMAN: So if we were looking at the biennium we're probably talking about double the amount that you are asking for here under LB169. We couldn't under this bill but we would be having the same increase for 2010-2011 or else we'd have to drop wages back, is that correct? [LB169]

TAMMY WESTFALL: If we get this amount of funding, this allows us to bump up, to get our wages up to that \$11 an hour, and then that is on top of the 1 percent increase that is currently being appropriated for 2010-2011. (Laugh) Am I answering your question or not? [LB169]

SENATOR WIGHTMAN: Well, it just seems to me that if we pass it we're also looking at an increase for 2010-2011 to maintain the same level of pay. [LB169]

TAMMY WESTFALL: Well, it would depend upon on how much...yeah, you're right, and it would... [LB169]

SENATOR WIGHTMAN: Otherwise you're going to fall back to the level you are right now. [LB169]

TAMMY WESTFALL: Exactly. [LB169]

SENATOR WIGHTMAN: My other question, and I asked that of Senator Hadley, is do

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you know what your health insurance program is for your employees? [LB169]

TAMMY WESTFALL: Yes; for our employees, yes. [LB169]

SENATOR WIGHTMAN: Can you tell me. [LB169]

TAMMY WESTFALL: We provide healthcare insurance. They have an option of either a premium plan or a basic plan, and the premium obviously is the cost to the employee. We do offer dental insurance. We offer...there is some financial assistance for education that we offer, and that's on just kind of a...as long as the employee is...their career is going to be continued with Mosaic of in the field. And then we also offer...and it depends on what level but a 403(b) savings plan. I mean, that's pretty much...and then PTO, our paid time off, excuse me. That's a summary of our benefits. [LB169]

SENATOR WIGHTMAN: Let's just consider your health insurance. Is it a family plan or is it for the employee only? [LB169]

TAMMY WESTFALL: We have both. I mean, you can choose family plan or... [LB169]

SENATOR WIGHTMAN: But then do you pay it all? Does Mosaic pay it all? [LB169]

TAMMY WESTFALL: No. [LB169]

SENATOR WIGHTMAN: What do you pay, a percentage of the total, or do you just pay for the employee only? [LB169]

TAMMY WESTFALL: We pay a percentage of the employee. For a healthcare plan, it averages around...it's...the cost to Mosaic is about \$460, and to the employee--and I don't want to...I'm not quite sure on this but I believe for a family it's also around \$400 and some. [LB169]

SENATOR WIGHTMAN: So about the same amount for the family. [LB169]

TAMMY WESTFALL: Yeah. [LB169]

SENATOR WIGHTMAN: And they pick up the balance then. Is that a fair statement? [LB169]

TAMMY WESTFALL: Right. [LB169]

SENATOR WIGHTMAN: The employee or the family picks up the difference between the individual rate and the family. [LB169]

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TAMMY WESTFALL: Um-hum. [LB169]

SENATOR WIGHTMAN: So the highest you'd get is around \$460. I'm contrasting that to what the state provides, which is a 79 percent payment on either an individual plan or the family plan or anything in between, so. Thank you for that information. [LB169]

SENATOR HEIDEMANN: Senator Harms. [LB169]

SENATOR HARMS: Tammy, thank you very much. This summer Senator Lathrop and myself and other committee members spent hours listening to testimony about Beatrice. And it became very clear that their views are...the reason they can't hire appropriate people is that their salaries are not...they're inadequate. So if you're using that as a baseline and if we got to that baseline, is it going to make a difference at all? Because according to what we've heard there, as I'm...unless I wasn't awake through all the testimony, it's still not adequate. [LB169]

TAMMY WESTFALL: Well, definitely the increases would have to keep up to stay comparable. You know, it's...if...you know, I use the example, the struggle that we're really seeing right now--and we all know this--you get further out west, it's harder to recruit employees out there, especially for what we pay. And like Senator Hadley testified, you know, we're pulling our people, the majority of our people for Axtell, from Kearney. So you're getting a majority of your employees are students. And then in Beatrice, where we have an existing campus, we're...you know, it's very difficult for us because we're competing for the same employees that BSDC is. So yeah, the increases are going to have to stay somewhat adequate moving forward in order to be able to recruit employees. [LB169]

SENATOR HARMS: Well, my point is that if we move you to an inadequate salary, it's still inadequate, because what I'm saying is that the people in Beatrice feel that it's not appropriate; they can't hire anybody. And that's part of the problem and part of the issue, so if the issue gets worse we can move you there but you're still going to be inadequate. And so I just wanted to make that point. It's not that I'm against any of this. I understand what the issue is but it's still an issue even though we got you to \$11 an hour compared to what we heard at Beatrice, so. [LB169]

SENATOR HEIDEMANN: Senator Fulton. [LB169]

SENATOR FULTON: Thank you for testifying, Tammy, and thank you for your work. If that doesn't come across from the committee I think I speak for everybody. You're doing excellent work, God's work. You're helping people and we appreciate that, and help us find our way through the math of this. Your other revenue mechanisms? So Mosaic, there are other venues through which revenue is derived into Mosaic? Can you help explain that? I mean, the state isn't the only place from where revenue is derived.

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[LB169]

TAMMY WESTFALL: Approximately 98 percent of our funding is waiver funding. The remaining of the funding is either through donations, employee contributions, that type of thing. Otherwise we rely heavily on Medicaid and waiver funding. [LB169]

SENATOR FULTON: Okay. So primarily...is there a breakdown between Medicaid and...you're talking about the Medicaid waiver. [LB169]

TAMMY WESTFALL: Medicaid. I'm sorry, because we have both community-based...so I apologize for that. Medicaid funding on the side of the ICF, so I apologize for that. [LB169]

SENATOR FULTON: Okay. And would you say then that you're...I'm hearing that it's 2 percent from donations. [LB169]

TAMMY WESTFALL: Approximately, yes...or...yeah. [LB169]

SENATOR FULTON: Okay. Is there any way or has it been studied or has it been broached to increase donations? [LB169]

TAMMY WESTFALL: Oh, yes. We're constantly doing that, yeah. [LB169]

SENATOR FULTON: And that's a continuous struggle. Given the face of the economy presently, that's only...the problems of collecting private donations are only exacerbated, correct? [LB169]

TAMMY WESTFALL: Yes, absolutely. [LB169]

SENATOR FULTON: Okay. So basically in order for you to increase your wage, are there any other mechanisms other than this bill in order to accomplish that? [LB169]

TAMMY WESTFALL: No. Other than, you know, trying to increase the donations, as you said. [LB169]

SENATOR FULTON: Okay. Okay, thank you. [LB169]

SENATOR HEIDEMANN: How many employees would this affect? [LB169]

TAMMY WESTFALL: Five hundred and seventy-five. [LB169]

SENATOR HEIDEMANN: Senator Nantkes. [LB169]

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SENATOR NANTKES: Thank you, Tammy. Thanks for being here and I think Senator Fulton does speak for the entirety of the committee when he wants to convey to you that we all respect and admire the good work that you and your organization are doing across the state. But I think maybe you had a chance to hear my question to Senator Hadley in his opening about some...and I know that you mentioned it in your opening, as well, that these are really separate and distinct issues. But I guess the point that piques a curiosity or concern on my part is, on the one hand we have Mosaic coming in this afternoon, saying we're not able to meet our current infrastructure needs in terms of staffing, recruitment, retention, etcetera, where we are with the current state of things, but on the other hand we're looking to do a dramatic expansion of our services into other areas of the state. And I just think there's a tension there and I'm wondering if maybe you had some thoughts or ideas, or if there's another person from your organization that could talk about that. Maybe there's no tension and I'm overthinking it, but I'd love to get your thoughts on that. [LB169]

TAMMY WESTFALL: Well, to bring clarity to the proposal that we have partnered with the state on, is that, you know, I want to make it clear that we would have never ever signed an agreement with the Department of Health and Human Services had it not been for us able to get the rate that we needed to pay the wages that we're even asking for here today, and to be able to provide the resources in order to serve the individuals from the transition from BSDC into a Mosaic facility. We would never have entered into an agreement had we not been able to get adequate rates. [LB169]

SENATOR NANTKES: So as part of that agreement, these higher wage standards have been incorporated. [LB169]

TAMMY WESTFALL: Absolutely. [LB169]

SENATOR NANTKES: Okay. Okay, that's helpful, at least to understanding kind of where we're at here. And would you be able to defray any of the additional revenues from that contract into these existing resources or infrastructure needs that you may have, because is that a possibility? I imagine it's going to be a significant revenue generator, that contract with the state. [LB169]

TAMMY WESTFALL: Not for our existing ICFs, but because they will be community-based facilities we are able to defray a lot of the administrative costs by...as far as having facilities within our current...where we have current infrastructure in the communities. So we're able to defray a lot of cost that way and have a lot of savings for the state because of doing it that way. [LB169]

SENATOR NANTKES: That's helpful. Thank you. [LB169]

TAMMY WESTFALL: Um-hum. [LB169]

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SENATOR HEIDEMANN: I'm just trying to get...myself, I'm trying to get a handle on the money side and what you're doing. You said you had 575 employees. The total bill with the federal money is over \$6 million. That's a \$10,000 a year increase. Is that...?
[LB169]

TAMMY WESTFALL: Per employee, is that what you're asking? [LB169]

SENATOR HEIDEMANN: Yes. [LB169]

TAMMY WESTFALL: This amount will give all the direct support, every direct support employee, it will bump them up from...because not everybody at each of the facilities gets paid the same wage. As you heard Senator Hadley testify, our Axtell agency only pays \$8 an hour, where Beatrice is at \$8.20 an hour. Our Grand Island is even at a different amount. The total together averages basically \$5.57. So it's bringing those employees up to the \$11 an hour wage. To break that down further and to maybe answer your question in detail I may have to you talk to our finance director who will be testifying right after me. [LB169]

SENATOR HEIDEMANN: Okay. We don't have to get into the fine details today but we're just trying to get a handle on the money side of it. Thank you. Are there any other questions? Senator Wightman. [LB169]

SENATOR WIGHTMAN: Well, if I work it out...and Senator Hadley there, I guess it's your letter that you submitted to us says that the rate would go from \$8.20 to \$11.13, is that right? [LB169]

TAMMY WESTFALL: Eleven dollars. [LB169]

SENATOR WIGHTMAN: To \$11. Okay, \$11.13 you show as being the BSDC rate.
[LB169]

TAMMY WESTFALL: Right. [LB169]

SENATOR WIGHTMAN: Is your rate at \$8.20 rather than \$8, because it says...it refers to \$8.20 in here. [LB169]

TAMMY WESTFALL: Well, for the Beatrice where we gave you the example in the testimony, Beatrice is at \$8.20--our Beatrice facility. Our Axtell facility is at \$8 an hour. There's a difference in the communities. [LB169]

SENATOR WIGHTMAN: And that would come, according to my calculations, about \$120 a week per employee times 50 weeks or around \$6,000 a year rather than the

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\$10,000 that Senator Heidemann referred to. But maybe it would be bigger for more experienced employees that...and I don't know whether you have some that have been there five or ten years that are making substantially over the \$8. [LB169]

TAMMY WESTFALL: Fifteen, 20 years. Yeah, we have employees that's been there...yeah. [LB169]

SENATOR WIGHTMAN: Some that have been...and they are making more than the base beginning rate, I assume, and that may be where that factor comes in. That answered my question anyway. Thank you. [LB169]

SENATOR HEIDEMANN: Are there any other questions? Seeing none, thank you. [LB169]

TAMMY WESTFALL: Thank you. I would like to introduce Scott Hoffman who's the finance director for the Mosaic Nebraska region that will give testimony also. [LB169]

SENATOR HEIDEMANN: Welcome. [LB169]

SCOTT HOFFMAN: (Exhibit 2) Good afternoon, Chairman Heidemann and members of the Appropriations Committee. My name is Scott Hoffman, S-c-o-t-t H-o-f-f-m-a-n, and I'm the finance director for the Nebraska region for Mosaic. I want to briefly discuss the specific manner in which Mosaic's ICF/MRs are reimbursed by the Nebraska Medicaid program. Although we are required each year to complete a Medicaid annual cost report, as are inpatient healthcare facilities such as nursing homes, we as ICF/MRs are not reimbursed on the basis of that report. Rather, the Department of Health and Human Services increases rates to our facilities in the same amount it grants to individual healthcare providers such as dentists, chiropractors, and optometrists. For example, we are included in the department's budget request for the coming biennium for a 1 percent increase each year. The problem with that is, individual practitioners have a mixed Medicaid and private-pay client population and can pass a shortfall in the reimbursement for Medicaid client population to his or her private pay clients. We have no private pay clients to pass the shortfall onto. In the 2004 session of the Legislature, Mosaic partnered with the Department of Health and Human Services to support the passage of LB841 which created the ICF/MR Reimbursement Protection Fund and funded it through an ICF/MR provider tax. Mosaic and the Beatrice State Developmental Center pay the provider tax. This formed the basis for using an intergovernmental transfer to draw down additional federal Medicaid dollars. Under LB841, we had hoped and understood that in addition to being reimbursed for the cost of the provider tax--some 5.5 percent of our annual net revenues--we would receive annual rate increases more realistically tied to our cost of providing quality care and services. In actuality, we should at least receive an annual amount of \$300,000 in additional funding. However since the creation of the fund, almost \$6 million has been transferred

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to the General Fund in annual amounts in the neighborhood of \$1.5 million. We believe that if the \$1.5 million could be used for what we understood, in good faith, its originally intended purpose, it could provide a major portion of the increased general funds that would be required by the passage of LB169. Thank you for your time and consideration, and I'd be happy to answer any questions. [LB169]

SENATOR HEIDEMANN: Senator Fulton. [LB169]

SENATOR FULTON: Just for my own clarification here, the 1 percent increase that's being referenced in our preliminary, is that...maybe I can ask this here. That's provider rates that we provided and it ought to be 2 percent. Our preliminary budget actually was a recommendation of a 2 percent annual increase. [LB169]

SCOTT HOFFMAN: Yeah, I think the 1 percent we're referencing is what the department and the Governor had recommended. [LB169]

SENATOR FULTON: Okay. I just...I want to be clear about that. Our preliminary recommendation actually was 2 percent, for the record. [LB169]

SCOTT HOFFMAN: Okay. [LB169]

SENATOR FULTON: Thanks. [LB169]

SENATOR HEIDEMANN: Senator Wightman. [LB169]

SENATOR WIGHTMAN: My calculation, Mr. Hoffman, is that 2 percent would provide about 16 cents per hour per employee, and what you're asking, of course, is about something between 30 and 40 percent, and I understand that would be wage equity based upon what the state employees are making. Probably it's also undoable, but I've been a strong advocate for increased provider rates. I still am. But to put it in perspective, 16 percent is not a very great percentage of \$3, and that's where 2 percent would put you if you were if you were at an \$8 rate. So that we don't get lost in those figures, that doesn't go very far toward providing you the rate increases that you're talking about. [LB169]

SCOTT HOFFMAN: Yeah, I think a 1 percent like Tammy mentioned is about \$200,000 in additional funding, and going to a 2 percent is about \$300,000. So I mean it's pennies. [LB169]

SENATOR WIGHTMAN: And I don't know whether a 1 percent increase passes through and the 1 percent in your...it would be a 1 percent increase to your overall budget but it may not even pass through as that big a percent increase to employees. [LB169]

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SCOTT HOFFMAN: Correct. [LB169]

SENATOR WIGHTMAN: And we really sit here on the committee not knowing quite how that is passed through by the Department of Health and Human Services to the providers, so. Thank you for your testimony. [LB169]

SENATOR HEIDEMANN: Senator Harms. [LB169]

SENATOR HARMS: Thank you very much, Scott, for coming. Scott, do you have a contract with the state to provide the services? [LB169]

SCOTT HOFFMAN: We're licensed each year and that's pretty much the contract for the existing facilities. [LB169]

SENATOR HARMS: Because what I...in your testimony you indicate you hoped and understood that in addition to being reimbursed for the cost of the provider tax, which is some 5.5 percent annual net revenues, that you had received an annual rate increase more realistically tied to the cost of providing quality care and services. So tell me how that came about and where did you get that feeling and who actually told you that, if they did? [LB169]

SCOTT HOFFMAN: Well, when we...originally back in 2004, I think, if you remember that the state was faced with a shortfall at that point in time, and the state was proposing cuts to our existing ICF/MR facilities. And the department came and asked us to partner with them to create the ICF/MR provider tax. I mean, pretty much what we do is we pay in tax. It goes into the fund. It generates federal match that those dollars generate. The tax is paid back to us but the additional federal match, it's just being transferred to the state General Fund currently. [LB169]

SENATOR HARMS: So when is the first time we fell short with this, what your hopes were, in regard to this payment? [LB169]

SCOTT HOFFMAN: Probably within the first year of passage of that bill. [LB169]

SENATOR HARMS: Did you then come forward and have any...did you come before the Appropriations Committee or anyone else to talk about your displeasure? [LB169]

SCOTT HOFFMAN: Yes. In 2006, we tried to amend LB841 and that went before Health and Human Services and it just never got out of committee. [LB169]

SENATOR HARMS: Okay. Did Health and Human Services, in your process of negotiating with them, did they give you any indication that they would try to hopefully reach what you thought you were going to receive or what your hopes were or they

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pretty much shut you off? [LB169]

SCOTT HOFFMAN: I think we previously met with the department and pretty much kind of what we've got from them is, you know, yeah, there's the \$1.5 million that's being transferred to the state General Fund, but you're kind of robbing from Peter to pay Paul. But what we're trying to point out is we're generating that \$1.5 million by the provider tax. We would like it to be used on...you know, the fund is called ICF/MR Reimbursement Protection. Let's us it for what it was intended for. [LB169]

SENATOR HARMS: What happens to you if you're not funded at this level? [LB169]

SCOTT HOFFMAN: That's an interesting question. I mean, right now when you asked Tammy in regards to do you think the \$11 is going to make a difference, I mean, how I would answer that is, I think it's going to make a huge difference to our existing staff, to keeping that existing core staff there. If we lose that core staff, that's when the quality issues that you don't want to see and you don't see in the newspaper. [LB169]

SENATOR HARMS: See, that's the very thing, though, that I think this happened in Beatrice. We lost the core, again the core in regard to the cost and in regard to the salaries and the funding, and so all those issues I think are all tied together. So I appreciate that, Scott. Thank you very much. [LB169]

SCOTT HOFFMAN: Thank you. [LB169]

SENATOR HEIDEMANN: Senator Nelson. [LB169]

SENATOR NELSON: Thank you, Mr. Hoffman, for your...you're the finance director? [LB169]

SCOTT HOFFMAN: I am. [LB169]

SENATOR NELSON: I'm trying to nail down the money here a little bit just...and Senator Wightman and I came up with the figure, the same figure, about \$6,000 a year increase over and above a 1 or a 2 percent increase. When you multiply that out by 275, I get about \$3.4 million instead of \$6,000. Now where's the rest of that. Is it benefits, health benefits? [LB169]

SCOTT HOFFMAN: There would be benefits in there. The other... [LB169]

SENATOR NELSON: But that would be \$2.5 million to. [LB169]

SCOTT HOFFMAN: No, it wouldn't be, but the thing that you've got to remember is, is we have a pay scale for all of our positions within the agency. And once you start

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moving the base salaries of the direct care staff, you have wage compression to worry about. And so you've got to move your direct support managers or your direct support coordinators up or otherwise you're paying managers. So that's probably where the rest of it is going. Does that make... [LB169]

SENATOR NELSON: It's not a \$6,000 increase for everybody across the board then as you move them up? [LB169]

SCOTT HOFFMAN: No, not for all positions. [LB169]

SENATOR NELSON: Then it would have to be more than that. It would have to be \$8,000 for some or something like that. [LB169]

SCOTT HOFFMAN: Yeah. I mean, we could rerun the calculations for you and provide them to you. We'd be happy to do that. [LB169]

SENATOR NELSON: All right. Thank you. [LB169]

SENATOR HEIDEMANN: You're actually saying then it does affect more than 575 people I think is what you're trying to state. [LB169]

SCOTT HOFFMAN: Yeah, I would have to calculate the 575 to make sure that that's a correct number. [LB169]

SENATOR HEIDEMANN: Senator Wightman. [LB169]

SENATOR WIGHTMAN: You're talking about across the board increases, and so if you have somebody that's been there for 10-12 years, they may be making \$12.50 or \$15. A few may be making as much as \$15 an hour, would that be correct? [LB169]

SCOTT HOFFMAN: That would be correct. [LB169]

SENATOR WIGHTMAN: So that employee would actually cost almost twice as much as the \$8 employee. [LB169]

SCOTT HOFFMAN: Right. [LB169]

SENATOR WIGHTMAN: So I'm assuming that's where your difference, but it may also be partly some benefits, but I can understand that we're just figuring them all at \$8. And I'm assuming if you had a \$15 employee you would try to raise him the same percentage as that director. [LB169]

SCOTT HOFFMAN: Correct. And you've got to pay for the FICA and the workers' comp

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as your salaries are going up. Those are all in those calculations. [LB169]

SENATOR WIGHTMAN: Thank you. [LB169]

SENATOR HEIDEMANN: Are there any other questions? Seeing none, thank you. [LB169]

SCOTT HOFFMAN: Thank you. [LB169]

SENATOR HEIDEMANN: Is there anyone else wishing to testify in favor of LB169? [LB169]

HAL LANKFORD: I'm Hal Lankford, H-a-l L-a-n-k-f-o-r-d. I've sent e-mails to the members of the committee this morning so I won't go over those details again, but our son has been down at Mosaic for 29 years and we're down there frequently. It's an excellent facility. We've found none that equals it but we do see them laboring to fill vacancies. And I assumed that we learned a great deal from the problems that beset BSDC and we don't want to see that happen in any other facilities. So I strongly feel that we've got to do something to sweeten the pot to get new people in there. They have the core people who have been there a long time. They're dedicated, they're compassionate, and they stick around so we don't have to worry about retention bonuses, and I hope that you can see that. [LB169]

SENATOR HEIDEMANN: Thank you for your testimony. Are there any questions? Seeing none, thank you. Is anyone else wishing to testify in favor of LB169? Is anyone wishing to testify in opposition of LB169? Is anyone wishing to testify in the neutral position on LB169? Seeing none, would Senator Hadley like to close? [LB169]

SENATOR HADLEY: I'd like to just take a couple minutes if I could. [LB169]

SENATOR HEIDEMANN: Sure. [LB169]

SENATOR HADLEY: Senator Heidemann and members of the committee, thank you so much for hearing the testimony today. I just made some notes. Senator Harms, I think you're exactly right in asking the questions about Beatrice and the starting wage and such as that. I would ask that, not being in the Unicameral at that time, to be sure...just to be sure that Beatrice wasn't using that as an excuse, so to speak, for the ability to hire, because I truly believe that Mosaic feels that they can hire at that rate in Beatrice and get qualified staff because they're doing it at \$8.20 an hour right now. So I...but I think that's a good question to be sure that we can compete for people in the Beatrice area when BSDC says they can't. You know, we need to reconcile what the difference is there. Secondly, Senator Wightman, you're correct. The benefits are different, obviously, between state employees and Mosaic. We heard that in the assessor bills

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that we were hearing, the difference between state benefits and county benefits. And obviously in most of our areas the counties have better benefits than Mosaic has, so that...and obviously it is a two-year commitment, and the last thing I think we have to think about is would be to ever...if we give this it would be very difficult to take it back, because you can't say to a person, we're going to give you the raise and then suddenly two years later the state says, I'm sorry, we don't have the funding anymore so we're going to drop your pay \$3 or \$6. I will work with Mosaic to come up with what...how...the exact dollars we're talking about, And I will commit to getting the committee a report that breaks out the uses of those dollars so we know exactly what they would be used for. And lastly, I thought the answer to the homes that was in the paper this morning was, to me, very telling, because what it says is that we expect Mosaic to hire at \$8 or \$8.20 an hour yet we negotiate a new contract with the state, that the state desperately needs now, because they have these patients from Beatrice that they don't know what to do with. And the state is willing to negotiate where the starting wage is \$11 and some odd cents, so that, to me, shows that Health and Human Services understands the problem and they understand that the last thing they want would be for Mosaic to go out of business or not be able to do this, and it shows what they would have to do if they had to go out kind of on the open market right now and start again, and I think this is a good example of that. With that. [LB169]

SENATOR HEIDEMANN: Senator Harms. [LB169]

SENATOR HARMS: Senator Hadley, I just want to make sure you understand that the pay issue is not an excuse for Beatrice here. We're talking about two different kinds of organizations with a whole series of different issues and different problems. So I wouldn't...I surely wouldn't hang my hat on that issue. The other side of it is, and I appreciate what Mosaic is talking about, because the issue really lies and is much larger and much deeper than the fact that we don't have enough nurses, we don't have enough psychologists, we don't have enough psychiatrists, we don't have enough technicians, we don't have enough social workers. That's really what our issue is. And if they lose that core of people, they're going to have serious difficulties because that's exactly what's happened in another organization. So I just wanted to make sure you understood that there's no relationship between the two. There's a whole series of different problems. But in the long haul, if you lose your core people, you're going to have trouble finding people because they're just not there. [LB169]

SENATOR HADLEY: Absolutely. I agree entirely, Senator Harms. [LB169]

SENATOR HEIDEMANN: Senator Nantkes. [LB169]

SENATOR NANTKES: Senator Hadley, again thanks for bringing forth this legislation and also for your commitment to work with the other senators who have similar interests in similar bills in relation to these issues. I think the good news is, in terms of Nebraska's

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current position, is we've got a special committee, we've got members of the HHS Committee, we've got members of this committee that are all talking about and looking at ways to address issues within the provision of services to Nebraska's developmentally disabled citizens. That's a lot of attention. That's a lot of dedicated bright folks who are willing to dig in and do the hard work on this, and I think we have to ensure that it's a comprehensive approach rather than kind of a piecemeal solution that might be meted out. And so again just thank you and I applaud that commitment to the comprehensive work that needs to be done. [LB169]

SENATOR HADLEY: Senator Nantkes, I...if you remember my comments on the floor was exactly that, that we had a lot of the bills and we needed to make sure that we work in concert. And I think that this is part of that whole package that we have to put together. This is not a separate issue that would solve all of the problems but I think it highlights another area of problems that we have in this area. [LB169]

SENATOR NANTKES: Thank you. [LB169]

SENATOR HEIDEMANN: Any other questions? Seeing none, thank you. [LB169]

SENATOR HADLEY: Thank you. [LB169]

SENATOR NANTKES: Come back any time, Galen. [LB169]

SENATOR HEIDEMANN: With that we will close the public hearing on LB169 and open up the public hearing on LB178, Senator Lathrop. Welcome. [LB169]

SENATOR LATHROP: Good afternoon, Appropriations Committee, Mr. Chairman. [LB178]

SENATOR NANTKES: Welcome. [LB178]

SENATOR LATHROP: It's always a pleasure to come here. My name is Steve Lathrop, L-a-t-h-r-o-p. I am the state senator from District 12 in the Omaha-Ralston area and I'm here today to introduce LB178, and I can make this pretty simple, at least as a beginning point. You heard Senator Hadley explain the last bill and that was really for an increase for Mosaic, an important piece of our community-based care providers for developmental disabilities. This is for the rest of the crowd. This is the folks that provide the community-based care outside of the Mosaic or the ICF/MR. It aims to provide increases so that we can get some money to the direct care staff that's equivalent to or close to what they're receiving down at BSDC. I need to talk about a couple of things first. One is, the bill says that this is an appropriation for one year. It's actually an appropriation for two years. It's for the biennium--that's a printing error--at least that's what our intent is. I'm going to comment about something Senator Nantkes said in the

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last bill and then I want to talk about the community-based programs generally. The Mosaic, the Governor's proposal to have Mosaic build ICF/MRs actually isn't an expansion of our services because we're not going to--and we'll get to this in the waiting list--we're not helping one more person that wasn't getting help before with these ICF/MRs. What we're trying to do is to take people from BSDC and move them into community-based programs or into community-based ICF/MRs. So while we may be spending money in different directions or maybe spending more money, it's not to help more souls, because for some reason we haven't been willing to do that yet and I can talk about that in the next bill. What I would like to do, if I can, is talk a little bit about the community-based programs which would include the ICF/MRs at Mosaic and then the other folks that you'll hear from shortly and where they fit in the state's delivery of services to developmental disability folks. In the study that we did in the LR283 committee in which Senator Harms and I both served, what we found is--and the Department of Justice really addressed this well in its report--and that is the gold standard for delivery of services to people with developmental disabilities is to put them into an integrated community setting. So the ideal is to have somebody living in a community-based program where they can go to a dentist in the community and they can go to a doctor in the community and get their hair cut in the community, and that's in contrast to living on a campus like BSDC. So the goal, our goal should be that we have everybody integrated into the community, into these community-based programs that can be safely put there. And so our committee concluded that there are some people that need to be at BSDC because for safety considerations. They're going to hurt themselves or somebody else or they have behaviors that aren't suitable for community-based placement. So what's the problem with the community-based programs right now? The difficulty in getting these people to move from Beatrice to the community-based programs is, they have a little bit of a bad reputation in some respects. Some of them, great organizations. You'll hear from Bob Brinker at ENCOR which is a particularly well-run organization. But the difficulties that they face in the community-based programs aren't any different than what they face in Beatrice. It's just a microcosm of BSDC. That is, they need people that are well paid and we should be competing with better jobs than just the minimum wage-type positions or that's the kind of folks that will be attracted and those are the kinds of folks that will be providing the care, and we can do better than that with a modest increase in the wage rate. There are issues relative to training, but I think that providing a better wage rate to the folks that are in the community-based programs is an important piece of getting the programs up to a place where we can entice folks out of BSDC rather than shutting down services there and forcing them out. So with that I'll be happy to answer questions. I could go on for days about this but I think that's probably what you need to know. [LB178]

SENATOR HEIDEMANN: Senator Harms. [LB178]

SENATOR HARMS: Senator Lathrop, in regard to community-based programs, do you feel that we have an adequate, an appropriate community-based program established in

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this great state that you can feel comfortable and confident that we're going to give these people who we move out of Beatrice or other places the right service and the appropriate service and the protection that we need? [LB178]

SENATOR LATHROP: Well, as you know, we have grave concerns about that, and you and I have sat through a lot of hearings this summer and fall where we looked at each other and said, wow, even if we close BSDC there would be no place for these folks to go. I think that I had a bill in the Health Committee on regulations. The Governor proposed adding three more surveyors or inspectors to the staff over at licensure. I think those are important steps, although I'm having trouble getting the bill out of Health Committee. Those are important steps, I think. Increasing our capacity, which is...the Governor's proposal calls for a partnership with Mosaic to build some ICF/MRs, and I believe some other community-based programs. So those are...I applaud that step actually. I think that's good that we build some ICF/MRs. Mosaic runs a topnotch facility. So I do have concerns. I think we have some bills in this year that address some of the concerns that you and I have for the community-based programs. And providing them with a little better wage rate will allow for a little different group of folks to provide the services, and I believe that'll make a difference as well. [LB178]

SENATOR HARMS: I guess the concern that I have is that do we have enough professional people to serve them? As we expand community-based programs out, and I know we're probably going to be in fairly good shape and close to urban America, but as we go further into rural American where the issues really are...we both know are really out there, and I'm just trying to get this as a line base so we can have it as a matter of record so when we have these discussions we understand what we're talking about here. , [LB178]

SENATOR LATHROP: Absolutely. I think that is a great question because the problem that they ran into at BSDC is--well they were multifaceted and too many of them to recount right now--but addressing your concern, they didn't have physical therapists, they didn't have speech therapists, they didn't have the disciplines and the professional staff. I mean, that was one of the biggest problems we faced, the biggest criticism CMS had of BSDC was, you don't have those professional people there, and a psychiatrist and a neurologist and those kind of people. And I do have concerns if we build an ICF/MR in--and I don't want to pick on any area of the state--but say out way west somewhere where we don't have the psychologist and the neurologist, then I do have some concern. I believe most of them will be situated somewhere where those services are available because that's certainly a consideration. [LB178]

SENATOR HARMS: Previously, the bill previously and that Senator Hadley had, we talked about LB169. We talked about salaries. Could you share your views about the salaries and the issues we ran into in Beatrice and what the arguments were? [LB178]

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SENATOR LATHROP: Well, I can say this and this may sound like maybe not what I should say on my own bill. But what we did here, when we went down to BSDC and held hearings down there and we talked to the employees and they said, it isn't just salaries. In fact, we're okay with where our salary is at, most of the frontline workers told us. The problems down in BSDC were more cultural and they had to do with the absence of training, the mandatory overtime, and then the, what I think is a horrible situation with respect to management there. [LB178]

SENATOR HEIDEMANN: Senator Fulton. [LB178]

SENATOR FULTON: Thank you, Senator Lathrop. I just...this is going to be a pretty quick question. For clarifying when we start to add all this stuff up, it's good to keep the numbers straight. In the bill, you mention in line 4, the fiscal year is only one year and that's a misprint and it's supposed to be two years, so am I correct in saying that the only thing that will change is in line 4 of the bill, fiscal year '10 and '11 will also include...well, fiscal years '10 through '12? [LB178]

SENATOR LATHROP: I think that's right. [LB178]

SENATOR FULTON: Okay. Then numerically the math...the numbers here by way of money, that's going to stay. [LB178]

SENATOR LATHROP: I think the money stays the same but it's spread over two years instead of one. [LB178]

SENATOR FULTON: Thank you. [LB178]

SENATOR LATHROP: And I'm sure, when I close, if I'm wrong I'll tell you. [LB178]

SENATOR HEIDEMANN: Senator Hansen. [LB178]

SENATOR HANSEN: Thank you, Senator Lathrop. I have a similar question to what Senator Fulton had, because in the bill in the statement of intent and in the fiscal note all three say the same thing, that it's for one year, 2010-2011, and it comes to \$14 million. So we need to know if that's...if it's \$14 million each year. [LB178]

SENATOR LATHROP: That's...I believe it's \$14 million over two years is my understanding. If that's not correct, I'll correct myself when I come up to close, but I... [LB178]

SENATOR HANSEN: It's on all three documents, so at least it's consistent. [LB178]

SENATOR LATHROP: All three documents would be...at least I'm consistent. [LB178]

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SENATOR HANSEN: Thank you. [LB178]

SENATOR HEIDEMANN: Senator Wightman. [LB178]

SENATOR WIGHTMAN: Yes, thank you, Senator Lathrop, for being here from your point of view that you have. You know, one of the problems I think in Beatrice that we have is we have a lot of patients I assume that have been there for many years, and there are people that probably, by their very physical and mental nature, would not handle change very well. Is that a problem? [LB178]

SENATOR LATHROP: That's evident by the people that we moved to the hospitals... [LB178]

SENATOR WIGHTMAN: To the hospital. [LB178]

SENATOR LATHROP: ...that haven't done well. [LB178]

SENATOR WIGHTMAN: New patients probably, if they were placed in a community-based situation, would be able to handle it better than somebody who's maybe been in the Beatrice developmental center for 20 years and to try to change then at this point. [LB178]

SENATOR LATHROP: Depending on the circumstances that they come from. I mean, if they're living with mom and dad for 30 years and then they go to a community-based program, they might experience some of the same kind of problems with the change. [LB178]

SENATOR WIGHTMAN: Some... [LB178]

SENATOR LATHROP: You know, that's part of the...what they like, what they need is some consistency, and so that's why you hear some people, you know, the family and the friends of BSDC, why they advocate for leaving their son or daughter there is because picking them up and moving them to a different facility is really, really difficult for the patient...or the resident. [LB178]

SENATOR WIGHTMAN: They need some regimentation in their life. [LB178]

SENATOR LATHROP: They appreciate it. Yes, I think. [LB178]

SENATOR WIGHTMAN: Do you have any feel for how many of the people in Beatrice...? How many patients are there, there? I know you had that figure. [LB178]

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SENATOR LATHROP: I think we're down to 200. [LB178]

SENATOR WIGHTMAN: Do you have any feel for whether any substantial number of those could perhaps be moved to a community-based provider without jeopardy to them? [LB178]

SENATOR LATHROP: I can only tell you...one of the things that is happening as we speak is that we're doing an assessment, and that was something that we talked to the Governor about, and the Governor, I think, has undertaken this. He has somebody that's come in to do an assessment. The purpose of the assessment is to see, do particular residents fall into a group that could benefit from a community placement? In other words, their behaviors and their needs are such that we can accommodate them in the community. Or do they fall into that class of people whose behaviors and needs are so great that the best situation for them is at BSDC. That's being undertaken right now. I've seen the Governor talk about 125 people maybe ultimately should be the population at BSDC. I don't know if that's a number he's chosen or if he's estimating the number of people who, after an assessment, we will conclude that BSDC is the best placement. [LB178]

SENATOR WIGHTMAN: And I gather from the testimony that you gave there will be a limited number of places. It would almost take a Kearney, perhaps a North Platte, a Scottsbluff, or a Grand Island or Hastings, or Norfolk perhaps, that would have the psychiatric expertise to be able to handle these patients in a community-based surrounding. [LB178]

SENATOR LATHROP: Right. And I...you know...yes, that's...I think there has to be some criteria for placement of these facilities or at least placement of people within facilities because if someone is a high needs neuro patient that has neurological problems and they've got to have a neurologist around, then taking them off to a small town in northwest Nebraska where there's no neurologist doesn't work very well. But I think they're on top of that. I think they appreciate that it has to be a good fit, and part of that equation is the patient needs. [LB178]

SENATOR WIGHTMAN: But there probably are outstate, greater Nebraska cities that would be able to handle some of them. [LB178]

SENATOR LATHROP: I think so. We're hopeful that at least some, kind of the interstate towns like Kearney and Hastings and Grand Island and North Platte, some of those places are big enough cities that they should have the medical care. [LB178]

SENATOR WIGHTMAN: Thank you. [LB178]

SENATOR LATHROP: I might add one more thing if I can and that's just an

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observation. When we were talking about BSDC, and I don't know that there's a bill that I'll have a chance to say this to the Appropriations Committee, but now that we're picking up the federal government's half of that--so we have the state's half and the federal government's half since we've been decertified--one of the questions I had for the Governor and haven't gotten an answer on but something to consider as you're pondering how do we pay for all this, is that the \$60 million to run BSDC is what the number looks like and the estimates when we had about 250 people in there. We don't know, as we reduce the population and have these people placed in the Mosaics and the other community-based programs that we're trying to develop now, how much of the variable costs will go down so that we're actually not spending that full \$60 million on BSDC, so you may find that there's a little bit of money in there. I know you're always looking for it and that's...I don't know what that number is though. [LB178]

SENATOR HEIDEMANN: We haven't actually lost that funding yet, have we though? I mean, we're under appeal right now. [LB178]

SENATOR LATHROP: No, we won't probably until this summer. My expectation, Senator, is that we will not prevail on that appeal, and when we fail on the appeal then the funding will stop and we'll be on our own. [LB178]

SENATOR HEIDEMANN: Correct. Senator Nordquist. [LB178]

SENATOR NORDQUIST: Thank you, Senator. Thank you, Senator Lathrop and thank you for your leadership on this issue. Maybe you addressed in your opening--I might have missed it--is the wage scale going to be the same as Senator Hadley's bill? Are we talking \$11 an hour? [LB178]

SENATOR LATHROP: I think it's intended to try to get the community-based providers, other than Mosaic's ICF/MRs, up to the same place. [LB178]

SENATOR NORDQUIST: Okay, okay. And the second question, through your hearings this summer you kind of addressed the oversight of the community-based service providers. And do we have adequate oversight on them? Where do we need to go with that? [LB178]

SENATOR LATHROP: What I can tell you about the community-based programs and I want to qualify my answers even when I talk about BSDC, and Senator Harms will understand why. The community-based programs, there's a lot of great people out there doing really important things and doing it mostly because it's a vocation and so I don't want my comments to be misconstrued. But there are problems in community-based programs that are not unlike what's going on at BSDC. And we had--we being the committee--the LR283 committee had concerns about community-based programs and whether or not they had sufficient regulations, whether or not they have sufficient

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inspections or what they call surveys in the business, and so that we can try to catch bad situations before they develop into a death or into an injury or into just somebody's quality of life being miserable. We've tried to address that. As I said, the Governor suggested that he would put three more surveyors into his proposed budget. You'll know if that's in there or not; I don't. We proposed some additional regulations. That bill is actually sitting in Health Committee because HHS has promised that they are close to finishing those regulations, and I think Senator Gay's notion on allowing my bill to sit in his committee is, if they get it done then we don't need the bill. And then the surveyors, a little more regulation and more capacity. [LB178]

SENATOR NORDQUIST: Okay. Thank you. [LB178]

SENATOR HEIDEMANN: Senator Nantkes. [LB178]

SENATOR NANTKES: Senator Lathrop, I echo Senator Nordquist's opening remarks in terms of a sincere amount of gratitude I hope that you're feeling from this committee for your leadership in regards to these issues. But something that just occurred to me and it actually, after Senator Hadley's bill earlier, and you said this is for the rest of the folks out there. I understand Mosaic is nonprofit that's got a corresponding affiliation with a religious group or a religious tradition or mission behind it. In terms of the other community providers that are serving folks in our state, are some of them...is it really a mix or are there some just straight kind of nonprofits? Are there some... [LB178]

SENATOR LATHROP: You know, I should have said this when I sat down. Right after me, Senator Coash is going to speak... [LB178]

SENATOR NANTKES: Okay. [LB178]

SENATOR LATHROP: ...and he has far more expertise on the subject of community-based providers and I would probably say... [LB178]

SENATOR NANTKES: I'd be happy to direct those questions to him. [LB178]

SENATOR LATHROP: Yeah, I would because I think he can tell you...he just has more background on it and... [LB178]

SENATOR NANTKES: Well...and I think, you know, as a public interest lawyer before I joined this body, I spent a great deal of my career focused on sustainable wage issues and living wage issues, which I think there's a lot of corresponding underlying public policy issues related to these bills that we're hearing today. So I'm generally apt to be supportive of those kinds of principles within our laws, but I also know, coming from that perspective, that I was drawn to work...you know, it was a personal calling to work in the context of a nonprofit career where I wanted to do that kind of work. And I'm guessing

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that there's probably a similar calling to a lot of the folks that are out there, whether it's in the nonprofit world or because of a religious affiliation that they're doing this kind of work beyond just the pay. And... [LB178]

SENATOR LATHROP: I certainly think that's true, and what...people have asked me, how can the families want their kids to stay or their loved ones to stay at BSDC and have CMS and the Department of Justice be so critical of the institution? And my answer is, after giving this a lot of thought, that there are...you just take the people in Gage County and the people in Beatrice. They are loving, good, earthy, good people--good people. And the difference between...and that's what appeals to the moms and the dads who don't want to take their kids out of BSDC. Where they come up short is the training and having a little leadership. And with that, BSDC, I think, can go back to its place of prominence, and any one of these places could. And you're exactly right, that these people aren't drawn to this kind of work because it pays four cents an hour more than the next job. Most of them would probably do it for less than a prevailing rate of pay, and maybe I shouldn't speak for all of them but that was certainly what we learned when we went down to BSDC and talked to them and talked to Mike Marvin, who's the union representative for those employees. [LB178]

SENATOR NANTKES: Yeah, and I think the same could be true of those state employees who are also called to serve vulnerable Nebraskans and really work their hearts out. [LB178]

SENATOR LATHROP: I think that's an important piece of how we hire or where we find these people. [LB178]

SENATOR NANTKES: Thank you. [LB178]

SENATOR HEIDEMANN: Are there any other questions? Seeing none, thank you. Welcome. [LB178]

SENATOR COASH: Thank you, Chairman Heidemann and members of the Appropriations Committee. I am Colby Coash, for the record that's C-o-a-s-h, and I do represent Legislative District 27. I'm here in that capacity but also here in my capacity as a person who works in the profession of serving people with developmental disabilities. And so I understand those issues very well and now as a state senator I also understand the issues that we face as a body, and I appreciate the opportunity to use this bill to bring forth some ideas or some thoughts for the committee to consider. We all know there's a cost to doing business, a cost of doing something, and then there's also a cost of not doing anything. And so to that end I'll talk a little bit about quality issues that I've seen on the community-based side and some solutions. Senator Nantkes, you mentioned people coming to this work because they have a calling. It's absolutely true. I often say, in this line of work, that sometimes a vocation you choose

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and other times it chooses you, and that was certainly the case for me and will be the case for many people who work in this field, including some people that will follow my testimony. Unfortunately we are losing, in the community-based side, people who have that calling and it's unfortunate because the replacements for people who have that calling are not...don't rise to the level of quality that we need to do the work that we're asked to do. There is a correlation between quality of services and that's been an important piece of this whole equation and the idea of a career or a vocation, and then that correlates to pay. I'm here today to encourage this Legislature to send a message that the work that community-based providers do, especially those right on the front line, is noble work. It is work that they were called to do. Unfortunately we lose them because providers aren't able to pay. Consider for a moment, this does fit into the bigger picture of what we're facing with BSDC. We have people that need...that can be served in the community from BSDC. We have many people who would benefit more from being served in the community, however their needs are pretty high, especially as we've seen recently: their medical needs. What I would ask us to consider, how we can...how a provider can find the folks who would have the qualifications and the skill level to meet those needs with the wage that they're able to pay. We need, in this industry, the ability to pay college graduates, and college graduates just can't afford to come in and start their career at the wage that we can do. So I'm here to say that this is part of the solution. There's many solutions that we need to look at as far as how we approach the whole issue of how we support our vulnerable citizens, but this is part of the solution. We heard a lot from the oversight committee that Senator Harms was on, that the community-based providers have got to be ready and that families have got to feel confidence in placing their loved ones in the community. Well, I would say that we need to show families and we need to show the community that they're professionals, and it is my hope that we can elevate the work that community-based providers do to the level of a professional, and part of that is going to mean increasing what providers can afford to pay. So with that I'll close, and encourage your consideration and continue to work with members of the whole body to answer these questions and be a resource for all of you. Thank you. [LB178]

SENATOR HEIDEMANN: Thank you for your testimony today. Are there any questions Senator Nantkes. [LB178]

SENATOR NANTKES: Senator Coash, thank you for your lifelong commitment to these issues, and I think maybe you heard the dialogue I started with Senator Lathrop. If you could just provide some clarity for the record in terms of the vast array of community providers that exist in this state. I'm guessing some are stand-alone nonprofit, some have a religious affiliation, maybe some are affiliated with an educational institution. But if you could just maybe lay out some of that framework or infrastructure, that would be helpful. [LB178]

SENATOR COASH: Sure. I'll tell you what I'll do. I'll do my best and then what I will do

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is I'll get something in writing, because this is...it's a pretty...and I'll submit it to the committee and you can have it all laid out for you. Obviously we have state-administered services. You know, it's under the control...and that's mainly what BSDC does. Beyond that we have the community-based providers, which are in the neighborhoods all across the state. Senator Hadley, earlier, talked about one part of that which is the ICF/MRs, and those are funded a little bit differently, have a little bit of a different mission. They do have a history behind them as far as the beginnings of theirs. And on the other hand you have community-based providers which are funded differently, have different regulations. And so they all have kind of the same mission but the funding looks a little bit different, the expectations are a little bit different, and the oversight is a little bit different. And some providers are nonprofit, others are for-profit. They're all regulated by the state. We have authority to regulate them through statute, the department of developmental disabilities regulates it and things of that nature. So the reason you have two separate bills is because you have two different methodologies that have to be addressed. [LB178]

SENATOR NANTKES: Right. And I imagine that also corresponds to the fact that different citizens have different needs and different levels of care that they're going to require in terms of meeting their basic needs and ensuring quality of life. Is that right? [LB178]

SENATOR COASH: That's correct. And then within the context of that, in Nebraska we have a very strong commitment of choice, which means families, individuals with disabilities should have choice in where they want to receive their services. And so within that, that's a...that's something that we as a Legislature in the state have said this is important. When you get services in the community you get to choose, and therefore people with disabilities are, to a large extent, able to choose their provider, which I think is good. It means they choose what's best for them and the good providers rise to the top and it's better for the industry. [LB178]

SENATOR NANTKES: Thank you. [LB178]

SENATOR HEIDEMANN: Are there any other questions? Senator Nelson. [LB178]

SENATOR NELSON: Thank you, Senator Coash, for your testimony. You talk about all the rest of this and you've kind of broken this down. Now this money is added. Does it go to the provider who hires these people or is it a uniform application among all the employees of providers? [LB178]

SENATOR COASH: This...Senator Lathrop's bill is a bill to address the rate the providers get, and the majority of the unit rate that is appropriated is...I mean the biggest cost is the labor. And so presumably the largest amount...or the increased appropriation hits the bottom line staff and that's the intent of Senator Lathrop's bill, I

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believe, and that's the intent of the department as they appropriate that down. [LB178]

SENATOR NELSON: Okay. Thank you. [LB178]

SENATOR HEIDEMANN: Are there any other questions? Seeing none, thank you. [LB178]

SENATOR COASH: Thank you. [LB178]

SENATOR HEIDEMANN: To let us kind of know what we're up against on LB178, could I have a show of hands whether you're going to testify in support, opposition, or in the neutral capacity. Just who's going to testify on LB178. Show of hands? All right. Thank you. Welcome [LB178]

ALAN ZAVODNY: (Exhibit 3) Good afternoon, Senator Heidemann and members of the Appropriations Committee. For the record, my name is Alan Zavodny, A-l-a-n Z-a-v-o-d-n-y. I'm the chief executive officer for NorthStar Services. We support 330 people in 22 counties in northeast Nebraska. I'm also the current president of the Nebraska Association of Service Providers. Thank you for the opportunity to provide this testimony today. On June 23, 2008, Sandy Sostad, of whom I have the utmost respect, testified before the Beatrice State Developmental Center Special Investigative Committee. The numbers she shared were \$274 million total funding for developmental disabilities. We know that approximately \$54 million of it goes to BSDC and \$22 million for state services coordination. The breakdown is 42 percent of that money comes from the state, 55 percent from the federal government, and 3 percent in cash. Of the approximately \$71 million that goes to community-based system is approximately a 60 percent federal participation and 40 percent state participation. Those numbers help us to understand the big picture, but the ones that define the crisis in community-based programs are these. We are currently at 95.5 percent of state methodology, which is the formula designed to fund community-based programs. We have consistently underfunded the system. This 95.5 percent number means that we are at 95.5 percent of 90 percent, which is the formula. The salary for community-based programs using a starting wage of a tech I at BSDC. We contacted BSDC. The tech I position hasn't been active for two years. It used to pay about \$9.60. The tech II position starts at \$11.12 an hour; second and third shifts earn an extra \$1 an hour. The benefit package includes health, dental, vision, life insurance, and retirement. You are required to participate in the retirement program which a state match of 155 percent. Beatrice struggles to recruit and retain staff and we share those struggles. Ours are compounded by the fact that we try to do it for an average starting wage which is \$1.95 an hour less than BSDC. The providers of NASP average a starting wage of \$9.17 an hour. We offer the \$9.17 an hour while being funded in theory--95.5 percent of 90 percent of \$9.60. The math of that means about \$8.25. We understand that your revenue forecasts have not been what we would hope. Our increases in the years we have received them have fallen well short of

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the money required to operate community-based programs. Some of your largest providers are operating in deficit territory. Any reserves that programs have will be depleted soon. BSDC has shown us what can happen when the developmental disabilities system is undercapitalized. Your community-based system is poised to soon follow the unenviable path of your state-run institution, and with that I conclude my testimony today. [LB178]

SENATOR HEIDEMANN: Thanks, Alan, for your testimony. Are there any questions? Seeing none, thank you. Welcome. [LB178]

MARLA FISCHER-LEMPKE: (Exhibit 4) Chairman Heidemann and members of the Appropriations Committee, my name is Marla Fischer-Lempke, M-a-r-l-a F-i-s-c-h-e-r hyphen L-e-m-p-k-e, and I'm the executive director of The Arc of Nebraska. The Arc of Nebraska is a support and advocacy organization working with and for people with intellectual and other developmental disabilities. We are a statewide organization with 18 local chapters and approximately 2,500 members across the state. We are also an affiliate of The Arc of the United States. The Arc of Nebraska operates under a system of core values which correspond with our support for the right of people with developmental disabilities to live in communities of their choosing with the supports and services they need. The Arc of Nebraska supports LB178. The bill would enable community providers to stabilize the work force. We advise that funds be allocated for reevaluation of rate equity in current provider rates. The ability of providers to develop the capacity to serve people as they reach their date of need necessitates that they are able to offer prospective employees competitive wage and benefits packages. The Arc has heard from many of our constituents. They have told us that they need staff who are experienced. The stability of an experienced work force would improve the quality of care in the community. Our constituents are also concerned that their staff often need to seek other employment in order to earn enough money to provide for their families. They want and deserve to have staff who are secure in their jobs and with whom they are better able to develop long-term relationships. When employees are well cared for, it boosts their morale and allows them to provide better care for others. So we urge you to pass this to General File. [LB178]

SENATOR HEIDEMANN: Thank you for your testimony. Are there any questions? Seeing none, thank you. [LB178]

JOAN MARCUS: (Exhibit 11) Good afternoon, Senators. My name is Joan Marcus; that's J-o-a-n M-a-r-c-u-s, and I live in Omaha. I'm a member of the Nebraska Planning Council and past chairman of the ENCOR Region VI advisory committee. I'm also a past president of The Arc of Nebraska and of the Ollie Webb Center. However, today I'm here to tell you about my daughter Elaine and to ask you to vote in favor of LB178, the bill that would increase rate equity for providers. Elaine is 45 years old and she has lived in community-based residential services since she was nine years old. She has

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autism and mental retardation and is nonverbal. In other words, she doesn't use words to talk but she has her own way to communicate. You always know what she wants and needs. She is currently served in ENCOR day services and Better Living residential, both are excellent because I'm always there to watch. Elaine doesn't have many friends and the friends that she does have are usually the staff that work with her. I'm sure that over these many years she has been abused but she's unable to tell me. She has many behaviors and I can always tell when she is unhappy or disappointed. Agencies have high turnover because of the people who they are forced to hire. Many times people turn to this type of work because they are unable to do anything else. The pay is low and they feel no need to make long-term commitments. I am told by some of the providers that if they hire four people, two of them are gone within a year. Many times Elaine forms friendships with these people and then they leave. She is unable to tell me of her grief when they leave but we can always tell because her behaviors go up and she is sad. How would we like to live in a house, make friends with staff, and then for no reason they leave. We all know the reason for staff leaving. I figured that beginning staff makes about \$12,000 a year net, plus benefits. This doesn't come anywhere near the poverty level and staff has to leave in order to make more money. In some cases, they can make more being on welfare of some kind. Problems arise with consistency of staff. Many times staff that you want to stay, leave; on the other hand, some that you would like to leave, stay. Staffers end up with two jobs and trying to get overtime. Family problems arise when they can't pay their bills and they're forced to quit. I wonder how many of us would like to wake up in the morning and find someone new working in our houses. This is what happens to people like Elaine. Sometimes because of their own personal problems with money, these new people aren't very nice. Today I urge you to vote in favor of LB178, a bill to increase rate equity for providers. Thank you. [LB178]

SENATOR HEIDEMANN: Thank you. Are there any questions? [LB178]

JOAN MARCUS: Questions? [LB178]

SENATOR HEIDEMANN: Seeing none, thank you. [LB178]

JOAN MARCUS: Thanks. [LB178]

SENATOR HEIDEMANN: Welcome. [LB178]

DAVE MERRILL: (Exhibit 5) Chairperson Heidemann and members of the committee, my name is Dave Merrill, M-e-r-r-i-l-l, and I am the executive director of Region V Services and chair of the Nebraska Providers' Network, a voluntary association of certified providers of supports to people who experience developmental disabilities. I offer this testimony on their behalf today. Senator Nantkes, in Nebraska, there are...when the service system was set up there were six public providers. There's the regions. I work for a board of 16 county commissioners. Former Senator Dennis Byars

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is on our board, and so there are public services. There are not-for-profit services and there are for-profit services. There's over 33 certified providers in this state. Families have a choice of where they're going to receive supports. You are faced with some tough choices this legislative session, and I was actually reminded of one of my heroes in government was Senator Jerome Warner and he always said that his big worry was to not see when something significant had changed and it was time to act differently than we had in the past. And I think of that when you hear our testimony because this is not the first time that we've talked about rates or the wages of people with developmental disabilities. This is not the first time that we've talked about the waiting list, that people are waiting for six and a half years. What has changed is two things primarily. The first is Beatrice State Developmental Center. Supporting our community-based system is an important part of stabilizing the situation at BSDC. We've seen that people's lives, it actually is a matter of life and death when it comes down to the supports that people receive and making sure that we have the right people in place and we're able to make these things work. I don't think people realize because of the hospital situation that prior to that we already were having a number of people that were moving from Beatrice State Developmental Center to the community, and I think the hospital situation has kind of overshadowed that. But I know within our organization we have had about six people that have moved in the last year and their lives are good. I want you to know that community-based services has lots of oversight. It is through the Division of Developmental Disabilities. We're certified on a two-year basis but if they find any problems at all, you only receive a one-year certification or you can go on probation. So there's all sorts of oversight in the community right away...right now. And I want you to understand that it's an important part of stabilizing BSDC. The second thing is addressing rate equity and the waiting list, the next bills you're going to consider, will bring in additional federal dollars into Nebraska's economy. When you're making the tough choices that you do have to make this year, it is to our economic advantage to leverage all the federal money that we can while we have an opportunity to do it. Bringing new dollars into our economy is an important part of helping us do the right thing. So when you're making those choices, I hope that's something that you recognize. The third point is, as the new money comes to our economy, the federal money, the state money doesn't leave the borders of the state of Nebraska. It gets combined with it and it goes to salaries and benefits for the people that are providing the supports that we need to have happen. What's unique about our area is that it largely goes to direct support employees: people who are actually doing the work and that you've heard people talk about. And it's from Scottsbluff to Omaha, from O'Neill to Fairbury, every community has people that we support and staff from those communities, and I think that it has a great economic advantage. The fourth thing is it's the right thing to do for vulnerable Nebraskans and will give more people who have experienced disability the support to live and work in our communities. Of the 500 people we support, provide day services to, over 200 have jobs where they're employed in the community at least part time. So helping people live as independently and contribute both economically and socially to our communities is really important. And

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with that I think it's time for a change; that this is a different situation. The last page that you have there is just the last 20 years of the waiting list and it hasn't mattered whether the economy has been good or bad. It hasn't mattered one whit. We haven't been able to see that it's...that we need to support people in the communities. I think the BSDC thing and the economic situation and the need for jobs across Nebraska's economy bringing in the additional federal money are the changes that should have a different result this year. I'd be happy to answer any questions. [LB178]

SENATOR HEIDEMANN: Thanks, Dave, for your testimony. Are there any questions? Senator Hansen. [LB178]

SENATOR HANSEN: I have one question. Thank you for being here, Dave. On the graph on the last page, what was the decline in 1997? I mean, that's a pretty significant decline. [LB178]

DAVE MERRILL: Tobacco settlement money. Senator Dennis Byars kind of led a charge for having at least some portion of that. [LB178]

SENATOR HANSEN: So it was a huge influx of funds that took that down. [LB178]

DAVE MERRILL: Um-hum. [LB178]

SENATOR HANSEN: Okay, thank you. [LB178]

DAVE MERRILL: Um-hum. [LB178]

SENATOR HEIDEMANN: Are there any other questions? Seeing none, thank you. [LB178]

DAVE MERRILL: Thanks. [LB178]

SENATOR HEIDEMANN: Welcome. [LB178]

LYNN REDDING: (Exhibit 6) Thank you. My name is Lynn Redding, L-y-n-n R-e-d-d-i-n-g, and I have lived in Mosaic services in Grand Island and LB178 would set aside the money to raise the pay for the staff who work with me and other individuals. LB236 includes the money for the waiting list, but also to change the way my staff is paid. We need to end the waiting list. My friend has been on there for 14 years, and I want to get him the services he needs. I used to live in Beatrice and when I got out I went into services right away. I wish the waiting list was gone and other people could do the same thing. I also want the people to work with me and other people to get the pay they deserve. People using community services are just like the ones that are in Beatrice, but the staff and the community aren't getting paid enough. Because of

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what...they are quitting to go to higher jobs. How do you think that makes us feel as being individuals that need the support, when somebody that's been there for a good 20 years has quit to go to a higher job...higher paying job. That means we get newbies who really don't...they may be really good but they don't last long because of the pay. They need better pay to be able to live. Please make sure our community staff gets paid the same as the Beatrice staff. Please get rid of the waiting list and please pass these bills. Thank you for listening. [LB178]

SENATOR HEIDEMANN: Thank you for coming in and testifying today. We appreciate it. Are there any questions of Lynn? Seeing none, thank you. [LB178]

LYNN REDDING: Thank you. [LB178]

JOEL GREEN: (Exhibit 7) Members of the committee, thank you for the opportunity to speak with you today. My name is Joel Green, J-o-e-l G-r-e-e-n. I guess a little bit about me. I graduated from Buena Vista University in 2004 and I worked for a couple NBA basketball teams and then returned to Lincoln four years ago to my hometown. I graduated from Lincoln High. And I currently teach highly gifted students for Lincoln Public Schools and also am a full-time direct support professional for Developmental Services of Nebraska. The company serves individuals with disabilities. And I'm here today because I really think that Senator Lathrop's bill, LB178, will really help improve staff retention at DS, and I think the company has a turnover rate of over 80 percent. And in the last four years I've worked for nine different residential managers, and what this causes is managers, on a whim, will have to find unfamiliar replacement staff to cover shifts, and obviously that causes irregularities in the ways that the behavioral management programs, the BMPs, are run, and that leads to a risk factor. It can be dangerous, at times, when you'll have a staff covering a shift that's never been to the location before, and the risk aspect of it, it's just not worth it as something you hear after the staff has put in their two weeks'. And I think if the wages were increased you would have a chance to keep a lot of the weary staff around long enough for them to see some of the many wonderful aspects that this bill offers. And I think I definitely fall into that category where Senator Coash mentioned where this work finds you. I didn't see myself working in this type of field when I was in public relations with the Cavaliers, but after I just came back to Nebraska and was looking for a full-time job with some benefits, and I was teaching part-time and I guess now I have two full-time jobs. Last October I received an award--direct support staff of the year for Region V--but I'll be the first to admit that I still think I could do my job much better if I was able to focus my time and effort solely on direct support and not have to teach full-time and work at DSN full-time. My schedule is basically I teach from 8 in the morning until 3 at night, run home and change clothes, and then work at the group home until 10. And the stress, the lack of sleep definitely affects both jobs and I know I'm not the only one. There's other staff that work at day services at the vocation and then also has shifts at the homes also, and I think that the knowledgeable, well-trained staff, the core staff that you guys talked

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about, they're definitely a rare breed and we need to focus on retaining the ones that love their job and are dedicated to their job and really want to be there. And if we can find a way to keep them, I think many of the problems associated with the group homes you'd find would begin to fix themselves, and I think that Senator Lathrop's bill is a great step in the right direction for that. I'll answer any questions if you have any. [LB178]

SENATOR HEIDEMANN: Are there any questions of Joel? Seeing none, thank you, Joel, for coming and testifying today. [LB178]

JOEL GREEN: Thank you. [LB178]

LYNN SCHEIBE: My name is Lynn Scheibe, S-c-h-e-i-b-e. I work for ENCOR in Blair. I'm a teamster member and I'm also the grandmother of a developmentally delayed 18-month-old, so this is very important to me for now and in the future. As a direct line staff, I am responsible for many things: running programs, writing programs, dealing with medical issues, giving medication, running therapy programs that have been given to us by the physical therapist, the speech therapist. When I started back in 1981, it was a whole other ball game. You didn't have as many things to be responsible for. Maybe it was a bit more of a caretaking role at that time. It's gone way beyond that. And you can't just get people off the street to come in and do a good job. We need to be able to get people who want to work at this and who can live on a wage that you can give us. I don't feel that I personally spend a lot of money on things that I don't need. I work, have always worked more than one job to help pay for things for my family. I drive a '98 van with 200,000 miles on it. My daughter gets a lot of her clothes from the thrift store. That's not a problem. I don't need to make millions of dollars. I don't need to be a CEO. If I did I'd fall back on my college education. But what we need is a living wage so that more people will come in to this job and stay there and not need to leave so that they can support their family. I'm lucky I have one child that I have to be responsible for. If I had two we wouldn't make it. If I had ever had to pay for day care I wouldn't make it--not working at this job. All we're asking for is a better living wage so that we can give people continuity of care. We have...I personally have clients who are nonverbal or even the ones who are verbal can't verbalize when they have pain in certain places, when they need different things. Their thought processes aren't working that way so we have to be able to recognize what they need. You bring new people in all the time that have to be retrained, have to learn to recognize these signs, and three, six, or in my case at the work station, 25 different people. It's not going to happen. You need people who are going to be there and who are going to stay there and who are alert, awake, not having to worry about they only got six hours of sleep last night because they had to do their other full-time job to make ends meet. We hold in our hands the responsibility of caring for people who cannot care for themselves in many ways, and for that I feel we need to be adequately recompensed. Thank you very much. [LB178]

SENATOR HEIDEMANN: Thank you for testifying today, Lynn. Are there any

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questions? Seeing none, thank you. Welcome. [LB178]

SHERRI SHAFFER: Welcome. Senator Heidemann and Appropriations Committee, my name is Sherri Shaffer, S-h-e-r-r-i S-h-a-f-f-e-r. I am currently working in a Goodwill DD program in Grand Island and live in an adult family home. I would like to see my staff get paid better. We get good staff and they teach us things that other people would never teach us. Some teachers aren't as patient with our...some patience with us are staff are willing to do classes with us when we have down time. That's when we have all our work done and have extra time to be able to do classes. These are the reasons why I want them to be paid better. A lot of staff have children and a lot of them are the only person in their family that make the money to support their whole family. I am telling you this because deep down in my heart I love my staff and I am thinking that is why they deserve it. Please give them a raise. LB178 would add money to be able to increase staff wages. Please pass this bill. Thank you. I would be glad, if you have any questions, feel free to ask me or contact me at Goodwill DD program in Grand Island, Nebraska. [LB178]

SENATOR HEIDEMANN: Thank you for testifying today. Are there any questions? Seeing none, thank you. [LB178]

SHERRI SHAFFER: Thank you. [LB178]

RAY McBRIDE: (Exhibit 8) My name is Ray McBride, R-a-y M-c-B-r-i-d-e. I get services from Mid-Nebraska Individual Services and I work for Goodwill Industries in production and DDS. I want the staff who work with me to get more money and to be able to keep the funds they have there. I want them to be able to keep the money in the program. I want the program to have enough money so that the staff can stay and not have to go someplace else to get more money. They have families and need to have enough money for them. Thank you. [LB178]

SENATOR HEIDEMANN: Thank you, Raymond. You did a good job. Thank you for coming in today. Are there any questions? Senator Nelson. [LB178]

SENATOR NELSON: Thank you, Ray. Where is it that you work again? [LB178]

RAY McBRIDE: I work at Goodwill Industries, Grand Island, Nebraska. [LB178]

SENATOR NELSON: Okay. You showed a lot of courage in coming down here. [LB178]

RAY McBRIDE: It's the first time. [LB178]

SENATOR NELSON: We thank you for that. [LB178]

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RAY McBRIDE: And we've got a staff who just came with us. He's in the back, his name is John. [LB178]

SENATOR HEIDEMANN: Well, thank you for coming in today. Thank you, John, for bringing them in. Thank you. [LB178]

RICH MACIEJEWSKI: (Exhibit 9) I guarantee he will breathe a great big sigh of relief when we leave. Senators, thank you for hearing our testimony. My name is Rich Maciejewski and I am semiretired, but for the last 14 years I have worked for Vocational Rehabilitation Services in Grand Island. We work together a lot of times with Developmental Disability Services, especially in finding part-time jobs that they can handle. I am also a member of The Arc chapter of Grand Island and have continued to work with that organization in developmental disability issues and people I helped with while I worked with voc rehab. Ray is one of the kids I worked with since he was a senior in high school, and the other two that testified before him I have worked with at different times, and they are in programs. You had asked about his program. He works...he actually is a dual situation. He is in the day service program for Goodwill for developmental disability services, and they do contract work with people that have a real difficult time holding a regular job or any job of any kind of sophistication. But Ray also has advanced enough that he does work two days a week for Goodwill itself as an employee of Goodwill. He started out doing baling and now he goes out on the truck and brings in the different kinds of materials for Goodwill. So there's kind of a progression and I just wanted to make you aware of that, of how some of these things work and how clients start out in one way and begin to gather skills. I'm not going to repeat a lot of what you've already heard and the kids say it best. (Pause) I get a bit emotional. Sorry. [LB178]

SENATOR HEIDEMANN: Take your time; we have time. [LB178]

RICH MACIEJEWSKI: Our goal is to help developmental disability individuals become as independent as possible. That's our goal. And so it's really important that in accomplishing that goal they have competent staff there to do it, and you heard that time and time again from the individuals is the fact that they obviously get attached to their staff and they know which staff really helps them the most. And once they get attached to the staff and are progressing, they progress with that staff because they have confidence in them and their ability. So as has been testified, when they have that kind of confidence and ability in their staff, then all of a sudden their staff leaves because they go for higher paying jobs or whatever, it really does cause a lot of problem with them for awhile to get their feet back on the ground. We need these community providers to be able to pay competitive wages to keep the staff as best they can. And in that keeping of the staff--and we realize that not everybody is going to stay--but hopefully as we keep staff, we keep the ones who are also there because they love the work, not just because it's the money. But we need this money to keep the staff there a

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lot of times just to be able to give that sense of accomplishment of being able to see where the clients progress. That's partly why I'm here. I've had that privilege for 14 years to see progression in our young people and the people I work with as they come out of high school. And so because of that, because they get attached to that staff, it's just very important for their progression that we try to keep the competent and good staff as best we can. Thank you. [LB178]

SENATOR HEIDEMANN: Thank you for coming today. I can tell that you do this from your heart and it isn't all about the money for you, but it's important for us to reward that. For the record, could you please spell your last name for us? [LB178]

RICH MACIEJEWSKI: Oh, I'm sorry. Yeah, that's a big one. Rich Maciejewski, M-a-c-i-e-j-e-w-s-k-i. It took me till the third grade to learn to spell that sucker. (Laughter) [LB178]

SENATOR HEIDEMANN: Are there any questions for Rich? Seeing none, thank you. Is anyone else wishing to testify in support of LB178? Welcome. [LB178]

CHERYL LINDEN: (Exhibit 10) Welcome, Senators. I'm Cheryl Linden, C-h-e-r-y-l L-i-n-d-e-n. I'm from Pleasanton, Nebraska. I have a daughter Jennifer who is 15 years old who's in services with Mid-Nebraska Individual Services in Kearney, Nebraska. She has the mental capacity of a one-and-a-half- to two-and-a-half-year-old. She has also been diagnosed with severe mental retardation, autism, scoliosis, and a chromosomal syndrome. She is a high special needs child that requires a very much one-on-one care. She is mostly nonverbal and communicates with pictures and sign language a little. She has very limited self-control and has a tendency to display her emotions through self-abusive behavior. Jennifer stayed at home and attended school at Pleasanton until the age of nine when her father and I decided to enter her into services because I was no longer able to care for her due to medical complications. I had a nervous system disorder that had paralyzed my right side of the body, and I also had required several numerous surgeries and they're still outgoing through the years. The doctors told me if I had continued living at the pace and keeping her at home I would no longer live but for several years, so I had no choice but to put her in placement outside the home. Even though Jennifer lives outside the home, we continue to be a big part of her life. We visit her a few times weekly and attend all medical appointments and all her team meetings. The first agency she was with was Mosaic. She...there we had run onto a group home with a child and there was only one youth home which was there some aggression and abuse with a roommate, so there we then moved her on to DSN. Even though there was some good staff working at DSN, there was problems with another aggressive roommate that would hurt her when staff wasn't looking, and also they put her on a lot of meds and she had a reaction to the med that made her hair fall out. So we decided to look for another placement for Jennifer. She was then moved to Mid-Nebraska Individual Services. Jennifer still resides in their youth home today. Although there have

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been problems, things are going much better there. She did have problems with one roommate who was physically aggressive toward her in the last few months before she left, but the staff handled the situation as best they could and the roommate is no longer with them. Jennifer now has a roommate who is similar to Jennifer in abilities and size and we are much happier with the change. Over the years there has been staff turnover in Jennifer's home, though it has been more consistent lately. It's hard to find good staff that is willing to work for the wages they provide. Working with individuals is very hard work and can be very wearing. With employees coming in and out of the home, it is very hard on Jennifer. Jennifer needs a very stable environment with consistency in order to thrive. She now lives in a home where the staff now love and care for her. Mid-Nebraska employees deserve to be paid fairly for the work they provide. My daughter deserves the very best staff. Likewise, every developmentally disabled person in the state deserves to have the best quality staff. I believe all workers with the developmentally disabled in the state of Nebraska are entitled to higher wages. [LB178]

SENATOR HEIDEMANN: Thank you for coming and testifying today, Cheryl. Are there any questions? Seeing none, thank you. [LB178]

CHERYL LINDEN: Thank you. [LB178]

SENATOR HEIDEMANN: Is anyone else wishing to testify in support of LB178? Is anyone wishing to testify in opposition of LB178? Is anyone wishing to testify in the neutral position on LB178? Seeing none, would Senator Lathrop like to close? [LB178]

SENATOR LATHROP: Just briefly. I think you get a sense of what we listened to all summer and fall when it comes to the needs of the developmentally disabled population in the state of Nebraska. We'll talk as I introduce the next bill on the waiting list, but this is an important piece of it and I'd like to see the bill advance and this money be appropriated to bring these folks up to a pay that is commensurate with the work they do. Thank you. [LB178]

SENATOR HEIDEMANN: Are there any questions? Seeing none, we will close the public hearing right now on LB178. For the next two bills, we are going to hear LB236 and LB468 together. Therefore, if you're testifying in regard to only one of these bills, we would ask that you please indicate that in your testimony to help us later on as we're dealing with the bills. So we'll open on...Senator Lathrop will open on his bill. Senator Karpisek will be in and open on his bill and then we'll take public testimony after that. So Senator Lathrop will be opening right now on LB236. [LB178]

SENATOR LATHROP: Once again, thank you, Senator Heidemann, and members of the Appropriations Committee. My name is Steve Lathrop, L-a-t-h-r-o-p. I'm the Senator from District 12 and I'm here today to open on LB236. This is the bill that would provide for an appropriation for what is commonly understood as the waiting list. The waiting list

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is a name given to those people who are in need of developmental disability services who have placed their name on the list and continue to wait for the state to make arrangements for or provide an appropriation for the services they need. In 1997 the waiting list was essentially down to zero. That waiting list grows by about two or three hundred people a year because we are doing nothing to accommodate that list. Here's what happens with people needing developmental disability services in Nebraska. We have about 200 people a year who leave through attrition. They move, they die, they don't need services any more, their family gives up and decides to do it themselves. So we have 200 people leaving. That 200 is filled in with high school graduates and what we call priority ones. In Nebraska what we learned in the committee was that high...that kids moving through school age and through high school received excellent services through the school districts. They're well taken care of. The needs, what they need to be able to learn, including therapies and specialists, we do a marvelous job of that. When we get to 21, so-called the time at which they graduate, they then have to get their services from the state of Nebraska. Somewhere along the way we've agreed that those, those people coming out of high school will be given a priority, not for residential services but for day services. So we may have some of those 200 leave and some of them may leave a residential setting, but we are going to provide services just to the high school graduates and the services they'll receive are some form of day services. The only other exception to not providing services to people on the waiting list is what we call the priority ones. Priority one is somebody who is in an emergent situation or in an immediate need of services. Typically, this is the situation. Mom and dad have died and now junior, who has been living at home, has nobody to care for him or her, and so the state sees that as an emergent situation, that person will receive services. Everybody else who has developmental disabilities, and they turn to the state and ask for help, is told, no. They get on the list and they wait. Here is our track record with respect to the list. I don't think its moved and done anything but grow since 2003, I think is the number. I will...2003. And I...Mary Gordon is here. She chaired the LR156 committee, which specifically looked into the waiting list so she will give you the details about that. We have a statute, 83-1202.01 that says, "it is the intent of the Legislature that the state pursue full funding of community-based developmental disability programs in a reasonable time frame and that the Legislature commit itself and the state to attaining a goal of providing services to all eligible persons by July 1, 2010." That used to say, July 1, 2006, and then we keep moving it and we keep moving it. And instead of taking care of these people and offering them services and funding the services, we move the date on that statute. The committee, the LR283 committee, suggested a recommendation was that we take care of the waiting list over a four-year period. We've suggested a four-year period rather than a one-year period. I appreciate Senator Karpisek's bill and he will be up here behind me to introduce his bill that basically does it all in one year. I don't know that we have the capacity to do that. If you appropriated the money, I don't know that the community-based programs are in place to do it. Our thought on the...283 committee was that four years would allow for an expansion of the capacity and allow for it to be done in a more orderly way. I realize that there are budget

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constraints and I'm reminded of one of the testifiers when we had the committee, came before us and said, in good times we say we need to spend our money on tax breaks and in tough times we tell people that we don't have the money to fund these kinds of things. And now, that is certainly part of the logic behind what got us in trouble at BSDC. I think even though it is a difficult time, we need to address the waiting list and we need to do it in a meaningful way. And so I'd ask you to provide for the funding of the elimination of the waiting list over a four-year period. [LB236 LB468]

SENATOR HEIDEMANN: Senator Nantkes, and Senator Wightman. [LB236 LB468]

SENATOR NANTKES: Senator Lathrop, again thank you for your leadership on this issue. Just to be clear, I had a chance to read that report that was the product of the interim study that you were a part of, and I think it does a very extensive and detailed...it's very extensive and detailed treatment of the current public policy dilemmas facing funding and capacity and a host of other issues related to appropriate and necessary services for Nebraska's developmentally disabled community. I'd commend that reading to other members of the committee if they have not had a chance to review that. I think it encapsulates a lot, encapsulates a lot of history and even though it's a lot of reading, in a very comprehensive way, and I guess to be clear, and maybe Senator Karpisek can talk about it in his opening, there were a variety of policy options proposed in that report and your legislation is one and maybe Senator Karpisek's is another. And I'm guessing that we have the ability as a Legislature to really be creative and flexible in addressing those issues by adopting some of those components or even new ideas, is that right? [LB236 LB468]

SENATOR LATHROP: I think so. I think so. You know, one of the things...I ran into a group from Omaha and this is the problem when your policy is we're not going to do anything, then you can't do anything. There's a group in Omaha, and these are people with means, and they're an association of folks, a loose association of folks. They have bought land. They want to develop something themselves, but because...they're going to build the houses and they're going to build a center in the middle of this, in this campus. It would be a wonderful idea and they're going to do it with their own money and they just want to say, we'll do it and you run it and you provide for it. And we want...no, if your not going to do anything, then you got to tell everybody no, because you'd have to put somebody ahead of another person. And so we just say to a program like that, an offer like that, an offer to collaborate to address the waiting list and to provide for capacity with private dollars, we say no because, you know, our position is we're not going to move people off the waiting list and I just think that we have a responsibility. When we were, when we were on the committee, the thing that we heard most frequently from Health and Human Services is they reminded us over and again this is a, this is not an eligibility. You're not...you don't have a right to these things. You can come to the state and ask for them but you don't have a right, and I'm going to mix the terminology up, but...well, that's kind of a sorry way to approach this. We should be

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helping these families it seems to me and most of them, most of them want some collaboration. They don't need us to take over their kids lives. They want some help. They need to get the kid from here, from home to a job or help with some vocational services. [LB236 LB468]

SENATOR NANTKES: Thank you. [LB236 LB468]

SENATOR HEIDEMANN: Senator Wightman. [LB236 LB468]

SENATOR WIGHTMAN: Thank you, Senator Lathrop, again for your leadership and bringing the bills. I tend to agree with you that a lot of times we pass on tax decreases and that becomes more important than handling some of the financial problems that may be, or financial obligations we have. I was, however, looking forward to Senator Lathrop's bill kind of thumbing through my bills here and you indicate that Senator Lathrop would...Karpisek, you're Senator Lathrop. (Laughter) [LB236 LB468]

SENATOR LATHROP: Right, for the last two years. (Laughter) [LB236 LB468]

SENATOR WIGHTMAN: Senator Karpisek's bill and I see that his really doesn't provide that much more in the way of annual expenses than yours do, a lot less total in one year than yours do over the four years. I look at his general fund request and it looks like it's \$31,272,000 and maybe that's for each of two years, where yours starts out about \$16,000,000 and you may not be familiar with how these figures were arrived at, I don't know. [LB236 LB468]

SENATOR LATHROP: That would be true. [LB236 LB468]

SENATOR WIGHTMAN: And then it goes to \$32 million, \$48 million, and \$65 million in successive years so maybe someone else can better address that. I'll try to remember Karpisek's name the next time and maybe I'll... [LB236 LB468]

SENATOR LATHROP: Yeah, that's okay. [LB236 LB468]

SENATOR WIGHTMAN: ...actually request it from Senator Karpisek. Thank you. [LB236 LB468]

SENATOR LATHROP: Sure. [LB236 LB468]

SENATOR HEIDEMANN: Senator Fulton. [LB236 LB468]

SENATOR FULTON: I'll have to go with my colleagues. Thank you for your leadership on this. How did we get caught up? We were caught back in 19... [LB236 LB468]

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SENATOR LATHROP: I think they used tobacco settlement money to provide for some of the funding. [LB236 LB468]

SENATOR FULTON: When was it? [LB236 LB468]

SENATOR LATHROP: But that just gets you to a place where you've taken people...am I right? Where you've taken people off the list but you still have to sustain that, you know. Once you take them off the list now, now you're paying for their community-based program whatever form that might take, year after year once you take them off the waiting list. [LB236 LB468]

SENATOR FULTON: Was there a...can you put some...the...there's some historicity to what happened back then and I'm wondering if you could get us there, take us back, I guess. How...there was some type of movement in order to make a decision to expend funds to make the list go away. How did we... [LB236 LB468]

SENATOR LATHROP: I think there was somebody who was in a position...somebody who cared and who was in a position to do it. I don't want to make this sound political, okay. But when this waiting list went to zero there was somebody that cared about where it was at and whether we were providing those services, and then they found a way to do it and they did it with some tobacco money. You could have given that tobacco money back to people in a tax return, but there was an administration at the time that wanted to see the waiting list back down to what is effectively zero. And frankly, that's not happening. I don't think in the proposed budget, and you guys know it better than I, but I don't think there's anything in the proposed budget that deals with a waiting list. Nothing. So the answer is, and what we're saying is, here's our priorities. Nothing for the waiting list. And Senator Fulton, when I...and Senator Harms was there when we sat here and listened to the parents come by and you can think about this. You're 65 years old or 70 years old, you have your daughter living with you and she's now 45, developmentally disabled, and you're starting to wonder about what's going to happen to you when you're gone. And these people have no peace of mind. The best they can hope for is that when they die, somebody will take care of her. But they have no idea what form that's going to take, what it's going to look like at all. And I don't...you know, I guess it's a policy decision. I think it's a moral decision as well, but it's also a policy decision. And at some point, at some point we have to say, you know, it is a tight...we are in a tight spot right now. We don't have all the money we need to do these things but we should do something. We should do something and not just nothing and say that the problem's big and the answer is to do nothing rather than try to, try to take a bite out of it. That's my sermon. [LB236 LB468]

SENATOR FULTON: Was the...help me. I don't mind. The...so this, the tobacco settlement money came into being and it was decided to go after the...to use the tobacco settlement money for this or was it something that was pursued? [LB236

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LB468]

SENATOR LATHROP: You know, I would say that you have somebody here that could answer that better than I. I just don't know the answer to that. And I will say this, Mary Gordon chaired the LR156 committee. She will testify after me and I think may have more of the answers. [LB236 LB468]

SENATOR FULTON: Okay. Thank you. [LB236 LB468]

SENATOR LATHROP: Yes, she's shaking her head yes. [LB236 LB468]

SENATOR HEIDEMANN: Senator Wightman. [LB236 LB468]

SENATOR WIGHTMAN: Thank you. One additional question I have and you've indicated that we kind of developed a do-nothing mentality with regard to this waiting list and that we've done little or nothing. We take new names. Do we even keep, do we even maintain the old list of...certainly, we've got the list of names but if somebody would die, are they even stricken from that list or do you know? [LB236 LB468]

SENATOR LATHROP: Oh, I think that the list if cleaned up, if you will. I mean, if somebody puts their name on the list, here's what happens. You know, if the school district, and let's say you're in the Ralston school district, which is a district that I represent, good, good, good, does a fabulous job with the developmentally disabled. They get a good education, they get what they need. Age 21, they're counting on the state after that. Knowing that they have to get and they want a service, people will put their kid on a waiting list in seventh grade and say, at this particular year I'm going to need, maybe it's residential services or maybe it's vocational services. And they're now putting their name on the list years in advance of what their date of need is. The list that you're going to hear about, and Mary will testify about, the particulars of that, are the people that are passed their date of need. So we have a list that's a lot bigger than 2,000 people, and that's all the people that are afraid about what's going to happen five years from now when they actually need the services. And so we have the waiting list that we have, the real waiting list which is the people past their date of need. [LB236 LB468]

SENATOR WIGHTMAN: And the 2,000 you talk about is the real waiting list that have already reached the age of need. [LB236 LB468]

SENATOR LATHROP: That's the real waiting list. And rather than try to give to you out of memory a breakdown on how many that's residential and how many of it's day services and that, I think Ms. Gordon will be better able to do that. [LB236 LB468]

SENATOR WIGHTMAN: Thank you. [LB236 LB468]

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SENATOR HEIDEMANN: Are there any other questions? Seeing none, thank you, Senator Lathrop. [LB236 LB468]

SENATOR LATHROP: Thank you. [LB236 LB468]

SENATOR HEIDEMANN: At this time then, we'll bring up Senator Karpisek and he will open on LB468. [LB236 LB468]

SENATOR KARPISEK: Thank you, Chairman Heidemann, and members of the Appropriations Committee. I think this is the first time this year I've darkened your doorstep, so please keep that in mind. (Laughter) I am very fortunate also to Senator Lathrop...preceded me on this because he is, obviously, much more versed on this subject than I. Just to go to show you that there's more than one thing that I'm still upset about over a couple of years, I did not get on the BSDC Task Force, so I am not as well versed as he because of that, so. There's two things. I just wanted to get my 2 cents in on this because I did hear Dave Merrill speaking earlier about his hero, a Senator, and I thought sure it was going to be me, but (laughter) he said it was Jerome Warner. And said maybe sometimes, or he didn't want things to get past him. And I think, I just think that times are a changing and we need to look at this. We need to really think about it. Now, when I put this bill in, I was hoping the economy was going to look a lot better. I'll be honest with you. And I thought, I'm going to put it in and I'll make a good pitch, let's do it. You know, I realize that it's tough, and I'm glad I don't sit on your committee. One thing I'm happy of. It would be very hard and you do a fine job. But I do think that something needs to be done. I think the four-year plan is a fine plan, but I don't think it gets to it soon enough. Four years is a long time. Not as long as when we were in high school. That seemed like forever. But I can't imagine when you're waiting for services and you need the services and you have to wait four years or maybe more, it's a long time. And I just think it's time to step up to the plate. Senator Lathrop brought up a very good point about tax refunds. With all the thanks that I got on our last tax break, I'll tell you what, I don't know that I will ever be real happy to do one again. All I got yelled at was, that it wasn't enough. Well, you know what, we could have done a lot with that money that we gave back. And no, percentagewise, it wasn't very much, but darn, it counts. And it counts in these peoples lives. Every day, day to day, it counts for them. And this is one issue that I am very...Senator Wightman will ask me a question soon, (laugh) that I'm passionate about. I'm so passionate about this one that I probably wouldn't even get up and scream about it on the floor but try to talk rationally about it. (Laughter) Because I don't think that's the way to go about this one. So again, I don't know the most about this. Senator Lathrop, some of you others, Senator Harms, are much more well versed on this than I, but I do think it's time to do something. The community-based, I think, are doing a great job. I guess in my opinion, if they don't have the resources, the beds, which I think that they could scramble and make a bunch, my idea is, we're getting rid of...that Beatrice is sitting there now with how many empty

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beds. We've been to Norfolk, the regional center. We've been to Hastings, out there. There's some buildings that I think with some work and some money could be put together and used for some of these services. People need services and people need jobs. To me I think we need to just buckle down and do it. Whichever way we do it, I hope that we can start moving forward in some direction and not at a snail's pace. And with that, I appreciate your listening and I'd be glad to try to answer any questions. [LB236 LB468]

SENATOR HEIDEMANN: Would Senator Wightman like to ask Senator Karpisek a question? (Laughter) [LB236 LB468]

SENATOR WIGHTMAN: No, I wanted to ask Senator Lathrop. Senator Lathrop, I say can that...(laughter) and called you that, equal opportunity committeeman. (Laughter) [LB236 LB468]

SENATOR KARPISEK: Boy, that is the best thing I've been called in a long time. [LB236 LB468]

SENATOR WIGHTMAN: No, and I asked Senator Lathrop this question. According to his testimony, yours was to do in one year what his bill was to do in four years. And you know, I'm questioning that a little bit in light of the fiscal note that I'm seeing or at least the Appropriations request in that I think it totaled over four years about \$142 million. [LB236 LB468]

SENATOR KARPISEK: Right. [LB236 LB468]

SENATOR WIGHTMAN: I like yours a lot better because it only appears to total... [LB236 LB468]

SENATOR KARPISEK: I just know how to get business working better than Senator Lathrop. No, you know that was the number that came out of the LR156 and then we just kept it at that same level. I don't think that it would stay at that level but without delving into it a great deal and finding out where we really would be, we just kept it the same. Again, sometimes I don't want to get in trouble from the fiscal office, but sometimes we don't always know where those come from. I will say that that number did come out of that LR. [LB236 LB468]

SENATOR WIGHTMAN: Well, Senator Karpisek, I thought perhaps you just brought us better and less costly legislation. [LB236 LB468]

SENATOR KARPISEK: Well, I'm sure I could do it cheaper. (Laughter) [LB236 LB468]

SENATOR WIGHTMAN: Thank you. [LB236 LB468]

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SENATOR KARPISEK: And being unemployed, I'm sure I could. (Laughter) [LB236 LB468]

SENATOR WIGHTMAN: Thank you. [LB236 LB468]

SENATOR HEIDEMANN: Senator Nantkes. [LB236 LB468]

SENATOR NANTKES: Senator Karpisek, thank you for coming down. And despite the fact that you haven't been a frequent visitor to this committee, I know your previous visits have been on issues related to services for the developmentally disabled. So I think that you have a quite a track record in regards to this, and despite the fact that maybe you weren't chosen for that committee, you continued to keep a focus and an urgency on these issues. So I think that's a good example how...for all of us to operate, if maybe we aren't an official member of something or another, we can still be involved and still help drive the dialog. And we have to. I mean, that's so important to our job, and so don't sell yourself too short. [LB236 LB468]

SENATOR KARPISEK: Well, thank you Senator Nantkes. [LB236 LB468]

SENATOR HEIDEMANN: Senator Harms. [LB236 LB468]

SENATOR HARMS: Senator Karpisek, how are you? [LB236 LB468]

SENATOR KARPISEK: Fine. And yourself? [LB236 LB468]

SENATOR HARMS: I'm doing just fine, thank you. (Laughter) [LB236 LB468]

SENATOR KARPISEK: I've been in my office waiting. [LB236 LB468]

SENATOR HARMS: Top, top, top of the day for you, big guy. I would first of all want to make just one statement. I would tell you that I think our fiscal staff does a pretty good job. A lot of times when you have 700 bills, they have to rely upon the departments to give them some assistance and so whenever I've tracked that down, they do a good job, and so we would hope that people would understand that. Secondly, I would tell you that I agree with both you and Senator Lathrop. I think it's time to address the issue. I think as Senator Lathrop and myself and probably about five or six other Senators had the opportunity all summer and all fall to listen to testimony, and there is no question in my mind that somewhere along the line we have to put together a plan for these people. It's just...it really tugs at your heart and when you see the situations that they're in, they're almost, as Senator Lathrop will remember, they almost begged us. I mean, they were...you know, it's really tough to sit there and listen to that and then look at our fiscal conditions. I would feel so much better if I knew we could just put together a plan and

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stretch this out, whatever it takes. We need to start to address the issue because it is a tragedy for the state. I wish that we had never allowed it to get where it's at. And I don't think I really would have understood then until I got involved in this whole issue and it bothers me tremendously. And it's an experience that I don't think I would want to go through again to listen to the testimony and know how serious these people are and how frustrated they are and they are really families in crisis. I don't know how I would react if I was 70-some years old, which I'm not too far away from that, and I had a child that I needed to place but yet was living with me in my home. I don't know how I'd feel. I mean, that child has been a part of my life and I want to make sure when I leave, that I know in my own heart that I have my son or daughter in a place that I can feel comfortable with, that they'll be taken care of. And I think we have that responsibility. So I appreciate both of you bringing this forward in a time that's tough for us but I think we have to answer to the issue. Thank you. [LB236 LB468]

SENATOR KARPISEK: I want to thank you. And I agree that that task force has been wonderful because you were kind of put into everything, BSDC, the waiting list, even the safe haven. I would say that you saw a lot of those sort of things. And as I said on the floor, maybe it's best I didn't get on there because I don't know that I could take it. Just the Exec Committee that we had that one day, I had a rough day. I really had a rough day. But again, I know there's great people on there and I know there's great people in the body. And yes, it's tough to spend the money, and we hear it day in and day out that we waste money, we waste taxpayer's money. We know better than that. But again, when you're faced with a one-on-one and you look into these people's eyes and then you have to say, well, I'm sorry but we think we'd better just hold on to a little more money. Again, I'm glad to hear that you say, start somewhere. I appreciate that. Thank you. [LB236 LB468]

SENATOR HEIDEMANN: Are there any more questions? Seeing none, thank you for the time being. [LB236 LB468]

SENATOR KARPISEK: Thank you, Chairman. [LB236 LB468]

SENATOR HEIDEMANN: At this time we're going to open up for public comment on LB236 and LB468. Public comment first will be in support of either bill if you only are testifying in support of one bill, please let us know. Out of curiosity, before we start, how many people plan to testify in support or opposition or neutral position on these two bills? Thank you. [LB236 LB468]

MARY GORDON: (Exhibits 12 and 13) Good afternoon, Senator Heidemann, and members of the Appropriations Committee. My name is Mary Gordon, G-o-r-d-o-n, and I am director of the Nebraska Planning Council on Developmental Disabilities. Although the council is appointed by the Governor and administered by the Department of Health and Human Services, the council operates independently and our comments do not

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necessarily reflect the views of the Governor's administration or the department. We are a federally mandated independent council comprised of individuals and families of persons with developmental disabilities, community providers, and agency representatives that advocate for system change and quality services. Last year the council was asked to put together a work group in response to LR156 to address the waiting list for persons with developmental disabilities as well as the rate methodology. The work group consisted of 29 individuals including people with developmental disabilities, family members, providers, advocates, and agency representatives. Their report was released this past December and was distributed to the legislative body, the Governor and the Medicaid Reform Committee. LB236 and LB468 are the result of that report. Although your offices should have received a copy in December, I brought some for those who would like one, so...for those of you who like to read ahead because I know you can pay more attention than just listening. The explanation of the waiting list is on page 8 and then the comparison of the funding between the one, it starts on page 25, it's option 1. And then all recommendations actually differed from the recommendations of the LR283. We space it over a six year period and they opted to do it over a four year, which we like even better. But just so when you look on page 26 you'll see on report the...it's spaced over as how the numbers came out but they...and those numbers came from the Department of Health and Human Services. As of November 1, 2008, there were 2,597 requests for developmental disability services from individuals who are past their need date and waiting for day, residential, and/or respite services. Some of these people have been waiting since January 2003, for services. The data indicates that there were 370 requests for respite, 472 requests for day services, and 1,755 requests for residential services. The actual number of individuals waiting for services is approximately 1,905 since some people have requested more than one service. LB236 and LB468 would address the legislative intent that Senator Lathrop referenced as far as these services being made available by July 1, 2010. The Nebraska Planning Council on Developmental Disabilities requests you to provide funding for the waiting list. Although the attention of the state has been focused on individuals at BSDC, it must not be forgotten that individuals and families continue to wait for services in the community. Among the many issues identified by the work group was that the Division of Developmental Disabilities has chosen to fund priority one or emergency requests from the money made available when people leave services. Rather than come to the Legislature and request the funding needed each year for people whose life circumstances change, for example, the death of a parent or the family can no longer care for them, the Developmental Disabilities Division has used the money freed up when people leave services. The Division has estimated that the cost of these priority one situations is approximately \$4 million a year, \$2 million state general funds and \$2 million federal matching funds. Therefore, each year the division must find funding to cover this amount which has not been appropriated. The money which is freed up when people leave DD services goes to this rather than to remove people from the waiting list. Most recent numbers show that approximately 145 people leave services each year and that the average cost of their final year of service is \$35,861.

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That could mean \$5,199,845 would have been available to help reduce the waiting list each year. The failure to provide appropriations for the priority one individuals only worsens the waiting list situation. With this being the only avenue to move off the waiting list, individuals and families are forced into crisis situations with the solutions often being much more costly than if service needs had been addressed while they were on the waiting list. Although we are hopeful that you will include funding for the list in the appropriations bill as proposed in LB236 or LB468, we would also encourage you to consider adding \$2 million state general funds and the \$2 million federal matching funds for the priority one requests with the intent language that any savings for people leaving services be directed at the waiting list. In reviewing your proposed budget, we note your concern for people with developmental disabilities and the services they receive. However, the dollars directed for the 200 individuals residing at BSDC should be balanced with funding for the 2,000 individuals that currently still await services in the community. Thank you for your consideration. [LB236 LB468]

SENATOR HEIDEMANN: Thank you, Mary. Are there any questions? Senator Nantkes. [LB236 LB468]

SENATOR NANTKES: Mary, thank you for coming in today, and thank you for your good work in regards to that report. It really is very, very well done and it was a good resource for me in getting ready for session. I'm guessing...and I apologize if this is a naive or a silly question. I'm just trying to get up to speed on these things, but in the latter part of your testimony you're talking about what seems to be some sort of shifting of dollars within a variety of different programs. And that's always problematic to this committee, I think, when we try and make an appropriation for services and then maybe we later see those intentions frustrated. Is that what you think is happening or is the original appropriation not significant enough to take care of the needs, or both? [LB236 LB468]

MARY GORDON: I think it's the original appropriations. It's all the same agency but...and again this is just my perception of what...someone I think earlier, one of the Senators, asked about how did the waiting list start and when did...and we mentioned like in years ago, as soon as '97, there wasn't much of a waiting list. And therefore, priority one, or emergencies wasn't much of an issue. If you had an emergency, there was an opening and you got in. But then they began that...and the funding was there. Then as the funding dried up and there wasn't enough, they instead of coming in and making the decision to ask for these additional \$2 million a year of state and \$2 million... [LB236 LB468]

SENATOR NANTKES: And I'm sorry, just to be clear but the Department of Health and Human Services. Okay. [LB236 LB468]

MARY GORDON: Right. Yes, the Department. That they...the administration made the

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decision to find the money within their current budget what had been appropriated.
[LB236 LB468]

SENATOR NANTKES: Okay. [LB236 LB468]

MARY GORDON: And for a while that wasn't, maybe at the beginning not as big an issue, but as it... [LB236 LB468]

SENATOR NANTKES: Because they were able to meet those needs with existing resources. [LB236 LB468]

MARY GORDON: Right. But as the years went on and this became the only way for people to get services and so that the waiting list began to grow and so there was a real...so it really was emergency kind of funding and there was no other way to get it. They didn't have the extra money. So the only money that became available would be money for when people died or left services. And prior to that, most of that money was then used...like if a provider, if someone left services, then they were able to, on the waiting list, and so from the waiting list came into that program. But now there was no money for that because that money once that person left or died or however they exited services, had to immediately be moved and used into this emergency...I don't think it was like misusing the money, it was just a situation where, okay, we don't have the money and here's someone's parents died and they need services and so we have to figure out where to get the money. And over here someone died, so basically, they bumped them up above the other people that were on that list. [LB236 LB468]

SENATOR NANTKES: So really after we saw an infusion of resources because of tobacco settlement dollars or whatever the case may be, it sounds like to was because of tobacco settlement dollars in 1997. Since that period in time, we have yet to see any infusion of additional resources so essentially we're funding with tobacco or other dollars, services at a 1997 level. Is that kind of what happens and that's why the population is growing and the needs are growing and the waiting list is growing? [LB236 LB468]

MARY GORDON: Yes, it's probably more like at a 2003 level because the tobacco money was last used in 2006 but it served people who were waiting up until January 2003. [LB236 LB468]

SENATOR NANTKES: Okay. Okay. That's helpful, thank you. [LB236 LB468]

MARY GORDON: It's very confusing. [LB236 LB468]

SENATOR NANTKES: Well, no, your a great resource. Thank you. [LB236 LB468]

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SENATOR HEIDEMANN: Senator Fulton. [LB236 LB468]

SENATOR FULTON: Thank you, Mary. Appreciate it. I'm going to ask that question again that I had asked Senator Lathrop. There was a time when the waiting list ceased to be and we accomplished that by utilizing tobacco settlement dollars, correct? [LB236 LB468]

MARY GORDON: Ah, no, I'm sorry, Senator. We helped the waiting list by using tobacco settlement but we actually only served, we probably only served maybe three or four years worth of people on the waiting list. And then it stopped. We ran out of the tobacco settlement money. We...because instead of what happened was, when the tobacco settlement, the new money came in, the next year and subsequent years, and you've seen it in the budget for the tobacco settlement money, it continues to serve those very same people that were served in 2006. They don't get added into the budget. [LB236 LB468]

SENATOR FULTON: Right, so it...okay, I think I understand that. What...how was that...so at a point in time before tobacco settlement monies even entered into our policy, there was a more robust list. Tobacco settlement money helped to reduce some of that list. Were there any other solutions proposed? So what I'm saying is, the Legislatures before us faced the same problem. What were some of the solutions that were proposed back then in addition to tobacco settlement monies or were there any? [LB236 LB468]

MARY GORDON: I think the original tobacco settlement money, to be honest, I think that a lot of people felt that that money was going to be serving new people every year, taking people off the waiting list. And then when the administration, when the department would come in and the Legislature, they would fund...they wouldn't be using that same tobacco, they would go in and become part of regular appropriations. If they served...like if it was \$2 million, the next year they would be increasing appropriations for DD services by the amount of money to that plus there would be the tobacco money to bring more people in. So it was supposed to, sort of, go hand in hand. There would be the new money for the people coming in and then the next year they would just become part of the regular budget. But that actually never happened. What happened was, the tobacco money subsidized them forever and they never moved into the regular budget. [LB236 LB468]

SENATOR FULTON: Okay. Thank you. [LB236 LB468]

MARY GORDON: Okay. [LB236 LB468]

SENATOR HEIDEMANN: Are there any other questions? Seeing none, thank you. [LB236 LB468]

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MARY GORDON: Thank you. [LB236 LB468]

TERRI LYNCH: I'm here to support Senator Lathrop's bill, LB236. I'm jumping ahead because my son needs to be picked up in Omaha soon. So I'm David's mother and actually he's 35 years old. He needs assistance with toileting and bathing and dressing and really every...all these activities of daily living and he lives at home with myself. I'm 58 and my husband is 67. We are his guardians. He was born with Down Syndrome and at birth at that time in 1973. They said we could either take him to Beatrice or take him home and see how he did and we took him home. He's pretty low functioning. I actually brought David to Senator Lathrop's hearing last October just because I wanted you to see him as a real person. He isn't just this inanimate object sitting on a shelf waiting for appropriations. I mean, right now we have no choice. We have ideas about choices. We're one...I'm one of those members of the Nebraska Village of Promise who are concerned parents that want to develop a different choice of community living in a multiuse property that we could have services located nearby so that my David wouldn't have to ride a bus or a van for two hours a day. But right now he has no choice, and what I really don't want to get into the situation is that if one of us becomes sick or ill that he's ripped out of that situation and then grieving at the same time that that would be a travesty. But I'm really looking for you to think about two things here, the Nebraska Village of Promise which offers an option, but we do need the Medicaid waiver dollars. We do need dollars that would follow my son and other people like him. And just to tell you the dilemma that I'm in with my David, when I inquired a couple of years ago about where David was on the list, the waiting list, my state caseworker for David said, well, he's not on the list. I said, well, what do you mean he's not on the list? He said, well, you know, and I guess we didn't tell you this that when we gave your son one hour of residential care a day, 20 hours a week so that we could work and pick him up after work, that's his residential care. I said, well, that's absurd. How can that be in place of residential care? He can't be on the waiting list and have one hour a day Monday through Friday. He said, no. And so, I said, advise me now, where am I supposed to be, putting back on the residential list? No, you'd go to the bottom. Well, keep him on for one hour a day what does that do? He said, well, there's this ICAP thing which I totally don't understand and probably very few that do. If ICAP ever gets fully implemented, which is about a ten-year-old program or older, that maybe he would be first in line to get more residential hours. So I can't be the only one that has a son that's 36 in this dilemma that's isn't on the waiting list and he is in limbo. So I'm really perplexed at, you know, where...what to do. I don't know what to do and I think I'm appealing that and supporting Senator Lathrop's bill that's probably the most sensible way to reduce the list. And that I'm really...it's up to you guys to do the right thing under very tough economic conditions and hope that you will make a decision so that we could help those individuals on the waiting list and those individuals, like my David, who are in limbo. And I'll take any questions. [LB236 LB468]

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SENATOR HEIDEMANN: Could you, for the record, please state and spell your name. [LB236 LB468]

TERRI LYNCH: Terri Lynch, L-y-n-c-h. [LB236 LB468]

SENATOR HEIDEMANN: Thanks, Terri. Senator Nantkes. [LB236 LB468]

SENATOR NANTKES: Thank you, Ms. Lynch, Terri, for coming down and I know your time is short because you need to get back and care for your son. But one thing I was thinking about during your testimony was, are you lifelong Nebraskan? Have you lived here your whole life and your husband, I presume? [LB236 LB468]

TERRI LYNCH: And I do have a statement here that if he was in Iowa, across the border, their waiting list is less than one year. [LB236 LB468]

SENATOR NANTKES: And so you and your husband and your family, lifelong Nebraskans, who pay taxes and have been contributors to our quality of life rather than people who draw upon the public resources, and I guess that philosophically, you know, I'm thinking down the road as I plan my family and you never know what your lot in life is going to be. But I guess, were you surprised as a parent and as a taxpayer that when you were presented with some challenges within your family that the state of Nebraska really wasn't prepared and equipped to help you meet those needs and didn't have the services available that maybe you would hope that they would? [LB236 LB468]

TERRI LYNCH: Well, even at this level, yes. But he waited three years to get into a shelter workshop at age 21. This is an atrocity. This is really...Nebraska ought to be ashamed of itself. [LB236 LB468]

SENATOR NANTKES: And I guess that's what I'm really trying, trying to ask is that, you know, as somebody who has worked hard and played by the rules your whole life, and now you have a family whose member is in critical need of services and needs the state's help. In your opinion, is the state helping him or your family or those in your situation? [LB236 LB468]

TERRI LYNCH: No, and there are many others...of us that are not on this waiting list. So I think this is not a good number to gauge your response to. It's much greater. There are people that are so discouraged that they're not putting their children on this waiting list or they have heard about the horrors of Beatrice. And I have heard horrors about the community-based programs too where people get scalded in showers and are sexually abused, and it goes on and on. It's not just something that happens in Beatrice. So I'm trying to be an advocate and develop a community living situation that I could feel there was more oversight. We could maybe pay better. We could have all the buildings paid for, have a workshop that's close by. Maybe have a little greenhouse that would

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generate revenue. Something that other states have that could combine the state dollars with the private dollars and even these are contributing citizens that can make money. It's not a new concept. [LB236 LB468]

SENATOR NANTKES: Right. And I guess, just...you mentioned briefly the comparison of the situation in our neighboring state in Iowa. I think we're all familiar but they're in a very difficult budgetary time as well, but somehow have managed to place their priorities in a manner that supports these kinds of critical human service needs. And I guess if you were across the river there from Omaha that you'd have a lot...you'd have more light at the end of the tunnel, rather than really no, no help in sight, which is what your telling us you're at now, is that right? [LB236 LB468]

TERRI LYNCH: Exactly. [LB236 LB468]

SENATOR NANTKES: Okay. Thanks. [LB236 LB468]

SENATOR HEIDEMANN: Are there any other questions? Seeing none, thank you. [LB236 LB468]

TERRI LYNCH: Thank you. [LB236 LB468]

SENATOR HEIDEMANN: Welcome. [LB236 LB468]

MARLA FISCHER-LEMPKE: (Exhibits 14 and 15) Hello, again. Chairman Heidemann, and members of the Appropriations Committee, I'm Marla Fischer-Lempke, executive director for The Arc of Nebraska, M-a-r-l-a F-i-s-c-h-e-r hyphen L-e-m-p-k-e. The Arc is in support of both LB236 and LB468 so I will combine our testimony, although you will be getting a copy of each. The Arc of Nebraska strongly believes that people with intellectual and other developmental disabilities have the rights to a good quality of life and to fully participate in their communities. Unfortunately, a very significant number of Nebraskans with developmental disabilities have been waiting for far too long for the services which support those rights. They are waiting for services for which they are eligible. They are waiting for services to enable them to remain in their homes and in their communities. The waiting list bills would have the Legislature take an...while this LB236 would have the Legislature take an incremental approach to fund the waiting list similar to one of those suggested by the LR158 Work Group that Mary Gordon spoke about. However, we would recommend that the following be considered to be added to the bills. That no funds appropriated to decrease the developmental disabilities community services wait list should be spent for any other purpose. And then any unspent monies must be carried over to the subsequent year in order that they are available to continue to address this critical concern. Funds may be used to develop or enhance the capacity of community providers. We're seeing right now, especially with people leaving BSDC, that there's a need for community-based services to be

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enhanced and expanded. So obviously, if people are going to be funded off the waiting list, that there's going to be a need for expansion of services to serve those individuals as well. Once those on the waiting list are served, funds should be allocated to continue providing services as persons reach their date of need. The preliminary report on the biennial budget demonstrates a commitment to providing for the service and support needs of people currently at BSDC and at the intermediate care facility level of care. The passage of LB236 would provide the same assurances to people with developmental disabilities who are waiting for services in their communities. The Legislature might also keep in mind the fact that the American Recovery and Reinvestment Act, also known as the stimulus funds, can and should be used to reduce and eliminate the waiting list. And you'll hear more testimony from Kathy Hoell who knows a great deal more about that than I, about that possibility. Regardless, this legislation presents a financial road map and is long overdue. We also appreciate the addition of funding for the development of a new rate methodology for community service providers. The inequity in provider rates provides a disincentive to the development of community services in Nebraska. We urge you to move LB236 to the floor for full discussion and passage. And thank you for your consideration. [LB236 LB468]

SENATOR HEIDEMANN: Thank you for testifying today. Are there any questions?
Senator Fulton. [LB236 LB468]

SENATOR FULTON: The lady that you said was going to talk about ARRA funding, here? Is going to be testifying? [LB236 LB468]

MARLA FISCHER-LEMPKE: Yes, right there. Yep, making her way up. [LB236 LB468]

SENATOR FULTON: Okay. Thank you. [LB236 LB468]

SENATOR HEIDEMANN: Are there any other questions? Seeing none, thanks Marla. [LB236 LB468]

MARLA FISCHER-LEMPKE: Thank you. [LB236 LB468]

SENATOR HEIDEMANN: Welcome. [LB236 LB468]

KATHY HOELL: (Exhibits 16 and 17) Hi. Thank you for hearing this very important issue. My name is Kathy Hoell, K-a-t-h-y H-o-e-l-l, and I live in Bellevue. First and foremost, I am a person with a disability and I am requesting a reasonable accommodation under the Americans With Disabilities Act for...to get rid of the lights because I don't talk fast enough. [LB236 LB468]

SENATOR HEIDEMANN: We will turn the lights off for you. [LB236 LB468]

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KATHY HOELL: Thank you. Okay. Basically what it comes down to is that I am a human being. I'm a taxpayer here in Nebraska and I am totally disgusted with the policy of the state of Nebraska making these people who have been deemed to save us but have not provided them services. So being the anal person that I am, I decided to look into what the stimulus money could be used for, and because I do not feel that employees with this are provided with credible information. They lack integrity in my opinion. I went to outside sources to find out what the stimulus money could be used for. And in the packet of material you received you will. I contacted Stephen Gold, who is a attorney out of Philadelphia, Pennsylvania, who has been involved in many disability rights issues throughout the country. And he was...entered an amicus brief under the Olmstead decision before the Supreme Court. And according to Steve, you will see next in the packet a couple of different articles, e-mails from him. And one of the approved things that the stimulus money can be used for is the waiting list. And I'd, that...at this point we've neglected these people for so many years, I think we really need to do it. The next piece of paper actually comes from the National Disabilities Rights Network in Washington. They are the national organization for the protection and advocacy organizations around the country. And according to them, they could be used to reduce waiting lists and waiver expansion. So we would be able to do a little bit of everything. And the last thing in the packet that I'm giving you is our recent publication that came out by the AARP Public Policy Institute and this talks about why investing in long-term home and community-based services is the way to go. It is going to cost more initially but in the long run we will save money by going to home and community-based services and stop going to institutional care. On page 5 you will note that there is a map and this map indicates that the state of Nebraska spends less than 20 percent of their long-term care budget on home and community-based services. That is disgraceful. A lot of other states do a whole lot better. I have worked with disability, the disability advocate around the country for a number of years, and sometimes I get very frustrated with what is going on in this state, and we seem to ignore things very well. I really hope that you will pass a melding of these two bills because they both have some really good parts to them. If you have any questions, I'd be glad to answer. Thank you. [LB236 LB468]

SENATOR HEIDEMANN: Are there any questions? Senator Fulton. [LB236 LB468]

SENATOR FULTON: Thank you for testifying, Kathy. I'm going to ask about how we can use--I'm just going to use the short term--stimulus dollars? It seems to me that we could use stimulus dollars in the short-term to offset those on the waiting list who are Medicaid eligible. That would be one way? [LB236 LB468]

KATHY HOELL: You can use the stimulus dollars to get them off the waiting list. Once they're off the waiting list, with the expansion of the waivers which is another way you can use stimulus dollars, you'll bring in the increased FMAP, and so it would be

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something that would work. They would eventually go into the regular system but they would get them off the waiting list, out of limbo, where they've been sitting way too many years. [LB236 LB468]

SENATOR FULTON: And that would apply to individuals who are Medicaid eligible. [LB236 LB468]

KATHY HOELL: Correct. [LB236 LB468]

SENATOR FULTON: Okay. Is there... [LB236 LB468]

KATHY HOELL: And most of the people that are on the waiting list for the state, if I'm not correct...if I'm right, Mary? [LB236 LB468]

MARY GORDON: Yes. [LB236 LB468]

KATHY HOELL: ...are already on...they are Medicaid eligible. So otherwise it would be really foolish to be on a waiting list for the services within the state if you didn't have to depend on Medicaid. [LB236 LB468]

SENATOR FULTON: Okay. Is there a...are there any other ways, tricks, suggestions besides that? [LB236 LB468]

KATHY HOELL: Now that's the big one I've got (inaudible). You know the thing that's important to know, per capita Nebraska has one of the largest waiting lists in the country. Granted it's only 2,000, but we need to look at per capita. It makes it high. We're higher than Alaska or any of these other places. [LB236 LB468]

SENATOR FULTON: Okay. Thank you. [LB236 LB468]

SENATOR HEIDEMANN: Senator Mello. [LB236 LB468]

SENATOR MELLO: Kathy, I just wanted to thank you for your continued advocacy for people with disabilities and for bringing to our attention various options in which we can use potential American Recovery and Reinvestment dollars for us. So thank you. [LB236 LB468]

KATHY HOELL: You're welcome. [LB236 LB468]

SENATOR HEIDEMANN: Senator Hansen. [LB236 LB468]

SENATOR HANSEN: Thank you, Kathy, for being here today. I saw when Senator Karpisek was talking about spending some money for facilities and he also was talking

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about redoing some buildings away, and I think I saw a little displeasure in your face over there. (Laugh) [LB236 LB468]

KATHY HOELL: Oh, you saw a whole lot of displeasure. [LB236 LB468]

SENATOR HANSEN: Would you want to expand on that a little bit? [LB236 LB468]

KATHY HOELL: First of all, what you need to know about the regional centers is they are...they come under what is called an IMD. They're an Institute of Mental Disease so therefore they are not eligible for Medicaid dollars. You really don't want to do anything that is not eligible for Medicaid dollars. So this state is currently paying for everything associated with those campuses. In addition, the Olmstead decision that I referred to earlier that Steve Gold was part of, this states the Supreme Court decision that Nebraska has chosen to ignore since '97, '98, that people with disabilities should live and get services in the least restrictive environment. And the regional centers and Beatrice are not the least restrictive environment. So that pretty much covers it. [LB236 LB468]

SENATOR HANSEN: Okay. Thank you. [LB236 LB468]

SENATOR HEIDEMANN: Are there any other questions? Senator Harms. [LB236 LB468]

SENATOR HARMS: Kathy, thank you very much for coming. I really appreciate you being here. I know that just about every one of our hearings at Beatrice, you were there, and I always enjoy listening to you and hearing your comments. And we appreciate your support and your courage to come here and testify about this because it means a lot. Thank you. [LB236 LB468]

KATHY HOELL: Thank you. [LB236 LB468]

SENATOR HEIDEMANN: Thank you for coming in today, Kathy. [LB236 LB468]

KATHY HOELL: Okay. Thanks. [LB236 LB468]

LYNN REDDING: Hello again, guys. [LB236 LB468]

SENATOR HEIDEMANN: Welcome. [LB236 LB468]

LYNN REDDING: Okay. My name is Lynn Redding, L-y-n-n R-e-d-d-i-n-g. I am in Mosaic services in Grand Island. Most of the people that are on the waiting list have either some major need help or they could be people like me that just need somebody to teach them how to be independent. Look at me. I'm a great advocate. Where would I

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be if I didn't have the services I need? I would probably still be in Beatrice. LB236 and/or LB468 would set aside money to get people off that waiting list. My friend, like I have mentioned before, has been on there for 14 years. I want him to get the services he needs. Please get rid of the waiting list. Please pass this bill. Thank you for listening. If you have any questions I'd be glad to answer them. [LB236 LB468]

SENATOR HEIDEMANN: Thanks, Lynn. Are there any questions? Senator Wightman. [LB236 LB468]

SENATOR WIGHTMAN: Lynn, you are a great advocate. [LB236 LB468]

LYNN REDDING: Thank you. [LB236 LB468]

SENATOR HEIDEMANN: You're getting better at this. (Laughter) [LB236 LB468]

RAY McBRIDE: (Exhibit 18) I'm back again. Hi, my name is Ray McBride, M-c-B-r-i-d-e. I work in the Goodwill DDS program in Grand Island, Nebraska. I live in my own apartment there. I want you to pass LB236 in order to help people get the services they need. I have been getting residential services for some time but my friends are still on the waiting list for services. This bill would help them to get off the waiting list. Please pass this bill. [LB236 LB468]

SENATOR HEIDEMANN: Thanks for coming in today again and testifying. It means a lot. Thanks a lot. Are there any questions? Seeing none, thanks Ray. [LB236 LB468]

RICH MACIEJEWSKI: (Exhibits 19 and 20) Once again my name is Rich Maciejewski, M-a-c-i-e-j-e-w-s-k-i. We've been talking about the waiting list and to put some more faces on it. Do we have...would you pass those out, please? I want to say that we've been talking about different types of services. The state of Nebraska has been fairly good about what we call day services. Our youngsters are in school until age 21. When they come out of school, then if they're already in the system they usually are able to get day services to get help for some of their independent living skills. The other type of service that were talking about, and this is the one where we really fall short, is the residential services. If they have a family situation where there's no emergency or any problem, then even though they're on the waiting list they're not going to get residential services until there's a crisis because of the waiting list and because of the lack of funding to do something about that waiting list. So what happens is, if there's no crisis then they generally end up living with their family and that's why you have the picture and the testimony of a young man named Tom Reddish who was not able to come here today. He actually is getting very little in any kind of service because he operates fairly independently. He works at a job, dishwashing, quite a few hours part-time, and he's fairly sufficient with that. But as you see, he's living with his 84-year-old mother. Now we're not at a crisis yet, but with mom being 84 we could be there fairly quickly. And it

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would be much better if we could ease him into living in some sort of independent situation than to be waiting until mom gets really sick or dies. Ray, who just testified ahead of me, lives in his own apartment. He has residential services coming in five days a week with a minimal amount of hours that helps him keep his apartment going, grocery shop, keep things going in the apartment as far as keeping it clean, some money management help. Now that's not a huge amount of hours but it keeps him independent. Tom is ready for that. He could very easily do that, even probably better than Ray can. But without there being a crisis, then Tom won't be eligible for residential services until that crisis happens. The three young people that you saw testify ahead of me are off the waiting list, and they're off the waiting list because there was a crisis in their life. One came out from Beatrice. Another one was in a terrible foster home that we got out of the situation and had no other way to go except for a teacher that came and said he can live with me until we get services going on the waiting list. Some of them...one, Ray lives in his own apartment. Lynn lives in an apartment with three other persons...two other persons, I'm sorry, with again a minimal amount of hours of somebody coming in to help them run that apartment. And then Sherri lives in what we call a foster...adult foster care home. There are a variety of ways that we can work through and help people become more independent. And that is our goal, to help them, as somebody said before, help them live as independently as possible. And so when we look at the size of that waiting list, it's not going to get any smaller, you know. And hopefully, we'll get some place where we won't have to wait until a crisis hits before they receive service in day services. A couple of things I want to say, and I'll pass out written testimony, but a couple of things I want to bring out about something that you brought. You asked about the history, how did we get here. And it was addressed to some degree by Mary but part of the reason was that parents got so frustrated that they really had a very active, extremely active Arc group back several years ago. And it was that parent group that pushed through a lot of the legislation and a lot of what we have now in services. Initially some of them formed little groups in their own communities so they could take their kids to that day-care center that they furnished or they kept propped up themselves until the state finally started providing services and taking over. So that's how part of that started out and then the state eventually picked up and then you know some of the rest. I also want to remind you of another thing, is that when it comes to services there are two reasons why more services are required, I think. Maybe I'm wrong but I think this is true. We now save people. We save babies that are born that we would never have been able to save before, that end up having severe disabilities. Before they wouldn't have lived. Now they do. In modern medicine it's going to increase. We're probably going to have more people with disabilities than we had before. Secondarily, another reason why there are more services now. Back in the days, and I'm sure looking at the age of some of you, you can remember where a family kept their person with developmental disabilities pretty much excluded, keeping them in their family. They didn't do much else. They didn't go out to a lot of places. They kept them in their family because there was still a great stigma. But as that stigma changed and as people began to accept disability better, then they were willing to bring their children out

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into the open. And as they did that, then it required more services. And now when we look at how we look at disability, it's obvious that we're going to have even bringing more people out and more services required. That list is only, only going to get bigger if we don't do something about it now. Thank you. Be happy to answer any questions. [LB236 LB468]

SENATOR HARMS: Do we have any questions? Any questions? Thank you for your testimony. Appreciate it. Do we have anyone else who would like to, whose a proponent of LB236 or LB468? Please come forward. [LB236 LB468]

ROGER AND KIM SCHULTZE: Good afternoon. Our names are Roger and Kim Schultze, S-c-h-u-l-t-z-e. We would like to thank the senators of the Appropriations Committee for this opportunity to speak on behalf of our son, Jerrod (phonetic) and LB236. We are the parents, legal guardians, advocates, and voice of Jerrod Schultze. Jerrod, as well as us, supports LB236. There have been so many frustrations over the past 25 years regarding services, programs, individuals, and everything associated with special needs and special services. One of the hardest steps as a parent is finally agreeing to place your child's name on this infamous waiting list. Jerrod's name has been on the waiting list since 1998. Jerrod graduated the school program in 2005 thus making him eligible for placement. The only thing we have heard in the last four years up until a few months ago, was that they were still placing from December of 2002. And even being on the list guarantees you nothing. You can and will be passed over on the list for numerous reasons and you're never told. Jerrod's living arrangements and environment are considered excellent and he is not in need, others say. Now what about Jerrod's wants and needs? Jerrod's life is centered around our schedules and not that of his own. We both work full-time jobs. We get home and by the time dinner and picking up is done, it leaves us little time and little energy. The manager at the residence where Jerrod wants to reside stated it accurately, we are boring to Jerrod. There is so much life in this residence that Jerrod trusts each and every one of them with his livelihood. When they get back from workshop, the staff of the Sante Fe residence plan wonderful meals and lots of activities, and there's so much love that is overflowing. When we take Jerrod to the Santa Fe residence to visit his friends, he lights up the minute we pull into the parking lot. The hardest thing as a parent to admit is that your child craves for better. Jerrod has told us over and over again that he is ready to move on in his life and that he wants to live with his friends that he sees now as family. As parents of a challenged son we want for him what we want for our daughter: quality. Quality of life and standard of living are defined as a level of comfort in everyday life enjoyed by a community, class or individual. The passing of LB236, and the placing of Jerrod, and the removal of his name from the waiting list, would finally give Jerrod what he is longing for: quality of life. We support LB236 because it would help reduce the waiting list for services for challenged individuals. We believe the bill should include that none of the allocation may be used for any other purpose and that unexpended monies from one fiscal year roll over into the next fiscal year. On behalf of Jerrod

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Schultze, we thank you for your time and consideration. [LB236 LB468]

SENATOR HARMS: Thank you. Do we have any questions? I see none. Thank you very much. [LB236 LB468]

ROGER AND KIM SCHULTZE: Thank you. [LB236 LB468]

SENATOR HARMS: Do we have anyone else who would like to testify as a proponent? [LB236 LB468]

KRIS WELLSANDT: Members of the committee, thank you for visiting with me today. My name is Kris Wellsandt, it's W-e-l-l-s-a-n-d-t, and I haven't been to the Capitol since I was a sixth-grader so bear with me. (Laugh) I'm a little nervous here. I come today as a sibling and a parent of persons with disabilities. My sister, Joan Seeba, has lived at BSDC since she was six years old and was moved to a community-based program in Auburn, Nebraska, in January of '08. She's doing extremely well and we are just so grateful for the services that she is receiving, and my advocacy today is to ask that you continue to provide funding to the people that are still on the waiting list and still have so many needs, too. I also come as a parent, and my son, Brian...I kind of have both ends of the spectrum. Joan is total care and requires help with bathing, dressing, toileting, all of her basic needs. Those needs I feel are being met where she is currently. My son Brian is on the other end of the spectrum where he has mild MR and has been able to function very well. Currently, he is, because he has received services through voc rehab and also job coaching through the Region V Services in Auburn, he is able to now...he is employed for an average of 26 hours a week and living in his own apartment and doing very well. So again I won't take a lot of your time but I just wanted to again be an advocate for how important these services are and hope that you will consider the funding for these two bills. Thank you. [LB236 LB468]

SENATOR HARMS: Thank you, Kris. Kris, just a second. Would you wait just...first of all, Kris, you did very well. Even if you were nervous, we couldn't tell. Okay. Do we have any questions for Kris? I see none. Thank you very much Kris. [LB236 LB468]

KRIS WELLSANDT: Thank you. [LB236 LB468]

SENATOR HARMS: Do we have anyone else who is a proponent and would like to speak on behalf of LB236 and LB468? Could I see a show of hands of how many more...how many people are still left on LB236 and LB468? Okay. Thank you. [LB236 LB468]

SCOTT DAVIS: Thank you, Senators, and for this opportunity. [LB236 LB468]

SENATOR HARMS: Well, welcome. [LB236 LB468]

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SCOTT DAVIS: My name is Scott Davis, S-c-o-t-t D-a-v-i-s. I'm here as a parent. My daughter Leslie is in Beatrice State Developmental Center. She's been there since she's been nine years old. I thank God for this beautiful Nebraska that we live in. Twenty-five years ago, when my wife became pregnant with our third child, it became evident after a surgery that went awry that we couldn't care for Leslie at home any more. And with the help of a great senator from Keith County, Don McGinley, and this great body that had just such a wonderful place down there at Beatrice, my wife and I drove many tearful miles up and down the Nebraska highways looking for a place to place our daughter. The second hardest thing I have ever done in my life other than her surgery when she was two months old under no anesthesia--and the gentleman alluded to how we are saving more and more people--they fixed her heart at the University of Nebraska Medical Center. But I don't know...I'm at a mystery at sometimes why these things happen. There's been times in my life when I thought that if 20/20 hindsight, that maybe I could have just held on to her and loved her while I had her. I'm sitting here today knowing that it's been a gift. Those Nebraska values of integrity that were in this body 25 years ago when we were at the premiere of this kind of thing, it can happen to anyone. A farm accident, sorting cattle. I know of a gentleman that got kicked in the head by a horse and, all of sudden, their lives have changed. I'm here as a parent to testify what it allowed me to do in the state of Nebraska. I could walk away and leave my daughter in Beatrice and know that she was cared for. I went home and the thoughts of suicide...I was on a waiting list too. They surpassed and I raised my children, her two sisters, with integrity. They graduated from high school and went to college. My oldest daughter started a Lincoln County Mommies in Lincoln County and her sister is helping her. They're taxpayers. I've held down the same job for 35 years. I've been married 34 years. I'm one of the lucky ones, and as this thing unfolds with Nebraska...I just came from Beatrice this morning. My daughter had an appointment with a neurologist. She's in need of a neurologist. She's profoundly retarded and this services there, that's still a great place. We all know...I've read the investigation. I know you guys know what went on, the investigative deal. And I'm just here in support of LB236 and to try to reestablish Nebraska in prominence in this area. The lady in the wheelchair testified, you know, what's the cost and what's not the cost. I do know that I hadn't thought about suicide for 25 years until this thing started busting up on me. And I just urge you and thank you for your support for LB236 and the rest of these bills. [LB236 LB468]

SENATOR HARMS: Thank you, Scott. Do we have any questions for Scott? Scott, let me just say that you did the right thing in regard to your daughter, and secondly, I want you to know it takes a lot of courage to come and tell your story. And I thank you very much for that and our hearts go to you and we'll do what we can to best take care of these kinds of issues. Thank you very much for your testimony. [LB236 LB468]

SCOTT DAVIS: Thank you, Senator Harms. [LB236 LB468]

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SENATOR HARMS: (See also Exhibits 21 and 22) Do we have any other proponents? Do we have any opponents? Do we have anyone who would like to speak neutral. Senator Lathrop. [LB236 LB468]

SENATOR LATHROP: Perhaps most importantly I'm going to waive Karpisek's close. (Laughter) [LB236 LB468]

SENATOR HARMS: That is good. (Laughter) [LB236 LB468]

SENATOR LATHROP: Beyond that, I'm...just a few observations. I want to thank you for the time. I think Senator Harms and I have heard much of what you heard today before, and I think it's great that you've had an opportunity to hear what we've heard, because this is, this is a problem. It's a problem and I get a little philosophical about it and I hope you'll allow me to say a couple of things that I think go right to what we're here to do today. As we sat and listened to people talk about the waiting list during the LR283 hearings, what became evident is that we have folks, Nebraskans, from all walks of life who came before us. We had affluent people, we had people that work hard, blue collar folks that came in, and what is evident to me is that no one family can take care of someone that has profound developmental disabilities, nobody can. And we have in some sense a social contract with one another that the state can help implement and that is, if your family, if you are a family that has someone born with developmental disabilities, we're all in this together. It could be your family, it could be my family, it could be the family down the street. But no matter whose family it is, we're all going to be there, and we haven't been there. We haven't been there at BSDC in the things that we needed to be doing there over the last seven years that we didn't do. But we haven't been there for the people on the waiting list and what we have said literally is, you have loving parents we are not going to, we are not going to help you. And that really is sort of a violation of our social contract with one another that if this happens, if one of these people come into your family, we'll be there for you. And we haven't been and I think it's time to address the waiting list in a meaningful way, and this is the place that's going to have to happen at, so. Thank you. [LB236 LB468]

SENATOR HARMS: Do you have any questions for Senator Lathrop? Senator Lathrop, thank you for bringing this forward and thank you for your testimony. [LB236 LB468]

SENATOR LATHROP: Sure, sure. [LB236 LB468]

SENATOR HARMS: Thank you. LB236 and LB468 is now closed. [LB236 LB468]

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Disposition of Bills:

LB169 - Held in committee.
LB178 - Held in committee.
LB236 - Held in committee.
LB468 - Held in committee.

Chairperson

Committee Clerk