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Health and Human Services Committee  
February 04, 2015

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[LB353 LB366]

The Committee on Health and Human Services met at 1:30 p.m. on Wednesday, February 4, 2015, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB366 and LB353. Senators present: Kathy Campbell, Chairperson; Sara Howard, Vice Chairperson; Roy Baker; Tanya Cook; Sue Crawford; Mark Kolterman; and Merv Riepe. Senators absent: None.

SENATOR CAMPBELL: Good afternoon, and we'll welcome you to the hearings of the Health and Human Services Committee. I'm Kathy Campbell. I represent District 25 in Lincoln and serve as the Chair of the Health and Human Services Committee. This is an unusual day for us because usually we are looking out at a very packed group of people. (Laughter) But we have only two bills today because we needed to move one of the bills and so maybe that's a good thing to have happen on a snow day. Anyway. I'm going to go through some procedures, but before we do that, as is our custom here, the senators introduce themselves. So I'll start to my right and, Senator, would you start us off?

SENATOR BAKER: Roy Baker, District 30, Gage County, part of Lancaster County.

SENATOR CRAWFORD: Senator Sue Crawford, District 45, eastern Sarpy County, Bellevue, and Offutt.

SENATOR HOWARD: Senator Sara Howard. I represent District 9 in midtown Omaha.

JOSELYN LUEDTKE: Joselyn Luedtke, committee counsel.

SENATOR COOK: I'm Senator Tanya Cook. I represent Legislative District 13 which is northeast Omaha and Douglas County.

SENATOR RIEPE: Merv Riepe. I'm the state senator for District 12, which is Omaha, Millard, and Ralston.

BRENNEN MILLER: I'm Brennen Miller. I'm the committee clerk.

SENATOR CAMPBELL: And our two pages today are Jay--Jay is from Dalton, Nebraska, and is a student at UNL majoring in ag economics--and Brook. Brook is from Omaha majoring in--and I have to make sure I get this all correct--advertising, public relations, and political science. And

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Brook is also at UNL. So if you need some help, the pages are always happy to help you. I'm going to go through some procedures. First of all, if you have a cell phone with you or something that makes noise, we'd ask that you turn it off or silence it. If you have handouts--and handouts are not required here, but if you do--we would like 15 copies. And if you don't have enough copies, we'll work with you about that after the hearing. If you're testifying today, each time you testify you need to provide one of the orange sheets that are on either side of the room. Please write as legibly as you can for the...so that we can see how you spell your name for the record. When you come forward to testify, you can give your orange sheet to Brennen, the clerk, and if you have any handouts, you can also give those to Brennen and the pages will distribute the material for you. We do use the light system and we're going to use it today just because we're so used to doing that and it helps us make sure that every testifier gets an equal time. And so you'll have five minutes and it will be green. It'll be green for four minutes, and it will go to yellow and you have a minute, and when it goes to red, you'll look up and I'll be trying to get your attention. With that...oh, the other thing is that when you come forward, please state your name for the record and spell it so that the transcribers can hear you spell your name and get used to hearing your voice. And we've been joined by Senator Kolterman.

SENATOR KOLTERMAN: Sorry I'm late.

SENATOR CAMPBELL: That's quite all right. And your district, Senator?

SENATOR KOLTERMAN: Twenty-four, Seward, York, and Polk Counties. Thank you.

SENATOR CAMPBELL: Thank you. Thanks. All right. Today we will open the public hearing and our first hearing is on LB366, Senator Pansing Brooks' bill on change the personal needs allowance under the Medical Assistance Act. Welcome.

SENATOR PANSING BROOKS: Thank you, Senator Campbell and members of the Health and Human Services Committee. For the record, my name is Patty Pansing Brooks, P-a-t-t-y P-a-n-s-i-n-g B-r-o-o-k-s. And I represent Legislative District 28 right here where we are all sitting in Lincoln. I am pleased to be here today for the first time in front of my Health and Human Service colleagues to introduce to you LB366. This is a bill that this committee heard last year, so for those of you from...that have been here before, it was LB705 at that time and it was introduced by Senator Coash. So that may jog your memory a bit. LB705 was advanced unanimously to the floor but time ran out and it was indefinitely postponed at the end of the session. So LB366, this year's bill, increases the monthly personal needs allowance under Medicaid from \$50 a month to \$75 a month. The personal needs allowance is the monthly sum of money that residents...or that recipients of Medicaid who reside in alternate living arrangements may retain from their personal income. Such living arrangements include boarding

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homes, certified adult family homes, licensed assisted living facilities, licensed residential caring agents...child caring agencies as defined in statute, licensed centers for developmentally disabled or long-term care facilities, and centers...licensed centers for the disabled or long-term care facilities, excuse me. Any income from the...above the allowance is applied to the cost of their care. So this increase is long overdue as it has not been changed since 1999. Were this to pass, the Department of Health and Human Services would include in the standard of need for the eligible aged...elderly, blind, and disabled person \$75 per month for a personal allowance. This allowance is the amount a person has left for personal expenses such as haircuts or clothing or toiletries or buying a bag of popcorn or a gift for a grandchild at the end of the month...for per month. The funding would not come from reimbursements to providers but from the general and federal matching funds. So I ask for your support for this very modest increase which I think would significantly impact the lives of our friends and neighbors who are in need. I will try to answer any questions you have, but we do have some much more experienced people coming behind me. [LB366]

SENATOR CAMPBELL: Any questions for the senator? Senator Riepe. [LB366]

SENATOR RIEPE: Thank you, Senator. [LB366]

SENATOR PANSING BROOKS: Thank you. [LB366]

SENATOR RIEPE: I have a question. When was the last increase? What was the year of the last increase? [LB366]

SENATOR PANSING BROOKS: It was 1999. [LB366]

SENATOR RIEPE: 1999? Okay. Oh, okay. I apologize for that. [LB366]

SENATOR PANSING BROOKS: Oh, that's okay. [LB366]

SENATOR RIEPE: Can you tell me...this is in there as well, this...that \$50 to \$75, that number is just arbitrarily picked? [LB366]

SENATOR PANSING BROOKS: Well, we tried to look at what's happening across the country and there are 17 that are...I think it's 17 states have lower monthly personal allowance needs than Nebraska. And we just felt that this was...this is something that people had...constituents had been writing and saying how difficult it is. And we felt that we did do a cost...if you try to sort of look at the value of the dollars, there's a couple methods that you can use for that. And that...if

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you do that from 1999 dollars, it turns into \$70 to \$75 today. So we felt that, knowing that this will not get changed probably for a while again, that we would err on the side of understanding that people have some needs that they need to take care of and put it at \$75. [LB366]

SENATOR RIEPE: There's no gambling money on any of this, so... (Inaudible, laughter) [LB366]

SENATOR PANSING BROOKS: Not that I'm aware of. We certainly hope not. That was not the intent. [LB366]

SENATOR CAMPBELL: Any other questions? Thank you, Senator. Will you be staying to close? [LB366]

SENATOR PANSING BROOKS: Thank you. I have some things in Judiciary that I need to go to. [LB366]

SENATOR CAMPBELL: Okay. [LB366]

SENATOR PANSING BROOKS: So I don't think so, if that's okay. [LB366]

SENATOR CAMPBELL: Okay. Thank you very much. [LB366]

SENATOR PANSING BROOKS: Thank you very much. Thank you for your time. [LB366]

SENATOR CAMPBELL: Hope the day is not too long in Judiciary. (Laughter) They have five bills up today. I know that. Okay. Our first testifier in favor of LB366? [LB366]

LYNN REDDING: Hi. [LB366]

SENATOR CAMPBELL: Good afternoon. [LB366]

LYNN REDDING: (Exhibit 1) Good afternoon, Senator Campbell and members of the Health and Human Services Committee. For the record, my name is Lynn, L-y-n-n, Redding, R-e-d-d-i-n-g. Today I am testifying for LB366. I fully support the increase in the personal needs allowance for people that live in the alternative arrangements under Medicaid. For example, I lived in an adult family home. Fifty dollars is not enough to get through the month. It is difficult to acquire not only personal items which you had to be...you have to choose what you want to

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get because you can't afford it all with just \$50. But it also stopped me from getting to go out in the community. If you don't have another form of income coming in, you're kind of stuck with just the \$50. I personally think that it should be \$100. That would give us more opportunity to be included in the community and be able to get the necessities that we need. It needs updated given the length of time that has elapsed without an increase in the personal needs allowance. I believe it's long overdue. I would urge the committee to advance LB366 to General File. Thank you. [LB366]

SENATOR CAMPBELL: Thank you, Ms. Redding. Questions? Senator Howard. [LB366]

SENATOR HOWARD: Thank you, Senator Campbell. Thank you for your testimony today. Can you tell me a little bit about what is included as a personal need? What are the kinds of things that you can purchase? [LB366]

LYNN REDDING: The things that are considered of personal need would be, like, tampons, like personal hygiene items, like shampoo, haircuts, and it's very limited. [LB366]

SENATOR HOWARD: Yeah, no, thank you. I don't know of a lot of haircuts that are...they're all around \$50 or like a little below \$50? [LB366]

LYNN REDDING: No, but if you get a haircut one month, then you have to cut back on your hygiene items that you may need. [LB366]

SENATOR HOWARD: Perfect. Yeah. So thank you, Lynn. [LB366]

LYNN REDDING: Thank you. [LB366]

SENATOR CAMPBELL: Any other questions, Senators? Senator Kolterman. [LB366]

SENATOR KOLTERMAN: I just have a comment. It takes a lot of courage to come and talk, so thank you for coming. Appreciate it. [LB366]

LYNN REDDING: Thank you. [LB366]

SENATOR CAMPBELL: I want to assure the senators that Ms. Redding has probably spent more time testifying (laughter) and talking in Washington than any of us have ever been there.

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She is a world traveler almost and is called to Washington very frequently because she is a strong advocate and a frequent visitor to the Health and Human Services for... [LB366]

LYNN REDDING: Yeah. This is my favorite committee. (Laugh) [LB366]

SENATOR CAMPBELL: Oh, thank you. (Laughter) And I can tell you, she doesn't say that to everybody. [LB366]

LYNN REDDING: Thank you. [LB366]

SENATOR CAMPBELL: Thank you. Our next proponent? Not that Mr. Intermill isn't exciting... (Laughter) [LB366]

MARK INTERMILL: Well, that's a tough act to follow. [LB366]

SENATOR CAMPBELL: ...but not quite as engaging as Ms. Redding. (Laughter) Good afternoon. [LB366]

MARK INTERMILL: (Exhibit 2) Thank you, Senator. Thank you, Senator Campbell and members of the Health and Human Services Committee. My name is Mark Intermill, M-a-r-k I-n-t-e-r-m-i-l-l. And I'm here today on behalf of AARP in support of LB366. I have a brief written statement. I think I...it's...this is a very straightforward bill. I don't think it needs a lot of explanation. The one thing that I would mention, Senator Riepe, in the third paragraph, I mention that we did look at the Bureau of Labor Statistics inflation calculator going back to 1999 and found that \$50 in 1991 (sic) is worth \$71.05 today. So we're right at that \$75 threshold. If it takes another 16 years, we'll probably go past that pretty quickly. I think Ms. Redding indicated exactly the reason why we need this. I have been a guardian for a ward who was in a nursing facility. She happened to be a smoker. And you go through a carton of cigarettes...that \$50 goes pretty quickly. Actually at the time it was \$25, so it went even more quickly. But this is something that needs to be addressed and we appreciate Senator Pansing Brooks raising the issue. [LB366]

SENATOR CAMPBELL: Questions? For a lot of our seniors, having their hair done or trying to buy something small for their grandchildren, the \$50 just really doesn't go very far. [LB366]

MARK INTERMILL: Exactly. [LB366]

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SENATOR CAMPBELL: We remember this testimony from last year. That's for sure. (Laughter)  
Thank you, Mr. Intermill. [LB366]

MARK INTERMILL: Sure. [LB366]

SENATOR CAMPBELL: Our next proponent? [LB366]

KENT ROBERT: Good afternoon, Senator Campbell, members of the HHS Committee. I'm here today on behalf of LeadingAge Nebraska. My name is Kent Robert, R-o-g-e-r-t. LeadingAge Nebraska is an association of nonprofit and government-owned nursing homes and assisted living facilities across the state. And just to take into perspective, these folks who are using Medicaid dollars to live wherever they are don't have any other assets most of the time. They've all been cleaned out. The bank accounts have been dried out to, you know, to make sure that they are able to accept the Medicaid dollars for payment. And so this is the only income a lot of them have. They may get some Social Security, but Social Security probably goes right to the nursing home first. So \$50 is pretty meager. It's...we all can spend that in pretty much ten minutes if we want to. This \$25 is a modest increase and if you look at the fiscal note, it's not too much money. There's a lot of residents across the state that receive this money and would appreciate it. [LB366]

SENATOR CAMPBELL: Thank you. Any questions? Always good to see you, Senator. [LB366]

KENT ROBERT: Always a pleasure. [LB366]

SENATOR CAMPBELL: Our next proponent? [LB366]

NICK FAUSTMAN: (Exhibit 3) Good afternoon. I'm Nick Faustman with the Nebraska Health Care Association. Nick is N-i-c-k. Faustman is spelled F-a-u-s-t-m-a-n. And the Nebraska Health Care Association is the parent association to a family of entities including the state's largest association for nursing facilities which is NNFA, Nebraska Nursing Facility Association, and the state's only association dedicated specifically to assisted living facilities. Both NNFA and NALA represent nonproprietary, proprietary, and governmental long-term care facilities. And NNFA and NALA both support LB366. And like some of the others, I do have a written statement, but it's almost identical to what I read into the record last year. These personal need allowances go to everything from shampoo, toothpaste, a favorite magazine perhaps, a candy bar, a gift for a grandchild, those types of things. And our associations have always been strong supporters of raising the personal needs allowance. [LB366]

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SENATOR CAMPBELL: Questions for Mr. Faustman? Thank you very much for your testimony. Our next proponent? Okay. Those in the hearing room who wish to testify in opposition to the bill? Anyone in a neutral position? I believe that concludes the testimony then. [LB366]

JOSELYN LUEDTKE: Letters. [LB366]

SENATOR CAMPBELL: You know, I cannot remember this. Why can I not remember this? (Laughter) Letters for the record, Mr. Clerk? [LB366]

BRENNEN MILLER: (Exhibits 4, 5, 6, 7) Thank you, Senator. Letters for the record: Children and Family Coalition of Nebraska; the Arc of Nebraska; The Center for People in Need; and the National Association of Social Workers, Nebraska Chapter. Thank you. [LB366]

SENATOR CAMPBELL: (See also Exhibit 8) And that does conclude this hearing for that. And we'll move on and Senator Howard will be in charge. [LB366]

SENATOR HOWARD: All right. We will now open the hearing on LB353, Senator Campbell's bill. [LB353]

SENATOR CAMPBELL: (Exhibit 1) Thank you, Senator Howard and members of the Health and Human Services Committee. I'm Kathy Campbell, K-a-t-h-y C-a-m-p-b-e-l-l, representing the 25th Legislative District. LB353 was introduced at the request of the state Board of Nursing Home Administration to heighten the educational requirements for those seeking a license to be a nursing home administrator. Running a nursing home has become much more involved in the last decade with more and stricter requirements relating to Medicare and Medicaid; private insurance; licensure; and background checks of employees; and a myriad of state, local, and federal regulations. Doesn't it make sense to require more rigorous educational training for someone with the responsibility of protecting our most vulnerable adults who depend on nursing home care? This change is intended to bring Nebraska in line with neighboring states and best practice around the country. Of the 37 states that have a degree requirement in statute, 31 of those states require a bachelor's degree. Current administrators with an associate degree level of training are grandfathered into the profession, and LB353 also increases the age requirement for licensing nursing home administrators with licenses from another state from 19 to 21. We will have an amendment which will more carefully distinguish the fact that obviously those who hold an administrator's license now will be grandfathered in. But the second point is the bill would not become effective until 2017 at which time then we would begin having the requirement of a bachelor's degree. We have a number of people who are in school right now in an associate degree, and it's not really fair to them to say, ah, stop, you have to have a bachelor's degree and



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they've already planned out their associate degree program. So the amendment will clarify the language a little bit more to make sure that we're getting that point across. I certainly look forward to discussion on this proposal and would be happy to answer any questions but I do know that there are people behind me who want to testify on this issue. [LB353]

SENATOR HOWARD: Are there any questions for Senator Campbell? Senator Crawford. [LB353]

SENATOR CRAWFORD: Thank you, Chair. And thank you for bringing this bill. I wondered if you could say if there was some particular change from associate to bachelor's that you found compelling when people came to talk to you about this bill. [LB353]

SENATOR CAMPBELL: The...actually, it was brought forward by those who sit on the board of the nursing home administrators. And I think they felt that looking at the surrounding states and the ever-increasing knowledge that may need to be a part of this, they felt that their profession needed to recognize that a bachelor's degree would be the most appropriate for a nursing home administrator. And I have to say that, as a county commissioner, at that point, when I was on the County Board for Lancaster, we ran Lancaster Manor. And when we began to look at people who we would bring in as the nursing home administrator, we looked quite often, obviously, for people with a college degree and who had training at a course study that would make them administrators to handle all of the regulations that come apart. So I suppose, Senator Crawford, part of it comes from the recommendations of those who serve on the board. But part of it came from my past experience. [LB353]

SENATOR CRAWFORD: Thank you. [LB353]

SENATOR HOWARD: Any other questions? Senator Riepe. [LB353]

SENATOR RIEPE: Senator Howard, thank you. Senator, is someone going to be here from the Nebraska Hospital Association or do they simply have the letter? [LB353]

SENATOR CAMPBELL: Either...I think it's only the letter. [LB353]

SENATOR RIEPE: Okay. I was going to hold back a little bit because if Bruce was here I was going to ask him. I say, well, is it important for administrators of nursing homes to have a license? And he would likely say yes. And my leading question then gets to be, is, well, would it be important for hospital administrators to also have similar credentials, because they don't? So it seems a little bit like the bar is raised higher for less acute, less intense, less expensive, less

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everything whereas, you know, hospital administrators, there is none of that. You don't even have to have...you know, there's no requirements. You know, it's maybe survival of the fittest but... [LB353]

SENATOR COOK: Darwinian. [LB353]

SENATOR RIEPE: Darwinian. (Laugh) Yeah, but that was going to be my question not to you but to the Hospital Association that says, it seems a bit inconsistent to me. And I'm not advocating for all those credentials. Of course, that's probably behind me at this time. Nobody would you hire me after this. But it was just a comment, I guess, as much as anything. [LB353]

SENATOR CAMPBELL: I think that's a really interesting comment. And I think the people who serve on this board and look at the requirements that are needed felt that it would raise the professionalism for their profession to go to that degree. And I have to say, I applaud them thinking about the education that they felt would be needed to do that. That may be an interesting bill for you next year, Senator Riepe. [LB353]

SENATOR RIEPE: Maybe I could attach it to a bill that says, do barbers and other licensed people really need to be licensed or do you let the market play out and if you get one bad haircut, you don't go back. (Laughter) [LB353]

SENATOR COOK: Or your ear cut off. [LB353]

SENATOR CAMPBELL: I think, to some extent, the licensures that we deal with in this committee is also to ensure a protection of the public. But that's probably a broader discussion of licensure. [LB353]

SENATOR RIEPE: Yes. Yes, it is. Thank you. [LB353]

SENATOR HOWARD: Senator Baker. [LB353]

SENATOR BAKER: Senator Campbell, you've included grandfathering provisions. Are you comfortable there's nothing in here that's going to create a crisis in nursing home administration in the state? [LB353]

SENATOR CAMPBELL: No, I don't believe so. And we know that there are a number of people who are in an associate degree and we'll let them finish. But I think the needs are going to be

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there, Senator Baker. You look at the aging baby boomers and I certainly can attest to that. I think we have such a great interest in this field that people will come to the field and feel that the requirement does raise their professional level. [LB353]

SENATOR BAKER: Thank you. [LB353]

SENATOR HOWARD: Senator Kolterman. [LB353]

SENATOR KOLTERMAN: Thank you, Senator Howard. And, Senator Campbell, I have one statement and then I have one question. [LB353]

SENATOR CAMPBELL: Sure. [LB353]

SENATOR KOLTERMAN: The statement is: I really like your fiscal note. (Laughter) How do you get all those easy bills? [LB353]

SENATOR CAMPBELL: I don't know. [LB353]

SENATOR KOLTERMAN: And then my second question is, it requires a bachelor's degree. Can...as an example, I have a bachelor's degree. If I went through the rest of the training, would that suffice even though it's not necessarily in a nursing home administration? [LB353]

SENATOR CAMPBELL: Well, I think that you're probably going to want to pick up some courses along the way or some continuing education. But the bachelor's degree would be the minimum requirement there. [LB353]

SENATOR KOLTERMAN: So it's just a bachelor's degree? [LB353]

SENATOR CAMPBELL: Yes. [LB353]

SENATOR KOLTERMAN: Thank you. [LB353]

SENATOR CAMPBELL: However, I can tell you when we interviewed administrators, and I'm sure that when nursing care facilities across the state, they're probably looking for some people who have had training or coursework in gerontology but that is the minimum. [LB353]

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SENATOR KOLTERMAN: I understand. Yeah. I understand that. I appreciate that. I don't pretend to think that somebody that just has a bachelor's degree would be qualified to go in and operate a nursing home. But in some instances, there might be a situation where there's not enough quality applicants and somebody with a bachelor's degree that has a good business background... [LB353]

SENATOR CAMPBELL: Absolutely. [LB353]

SENATOR KOLTERMAN: ...might be able to do it and then pick up the coursework as it goes. So I just didn't...I wanted to make sure it wasn't so stringent we couldn't include those people. [LB353]

SENATOR CAMPBELL: No, I don't believe so. And I agree with you, Senator Kolterman. When we had the nursing care facility, Lancaster Manor, much of the medical issues were dealt with by the director of nursing. And an administrator with a good business background and some coursework in gerontology or dealing with the elderly would make an excellent candidate. [LB353]

SENATOR KOLTERMAN: Well, it's a good bill. I thank you for bringing it. [LB353]

SENATOR CAMPBELL: Thank you. I appreciate questions very much, colleagues. [LB353]

SENATOR HOWARD: Any other questions for Senator Campbell? No? Seeing none... [LB353]

SENATOR CAMPBELL: Thanks. [LB353]

SENATOR HOWARD: Is there anyone wishing to testify as a proponent for LB353? Welcome. [LB353]

AMY FISH: (Exhibit 2) Hello. Senator Howard, committee, good afternoon. My name is Amy Fish, A-m-y F-i-s-h, and I am here today representing the Board of Nursing Home Administration. I am a current administrator of Lancaster Rehabilitation Center, formerly Lancaster Manor, here in Lincoln. And I live in Seward, Nebraska. I've been a licensed nursing home administrator since 1989, and I've worked the majority of my 26-year career in the state of Nebraska. I am also a 20-year veteran preceptor for the state and have trained or mentored 13 administrators in training throughout my career. I have served on the Nursing Home Administrative Board since 2011 and I'm currently on the education committee and the state of Nebraska representative with the National Association of Long Term Care Administrators Board,

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otherwise known as NAB, where I serve as an exam item writer and on their education committee. Most recently, I was selected to serve on their professional practice analysis task force charged with the responsibility of creating a set of credentials for executives at every stage of the healthcare continuum. The NAB organization is the leading authority on licensing, credentialing, and regulating administrators of organizations along the continuum of care. The state of Nebraska Nursing Home Administrative Board is comprised of nine representatives from across our state including four actively licensed nursing home administrators of both for-profit and not-for-profit organizations. We have a physician member, a college faculty member, a registered nurse member, and two members of the public. Our board represents the entire state with members from Gothenburg, Albion, Holdrege, all the way to Lincoln. The Nursing Home Administration Board has provided for you today a brief summary of the frequently asked questions regarding LB353; the statutory language changes as proposed and drafted; and, as included as appendix B, a summary of a study titled the "Impact of Education of Nursing Home Administrators on Quality." This study was published in August of 2014 and affirms the positive correlation between the education level of nursing home administrators and the quality of care provided to our elders. In this study, over 4,000 nursing home administrators were included in their research. And of all the quality of care variables studied, there was a positive association to the nursing home administrator's education level and the quality of care outcomes. As a point of reference on how long the board has been working on the criterion for LB353, when I joined the Nursing Home Administrative Board in 2011, the proposed statutory education requirement changes pertaining to the Nursing Home Administrative Practice Act were already in draft discussion and a routine agenda item at our quarterly meetings. The existing requirement of an associate's degree was passed into statute in 1999. Our industry and profession have experienced exponential changes in the last 15 years including a more clinically complex resident in need of our 24-hour skilled service. The regulatory and reimbursement climate have also changed significantly, all demanding of the current nursing home administrator's ability to succeed. The Nursing Home Board has worked diligently to determine and eliminate as many roadblocks as possible towards our goal of strengthening the educational requirements for nursing home administrators. The reason this proposal hasn't been presented sooner was that in the beginning, the major roadblock to proceeding with changing the educational requirements was the availability and accessibility of educational resources for students, especially those students located in the more remote areas of our state. As a board, we feel we are now in a position to make the statutory change of requiring a minimum bachelor's degree, as the insurgence of collegiate institutions who now offer online learning opportunities has resolved the accessibility issues. We feel this also opens the door for more collaboration between the local community colleges and the four-year programs. Changing the minimum educational requirements will better align our profession for greater ease of transference between states. Currently, our bordering states of Iowa, Kansas, South Dakota, Minnesota, and Wyoming all require a baccalaureate degree in order to work as a licensed nursing home administrator in their state. Of noted importance, in 2012, the Nursing Home Board requested of the Nebraska Health Care

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Association, a trade association that represents 201 of the 228 nursing homes in our state, to assist us by conducting a survey of the active nursing home administrators inquiring about their current educational status. In April of 2012, it was found that of the 110 respondents to the survey, 72 percent already had a baccalaureate or higher educational degree. This year, in preparation for LB353, Senator Campbell asked that this data be updated. So graciously, again, the NHCA staff queried their membership and as of November 2014, of the 103 respondents, nearly 75 have a baccalaureate degree or higher. LB353 proposes three key changes: first, the change from minimum requirement of associate's degree to a baccalaureate degree to become effective on or after October 1, 2017. This two-year grace period will allow those students just beginning their education to have ample notice of the change. This change will not affect those administrators already licensed prior to October 1, 2017. Second, the core educational requirements would change after October 1, 2017 to align with the current core requirements as established by NAB. These core requirements drive the decision-making process on the credibility of the education and training received. And lastly, the minimum age would change from 19 to 21 years old. Also of note is that the internship language, as described in Section 4 of the current statute, is carried throughout the statute in anticipation that some educational institutions might desire to incorporate the administrator-in-training program into their curriculum via an internship. And while we've been asked by some long-term care stakeholders to also update and revise the administrator-in-training program and reevaluate the continuing education requirements, as a board, we all agreed that our first step in this process was to start with the statutory changes and then proceed with the regulatory changes. As we do this, we will continue to solicit the feedback from the various stakeholders who represent the nursing home administrators in our state. It's expected by 2030 approximately 72.1 million people 65 and older will live in the U.S., more than twice the number in 2000. As the average age of the elderly increases the complexity of care provided in nursing homes will rise, and the additional education and preparation we believe will prove to be critical to meet those ever-increasing demands. I appreciate your time and the work that you do on behalf of our great state. And I'd be happy to answer any questions you might have. And if I could start with the question asked of Senator Campbell, if I could do that? You...the baccalaureate degree... [LB353]

SENATOR HOWARD: What was the question? [LB353]

AMY FISH: Senator Kolterman asked about, is it just a bachelor's degree, any bachelor's degree? We did leave it open to a bachelor's degree although there are core requirements that have to be met in the specific areas. And that is another change that would happen in the language of the bill on October 1, 2017. And the reason that those core requirements are changing is simply to align ourselves more with the current requirements as proposed by the NAB organization. [LB353]

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SENATOR HOWARD: Thank you, Ms. Fish. Are there questions for...Senator Baker and then Senator Kolterman. [LB353]

SENATOR BAKER: Well, thank you. And you stole my thunder. I was about ready to point out on page 4 of the bill, lines 3 through 7, that this says what you just said about...you answered Senator Kolterman's question about, can it just be a bachelor's degree? It does require some specific things in that bachelor's degree. [LB353]

AMY FISH: Yes. Yes, you can have an engineering degree but you have to qualify those components of training. [LB353]

SENATOR HOWARD: Senator Kolterman. [LB353]

SENATOR KOLTERMAN: Thank you, Senator. I appreciate that. I'm aware of that. But my...I guess my direction that I was going is, in some instances, once in a while you have to find an interim administrator. [LB353]

AMY FISH: Sure. [LB353]

SENATOR KOLTERMAN: And they're not always maybe licensed and ready to go. And so I wondered if there's any provision that allows for...is there a temporary license you can get... [LB353]

AMY FISH: Yes. [LB353]

SENATOR KOLTERMAN: ...while working on the credentialing and the rest of the...to be qualified? [LB353]

AMY FISH: Yes. There are provisions for that already in statute. [LB353]

SENATOR KOLTERMAN: Okay. That's really...that's kind of the direction I was going. Thank you. [LB353]

AMY FISH: Sure. [LB353]

SENATOR HOWARD: Are there any other questions? Senator Riepe. [LB353]

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SENATOR RIEPE: Thank you, Senator. I guess I would preface this with a little story and then I'll ask a question, because I served an interim for almost two years on and off in east Texas, very rural. And I had two administrators. Neither one of them had a bachelor's degree. They were smart. They were motivated. And they were compassionate. And they were awfully good administrators. [LB353]

AMY FISH: Absolutely. [LB353]

SENATOR RIEPE: I have a concern that because of credentials in the healthcare industry...happens to want to have a credential if you do left-handed fingernails. They're very credential. So to me, you view this as a de facto union? [LB353]

AMY FISH: Well, let me address that. We are one of the highest regulated industries in the country... [LB353]

SENATOR RIEPE: I don't know if... [LB353]

AMY FISH: ...more so than hospitals and, of course, more so than assisted living facilities. So is the federal regulations a part of this? Probably. It probably does hold us to a higher standard because of the volume of regulations that we are expected to uphold on behalf of the elders we serve. I don't know if that answers your question, but... [LB353]

SENATOR RIEPE: I'm not sure, in fact, you are more regulated than hospitals. I mean, it's pretty broad based in the whole...the whole field is very regulated, right or wrong. [LB353]

AMY FISH: Yeah. And our industry has changed and is going to continue to change. And, you know, the financial piece alone, understanding and having good comprehension of just the financial piece of it is significant for an administrator to succeed. There have been... [LB353]

SENATOR RIEPE: So you're saying I need to have a degree in finance? [LB353]

AMY FISH: (Laugh) You could have a degree in finance... [LB353]

SENATOR RIEPE: No, should have. [LB353]

AMY FISH: ...probably should have. I also wanted to address, you know, your comment earlier about hospitals, and should hospital administrators be licensed because there isn't any licensure



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component now? We have been approached regarding that specific topic, also regarding licensing of assisted living administrators. However, this particular board is the Nursing Home Administrator Board. So we always have to pull ourselves back and be mindful of what our task is. And our task is to help guide the nursing home administrators of the state. And although we have, of course, shared our concerns or questions with the other boards, it's...that is out of our hands. [LB353]

SENATOR RIEPE: Sounds like a union to me, but go ahead. [LB353]

SENATOR HOWARD: Are there any other questions for Ms. Fish? Senator Crawford. [LB353]

SENATOR CRAWFORD: Thank you. And thank you for coming to testify. I would...I wondered if you could tell us a bit about the National Association of Boards examiners...exam. So if someone is successful in passing that exam, why is other coursework or requirements necessary? If they know enough to pass the exam, what is the purpose of the other educational requirements? [LB353]

AMY FISH: Great question, and I am actually an item writer currently for the NAB organization. And licensure, of course, is a requirement in all 50 states. And the questions that we write, we have to be very aware are for entry-level administrators. They are at the very basic level of questions to test. And so, you know, why do they need a baccalaureate degree and then also have to pass the exam? It's just raising the bar and the standards of our state and getting us more in line with other states in our surrounding area that require the baccalaureate degree. [LB353]

SENATOR CRAWFORD: Do you know currently how many of our administrators out, I would say particularly in the rural parts of the state, have a bachelor's degree? [LB353]

AMY FISH: The only way that we have been able to do that is by surveying the administrators. And on both occasions, of the 200-some nursing home administrators that responded to that survey--half of them responded to that survey--it was right around 74/75 percent. [LB353]

SENATOR CRAWFORD: That had bachelor's degree currently? [LB353]

AMY FISH: That had bachelor's degree or higher. Some have doctorate levels. Some have master's. [LB353]

SENATOR CRAWFORD: Thank you. [LB353]

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SENATOR HOWARD: Thank you. Senator Cook. [LB353]

SENATOR COOK: Thank you, Senator Howard. And thank you for coming to testify. I have a question. You mentioned that you were a preceptor... [LB353]

AMY FISH: Yes. [LB353]

SENATOR COOK: ...in your testimony. And I skimmed this document. I do not find a definition. What is a preceptor? And will future participants in this career...will their education require them to have a preceptor? [LB353]

AMY FISH: No, a preceptor is a...actually an entirely separate licensure category. [LB353]

SENATOR COOK: Okay. [LB353]

AMY FISH: And so that's why it's not being addressed today. It...you have to have two years of experience as a nursing home administrator to even apply. [LB353]

SENATOR COOK: Okay. [LB353]

AMY FISH: You have to have continuing education in order to keep your licensure as a preceptor. And then you are required to show proof of educational learning and processes in the 640-hour training program that currently goes on. The required continuing ed of nursing home administrators and the whole administrator-in-training program has been something that has been brought up to us that also needs revision. And some will say, well, we have more continuing ed credits than some of those other states that require bachelor's. And do we have more continuing education credits right now because we only have an associate's, and will that change in the future? I would anticipate that will be a strong consideration of the board, but we have to start with the statutory change first. [LB353]

SENATOR COOK: All right. So...excuse me. So a preceptor is...for example, I'm in public relations. If I were to go on as a practitioner and take a bunch of tests and get a certification called an APR, you can be in the...work in the area and not have that. But you can go within the area of nursing home administrator and take continuing ed courses and have certain levels of...certain amount of time within the career. And you've earned the title, if you will, of preceptor within the context of nursing home administration? [LB353]

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AMY FISH: Yes. [LB353]

SENATOR COOK: All right. [LB353]

AMY FISH: It is a second license, yes. [LB353]

SENATOR COOK: All right. Thank you. [LB353]

SENATOR HOWARD: Any other questions for Ms. Fish? Thank you for your testimony. [LB353]

AMY FISH: Thank you very much. [LB353]

SENATOR HOWARD: Is there anyone else wishing to testify as a proponent for LB353? Seeing none, is there anyone wishing to testify in opposition? Seeing none...oh, opposition. [LB353]

THERESA PARKER: Thank you and what an honor to be here today. I was not expecting to testify today and so I do not have enough copies for you. So I am going to just speak of my experience. My name is Theresa Parker, T-h-e-r-e-s-a, Parker, P-a-r-k-e-r. And I am testifying as a licensed nursing home administrator. I also want to make it known to the senators that I do teach at Southeast Community College. However, I am not representing them today. I am a licensed administrator since 1991. I too was on the Bureau of Examining Boards for approximately ten years. I was also an item writer for the NAB, National Association of examining Boards. And I currently review CEUs for the NAB and I also currently go to other four-year colleges to review their education requirements for accreditation. I am opposed to this bill for the following reasons: Currently, we do require an associate degree, a minimum of associate degree. A licensed nursing home administrator can always go on and get more education. I am not familiar with the latest study that was presented to you folks, but I am aware of past studies that have been done that did show that there was no correlation between educational requirements and the success of an administrator. The determination that Douglas Olson from Wisconsin-Eau Claire and Bernie Dana did, who are two leading professionals in this profession, talks about the administrator-in-training program where they have the AIT. It is true that most of our administrators in the state do have a bachelor's degree. I have a master's degree, and I'm very much for education. However, I am concerned about our rural communities that I have seen from being on the Board of Examiners and also as a part of my education component where administrators will come and go to our rural facilities that may be city owned, community owned, and they have administrators...seven administrators in seven years. And they do find someone who is homegrown, so to speak, that will send them to get their education with

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that minimum of an associate degree and are doing just fine. I always encourage people to go on and get education, because I believe education is very important. Our state also does have...we are one of five states that have the most stringent requirements for continuing education units. The NAB exam is, I believe, also sort of our gatekeeper, so to speak, that if you do not pass that NAB exam, you will not get licensed. And being a past item writer, I do feel that that exam is very important after seeing...there are some people that should not be administrators. I'm referring to Senator Riepe. I've seen a lot of administrators come through that have the drive, the ambition, and have that associate degree. And so those are some of my reasons. I'm sure I have many others as I was sitting back there listening to the testimonies but cannot think of those at the moment. So I want to thank you for your time. [LB353]

SENATOR HOWARD: Thank you, Ms. Parker. Are there questions? Senator Crawford. [LB353]

SENATOR CRAWFORD: Yes, thank you. Could you repeat the names of the scholars that you said had studied the relationship between level of education and quality of outcomes? [LB353]

THERESA PARKER: Doug Olson...Douglas Olson and Bernie Dana. [LB353]

SENATOR CRAWFORD: Thank you. [LB353]

THERESA PARKER: And then there was also a separate study that was done by Steve Chies. And he has a published white paper out there as well. [LB353]

SENATOR CRAWFORD: Steve? [LB353]

THERESA PARKER: Chies, C-h-i-e-s. [LB353]

SENATOR CRAWFORD: Thank you. [LB353]

SENATOR HOWARD: Any other questions for Ms. Parker? Seeing none, thank you for your testimony. [LB353]

THERESA PARKER: Thank you. [LB353]

SENATOR HOWARD: Is there anyone else wishing to testify in opposition? Is there anyone wishing to testify in a neutral capacity? [LB353]

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KENT ROBERT: (Exhibit 3) Senator Howard, members of the Health and Human Services Committee, my name is Kent Rogert, R-o-g-e-r-t, and I'm here today on behalf of LeadingAge Nebraska, an association of nonprofit and government-owned nursing home and assisted livings in the state. Our executive director, Julie Kaminski, was...intended on coming down here today, and you're getting a letter from her that was going to be the testimony she was going to read. The snowing and blowing scared her away from the highways today and I told her to stay home, I'd take care of it. But I just spoke with Senator Campbell this morning, and we think that there could be some changes made in the bill to clarify some points. And there are four points in particular in this...on the sheet I handed to you. I won't read through them but I'll point out a couple things. I think we're concerned about the vagueness of the bill regarding the AIT program. We want to make sure that it's absolutely clear that those folks who are in the program now or are in a program now or are already administrators can be grandfathered in correctly. We have a little concern about preceptor availability out in rural Nebraska as a whole regardless of this bill or not. I think we have several folks that are in these programs that seem to have some trouble finding preceptors because there are such...there's such a turnover in some of these areas like the...even the testifier before said there's a new one every year in some of these spots. So it's a demanding job. And myself or Ms. Kaminski would be happy to work with Ms. Luedtke to address these in the...moving forward. [LB353]

SENATOR HOWARD: Are there any questions for Mr. Rogert? Senator Cook. [LB353]

SENATOR COOK: Thank you. And thank you, Senator. So a preceptor sounds like more of a necessity than I understood a few minutes ago. Can you expound upon that? [LB353]

KENT ROBERT: It's...a preceptor, as I understand it, would be a teacher. [LB353]

SENATOR COOK: Okay. [LB353]

KENT ROBERT: So if you look in item number three... [LB353]

SENATOR COOK: Yes. [LB353]

KENT ROBERT: ...an administrator in training has to commit to four months of an untrained...of unpaid position which you would follow around a preceptor is the way I understand it, so that becomes part of the program, so, yeah. [LB353]

SENATOR COOK: Oh, I see. A shadow...a preceptor-level licensed person, which isn't just a regular old nursing home administrator. [LB353]

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KENT ROBERT: I believe...you have to have a higher degree to be that, yes. [LB353]

SENATOR COOK: Okay. [LB353]

KENT ROBERT: Yeah, and it's...there are preceptors used in lots of healthcare settings to train. And teachers also use preceptors, too, when they go out there and student teaching type of things. [LB353]

SENATOR COOK: Okay. Thank you. [LB353]

SENATOR HOWARD: Other questions for Mr. Robert? Thank you for your testimony. [LB353]

KENT ROBERT: Thank you. [LB353]

SENATOR HOWARD: Anyone else wishing to testify in a neutral capacity? [LB353]

JULIE MASTERS: (Exhibit 4) Good afternoon, Senators. My name is Julie Masters, J-u-l-i-e M-a-s-t-e-r-s. I am a professor and chair of the Department of Gerontology at the University of Nebraska-Omaha. I'm here to provide neutral testimony regarding LB353. As a department focused on the needs of aging adults, we appreciate the effort that is being taken by Senator Campbell and others to ensure those caring for elders are adequately prepared to meet the unique needs of this rapidly growing segment of the population. As the primary provider of gerontological education within the University of Nebraska system, we are committed to ensuring current and future students receive the necessary education to prepare them for current positions and those to be developed. We also have a statewide mandate that requires us to provide education to Nebraskans and beyond both on campus in Omaha and Lincoln as well as online. To that end, in anticipation of the state of Nebraska requiring nursing home administrators to possess a bachelor's degree, we worked with our departmental advisors and faculty in the fall of 2014 to receive approval from the University of Nebraska Board of Regents and the Postsecondary Coordinating Commission to offer a Bachelor of Science in Gerontology. The degree allows students the flexibility to pursue various concentrations including health and administration which are relevant to persons wanting a career in nursing home administration. This degree is available both on campus in Omaha as well as online for persons living in out-state Nebraska. The curriculum we established reflects the current requirements in place for Nebraska. We are aware that there will be changes in the course requirements proposed in the new legislation. We would appreciate having the opportunity to be involved in these discussions from the beginning to ensure we are able to deliver a curriculum that is useful to our current students and those planning to declare this major in the near future. Additionally, our department

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has longstanding relationships with organizations such as LeadingAge Nebraska and the Nebraska Health Care Association. We will work with them in seeking out preceptors who are prepared to oversee the administrator-in-training experience for our students. As a result of this legislation, our expectation is that the number of available preceptors will increase so that our students will be able to stay on track with their plan of study. We intend to work with students to have their AIT hours count toward their degree through practicum credit. UNO has a rich history in working with community colleges throughout Nebraska and the United States in allowing students the chance to continue their education to fulfill the requirements of a bachelor's degree. We intend to work with our colleagues at the community college level to ensure their students are able to transition to a university program of study. Finally, our faculty are experts in the area of long-term care policy and practice. We are prepared to meet the demands that this proposed legislation will generate. Thank you, and I'm open to questions. [LB353]

SENATOR HOWARD: Are there questions for the professor? Senator Baker. [LB353]

SENATOR BAKER: Well, thank you. Is it 640 hours? Is that the AIT, the number of hours required? [LB353]

JULIE MASTERS: Currently what the state of Nebraska requires is 640, yes, sir. [LB353]

SENATOR BAKER: What do you propose to offer in the way of credit hours for that? [LB353]

JULIE MASTERS: So what we would do is we would allow students to take three practicum classes which would be a three-credit-hour practicum for each, 156 hours, or whatever it would take to get to that 640, so that they could get credit for the time they're spending in that particular experience. [LB353]

SENATOR BAKER: So that's...I can see an advantage and disadvantage. On one hand, they're doing this without pay. And it's good they're getting credits for it, but they also not only are not receiving pay, but they're having to pay tuition, 12 hours worth of tuition, during that same time period. [LB353]

JULIE MASTERS: That is correct. The one thing that we try to do for our students that are involved in the bachelor's degree, those that can demonstrate need, whether it's financial need or can demonstrate scholarship, we do make scholarship dollars available. [LB353]

SENATOR BAKER: Thank you. [LB353]

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JULIE MASTERS: You're very welcome. Thank you. [LB353]

SENATOR HOWARD: Senator Crawford. [LB353]

SENATOR CRAWFORD: Thank you. So I just wanted to clarify. In your testimony, you talk about the fact: As a result of the legislation, it is our expectation that the number of available preceptors will increase. Can you make that connection for me? Is that because it will be paid for by tuition and so that will give us an opportunity to pay people to be preceptors? Or what is it in the bill that you think creates the situation that allows us to have more available preceptors? [LB353]

JULIE MASTERS: So what we understand is, and for students that have participated in the AIT program, it is about finding people that are, number one, qualified to be preceptors, but secondly, that would have the time to be able to take a student on. And so as we see the number of our students grow that are pursuing the bachelor's degree, we would have that expectation that there would also be an increase in the numbers of qualified nursing home preceptors that could take our students on for practicum. So the two would have to work hand in hand. If you think about, as the number of our students increase pursuing the nursing home administration path, then we would also expect an increase in the number of preceptors. [LB353]

SENATOR CRAWFORD: Would you expect that to be, like, a clinical faculty position then? So that would be creating an infrastructure that would be having people being paid to be these preceptors through your program? [LB353]

JULIE MASTERS: The...and that's an excellent question. The preceptors would not be paid by the university. Rather, the preceptors are people that have received that designation and are seen as being approved to oversee or to mentor--or I think the word was supervise--or supervise the experience of the individual within the nursing home environment. Just as we have students...all of our students are required, whether they're pursuing a certificate, they're pursuing a bachelor's degree, or for those that are pursuing a nonthesis master's degree, they're required to do a practicum because we believe that while we can talk all day about the aging experience, they have to see firsthand what that means. And so that's where placing them in a nursing home where that preceptor has been given the approval or that designation would be ideal. But just to clarify, we would not pay that preceptor for that. [LB353]

SENATOR CRAWFORD: But instead you would be help...you would be identifying them and helping to connect students to them through your advising of students? [LB353]



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JULIE MASTERS: That is correct. That is correct. [LB353]

SENATOR HOWARD: Thank you. [LB353]

SENATOR HOWARD: Senator Cook. [LB353]

SENATOR COOK: Thank you. I had a question on that same line of testimony, because I wondered, when I first heard it and read it, whether or not it would say that the number of available preceptors will increase by necessity versus automatically. It would...this bill would necessitate an increase in the number of preceptors or whether or not they would automatically appear, a bunch of preceptors ready for this new population. Can I get some more clarification on what that sentence means? [LB353]

JULIE MASTERS: So, Senator, when you said out of necessity, I think that's an appropriate word. That is, we... [LB353]

SENATOR COOK: Would it...would this bill...I'm sorry to interrupt. [LB353]

JULIE MASTERS: Certainly. [LB353]

SENATOR COOK: Would this bill necessitate the creation of more preceptors for the new population of now bachelor's nursing home administrators? [LB353]

JULIE MASTERS: I would see that it would fuel the need for additional people to serve in that capacity... [LB353]

SENATOR COOK: Okay. [LB353]

JULIE MASTERS: ...so people that are already employed as nursing home administrators going through the process of approval to be a preceptor. [LB353]

SENATOR COOK: All right. It...one more. It would fuel that need, and that's another level of licensure and another level of continuing ed? [LB353]

JULIE MASTERS: So that would be a designation that the licensing board would grant to that individual who serves as the preceptor. [LB353]

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SENATOR COOK: Okay. [LB353]

JULIE MASTERS: And so what we're asking is that as this legislation continues to move forward and as it's developed that the licensing board explore ways to grow the pool of people that would be available to serve in that capacity. I think that's the best way to put that, to grow the pool. [LB353]

SENATOR COOK: All right. [LB353]

JULIE MASTERS: I don't think it, you know, with the existing number wouldn't necessarily mean to negate it, but we would hope that we would see an increase. So again for our students, whether they're in Omaha, they're in Lincoln, they're in Scottsbluff, they're in Central City, wherever it is that they are, that there is someone that is willing and ready to take them on to be able to give them that practical experience so that they can be the best nursing home administrator possible. [LB353]

SENATOR COOK: Thank you. [LB353]

SENATOR HOWARD: Senator Riepe. [LB353]

SENATOR RIEPE: Thank you, Senator Howard. Is it fair to say that preceptorship is very much akin to being an internship? [LB353]

JULIE MASTERS: So you could see, there are...the administrator-in-training would be like an internship. And the preceptor would be the supervisor who oversees the activities. [LB353]

SENATOR RIEPE: Sure. Of course now it really is...so you feel a bachelor's degree is important and good? [LB353]

JULIE MASTERS: I do. I do, but I...if I could explain why that is... [LB353]

SENATOR RIEPE: Sure. [LB353]

JULIE MASTERS: ...and as a gerontologist, as someone who...my business is about educating students about aging and about death which is a little off topic, but that's what I do for a living. You know, we have students that come to us and say, I love older people. I want to be able to work with older people. And as someone who has had family who have lived and subsequently

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died in nursing homes--my father is an example--I took great comfort in knowing that the people that were overseeing his care had sufficient education to understand the intricacies and the demands of what his health issues required. And so in coming up with a bachelor's degree in gerontology, what we're doing is we're taking this raw talent, this raw passion that our students have and if you...if any of you had the opportunity to see our students, you would see what I mean, where they have a passion of working with older people. What our job is is about molding that passion to ensure that they meet the regulations, molding that passion to ensure that they stay on budget, molding that passion so that the care that our elders receive is just as good and is as high of a level as we would expect for anyone that would be delivering childcare. But I think we've moved up in terms of our expectations. [LB353]

SENATOR RIEPE: It seems that we're talking about bachelor's degree...they might be in finance or they might be in other...it's not a requirement for a nursing home administrator to move towards a bachelor's degree in gerontology. And my follow-up question is, if a bachelor's degree...would you say a master's degree is even better? [LB353]

JULIE MASTERS: So... [LB353]

SENATOR RIEPE: Where I'm going with this is, you know, and if one can follow this to an illogical conclusion and say, since every nursing administrator should have a Ph.D. and, of course, that's my point. I, you know...I'm not...you know, I think we went through a phase where everyone had to have a bachelor's degree. I mean, it was equal to a high school degree. I think we're coming out of that and we're going back to technical schools and we're going back to a lot of things that...because we've seen a lot of people that are very successful that have not gone to college. [LB353]

JULIE MASTERS: And I... [LB353]

SENATOR RIEPE: But they've been motivated. [LB353]

JULIE MASTERS: They've been motivated, and there are people who have done exceptionally well in life without the benefit of a college education. And I agree with you. I would say...and again, obviously, I'm here, I'm a university professor... [LB353]

SENATOR RIEPE: Sure. [LB353]

JULIE MASTERS: ...so I have a...that bias. I'm honest in terms of my bias on the one hand. On the other hand, though, I take very seriously the challenge and the needs and the demands of

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caring for an aging population, that it isn't just a...simply a matter of giving them breakfast, lunch, and dinner and keeping them in a wheelchair off to the side and wishing them well. It's about having people who can approach the care of our aging adult in a creative manner, in a thoughtful manner, that really enhances this idea of quality of life. We've done a good job, sir, with quantity of life. And I think that's borne out whether you look at nursing home data or hospital data. But what we need to do a better job of is quality of life. And that's what I believe. And the folders that we provided to you include a listing of the courses that we're offering. What we're doing is a focus on, what can we do to enhance the quality of life so that the years I have remaining are fruitful and productive? And every Nebraskan, every citizen of the United States of America, is deserving of a quality of life. [LB353]

SENATOR RIEPE: My piece a little bit is with the bachelor's degree. You know, there's a businessman in Omaha, a guy by the name of Warren Buffett, who only has a bachelor's degree, you know? I mean, he's done reasonably well, so. [LB353]

JULIE MASTERS: I think he's done extraordinarily well. Yes, sir. I would agree with you. And I think when you take an example like Mr. Buffett, you see someone who took advantage of a degree, at that time a bachelor's degree in...1951, I believe, is when he graduated from the University of Nebraska system. Maybe today that would require a higher degree. I'm not sure about that. [LB353]

SENATOR RIEPE: I think he's just smart. [LB353]

JULIE MASTERS: I think he's brilliant. I think he's brilliant. But I do think, as far as what this legislation is proposing and the idea of requiring someone to have a degree...obviously it's my bias that it would be a degree in gerontology. But I think to be able to work with an older population requires someone who has a good foundation, a good understanding of the physical, the cognitive, the emotional, the environmental challenges that can be experienced by an aging population. And I think that that can be realized through a bachelor's degree in gerontology or a bachelor's degree in some other capacity with a focus in gerontology. [LB353]

SENATOR HOWARD: Senator Crawford. [LB353]

SENATOR CRAWFORD: Thank you, Senator Howard. So is part of the preparation or part of the curriculum in your degree helping students prepare for the licensure test? [LB353]

JULIE MASTERS: So the coursework that we currently have in place would be the courses that are currently...that five areas that are currently required by the state of Nebraska in addition to

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the AIT. So in essence, the items that would be included on the test would come out of the information or the curriculum that's currently required, yes. [LB353]

SENATOR CRAWFORD: Okay. Thank you. So someone who completes those courses should do well on the exam? [LB353]

JULIE MASTERS: They should be adequately prepared to take the examination. [LB353]

SENATOR CRAWFORD: Thank you. [LB353]

JULIE MASTERS: That is correct. [LB353]

SENATOR HOWARD: Senator Kolterman. [LB353]

SENATOR KOLTERMAN: You just answered my question. [LB353]

SENATOR HOWARD: Oh, fabulous. All right. Are there any other questions for the professor? Thank you for your testimony. [LB353]

JULIE MASTERS: Thank you very much. Thanks to all of you. [LB353]

SENATOR HOWARD: Happy snow day. [LB353]

JULIE MASTERS: Thank you. (Laugh) [LB353]

SENATOR HOWARD: Anybody else wishing to testify in the neutral capacity? [LB353]

NICK FAUSTMAN: (Exhibit 5) Nick Faustman, Nebraska Health Care Association. Nick, N-i-c-k, Faustman is F-a-u-s-t-m-a-n. The Nebraska Health Care Association is the parent association to a family of entities including the state's largest association for nursing facilities, the Nebraska Nursing Facility Association, or otherwise known as NNFA, and the state's only association dedicated specifically to assisted living facilities, Nebraska Assisted Living Association, otherwise known as NALA. Both NNFA and NALA represent nonproprietary, proprietary, and governmental long-term care facilities, and both associations are neutral on LB353. Rather than read my statement and repeat a lot of what's already been said, I just wanted to reiterate that...well, I'll step back. We...Mrs. Fish did indicate that we had surveyed our membership and we got back roughly a 50 percent response rate. She mentioned that 25 percent

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roughly currently hold associate degrees which is the minimum in current law. Fifty percent was bachelor's degree and the remaining 25 percent was a higher degree, master's. And so I...our association is neutral. I...on one hand, we see a great value in continued education. We would never, ever argue that fact. On the other hand, we have members who are concerned with the future of our state with a perceived shrinking pool of qualified individuals or even individuals who fit the bill, because as was indicated by our last testifier, it's a very tough, demanding job. It's extremely emotionally taxing. And so we do have those concerns particularly in the rural areas. And we also have concerns about the rising cost of care as well. So that all said, we are neutral on LB353. If we might be able to assist in any way going forward, we'd be happy to do that. [LB353]

SENATOR HOWARD: Are there any questions? Senator Baker. [LB353]

SENATOR BAKER: Thank you. Mr. Faustman, do you happen to know...have any idea...I realize there's a whole range of nursing homes in existence in Nebraska but do you have any idea of what these people earn in the way of salary? [LB353]

NICK FAUSTMAN: That depends on a great deal: education, location. I would have to look that information up and get back to you, however, Senator. I...it would be safe, I believe, to say urban areas quite possibly pay better than smaller areas out in the northeast part of the state or northwest. I suppose that's probably fair. [LB353]

SENATOR HOWARD: Senator Crawford. [LB353]

SENATOR CRAWFORD: Thank you. I wondered if you know if facilities...the nursing facilities tend to offer tuition reimbursement or incentives for people who are already in a facility to continue their education. Do you know if that's a common practice? [LB353]

NICK FAUSTMAN: It's not common. [LB353]

SENATOR CRAWFORD: It's not common. [LB353]

NICK FAUSTMAN: No, that's not saying that it does not happen, however. But it is not common. [LB353]

SENATOR CRAWFORD: Thank you. [LB353]

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SENATOR HOWARD: Are there any other questions? Senator Cook. [LB353]

SENATOR COOK: Just to satisfy my own morbid curiosity, you've mentioned that you got a roughly 50 percent response rate which I'm thinking must be this number, 104, on this survey. [LB353]

NICK FAUSTMAN: Yes, um-hum. [LB353]

SENATOR COOK: Are all of the nursing...licensed nursing home facilities or assisted living facilities in the state members of your association? [LB353]

NICK FAUSTMAN: Almost. [LB353]

SENATOR COOK: Almost. [LB353]

NICK FAUSTMAN: We have, I believe, 201 members currently, and I think there are 224 licensed in the state. [LB353]

SENATOR COOK: All right. [LB353]

NICK FAUSTMAN: So we're pretty close to having all. [LB353]

SENATOR COOK: Okay. Thank you. [LB353]

SENATOR HOWARD: Any other questions? No? Seeing none, thank you, Mr. Faustman. [LB353]

NICK FAUSTMAN: Thank you. I just wanted to add, this is my favorite committee as well. (Laughter) So thank you very much. [LB353]

SENATOR HOWARD: All right. Is there anyone else wishing to testify in the neutral capacity? Before we go to closing, Brennen, are there items for the record? [LB353]

BRENNEN MILLER: (Exhibits 6, 7, 8) Yes, Senator, a letter from the Department of Health and Human Services, a joint letter from Fran Hartwell and Theresa Parker, and a letter from the Nebraska Hospital Association. Thank you. [LB353]

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SENATOR HOWARD: Thank you. Senator Campbell, would you like to close? [LB353]

SENATOR CAMPBELL: I thought about just waiving my closing after that remark from Mr. Faustman. I don't know. (Laughter) Colleagues, just real quickly, we will follow up on the studies that Senator Crawford talked about and also try to clarify a little bit more about the precept. I have to tell you that the precept has been there for a long, long time. A good friend of mine who was on the County Board with me became a nursing home administrator and it was sort of like a program in which, if you would think about a student teacher and a master teacher helping them, okay? And that's exactly what happened. I mean, she went to a nursing facility and was there for a period of time under the supervision and tutelage of a current administrator. So precepts have been here for a very long time as far as I can remember. We certainly had an administrator who was a precept, so we often would have students or people coming into Lancaster Manor to do that. But we will follow up, Senator Cook, and try to get a better clarification for you... [LB353]

SENATOR COOK: Thank you. [LB353]

SENATOR CAMPBELL: ...and any other questions that were posed. But we'll try to handle that and we'll visit with them to make sure. Mr. Rogert's point about the amendment, we'll clarify that, too, make sure that they comfortable. [LB353]

SENATOR HOWARD: Are there any other questions for Senator Campbell? Seeing none, thank you, Senator Campbell. [LB353]

SENATOR CAMPBELL: Thank you. [LB353]

SENATOR HOWARD: And this will close the hearing on LB353. [LB353]

SENATOR CAMPBELL: And we're done for the day. [LB353]

SENATOR HOWARD: And we're done for the day. [LB353]