

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

Health and Human Services Committee
February 08, 2013

[LB420 LB421 LB422 CONFIRMATION]

The Committee on Health and Human Services met at 1:30 p.m. on Friday, February 8, 2013, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB420, LB421, LB422, and gubernatorial appointments. Senators present: Kathy Campbell, Chairperson; Bob Krist, Vice Chairperson; Tanya Cook; Sue Crawford; Mike Gloor; Sara Howard; and Dan Watermeier. Senators absent: None.

SENATOR CAMPBELL: Welcome to the hearings before the Health and Human Services Committee. I'm Kathy Campbell, and I serve the 25th Legislative District in Lincoln and eastern Lancaster County. We are very glad you are here today. We have fondly entitled this McGill Day. Senator McGill has three bills up. We decided to just really get all of these all at once for her. And she's just a trouper to do it, I appreciate that very much. Before we start in on the list of hearings, we have some gubernatorial appointments today. And our first one is Dr. John Bonta. Dr. Bonta, if you'd just come forward, sir, and you can just have a chair. This is pretty informal, it's not like the Inquisition or anything. I think before we start to get to know Dr. Bonta, let's go ahead and introduce ourselves. So, Senator, would you start for us?

SENATOR WATERMEIER: I'm Dan Watermeier from Syracuse, District 1.

SENATOR HOWARD: Senator Howard, District 9, midtown Omaha.

SENATOR COOK: I'm Tanya Cook from Omaha, District 13.

MICHELLE CHAFFEE: I'm Michelle Chaffee. I am legal counsel to the committee.

SENATOR GLOOR: Mike Gloor, District 35, Grand Island.

SENATOR CRAWFORD: Hi. Sue Crawford, District 45, it's eastern Sarpy County.

DIANE JOHNSON: And I'm Diane Johnson, the committee's clerk.

SENATOR CAMPBELL: And our pages today are Kaitlyn and Deven, our two favorite pages we might add. Dr. Bonta, and am I saying your name correctly, sir?

[CONFIRMATION]

JOHN BONTA: (Exhibit 1) Yes, you are. Yep. [CONFIRMATION]

SENATOR CAMPBELL: Could you state your full name for the record just so that the transcribers get it and spell it for us? [CONFIRMATION]

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JOHN BONTA: Sure. John Scott Bonta, J-o-h-n S-c-o-t-t B-o-n-t-a. [CONFIRMATION]

SENATOR CAMPBELL: Well, welcome. And this is a new appointment. You have not served on the Board of Emergency Medical Services before. Tell us a little bit about yourself and how you became interested in serving on this commission.
[CONFIRMATION]

JOHN BONTA: Sure. I'm 42, I grew up in Exeter, Nebraska. I'm married. I've got three children, three daughters. I've lived here in Lincoln since 2002, I went to college here. I graduated high school in 1988 and went to UNMC for medical school in 1999, trained in the Twin Cities for emergency medicine, trauma, till 2002; and then took a job back here with Nebraska Emergency Medicine, and we are a private group that provides emergency room care to the Bryan hospitals. So since 2002, I've been on the Nebraska Task Force One Urban Search and Rescue Team as a medical team manager. EMS is kind of my hobby inside of emergency medicine; that's where my interest lies. So...
[CONFIRMATION]

SENATOR CAMPBELL: I was noting in the information that we have that you were on the Nebraska Task Force for the Urban Search and Rescue. Did you go to Sandy or...
[CONFIRMATION]

JOHN BONTA: I've been deployed a couple times. The last...the most memorable deployment was Greensburg, Kansas, we did the search and rescue for Greensburg, Kansas. That's probably the most extensive deployment I've been on. I do sit on the governing board here in Lincoln for the Emergency Medical Services' oversight authority as well. [CONFIRMATION]

SENATOR CAMPBELL: Exactly. [CONFIRMATION]

JOHN BONTA: I do...I am the medical director for Southwest Fire and Rescue, which is an ALS service. I also do medical direction for Raymond, which covers a great portion of Lancaster County, Valparaiso, and then also Wymore. And I do some consulting for the EMS/Trauma program with Dean Cole. [CONFIRMATION]

SENATOR CAMPBELL: I don't know whether you can see, but our clerk immediately looked up when you said that because she lives in the Raymond area. So we hope that you two not ever meet again; but if you do, at least you're going to be in good hands. Questions from the senators? Senator Gloor. [CONFIRMATION]

SENATOR GLOOR: Thank you, Senator Campbell. And thank you, Doctor, for your interest in serving on this. I used to drive an ambulance once upon a time, so I have an appreciation for people who want to take on the challenges of emergency care and emergency medicine. But it also raises a curiosity in me and why did you choose that

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route rather than the more staid practice of family medicine? Instead, you went for the higher adrenaline. [CONFIRMATION]

JOHN BONTA: Yeah, I mean, I really enjoy what I do. I like the shift work. You know, in my opinion, all the exciting parts of medicine come through the emergency department, without a doubt. With our specialty training nowadays, we're able to do a lot of the things that other specialists can do in terms of orthopedic procedures, anesthesia procedures, cardiology procedures. I get to take care of elderly, which I really enjoy. I also get to take care of children, as well. And usually, you know, sick and nonsick individuals; and on top of it all, it's shift work so I get to go home and enjoy my other hobbies which is my family. [CONFIRMATION]

SENATOR GLOOR: Do you find it increasingly difficult to get first responders on a volunteer basis in the smaller communities? Is that becoming more of a challenge? [CONFIRMATION]

JOHN BONTA: I think if you look nationally and you look historically, you'll see that recruitment for voluntary EMS services is always a challenge. And so the services that I cover and provide medical direction for we always talk about what our plan is for recruitment because it's a continuous process with ebbs and flows. You'll see services that struggle to maintain coverage and, likewise, you'll see services that have an abundance of providers. And sometimes it just has to do with the community involvement and the support that they get from the particular community. [CONFIRMATION]

SENATOR GLOOR: Well, I'm going to take a moment in blatant self-promotion of one of my bills. I'm trying to increase the tobacco tax, and some of those dollars would go towards a \$500 tax credit for first responders who are volunteers. So I recognize, certainly in outstate Nebraska, it's an ever-increasing problem and hope maybe that might serve as a little financial incentive to get more people willing to commit the hours that...and hours and hours and hours, that go into being a volunteer. [CONFIRMATION]

JOHN BONTA: Yeah. Yeah, I think that's fantastic. I think any support that they can get is certainly appreciated. [CONFIRMATION]

SENATOR GLOOR: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Other questions or comments from the senators? Dr. Bonta, I was at a dinner last night and sat with a group of people from Bryan Health and sat next to Kim Russell. And I mentioned that you were coming today, and she gave you such a glowing report that I thought, well. [CONFIRMATION]

JOHN BONTA: That's nice of her. [CONFIRMATION]

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SENATOR CAMPBELL: We just want you to know how much we appreciate all Nebraska citizens giving of their time to serve on these committees. And I know I'm going to say that for the other three that come; but we very much appreciate it, and thank you very much for coming. [CONFIRMATION]

JOHN BONTA: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: And while we know that you're on that service, I'm sure a number of us hope that we don't meet you again... [CONFIRMATION]

JOHN BONTA: That's right. Yep. [CONFIRMATION]

SENATOR CAMPBELL: ...in another situation, but we're awfully glad you're there. [CONFIRMATION]

JOHN BONTA: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Thank you very much for coming. [CONFIRMATION]

JOHN BONTA: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Our next appointment is Karen Bowlin. And Ms. Bowlin is also a new appointment to the Board of Emergency Services and, like Dr. Bonta, has an extensive resume attached to all of the information that we have. Could you tell us a...am I saying your name correctly? [CONFIRMATION]

KAREN BOWLIN: Yes, Bowlin is correct. [CONFIRMATION]

SENATOR CAMPBELL: All right. [CONFIRMATION]

KAREN BOWLIN: And it's like bowling alley without the "g" on it. [CONFIRMATION]

SENATOR CAMPBELL: Okay, that helps me. [CONFIRMATION]

KAREN BOWLIN: Yeah. [CONFIRMATION]

SENATOR CAMPBELL: There's a reminder for me. Tell us a little bit about yourself and why you're interested in serving. [CONFIRMATION]

KAREN BOWLIN: (Exhibit 2) I became an EMT in 1986 because the community where I lived, Clarkson, Nebraska, at the time had a nursing home; and they didn't have anybody that could make calls during the day. So my ex-husband volunteered me to

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take the training and do the calls, and I fell in love and it's been that way ever since. I became an instructor in 1989 because we had a continuing class. That class that I took was 81 hours, and we're now teaching that at 150 since '86 so it's changed quite extensively since then. And in '89, we had a class that was just awfully boring; and the fire chief says, uh-uh, we're not doing this again, who in the group is going to become an instructor? Well, I got volunteered again and found my second love, and so I've been in it heavily since then. I used to work for Eastern Ambulance as a dispatcher and a field provider. I worked in Omaha, Grand Island, Lincoln. And then I met a farmer...I had been...gotten a divorce and met a farmer, and I moved to western Nebraska; and I've been out there since, heavily into the teaching side. And now I am the coordinator for Mid-Plains Community College in North Platte, and I cover classes from the South Dakota border to Curtis to Gothenburg and Big Springs. Right now we have nine EMT classes going on that I'm the coordinator for, so I eat, live, and breathe it.
[CONFIRMATION]

SENATOR CAMPBELL: Obviously. [CONFIRMATION]

KAREN BOWLIN: My hobby is I have 13 grandkids that...you have that many of them, that becomes a major hobby, right? I have three that wanted to come with me today, but I couldn't get them out of school. So I came...I've been around quite a bit. I knew Dean Cole before Dean Cole was even on the EMS side with his previous career. And so I know a lot of the people that are active in EMS, and I've just always been involved. I was president of the state EMS Association for six or seven years, always held offices for our state committees. I'm active nationally. I serve on the education committee for the National Education Association for EMS. It's all done by phone, thank gosh. I'd hate to travel wherever those guys are at, they're most of them on the East Coast. But...so I'm not only active in the state, I'm active in what's going on and how things are changing. I write test questions for the national exam that our people have to take. I've been out there, I'll be out there again in Columbus in, like June, writing more questions. So I'm very, very active in it. So when the position was open, I volunteered again. I have been constantly volunteering and always wanted to be in the position to do more for the state. So... [CONFIRMATION]

SENATOR CAMPBELL: One of the joys of our jobs is getting to meet Nebraskans like yourself who are really so talented, so involved nationally, and you know, we don't...we may not know you before you come here but, golly, we're very proud of the people who come forward... [CONFIRMATION]

KAREN BOWLIN: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: ...with the kind of expertise that you have. I've been out at Mid-Plains Community College, held a hearing there, and that's a great facility.
[CONFIRMATION]

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KAREN BOWLIN: Yes, we have that brand new building that we're in--was mostly donations--it's like a \$9.5 million building. And we have a special room now, special storage, unbelievable. And the school has been very, very proactive for the EMS services, so I've really got to extend equipmentwise. We've worked for grants, and I mean, it's just...if you ever get to North Platte, come see our building. It is just unbelievable. It looks like something that should be like in Omaha or Lincoln, not western-Nebraska-type thing. It's gorgeous. [CONFIRMATION]

SENATOR CAMPBELL: It's a beautiful facility. I have a T-shirt from there... [CONFIRMATION]

KAREN BOWLIN: Good, good, glad to hear that. [CONFIRMATION]

SENATOR CAMPBELL: ...when I visited. What do you think are some of the major issues that you're going to encounter on the board? [CONFIRMATION]

KAREN BOWLIN: Right now we're in such a flux for...on the education side. We're in the change again nationally and trying to get the...what the state and federally down...filtered down to the services is a pretty large task to make sure that services are understanding the changes that are out there. We have a tendency to once we get trained, we don't look further, and this is a task where it's constant change, constant flux, there's new medicine. So that's one of the challenges that I work with constantly is getting them to see that new information, the new way of doing skills. [CONFIRMATION]

SENATOR CAMPBELL: Exactly. Senator Krist. [CONFIRMATION]

SENATOR KRIST: We've heard a lot about--thank you, Chair--we've heard a lot about communication and connectivity... [CONFIRMATION]

KAREN BOWLIN: Yes. [CONFIRMATION]

SENATOR KRIST: ...and from my background I'm a bit concerned that if something does happen, if we do have another airliner like the Sioux City situation years ago... [CONFIRMATION]

KAREN BOWLIN: Yes. [CONFIRMATION]

SENATOR KRIST: ...in the middle of nowhere, the middle of our state, that we would not be connected and we would have problems communicating with each other or, God forbid, it's a terrorist attack. Can you shed some light from your perspective? [CONFIRMATION]

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KAREN BOWLIN: Yes. [CONFIRMATION]

SENATOR KRIST: I mean, obviously, you're out there. [CONFIRMATION]

KAREN BOWLIN: That's correct, very correct. It's getting a little bit better than it used to be, but each individual department may not be able to talk to the other department that comes in to work with them. So we don't have a central type of communication. I was on a committee in North Platte that was working to extend that communication and trying to let people know what we had available for terror situations. And just yesterday--that was like four years ago--yesterday I had a gentleman say to me, I didn't even know we had that in this area. So our communication on what we have for each other is not extensive at all. But being able to talk to each other on scene, it's usually the biggest thing everybody's using now are their cell phones. But if that service goes down, it's basically everybody tries to do their best and find a way to communicate because it's really not there. [CONFIRMATION]

SENATOR KRIST: Yeah. Right. Well, the gentleman sitting right behind you knows all about military regs. [CONFIRMATION]

KAREN BOWLIN: Yes. [CONFIRMATION]

SENATOR KRIST: And I've got to tell you, the only way you're good at what you do is if you practice... [CONFIRMATION]

KAREN BOWLIN: Practice. Yes. [CONFIRMATION]

SENATOR KRIST: ...with the equipment all the time for real-life expectancies, and it will be an interest for me. And I would like feedback from your group. [CONFIRMATION]

KAREN BOWLIN: Okay. [CONFIRMATION]

SENATOR KRIST: I know you have a lot of ex-military experience there within the group itself, so feel free to contact us on that issue as well. [CONFIRMATION]

KAREN BOWLIN: Excellent. [CONFIRMATION]

SENATOR KRIST: Thank you. [CONFIRMATION]

KAREN BOWLIN: Thank you. [CONFIRMATION]

SENATOR KRIST: Thank you, Chair. [CONFIRMATION]

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SENATOR CAMPBELL: Other questions or comments from the committee? We so appreciate your service and the expertise that you're bringing, obviously, and for your taking time to come from Ogallala. [CONFIRMATION]

KAREN BOWLIN: I luck out, I have a daughter that lives in town, so I get...and my granddaughter's birthday was yesterday, so we had supper last night. [CONFIRMATION]

SENATOR CAMPBELL: Oh. You know, it's really the grandkids that draw you, isn't it? I know exactly. [CONFIRMATION]

KAREN BOWLIN: It is. Yeah, because they told me I could do this by phone with you and I said, well, it's fine. I'll come to Lincoln. [CONFIRMATION]

SENATOR CAMPBELL: Well, we'll be glad to tell Senator Schilz you were here. [CONFIRMATION]

KAREN BOWLIN: Yes. [CONFIRMATION]

SENATOR CAMPBELL: And thank you, once again, for your service. [CONFIRMATION]

KAREN BOWLIN: Yes. Oh, no problem. And I really appreciate having a chance to do this, I really am looking forward to it. [CONFIRMATION]

SENATOR CAMPBELL: Good. Good. Well, get back to us if there's anything that you think that we need to know, certainly from Senator Krist's questions, too, that would be helpful. Drive safely. [CONFIRMATION]

KAREN BOWLIN: All right, thank you very much. Nice meeting all of you. [CONFIRMATION]

SENATOR CAMPBELL: Uh-huh. We will move to our next set of...and these are two more appointments to the Foster Care Review Office--or all, I mean, how you say that--and I think we'll start with Michelle Hynes. For our guests today, all appointments to the Foster Care Review Committee are new. And did I pronounce that correct? [CONFIRMATION]

MICHELLE HYNES: Yes, you did. [CONFIRMATION]

SENATOR CAMPBELL: Tell us a little bit about yourself and why you were interested in serving on the Foster Care Review Office. [CONFIRMATION]

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MICHELLE HYNES: (Exhibit 3) I'm a native of Crofton, Nebraska, and so other than the first two years of my life, I did live in Yankton, South Dakota, but moved there. And I graduated from the University of Nebraska College of Law in May of '90, and then moved out to the Gering-Scottsbluff area that summer and was sworn in on September 14, 1990, as an attorney. And two weeks later I received an appointment to be a guardian ad litem for an infant. And I remember walking back to my boss and saying, what on earth is this? Somehow in law school they missed teaching us about guardian ad litem. And I was very fortunate, there were...the three attorneys in the firm gave me some very good lessons on what it means to be a guardian ad litem. And the comment that they both kept...all three of them kept emphasizing to me is, this is just like any other client except they're short. And he says, you always remember that. He says, don't ever treat them any different or any less attention than you would another client. And I did quite a few guardian ad litem appointments in western Nebraska, absolutely loved it. The only reason I stopped taking them is at that...in one year, Scotts Bluff County had three murder trials, and the budget for court-appointed attorneys was wiped out. So when you would go in then to be paid, because it was paid by the counties, the judges would say, you did all the work, you did a great job, but we can't pay your bill because we have no money left. And I had a county attorney argue, well, guardian ad litem work is for new attorneys to learn what they're doing so it's not as important. She didn't appreciate it when I asked her then, I says, well, then are you going to give back part of your salary if you're doing children's work? And it really struck me that we were spending all this money on these other cases of high-profile crimes, but nothing was being handled for the children. And if you want to help to prevent some of those crimes, it starts with working with the kids, getting them a better life and helping them so that they're not in that environment where all they see for their future is criminal behavior. So I...after several years there, I tried corporate work for two years and decided I was not cut out for the world of IBP at all, and lucked into a job working in Iowa at the State Public Defender's Office. So the only work our office does is juvenile law. I do represent some parents, which keeps me to remember that there's two sides to the coin because sometimes you can work too much with kids, you lose sight of what's going on with the adults. But all of the work we do is either we represent juvenile delinquents, we work as guardian ad litem, mental health commitment hearings, and runaways. So I am very fortunate that I found a job where I could devote all of my time to working with children, and it's been...paid off a little bit. My oldest son job shadowed at Juvenile Court Services over Christmas and has now decided he's going to change his major to criminal justice and is thinking possibly juvenile probation officer or school liaison officer. And my daughter, who can skip school today to come with me--this is her civics lesson for the day--and, you know, she's always...she brings up comments, too, that I can tell that they hear me talk about my job enough that they pick up on it. And both of them know the importance of kids and the issues now that they deal with, with bullying and everything else. [CONFIRMATION]

SENATOR CAMPBELL: Well, we're really fortunate to have found you, that's for sure. I

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think we've all been...really feel so fortunate for all of you that stepped forward on the Foster Care Review Office. I mean, the talents you bring to it, I don't think any of us could have envisioned that the five people would come together with as much depth and, certainly, compassion for children that we're seeing as we've talked to all of you. I do want you to explain one sentence in the material that we got. You indicated, "I also represent parents in abuse/neglect cases if I had previously represented them as a juvenile." Would you explain that? [CONFIRMATION]

MICHELLE HYNES: Yes. What happens in our office is, as most of us know abuse happens throughout generations, and there may be cases that I may have represented someone that was abused themselves when they were 12, 13, 14 years old. They're now parents, which means I'm getting older, too, unfortunately. We've had...one attorney in the office made a comment. He was representing...had a case that came up and he had represented the grandmother, so we still keep seeing these cases. We also represent parents. I have several right now with teenage mothers. These teenage girls are in the court system themselves as a child and then they are also as a separate case involving their child, so we do have a lot of cases. Unfortunately, it's generational. We hope to break that trend but, unfortunately, it doesn't always happen. You can't always help these...usually it's the girls who make poor choices with the men they associate with and a lot of self-esteem, I think, goes with that. But, no, we do represent some parents just because we've represented them in the past. [CONFIRMATION]

SENATOR CAMPBELL: So the public defender system in Iowa is a state rather than county by county? [CONFIRMATION]

MICHELLE HYNES: It's a state. Yes, it is a state agency. My boss is actually the chief public defender who's in Des Moines, and then there are separate offices around the state. There are, I believe, three offices that are primarily juvenile; but all the rest are the traditional public defender representing adults. But we're fortunate, Sioux City does have one that we have five attorneys doing nothing but juvenile work. And the one trend that we've seen lately is our mental health commitments. When I started doing this in 1998 right after my daughter was born, I think the average age on a mental health commitment was somewhere between 11 to 13, and I am now seeing children as young as 4 and 5 years old being committed into psychiatric hospitals for mental health. And that is a very alarming trend that we've seen lately. [CONFIRMATION]

SENATOR CAMPBELL: We may be calling you because we've had some issues in the state of Nebraska, in terms of recognizing that children five and under truly can have substantial difficulties in the behavioral health area, so now we have a good resource who's had some experience. Other questions or comments from the senators? Any comments or questions? Again, I just want to thank you as we have the others. And we have been able to meet Ms. Hawekotte, who has actually testified before the committee several times, and look forward to working with her and all of you. Thank you so much

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for stepping forward. You would bring a very interesting perspective to the board.
[CONFIRMATION]

MICHELLE HYNES: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Thanks, and travel safely. And welcome...where is your daughter? [CONFIRMATION]

MICHELLE HYNES: Abigail has been hiding back there. [CONFIRMATION]

SENATOR CAMPBELL: Oh, Abigail, you have to stand up. I...we want to welcome you. Thanks for coming. And there's so much to see in the Capitol so I hope you spend some time taking a look around. Our last appointment for the day is Sandra Kruback. Am I saying that correctly? [CONFIRMATION]

SANDRA KRUBACK: (Exhibit 4) That's correct, Senator. [CONFIRMATION]

SENATOR CAMPBELL: Please come forward. How is the weather out your way there?
[CONFIRMATION]

SANDRA KRUBACK: It was sunshine when I left home, ran into some fog between and out again so. [CONFIRMATION]

SENATOR CAMPBELL: Yes. Well, I was talking to Senator Hansen before, this morning, and I was asking him what the weather was in North Platte because I then can kind of gauge what I think is going to happen in the next couple of days here. He's the best weatherman I have, actually. (Laughter) So thank you for making the trip, and tell us a little bit about yourself and how you became interested in serving on the committee. [CONFIRMATION]

SANDRA KRUBACK: Actually my two daughters got me started with school activities which blossomed into accompanying high school choruses for 20 years. I have been the church organist, was interested in the numbers of children who were not treated correctly in my mind and how they were so insecure. And when the opportunity to serve on the Foster Care Review Board came up, I took that opportunity. I am now serving on two in North Platte, have been on the board for 16 years and have been frustrated and thrilled and excited all at the same time. There's a lot of kids who need attention.
[CONFIRMATION]

SENATOR CAMPBELL: Well, thank you for years of service before you even got here. One of...Senator Krist was instrumental in putting the bill forward. And I know that all of us on the Health and Human Services Committee felt strongly that we needed to have representation from the local boards because you're seeing the children at that very

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foundation level in your community. [CONFIRMATION]

SANDRA KRUBACK: Yes. [CONFIRMATION]

SENATOR CAMPBELL: And so I would imagine that has been a great perspective for you coming on like a statewide committee. [CONFIRMATION]

SANDRA KRUBACK: It has. It's been educational from both sides. I'm learning quite a little bit about how things work on this end in the state office and then how it applies and filters down to the local boards. I'm hoping to be able to bring those two entities a little closer together so that it works more efficiently. I think with our new director I believe that that can happen. [CONFIRMATION]

SENATOR CAMPBELL: We're certainly all, again, very impressed with all of you and the commitment that you have to children. That's the most important part I know of your work. Are there questions? Senator Krist. [CONFIRMATION]

SENATOR KRIST: You all made a great choice with Kim. She's the right person for the right time. [CONFIRMATION]

SANDRA KRUBACK: Thank you. I believe so. [CONFIRMATION]

SENATOR KRIST: I think so too. And the reason that we wanted the representation was exactly what you just stated. We wanted that perspective from the trenches, if you will, because that's where the work really happens. And the support needs to happen to the local from the state level so thank you for serving. [CONFIRMATION]

SANDRA KRUBACK: Thank you for the opportunity. [CONFIRMATION]

SENATOR CAMPBELL: And thanks for taking time to come. I know that's a long distance but... [CONFIRMATION]

SANDRA KRUBACK: Oh, sure. [CONFIRMATION]

SENATOR CAMPBELL: ...it's so very helpful to all of us to meet you. And hopefully you'll feel comfortable if there's anytime that you want to share information with us, all of the senators here would be glad to hear your perspective, I know. [CONFIRMATION]

SANDRA KRUBACK: It's nice to have faces with names. Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Absolutely. [CONFIRMATION]

SANDRA KRUBACK: Thank you. [CONFIRMATION]

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SENATOR CAMPBELL: Have a safe drive back. [CONFIRMATION]

SANDRA KRUBACK: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Take care. That concludes our appointment hearings. I should ask if there's anyone in the room who wishes to make comment on the appointments. Usually we don't, but thought maybe I should ask today. All right. We will start and open our first public hearing on LB420, Senator McGill's bill to provide authorization for disposition of human remains based on military documents, very formal. Welcome, Senator McGill. [CONFIRMATION]

SENATOR MCGILL: Yes. Thank you, Senator Campbell and members of the Health and Human Services Committee. I'm, of course, State Senator Amanda McGill, M-c-G-i-l-l. And I'd like to introduce LB420, a bill that clarifies Nebraska law regarding the disposition of military members' remains. When families and friends are faced with news that their loved one has been killed, they should not have to worry about how the loved one's remains will be handled. They should not be put in a position to debate about the wishes of the deceased. This is happening here in Nebraska, however, and that's why I've introduced this bill. The federal DD Form 93 is used to authorize a person to direct the disposition of a military member's remains in the event of death. This document is witnessed by an authorized military official, and it is updated every year on the service member's birthday and prior to each deployment. There is a conflict between this federal form and Nebraska law. Nebraska law seems to require that the deceased completed a notarized affidavit and the DD Form 93 does not conform to this law. Because of this conflict in the law, legal battles have ensued between family and friends over burial procedures, and there is a family here to talk about their particular case here today. When a service member designates a responsible person via the DD Form 93, that service member is doing so in accordance with the federal law. LB420 is a means to honor this designation and conform with federal law, so I ask for your advancement of this bill. And I'll take any questions. [LB420]

SENATOR CAMPBELL: Questions or comments? And I know you'll be staying. I'm sorry, Senator Gloor, you're here. [LB420]

SENATOR GLOOR: Thank you, Senator Campbell. And thank you, Senator McGill. Are you going to have a testifier who's going to explain to us why we got into this crossed wires? Do we know... [LB420]

SENATOR MCGILL: I imagine one of the gentlemen behind me can talk about that. I mean, I...we're not the only state who has had this problem now too. And so, yeah, many states are dealing with it right now. [LB420]

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SENATOR GLOOR: But to make sure I understand, what we're trying to do is bring Nebraska statutes in compliance with... [LB420]

SENATOR MCGILL: To recognize that federal document. [LB420]

SENATOR GLOOR: Yeah. Okay, thank you. [LB420]

SENATOR MCGILL: All right. [LB420]

SENATOR CAMPBELL: Any other questions? Thank you, Senator McGill. [LB420]

SENATOR MCGILL: Uh-huh. [LB420]

SENATOR CAMPBELL: We will take testimony from our first proponent, those who favor the bill. Welcome. [LB420]

ROGER LEMPKE: (Exhibit 5) Good afternoon, members of the Health and Human Services Committee. My name is Roger Lempke. I'm a Nebraska Lieutenant General Retired and Adjutant General of the Nebraska National Guard Army and Air... [LB420]

SENATOR CAMPBELL: General Lempke, and I neglected because we had our appointments here, to go through the housekeeping. But we do need you to spell... [LB420]

ROGER LEMPKE: Spell my name? [LB420]

SENATOR CAMPBELL: Yes. [LB420]

ROGER LEMPKE: Okay, let's do that. [LB420]

SENATOR CAMPBELL: So that the transcribers can get it correctly. [LB420]

ROGER LEMPKE: Okay, here you go. And here, you can have that. It's Lempke, L-e-m-p-k-e. And since we had an interlude, Senator Watermeier, Senator Howard, Senator Krist, I appreciate you coming to our National Guard Association breakfast yesterday morning. And Senator Crawford, I appreciate you returning my call yesterday. Thank you very much, I appreciate that, on another legislative matter. Again, I served as Adjutant General for the Nebraska National Guard from the period of 2000 through 2007 when I retired. And during that period--which, as you know, encompassed brutal fighting in Iraq--I lost ten Army National Guard soldiers. I also presided over several other Army, Navy and Marine funerals, and created and directed an advanced Nebraska National Guard casualty assistance program that, to this day, assists families of Nebraskans killed in duty to their country. And those are families of soldiers, whether they be active

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Guard or Reserve, Navy, Marines, and so forth. I'm here today to testify in favor of LB420, introduced by Senator Amanda McGill. People often ask me what they can do to help our brave military members and their families. I will tell you that if the Nebraska Legislature were to ask me what they would help...what they could do to help our troops and families, I would immediately respond, pass LB420. Now federal law, the Department of Defense policy and service regulations require that every service member--that's active duty Guard/Reserve and, in fact, some civilians--complete a DD 93, a Record of Emergency Data, on which the service members provide family member and contact information, designates a person to direct disposition of human remains--kind of hard to say. You're going to hear the word PADD, person assigned to dispose something. So that's the P-A-D-D, it's a common term you're going to hear. Thirty-eight states recognize the DD 93 as the legal form covering these items. Unfortunately, Nebraska is not one of them. And, Senator Gloor, just to anticipate your question; I don't know the entire history, but I would suspect this. The PADD aspect was only added in recent years because of issues trying to determine who would be responsible for disposal or directing the disposal of remains. The DD 93 has been in existence since, well, since I entered the Air Force Academy in '65. I suspect that Nebraska law goes back much more farther than that that establishes the rules that we currently operate under. That's just my expectation of the chronology here. The deaths of military service members, of course--especially in battle--are unexplainably traumatic to our families. The only thing approaching this sad happening is the confusion, irrevocably hurt feelings, and prolonged agony, if the casualty process from the recovery of remains to final placing of the gravestone gets tangled up in legal and bureaucratic wrangling. The DD 93 is the heart of this casualty assistance process, and it assures that this legal wrangling and bureaucratic mess that you also see in so many things does not happen in this particular situation. Again, from the time I entered the academy in 1965, I've been updating the DD 93--up till I retired--at least every year. And for those that deploy or go to new assignments or go to new schools, they are also required to update the DD 93. It is the most current document that a service member has to identify those key things that are immediately important if they do die. To quote the form itself, "This extremely important form is to be used by you to show the names and addresses of your spouse, children, parents, and any other person(s) you would like notified if you become a casualty...and, to designate beneficiaries for certain benefits if you die." I will tell you from the most personal experience in those that I've commanded, it's very...it's a comfort to every service member to know that this information is very clearly documented and will be used exactly as presented if they die. The military services look to no other document, no other document, when entering casualty assistance and notification that the process upon a service-member's death. Now for families, these precise instructions contained in the DD 93 assure a smooth, predictable process for disposition of remains and assignment of certain benefits. Now they may not always agree with the assignments that the service member has made, but they can at least take comfort that his exact...their exact wishes are being followed exactly, because the DD 93 presents the latest desires of the dead service members.

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Matters can be...without that, matters can become contentious, the process slows, and the court battles ensue, if it isn't followed that way. The...enacting the LB420 will make the DD 93 the unquestioned document for notification, disposition of remains, and assignment of certain benefits. It also provides comfort to Nebraska service members knowing that their wishes will be executed exactly as desired. And it will provide comfort to families knowing that the certain wishes of their service members are being followed. Later in this hearing, you're going to hear from a family suffering from trying to bring closure to their soldier's death in combat because of roughly-created documents from the past that have been deemed by Nebraska courts to carry more weight than the DD 93. The purpose of this legislation is to correct that situation. I grieve every night for the Nebraska service members we've lost in Iraq and Afghanistan under my watch. I grieve even more for the families who continue to struggle in many ways with their personal loss. Enacting LB420 will help eliminate one major contributing factor to their continuing pain. To the committee members and to the entire Nebraska Unicameral I say, you can do something here to help our service members and their families. Pass LB420. Thank you. [LB420]

SENATOR CAMPBELL: Thank you, General. And thank you so much for your service through the years. We all are in awe of what you've been able to accomplish so, thank you. If you would, just stay right there. Questions or comments from any of the senators? It's pretty thorough. Senator Howard and then Senator Krist. [LB420]

SENATOR HOWARD: Thank you for your testimony. This may be getting a little too much in the weeds, but is the DD 93 considered...how is it treated in testamentary law in this state? Is it...when it assigns certain benefits, is it treated with more weight than maybe a holographic will or something like that? [LB420]

ROGER LEMPKE: The DD...and first, I can't answer this from a legal prospective, so make sure we're clear about that. But federal laws have been put in place that make this the determining document for the three items that I mentioned--that, and that alone. So when you start talking other items in an estate, different thing. This covers notifications of next of kin and actually sometimes who not to notify. It covers the PADD, if you will, disposition of remains which becomes a very, very important item, and then certain benefits. And those benefits are really unpaid allowances that might be available after the service member's death. And also there's a form of life insurance, if you will, that's paid immediately, and that's identified on that form. That's all it does. [LB420]

SENATOR HOWARD: Okay, thank you. [LB420]

ROGER LEMPKE: Uh-huh. [LB420]

SENATOR CAMPBELL: Senator Krist. [LB420]

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SENATOR KRIST: A little easier than a confirmation hearing or a budget hearing, isn't it? [LB420]

ROGER LEMPKE: Definitely easier than budget. [LB420]

SENATOR KRIST: Yeah. Thanks for coming. [LB420]

ROGER LEMPKE: You bet. [LB420]

SENATOR CAMPBELL: Any other questions or comments from the senators? Thank you, General, very much. [LB420]

ROGER LEMPKE: I'm going to leave one with you. [LB420]

SENATOR CAMPBELL: Okay, that's fine. That would be great, thank you. We'll have one of the pages take it for the clerk. All right, our next proponent. Good afternoon. And I should indicate...Madam Clerk, you haven't started the time have you, because I don't want to take his time? [LB420]

DIANE JOHNSEON: No, I turned that on. I had, but I don't start... [LB420]

SENATOR CAMPBELL: Okay. I should explain, the lights that are in front of you...we got swept up with the appointments. We not only need the orange sheet if you're going to testify--and thank you very much for bringing--give it to the clerk, but we also run a light system here. And you have five minutes. It's green for four, and then the yellow goes to one, and then you're red, and then you're probably looking up and I'm trying to get your attention. Just as we asked General Lempke to do, we do need you to introduce yourself and spell your name so the transcribers listening will be able to get it correct. [LB420]

SCOTT EHLER: Okay. [LB420]

SENATOR CAMPBELL: So start right in. [LB420]

SCOTT EHLER: Well, good afternoon to the members of the committee. My name is Scott Ehler, S-c-o-t-t E-h-l-e-r. And I'd like to just speak for a moment of the personal aspect of the DD 93 and how we use it in the military to notify next of kin. I'm the full-time state support chaplain for the Nebraska National Guard. And one of the most important jobs that we have, in my opinion, is notification of next of kin in the event of a death of a service member. We take that job very seriously. And as a chaplain, we go on every notification; so I've done a lot of them. And we use the DD 93 to identify the next of kin...the primary next of kin, so we know who to notify first. The job of the chaplain is not to notify the next of kin, the job of the chaplain is to be there for the

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family. So the casualty notification officer breaks the news to the family, and we're there for support and help where needed. We are there throughout the...from the notification to this day. I still have contacts with families that have lost service members, so I've seen the devastation that this causes. Passing of this bill, as General Lempke alluded to, will just take out one piece of that with the person identified to direct disposition of the remains. I've seen the tearing apart of families that it causes when there's legal wranglings involved in where they should be buried, how this should happen. And as a chaplain that deals with families, I personally would like to see the passing of this bill for that reason. Thank you. [LB420]

SENATOR CAMPBELL: Thank you, Mr. Ehler. Questions or comments from the senators? Senator Gloor. [LB420]

SENATOR GLOOR: Thank you, Senator Campbell. And thank you for your service, Chaplain. [LB420]

SCOTT EHLER: Thank you. [LB420]

SENATOR GLOOR: I need to have a better understanding of what the specifics of the problem are. Are we dealing with...I mean, it would seem to me that most families come together and there's no question about where their remains go. But we deal with divorces, we deal with separations, we deal with parents who, you know, have divorced and a son or daughter is lost. I mean, does that get to some of what happens here with the problems between the state law and the DD 93? [LB420]

SCOTT EHLER: In a perfect world, it would bring families closer together and it would eliminate the tension between the families. But as the law stands in Nebraska now, the DD 93 is not recognized. And if a service member puts on there the person that is to direct the disposition of remains is different from another document, there is strife when there's family discord. We see it especially in cases of unmarried service members in divorces and separations, like you said. [LB420]

SENATOR GLOOR: Okay, that helps. I appreciate it. Thank you. [LB420]

SENATOR CAMPBELL: Senator Krist. [LB420]

SENATOR KRIST: Had an opportunity to be an escort officer and thank you for what you do. In my particular case, the 93 was very specific. The individual wanted to be cremated and waited turn to be interred at the National Cemetery, military cemetery. And the family fought it every step of the way because they wanted that individual in their cemetery at home, and that's inherently the problem. The serviceman or woman makes a determination on the 93. Now you would hope, again, in the perfect world--as I told my troops--make sure you talk about this with your family before you sign the form.

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And every time you leave to go someplace, don't change the form based upon an emotional thing that might have happened before you left. Remember, they were your family before, they're your family now. Can you just talk to that, comment on that for a minute? [LB420]

SCOTT EHLER: Yes, sir. One of the things that soldiers, military members, do prior to especially a deployment--they're required to do it once a year--but especially for deployments, they go through what the Army calls a soldier-readiness processing. And part of that is visiting the chaplain's table, part of that is refilling out their DD Form 93. And when they do get to the chaplain's table, we emphasize exactly what you said. Communication is key. While we don't expect it to happen, we don't expect to be killed in action or we don't expect to die, it's a very important conversation to have with all your family members to make sure that they understand who's in charge of the disposition of their remains and what the wishes are, personally, for the service member. I know personally, I've had this conversation with my family, and they know exactly what my wishes are. And we try to convey that to every service member that passes through. [LB420]

SENATOR KRIST: Thank you. [LB420]

SENATOR CAMPBELL: Any other comments? Thank you very much, and thank you for your service. [LB420]

SCOTT EHLER: Thank you. [LB420]

SENATOR CAMPBELL: Our next proponent? Good afternoon. [LB420]

JOYCE GEORGE PECK: (Exhibit 6) Good afternoon. I am Joyce George Peck, P-e-c-k. Good afternoon, Senators. I'm Joyce George Peck. I'm the mother of Staff Sergeant Patrick Hamburger. This is my husband, DeLayne Peck, Patrick's stepfather. My son was a helicopter crew chief with the 135th Aviation Regiment, Nebraska National Guard, based in Grand Island. Patrick was killed in action, excuse me... [LB420]

SENATOR CAMPBELL: Just take your time, that's fine. [LB420]

JOYCE GEORGE PECK: ...on August 6, 2011, in Wardak Province, Afghanistan, which his CH-47 Chinook helicopter was shot down by insurgents. Excuse me for a moment. Thank you. Thirty-one Americans were killed in the incident. He died with his National Guard air crew and the Navy SEALs. Patrick had been in theater for less than a week when he gave his life for his country. Two days after our son died, we met with the National Guard JAG officer and the casualty assistance officers. The family was told that according to U.S. Army Form DD 93, I was designated the duty of person authorized to direct disposition of remains or the PADD, P-A-D-D. The form was signed

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by my son at Fort Hood, Texas, just prior to his deployment. The last time I saw Pat, the night before he left, he informed me of my designation as PADD. I was given specific instructions regarding his funeral, burial, exact inscription on his monument in the event of his death. In the same conversation, Patrick explained the DD 93 form was like the word of God in the Army. It was the final and only authorized document recognized by the military in case of death in combat, that any of the other documents he signed before--even his will--did not mean anything unless those documents agreed with the DD 93. I fulfilled the duties of PADD that Patrick assigned to me. I included the immediate family and his daughter's mother on every decision made regarding his funeral and burial. The selection of a monument was deferred at that time. We were all exhausted and members of the family needed to depart for their homes in their own states. In late January, 2012, we were sued by the mother of Patrick's child, claiming that she had all rights to Pat's remains, the grave site and the selection, inscription and placement of a headstone. Months--months--after Pat's funeral, she produced a signed document based on Nebraska law to support her claim to all of these rights. Due to this little-known provision in Nebraska law and because the DD 93s are not notarized, the mother of his child had all rights to our son's disposition of remains. Contrary to our son's wishes and my promise, she insisted that no mention would be made of his rank, military service, father of his child, or status as a fallen hero on Pat's monument. We were even threatened with the disinterment of his remains if we continued to do as our son had asked us. The Lancaster County District Court ruled in favor of the August 6, 2011, notarized Nebraska document, not the federal document DD 93. The federal document, even though electronically signed with the authority of the Fort Hood commander and dated May 30, 2011, did not have an actual notary signature nor does it require one. As a result of the conflict between Nebraska law and the federal DD 93, my husband and I have needlessly suffered extreme distress in addition to the loss of our son. We have endured the hellish possibility that Pat's grave would be desecrated and moved to an undisclosed location. Our son was buried with full military honors. Worst of all, I am unable to fully keep a mother's last promise to her son. I will always carry that sorrow. It just breaks my heart. We should have been able to mourn the loss of our son these past 18 months. Instead, we've been fighting to allow Patrick to continue to rest in peace. This Nebraska law has done nothing but keep our wound open and caused our grandchild's mother to bar us from Patrick's only child. The damage caused to our family by this Nebraska law is irreparable. It's so wrong to put grieving families through this additional pain. Please, please spare other parents and families from this nightmare. Follow the lead of 38 other states by making the DD 93 the sole and definitive declaration of the wishes of Nebraska's members of the armed services. Senator McGill, thank you for introducing this law. Senators, thank you for allowing me to speak. Do you have any questions? [LB420]

SENATOR CAMPBELL: Ms. Peck, thank you so much, and certainly for the service of your son. Questions or comments? Senator Gloor. [LB420]

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SENATOR GLOOR: Thank you. I'm sure this was very difficult. Were you at the ceremony when they were sent off in Grand Island? I was too; so were a lot of people from the community. And I can tell you, when the word came back about the loss of your son and the crash, the whole community mourned and still mourns. As painful as it was for you to tell the story, I appreciate you and your husband doing this. It answers my question which is, so why is this so important to do? So as difficult as it is for you to tell the story, it really helps us in making our decision, to understand what this discrepancy means in terms of the human toll. And I'm sorry for your suffering and I'm appreciative, as a fellow veteran, of the sacrifices made by your son and your family. Thank you. [LB420]

JOYCE GEORGE PECK: Thank you. Does anyone have any questions? [LB420]

SENATOR CAMPBELL: Thank you for taking time to come today. It's very difficult. [LB420]

JOYCE GEORGE PECK: Thank you for taking time to hear me. [LB420]

SENATOR CAMPBELL: It's very difficult, I know, but it helped us. [LB420]

JOYCE GEORGE PECK: Could I leave a copy of my testimony here? [LB420]

SENATOR CAMPBELL: Of course, thank you. Thank you, Mrs. Peck. Our next proponent? [LB420]

MARTIN DEMPSEY: (Exhibit 7) Madam Chair, committee members, good afternoon. My name is Martin Dempsey, D-e-m-p-s-e-y. I work with the Deputy Assistant Secretary of Defense. Thank you for hearing this issue so quickly during the legislative session. I don't know what else can be said after what was just said and what you've heard so far today. My written testimony I've submitted for your use at a later date if you want. I'm going to stray from that just a little bit and use my time in a more advantageous way. I think I can answer a couple of questions that came up earlier. Senator Howard, you asked a question earlier on whether...where the DD 93 stood in relationship to the other documents, wills, etcetera, in Nebraska statute. Bottom line, nowhere. It's not recognized in statute, it's not recognized in a court of law. The angst, the suffering, the turmoil that families go through, once you see what can be done to fix it, is so simple. Leave the statute like it is, add DD Form 93 or PADD to the top of it so that if anyone has a military affiliation, that's the first thing they go to in the Nebraska statute, and this is gone. The 38 states that have already passed this realized this is the right thing to do. The five states, including Nebraska, that are entertaining legislation this year realize it's the right thing to do as well. I was a service member 24 years, a casualty collection officer 12 years, and a person who lost 12 brothers in the Khobar Towers bombing and more in Iraq. I know more about death and grieving and disposition of remains than I

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would care to say. There's never a good time to have a problem when dealing with this. It's very easily fixed today, and all it takes is the strike of a pen so that what you just experienced a few minutes ago, no other Nebraska citizen has to experience. Senator Gloor, I'd like to address your question earlier very briefly. You asked what is a disconnect, and a disconnect isn't what's in a DD 93, the disconnect is not what...whose name is on it, what they want him to do, it's just simply the fact that it's not recognized in the state of Nebraska. This horror story that you just heard, over the last seven years that I have been doing this job, I have repeated and heard in testimony in states; any occasion you can envision, I've heard. Whether it's divorced parents fighting over their son's remains--one divorced parent is in Oklahoma, another divorced parent is in California--both of them want their son's remains. Well, what do we do? Whether a son decides to marry his childhood sweetheart at his duty location in California and change his DD 93 to his new wife or his parents in Kansas are--the same thing here--rebutting that and saying that's not right, we want his remains here. If DD 93s had been in place at those four states at the time of the death of those individuals, then that, again, would not have taken place and much grievance, much money would have been saved. In the case of the newlywed in California, she spent \$200,000 of her death gratuity in court fighting to keep her husband in California. I stand ready for questions. Thank you for allowing me to be here today. [LB420]

SENATOR CAMPBELL: Thank you, Mr. Dempsey. Senator Gloor. [LB420]

SENATOR GLOOR: Thank you, Senator Campbell, and thanks for your testimony. Educate me just a little further or verify what I'm hearing and that is, the DD Form 93, if I heard General Lempke okay...correctly, came about--and probably as a revision on a form that existed prior to that--but it came about in the early 1980s. Is that correct? [LB420]

MARTIN DEMPSEY: I believe that's accurate. I want to say '87 is the date that's on the newest form, but I can't state that for a fact. [LB420]

SENATOR GLOOR: And so what probably has happened here is that we had existing statutes, DD form comes into play within the service in the 1980s, and people are just sort of oblivious and unaware of the fact that these sort of conflicts may come up between statutes and now, lo, these many years later unfortunately, we're...because of this unfortunate occurrence and maybe some others, we're trying to play catch-up. [LB420]

MARTIN DEMPSEY: Well, that's accurate. The fact is, we were without a war for many years...that we've had the mass loss of casualties that we experienced, over the last ten years. [LB420]

SENATOR GLOOR: Correct. Yes, correct. Yes, that...I understand what you're saying.

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Thank you. [LB420]

MARTIN DEMPSEY: Thank you. [LB420]

SENATOR CAMPBELL: I'll take your question. [LB420]

SENATOR KRIST: Just to clarify because this is important. We had a form prior to the 1980s and it was...it might have been a 93, it might have been a 92, it might have been a 101, but it accomplished this goal. But 93, the last date--the most current date--is the 1980s when it was updated, correct? [LB420]

MARTIN DEMPSEY: That is accurate, yes, sir. [LB420]

SENATOR KRIST: So even though it existed in some form before, this was supposed to be in '80, the newest 93. So we don't recognize it in the state. We didn't recognize it in '65, we didn't recognize it in...I know, when I came in, in 1979 or the first time I deployed, we had a form, and I think it was a 93 even back then. So, just for the record because I think there was some ambiguity there. The military...the U.S. military has always had some form that said, this is what I want to do in the event of my death. [LB420]

MARTIN DEMPSEY: That's correct, Senator Krist. And you bring up a good point. And many states in statute have stated recognizable military form or document of disposition. [LB420]

SENATOR KRIST: Right. [LB420]

MARTIN DEMPSEY: They don't actually state DD Form 93, in case it changes 20 years from now, they don't have to change statute again. [LB420]

SENATOR GLOOR: That's what this amendment says, I think. And I, like Senator Krist, remember...yeah, I remember filling out the form. I remember the insurance component of it. I remember my personal goods. I mean, I remember filling...I don't remember the form or what was on, but I know I filled that out when I went in the service. So it is...it's unfortunate that our statutes do this, but we know we have a solution. [LB420]

SENATOR KRIST: We'll fix it. [LB420]

SENATOR GLOOR: Yes. [LB420]

SENATOR CAMPBELL: Thank you, Mr. Dempsey, for your service. I know that there was such a form when my husband went to Vietnam. [LB420]

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MARTIN DEMPSEY: Thank you, Madam Chair. Thank you. [LB420]

SENATOR CAMPBELL: Good afternoon and welcome. [LB420]

PAUL COHEN: (Exhibit 8) Thank you, Senator. My name is Paul, P-a-u-l, Cohen, C-o-h-e-n. I am here today as the immediate past second vice chairman of the board of the 377,000-member Military Officers Association of America, about 2,700 of whom claim Nebraska as their home state. I am a past president and current board member of MOAA's chapter in Bellevue. I am a Retired Brigadier General of the United States Air Force, having served for nearly 35 years, 29 of which as a member of the Nebraska Air National Guard. The prepared document that you now have before you I'm not going to spend a whole lot of time going over. It's hard to follow what you have already heard, and much of what's mentioned in my prepared statement you have already heard and I won't take time to do that. I would like to mention this. This particular item is one of MOAA's national priorities. It has the support of our membership, and we are working very hard to see that bills like LB420 are enacted so we don't have to hear repeats of the story that you have already heard. Senator Gloor is gone. Senator Krist, you're correct, there's always been an emergency data form; the numbers have changed. And noteworthy in Senator McGill's bill is there is no statement of a DD 93. She talks about...the bill talks about the most recent United States Department of Defense record of emergency data, which ought to pretty well take care of this in the past. And certainly...or in the future. And certainly, as you've heard, things don't become a problem until they become a problem, and the disconnect wasn't recognized as a problem. But ten years of war have changed us in so many ways, and this is but one of them. Passage of LB420 is clearly the right thing to do for our men and women in uniform in the state of Nebraska. Parenthetically, states--and you'll hear this again from me this afternoon--states are given a scorecard in how military-friendly they are. I'm not going to fool...try to fool anyone by saying this is the only measure of importance when it comes to making basing decisions; but the scorecard is one of the factors, all other factors being equal. In the most recent report that came out with a series of dots--red, orange, and green--by state on a variety of issues...and while red is our state color, the red dots are not something we should strive for on this report card. And on this particular issue, we have a red dot. For no other reason, I urge you to pass LB420 as another sign of Nebraska's commitment to its military, making it a military-friendly state and changing that red dot to green. I thank you very much for your time in allowing me to speak to you this afternoon, and urge your support for LB420. [LB420]

SENATOR CAMPBELL: Thank you, General, and for your service to our country. [LB420]

PAUL COHEN: Thank you. [LB420]

SENATOR CAMPBELL: Senator Krist. [LB420]

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SENATOR KRIST: Just for the record, that scorecard that you talk about is our scorecard when it comes to BRAC, which is the base relocation. Could you speak to that just on the record for one minute? You may be doing this later as well, but we need it on this one I think as well. [LB420]

PAUL COHEN: Yeah. I'll try not to repeat that in the other two. The base realignment and closure process measures a variety of factors in determining what bases stay open, what missions stay at certain bases, what forces remain at certain locations. We went through one several years ago. There is controversy in Washington about the next one. It is our belief and our opinion that there will be another base realignment and closure exercise in the near future. The budget screams for that kind of evaluation...national budget. When all is said and done and the powers that be look at the viability of various bases, when they have to make a choice versus the other; then quality of life issues come into play. And there are scores allocated for quality of life in various locations. The higher score you get, the better chance you have of keeping your base. And as we are all aware in this room, the \$2.8 billion economic engine north of here at Offutt Air Force Base is important to the state's economy. There are no threats implied here, please don't misunderstand. But it is a factor and one that we should consider in this legislation and in the other two that will be coming up later on. [LB420]

SENATOR KRIST: General, with your permission, I'm going to get a transcript and read that on the floor during several of these because although some of my colleagues have heard it before, some of our newer colleagues need to be reminded of the economic energy or engine that exists within the state, and we owe that to folks like you who kept the military operations here. Thank you. [LB420]

PAUL COHEN: Thank you. [LB420]

SENATOR CAMPBELL: Thank you, sir. Any other questions? Thanks for being here today. [LB420]

PAUL COHEN: Thank you, Senator. [LB420]

SENATOR CAMPBELL: Our next proponent? Okay. Anyone in the hearing room who wishes to testify in opposition to LB420? Those who want to testify in a neutral position? Senator McGill, I don't think there are any other testifiers, so if you'd like to close. [LB420]

SENATOR MCGILL: I will probably just waive closing on that. Maybe that bill is worthy of an E clause, though, perhaps... [LB420]

SENATOR CAMPBELL: Yes. [LB420]

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SENATOR MCGILL: ...to get that going sooner rather than later. [LB420]

SENATOR CAMPBELL: Senator Krist. [LB420]

SENATOR KRIST: Senator McGill...thank you, Chair. Senator McGill, I'm not reading in here anywhere where there's anything that's retroactive. [LB420]

SENATOR MCGILL: Yeah, as I was sitting there listening to the story, I don't know how that would change this family's court case. So that's something that we need to look into and see if it will directly impact them or not or what we can do. [LB420]

SENATOR KRIST: Well, certainly legal counsel can look to see if it can impact...I mean, if we have the capability of going back and changing statutes on an effective date for a particular reason... [LB420]

SENATOR MCGILL: Yeah. [LB420]

SENATOR KRIST: ...whether or not we can affect it here or whether it's just an additional piece of information or testimony that can be added. [LB420]

SENATOR MCGILL: Yeah, I'm not exactly sure either, and I've had the same question as I was sitting there listening. [LB420]

SENATOR KRIST: Thank you. [LB420]

SENATOR CAMPBELL: A lot of things the Legislature can do, but when it comes to the courts that's a different question. [LB420]

SENATOR MCGILL: Uh-huh. [LB420]

SENATOR CAMPBELL: All right. Senator McGill, thank you for bringing the bill forward. And if you are not staying for the other bills, please leave quietly. And, again, our very best to the Peck family. Thank you for coming. [LB420]

JOYCE GEORGE PECK: Thank you. [LB420]

SENATOR CAMPBELL: All right. We will go to the next bill on our agenda, which is LB421, Senator McGill's bill to provide powers and duties for professional boards regarding credentialing of veterans. Senator McGill, go right ahead.

SENATOR MCGILL: Yes, I am still Amanda McGill, M-c-G-i-l-l, here to introduce LB421 that recognizes the abilities and challenges of our veterans. I introduced LB892 last

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year that contained similar provisions. This year I've split those provisions into two bills: one that applies to veterans and one that applies to military spouses, which we'll be hearing next. Various professional organizations expressed concerns regarding the language of last year's bill. They expressed concern that that bill provided a lesser standard for professional credentialing, and I want to clarify that that was not the intent of last year's bill nor is it the intent of this bill, LB421. I'd worked with those organizations that we knew about in an effort to address their concerns, and I'm hopeful that this draft and the draft of LB422 reflect that. With LB421, I intend to recognize the value of military education, training, and experience, and honor the fact that members of the military will move from state to state and country to country. LB421 specifies that boards issuing credentials under the Uniform Credentialing Act shall consider a veteran's education, training, and experience when determining if the veteran meets the requirements for a credentialed position. LB421 also provides that a veteran must use a valid license from...or may use a valid license from another state to obtain the same license in Nebraska, and that a veteran may receive a temporary license while he renews an expired license that is in good standing. Nebraska has made significant efforts to connect veterans with meaningful employment. In my conversations with Health and Human Services and the Department of Labor over the interim, I've learned about various efforts already underway. Nebraska's unemployment rate is lower than the national average, and we want to keep it that way. This bill aims to remove any remaining barriers and to keep that unemployment rate down. LB421 will assist veterans in obtaining postservice employment, and it is my hope that this will help with a successful return to civilian life. In my opinion, and I know that of many others share this opinion, veterans possess extraordinary discipline, experience, and skill; all qualities that make an invaluable employee. The hallmark traits in the military--integrity, loyalty, and commitment--are traits that employers also seek. LB421 will help employers hire well-qualified applicants and will give veterans a greater opportunity to serve our community. And with that, I'll take any questions, and I also have some of the gentlemen here to follow me. [LB421]

SENATOR CAMPBELL: Okay. Are there any questions from the senators? Probably best to go with the testifiers, and then we can always come back. [LB421]

SENATOR MCGILL: Yeah. All right. Sounds good. Thank you. [LB421]

SENATOR CAMPBELL: Our first proponent for LB421. [LB421]

MARTIN DEMPSEY: (Exhibit 9) Madam Chair, committee members, my name is Martin Dempsey, D-e-m-p-s-e-y, and I work for the Deputy Assistant Secretary of Defense. And by now you can probably figure out I'm awfully happy you made this Senator McGill day. As someone who travels outside the state, I only had to make one trip here. That's very nice. This is the number one issue coming out of the White House and the Pentagon today simply because of the unemployment rate, simply because of what we

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believe is an injustice simply because of the talent that we're sending out into the civilian sector. We're sending people out, with whether they have 4 years' or they have 20-plus years' experience, who are very highly trained, very capable. And we simply aren't getting anyone to look at their credentials because they all have military credentials, and that's what this bill is all about. We want the states to look at their training, see if their training is commensurate to what they receive within the state. If so, grant them what they deserve. If not, tell them what they need to get the credentialing to be licensed in Nebraska. I'll give you a great example. There's a individual I spoke to at the VA center: 12 years combat medic, provided countless amount of lifesaving events with casualties while in Iraq and Afghanistan. After 12 years, decided he needed to make a career change. Went on to VA hospital and the only thing he was qualified to do was empty bed pans, after 12 years of extensive combat medic experience. And it goes on, whether it's electrician, exterior, interior, high-wire man, plumber, fireman, and I could go on and go on. We think the four states that were in pilots last year very promisingly were able to employ many of those people without training or get them a six week, six month, whatever the training requirement met, to become qualified in their training. Along with that also, there are currently many states this year that are introducing bills, 15 at this time and in numbers climbing as the session is still early. There's 27 bills addressing this issue. Earlier, it was stated by one of your new inductees that EMS services become challenging here in Nebraska. I think that's the case in any rural state. In my region, I have five rural states, so I think it's the same wherever I go in my region. This is something that can be fixed quickly, and those Nebraska citizens that want to retire here or separate here can seek employment very rapidly and solve the problem that you may be having in rural areas as well. Statistics show that those that separate are very happy in the state they're going to stay in. And I think this gives those that are separating in Nebraska another reason to stay and become citizens and productive taxpayers and be proud to wear that Nebraska red. I stand ready for questions. [LB421]

SENATOR CAMPBELL: Questions for Mr. Dempsey? I think your testimony is pretty thorough. Thank you very much. [LB421]

MARTIN DEMPSEY: Thank you. [LB421]

SENATOR CAMPBELL: Thank you for coming. Our next proponent. Good afternoon again. [LB421]

PAUL COHEN: (Exhibit 10) Good afternoon, Senator. Thank you very much. Chairperson Campbell, distinguished members, good afternoon one more time. My name is Paul, P-a-u-l, Cohen, C-o-h-e-n. I'm here today as the immediate past second vice chairman of the board of the 377,000 member Military Officers Association of America, about 2,700 of whom claim Nebraska as their home. I'm a past president, current board member of MOAA's chapter in Bellevue, retired Brigadier General of the United States Air Force, 35 years of total service, 29 as a member of the Nebraska Air

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National Guard. Enactment of this legislation will facilitate service members receiving licensure and academic credit for military education, training, and experience, and has been and continues to be a national priority for M-O-A-A and for our local chapter. It is one of the top ten and, as Mr. Dempsey pointed out, the number one issue, quality of life initiative, supported by the Department of Defense with the outspoken backing of the First Lady of the land and personally by the Secretary of Defense, Mr. Panetta. We talked about the department publishing a scorecard in the various publications that publish scorecards regarding identifying states that have embraced the initiatives who are working on them. This is another red dot that we have on that scorecard. With LB421, we have the opportunity to change that red dot to green. While, again, quality of life issues are not the only factors in determining what missions would be assigned in the future, it is certainly one of them. And if you have the base covered, then you don't have to worry about a particular issue bothering that particular process in the future. Separating service members leaving the military with documented training and experience that can prepare them for civilian employment is the norm. The documentation, however, is not always used by state entities to qualify them for licenses required for their occupation or to provide them academic credit for formal education they've received while members of the military. We believe that LB421 is an effective way to empower both the boards and the agencies to consider military training, education, and experience of veterans when deliberating the granting of professional credentials. Further, the establishment of the portability of licenses by veterans coming to Nebraska and the issuance of temporary licenses while renewing a license in good standing will expedite the transition of that veteran to the Nebraska work force. It's just good business. And in our opinion, to keep idle time to a minimum and delays in credentialing for qualified individuals prolongs their absence from the work force, we believe that whatever we can do to entice them to take their talents to Nebraska and not to a more welcoming location is the right thing to do for our state as well as for them. Please note that we are not proposing a lowering or a changing of standards for any license or certification; rather, we believe this bill provides that we ask only that the valuable education, training, and experience gained in the military service be recognized as an element in meeting those standards. The passage of this legislation will, in our opinion, position Nebraska as an attractive place to settle after separation from military service, and as a note will also aid our National Guard and Reserve forces who leave the state, serve for some time in the military, receive the background in education and training, and then come home to find out that we don't count it. It would be good to do that and enable them to enter back into the work force as easy as possible, as easy as we can make it. It's the right thing to do. I urge your support. Be happy to answer any questions you may have. [LB421]

SENATOR CAMPBELL: Questions from the senators? General Cohen, I have to say, do we have any green on that scorecard? [LB421]

PAUL COHEN: Yes, ma'am. Certainly do. (Laughter) [LB421]

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SENATOR CAMPBELL: I guess I'd like to see the scorecard. I'd like to know where we're at least doing okay. [LB421]

PAUL COHEN: Yes. There is...I've circulated copies earlier this year. I'm not sure where it is at the moment. [LB421]

SENATOR CAMPBELL: Oh, I'm sorry. I haven't seen it. [LB421]

PAUL COHEN: Yes, we do. In fact, the bill that was passed in 2011 that took effect in 2012 that put Nebraska as a member of the educational compact which allows for the portability of school records back and forth across state lines was a major piece of legislation that we're very pleased that the Legislature saw fit to pass. And I remember that compact, and it's one more...it's one less thing the military families have to worry about when they come from another state into the state of Nebraska. It's worked out very well. There are several that we have taken credit for getting. The licensing of teachers, which was a specific bill that we heard some testimony on last year, and the Department of Education, if you recall from those hearings, made a point that we really didn't need to do anything relative to that particular situation because Nebraska statute already took care of it. Our position on that was, okay, if you'll then follow that protocol, if what you say is true, then we will ask the Department of Defense to consider whether or not we then meet the requirements. And DOD has seen fit to do that. And in the last report card, we went from red to green because we do what we say we'll do. There were several other issues. Mr. Dempsey is working with several of the departments now to get us credit in a matter of procedure rather than law to get some of those dots changed. [LB421]

SENATOR CAMPBELL: I have to say, General, that anecdotally I've heard, and we'll follow up on this, but some comment that the Department of Health and Human Services feels that it does address some of these issues now. And, again, that could be procedure and the protocol, and we'll follow up on that because it would seem to me, and I appreciate very much you're saying that you don't always need legislation. But if it can be proved to the Department of Defense that we do indeed have something, then that acts in lieu of. So we will follow that up. But I really wanted to follow that just to make sure that we didn't...it wasn't always dependent on a piece of legislation. [LB421]

PAUL COHEN: Not always. Senator, we recognize...and I think Senator McGill's bill recognizes...and in the discussion that led up to the writing this bill recognized that Health and Human Services Department has in fact provided for some expedited licensing and certification procedures within their department within current law. And for that reason I think, the bill is written in such a way as to empower those who may not quite be there and does not pick on those who are already there. It gives boards and departments the opportunity to consider other things, and those particular procedures

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that are present here would codify the state's stand across the board and would certainly help get us from where we are to where we want to be. And Mr. Dempsey and his associates have agreed with that. [LB421]

SENATOR CAMPBELL: Is the implication there that the Department of Health and Human Services is not the only department that we would have to check on? Do you know that, General? [LB421]

PAUL COHEN: I don't know that. [LB421]

SENATOR CAMPBELL: Or if we mainly are centered into the credentialing that's within...I mean, most of that comes to the Department of Health and Human Services. I was trying to think of another department. We'll do some...we can do some discussion on that, and maybe Senator Gloor can enlighten us. But I'm concerned that we make sure we touch all the bases. [LB421]

PAUL COHEN: I think this bill goes a long way towards doing that, Senator. [LB421]

SENATOR CAMPBELL: Thank you. [LB421]

SENATOR GLOOR: Thank you, General, and thank you for your service. [LB421]

PAUL COHEN: It was my pleasure, Senator. [LB421]

SENATOR GLOOR: I'm the one that sometimes asks questions because I'm the slow learner in the group. I was an E-4, so you know that...maybe that's one of the reasons with all deference to my enlisted buddies. But I'm trying to get a handle on if this is an issue of reciprocity and if so, if it's a reciprocity with the military and its credentialing and certifications or if it's reciprocity recognizing that if somebody was brought into the military from another state, that training and those credentials they brought into the military should then transfer directly on over when application is made to this state. [LB421]

PAUL COHEN: Thank you for that question, Senator. It's a good one and it covers all the bases. And I don't mean to be facetious, the answer to your question is yes. [LB421]

SENATOR GLOOR: Yes. Yeah, yeah. [LB421]

PAUL COHEN: The reciprocity across state lines for people coming to the service with a license, and then it either goes dormant or is continued relative to that particular state's law for people who are on active duty. Bringing that to Nebraska sometimes is not recognized in any way, shape, or form. The bill...I think the bill more focuses on the training, education, and experience of the military member who can practice in certain of

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these areas without a state license while they're serving. And then coming to the state as a civilian, transitioning into the civilian work force and not getting credit for that training and experience that they may have already received credit for if the training and experience was provided by a civilian institution or employer. [LB421]

SENATOR GLOOR: You know, what has me scratching my head now I guess is before I came down here I ran a hospital, so I've got some experience in credentialing and bringing physicians into this state from outside the state and bringing a couple of physicians into our community who have been in active military practice. And my recollection is they both jump through the same hoops, and it took about an equal amount of time of just verification. And there was no...I mean, there was a fast track. I think in a couple of instances, we were able to fast track some folks. I don't remember the reasons why. But I do know sometimes the frustration was getting information (laugh), getting information. And I'm not blaming the military for being slow in providing the information; but having run a bureaucracy, I appreciate the bureaucracies can sometimes have lives of their own. And that's part of what I'm trying to sort through is, is the problem one of...that's pretty common within the civilian world as well as transitioning from the military back into the civilian world? And will this law make any difference in that? Because I think there still has to be verification, some of what we may be talking about also are DEA. I mean, you've got to get your...you have to get your clearance so that you can prescribe controlled substances. That isn't going to go through the state, and sometimes that can be a hang-up. Same issue--bureaucracy and the difficulty of coming up with the appropriate records to be able to get your DEA certification, which then allows you to get your state credentialing licensure issued. I'm talking, maybe not asking questions here, but I'm thinking out loud a little bit that some of this may be just the nature of the beast. Maybe we'll have somebody here from the department who--we will have somebody from the department--who might help us with some of this a little bit. We certainly would like to speed things up, no doubt about that. [LB421]

PAUL COHEN: And the bureaucratic hoops--and I hate to use that term, I think the verification term which you used is much more important--we don't propose that anything less be done in order to meet standards that we've already established here, rather only again to recognize once that material has been gathered to recognize material that is primarily military in origin rather than civilian in origin. And what we have encountered elsewhere, not so much here, but it's still potentially present, which is why codification would eliminate the problem, is that if it looks like it was a military school or military experience, we're not going to verify it because we don't care about it, it doesn't count. That's what we're trying to avoid in this particular instance. [LB421]

SENATOR GLOOR: Okay. Thank you. [LB421]

PAUL COHEN: Thank you. [LB421]

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SENATOR CAMPBELL: Senator Crawford. [LB421]

SENATOR CRAWFORD: Thank you. And thank you for your service and your testimony. [LB421]

PAUL COHEN: Thank you, Senator. [LB421]

SENATOR CRAWFORD: I just want to ask a question about the experience, the difference between the person who's leaving service and a person who's leaving service in a reserve component. The bill talks about those who are leaving service having current valid credential. And then it talks about expired credentials for those leaving a reserve component. I didn't know if there was something you could tell us about the differences in their experiences that may make that designation an important one. [LB421]

PAUL COHEN: One of the mysteries of life is when someone from here goes on active duty with the military, serves a year or more out of the state, a license that they may have had expires while they're on active duty. [LB421]

SENATOR CRAWFORD: Okay. [LB421]

PAUL COHEN: They then come back to the state and get the, "gee whiz, you have to start all over again." [LB421]

SENATOR CRAWFORD: Okay. [LB421]

PAUL COHEN: This bill I think corrects that. [LB421]

SENATOR CRAWFORD: Thank you. [LB421]

PAUL COHEN: Thank you for your question. [LB421]

SENATOR CAMPBELL: Any other questions? Thank you, General, for your help. [LB421]

PAUL COHEN: Thank you, Senator. [LB421]

SENATOR CAMPBELL: Our next proponent. Those who wish to testify in opposition to LB421. Those in a neutral position. I knew you had to fit somewhere. (Laughter) [LB421]

JOSEPH ACIERNO: This is true. I just have to. [LB421]

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SENATOR CAMPBELL: Not to say that we're always trying to find every pigeonhole for people, but I saw you in the back of the room and I thought...Doctor, please identify yourself and start whenever. [LB421]

JOSEPH ACIERNO: (Exhibit 11) I sure will, sure will. Good afternoon, Senator Campbell and members of the Health and Human Services Committee. My name is Dr. Joseph Acierno, that's spelled J-o-s-e-p-h A-c-i-e-r-n-o. I'm the Deputy Chief Medical Officer of the Division of Public Health, Nebraska Department of Health and Human Services. I'm testifying in a neutral capacity since we fully support the concept that licensing procedures should be clear, noncumbersome for everyone, including persons who are currently serving in the military or leaving military service. However, we have some technical concerns. For example, requiring the state of Nebraska to authorize a person who has an expired credential to practice temporarily in order to obtain a current credential raises a public protection concern, particularly when there is no time line stated to how long the credential has been expired. Currently, the Uniform Credentialing Act, we also just refer to it as the UCA, provides a quick pathway to reactivate an expired license without requiring the state to endorse someone's practice on an invalid license. The pathway is: First, the license can be reinstated upon meeting the renewal requirements. And those renewal requirements for most professions and occupations consist of attesting to the acquisition of continuing competency which consist of continuing education and paying a fee. The continuing competency requirement may be waived when the person has served in the regular armed forces of the United States during part of or all of the credentialing period, which for most professions is 24 months preceding the renewal date. I believe this as an example clearly demonstrates that LB421 is not needed. I also want to point out some technical concerns with the language of LB421. The language of Section 1(vi), lines 20 through 23 on page 2 duplicates provisions that are found currently in the 33 practice acts for the various professions and occupations. These existing statutory provisions allow the department to issue credentials based on credentials from other jurisdictions. The department has sent to Senator McGill a listing of each of these statutes, and we would be glad to provide that to the members of the Health and Human Services Committee. The language in Section 1(vii), lines 24 and 25 on page 2 and lines 1 through 3 on page 3 reflects that we believe it's ill-advised public policy since it places the state in a position of knowingly authorizing a person to practice a profession on an expired license. Currently statutes allow for the issuance of temporary license in some professions under certain conditions. And a few of those examples are a person who's not practiced nursing for 500 hours during the five years preceding the date of application for a Nebraska license must take a refresher course. Such person is issued a temporary license to complete the clinical portion of the course. Upon successful completion, the person is issued a full-practice license. Another example, a person who has a license to practice psychology in another state, has met Nebraska's educational and experiential requirements, but needs to take the Nebraska board-developed examination can be issued a temporary license to practice up to one year. And another example, a person

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who has not practiced medicine or maintained continuing competency for two years preceding the date of application for a Nebraska license may be issued a reentry license. This license, while not called a temporary, is somewhat similar; it authorizes the person to work with supervised practice while regaining clinical skills. It's valid for one year and may be renewed for up to one to two additional years. That statute was just passed into law in 2011. I believe those examples represent better public policy than which is proposed by LB421. In closing, I would submit that Nebraska does not have a problem with licensing military people. This assertion is based on the following factors: Nebraska statutes already accommodate military persons in that they can renew their licenses without paying a renewal fee or meeting continuing competency requirements. Nebraska is one of the easiest and least expensive states in which to obtain a license as indicated by, first, the number of persons who hold Nebraska licenses to practice medicine and surgery are distributed across the United States and across the world, with particular concentrations in areas where there's military installations are located. Second, between April and December 2012, Nebraska renewed 1,109 licenses to persons who were active military service of which 999 were doctors and 109 were nurses. And, third, new licenses are timely issued, on average within one to two days following the date all the requirements are met. Thank you for allowing me to give you my comments. I'd be happy to respond to any questions that you have. [LB421]

SENATOR CAMPBELL: Dr. Acierno. [LB421]

JOSEPH ACIERNO: Yes. [LB421]

SENATOR CAMPBELL: One of the questions I have goes back to...it goes back to some testimony in saying it's not always tied to the license, but the acceptance of the education or training that the person may have received in the military. And I...it would...might be helpful if you'd comment on that. [LB421]

JOSEPH ACIERNO: Well, to the extent...obviously we would look at any training. And this gets to be profession-specific. It depends what we're talking about here. But we would not just say, no, we will not accept any training from the military without knowing what that encompasses. It may be training that we would accept under our statute at this point. So I think we are more than willing to discuss which professions are we concerned about here and to work with working out the specifics of what training is required and how does that line up with our statutes and regulations for those professions. Our goal is not to impede those that are well-trained. But we also want any potential licensee to meet a standard which I think we should all expect under, you know, public safety and protection, so. [LB421]

SENATOR CAMPBELL: Okay. Senator Gloor. [LB421]

SENATOR GLOOR: Thank you, Senator Campbell, and thank you, Dr. Acierno, for

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taking the time to come down. I mean, this is conjecture, but I'm listening to this thinking, you know, there is a possibility that if this law went through as it is currently stated and we allow somebody to practice temporarily in order to obtain a current credential, that individual may have a hard time getting privileges to practice in an institution. Somebody may say, well, perhaps, but we're checking with our risk managers and we're not so sure that since you've got an expired credential and now you've got a temporary, when you get that all cleaned up, come back and ask to practice in my long-term care facility or nursing home or physical therapy clinic or whatever the case may be. Is that a potential here with...if we're not careful about what (inaudible)... [LB421]

JOSEPH ACIERNO: I guess I hadn't thought of that, and I would guess I'd leave it up to those entities how they would view that credential. But looking at the temporary issue, if you've met the requirements, there would be no reason to give a temporary. We give very few temporaries. Once you meet the requirement, you're issued a license. I'm not sure what a temporary would gain. That's what I don't... [LB421]

SENATOR GLOOR: But you're assuming we don't make the change, and I'm saying contrary to what you would like if this bill went through... [LB421]

JOSEPH ACIERNO: I understand that. [LB421]

SENATOR GLOOR: ...and somebody, you know, now had this, do they have a tainted...do they have a tainted license? [LB421]

JOSEPH ACIERNO: I guess I couldn't speak for how that credential would be viewed, how that temporary would be viewed. [LB421]

SENATOR GLOOR: Let me ask a different question. [LB421]

JOSEPH ACIERNO: Sure. [LB421]

SENATOR GLOOR: You say "we in making determinations," but when it comes to, as you've pointed out rightly, you've got...you may have nurses, you may have physical therapists, you may have EMTs, you may have orthopods; the decisions made about issuing this license, don't you pull together boards sometimes to make determinations for these licenses? [LB421]

JOSEPH ACIERNO: Sure. The boards are going to look at training, but boards themselves, I think, individually; they're not all equipped to know everything that's going on. And what I mean by that is much of what goes on with educational training background is somewhat dictated by other bodies. If you look at...we'll just use the practice of medicine. If you look at it, it's things are set out by national bodies and

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national testing and there are certain requirements, and so we accept those in this state as most every state does. And that's within other professions. We usually do not...I can't think of an instance where we're an outlier, where we don't...where we're doing things completely different than would be done on a national scale as far as training that would be accepted in certain professions. So the boards and through the regulatory process have adopted these vehicles by which to measure competency in training. The board itself is not usually looking and saying, well, is that equivalent, is that...usually they've adopted some standards that have been used nationally. It depends on the profession and obviously we have multiple, we have many professions. So that's kind of how it's looked at. But their expertise is used on a board to evaluate those tools. [LB421]

SENATOR GLOOR: So if I...so the...one of the physicians I'm thinking of was an EM...ENT. And he came out of the military, and I can't tell you where he had held a license previously; but had practiced in the military for a number of years. We were able to get his license. It all went smoothly as best I can recall. Who looked at it to make those determinations? Did other ENTs who currently are licensed with the state of Nebraska look at... [LB421]

JOSEPH ACIERNO: No. We do not have...we'll use Madison, we do not have specialty credentialing. [LB421]

SENATOR GLOOR: Okay. [LB421]

JOSEPH ACIERNO: You receive a medical license and when you receive that, you could do brain surgery if you want, you can do heart surgery if you want. I'm not saying that's always a good idea that everyone do all those things. But we do not specialty credential. Your credential says you can practice medicine, and to some degree you are self-policing what you're competent to do. [LB421]

SENATOR GLOOR: Okay. Thank you. [LB421]

SENATOR CAMPBELL: But part of this also may come down to, I mean, you give a license to somebody; but the credentialing of someone in a hospital--Senator Gloor, you can nod here--in a hospital, I mean, comes down to the credentialing standards of that hospital and how they're looking at it. [LB421]

JOSEPH ACIERNO: I understand that, and I agree... [LB421]

SENATOR CAMPBELL: And the board, how the board approves those credentialing. I mean, I'm just saying that that... [LB421]

JOSEPH ACIERNO: I understand that. [LB421]

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SENATOR CAMPBELL: ...I mean, you don't guarantee that somebody is going to be able to practice that at XYZ hospital or nursing facility because it's up to the...how... [LB421]

JOSEPH ACIERNO: No. [LB421]

SENATOR CAMPBELL: ...what standards they set in their credentialing. [LB421]

JOSEPH ACIERNO: Right. Our credential doesn't state you can now be employed at X; it says you have met certain requirements for the state of Nebraska for this profession. How you choose to use that license is entirely up to you and who your potential employer might be. [LB421]

SENATOR GLOOR: You've passed the bar... [LB421]

SENATOR CAMPBELL: Yeah. [LB421]

SENATOR GLOOR: ...now it's up to law firms to decide whether they want to hire you. [LB421]

JOSEPH ACIERNO: Correct. [LB421]

SENATOR CAMPBELL: (Exhibits 12 and 13) It's the same issue. Dr. Acierno, we have letters from the Nebraska Board of Pharmacy and the Nebraska Board of Medicine and Surgery. In both cases, the boards are opposing both LB421 and LB422, and they're very clear that this is their own position, not the position of the department. And I didn't know whether you wanted to make any comment on the letters... [LB421]

JOSEPH ACIERNO No, and... [LB421]

SENATOR CAMPBELL ...or were aware of them. [LB421]

JOSEPH ACIERNO: Well, and that's exactly what I was going to say, unaware of their position on it. [LB421]

SENATOR CAMPBELL: Okay. All right. Questions from the senators? I want to go back to one question that I asked General Cohen, and that was: Can you think, given the framework of this bill, that there's any other department other than the Department of Health and Human Services that would come into the credentialing or licensing? And Senator McGill is nodding, so she...oh, no. Okay. I was trying to figure out if there was any or if this is really kind of an issue centered in the department. [LB421]

JOSEPH ACIERNO: Well, as I read it because it deals with the UCA, it would be really

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the department would be dealing with it. [LB421]

SENATOR CAMPBELL: Okay. All right. I just want to be real clear for the record there. [LB421]

JOSEPH ACIERNO: That's fine. [LB421]

SENATOR CAMPBELL: Senator Crawford. [LB421]

SENATOR CRAWFORD: Thank you, Senator Campbell. In your testimony here, you were talking about the fact that there's language in, you say, "the 33 practice acts for the various professions and occupations." [LB421]

JOSEPH ACIERNO: Yes. [LB421]

SENATOR CRAWFORD: Is that...are there only 33? Is that 33 out of some larger number or... [LB421]

JOSEPH ACIERNO: No, I think that's a 30...but I have to tell you I'd have to count them. There's just a number of them. [LB421]

SENATOR CRAWFORD: Right. [LB421]

SENATOR CAMPBELL: But I do think for the committee's education as we're all trained to be much more aware of what's happening within the department, that this list of statutes and the different... [LB421]

JOSEPH ACIERNO: Yes. [LB421]

SENATOR CAMPBELL: ...might be helpful for all of us on the committee to see. [LB421]

JOSEPH ACIERNO: Sure. [LB421]

SENATOR CAMPBELL: So if you wouldn't mind sending that over, we'd very much appreciate it. [LB421]

JOSEPH ACIERNO: Would you like me to send that to Counsel? Would that be the best way to do that? [LB421]

SENATOR CAMPBELL: Absolutely. [LB421]

JOSEPH ACIERNO: Perfect. [LB421]

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SENATOR CAMPBELL: And she'll distribute, and it can be electronically if you have it and she'll get it out to us. [LB421]

JOSEPH ACIERNO: And we will. Perfect. We'll do that. [LB421]

SENATOR CAMPBELL: Any other questions or concerns or information you need? [LB421]

SENATOR CRAWFORD: I just...last little thing. Thank you. [LB421]

SENATOR CAMPBELL Oh, sure, Senator Crawford. [LB421]

SENATOR CRAWFORD: And those parts that you are talking about in terms of the other 33 practice acts, issue credentials based on credentials from other jurisdictions. [LB421]

JOSEPH ACIERNO: Correct. [LB421]

SENATOR CRAWFORD: Is there any specific language that recognizes or acknowledges military training as one of those components to be considered or is it only looking at state-to-state type of comparisons? [LB421]

JOSEPH ACIERNO: That's looking at...I believe it's looking at state to state. I would have to go back and see if that's referenced. But when I'm thinking of that, I'm thinking state to state. But we could look at that again. I may stand corrected if it references military. [LB421]

SENATOR CAMPBELL: Dr. Acierno, the legal counsel has pointed out to me that on the next bill, LB422, there is a listing of them for our reference. But if there's any other information that you'd like us to have or think it would be helpful... [LB421]

JOSEPH ACIERNO: Sure. That may list the practice acts themselves. I think what we'll give you is actually the citation to where reciprocity is referenced. [LB421]

SENATOR CAMPBELL: Okay. [LB421]

SENATOR CRAWFORD: That would help. [LB421]

SENATOR CAMPBELL: That would be great. Thank you very much. [LB421]

JOSEPH ACIERNO: Thank you. [LB421]

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SENATOR CAMPBELL: Anyone else on LB421 in a neutral position? Okay. Senator McGill, would you like to close on your bill? [LB421]

SENATOR MCGILL: Yeah, just real quick. I also have a listing of... [LB421]

SENATOR CAMPBELL: Okay. [LB421]

SENATOR MCGILL: ...and it is more than 32. In fact, we had pulled in all different industries, so like trades and everything, and while they're not covered in this bill, we were doing a lot of research over who we want to focus on first, where would a variety of bills go if we did introduce one that was broader than what would come to you in Health and Human Services. You know, I mean, there are several things we're trying to work through here and we spent the last year trying to work through, and that is not drafting something that is so specific that it would hurt the many credentialing protocols that are already in place and are useful, yet trying to catch some of the other areas, as well as trying to get change from a red dot to a green dot, you know, and trying to work internally to see if we can get them to change that report card or not without some sort of language in law that expressly talks about how we're veteran-friendly, you know, in this particular area or tries to sum things up. So hopefully we can...well, I mean we will continue to work on how we can get that rating changed because I do think that that's critical. And then what...further looking into what Senator Crawford just mentioned in terms of translating directly what they've been learning in the military and turning that into a job and credentialing so the education they've received there if they didn't previously have a license or, you know, have one that expired. So there are a lot of moving pieces. We tried to be broad enough to kind of catch everything but not limit what exists. We can continue to work on this and see if we can find something that will make sure we have a green light and do some good for people as they're coming home. [LB421]

SENATOR CAMPBELL: And I'm sure Dr. Acierno would be happy to sit down and visit with you, and it might be helpful to maybe also visit with the people from the Defense Department. I mean, what are we missing here? [LB421]

SENATOR MCGILL: And we have been. (Laughter) [LB421]

SENATOR CAMPBELL: Sorry. All right. [LB421]

SENATOR MCGILL: And so it's certainly been part of the process and, you know, we've learned a lot about how great our, generally speaking, our credentialing process is for our veterans. You know, so there are a lot of good things going on. We just want to make sure that it's happening everywhere as best possible. [LB421]

SENATOR CAMPBELL: Right. But apparently some people or some examples are

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falling...are not...are falling between the cracks or not being covered. So even knowing what those specifics be, that may be the answer. [LB421]

SENATOR MCGILL: Yeah. [LB421]

SENATOR CAMPBELL: Thank you, Senator McGill. We will proceed to our last bill of the afternoon, Senator McGill's bill on LB422 which is to provide duties for credentialing boards and temporary practice permits for military spouses. Feel free to open. [LB421]

SENATOR MCGILL: All right. I'm Amanda McGill, M-c-G-i-l-l, and this is a bill that recognizes the sacrifices made by military families. Like I said earlier, I introduced LB892 last year that contained similar provisions, and I again split them up between the last bill and this one. LB422 was drafted to provide licensing boards with additional options as they issue credentials to military spouses under the Uniform Credentialing Act. Military families move from state to state more often than the general population, and these frequent moves can create difficulties for military spouses seeking to maintain their careers. Spouses serving in professions that require state licenses bear disproportionately high financial and administrative burdens since credentials from one state don't always transfer to another. In my conversations with Health and Human Services on this bill, I learned that there are transfer procedures already in place for most of the licenses covered under the bill, just like we heard in the last one. But this bill strengthens these transfer procedures by giving license...or by saying that licensing boards have the ability to issue temporary licenses while license requirements are being satisfied. This bill also specifies that licensing boards shall consider training and experience obtained in other...in another jurisdiction as they evaluate a military spouse for a possible licensure. Last year when I introduced this bill, I was invited to the Pentagon to see the First Lady and Dr. Jill Biden and the Joint Chiefs talk about how significant this very piece of legislation is. As they went and traveled the country talking to bases and talking to military families, this has been a problem in many states. And, you know, largely only...largely in Nebraska would be applying to Senator Crawford's district and the folks coming in and out of the Bellevue area and Offutt up there. But I ask for your consideration. [LB422]

SENATOR CAMPBELL: Okay. Thank you, Senator McGill. Questions or comments?
Senator Gloor. [LB422]

SENATOR GLOOR: Thank you, Senator Campbell. Actually I'm taking the time to ask a question of counsel. Is there a constitutionality issue with this? Can you defer to other states' decision making? In other words, if somebody carries credentials in one state as a result of their statutes, can we automatically say we accept those in this state?
[LB422]

SENATOR MCGILL: It doesn't...my bill doesn't do that. I mean, it's just...at least that's

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not what I'm implying. It's while...the holdup tends to be that waiting period of about six months when somebody moves into a state and they're jumping through all the hoops to get credentialed in that state. And so their license hasn't expired or anything in that previous state. And so you're waiting the six months, and then it takes you another six months to find that job once you've been credentialed. And so by then you're a year into your spouse's two years at Offutt and you've lost a year's worth income instead of maybe the six months of that. So what it would do is do the temporary license so that while they're passing whatever Nebraska test they have to take or taking whatever Nebraska-specific law, then they could practice during that period of time. Am I making sense? [LB422]

SENATOR GLOOR: So does it...would you see it cutting the waiting time by about half? [LB422]

SENATOR MCGILL: Yeah. That would be my hope. And, again, most professions are doing something that's military-friendly in this way or most of the credentialing boards, and so this would be, I guess, pushing the other boards to take a look at it and adopt similar policies. [LB422]

SENATOR GLOOR: Okay. It's not...I keep reading what I think is a reciprocity component, but there... [LB422]

SENATOR MCGILL: And that is not the intention to just make it... [LB422]

SENATOR GLOOR: Okay. [LB422]

SENATOR MCGILL: ...yeah, so. [LB422]

SENATOR GLOOR: That doesn't mean I'm reading it correctly. (Inaudible) [LB422]

SENATOR MCGILL: And that doesn't mean we drafted it correctly (laugh). [LB422]

SENATOR CAMPBELL: Senator Crawford. [LB422]

SENATOR CRAWFORD: Thank you, Senator Campbell. Could you give an example of a situation...you said a situation where there's some credentialing body that you think is doing this well? [LB422]

SENATOR MCGILL: Not off the top of my head. [LB422]

SENATOR CRAWFORD: Okay. [LB422]

SENATOR MCGILL: I know there are some that are or, for instance, we had a bill last

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year that was specifically on teachers, and then we went and introduced it and found out that, oh, hey, they've already got...although, there may be procedures in place, but then we would hear from some schools in Bellevue that it wasn't going as smoothly as they'd like it to. And so there's also that element at play, too, where just because a procedure is in place doesn't mean it's working as smoothly as you'd like it to be. It's a hard one to get your finger on and find the right legislation to make sure that we're accommodating our military families the best we can. [LB422]

SENATOR CAMPBELL: Okay. Any other questions? Thank you, Senator McGill. [LB422]

SENATOR MCGILL: I may go ahead and go to Judiciary since I have a bill up there very soon, so thank you. [LB422]

SENATOR CAMPBELL: Okay. Okay. Thank you. [LB422]

SENATOR GLOOR: Thank you. [LB422]

SENATOR CAMPBELL: Our first proponent. Good afternoon. [LB422]

ROBERT KADAVY: (Exhibit 14) Good afternoon. Senator Campbell, members of the committee, Robert Kadavy, K-a-d-a-v-y. Military service brings unique challenges that service members and their families must overcome. When military orders move a service member, the service member knows what job they're going to. The military spouse does not. They know they're going to be going to look for employment, and if they have professional credentials, they know they're going to start applying in their new state. LB422 will greatly assist military families when the demands of their service requires moving. It will also balance assisting those spouses with the licenses in other areas and our high standards in Nebraska. My spouse has professional credentials in Colorado, Virginia, and Nebraska. Each time I'm directed to move, she researches the rules in the new area, starts the process of credentialing. And in our case, it takes an average of about six months every time we've moved for her to get her new license to practice in the new state. We're fortunate enough to be able to afford to live on one income during those times, but for many military families this leads to an economic hardship. Often spouses will not work in their field. I know of a nurse with decades of experience that worked a low-wage job in a gym in Colorado because when her spouse was stationed in Colorado, she couldn't get licensed right away and she's just stopped trying. Basically, she'd go to local hospitals with all of her time and experience, and they would not hire her until she was licensed in Colorado. She finally was just kind of torn down by being told no so many times, she stopped looking. The military family often knows they will move every few years, but they rarely know where they will be stationed; thus, the spouses don't start the credentialing process until they actually move. LB422 would help those spouses start gainful employment while they look and

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work through the credentialing process. LB422 also includes many protections the citizens of Nebraska deserve. Some states do have lower standards for internship hours or educational coursework. LB422 balances the speeding the credentialing of military spouses with the high standards of the state. One of the questions raised earlier was about the scorecard. I think our state does a really good job at the regulatory and policy level of trying to take this into account. But when you're at the national level looking, are they a member of the bill or not, it's green or it's red. I think in our case, and the psychology board has done a really good job of taking the latter saying, this is what you need, sending it back saying we need this piece of paper. So I think they do a very good job helping to walk the spouse through getting credentialed. But at the national level, they don't look that deep to see, well, the state is doing the right thing. They just say, are they a member of this consortium or not. Thirty-eight states do, we don't, they just...it makes it a lot easier. So I would ask that you support LB422 because I think it's a good bill. I think it balances the interest, and I think as a state it just makes it much easier as they're rating us to know what we're doing. So...did you have a question, Senator? [LB422]

SENATOR CAMPBELL: Thank you, Mr. Kadavy. Questions? Did your wife's first credentialing come in the state of Nebraska? [LB422]

ROBERT KADAVY: She started with her master's degree in Nebraska, and then to her first credentialing for her doctorate in Colorado, and then in Virginia. And then when she came back to Nebraska, she did her credentialing. But every time we moved, they usually do the master's level first, then the doctorate level; and like I say, it's just a process. For the medical in Colorado, I know she'd been a nurse for 15 years and they wanted to make sure she had enough hours of, like, hazardous material management when she was in college. All of those boxes were in storage in another state. So for her to try and prove to the board she had the right credentials meant she was going to have to get something from her school. And that's why I say, some of it is...if she was licensed in two other states, I would just kind of hope Colorado would go, you know, I bet she probably met those requirements. [LB422]

SENATOR CAMPBELL: When she came back to Nebraska, what was her experience? [LB422]

ROBERT KADAVY: We were told in January we were going to stay in the District of Columbia; in March we were told we were moving to Nebraska. She started applying right away in Nebraska in March; we moved in April; and she was licensed in October. Again I would say the board, you know, was very helpful to her of...you need a certain score on a national-level exam. Different states have a different score. He records show she passed it, but she had to send the state the actual, you know, printout saying she got above a 75. And just things like that where it took time, you know. Ask for what the board wants, send it in, get another question about something, send it in. I thought they

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did a good job of walking her through it. But, again, if I really counted on her income for those six months, and then once she was licensed, then going to look for work, but. [LB422]

SENATOR CAMPBELL: So to go back to some earlier questioning by Senator Gloor, in some sense you were waiting for documents to be transferred from one place to the other... [LB422]

ROBERT KADAVY: Yes. [LB422]

SENATOR CAMPBELL: ...which would then back up the relicensing, recredentialing of someone. So, and sometimes just the sheer bureaucracy of the paperwork. [LB422]

ROBERT KADAVY: I agree. And that's why I say I think this balances that interest of we want to protect our public health. I don't want a doctor that hasn't practiced in 15 years just showing up in the state. But I think this gives the board that option of saying let's give them the benefit of the doubt, give them a temporary license, everything we're looking, you know, the front page looks good. I've seen a lot of boards dig very deep into specifics, and that's why I say I think if they looked and said you're licensed in two states, you've, you know, managed to own a business or practice, you know, perhaps an immediate, you know, temporary or, like I say, very quick turnaround would be helpful. [LB422]

SENATOR CAMPBELL: And I'd have to say in some places where, I mean, it's not like the department is just determining you have the credentials or not. It can be a factor in how they exercise their right of credentialing too. [LB422]

ROBERT KADAVY: I agree. [LB422]

SENATOR CAMPBELL: All right. Any follow-up questions for Mr. Kadavy? Thank you very much. Our next proponent. [LB422]

MARTIN DEMPSEY: (Exhibit 15) Good afternoon, Senator Campbell, committee members. My name is Martin Dempsey, D-e-m-p-s-e-y. I work for the Assistant Deputy Secretary of Defense. Last time I'll bother you today. Plain and simple, we think that the military spouses that are licensed have gone through a lot. They...to be basically a single parent while their spouses deploy, to put up with all that the military asks them to do, this is just one more thing. One of the reasons the First Lady and Dr. Jill Biden have taken this on is one of their top issues is simply because wherever they go, any installation, they're bombarded with this is the number one reason why we either do or we don't retain the service member in the military. Bottom line is how many times do we want them to go relicense? In an environment where that person never leaves the state or is in the state 10, 15, 20 years, they're not subject to this. But when you relocate

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every two to three years, not only does the cost become a factor; but also how many times are you willing to step up to the plate, how many times are you going to beat your head against the wall to make this happen? We think possibly, at least 15 states currently think possibly that there's a better way to do things, and they're looking at that now with legislation to expedite the licensing process. There are currently 16 states this year that have introduced like license to expedite the process. And bottom line, we think it's good for Nebraska, we think it's good for the military stationed in Nebraska. And, again, we think those people that are happier in Nebraska are going to stay in Nebraska and become productive citizens. Thank you. I stand ready for questions. [LB422]

SENATOR CAMPBELL: So, Mr. Dempsey, as we're going through the afternoon here, what's the shortest period of time that you are aware of in any state that that military spouse can get that license that you...that this...that... [LB422]

MARTIN DEMPSEY: I can tell you that there are two states that stand out right now--Washington State and Colorado--and that's because on many levels they offer reciprocity. I don't know if that's a dirty word, Senator Gloor, but I've heard it batted around a little bit this afternoon. And you can walk...virtually walk in with the right credentialing into employment. [LB422]

SENATOR CAMPBELL: Okay. Senator Gloor. [LB422]

SENATOR GLOOR: Thank you, Senator Campbell. It's not a bad word. I'm going to read this sentence, though, and tell you where my mind is in trying to make some decisions here. Your sentence, your quote, "we are not asking for an exemption, just an accommodation based on an applicant that has already met standards in at least one other state." I think "exemption" and "accommodation" and "reciprocity" are the same thing as...in terms of what we're talking about in this particular bill and the one before, I believe. And that's important to me just to try and understand what it is that I'd be sanctioning if this went into law. It's not a bad word at all. It's just a word with specific meaning, and I'm trying to get my head around what I'm going to be comfortable with if we pass this particular bill. [LB422]

MARTIN DEMPSEY: Understood. I appreciate that. [LB422]

SENATOR GLOOR: Yep. [LB422]

SENATOR CAMPBELL: And I'm sure, Mr. Dempsey, you understand that we will take a thorough look at all of this because we do understand, I think, the concept that you are talking to us about and all the testifiers have. We'll try to, you know, work with the senator and the department. But part of our responsibility, too, is to, I mean, our number one is the public safety. And that's why states have credentialing and licensing and all this. But we'll certainly take a look at it. [LB422]

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MARTIN DEMPSEY: If I may, Senator Campbell. I appreciate that. And we agree. And that's why in some states we've taken doctors and lawyers off the board completely because of the factors involved. But this is a more widespread area than that. You know, when we look at the laborers that need to be licensed, whether it's electrical, plumbing, etcetera, as I said earlier. So it could still benefit many people that currently wear a uniform. [LB422]

SENATOR CAMPBELL: And as Senator McGill was very apt to explain to us that she had looked at, you know, the broadening of all of that; but that's beyond this committee's scope. So I do understand that. [LB422]

MARTIN DEMPSEY: And, finally, one last thing too. We talked about the Board of Education briefly. Fantastic. Senator McGill put me in touch with them. We talked at length. They showed me some statutes that show that they're on the cutting edge of, I won't say reciprocity, but allowing a fluid transition for those teachers coming into the state. A great example of what Nebraska is doing for those with license. [LB422]

SENATOR CAMPBELL: One last question, for me at least. And in working with military families, is there...does the Department of Defense have a particular kit or packet or whatever that says, that's handed, you know, when you get new orders and you're going from...you're now going to serve, you were serving in Colorado, now you're going to be in Nebraska, is there some kind of packet that says, you know, this is how you should begin working through to get credentialed or licensed? I mean, what steps they might need to do. [LB422]

MARTIN DEMPSEY: Absolutely. Every base has a very detailed relocation package that specifically what the base they're going to or post encompasses for employment, who to contact, what their best angle of seeking employment would be. [LB422]

SENATOR CAMPBELL: Do you have a lot of states...and I thought that was my last question but it's not, (laughter) are states pretty good about providing an insert or whatever? Like for instance, Nebraska Department of Health and Human Services would have an insert that says, in the state of Nebraska, this is steps one, two, three, that could go into that packet. No matter what state they're going to, that state would have an information sheet. And maybe they do. [LB422]

MARTIN DEMPSEY: I've never seen that. I've seen the local community insert for employment in a local area. That would be a great thing to put on a state Web site though. [LB422]

SENATOR CAMPBELL: But it would seem to me that that might be something the secretary...that the Department of Defense might look into in the sense of could there

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be some way to alert, you know, that there...we need this kind of information that goes in the packet. I bet you there's 50 departments, 50 states, that would be more than willing to put that kind of information and give it to you so it could be inserted. And that might speed the process. I don't know. [LB422]

MARTIN DEMPSEY: I'll pass your concerns up the hill, ma'am. [LB422]

SENATOR CAMPBELL: That would be great. Thank you. [LB422]

MARTIN DEMPSEY: Thank you. Thanks. [LB422]

SENATOR CAMPBELL: Okay. Our next proponent. [LB422]

PAUL COHEN: (Exhibit 16) I somewhat feel like it's the Groundhog Day movie. (Laughter) [LB422]

SENATOR CAMPBELL: Deja vu all over again. Gotcha. [LB422]

PAUL COHEN: Yeah, all over again. Thank you, Chairperson Campbell. Distinguished members, good afternoon. My name is Paul, P-a-u-l, Cohen, C-o-h-e-n. I'm here today as the immediate past second vice chairman of the board of the 377,000 member Military Officers Association of America, 2,700 of whom claim Nebraska as their home state. I'm a past president and current board member of MOAA's chapter in Bellevue, a retired Brigadier General in the United States Air Force having served for 35 years, 29 of which as a member of the Nebraska Air National Guard. As you heard, and I won't repeat because I think the message here is kind of clear over the last...this bill and the other one. We understand the concerns about making sure that the life and health and the citizens of this state are protected through the licensing and certification procedure, and we propose no changes to the high standards that the department already maintains. What we are asking for I think, as Mr. Dempsey pointed out and Senator McGill did earlier, is a way to take the relatively short notice that military spouses get that they're coming to a state, the relatively short period of time in which they will remain in that place--two to three years generally on a good year--and take those two factors and expedite the process to get licensing and certification. And I think, not being an attorney, I think LB422 accomplishes what we're after by putting into statute the ability, not the requirement, the ability to weigh certain factors in a person's previous experience and licensing credentialing that they already are bringing to the state as a way to cut some of the time that it takes. We recognize the gathering of documents takes time. That's beyond the scope of any legislation that you might consider or pass, and we don't propose that you do that. We don't ask the departments or the licensing boards to take any shortcuts in terms of the quality of the individuals or their licensing or credentialing coming into the state. Rather we ask that they be put on a fast track and that we find ways to shorten the period of time that it takes to become part of the

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Nebraska work force in these particular professions. We think LB422 does that. We, again, believe that the passage of LB422 will accomplish two things. It'll get great military spouses in the Nebraska work force providing service to their community. It'll aid the economy of the state by shortening the time that they have to wait to do just that. And, oh, by the way, it'll be another green light for our state on our report card. I'd be happy to answer any questions that you might have. [LB422]

SENATOR CAMPBELL: Any questions? Thank you, Mr. Cohen. [LB422]

PAUL COHEN: Thank you, Senator. Thank you very much for your time on all of these three bills and we thank Senator McGill and her staff for all the work they've done on it and for you to take the time to consider it. Thank you. [LB422]

SENATOR CAMPBELL: Thank you. Any other proponents? Those who wish to testify in opposition to the bill. Those who wish to testify in a neutral position. [LB422]

JOSEPH ACIERNO: (Exhibit 17) Hello, again. [LB422]

SENATOR CAMPBELL: Hello, again. [LB422]

JOSEPH ACIERNO: Senator Campbell, members of the Health and Human Services Committee, again my name is Dr. Joseph Acierno, and that's J-o-s-e-p-h A-c-i-e-r-n-o, Deputy Chief Medical Officer of Nebraska Department of Health and Human Services Division of Public Health. I'm testifying in a neutral capacity. We believe a licensing procedure should be clear and noncumbersome for everyone, including the military persons. However, only a couple of technical concerns with this bill. First, the language requires boards to evaluate the ability of spouses of veterans and spouses of active military to meet the requirements for a Nebraska credential using training and experience obtained in other jurisdictions. Boards do not have the expertise or resources to perform such evaluations. Instead, Nebraska boards, like those of other states, rely on entities that have invested in the resources and expertise to create valid and reliable tools to conduct equivalency evaluation of training and educational programs. And list a couple of examples...the following are examples of such entities when training and education was completed in a foreign country. The first one is equivalency evaluation for medical training obtained in foreign countries as done by the Educational Commission for Foreign Medical Graduates. For nursing, the equivalency evaluation is done by the Commission on Graduates for Foreign Nursing Schools. For physical therapy, the equivalency evaluation is done by several organizations which we specify in the regulations, one of which is the Federation of State Boards of Physical Therapy Coursework Evaluation Tool for Foreign Educated Physical Therapists. If the training or education was completed in the United States, equivalency evaluation typically is not an issue since Nebraska, like many other states, has adopted the same educational standards and the same examination, with some exceptions. For example,

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the educational hours of cosmetologist license or a massage therapist license may differ from state to state for various reasons. We know that 1,000 hours required in Nebraska for a massage therapy license is higher than many other states. The language authorizes the department to issue a temporary practice permits to spouses of veterans and spouses of active military personnel licensed, certified, or registered in another jurisdiction while they are satisfying the requirements for a Nebraska license. This language is not needed since authorization to issue temporary licenses exists in currently effective statutes, as we talked about with LB421. In closing, I wish to reiterate our willingness to work with the introducing senator and entities to address any perceived barriers to licensure of spouses of veterans and spouses of active duty military personnel. And you can also refer to testimony of LB421 which crosses over into this area. Thank you again for the opportunity to provide testimony. I'd be happy to answer any questions. [LB422]

SENATOR CAMPBELL: Questions from the senators? Dr. Acierno, I don't...oh, Senator Crawford. [LB422]

SENATOR CRAWFORD: Could you just...you spoke earlier on the other testimony about temporary licenses. [LB422]

JOSEPH ACIERNO: Yeah. [LB422]

SENATOR CRAWFORD: You're talking here about, you know, the fact that they do exist. Could you just speak a bit of what you see in terms of the ways these might be used for spouses? [LB422]

JOSEPH ACIERNO: Well, I think whether you're the...I think it would be the same themes, though, would play through with temporary licenses as we have them now. Understand, those are used in certain circumstances where you may need hours working in a hospital or whatever to have that qualification. But the education basis and the qualification basis otherwise that you meet that criteria is usually the foundation. You have to have that to start with. You don't...we don't issue a temporary before any of those benchmarks are met. You must meet certain educational; but you may need additional training, you know, number of hours. I mentioned nursing before. So I don't think I would...I would not see it any differently than the individual who's in the military versus their spouse. The same would apply to both individuals. [LB422]

SENATOR CRAWFORD: Thank you. [LB422]

SENATOR CAMPBELL: Any other questions? Thank you, Dr. Acierno. [LB422]

JOSEPH ACIERNO: Thank you. Have a good afternoon. [LB422]

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SENATOR CAMPBELL: (See also Exhibits 12, 13, and 18) Senator McGill by leaving has waived her closing, so we will close the hearings this afternoon, and everyone have a good weekend. [LB422]