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Health and Human Services Committee
January 17, 2018

[CONFIRMATION LB705 LB706 LB790 LB794]

The Committee on Health and Human Services met at 1:30 p.m. on Wednesday, January 17, 2018, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on a gubernatorial appointment confirmation, LB705, LB790, LB706, and LB794. Senators present: Merv Riepe, Chairperson; Steve Erdman, Vice Chairperson; Sue Crawford; Sara Howard; Mark Kolterman; Lou Ann Linehan; and Matt Williams. Senators absent: None.

SENATOR RIEPE: (Recorder malfunction)...Committee. This is our first committee meeting of this session, and we'd like to welcome all of you to this committee hearing. My name is Merv Riepe. I'm from the Omaha, Millard, and Ralston area, and I represent the 12th Legislative District. I serve as chair of this committee. I would ask the committee members to self-identify, starting on my right with Senator Kolterman.

SENATOR KOLTERMAN: Senator Mark Kolterman, representing the 24th District: Seward, York, and Polk Counties.

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

SENATOR ERDMAN: Steve Erdman, District 47.

KRISTEN STIFFLER: Kristen Stiffler, legal counsel.

SENATOR CRAWFORD: Good afternoon. Senator Sue Crawford from District 45, which is eastern Sarpy County.

SENATOR WILLIAMS: Matt Williams, Legislative District 36: Dawson, Custer, and the north part of Buffalo Counties.

SENATOR LINEHAN: Good afternoon. Senator Lou Ann Linehan, District 39: western Douglas County.

TYLER MAHOOD: Tyler Mahood, committee clerk.

SENATOR RIEPE: I want to thank our pages that were here. I was told last session that I was not to give their names, so they're kind of incognito. I don't know whether that's for protection

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purposes, but we very much appreciate your being here. Thank you, so it's not for lack of appreciation. We're going to start today's meeting with a confirmation. The confirmation will be of Matt Wallen, who's Division of Children and Family Services, and then we will go take up bills in the order posted on the agenda. This public hearing is part of your part of public involvement with the legislative process and it's your opportunity to express your position on the proposed legislation before us today. The committee members will be coming before and during this hearing. Some of them have other commitments at other committees and so you will see them coming and going. We're also...some of them will be on computers and laptops, and that's just the way that we're evolving, if you will, as a legislature (sic: legislature). I have a couple of rules of engagement that I'm going to ask you to abide by and that is to please silent or turn off your cell phones. We have some reserved chairs. It's not quite as important today because we don't seem to have the crowd. But if you are going to testify, please come up to those front seats to help us move the process along. Testifiers are asked to sign in, to hand your orange sheet--we like to deal in colors here--to the committee clerk when you come up to testify. And we were going to ask you to please, spell out your name for the record, and state your name, so that we can get this recorded. We'll ask you to be concise. We are going to be working on a five-minute clock. The way that works is kind of like traffic lights. It'll be green for five minutes, then you get a yellow...or four on the green, one minute on the yellow, and then it will be red, and we'll ask you to conclude at the time when the red light comes on. If it goes beyond that, I may ask you to wrap it up. I'm not trying to be rude; I just...we have to maintain some decorum, if you will. If you will not be testifying at the microphone, but want to go on record as having a position on a bill being heard today, there are white sign-in sheets at each entrance where you may leave your name and other pertinent information. These sign-in sheets will become exhibits in the permanent record at the end of today's hearing. Written materials may be distributed to committee members as exhibits only while testimony is being offered. And hand them to one of our lovely pages over here for distribution to the committee and the staff when you come up to testify. We will need ten copies. Again, with that, Director Wallen is here and he's going to be with us next week, as well. On Wednesday, at 1:00, we're going to have a briefing on the recommendations noted in the two OIG reports that were recently released. On Thursday, we're going to talk about caseloads. And on Friday, we're going to talk about workforce initiatives. Those will be from 1:00 to 1:30. Okay. Mr. Wallen, the presentation is yours.

MATT WALLEN: (Exhibits 1 and 2) Thank you. Good afternoon, Chairman Riepe and members of the Health and Human Services Committee. My name is Matt Wallen, M-a-t-t W-a-l-l-e-n, and I am the director of the Division of Children and Family Services within the Department of Health and Human Services. I have had the privilege to serve in this capacity since August 4, 2017. I appreciate being here before the committee today on the subject of my confirmation, as well as the opportunity I have had to meet with many of you over the course of the past few months. During those meetings, it was important for me to hear directly from you about the opportunities we have to work together to strengthen our child welfare system. I will begin by

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sharing a little about my background and then talk about how I believe we can move forward together. I grew up in a small town in the southern tier of western New York called Olean. It reminds me very much of my current hometown of Gretna. I attended the State University of New York at Fredonia and graduated with a bachelor's degree. During college I completed an internship in my local congressman's district office and was exposed, for the first time, to carrying a caseload and performing constituent services. Upon graduation I began my career in public service, attending graduate school in the evenings at the Columbian School of Arts and Sciences at the George Washington University, where I earned my master of arts degree. Over the course of the last 20 years of my career, I have had the opportunity to lead and work within major public and private systems, as in healthcare, transportation, and public safety systems. In addition, I have had the opportunity to work with thousands of stakeholders at all levels of local, state, and federal governments to advance and implement public policy initiatives throughout the country. While I have served at all levels, from the front line to executive leadership, the most rewarding has always been directly assisting constituents to meet their needs. More recently, I served as chief of staff for the Nebraska Department of Health and Human Services. This allowed me to work directly with Courtney Phillips, our DHHS CEO, on the day-to-day operations of the department and other important initiatives. It also afforded me the opportunity to work with each of the divisions within the department, to understand each of their initiatives and priorities, and see how those priorities can be achieved by working together as one department instead of individual divisions. This has improved access, improved customer service and, ultimately, improved outcomes. Since being appointed director, I have identified divisional priorities to include: 1) early intervention and prevention services to keep families out of the system when it's safe to do so, 2) supporting our team in the field to reduce CFS specialist turnover rate, and 3) identifying children in care for over two years and developing strategies to return them to permanency. I have several other ideas but, if we can make progress on these priorities, it will significantly move the division towards stabilizing the system and improving outcomes. I would like to spend a few minutes during this hearing discussing our progress toward addressing these priorities. With regard to prevention and early intervention, CFS supported the Bring Up Nebraska launch in September. This effort will support 11 collaborative efforts throughout Nebraska to serve children and families in their communities. CFS also started pilot program to refer hotline intakes that screen out for abuse and neglect but give rise to potential poverty concerns, to a community-based response system. The pilot was restricted to the Fremont area and proved to be successful. We were able to assist six referrals, but we need to expand to an area where we can serve the larger population. The CFSS turnover rate was 32 percent from July 2016 to July 2017. Since then I have visited several offices in the field, made some leadership changes, and listened to our team members to determine what could be done to support and improve the culture at all levels. After making just a few changes, I went in and measured turnover from July 2017 to December 2017 to see if our efforts were resulting in any improvements. They have. From July to December, the turnover rate decreased to 19 percent. I am confident we are off to a good start. Another operational improvement project, one that will

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have a positive impact on our initial assessment team, just went into pilot this month. We realized that, in its current state, the intake process required 131 steps and 8 rework loops and resulted in lead and processing time of anywhere between 5 to 166 days. So we mapped out changes to make the process more efficient. The newly implemented changes require only 83 steps and 2 rework loops, significantly cutting back on the lead and process times. The new lead and processing times will be between 4 to 30 days. Again, this pilot just launched in January, so we will see what adjustments need to be made and continue to measure the results against our baseline. CFS has also taken additional steps to assist youths in the system for extended periods of time. In August we identified 362 state wards that had been in state custody for at least three years and out-of-home care for two years. I worked with the service areas to highlight these cases, identify barriers to permanency, and to make every effort to get them home as soon as possible. Since August, we got over 119 to permanency. Recently, we expanded the scope of this intensive review to include youths out of home for over two years, in working with the FCRO to identify over 600 in out-of-home care for two years or more. We are in the process of establishing a work group to dig into each of these cases and to prioritize placing those youths into permanent homes. Before I wrap up, I would just like to mention the Children and Family Services review conducted last summer. In November I hosted a briefing for the federal Children's Bureau to formally inform Nebraska and our stakeholders about the CFSR results. We had over 150 attend the report out and corresponding small group work sessions. This was vitally important as we gathered stakeholder input for the development of the state's program improvement plan. We will continue to collect feedback and will have the draft program improvement plan in pretty good shape by the end of January. We have to submit that, and negotiations will likely begin in late February. I will stop there. We have a lot going on. As I have stated before, we will continue to be inclusive to everyone, accessible, open, and transparent as we work on these important projects. I want your feedback, as well as that of other stakeholders who have an interest in improving Nebraska's protection and safety and public assistance programs. I appreciate your consideration of my confirmation and the time allotted me to testify today. I am grateful for the opportunity to serve Nebraskans as director of the Division of Children and Family Services. And with that, I would be happy to answer any questions you might have. [CONFIRMATION]

SENATOR RIEPE: Thank you very much. We'll open it up to the committee then. Are there questions from the...Senator Crawford. [CONFIRMATION]

SENATOR CRAWFORD: Thank you, Chairman. And thank you, Director, for being here today. Those are some impressive results in a short time period, so (inaudible) to be commended for working on those and especially...reducing turnover is critically important. It isn't listed as one of your three priorities, but I wondered if you'd be willing to discuss your preparations for increasing licensure for kinship and relative homes? [CONFIRMATION]

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MATT WALLEN: It's something that is certainly on the forefront of our attention. The recent report that came out also brought that to light, and that was a recommendation we accepted. So it's something we'll take, you know, time to thoughtfully consider and, hopefully, in the coming months have more of a proposal or some ideas on how to approach that. [CONFIRMATION]

SENATOR CRAWFORD: Is there a time line in your office of how we're preparing for when the IV-E waiver disappears, to make sure we're getting licensures up as we hit that deadline? [CONFIRMATION]

MATT WALLEN: That's kind of our time line as we work through it. It's June of 2019 that that waiver expires. [CONFIRMATION]

SENATOR CRAWFORD: Yeah. [CONFIRMATION]

MATT WALLEN: So this year and into next year is really our crucial time. So we've already had some initial technical assistance sessions with the Children's Bureau and ACF to help--what does life after the waiver look like--so we've got that in mind. I'm also starting to look at what some other states did, as far as licensure for those relative and kinship homes. [CONFIRMATION]

SENATOR CRAWFORD: Great. Thank you. [CONFIRMATION]

SENATOR RIEPE: Any other questions? Senator Howard. [CONFIRMATION]

SENATOR HOWARD: Oh. [CONFIRMATION]

SENATOR ERDMAN: Go ahead. [CONFIRMATION]

SENATOR HOWARD: Sure. So one of the...and I'm very glad that you're with us. I get really good feedback about the work that you're doing and how transparent you are, and I love hearing that. Can you tell me a little bit about how you're measuring turnover? [CONFIRMATION]

MATT WALLEN: I'm measuring it...basically when someone leaves that position... [CONFIRMATION]

SENATOR HOWARD: Okay. [CONFIRMATION]

MATT WALLEN: ...vacates that position. [CONFIRMATION]

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SENATOR HOWARD: Okay. So even if they remain in the department and get promoted.
[CONFIRMATION]

MATT WALLEN: Right. I count it...if it's a position I have to recruit and train for, then I count that as turnover. [CONFIRMATION]

SENATOR HOWARD: Okay. And then the other question I had was just about wording. What is a rework loop for IA? [CONFIRMATION]

MATT WALLEN: Oh it's...it really has to do with kind of duplicative work where multiple people are looking at and signing off on the same thing. And it's not really adding any value to the process or to the staff. [CONFIRMATION]

SENATOR HOWARD: So when you talk about there are two rework loops, that means that maybe a supervisor is looking at the investigation or the assessment that's being done and then somebody else is also looking at it? [CONFIRMATION]

MATT WALLEN: Right. You might send it to, say, the case manager handling the case and then a supervisor, and then it might come back and have an administrator relook at it. And it just kind of sends it back in the process, and it adds time and review that doesn't add value to it.
[CONFIRMATION]

SENATOR HOWARD: Why would we do that? [CONFIRMATION]

MATT WALLEN: That's a...it's a good question. We had what I identified as eight rework loops in the process. [CONFIRMATION]

SENATOR HOWARD: Um-hum, um-hum. [CONFIRMATION]

MATT WALLEN: And it's one of those things. When we started to look into the process improvement, we asked a lot of those same questions of why are we doing something. And we found that there was a lot of duplicative work. [CONFIRMATION]

SENATOR HOWARD: Um-hum. [CONFIRMATION]

MATT WALLEN: There was a lot of paperwork that was required to be done, but no one knew why they were doing it, and no one knew why they were receiving it. So we went back and really

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looked at that process, and that's where we came down from 183 steps down to 86 steps.
[CONFIRMATION]

SENATOR HOWARD: And that still meets, sort of, our investigation standards for an initial assessment? [CONFIRMATION]

MATT WALLEN: Absolutely, yep. [CONFIRMATION]

SENATOR HOWARD: Okay. And then... [CONFIRMATION]

MATT WALLEN: If I can add...I don't mean to interrupt you, but... [CONFIRMATION]

SENATOR HOWARD: Oh, yes, sure. Please. [CONFIRMATION]

MATT WALLEN: I think it actually adds...where we took out some of those reviews and administrator approvals... [CONFIRMATION]

SENATOR HOWARD: Um-hum. [CONFIRMATION]

MATT WALLEN: ...it really allows our case managers to make decisions that they were trained to make and utilize their experience. And really, it's at the end of the process we have...we call them a PAS that goes in, program assurance specialist, that goes in and relooks at it...
[CONFIRMATION]

SENATOR HOWARD: Um-hum. [CONFIRMATION]

MATT WALLEN: ...at the end of the process... [CONFIRMATION]

SENATOR HOWARD: Okay. [CONFIRMATION]

MATT WALLEN: ...to make sure everything was followed and to make sure the screening tool was held to the fidelity of the tool. [CONFIRMATION]

SENATOR HOWARD: Okay. And how quickly does that happen, that a PAS person looks at it, because you're using the IA to make a decision about what's going to happen to a child? So what's the time line for it? [CONFIRMATION]

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MATT WALLEN: Oh, it doesn't add time to it. It's immediately, it's... [CONFIRMATION]

SENATOR HOWARD: When they finish the IA? [CONFIRMATION]

MATT WALLEN: Yeah, um-hum. [CONFIRMATION]

SENATOR HOWARD: Okay, perfect. And then I wanted to ask you about our IV-E penetration rate, because that's...that's my big deal. [CONFIRMATION]

MATT WALLEN: Yes. [CONFIRMATION]

SENATOR HOWARD: I want to make sure we have enough money... [CONFIRMATION]

MATT WALLEN: Right. [CONFIRMATION]

SENATOR HOWARD: ...to support these kids when they're in a home placement.
[CONFIRMATION]

MATT WALLEN: Yes. [CONFIRMATION]

SENATOR HOWARD: So how is that going? [CONFIRMATION]

MATT WALLEN: Well, what I've done is looked at some...trying to rebuild history a little bit...
[CONFIRMATION]

SENATOR HOWARD: Um-hum. [CONFIRMATION]

MATT WALLEN: ...but look at kind of the history of it and it's gone down in recent history.
[CONFIRMATION]

SENATOR HOWARD: Right. [CONFIRMATION]

MATT WALLEN: And the last that I've seen is our penetration rate was at about 15 percent, which is historically low. And it's...it's not good. But we also...I saw in 2010 there was a significant body of work where a consultant came in and reviewed our IV-E...
[CONFIRMATION]

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SENATOR HOWARD: Hmm. [CONFIRMATION]

MATT WALLEN: ...eligibility process and reviewed our penetration rate. And there was about 36 recommendations that were made by that consultant. [CONFIRMATION]

SENATOR HOWARD: Um-hum. [CONFIRMATION]

MATT WALLEN: So what I've asked, as my initial step, to go back and look at those recommendations, understand which ones have been implemented, which ones haven't been, how effective are they, and then how can we move forward with some, some expertise on what are some strategies around increasing that penetration rate because, as we talked about before with the IV-E waiver, that penetration rate is vitally crucial to enhancing our federal match. [CONFIRMATION]

SENATOR HOWARD: Absolutely. No, thank you for looking at that. The last question I have is sort of interrelated, and I know we're going to talk about caseloads later in the week. [CONFIRMATION]

MATT WALLEN: Um-hum. [CONFIRMATION]

SENATOR HOWARD: But maybe, can you give me a better understanding...I know that you've asked the Legislature for more money for this division. [CONFIRMATION]

MATT WALLEN: We have. [CONFIRMATION]

SENATOR HOWARD: Can you give me a better understanding of how you plan on utilizing those funds specifically? [CONFIRMATION]

MATT WALLEN: Yes. I look at that request to the Legislature for that additional funding as just a vital investment, an important investment in our children of Nebraska. But really, it will go from...to address the concern that we've seen of increased intakes into the system and increased utilization of the services that we're using. What we did is we looked at some historical data on the intakes over time. And we've seen it steadily uptick in the number of state wards and in the number of out-of-home. And we've also looked at some service history and what different services have cost us and how those have trended. So we actually, for the first time, did some forecasting and kind of predicted that, well, if we stay on this trajectory, we're going to need additional funding... [CONFIRMATION]

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SENATOR HOWARD: Yeah. [CONFIRMATION]

MATT WALLEN: ...to keep the lights on through June, essentially. So in order to not disrupt services and in order to continue to serve the kids in our care, we made a determination and so we need to put forward some...a request for some additional funds. [CONFIRMATION]

SENATOR HOWARD: But what are you going to use them for? [CONFIRMATION]

MATT WALLEN: To serve kids. [CONFIRMATION]

SENATOR HOWARD: So is it for more caseworkers? Is it for residential services? What does that look like? [CONFIRMATION]

MATT WALLEN: It...the request is in the aid budget. So it won't add additional funds for additional caseworkers... [CONFIRMATION]

SENATOR HOWARD: Okay. [CONFIRMATION]

MATT WALLEN: ...which is in the administrative side of the budget. [CONFIRMATION]

SENATOR HOWARD: Sure. [CONFIRMATION]

MATT WALLEN: What it will do is look at services and what services and how we utilize our services, in terms of intensive family preservation. [CONFIRMATION]

SENATOR HOWARD: Right. [CONFIRMATION]

MATT WALLEN: And are we making an investment on these front end to spend a little more on an intervention to serve a child and a family versus using a cheaper intervention for six months or a year when we can use a more expensive intervention for six weeks and get much better results. So we'll go to look at our service array and how we're essentially serving the children in our care. [CONFIRMATION]

SENATOR HOWARD: Okay, thank you. [CONFIRMATION]

MATT WALLEN: Sure. [CONFIRMATION]

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SENATOR RIEPE: Senator Erdman, did you have a question? [CONFIRMATION]

SENATOR ERDMAN: Yes. Thank you, Chairman Riepe. Thank you for coming today. You covered some of this with Senator Howard, but I see in your comments, you...the intake process was 131 steps and 8 reworks. [CONFIRMATION]

MATT WALLEN: Um-hum. [CONFIRMATION]

SENATOR ERDMAN: And so you changed that to 83 and 2 reworks. And I appreciate that, that you did that to make it more efficient. Is 83 the number or is there going to be less than that? [CONFIRMATION]

MATT WALLEN: Right now, the way we do it is we map out the current state and then we map out what's the ideal future state, and then we run a pilot and see if we need to adjust, based on our projected future state. So right now that's where we're at. I would like to see it go down a little more, but I'm not sure. So we'll see, once the pilot runs for six months, and go in and evaluate and see if we can make further adjustments to the...to the process. [CONFIRMATION]

SENATOR ERDMAN: Okay, thank you. [CONFIRMATION]

SENATOR RIEPE: Before you go into a pilot then, do you go into a modeling, running hypotheticals and then this is how it probably will come out under a pilot? [CONFIRMATION]

MATT WALLEN: We do. When we put a project team together, it's crucially important. It's really...it involves a lot a caseworkers and supervisors and administrators from the field and across the state that come together and say this is how it really works. And it has...it has some administrators and some folks from central office but, really, it is a process that's driven by the team on the field, that works and lives in this world every day. And when we...when they map out and we map out what it truly looks like and what truly is the future state, they know what steps make sense and they know what steps don't make any sense or add any value. But they do it because some policy document says to do that step. So we certainly work through it and we refine it and they put it into these Vizios that's about the size of a wall and walk through it, and things like that, and then we write some guidance documents and standard operating procedures. And then we launch the pilot. I think it took us a month or two when we finished the process before we actually launched the pilot. [CONFIRMATION]

SENATOR RIEPE: Sounds like you're trying to eliminate as many hypotheticals as you can to get to it, which makes sense. [CONFIRMATION]

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MATT WALLEN: Yeah. [CONFIRMATION]

SENATOR RIEPE: Are there other questions from the committee? Seeing none, thank you very much for being here. We appreciate it, and we look forward to seeing you next week. [CONFIRMATION]

MATT WALLEN: Thank you. I appreciate the opportunity today. [CONFIRMATION]

SENATOR RIEPE: Thank you. Are there any proponents, people that would like to speak on behalf of Matt? Seeing none, any opponents? Are there any neutral presenters? Seeing none, that concludes the hearing on Mr. Wallen for the director of Children and Family Services. Thank you very much. Next we will take up LB790, which is a Senator Ebke bill. Do you see Senator Ebke? Okay, we'll just skip over that. Or is this... [CONFIRMATION]

SENATOR HOWARD: Should we call her?

SENATOR KOLTERMAN: I can do mine and then come back for her, if you want to...the first one.

SENATOR RIEPE: Let's do this. Let's go on to LB705, with the good Senator Kolterman, on the licensure requirements for estheticians and instructors. Senator Kolterman, if you would...not that we don't know you, but if you'd be kind enough to introduce yourself and... [LB705]

SENATOR KOLTERMAN: Good afternoon, Chairman Riepe, fellow members of the Health and Human Services Committee. I'm Senator Mark Kolterman, M-a-r-k K-o-l-t-e-r-m-a-n. I represent the 24th District in the Nebraska Legislature. I'm here today to introduce LB705, a bill that changes the licensure requirements for an esthetician and an esthetician instructor. This is one of two bills that I'm introducing as a result of dissecting LB343 during the last session. LB705 clarifies for that...that for licensure as an esthetician, the program of studies consists of a minimum of 600 hours, and not 600 hours plus 600 credits. This bill does not decrease the amount of schooling that is needed for a license. LB705 also adds that, for licensure as an esthetics instructor, that the instructor have a current Nebraska license and two years of experience as an esthetician, immediately prior to application, for a license as an esthetics instructor. The Nebraska chief medical officer, Dr. Tom Williams, is--should be--here and will be providing additional testimony regarding this legislation. Thank you and I'm happy to answer any questions. [LB705]

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SENATOR RIEPE: Thank you very much. Are there any questions? Obviously you did an excellent job, so thank you, sir. Do we have any proponents that would like to talk in support of LB705? Are there any opponents? If you would be kind enough to introduce yourself and spell your name, please, for the record. [LB705]

PAM ROWLAND: (Exhibit 1) Good afternoon, Senators. My name is Pam, P-a-m Rowland, R-o-w-l-a-n-d. I am here to speak--and I appreciate the committee's time and the chairman--for the State Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art. The Nebraska Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art is in opposition to LB705, as introduced this legislative session. Licensed cosmetologists, estheticians, and nail technicians currently all have to complete an instructor's program. LB705 removes the requirement of an instructor program for esthetics. All of the instructors' programs, esthetics, cosmetology, and nail technology, all take the same examination to become a licensed instructor. All three professions should be equally the same in the instructor's program. Currently in Nebraska, esthetician instructor must complete a 300-hour program to become licensed. We oppose LB705, which states an esthetics instructor only needs two years of work experience in lieu of the instructor's program. The instructor program imports knowledge on lesson plan development, skill evaluations, ethics, student skill development, and mentoring, to name a few. The esthetics student instructors, by statutes, may be paid while enrolled in the program. Removing the educational requirement, by allowing two years experience in lieu of, will not lead to earlier employment for the esthetics instructors. Esthetic student instructors can be paid while enrolled in the program. This will just decrease the teaching ability of those not required to be formally trained as an instructor. Esthetics, cosmetology, and nail technology instructors pledge a commitment to the profession of teaching and education. Achieving an instructor's license is a higher career path to formal education and professionalism. In conclusion, the safety of the public could be compromised if we allow untrained instructors to teach these programs. Thank you. I am open for any questions. [LB705]

SENATOR RIEPE: Thank you very much. Are there questions from the committee? I have a question. Now are you an instructor? [LB705]

PAM ROWLAND: I am a licensed nail technology instructor. [LB705]

SENATOR RIEPE: Okay. And do you work for or do you own a school? Or... [LB705]

PAM ROWLAND: I own a school. [LB705]

SENATOR RIEPE: You own a school, okay. Very good. Are there other questions? Hearing none, thank you very much for being here today. [LB705]

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PAM ROWLAND: Thank you. [LB705]

SENATOR RIEPE: Thank you. If you'd be kind enough to state your name and spell it. [LB705]

JACKIE HORNIG: (Exhibit 2) Yes, my name is Jackie Hornig, J-a-c-k-i-e H-o-r-n-i-g, and I have a few handouts coming out for you. And I am a licensed instructor of 33 years, licensed in the state of Iowa and the state of Nebraska. And in Iowa I did not have to have teacher training. I was just...so I have experience of having years of experience and then going into the school environment, coming to Nebraska and then required to go back for instructor training. So I can speak for a person with experience going to a school environment. And I would say now, 33 years later, I'm very thankful for the educational training that Nebraska required because here I am, 33 years later. If I was an unqualified educator and didn't have success, I couldn't say that I was still going to teach in the field. So I have a handout for you with the visuals. I'm going to save the last page; that's just for reference. But really, my point today--and I'll be very brief--is that the day-to-day activities that a licensed esthetician does in a salon does not reflect the requirements of what it takes to be a successful teacher. So if I'm in the salon or the spa, performing esthetic services, that doesn't give me teaching skills. So when I go back to school to become a licensed educator in the short 300 hours of what it takes, then I'm going to learn the skills. And I referenced--did you ever teach your child how to drive a car? You know, sometimes because you're a great driver doesn't mean that you have the skills to impart those skills on to someone else. So you have to be able to impart knowledge, increase student engagement, assist with a student who struggles with passing written exams, identify students with learning disabilities, not to mention develop critical thinking skills to prepare for situations that could cause physical harm to themselves or others. The photos that I have attached to you, is actually a service done by an esthetics student with information from a licensed esthetician. What they call is double dipping. This is a microdermabrasion service with a chemical peel performed directly afterwards, commonly done in the salon or the day spa. As a licensed esthetician, I could perform this service safely because I have the skills necessary to evaluate the skin, contraindication, and know the services and all of the chemicals of all the products. This service done on this client, and you can see the physical damage caused to her was done by a student that heard, hey, this is what they do in the salons. And so they just feel with their skill level, I can do it, as well. So what I might do in the salon, at my skill level, does not qualify me to teach and evaluate a student and say, I know where you're at, I know your abilities, I know where you're at in the training. So then I'm going to assign you different services or I'm going to change my chemical formulation to what I will allow you to do for the student sitting next to you because, as a qualified teacher, I'm able to evaluate their skill level and see how far they are and how capable they are. And without having training on how to learn that and how to be able to evaluate a student's services and their skill ability, I think you're setting us up for disaster. So most things that you see, I've also attached the required regulation for what happens during the 300 hours the teacher is instructed so, if you didn't have that available, you have a fresh copy for you that's

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current regulation. And as you can see, what we're teaching them is how to teach, how to write lesson plans, how to coach students, how to supervise procedures performed in demonstrations, evaluate by written and practical rubrics, how to write a rubric. None of those things are done by an esthetician with two years experience in the spa every day. So I feel they're not automatically qualified. 300 hours is a very short period of time and a short expectation to prepare them for a new career. I am an educator. I started out as a cosmetologist, but my career for 33 years is teaching; it's not just performing skills. So with that, again, it's a licensed...or it is in Statute 38-10,104(4), which allows schools to pay esthetics instructors. So this isn't...300 hours is not, you know, it's not a barrier to a job, because our licensed teachers are paid. So they are paid while they are in training, so it's not delaying a career, because they can be paid while they're in training. So thank you. Any questions? [LB705]

SENATOR RIEPE: Thank you. Are there questions from the committee? Senator Williams, please. [LB705]

SENATOR WILLIAMS: Thank you, Chairman Riepe, and thank you for being with us today. And can I assume...can you tell...are you with a school also? [LB705]

JACKIE HORNIG: Yes. [LB705]

SENATOR WILLIAMS: Can you tell me a little bit about the 300 hours and then the cost of that 300 hours? How long does it take an enrollee to acquire or end up with the 300 hours? [LB705]

JACKIE HORNIG: It's about 60 days, 8 weeks max, depending on, of course, their level of engagement. Some students want to go part-time and then some students full. Full for us is 35 hours a week. Our standard tuition for that is \$5,000, but we offer a scholarship program for our students. So if they continue to stay on and work at the school, then they don't...they have to pay no tuition. I pay them while they're enrolled, and then I do a work agreement: if you stay here to work for us after you graduate, no tuition is charged. [LB705]

SENATOR WILLIAMS: So when they are in school... [LB705]

JACKIE HORNIG: Um-hum. [LB705]

SENATOR WILLIAMS: ...and doing work for you, they are paid for the work that they do at that point. [LB705]

JACKIE HORNIG: Yes, yes...yes they are, anywhere from \$16 to \$18 an hour. [LB705]

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SENATOR WILLIAMS: Okay. When they complete the training, are they licensed then, in any form? [LB705]

JACKIE HORNIG: No, they have a diploma, and we prepare them to sit for that state board exam. So once they're done, then they have to go and take a state board exam required by the state of Nebraska. [LB705]

SENATOR WILLIAMS: Okay, thank you. [LB705]

JACKIE HORNIG: Um-hum. [LB705]

SENATOR RIEPE: Senator Crawford. [LB705]

SENATOR CRAWFORD: Thank you, Chairman. And thank you for being here. Just to clarify, is the state board...are you talking about a state board exam for instructor license? [LB705]

JACKIE HORNIG: Yes. [LB705]

SENATOR CRAWFORD: Okay. [LB705]

JACKIE HORNIG: It is the same for nail instructors, cosmetology instructors, and esthetics instructors. So it's not on the practical skills; it is on the teaching ability. So it's a teacher exam, not a practical esthetician exam. [LB705]

SENATOR CRAWFORD: Okay. And that's currently in...the exam for that? [LB705]

JACKIE HORNIG: Yep. Yes, yes. [LB705]

SENATOR CRAWFORD: Thank you. [LB705]

SENATOR RIEPE: Senator Linehan, did I see your hand up? [LB705]

SENATOR LINEHAN: You did. Thank you, Mr. Chairman. [LB705]

SENATOR RIEPE: Thank you. [LB705]

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SENATOR LINEHAN: So if I...thank you for being here, Ms. Hornig. If I have a teacher's license in any of these fields, does it cover the other fields, or do I have to have a different teacher's license for each field? [LB705]

JACKIE HORNIG: A cosmetology license covers hair, skin, and nails. Esthetics nail technology...a nail instructor can only teach nails and an esthetics instructor is only qualified to teach esthetics, but cosmetology license covers all three of those. So if I go to the full 925 training, then I can teach all three. [LB705]

SENATOR LINEHAN: Okay, so how long do I have to go to be a cosmetologist instructor? [LB705]

JACKIE HORNIG: Currently, it's 925. [LB705]

SENATOR LINEHAN: 925 hours? [LB705]

JACKIE HORNIG: 925, yes. With some conversation of bringing that down to 600, but that would be in another bill that's hopefully going to come. [LB705]

SENATOR LINEHAN: Okay. So I can go 925 hours, which would cost me how much? [LB705]

JACKIE HORNIG: \$5,000. [LB705]

SENATOR LINEHAN: So I pay the same for 300 hours as I pay for--for whatever this bill is--300 hours as I do for 925 hours? [LB705]

JACKIE HORNIG: Let me look back to make sure because I'm...right. Yes, currently it is the same, yep. Again, we don't charge it because...we haven't charged a student instructor for over 15 years. We always scholarship it in...come in, stay with us and work for us, and there's no tuition. [LB705]

SENATOR LINEHAN: Well, but what if they left and they...they stayed there long enough to get their stuff to complete the course. [LB705]

JACKIE HORNIG: Complete the course. [LB705]

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SENATOR LINEHAN: And then they decided...somebody else offered them a job that paid more than you were paying... [LB705]

JACKIE HORNIG: Um-hum. [LB705]

SENATOR LINEHAN: They would have to pay the student...they'd have to pay it. [LB705]

JACKIE HORNIG: Yes, it's prorated out over...we prorate it out...again, each school is going to make their own determination, but we prorate it out over a 24-month period. So if you... [LB705]

SENATOR LINEHAN: Over--I'm sorry--how many? [LB705]

JACKIE HORNIG: 24 months. So if you could (inaudible)... [LB705]

SENATOR LINEHAN: So if they leave you any time during that 24 months, do you go back and charge them for the whole thing, or do you just charge them for the months...okay. [LB705]

JACKIE HORNIG: Yeah. [LB705]

SENATOR LINEHAN: Okay, thank you. [LB705]

JACKIE HORNIG: Yep. [LB705]

SENATOR RIEPE: I have a question. How do you determine who is qualified to become an instructor? Is that, sort of after some period of time, a self-declaration? [LB705]

JACKIE HORNIG: You mean when they come in and say I would like to become a teacher? Or at the end of the progress? Well... [LB705]

SENATOR RIEPE: Yes. They want to become an instructor or a teacher--whatever you call them. [LB705]

JACKIE HORNIG: Okay, thank you. It's an interviewing process, just like I'm going to hire you. So if you come in, you have to have the qualifications. First of all, you have to be compassionate. You have to have a desire to teach. A person that says I'm really tired of working in the salon, it's too hard, I want to come here where I get paid by hour instead of paid commission, and I want

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insurance, 401K, and benefits...that's really not what we're looking for. We look for a person that really has a desire to teach and to share their skill and their knowledge with other people. So if it looks like you have...you're a teacher, then we enroll you in the process. At the end of the process then, of course, they still have to sit for their state board exams. And then the state of Nebraska determines whether they're qualified to be a teacher or not. [LB705]

SENATOR RIEPE: So within your own school you would have a succession plan of some kind that... [LB705]

JACKIE HORNIG: Um-hum, um-hum. [LB705]

SENATOR RIEPE: ...said if something happens to me then this is where we go. [LB705]

JACKIE HORNIG: Um-hum. [LB705]

SENATOR RIEPE: Okay. The other question that I have is I thought I heard you say that students have to write a lesson plan. Is that right? [LB705]

JACKIE HORNIG: Yes, yes. [LB705]

SENATOR RIEPE: Not a care plan, but a lesson plan? [LB705]

JACKIE HORNIG: A lesson plan. If I was going to teach you how to do a microdermabrasion, then a teacher has to sit down and we have to teach them how to write a course outline. They have to learn how to write a syllabus. They have to learn daily, written, and practical lesson plans is what our teachers are taught during the teacher program. So it is a teaching program on how to teach students, how to mentor. They have to make practical rubrics, they have to make written exams...of course. So it's a teaching program. [LB705]

SENATOR RIEPE: Have you had any applicants that you rejected and then they appealed and said it was discriminatory, or whatever they might say? Have you ever have that experience? [LB705]

JACKIE HORNIG: No, not in my 31 years here in the state of Nebraska. No, no. [LB705]

SENATOR RIEPE: Okay. Okay, are there other questions? Seeing none, thank you very much for being here. [LB705]

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JACKIE HORNIG: Thank you. [LB705]

SENATOR RIEPE: We will continue on with opponents, and then what I'm going to do is I'm going to come back around, after we complete the opponents, I'm going to come back around to the proponents again, which will afford Dr. Williams an opportunity, if he so chooses, to testify. Thank you. So please introduce yourself as an opponent. [LB705]

LINDA POCHOP: Hi. Good afternoon, Senators. Yes, I am a proponent to this bill. My name is... [LB705]

SENATOR RIEPE: Did you say proponent or opponent? [LB705]

LINDA POCHOP: Opponent, sorry. [LB705]

SENATOR RIEPE: Okay, okay. [LB705]

SENATOR CRAWFORD: Oh, okay. [LB705]

LINDA POCHOP: (Exhibit 3) I am Linda Pochop, L-i-n-d-a P-o-c-h-o-p, and I am director of education for the Xenon Academies. And I have...in the handout that you have coming out, again this is kind of talking about what we're doing in those 300 hours of the esthetics instructor training. Now my job is a little different because I also help to work with the Colorado campus. And the Colorado campus has a similar...or the Colorado...state of Colorado has a similar...only two years of teaching or salon experience is required before somebody can become an educator with no formal training. And I can tell you, from a standpoint of going in and training in both campuses, those educators are at a complete disadvantage, because they have not gotten the skills that they need to qualify every day to stand in a classroom. It puts them at a disadvantage, and it also puts the students at a disadvantage, because they have a lot of faux pas that they're going to do while they are on the job training, because nobody is there to kind of lead that direction. One of the things, when you're talking about who it is when they're coming in to become an educator, how do make those decisions? We have a system that we bring in after the student or the prospective student educator comes in. We have them do videos of showing demonstration of those technique and, for like demonstration purposes, lecture, where they have to submit videos. They do...we put them through product knowledge information. We....we'll have them interview and shadow with other educators in our schooling system. And the process generally takes us about--I'm going to say--six hours...six, seven, eight hours sometimes, depending on what we're looking for, to make sure that that person is really interested in becoming a teacher, again because we all think we know what it's going to be like to teach until

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you come in to do that. And the first time a student challenges you on information that you're giving and you don't know how to respond to that correctly, it could make or break you in your, you know, the entire school. Having that ability to, again, make sure that students are being properly educated on things, because everybody is very familiar with somebody who does some type of work and they start to cut corners. And making sure that somebody is not cutting corners, so we don't have examples of like the pictures that you saw, because that's as simple as that came from; that's somebody cutting a corner that could've caused permanent scarring to that person's face because what I did is not, you know, necessarily what the rule should be, but it has worked for me. So making sure that the public is safe, making sure that the students are getting a great education is our concern. And I really think that's the whole thing here. I want to make sure that the students that are coming into this industry are going to get the same kind of quality education that our students are receiving now because I can see, from campus to campus, the difference between the educators. We have trainings where we bring in the campuses, because we have three campuses--one in Colorado and two here in Nebraska--and we'll have trainings where we have all three campuses in together to do additional training for them. And it's remarkable to see the differences in...that that teacher training gives them. We have brought, you know, Pivot Point, which is a major educational forum...have, you know, have them comment, too, like on the experience that they have with those teachers that don't have as much training, because there's nothing required by the state. So that would be, you know, our biggest fear is that we're putting people that are seemingly qualified into a position of education, and that they're not truly qualified to put that task at hand and to give those students the education they deserve. And that's... [LB705]

SENATOR RIEPE: Okay. Senator Williams. [LB705]

SENATOR WILLIAMS: Thank you, Chairman Riepe. And thank you, Ms. Pochop, for being here. So we're really talking about two kinds of schools: one that--and I think my question is do you operate both these? One is to train the people that are going to be in the salon performing... [LB705]

LINDA POCHOP: Yes. [LB705]

SENATOR WILLIAMS: ...and one to train the instructors that will be in your school. [LB705]

LINDA POCHOP: Yes. [LB705]

SENATOR WILLIAMS: How many schools are there that train the people that will be performing esthetics in Nebraska? [LB705]

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LINDA POCHOP: Every cosmetology and esthetics school has the opportunity, as long as they have put that in place with the department--Nebraska Department of Education--to offer that program, can complete that program. [LB705]

SENATOR WILLIAMS: And do... [LB705]

LINDA POCHOP: So there's not a requirement, a separate requirement from the schools, to do that, as long as they have put in place a curriculum with the state...the cosmetology board, and the Department of Education any cosmetology or esthetics school. [LB705]

SENATOR WILLIAMS: Right. And as far as you know, do all of those schools also train instructors? [LB705]

LINDA POCHOP: Yes. [LB705]

SENATOR WILLIAMS: So they provide that training also. [LB705]

LINDA POCHOP: In...yes. [LB705]

SENATOR WILLIAMS: Across the state do we have an adequate supply of people performing esthetics? [LB705]

LINDA POCHOP: I would say, you know, we...the market has really grown, especially in the metropolitan areas. There are new day spas opening, waxing spas. So that type of market is really increasing. So making sure that there's qualified individuals out there to fill those spots is definitely seeing an increase in our esthetics classes are full always, and so making sure that we have that to kind of fill that gap is great. [LB705]

SENATOR WILLIAMS: And how many do you take into a normal class? [LB705]

LINDA POCHOP: We do 12 students per class three times a year, so we do 36. [LB705]

SENATOR WILLIAMS: 36. And then how many on the instructor side? [LB705]

LINDA POCHOP: We only...we are only bringing in an instructor if we have a job position to fill. So we don't offer that program just for anybody to take. We would only do that if we are going to have a job at the end of that program for them to do again, because I'm not going to put

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somebody through school even though that program is shorter because it is only eight weeks long. I...we wouldn't put somebody through a program if there wasn't going to be a job for them at the end of that. [LB705]

SENATOR WILLIAMS: Do you know if the other schools have that same attitude towards how they do that? [LB705]

LINDA POCHOP: I cannot speak for them. [LB705]

SENATOR WILLIAMS: Would you agree that with that procedure, that if somebody wanted to become an instructor and there wasn't a position open, they're barred from doing that because the current law doesn't allow them to have an option other than the 300 hours? [LB705]

LINDA POCHOP: Well, I think that, if they were persistent in becoming a licensed educator, here would be the thing though. If you're wanting to be a teacher, you're going to have to have a job at the end of that. So if the school is not hiring, you still would get done with the program and not necessarily have a job to become a teacher. So... [LB705]

SENATOR WILLIAMS: Okay. And during...switching gears just a little bit, because the previous testifier talked about the fact that with the tuition reimbursement... [LB705]

LINDA POCHOP: Um-hum. [LB705]

SENATOR WILLIAMS: ...however you want to call that, and the 24 months, does an instructor that has paid back tuition get paid more than an instructor that is still working that off? [LB705]

LINDA POCHOP: After an instructor becomes licensed, their pay scale goes upon experience that they're having, and it would also depend upon... [LB705]

SENATOR WILLIAMS: Experience as an instructor? [LB705]

LINDA POCHOP: Yeah, and then their class load that they're doing, because of course if we have one teacher who's teaching the majority of the classes, their pay scale would probably be higher than somebody who has less of a class load. So... [LB705]

SENATOR WILLIAMS: So is it fair to say that they are actually paying for their tuition, the \$5,000, because their pay has, during that 24-month period, been reduced by \$5,000? [LB705]

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LINDA POCHOP: No, we don't reduce their pay scale, so we just have that agreement..it's that work contract that, for 24 months after, because they did not pay for any training while they were in school, that 24-month time period would be allowing for us to recuperate. [LB705]

SENATOR WILLIAMS: Okay, thank you. [LB705]

LINDA POCHOP: Um-hum. [LB705]

SENATOR RIEPE: Okay. Senator Linehan, please. [LB705]

SENATOR LINEHAN: Thank you for being here. Thank you, Mr. Chairman. I just want to make sure I've understood what I think you just told Senator Williams. So if I want to be an instructor, I have no option except to go through a program like yours. [LB705]

LINDA POCHOP: Um-hum. [LB705]

SENATOR LINEHAN: And you'll only hire me if you need me. [LB705]

LINDA POCHOP: Correct, because I wouldn't want you to be...if we didn't have a job for you at the end, then I'm going to charge you for tuition. And if your sole purpose of becoming an educator is to have a job at the end of it, I...I guess morally we wouldn't just take your money and put you through this to not have a position to offer you at the end of that. Now some of the other schools may not have that idea or practice, but I guess our whole...our whole purpose of when we are going to bring in an educator is to have them become a member of our team and our school, and we hope for longevity with a staff member. So... [LB705]

SENATOR LINEHAN: That gives you quite a bit of control over somebody's life. Thank you. [LB705]

LINDA POCHOP: Hmm. Any other questions? [LB705]

SENATOR RIEPE: A question that I have: do you have noncompete agreements? [LB705]

LINDA POCHOP: We do. [LB705]

SENATOR RIEPE: You do. And are those for like how long and for what geographic distance? [LB705]

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LINDA POCHOP: I want to say our noncompete agreement is for 12 months and it's...I'm not quite sure on the distance. [LB705]

SENATOR RIEPE: Have you ever had it challenged? [LB705]

LINDA POCHOP: I have not. [LB705]

SENATOR RIEPE: Yeah, okay, okay. Are there any other questions? Seeing none, thank you very much. [LB705]

LINDA POCHOP: You're welcome. [LB705]

SENATOR RIEPE: Are there additional opponents? Seeing none, I want to go back to Dr. Williams as a proponent. Welcome, Dr. Williams. [LB705]

DR. THOMAS WILLIAMS: Thank you. [LB705]

SENATOR RIEPE: If you would just for the record...we know who you are, but if you will state and spell it, it'll be... [LB705]

DR. THOMAS WILLIAMS: I will. First of all, I'd like to apologize to the committee for being late. [LB705]

SENATOR RIEPE: No. [LB705]

DR. THOMAS WILLIAMS: We were anticipating LB790 would go first, and so I was caught across the street. [LB705]

SENATOR RIEPE: Sure. [LB705]

DR. THOMAS WILLIAMS: (Exhibit 4) And I appreciate the opportunity to come today. Senator Riepe and members of the Health and Human Services Committee, my name is Thomas Williams, T-h-o-m-a-s W-i-l-l-i-a-m-s, and I am the director of the Division of Public Health and chief medical officer for the Department of Health and Human Services, DHHS. I'm here to testify in support of LB705, which was part of LB343, the Governor's occupational licensing reform legislation package during 2017. Thank you, Senator Kolterman, for introducing this bill to retain the requirement that applicants for an esthetic license must complete a 600-hour

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training program and to remove the requirement of 600 credits as part of the esthetician training program. The credits were intended to account for various practical services for theory instruction that students would complete as part of their training. However, these credits make up the 600 hours of training total. This change eliminates confusion and outdated language, but maintains the 600-hour requirement to ensure that the applicants have appropriate training and education to obtain an esthetician license in Nebraska. Additionally, this bill allows for an individual to be licensed as an esthetic instructor if he or she has a current license as an esthetician and two years of experience as an esthetician immediately prior to application as an instructor. These proposed changes will break down barriers and expand job opportunities for Nebraskans seeking licenses relating to esthetics. Thank you for the opportunity to testify before you today. I'm happy to answer any questions you may have. [LB705]

SENATOR RIEPE: Okay. Thank you, Dr. Williams. Are there questions of the good doctor? Okay. Seeing none, thank you very much for joining us today and testifying. [LB705]

DR. THOMAS WILLIAMS: You're welcome. [LB705]

SENATOR RIEPE: Are there other...any proponents? A little flip order here but, seeing none, are there any in a neutral capacity? Seeing none, do we have any letters, Tyler? [LB705]

TYLER MAHOOD: (Exhibit 5) Yes, I have a letter signed by Nicole Fox of the Platte Institute, in support. [LB705]

SENATOR RIEPE: Okay. Seeing nothing...seeing nothing else, I will conclude the hearing of LB705. Oh, I'm sorry. I forgot to give Senator Kolterman an opportunity to close. [LB705]

SENATOR KOLTERMAN: I'm going to waive closing. [LB705]

SENATOR WILLIAMS: Aw, come on. [LB705]

SENATOR RIEPE: Thank you. I sensed that; that's why I...yeah. Thank you very much, Senator Kolterman. We're now going to go to LB790, which is Senator Ebke's...what? [LB705 LB790]

SENATOR EBKE: No, no; that's right. [LB790]

SENATOR RIEPE: Pardon? We don't want you to start out with a closing, okay? We want you to open. [LB790]

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SENATOR EBKE: It's not a problem. [LB790]

SENATOR RIEPE: Okay. If you would, your name, as usual, and... [LB790]

SENATOR EBKE: (Exhibits 1 and 2) Thank you, Chair Riepe and members of the Health and Human Services Committee. For the record, I am Senator Laura Ebke; that's E-b-k-e. I represent Legislative District 32. Today I bring you LB790, and I apologize for my delay in getting here. I was chairing Judiciary Committee hearings, and we were trying to time things right and didn't get it quite right. So today I bring you LB790. This bill would provide for licensure of mobile cosmetology salons and mobile nail salons. The reason that this bill is needed is because our current statutes don't really account for technology changes that make mobile businesses in cosmetology possible these days. The current setup isn't because the state is inherently against such operations; we just haven't structured the law to make it possible for these businesses to operate. I was notified of this issue by a constituent, John Duncan, who will be testifying behind me. But he would like to take his business to elderly clients and also to those who have long, established relationships with him but, in some cases, live a long distance away from his brick-and-mortar location. He had already begun the process of fitting a vehicle to meet these demands, when he learned that he wasn't able to legally operate mobility. He had gone to great lengths to meet foreseeable needs. His physical location already meets for clients and for safety and other mandated state business requirements. He'll follow to tell you about his experience but, simply put, if we change the law today, he would be just about ready to go. While his...while this law helps business owners to expand their operations, there is also an important human element involved. There's an issue of care and dignity that I think we're not currently affording some segments of our population. Right now it's around 20 degrees outside, I think, 20-25 degrees out, and yesterday it was even colder. It's cold enough to cancel schools in many places when it's as cold as it was yesterday. And it's really not good weather for elderly, or really anybody, to be out and about in this weather. So consider the number of homebound individuals out there of all ages, who are either completely homebound or partially homebound, and who just don't want to go out when it's cold or don't want to drive great distances. Let's also consider that, in many of our districts and very rural portions of the state, that might now have the option of someone coming to them rather than having to drive a significant distance to get their hair fixed. My constituent will also tell you that in many of these individuals' cases, it's more than just a haircut or having their nails done. Sometimes it's a much needed morale boost for an elderly person, woman especially, to have her hair done. I think if we could make life a little bit easier for some of these people and help small businesses across the state by making this allowance in state law, I think that's a good thing. So I think we can do this safely and responsibly. LB790 provides the framework. It defines what these mobile operations look like, how they need to be fitted, and the same protocols that physical salons must meet to be licensed. And safety requirements can also be addressed. Many other states allow for these mobile operations, so we wouldn't really be doing anything groundbreaking except for here in Nebraska. Both HHS and the barbers' board

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have indicated that they're open to these sorts of operations going forward, as well. Both organizations have provided input and will likely provide more today. The last communication that my office received from the barbers' board indicated they would like to provide a similar provision for barbers to be able to legally do this, as well. That's something for the committee to consider. My office has also drafted an amendment, based on our ongoing conversations with the Department of Health and Human Services. AM1559 addresses some of the technical issues that the department submitted to my office. The department has seen this amendment and they are satisfied that they will be able to promulgate regulations to facilitate appropriate agency oversight while permitting these businesses to serve customers in Nebraska. You should have a copy of the letter that they sent. LB790 does not create a fiscal impact on DHHS or any other state agency, and AM1559 addresses the department's concerns. So let's put this in place, if we can, with the agency's suggestions. Let them promulgate the appropriate regulations to perform their oversight functions. Now on some of the things that they have been concerned about, the barbers' board and others have been concerned about, is being able to create inspection protocols. But that's something that the department believes that they can do through rules and regs, that we don't necessarily need to define those in statute. So with that, I will attempt to answer any questions you might have. Otherwise I will turn it over to my constituent. And I will waive closing because I do need to get back for Judiciary. [LB790]

SENATOR RIEPE: Okay, thank you very much. Are there any questions? Senator Howard. [LB790]

SENATOR HOWARD: Thank you, Senator Riepe. Thank you for visiting with us today. [LB790]

SENATOR EBKE: Um-hum. [LB790]

SENATOR HOWARD: I just had sort of a technical question. [LB790]

SENATOR EBKE: Okay. [LB790]

SENATOR HOWARD: Can you tell me a little bit about why you're using the definition of a motor home instead of...I know we have like mobile medical units, as well. And so why we're using the home...is it because we have salons in homes? [LB790]

SENATOR EBKE: I don't think that's the reason, but I don't know...I don't know why the drafters decided on that. And I think the idea was that that would have the necessary equipment available. But my aide will certainly check into that for you. We can follow up with you. [LB790]

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SENATOR HOWARD: Follow up on that, okay. And then, in regards to inspections, one of the challenges that we're seeing is that our salons are not being inspected on a regular basis. [LB790]

SENATOR EBKE: The brick-and-mortar versions, yes. [LB790]

SENATOR HOWARD: Yes. And so I could imagine that it would maybe be even more difficult with mobile. Would you be averse to putting in some type of expectation that they be inspected with more regularity? [LB790]

SENATOR EBKE: Well, and I think that it's...that there's an expectation that they're all inspected with some regularity. [LB790]

SENATOR HOWARD: Hmm, right. [LB790]

SENATOR EBKE: And certainly I think that Health and Human Services and the licensing boards can certainly put in whatever kind of protocols. You know, some...there have been some suggestions about GPS and things like that. I just don't want to put that in statute necessarily because we don't know what kind of technology there might be later. So... [LB790]

SENATOR HOWARD: No. More I'm asking about a time line. What I'm noticing is that, when it's in regulations, they're not doing at all. [LB790]

SENATOR EBKE: Oh..doing it every...right. [LB790]

SENATOR HOWARD: And then, if it was in statute, they would have to do it. [LB790]

SENATOR EBKE: Well, I don't know what kind of a fiscal note that would add to all of this, but... [LB790]

SENATOR HOWARD: Well, they're supposed to do it anyway. [LB790]

SENATOR EBKE: They're supposed to do it but, if they aren't doing it, is there a reason? So... [LB790]

SENATOR HOWARD: Yeah. [LB790]

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SENATOR EBKE: You know, I'm not averse to it. I just think that we need to think about how we're going to do that. [LB790]

SENATOR HOWARD: All right, thank you. [LB790]

SENATOR EBKE: Um-hum. [LB790]

SENATOR RIEPE: Senator Erdman. [LB790]

SENATOR ERDMAN: Thank you, Chairman Riepe. Thank you, Senator Ebke, for coming. I have a similar bill coming up on massage therapy. [LB790]

SENATOR EBKE: I've heard that. Yeah. [LB790]

SENATOR ERDMAN: Massage therapy. My question is, is the bill going to be AM1559? Will that be the bill? Is this...the amendment going to replace the bill? [LB790]

SENATOR EBKE: No, it's not a white copy; it's just...it just adds. [LB790]

SENATOR ERDMAN: Do you know what it adds? [LB790]

SENATOR EBKE: The copy should be going around to you. Was your question answered? [LB790]

SENATOR ERDMAN: Yeah, thank you. [LB790]

SENATOR EBKE: Okay, okay. [LB790]

SENATOR RIEPE: So no follow-up question? Okay. Are there other questions? Seeing none, thank you very much for being with us. [LB790]

SENATOR EBKE: Thank you to the committee; thanks. [LB790]

SENATOR RIEPE: Proponents. Thank you for being with us. If you'd be kind enough to give us your name, and spell it, for the record. [LB790]

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JOHN DUNCAN: Yes, thank you. John Duncan, D-u-n-c-a-n. It is a extreme pleasure to be here with you people today. I am a cosmetologist since 1976. I have a short story I'd like to share with you today, if you would oblige me. At the age of 15, I started working in my hometown of Auburn, Nebraska, at a nursing home there. One of the duties that I had while I was there was to give baths to people. One of the things I soon discovered was that an 80-year-old woman wasn't very excited about an 8- to 15-year-old boy giving her a bath. One of the things I was able to do to secure their trust in me was to say: How about if I shampoo your hair and give you a set? Well, it didn't take long until those women were talking at the table about getting their hair done when they got a bath. That was 46 years ago. Today I'm a salon owner, located at 5925 South 56th Street, and I have a new dream. That dream is to provide a fuller, broader service to Nebraskans. As life has gone by, I've had clients that had been with me for 20, 25, 30 years and, at one time, they were 50 and now they're 80. While this is not the large bulk of my clientele, it is substantial. When you work in a salon on appointments and you expect people to be there, when they can't make it due to adversities of weather, health, or etcetera, it affects the bottom line of your salon. What I'm asking for you today is consider my plan to have a mobile hair salon. All I'm asking for you people to do today, to consider, is to allow me to go to the homes of people in a salon just like the one I have that's on a foundation, only it's on wheels, and provide to them the same services that I have in my salon. My intention isn't to compete with other brick-and-mortar places. I work strictly on appointment, and I have an established clientele that I want to facilitate. I have a number of clients that come from outstate Nebraska and have for many, many years. And I think it would be nice for me to be able to return the favor to them now and say: I'm coming to your community this weekend; we'll do your hair there. That's all I simply have to say today to all of you, except for I'm just very, very pleased to be here with all of you and hope you will consider my bill, LB790, to open up the market to allow more people to have the privilege of having their hair done, no matter what their situation in life is. And I thank you very, very kindly for your time. [LB790]

SENATOR RIEPE: Thank you very much. Are there questions? Senator Williams. [LB790]

SENATOR WILLIAMS: Thank you, Chairman Riepe. And thank you for being here. In the description of the bill, the 150 square foot area that must be...from your experience, is that an adequate amount of space to be able to have the equipment that you feel you would need? [LB790]

JOHN DUNCAN: Well, over the course of my career, I've...I worked in one location located at 70th and Pioneers that, where they rented out what they called "luxury suites." Now they had to follow the law of the amount of the size that one hairdresser could work in that place. I found that space too small for me, so I rented two suites at that location at an additional cost to me. So when my customers came in to my place of business, they had a waiting room with a large-screen TV, magazines; and my work area was in a separate space that had an arched wall

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between the two. This was done at my expense, not at the expense of the person that owned the business. But I felt that that particular space, at that time, was too small. What I am submitting to you, as far as space, will far exceed anything like that. We'd be looking...you know, it's necessary to make sure you have a vehicle that can get around town well, so today I had an opportunity to speak with a delivery man who was driving a FedEx bus, and he said it was about 28 feet long. And that looked like a pretty adequate space for a salon. So I would think that something in the range of 28 feet long, possibly 10 foot wide with the possibility of expanding out more, would be what I would be looking for. I have a...I don't mean to brag, but I have a lovely salon--I invite any of you people to come in and get a haircut at, and I expect to have the same highbrow attitude in my mobile service. It will be rendered to look as a salon, not walking into a mobile home. [LB790]

SENATOR WILLIAMS: And also asking you, based on your many, many years of experience, do you have any concerns about, in a mobile facility, being able to provide the same safety and sanitary requirements that you do in a brick-and-mortar facility? [LB790]

JOHN DUNCAN: No, no. [LB790]

SENATOR WILLIAMS: Thank you. [LB790]

SENATOR RIEPE: Is it your expectation, if you were going out to some smaller town, to go into the nursing home, as opposed to bringing them out to your mobile facility? [LB790]

JOHN DUNCAN: Well, you know, I'm open for business. So wherever a market demand is called for, I'll accommodate. [LB790]

SENATOR RIEPE: Okay. [LB790]

JOHN DUNCAN: Like I said, I'm not...I'm not here trying to create competition against any other individual that's in a fixed mortar place. That is not my idea. My idea is simply to accommodate a fuller, broader service to my existing clientele. What the offshoots of that are, I cannot say. But I would say that it is broad, the possibilities of new industries, new ideas, new possibilities for people to move into in this whole opening up of it. If we go into a mobile system, just think of the possibilities of a person being able to expand and improve on the mobile industry as representative to be someone that provides a service to Nebraska's hairdressers as that service. So I mean, it's just...the thing is just full of possibilities; I can't even begin to name them. I just think, for me personally, what I'm here for today is to express to you what I just have. I also had a letter that was sent to me from a Nellie Ogg out in western Nebraska that was referred to

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me through the Platte Institute, and she goes through quite a lengthy explanation of some of the concerns she has and that I share. I do not know Nellie personally. I've spoken with her on the phone several times, and I told her I would be happy to submit her letter to your committee today for your consideration. So that's what we've done. [LB790]

SENATOR RIEPE: And she concludes her letter by saying: In God's name I am asking you to please help us and the needy. [LB790]

JOHN DUNCAN: Yes, yes. I would like to evoke the name of God today, too, but I didn't know if it was the appropriate thing to do (laughter). We were in good prayer today before we came to you that God would speak to me and speak well, openly and clearly, because this is simply as it appears, what I'm presenting to you today. So thank you. [LB790]

SENATOR RIEPE: Okay, thank you. Are there other questions from the committee? Seeing none, thank you very much for being here. [LB790]

JOHN DUNCAN: Okay, thank you. [LB790]

SENATOR RIEPE: Are there additional proponents? Seeing none, are there any opponents? Whoops. Oh, okay. If you'd be kind enough to give us your name and spell it. [LB790]

NICOLE FOX: (Exhibit 3) I sure will. My name is Nicole Fox, N-i-c-o-l-e F-o-x, and I am director of the government relations for the Platte Institute. And thank you for this opportunity to discuss mobile salon licensing in our state. and I would like to thank Senator Ebke for introducing this piece of legislation. Both Mr. Duncan and the woman he mentioned, Nellie Ogg, have reached out to the Platte in 2017, so. Currently cosmetologists and nail technicians working in the state of Nebraska, who are licensed and are providing services independently, are required to work in traditional brick-and-mortar business locations. They must be fixed structures, licensed under the Nebraska Cosmetology Act, to serve as the site for the performance of any or all of the practices of cosmetology or nail technology by persons licensed or registered under such act. Professionals in these industries have identified a need for delivery of these services in a mobile fashion. Their clientele include those who are homebound due to disability, recovery from illness, or due to advanced age, those who do not have reliable transportation, those who live in nursing facilities, and those with a schedule or lifestyle that make it difficult to travel to a traditional brick-and-mortar establishment. And, as I had mentioned, two such individuals have reached out to the Platte, wanting to provide mobile hairdressing services. Mobile salons are allowed in 25 states across the country, including our neighbors Colorado, Kansas, and South Dakota. The owners of these salons are able to tap into a whole new client market, expand consumer choices, and increase their income-earning potential. Many mobile salon owners can

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offer more flexibility in the hours they schedule services, and this can be very appealing to customers. Mobile salons require far less capital, allowing greater ease for a new entrepreneur to pursue starting their own business. And because of this we would hope to see an increase in new businesses here in Nebraska. LB790 would allow this new service delivery modality while requiring owners to meet reasonable requirements that address health and safety concerns, just like brick-and-mortar salons are currently required to do. The Platte Institute views LB790 as both a win for entrepreneurs as well as consumers, and it will help grow Nebraska's economy. I ask committee members to advance LB790 out of committee. And with that, that concludes my testimony. [LB790]

SENATOR RIEPE: Thank you very much. Are there questions from the committee members? Seeing none, thank you very much. Other proponents? Seeing none, any opponents? Seeing none, is there anyone testifying in a neutral capacity? If you'd be kind... [LB790]

KEN ALLEN: Good afternoon, Senator Riepe, and (inaudible). Members of the HHS Committee, my name is Ken Allen, K-e-n A-l-l-e-n. I am the director of the Board of Barber Examiners. I have spoken with Senator Riepe and I...or Senator Riepe, yeah, sorry...spoken to you, too...Senator Ebke about this bill. I do have licensees with much interest. My board has talked about this for the last eight to nine months, have failed to reach a consensus at this time. We have a meeting next week. It is on the agenda. So at this time, I have to testify in the neutral capacity, because I don't know which way they're going to rule. The big question is, the board has asked me to find out more information, and it was addressed--the GPS thing, that rules and regs thing. Another issue that came in front of us was the ADA issue. If you go to someone's home and they're not able to get into your facility, how is that going to be addressed? And that's the main question I have at this time. Other than that, I don't see a lot of issues with this. It will create more work for us, but more work is not a bad thing. Finding locations where people are supposed to be and which days, which times...because we do random, unannounced inspections. That will create a bit of a barrier, but I think we can get through that one. So that being said, is there any questions for me? [LB790]

SENATOR RIEPE: Okay. Are there any questions from the committee members? Seeing none, thank you very much. [LB790]

KEN ALLEN: Thank you. [LB790]

SENATOR RIEPE: Any additional neutral capacity? [LB790]

PAM ROWLAND: (Exhibit 4) Good afternoon, Senators, committee and members...committee chair. My name is Pam, P-a-m Rowland, R-o-w-l-a-n-d, and I am here to speak on behalf of the

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Nebraska Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art. Similar to the speaker before me, the Nebraska Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art is neutral of LB790, introduced this legislative session. We did discuss this proposed legislation at our January 8 board meeting, and it is the position of the board that there is still just a little concern regarding the process of inspections of the mobile cosmetology and nail technology salons, in interest of the safety of the public. I am happy to answer any questions you might have. [LB790]

SENATOR RIEPE: Okay, thank you. Are there questions from the committee? Seeing none, thank you very much. Senator Ebke has waived her closing. And Tyler, do we have any additional letters? [LB790]

TYLER MAHOOD: (Exhibit 5) Yes, I have a letter signed by Dr. Tom Williams, of the Division of Public...he's the director of the Division of Public Health of the Department of Health and Human Services, in support. [LB790]

SENATOR RIEPE: Okay. Hearing nothing more, that concludes the hearing on LB790, and we will now proceed on with LB706. Senator Kolterman. [LB790 LB706]

SENATOR KOLTERMAN: Thank you, Chairman Riepe and fellow members of the Health and Human Services Committee. I'm Senator Mark Kolterman, M-a-r-k K-o-l-t-e-r-m-a-n, and I represent the 24th District of the Nebraska Legislature. I'm here today to introduce LB706, a cleanup bill to remove the requirements of 600 credits. Like LB705, LB706 is a small portion of LB343 from last session. And this bill does not decrease the amount of schooling required for an electrology license. The bill also removes the definition of "electrology establishment." While Nebraska currently licenses electrologists who provide permanent hair removal services, it is not necessary and there's no statutory authority to license an electrology establishment under the statute. Nebraska chief medical officer, Dr. Tom Williams, is here and will be providing additional testimony regarding this legislation. Thank you, and I'm happy to try and answer any questions you might have. [LB706]

SENATOR RIEPE: Okay, thank you. Are there any questions from the committee members? Senator Crawford. [LB706]

SENATOR CRAWFORD: Yes, thank you. And thank you, Senator Kolterman. I don't see in the bill any instructor implication in this bill. Is that correct? [LB706]

SENATOR KOLTERMAN: No. [LB706]

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SENATOR CRAWFORD: Okay, thank you. [LB706]

SENATOR RIEPE: Additional questions from the committee? Seeing none, thank you very much. We'll make sure that we include you in the closing this time. [LB706]

SENATOR KOLTERMAN: I'll sit here so you can see me. [LB706]

SENATOR RIEPE: Are there proponents, if you will? Welcome, Dr. Williams. [LB706]

DR. THOMAS WILLIAMS: Thank you. [LB706]

SENATOR RIEPE: You know the drill. [LB706]

DR. THOMAS WILLIAMS: (Exhibit 1) So I'm glad to be with you all again today. Good afternoon, members of the Health and Human Services Committee and Senator Riepe. And my name is Thomas Williams, T-h-o-m-a-s W-i-l-l-i-a-m-s, and I'm the director of the Division of Public Health and chief medical officer for the Department of Health and Human Services, DHHS. I'm here to testify in support of LB706, which was part of LB343, the Governor's occupational licensing reform legislation package during 2017. And thank you, Senator Kolterman, for introducing this bill and working with the department. LB706 proposes to remove the definition of "electrology establishment" from the statute. While Nebraska currently licenses electrologists to provide permanent hair removal services, there is no statutory authority to license an electrology establishment. In addition, the statute currently requires applicants for an electrologist license to complete a program of studies that include 600 hours and 600 credits. LB706 proposes to remove the 600 credits from the training program requirements. The credits were intended to account for various practical services or theory instruction the students would complete as part of their training. However, these credits make up the 600 hours of training total. This change eliminates confusion and outdated language but would maintain the 600-hour requirement to make sure that applicants have appropriate training and education to obtain an electrologist's license in Nebraska. Thank you for the opportunity to testify before you today. We believe LB706 will help DHHS continue our mission of helping people live better lives. I'm happy to answer any questions you may have. [LB706]

SENATOR RIEPE: Okay, thank you more...or thank you much. Is there additional questions from the committee members? Questions from the committee members? Okay. Seeing none, thank you very much, Dr. Williams. [LB706]

DR. THOMAS WILLIAMS: Thank you. [LB706]

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SENATOR RIEPE: Additional proponents? If you would introduce yourself again, please, and spell your name and then proceed on. Thank you. [LB706]

PAM ROWLAND: (Exhibit 2) My name is Pam, P-a-m Rowland, R-o-w-l-a-n-d, and I came here to speak on LB706, on behalf of the board. The Nebraska Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art is in support of LB706, introduced this legislative session. We discussed this proposed legislation at our January 8 board meeting. And it is the position of the board that this is more of a housekeeping bill cleanup language regarding the electrology profession. I'd be happy to answer any questions you might have. [LB706]

SENATOR RIEPE: Okay. Are there any other questions from the committee? Seeing none, thank you very much for being with us. Are we to the neutral capacity here? [LB706]

SENATOR CRAWFORD: I'm thinking it's opponents. [LB706]

SENATOR RIEPE: Did we go...did I go to opponents? Okay. Well then, let's see if we have any opponents. seeing none, are there any in a neutral capacity? Okay. Seeing none, Senator Kolterman, you're welcome to close. Senator Kolterman waives. Tyler...and the committee likes to "waive" back. Tyler, do you have any comments, any letters? [LB706]

TYLER MAHOOD: I do not have any letters. [LB706]

SENATOR RIEPE: Okay. With that, this concludes the hearing on LB706 by Senator Kolterman. And with that we will proceed on to LB794, which is my bill. And Senator Erdman will be chairing the committee. [LB706 LB794]

SENATOR ERDMAN: Thank you, Senator Riepe. If you would like to do your opening on LB794, we'd appreciate that. Perhaps you can have the same success Senator Kolterman had. [LB794]

SENATOR RIEPE: (Exhibit 1) Thank you, sir. I do, as well. Thank you, Vice Chairman Erdman and fellow members of the HHS Committee. I am Merv Riepe; that's Merv, it's M-e-r-v, last name Riepe, R-i-e-p-e. Today I present to you LB794 for your consideration. LB794 includes two sections from the bill I introduced last session at the request of the Governor, LB343. LB794, my bill, was identified by the Division of Public Health as an area that needed to be updated, based on current trends in the industry. Currently, salons are not able to allow clients to use or consume alcoholic beverages at the salons. There are some salons in the state that have alcohol served in a different bay than the actual salon, but no crossover is allowed. Technically,

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baccalaureate...or bachelorette programs...parties that serve champagne are in violation of this statute. With LB794, clients would be allowed to consume or use alcohol on the premises. Liquor license for these premises are still regulated and controlled by the Liquor Commission. Also, the original LB343 included a drafting error regarding controlled substances, and the additional language was added to LB794 to address those concerns. However, after discussing these concerns with the department, the changes made in LB794, with AM1555, will provide enough coverage for the controlled substance issue. Thank you, colleagues. [LB794]

SENATOR ERDMAN: Thank you, Senator Riepe. Any questions? Hearing none, will you be around to close? [LB794]

SENATOR RIEPE: Yes. [LB794]

SENATOR ERDMAN: Okay, thank you. Any proponents? If you would please, state your name and spell it. [LB794]

TERRY JESSEN: Sure. Terry Jessen...Terry, that's T-e-r-r-y J-e-s-s-e-n. I am testifying in support of LB794. I've been around the Capitol January of this year and January of last year. I do not represent any organization. I'm not being paid. I'm simply volunteering my time here in Lincoln. I currently live in Oshkosh, Nebraska. I've taken my personal time and money to testify in this matter. My daughter owns a beauty shop, or cosmetology facility, in Scottsbluff, Nebraska. She did not ask me to come here but, just reading the bill, it makes common sense to me. It...the way I read it, it takes some liability off of the owner/operator. She does not serve any regulated beverages or anything else. Very simply, in favor. [LB794]

SENATOR ERDMAN: Very good, thank you for coming. Any questions for Mr. Jessen? [LB794]

TERRY JESSEN: Thank you. [LB794]

SENATOR ERDMAN: Hearing none, thank you. Any others? Dr. Williams, welcome back. [LB794]

DR. THOMAS WILLIAMS: (Exhibit 2) Well, welcome; thank you. And thank you for the opportunity to speak in favor of LB794. My name is Thomas Williams, T-h-o-m-a-s W-i-l-l-i-a-m-s, and I am the director of the Division of Public Health and chief medical officer for the Department of Health and Human Services, DHHS. And I'm here to testify in support of LB794, with AM1555, offered by Senator Riepe. The department supported similar language in LB343

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in 2017, to allow salon owners the choice to serve intoxicating beverages to customers. However, employees would not be allowed to consume in the salon. The Nebraska Liquor Commission oversees all businesses that serve alcohol. Salons may now serve such beverages in a small designated space, where such activities are overseen by both DHHS and the Nebraska Liquor Commission. LB794 would eliminate dual oversight of all salons by two Nebraska state agencies by providing the salon owner a choice whether or not to serve intoxicating beverages throughout the service area within their establishment. The department has received phone calls from salons that have wanted to serve wine or champagne at an open house, holiday party, bridal party, or just for the customer to enjoy during hair or nail service. As the statute is currently written, this is prohibited. Thank you for the opportunity to testify before you today. I'm happy to answer any questions you may have. [LB794]

SENATOR ERDMAN: Thank you for your testimony. Are there any questions for Dr. Williams? Senator Williams. [LB794]

SENATOR WILLIAMS: Thank you, Senator Erdman. Thank you, Dr. Williams. I want to be sure where...seemed like you brought up in your testimony two things: the special occasion kind of alcohol or the every day kind of, where you can come in. Do you see those as two different types of licenses that would be required? [LB794]

DR. THOMAS WILLIAMS: No, I don't. I think that was used as an example of people who might want to consume beverages more generally in the course of receiving services, not necessarily in a small designated space, which is as it's now regulated. [LB794]

SENATOR WILLIAMS: So if I'm understanding this whole concept correctly, it would require a liquor license to be issued by that group. [LB794]

DR. THOMAS WILLIAMS: Yes. [LB794]

SENATOR WILLIAMS: So they would have to meet the requirements there that would be outside of HHS. [LB794]

DR. THOMAS WILLIAMS: Yes. As it is now, we both...Liquor Commission and DHHS both inspect for this particular issue. And DHHS inspectors actually do look for that when they're there. But both agencies are involved in oversight, and it would simplify it considerably for both sides. [LB794]

SENATOR WILLIAMS: Thank you. [LB794]

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SENATOR ERDMAN: Any question...anyone else? Seeing none, thank you. [LB794]

DR. THOMAS WILLIAMS: Okay, thank you. [LB794]

SENATOR ERDMAN: Anyone else? Good afternoon again. [LB794]

PAM ROWLAND: (Exhibit 3) I promise this is the last time I will speak on behalf of the board. So bear with me one more time. Good afternoon, Senators and committee. My name is Pam, P-a-m Rowland, R-o-w-l-a-n-d. I am the nail technology instructor member of the board, and I have about 22 years of experience. Just briefly, as our previous testifier, the Nebraska Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art is in support of LB794, introduced this legislative session. We discussed the proposed legislation at our January 8 board meeting and it is the position of the board that this is more of a liability issue, or issue that is the responsibility of the establishment owner, not the state of Nebraska. And that this liability would be addressed and is the responsibility of the Nebraska Liquor Commission. On that I would like to conclude and see if you have any questions. [LB794]

SENATOR ERDMAN: Are there any questions? Seeing none, thank you for coming. [LB794]

PAM ROWLAND: Thank you. [LB794]

SENATOR ERDMAN: Any other proponents? Any opponents? Any neutral testimony? Seeing none, Tyler do we have any letters? [LB794]

TYLER MAHOOD: I do not have any letters. [LB794]

SENATOR ERDMAN: Okay. Senator Riepe? [LB794]

SENATOR RIEPE: I'm going to waive. [LB794]

SENATOR ERDMAN: Waive closing...Senator Riepe waives closing. This ends the hearing on LB794, and thank you for coming. [LB794]