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COMMITTEE ON HEALTH AND HUMAN SERVICES  
May 17, 2005  
LR 65, Confirmation Hearings

The Committee on Health and Human Services met at 1:00 p.m. on Tuesday, May 17, 2005, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR 65 and Gubernatorial Appointments. Senators present: Jim Jensen, Chairperson; Dennis Byars, Vice Chairperson; Doug Cunningham; Joel Johnson; Arnie Stuthman; and Gwen Howard. Senators absent: Phil Erdman.

SENATOR JENSEN: Good afternoon. Welcome to Health and Human Services Committee. We're here today to do some gubernatorial appointments and also a Legislative Resolution, LR 65. In the first...but let me first introduce you to the committee members that are here and others will be joining us, I'm sure, very shortly. First of all is Senator Doug Cunningham, he's from Wausa, Nebraska. To my far right next to him is Dennis Byars from Beatrice, Nebraska, who is vice chairman of the committee. To my immediate right is Jeff Santema who's the committee counsel. I'm Jim Jensen serving as chairman. Next to me then is Joan Warner who's committee clerk. And next to her is Joel Johnson, senator from Kearney, Nebraska. With that, we'd like to just take out of order a little bit to accommodate one of our senators who has another meeting to go to and we'll first take Mary Ann Burke, Commission for the Deaf and Hard of Hearing. And I believe Senator Cornett is here to introduce. Thank you.

SENATOR CORNETT: Thank you. I apologize, I've got a little bit of a cold.

SENATOR JENSEN: We can put up with it (laugh).

CONFIRMATION HEARING ON  
MARY ANN BURKE TO THE  
COMMISSION FOR THE DEAF  
AND HARD OF HEARING

SENATOR CORNETT: Mary Ann lives in my district and asked me to read the following statement. "I am unable to attend the confirmation hearing regarding my recent appointment as a board member of the Nebraska Commission of the Deaf and Hard of Hearing. I do want you to know that I'm interested in

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serving on the NCDHH Board and I am an alumni of the Iowa School for the Deaf, and I have had many years of experience teaching American sign language at the Iowa School for the Deaf through Iowa Western Community College in Council Bluffs. I am currently a lab assistant in the sign language program at Metropolitan Community College in Omaha. As a result, I have a great understanding of the need for good communication between the deaf and nondeaf people all over the country. I do feel I can be an asset to the NCDHH as a board member. Thank you very much for your recommendation."

SENATOR JENSEN: Thank you, Senator Cornett. Any questions from any committee members? Thank you for coming forward in her behalf.

SENATOR CORNETT: Yes, thank you.

SENATOR JENSEN: Next then we will take Dr. James Schiefen, State Board of Health, and Senator Baker is here.

CONFIRMATION HEARING ON  
DR. JAMES SCHIEFEN TO THE  
STATE BOARD OF HEALTH

SENATOR BAKER: Thank you, Mr. Chairman and the committee. I am Tom Baker. I'm here to represent Dr. James Schiefen from Imperial. He's on the State Board of Health, I believe he's chairman. I suspect Senator Johnson may know him. I don't know. He's a surgeon, very busy person, certified in various states. He has his own airplane, flies around and instrument rated multi-engine pilot. And he does quite a practice out there across the Midwest, very well, highly respected individual. If you've looked at his resume, he's been all over. He's done all sorts of things. He's gone to school all over, very talented individual. I highly recommend he be reappointed to the State Board of Health. I'd be glad to try and answer...

SENATOR JENSEN: Thank you, Senator. I think most of us are familiar with Dr. Schiefen. Any questions from the committee?

SENATOR BAKER: I'm just glad to have him as a constituent.

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He's a good guy (laugh).

SENATOR JENSEN: Great. Thank you for appearing on his behalf.

SENATOR BAKER: Thank you.

SENATOR JENSEN: Next Dr. Steven Dokken, Rural Health Advisory Commission and in his absence, Judy Zohner is here.

CONFIRMATION HEARING ON  
STEVEN DOKKEN TO THE  
RURAL HEALTH ADVISORY COMMISSION

JUDY ZOHNER: Okay, thank you. And I also have not much of a voice left (laugh).

SENATOR JENSEN: Is there something in the Capitol here?

JUDY ZOHNER: Yeah. He asked that...Dr. Dokken asked that we read the letter into the record. "Dear Committee Members, with sincere regrets I will be unable to appear before you in person on May 17, 2005. My district representative is Senator Lavon Heidemann. I graduated from the University of Colorado in 1963 after receiving a bachelor of arts degree in chemistry. I ranked sixth in the class of 35 students to graduate in 1967 from the University of Nebraska College of Dentistry whereupon I received my doctor of dental surgery degree. I have maintained a private practice in general dentistry in Pawnee City, Nebraska, since September, 1967, where I also reside. From 1969 until 2002, I taught in the Department of Surgical Specialties, one day a week at the University of Nebraska College of Dentistry. I am a faithful supporter and advocate of our educational system here in our state, beginning in the early formative years of a grade school student through the college years. I have always taken an interest in general health issues, in particular, dental health and hygiene. I am honored to have been appointed to serve on the Rural Health Advisory Commission." And then I have some copies.

SENATOR JENSEN: Thank you, Judy. Any questions? Thank

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you.

JUDY ZOHNER: Thanks. You're welcome.

SENATOR JENSEN: Next is Michael Carruthers, Commission of Deaf and Hard of Hearing. Welcome.

CONFIRMATION HEARING ON  
MICHAEL CARRUTHERS TO THE  
COMMISSION FOR THE DEAF  
AND HARD OF HEARING

MICHAEL CARRUTHERS: Thank you.

SENATOR JENSEN: Can you tell us a little about yourself, please, and...?

MICHAEL CARRUTHERS: Okay, my name is Mike Carruthers. I live in Minden, Nebraska. I graduated from college from Wayne State College here in Nebraska, 1973, a long time ago. Anyway, and I have a master's degree from Kearney State College and another one from UNK. I'm a former member of the Telecommunications Relay Advisory Board or committee. The fact that I'm hard of hearing is evident by the headpiece here. I wanted to become active with the Commission of Deaf and Hard of Hearing basically because it seemed to me that the hard of hearing were not...need to be fairly represented and I thought I could do as good a job as...one of my degrees is in communication. I also have a master's degree in speech communication, another one in instructional technology. I was a classroom teacher until my hearing deteriorated to a point where I could no longer manage, you know, maintain the classroom. I've come to the point now, you know, I wear a cochlear implant, have for the past nine years, and very successfully. Anything else?

SENATOR JENSEN: I notice that you have also been part of CASA.

MIKE CARRUTHERS: Yes, I have.

SENATOR JENSEN: And in that, have you done that more in the speech and hard of hearing or not necessarily?

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MIKE CARRUTHERS: No, not necessarily. As a matter of fact, that has...the two, I am a CASA volunteer, yes, that's true. And I...as a matter of fact, at this point, I have some children that I'm responsible for here but no, it has nothing to do with the hard of hearing. It does, however, give me a little bit of an inside thing here. If there's a problem in a classroom that a child might have, I can...I'm more sensitive to the hearing aspect of it.

SENATOR JENSEN: That's a very good program and I'm glad to see you serving on that.

MIKE CARRUTHERS: Thank you.

SENATOR JENSEN: Any questions from the committee? Yes, Senator Johnson.

SENATOR JOHNSON: Well, just one comment and I think it goes to everybody in the room really is I kind of like to see when people have some type of handicap where they don't concentrate just on that handicap or in that field and so on and still use the rest of their talents to help other people. And I think that's a noble thing to do.

MIKE CARRUTHERS: Oh, thank you. I have been and also in the past and actually in Kearney, as a matter of fact, is we attempted several years ago to get a self-help for the hard of hearing group started there. And it just never ever really materialized. But the point being is that, you know, you're not alone here and the reason there is no hard of hearing community is that, from my experiences at least is that people that are hard of hearing tend to just try to blend in with people that are of hearing. And it's...unless you're wearing some kind of a hearing aid or assisted listening device, that's really...people don't notice it so thank you very much.

SENATOR JENSEN: Very good. Any other questions? Thank you for coming forward today. We appreciate it. Next is Luana Duennerman?

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LUANA DUENNERMAN TO THE  
COMMISSION FOR THE DEAF  
AND HARD OF HEARING

LUANA DUENNERMAN: I'm Luana Duennerman.

SENATOR JENSEN: Oh, thank you.

LUANA DUENNERMAN: Thank you.

SENATOR JENSEN: Welcome. Would you tell us a little about your background, please?

LUANA DUENNERMAN: I'm Luana Duennerman. I'm a resident, grew up in Nebraska. I was born hard of hearing. I went to Prescott School until fourth grade. After fourth grade I went to Grand Island Northwest High School went to honor school with no interpreter or no help my whole life. Then I graduated in 1980 from high school. Then I went to Southeast Community College and graduated from Southeast Community College, graduated from there with no interpreter or no help. And then eight years, nine years later in 1989, in the fall, I went to college at University of Washington, D.C. and graduated from there in 1994 in May with a bachelor's degree in business administration management. After I graduated from there I moved back to Nebraska and now I'm settled and I'm working for the government, federal government as a program assistant ME or management for disability. The reason why I decided to join the Nebraska Commission for the Hearing Impaired, well, Deaf and Hard of Hearing is because a lot of the deaf came up to me that used to be on the board and commission, asked me why don't you be involved with this because of your leadership, your knowledge, of working with deaf and hard of hearing and I want to help to make Nebraska have good deaf and hard of hearing people to reach out and help them to reach their goals.

SENATOR JENSEN: Great. Any questions from the commission? Yes, Senator Byars.

SENATOR BYARS: I just noticed by your resume, I want to thank you for all your work but I want to commend you for being quite a golfer, obviously. You had a second place

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finish in last year's golf tournament.

LUANA DUENNERMAN: Thank you, yeah (laughter).

SENATOR JENSEN: Okay, any other questions? Thank you very much for coming forward.

LUANA DUENNERMAN: Thank you.

SENATOR JENSEN: And next then would be Joellen McGinn to the Foster Care Review Board. And I skipped one, didn't I?

CONFIRMATION HEARING ON  
JOELLEN MCGINN TO THE  
FOSTER CARE REVIEW BOARD

JOELLEN MCGINN: Actually, it's Joellen

SENATOR JENSEN: Joellen, thank you.

JOELLEN MCGINN: That's okay. You'd never believe the number of people who mispronounce both my first and my last name (laughter). So I commend you for getting it half right (laughter). I have been a local foster care review board member for approximately four years and within the past year was appointed to the state board. I've always had an interest in children. I have four of my own and one grandchild. I'm a pharmacist. I worked at the university for 34 years before retiring and I now work part-time at a local pharmacy. It's...pharmacy has been quite an aid to me actually in working on the Foster Care Review Boards because the number of children who are on medications is enormous. And I've been able to pick up on some medications these kids are on that really shouldn't...they should not be taking them. This is really kind of a passion of mine because I was fortunate to be raised in a loving home. My children were also. And every child should have that but they don't and we have to make the best of a bad situation. And that's what I try to do.

SENATOR JENSEN: Great. I think you need to get together with Senator Howard who is also looking at some medications for young people.

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JOELLEN MCGINN: I would love to...

SENATOR JENSEN: I don't mean to talk for her, you can sort of tell...

SENATOR HOWARD: Thank you, though, exactly right.

SENATOR JENSEN: ...and by the way, I want to introduce Senator Arnie Stuthman from Platte Center who has joined us and also Senator Howard who's from the Omaha area joining us. Yes, Senator Stuthman has a question.

SENATOR STUTHMAN: Senator Jensen, Joellen, do you see a real problem in foster parents throughout the state? Can we improve that for foster care?

JOELLEN MCGINN: I wish there were more of them. We need more foster parents. There must be some way to encourage people to become foster parents. I don't...that's really the only problem I see. The Foster Care Board has certain problems with agency-based homes not allowing board members to go into the foster homes and interview the parents. That creates a problem because any information that we receive otherwise could possibly be considered heresy. But to be able to go in even on these project permanency visits, we've been refused access to some of the homes.

SENATOR STUTHMAN: Thank you.

SENATOR JENSEN: Senator Howard.

SENATOR HOWARD: To follow up on Senator Jensen's introduction here, I would like to ask you what brought the medication issue to your attention? Has it just been a recent concern or have you noticed this over a period of time?

JOELLEN MCGINN: Oh, I've noticed it ever since I was appointed to the local board, probably about four years ago.

SENATOR HOWARD: How long would that be?

JOELLEN MCGINN: And there are just some medications that I

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feel that are inappropriate, that you do see occasionally given to these kids. And, you know, some...one poor young woman, in particular, was fighting a weight battle and she was placed on a medication that one of the main side effects is weight gain. And I felt there must be several other medications that would be more appropriate for her given the fact that she has a weight problem to begin with that she was concerned about. So, you know, that...I've all the way along I have tried to look at the medications that the children are on and decide whether they were appropriate or not. Antidepressants, you know, in the teenage population definitely has a problem. There are some that are safer than others but in most instances, antidepressants do have the side effect of suicidal ideation. And you just, you have to be concerned.

SENATOR HOWARD: Do you feel there's not enough explanation regarding side effects or too frequent usage of the medication?

JOELLEN MCGINN: I would say both. I think the side effects are frightening and I think they really need...the doctors that are prescribing them, I don't know whether they're under such immense pressure to do something to, you know, kind of calm some of these kids down that they put them on medications that I personally consider to be inappropriate but is very difficult to tell the doctors that.

SENATOR HOWARD: Thank you for the information.

SENATOR JENSEN: Thank you. Any other questions? We thank you for coming forward today.

JOELLEN MCGINN: Thank you very much.

SENATOR JENSEN: Next and I think last is Daniel Darnall. Is Daniel here? Oh, that's Senator Howard, you have Daniel Darnall?

CONFIRMATION HEARING ON  
DANIEL DARNALL TO THE  
COMMISSION FOR THE DEAF  
AND HARD OF HEARING

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SENATOR HOWARD: I do. Thank you. Daniel Darnall is being reinstated for a second term as a board member. He is unable to attend the hearing and has asked me to present this and I will quote from him. "It is my pleasure to serve on NCDHH Board for the second term. My first term was a tremendous experience for me and other people on the board to see many good happenings during my first term. Now, I will pursue my goal to make sure many good things will enable deaf and the hard of hearing Nebraskans for the next three years. Not only my term on the board, I will make sure the goals that we as board members make differences in the future and will carry to the next board members of the committee to continue the best advocacy for the deaf and hard of hearing Nebraskans. With warmest regards, Daniel Darnall"

SENATOR JENSEN: Okay. Any questions about Daniel from...to Mrs. Howard? Thank you.

SENATOR HOWARD: Thank you.

SENATOR JENSEN: That will conclude the gubernatorial appointments and we'll move right into the introduction of LR 65. Senator Byars.

LR 65

SENATOR BYARS: (Exhibit 1) Thank you, Chairman Jensen. I am Senator Dennis Byars from the 30th Legislative District. That would be the "Sharing and Caring District." (Laughter) I am here today to present LR 65 to ask you as my colleagues to request Congress to make it a priority to ensure a stable support work force for individuals with mental retardation or other developmental disabilities. I have given you a copy of the legislative resolution. In addition to that, I have made available to you the bill that has been introduced by Congressman Terry on the Republican side and Congressman Capps on the Democratic side and is a piece that is attracting a tremendous number of cosponsors within the House of Representatives. We took this to Congressman Terry and it's probably been about a year ago, and he has become very aware of the need, not only in Nebraska but across the

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country for us to recognize the difficulties that we have in attracting and keeping direct care staff, training them appropriately, and, obviously, the effect that that turnover in that staff has on persons with developmental disabilities. I'm not going to go into the details. Obviously, we need to get this information, digest it, and move to the floor as we have other legislative issues to deal with this afternoon. So we have several people behind me that will very briefly tell their personal stories on why this is extremely important that we are supportive of Congressman Terry, Congressman Capps, and others in moving this legislation forward in Congress so I thank you very much. I would take any questions but people behind me are very adept at telling their stories.

SENATOR JENSEN: Any questions of Senator Byars? Seeing none, I have on the list in order, Deb Watson (sic), LaVonne Lewis, Hope Frey, Karen Walklin, Brett Samson, and Alan Zavodny. And, Deb, are you ready?

DEB WESTON: (Exhibit 2) I am.

SENATOR JENSEN: Good.

DEB WESTON: And good afternoon, Chairman Jensen, members of the committee, my name is Deborah L. Weston, D-e-b-o-r-a-h W-e-s-t-o-n. I'm the executive director of the Arc of Nebraska and am testifying on behalf of the membership of the Arc of Nebraska but also as a parent of a 23-year-old man with autism who receives developmental disabilities and support. Nebraska really has had a long history of making a commitment to people with developmental disabilities, starting in the 1970s and before. But in the 1970s, striving to create and serve as a model for community based services. In approximately 1990, we changed our system and we wrote the Developmental Disabilities Services Act. We ask you now as this committee and our Legislature to again make that commitment, to prioritize the federal legislation and the resolution before you. Nebraska made this commitment long ago and made the commitment before my son was born. The supports that my son receives are critical to him just to live his daily life and critical to me because without those supports, I could not work. The collective experience of the Arc, people with developmental

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disabilities and their family members, are the same. And I really can best refer to it as relationship building. We depend on direct care professionals and that relationship doesn't just happen. People come into our lives to serve as support people. We learn about them, they learn about us as people. And then they learn about my son's disability, how it impacts him and the type of supports that work best for him. We establish a relationship that is daily and supportive but all too quickly, we find that those people that we establish that relationship with are leaving. And it all begins again. We need new support people. We begin to build the bond. We begin to share our experiences with one another. We work together as a team to understand and to support Alex and our family. Unfortunately, then we learn again that someone is leaving. Continuity is really very important for most of us. Continuity is very, very important for many people with developmental disabilities but it's based on familiarity, experience, and knowledge. And as we lose those relationships, continuity is broken as well as the relationship. I don't often do this but I'm going to speak a little bit more directly about my son and I'll do it very briefly. But my son is 23 years old and has autism. One of the challenges that many people with autism face is that they do not tolerate change. They do not understand change very well. My son has an inability to predict what might happen next. Now, my son is a wonderful person. He is fun, he has a keen sense of humor, he is skilled in Mensa puzzles. He's wonderful on a computer. He speaks and reads Russian, French, German, Spanish but my son cannot shave. My son cannot bathe independently. My son cannot cut his fingernails and he cannot use the telephone. And I worry that as we build these relationships and they are broken, who will be with him when he crosses that street. And that has happened. And the people who work for Alex, who support Alex, have been wonderful. We have an excellent relationship with the provider that we chose together and the people that have worked as Alex's support have been dedicated, caring, going beyond the pale, and they have to have skills. They have to understand differing communication. Coaching, positive behavioral supports, and they have to have the ability to make an emotional link with someone who may be very different from them. We've received that but, unfortunately, here we go again so within two months, mid-May to mid-June, Alex will have 100 percent

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turnover of his residential support staff. Now that is because they are leaving for different jobs, caring jobs, professional jobs but jobs that pay them better so that they can support their families so that they don't have to live in a financially unstable situation. So, we really need to support those people who support us. Thank you very much for your time, and we ask you to move LR 65 forward, and I would answer any questions.

SENATOR JENSEN: Thank you, Ms. Weston. Any questions from the committee? Seeing none, thank you for your testimony. Next, LaVonne Lewis?

LAVONNE LEWIS: (Exhibit 3) Good afternoon, my name is LaVonne Lewis, L-a-V-o-n-n-e L-e-w-i-s. I live in Doniphan, Nebraska, and I am employed as an instructor with Mid-Nebraska Individual Services. I began my employment with Mid-Nebraska almost 11 years ago at the urging of my husband, Kevin. Kevin was a manager for a reclamation center for Nash Finch Company. The center employed several different individuals from Mid-Nebraska in an enclave setting. An enclave consists of one or more individuals in service who work at a business with the supervision of a job coach. The job coach is there to give the necessary support to ensure that the job is being completed to the employer's satisfaction. My husband frequently came home very frustrated because of the constant turnover in staff which were supervising the individuals and it was very disturbing to the individuals also. Kevin convinced me to apply for a job with Mid-Nebraska. A few weeks later I started at the Nash Finch job site making \$4.65 an hour which was less than the hourly wage that the individuals I was supervising were receiving. My wage after almost 11 years is \$8.15 an hour which is the top of the pay scale for my position. I'm directly responsible for five individuals. I am there to teach and support their needs as they face the daily challenges of their everyday life such as seizures from epilepsy, walking, talking, and swallowing difficulties as the result of cerebral palsy, frustration from lack of communication and a sensory perception due to autism. Things that are a part of a normal daily routine for you and I can cause a variety of behaviors for these individuals such as verbal and physical aggression, self abuse, and property destruction. All of this can be very physically

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and mentally draining. To help me deal with these situations, I am a licensed med aide, certified in CPR, first aid, and Mandt. Mandt is a training course developed to manage ourselves and others with dignity and respect in a crisis situation. I know that I could go to work at a variety of different jobs, a fast food restaurant, a department store or a factory, and I would not have to deal with the stress and difficulty that goes with my job at Mid-Nebraska. I work at Mid-Nebraska because I hope I can make a small difference in the lives of the individuals. It is very frustrating, though, because I have seen a lot of good staff come and go due to poor wages. I also see how that has a great effect on the individuals. The temptation to look elsewhere for employment is always there but I love my job and I love the individuals that I work with, and that is why I've continued to work at Mid-Nebraska even though the pay is so low and the cost of living continues to rise. All individuals, whether in a community based service or in a state facility, should receive the same quality care. Therefore, I feel that the staff should also receive equal wages. I hope and pray that you will support this resolution because I don't believe that God brought me here today by mistake. Thank you very much.

SENATOR JENSEN: Thank you, LaVonne. Any questions from the committee? Thank you for coming forward today.

LAVONNE LEWIS: Thank you.

SENATOR JENSEN: Next, Hope Frey?

HOPE FREY: (Exhibit 4) Hi, my name is Hope Frey. It's spelled H-o-p-e F-r-e-y. When I was eight, my dad was killed in a car accident. Then at age 18 my mom died of diabetes complications. I have been a client with Mosaic for the past two years. Before Mosaic started to support me, I was unable to learn the things that kids my age know because my dad and mom were not able to teach me. Kids made fun of my disability at school and that made me mad and sad. I felt like teachers did not want me to be like other kids because they did not let me in a class with my classmates. I had a few friends at the time and now I have a lot more friends who have a disability just like I do. Mosaic has made me see a new outlook on life. Mosaic staff have taught

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me how to accept that I have a disability and it is okay. They have supported me to get a part time job, become CPR and first aid certified, get my learner's permit, manage my budget, and be a responsible person. I am a member of many committees at Mosaic like the consumer council, safety, human and legal, and the advisory board. That is something I did not do before because no one ever gave me a chance to show them that I could just like any other person would. I feel like the staff at Mosaic cares about people with disabilities because they've gave me a chance at doing things that any other person would do in their lifetime. My life would not be the same without Mosaic staff. I never would have learned the things that I know today.

SENATOR JENSEN: Thank you, Hope. Any questions? Yes, Senator Stuthman.

SENATOR STUTHMAN: Thank you, Senator Jensen. Hope, you have a wonderful story to tell. If Mosaic wasn't there, what would have happened? Would have there have been a place for you to go?

HOPE FREY: No.

SENATOR STUTHMAN: But you feel because of Mosaic you are what you are today.

HOPE FREY: Yes.

SENATOR STUTHMAN: Okay, thank you.

SENATOR JENSEN: Yes, Senator Byars has a question. Hope?

SENATOR BYARS: Just one comment. Hope, I think that suit is awful sharp today (laughter).

HOPE FREY: Thank you (laughter).

SENATOR JENSEN: Thank you very much for coming forward. We certainly do appreciate it. Next is Karen Walklin.

KAREN WALKLIN: (Exhibit 5) If I look a little familiar to you, Senator Jensen, I work for the Nebraska Broadcasters Association and we have a chance to visit each year at NBA

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(laugh) sessions so I'm...you're seeing me a little out of context today. So my name is Karen Walklin, K-a-r-e-n W-a-l-k-l-i-n. My son, Jonathan, is 15 years old and has a diagnosis of autism and a seizure disorder. Jonathan has received services from Martin Luther Homes, now Mosaic, since 1998. During that time, we have had numerous caregivers supplied by the service provider who works with Jonathan. By and large, these have been excellent caregivers. A couple of caregivers have developed such a strong bond with Jonathan that even after leaving Mosaic's employ, they have continued to maintain contact with Jon. However, one of my concerns over the last seven years has been the consistency of caregivers. As Deb Weston mentioned, change is extremely difficult for people with autism. Consistency in staff then is of utmost importance. The change of constantly training new staff is not only time consuming but impairs Jon's progress. This is especially true during the summer when we set up an in-home education program for Jonathan. We work closely with LPS to develop a schedule for Jon similar to the school schedule, and one that continues upon Jon's progress from school year to school year. Since Jon makes progress at a much slower rate than typically developing kids, we cannot afford to have him fall behind on his skills over the summer. It is so important staff is consistent and diligent in working with Jon. We want staff at home and at school to be on the same page so Jon is not receiving mixed messages. If we lose staff during the summer, and have to bring in new staff and retrain them, it is Jonathan who loses, and he cannot afford to fall back in his skills. Like it or not, retention of staff does depend on wages. When you think of the responsibility a caregiver takes on, especially in a supported program such as we have for Jonathan, the responsibility is tremendous. As you know, supported care is when a caregiver comes into the home as Jonathan still resides with his parents. In our case, Jonathan is nonverbal and is not fully toilet trained. When staff comes into our home, it is just one person who is totally responsible for my son's well-being during that shift. And in our case, that caregiver must also have skills needed should Jonathan have a seizure while under their care. I know for a fact that we have not been able to retain quality staff because of caregiver wages. There are other job opportunities where pay is the same or more, yet the

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responsibility less or jobs where the pay is the same or more, but work is more desirable. Quite honestly, cleaning up a 15-year-old male after a toileting accident is an unpleasant task, to say the least. While my son does not have severe behavior issues, there are times he gets frustrated and reacts with self-injurious behavior. Intervention by staff is critical at these times and that kind of intervention needs a well-trained caregiver. In conclusion, it's important for those of you making decisions regarding the pay scale for caregivers to look at the long-term benefits of pay increases and retention of staff. The more progress my son makes now, the less dependent he will need to be on the system down the line. Eventually, Jonathan probably will need government assistance, but the results of quality staff helping him achieve progress now will pay off, literally, in the future. Thank you for your time.

SENATOR JENSEN: Thank you, Karen. Any questions of Ms. Walklin? Thank you for coming forward. Next is Brett Samson? Welcome, Brett.

BRETT SAMSON: Hello. Thank you. My name is Brett Samson, B-r-e-t-t S-a-m-s-o-n. I worked as a direct support professional for four years. I currently work as the community relations manager for a provider that serves individuals with developmental disabilities. Before graduating from college and working in this field, I was an operations specialist on a guided missile cruiser in the Navy. I also worked for two years fusing natural gaslines. My years as a direct care professional were by far the most rewarding and demanding of all others jobs I have held. I was entrusted with the emotional, physical health of human beings. I was their friend, their counselor, their teacher, their caregiver, and sometimes their financial advisor which was scary for me (laughter). Although this position required immense responsibility, it was also extremely rewarding. I have never loved a job as much as the one I had working directly with these individuals. However, I was almost forced to leave a job I loved like so many of my other great friends who worked in this field. After receiving my degree from UNO, I was faced with a difficult decision. My wife and I were expecting our first child and there was no way even with her income that I could have

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continued to work as a direct care professional. Financially, it would have been nearly impossible. I was lucky that a management opportunity became available. I had my resignation letter typed but did not have to turn it in because of this very fortunate opportunity to stay in the field. Many of my coworkers were not so lucky. They were forced to quit and find other jobs that paid more. The effect on the staff is terrible. However, the effects on the individuals we serve are far worse. With each new staff person entering the life of one of the people we support, a new relationship must be formed. Our individuals must start over and the progression toward their goals and increased independence is hindered. The very low entry level wages that these professionals are paid directly lead to our unbelievably high turnover numbers. More importantly, it is our clients that pay the price. Great staff are left with a very difficult decision. Do they stay in a job they love but can't afford to support their families or do they find a new job or a second job just to survive? And how are the people with disabilities who depend on them to live safe, productive lives in their communities going to continue to progress when they can't depend on the same staff to show up day after day? Thank you.

SENATOR JENSEN: Thank you, Brett, for coming forward. Appreciate it. Any questions? Thanks again. Next is Alan Zavodny. Is there anyone else who wishes to testify? I don't see any. Alan, you're the last...you're used to...

ALAN ZAVODNY: I'm it.

SENATOR JENSEN: ...batting clean-up, aren't you?

ALAN ZAVODNY: (Exhibit 6) I'm used to bringing up the caboose. Good afternoon, Senator Jensen, members of the committee. My name is Alan Zavodny, A-l-a-n Z-a-v-o-d-n-y and I'm the chief executive officer for North Star Services. We provide support for just under 400 people with developmental disabilities and employ 630 people. I appreciate the opportunity to discuss the issue of direct support staff pay with you today. I worked for ten years myself as a residential staff person. It is a hard job that doesn't pay very well at all for what we expect people to do. I want to start by saying, you get what you pay for. I

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think that is true for whatever you are discussing. I did not mean for it to sound disrespectful for the many dedicated and talented people that currently work direct support but, frankly, we cannot find enough employees that are enough in quantity that are of quality. You have heard compelling reasons from people today as to why this is an important public policy issue. You have the stories; let me give you some numbers. The funding methodology for the state of Nebraska builds into its formula 90 percent of the starting wage for a Tech I position at Beatrice State Developmental Center. The current starting wage for that position is \$8.006 per hour and only the state could do that, I want to tell you (laughter). That means the providers receive \$7.20 to pay staff, any staff, from one month of service to 30 years. BSDC has not hired a full time Tech I for over four years. Almost all entry level positions are hired at a Tech II rate which is \$9.25 to start. We are falling further and further behind in community based programs. I have provided for you our salary numbers and our turnover rates since 1994. Please look at them at your convenience. There is a correlation. We really can't discuss salary without including benefits. We currently offer family insurance that costs our employees \$536.39 per month. We kick in an extra \$400 on that. The state plan has a family paying \$243.68 per month. Our insurance isn't very affordable at our pay rates. We currently start our employees at \$8.75 per hour. That would equate to about \$1,513.75 a month before taxes. Annually, it is a starting salary of \$18,200. As providers, we can't afford to give any more with rising fuel, worker's compensation, property and liability insurance, utilities, and supplies. We pay 83 percent of our entire expense budget to staff. We're already subsidizing salaries from other areas or we wouldn't have any employees. In a day and age where everyone seems to have economic development incentives on their mind, I can't think of a better economic stimulus plan for Nebraska than paying Nebraskans a living wage. We thank you for your past support on salaries, and we are hopeful for the future. Quality staff means quality services. You get what you pay for. Thank you.

SENATOR JENSEN: Thank you, Al.

ALAN ZAVODNY: Thank you.

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SENATOR JENSEN: Any questions from the committee? Thank you for coming forward and the job you do. Yes, Senator Byars.

SENATOR BYARS: I just want to make a note that I actually did know Alan Zavodny when he was a direct care staff person. He's been telling the truth (laughter).

ALAN ZAVODNY: Um-hum. Yeah, my former senator, my former boss over here. You guys are (inaudible) (laughter).

SENATOR JENSEN: That will conclude the hearings for this afternoon. I would entertain a motion to go into exec.