#### Health and Human Services Committee March 13, 2013

#### [CONFIRMATION]

The Committee on Health and Human Services met at 1:30 p.m. on Wednesday, March 13, 2013, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on gubernatorial appointment of Ann Fiala. Senators present: Kathy Campbell, Chairperson; Bob Krist, Vice Chairperson; Sue Crawford; Sara Howard; and Dan Watermeier. Senators absent: Tanya Cook and Mike Gloor.

SENATOR CAMPBELL: For the record, we will open the hearings this afternoon on the gubernatorial appointments; and we have one appointment today, Ann Fiala. Ann, why don't you come up and join us. And you get to sit in that big brown chair there, which is far more comfortable than the chair you're sitting in. So, do have a chair. And I'm going to have you give your name and spell it so the transcribers can hear you say that. [CONFIRMATION]

ANN FIALA: Okay. My name is Ann Fiala, that's A-n-n F-i-a-l-a. [CONFIRMATION]

SENATOR CAMPBELL: Perfect. And, Ann, this is...as you can tell, this is pretty informal today. So I just want you to kind of sit back and relax. We just try to have the appointees so we get a chance to meet you and kind of talk a little bit with you and have a conversation. So we so much appreciate you coming in from Ainsworth. [CONFIRMATION]

ANN FIALA: Not a problem, it's a beautiful day. [CONFIRMATION]

SENATOR CAMPBELL: How far a trip is Ainsworth? [CONFIRMATION]

ANN FIALA: Well, four-and-a-half hours. [CONFIRMATION]

SENATOR CAMPBELL: Four and a half, I hope you have something else to do in Lincoln. [CONFIRMATION]

ANN FIALA: I do. [CONFIRMATION]

SENATOR CAMPBELL: Oh, all right. Whew. Otherwise you're going to make us feel pretty guilty, because we don't...these don't last very long; and I'm always like, oh my gosh, somebody's driven four-and-a-half hours for such a short time. But anyway, tell us a little bit about yourself, Ann. This is a reappointment. You have served on the board before and, really, how you got interested in serving on the Board of Emergency (Medical) Services. [CONFIRMATION]

ANN FIALA: Well, I've been associated with EMS for 23, 24 years through my husband whose been on our ambulance squad for 30 years. I finally caved and became an EMT

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myself about 15 years ago after my kids kind of got off on their start. And I took an active interest right away. I got on our fire department a year later and CISM, Critical Instant Stress Management, about a year later. I've been very active with it ever since, especially out in our rural areas, but statewide as well. A lot of issues coming our way over the years with the lack of force out there, people willing to be volunteers. And it's been a very enjoyable time with our local service. A lot of challenges face the state altogether. And when I was asked a few years ago to...if I'd be interested in serving on this board, I was very excited about it, to be able to learn more what goes on at the state level and how the regs and everything come into place, and other things that the board does business with. I've learned a lot. I've gained a lot more respect for the state of Nebraska EMS program since then and what it encompasses and how it's changed and how it's going to continue to change. And so I'm very excited to, hopefully, have the chance to move on with the board and help see these changes take place for the patients of Nebraska that we serve. [CONFIRMATION]

SENATOR CAMPBELL: What are some of the changes, Ann, that you think you're going to see? [CONFIRMATION]

ANN FIALA: There definitely needs to be some decision made...decision making being made in how we're going to be able to provide EMS services to the entire state on a continued basis, especially in the rural areas as we see our volunteer services decline for no other reason than population decline obviously, but also people are so busy that to add one more thing, especially a volunteer service, just seems to push them over the top or something, they just don't want to commit. You know, a lot of people think that it's the training that it takes, but with any commitment that you choose to do, there's a level of training that's...you got to commit to anyway. So, to me I feel that's kind of a fallacy in this whole deal. It lends an ear to that certainly to not keep the hours increasing, but it's less than a year. Anybody who is looking for a degree otherwise is going to commit longer than a year to being able to provide a service or get a degree in anything. So I'd think the biggest challenge that we face is just being able to ensure that the people of Nebraska are served by EMS and not, you know, the fear of having to wait 30 minutes after you call 911 for an ambulance to appear at your door for whatever reason and then take another 30 minutes to get back to the nearest hospital. Right now, you know, several communities are still very lucky, ours included, to have only to wait just a few minutes. But, you know, our numbers right now in Ainsworth are down to five active, running EMTs in town on a daily basis. We have others, but they aren't able to just get up and go on a moment's notice when that pager goes off. And that's what a lot of communities are facing. And so I just see the change coming, talking about EMS districts, we've been discussing at the board meetings lately. I really feel that's going to be a positive challenge for us to move through and try and get that figured out, but I think it's a must. I'm in full support of figuring something out that way because the small ambulance services, obviously, are struggling to find a way to afford themselves at this moment. And as they decline and the ambulance services disappear in each of the

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communities, who is going to be responsible to provide that service. You know, we have the Rural Fire Protection Districts that ensure that we have fire service available to everybody as quickly as possible. We're talking EMS services now, and we really need to move forward with this and figure something out. [CONFIRMATION]

SENATOR CAMPBELL: How are the resources for equipment? [CONFIRMATION]

ANN FIALA: How are they? Right now, I think, most communities value their EMS services very highly. The donations, the pancake feeds, everything are well supported as best the people in the areas can support them. I understand most services are fairly up to date on their equipment and their vehicles, although I'm sure there are some who are just still rambling along with ambulances from the early '90s, maybe even '80s, because they can't move forward and get something that's a little more current. Equipmentwise, it varies; just depends on how supportive of the communities, the donations, they are and if there are grants out there to obtain them. The state has been very generous with grants in the last few years, and that's been very awesome to be able to afford the defib machines and the...all the equipment that it requires now to provide modern treatment of their patients. [CONFIRMATION]

SENATOR CAMPBELL: Questions? We'll do Senator Krist and then Senator Crawford. [CONFIRMATION]

SENATOR KRIST: A couple of questions, just briefly. How much is your community or how much is EMS benefiting from the keno dollars in terms of equipment, do you know? [CONFIRMATION]

ANN FIALA: I don't know, to be honest with you. I haven't ever heard that mentioned as far as any support to us. [CONFIRMATION]

SENATOR KRIST: I think it depends upon the community and how they want to support it, but I'm pretty sure within the keno statutes, within the gambling statutes, lottery statutes that we have, and I'll check on it for you and I'll get back to you, I promise. [CONFIRMATION]

ANN FIALA: Okay. That would be great. [CONFIRMATION]

SENATOR KRIST: There's a provision in there that, initially, we used some of those proceeds for emergency services, emergency management. I know in some communities they have purchased police cars, fire engines, EMS services. If your community is not taking advantage of it or if it is a county decision or a municipality decision, we can help with that. Because keno is, unfortunately, one of those evil gambling things, but it does do some things. And if your community is not taking advantage of it, we need to help you do that. [CONFIRMATION]

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ANN FIALA: Um-hum. [CONFIRMATION]

SENATOR KRIST: So I'll take that on, and I'll get back to you. [CONFIRMATION]

ANN FIALA: I would appreciate that. [CONFIRMATION]

SENATOR CAMPBELL: Does your county have keno? [CONFIRMATION]

ANN FIALA: We do. [CONFIRMATION]

SENATOR CAMPBELL: You do? [CONFIRMATION]

SENATOR KRIST: Then they should... [CONFIRMATION]

SENATOR CAMPBELL: It comes under community...the keno funds usually can be used for community betterment. [CONFIRMATION]

ANN FIALA: Okay. [CONFIRMATION]

SENATOR CAMPBELL: Which is a pretty general category. [CONFIRMATION]

ANN FIALA: Okay. [CONFIRMATION]

SENATOR CAMPBELL: When I served on the Lancaster County Board, Lancaster and the city of Lincoln went together and instituted keno in the county, all over, and we had fairly broad...I think Senator Krist is right, fairly broad. I don't think we used it in Lancaster for that, but I'm sure there are other places in the state that do. [CONFIRMATION]

SENATOR KRIST: I know Douglas, Sarpy, and Cass do. [CONFIRMATION]

ANN FIALA: Um-hum. [CONFIRMATION]

SENATOR KRIST: But I think it does have to be a decision that's driven. And if we need to help with that decision, we can do that because a percentage of it could be...anyway. My other question goes to something that I've been very active in in the time I've been in the Legislature and that's to make sure that those volunteers who are emergency responders are treated fairly with PTSD and those kinds of things. And my...I've always known from the volunteer fire department, firefighters and EMS that I know, particularly in a small town environment, it can be much more stressful because you are most times dealing with somebody that you would know intimately in some cases, either through family or friends. Can you talk about that for a minute and potentially how you think

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that...if there is anything we should be concentrating on there; are we doing everything that we can do to help? [CONFIRMATION]

ANN FIALA: Well, having served on the Critical Incident Stress Management Team for several years now, it...I've seen it work. It is a vital...mental health is a vital need in emergency services across the board whether it's law, fire, ambulance, dispatch. I've seen it work firsthand; I've had to use it myself firsthand, and I know that the face of that program is potentially changing as well with funding and everything coming at all of us. Just finding out the tricks on how we can manage to keep that a service to these responders. Burnout does occur over time. It's not so much that you have death after death after death or one massive incident that results in a death or several deaths, it's just burnout of... [CONFIRMATION]

SENATOR KRIST: Cumulative factor. [CONFIRMATION]

ANN FIALA: Yes...of having so few responders available. You know, trying to leave town today, had to find somebody to cover me and nobody was really available, so I left telling the sheriff's office, I'm going to be gone. If you need a third, you're going to have to page for an extra, and it might be a fireman showing up. You know, but they don't know if they're going to have somebody show up to replace me. You know, we don't leave an hour...or a mile outside of our community because we're on call. You know, that cumulative stress takes an affect on top of responding to family and friends that we know very well. Even if we don't know them and you respond to those incidents, they can be devastating, what you see, what you encounter. We need to keep mental health available to our responders so that we can keep the responders in the field and keep them active. [CONFIRMATION]

SENATOR KRIST: You know, there's nothing worse than losing somebody that is trained and is truly dedicated because of something like that. And I believe from my background, and I did participate as well at one point in my life, the quicker you get treatment, the quicker you get services, the easier it is to put somebody back in the job and restore attitude and all those things. You let it linger, and it doesn't do any good. So if there's anything, again, that comes up in that area, I would ask you to let us know because... [CONFIRMATION]

ANN FIALA: Thank you. [CONFIRMATION]

SENATOR KRIST: ...we can affect...and we have affected that legislation over the last few years. [CONFIRMATION]

ANN FIALA: Thank you. [CONFIRMATION]

SENATOR KRIST: Thank you. Thanks for your services. [CONFIRMATION]

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ANN FIALA: Appreciate that. [CONFIRMATION]

SENATOR CAMPBELL: Senator Crawford. [CONFIRMATION]

SENATOR CRAWFORD: Sure, thank you. To point, and I was...thank you for asking that question, Senator Krist, because that was one of my questions about whether that...whether those resources were sufficient or if you felt, you know, we needed to move in that direction. I'll ask a couple of questions. One is, if you see a move...is the move to districts a move to try to make this EMS services more sustainable across the state, is the first question. And the second question is about if you've been involved in any discussions about a community paramedic model or getting EMT, EMS people more involved in some of the preventive care issues in the communities where there are fewer healthcare providers and what you see happening on that front for the board. [CONFIRMATION]

ANN FIALA: And I might ask you to repeat your first question because I didn't understand. [CONFIRMATION]

SENATOR CRAWFORD: Sure, sure, that was just...is the...you were talking about the districts... [CONFIRMATION]

ANN FIALA: Um-hum. [CONFIRMATION]

SENATOR CRAWFORD: ...and that issue might be coming... [CONFIRMATION]

ANN FIALA: Um-hum. [CONFIRMATION]

SENATOR CRAWFORD: ...is that really an...do you see that as a way to work on the sustainability of the EMS systems in these areas? [CONFIRMATION]

ANN FIALA: I do from many different facets, namely, financial; secondly, I think that having districts assigned and people responsible for providing EMS will actually provide a subconscious, if you will, mentality to the EMS providers if somebody is there in support of them and helping them ensure that what they hold near and dear to their hearts for the community is provided, somebody to work with to help figure out where can we get the volunteers, when do we need to start getting the paid just, you know, paid service, whenever. And so, yes, I think that will provide... [CONFIRMATION]

SENATOR CRAWFORD: So provide some technical assistance on that front. [CONFIRMATION]

ANN FIALA: Yes. [CONFIRMATION]

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SENATOR CRAWFORD: And some backup. [CONFIRMATION]

ANN FIALA: And somebody accountable... [CONFIRMATION]

SENATOR CRAWFORD: Okay. [CONFIRMATION]

ANN FIALA: ...for providing the service that I don't think many people understand if it wasn't available to them... [CONFIRMATION]

SENATOR CRAWFORD: Right. [CONFIRMATION]

ANN FIALA: ...what a loss that would be. Secondly, the community paramedicine, it's a very interesting concept that I've looked at from different angles. Perhaps see it occurring faster and easier in the larger communities that are supported by the paramedics themselves... [CONFIRMATION]

SENATOR CRAWFORD: Sure. [CONFIRMATION]

ANN FIALA: ...for their training and everything. In the smaller communities, I could see it working; I'd like to think that it could. With EMTs on the scene, you know, do you...we are faced with a lot of training; we are faced with having to know a lot of medical information. But yet, not having to be responsible for making decisions about the healthcare of the person we treat... [CONFIRMATION]

SENATOR CRAWFORD: Right. [CONFIRMATION]

ANN FIALA: ...you know, we transport and leave it up to the doctor or the nurse practitioner. In the home setting it might provide a more liability out there for the EMT, and I'm kind of am concerned about that. [CONFIRMATION]

SENATOR CRAWFORD: Um-hum. [CONFIRMATION]

ANN FIALA: But I'm sure that could be worked around because I do also see that it would provide a wonderful service in the older...in the smaller communities where there's a larger elderly population, and they aren't ready to move into assisted livings or nursing homes and can maintain in their homes, but, maybe, not have to go to the doctor for something, but the EMT or paramedic can help them in their home, or somebody with cancer or a life-threatening illness. Hospice steps in on that quite often, but we still don't have full-service hospice in our areas. But, yeah, I think it's something we need to look at and consider. [CONFIRMATION]

SENATOR CRAWFORD: Thank you. [CONFIRMATION]

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SENATOR CAMPBELL: Senator Krist. [CONFIRMATION]

SENATOR KRIST: Just one follow-up. When you hit the brick wall where you have something and you need to have somebody on the other end of the phone, is there always somebody there that you can call? [CONFIRMATION]

ANN FIALA: Yes. [CONFIRMATION]

SENATOR KRIST: I mean you have to have a doctor whose license you're operating under in the state. [CONFIRMATION]

ANN FIALA: Um-hum. [CONFIRMATION]

SENATOR KRIST: There's always somebody around? [CONFIRMATION]

ANN FIALA: I speak for myself, in our area, yes, fortunately, there is. We, again, being from a small town, I have the doctor's cell phone number, you know... [CONFIRMATION]

SENATOR KRIST: Sure. [CONFIRMATION]

ANN FIALA: ...if we needed that. He's very available; we're very fortunate to have him. I do wonder across the state if that kind of service is available, and I have to question the medical directors of the ambulance services across the board, I think, are fairly supportive and responsible for their ambulance services. And if they're not readily available, I think they do provide the PAs and the nurse practitioners and nurses. We fall back on our hospital quite frequently to help us out through certain things. We do...we're very fortunate to have had about six nurses go through our EMT bridge program and serve on our ambulance, so they understand the emergency side that we're seeing out there in the field. And so if they're calling at the hospital, you know, they're knowing what we're seeing and what we're dealing with. [CONFIRMATION]

SENATOR KRIST: And I guess a follow-up to that, and this is my last question, I'm very concerned about the connectivity in terms of our own communication where our emergency services, our police, our State Patrol, seem to be on several different radios and not being able to talk to each other; and I'm concerned that, God forbid, we should have a terrorist activity. We've got rail lines running all through the state, and that's a prime target for terroristic activity, or, God forbid, we should have a Sioux City aircraft accident kind of thing happen. And I think...I would just ask you, it's a comment, I would ask you as a member of the board, we need to hear about those connectivity issues and communications issues. I'm very interested. I know there's others that are. And we have a new Lieutenant Governor who is really one of us, and we're trying to get his ear on

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some of these connectivity and communication issues as well as it fits into his job. So please stay in touch with us on that one because I know it's a problem, and we need to fix it. [CONFIRMATION]

ANN FIALA: It is. We experienced it last summer up in our area with the fires. And the State Patrol has a pretty awesome system, but we couldn't connect to them and to borrow their radios and still have difficulty with that. So just when we think that we have it figured out, it goes awry and we still don't have communication. So that...
[CONFIRMATION]

SENATOR KRIST: That's why it's called an emergency, huh? [CONFIRMATION]

ANN FIALA: Yeah, I guess so. [CONFIRMATION]

SENATOR KRIST: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: What's sad to say is they've been working on this a long time, and we still don't have it figured out. [CONFIRMATION]

ANN FIALA: They have, they have. With the technology today, I'm surprised about that, but... [CONFIRMATION]

SENATOR CAMPBELL: I think it's just...it's almost as if...I mean, for a long time almost nobody in law enforcement could talk to the State Patrol. You'd have to call in to the switchboard, and then they'd have to call the trooper and then...you know, it was...it was...we learned a lot of that. Even in Lincoln and Lancaster County, a populous area, we had a lot of problems with that. We've somewhat solved that, but for a long time the State Patrol was way behind. [CONFIRMATION]

SENATOR KRIST: There's no direct link between... [CONFIRMATION]

SENATOR CAMPBELL: And it was money, sorry. [CONFIRMATION]

SENATOR KRIST: Yeah, it was money, yeah. There's no direct link between 911 and our State Patrol except in one county in the state, and that's Lancaster County. So, sorry. [CONFIRMATION]

SENATOR CAMPBELL: Yay. (Laugh) Senator Watermeier. [CONFIRMATION]

SENATOR WATERMEIER: Thank you, Madam Chair. Thank you, Miss Fiala, for taking the time and serving too. And make no mistake about it, we're not here to really question you, but appreciate you serving. These are more like information for us to maybe learn, so I think we're past the "we like you" idea, just to make sure you're aware

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of that. But I kind of had a three-part question here and I apologize, it's kind of down in the weeds issue, so if you don't want to answer, maybe you want to talk to be some other time, that's fine too. [CONFIRMATION]

ANN FIALA: Okay. [CONFIRMATION]

SENATOR WATERMEIER: I serve on a local rescue squad as well, too, and I'm always concerned about retaining volunteers. There's a bill this year talking about a tax incentive for retaining volunteers and so you can give that some thought. If you have an idea on it, you can talk to us, you know, privately if you want. Or if you've talked about it or thought about it. Do you think it would be helpful? [CONFIRMATION]

ANN FIALA: I do, you know, every little bit helps. I think that would be just another encouragement for people, especially with the retention end of it. [CONFIRMATION]

SENATOR WATERMEIER: Um-hum. [CONFIRMATION]

ANN FIALA: Getting new members, um, we'll see, you know. Again, they don't seem to be too driven by finances to encourage them to become volunteers. [CONFIRMATION]

SENATOR WATERMEIER: Yeah. [CONFIRMATION]

ANN FIALA: But I think it's a huge step towards support of the volunteer services and emergency end of it. And I'm very excited to hear if it moves forward or not. I have studied that bill a little bit and, you know, it probably needs to be whittled down a little bit more or figured out a little bit more on that point system end of it,... [CONFIRMATION]

SENATOR WATERMEIER: Right. [CONFIRMATION]

ANN FIALA: ...the amount of training that they're suggesting that we have, you know, as far as the point system goes, especially in our true volunteer areas, that's a lot of training to expect. [CONFIRMATION]

SENATOR WATERMEIER: Yeah. [CONFIRMATION]

ANN FIALA: And when you're trying to gain the points, you know, making the meetings, making the drills, that's not so much the problem. It's just, you know, when they talking between 20 or 40 hours of training, and then as I understand it, and I may be wrong on this, but if you're...such as in our case, our fire department and our ambulance are two separate entities; so we do all the training for the fire department, but then have to do all this training for the ambulance. And we have to attend this meeting and then we have to attend that meeting, but yet you have to have so many hours of it, it's like, wow, you're constantly training or meeting. [CONFIRMATION]

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SENATOR WATERMEIER: Yeah. [CONFIRMATION]

ANN FIALA: And that's where, I think, that's where the volunteerism really gets hooked up on is you're away from home a lot. [CONFIRMATION]

SENATOR WATERMEIER: Right, well, I think we can try to get support for those, you know, especially for retaining good people and, obviously, recruiting. And if you don't want to get down into the details on all these, it's just comments. The second thing is about our particular rescue squad, we went from a BLS to an ALS about three years ago, and in the process we lost several nurses that were serving because they were concerned about their license and different issues crossing back and forth. Have you heard that before? I mean, is that an issue across the state? And if you want to just address that privately, you can. I just kind of wanted to get your take on that. [CONFIRMATION]

ANN FIALA: Yeah. I think in some areas it's a concern. I think overall it doesn't need to be. It depends on the medical director too. [CONFIRMATION]

SENATOR WATERMEIER: Yeah, I was disappointed. I assume that there may have been some burnout involved in that as well. And then they were just busy enough and, you know, just...they were great assets for our volunteer squad. [CONFIRMATION]

ANN FIALA: Yeah, nurses are. [CONFIRMATION]

SENATOR WATERMEIER: Of course, there are some turf issues there when you're talking about somebody that is a professional coming in and helping on volunteer, but we were...we need those people. [CONFIRMATION]

ANN FIALA: Um-hum. [CONFIRMATION]

SENATOR WATERMEIER: So anyway, just appreciate your service and this is great to have somebody that's coming back like this and offers experience you do. [CONFIRMATION]

ANN FIALA: Thank you. [CONFIRMATION]

SENATOR WATERMEIER: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Any other questions? Any other...oh sorry, Senator Krist. [CONFIRMATION]

SENATOR KRIST: I know I promised, but, you know, there's a large population of

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Nebraska Guard and Reservists in the state and they have to drill so many weeks out of the year. I think it would be interesting for your board to address that with the Nebraska Army and Air Guard, about actually bringing a weekend driller into the community to act as the EMT and spot you, because then there's a little respite there and there's somebody else to lean on. From experience, I will tell you that a lot of those drills are, oh got to go to Lincoln, got to spend time with the guys for two days, and there's not much else done. When in fact they are very, very talented young folks that know their job very well. I don't know; it's an idea. [CONFIRMATION]

ANN FIALA: Yeah, I think it's an excellent idea to look into. [CONFIRMATION]

SENATOR CAMPBELL: That's a good idea. [CONFIRMATION]

SENATOR KRIST: Thank you. [CONFIRMATION]

ANN FIALA: Appreciate that. [CONFIRMATION]

SENATOR CAMPBELL: Ann, how the process works is that...I mean, I don't see any problems with your name coming out of this committee. We go to the full Legislature and they vote on it and then...I'm sure someone will contact you, but I echo my colleagues, thank you so much for your service. And I noted that you're a nursing home administrator. You certainly have your work cut out for you in both your volunteer, as well as your paid position. [CONFIRMATION]

ANN FIALA: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: So thanks so much for coming today, we appreciate it a lot. [CONFIRMATION]

ANN FIALA: You're welcome. Thank you, all, appreciate it. [CONFIRMATION]

SENATOR CAMPBELL: And you can contact all of us at any time to let us know your thoughts, we'd appreciate it. Thanks, Ann. [CONFIRMATION]

ANN FIALA: Okay, thank you, appreciate the support. [CONFIRMATION]

SENATOR CAMPBELL: Enjoy your day in Lincoln. [CONFIRMATION]

ANN FIALA: Thank you. [CONFIRMATION]

SENATOR KRIST: Shopping? A little shopping? (Laughter) [CONFIRMATION]

SENATOR CAMPBELL: Okay. Just because that's what you do. All right, is there a

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motion to go into Exec... [CONFIRMATION]