

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

Health and Human Services Committee
February 02, 2018

[LB1034 LB1035 LB1042 LB1107]

The Committee on Health and Human Services met at 1:30 p.m. on Friday, February 2, 2018, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB1107, LB1042, LB1034, and LB1035. 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: This is the Health and Human Services Committee. We're trying to start on time so that we can move things along. And we do appreciate all of you being here today. This is...I am Merv Riepe. I'm chairman of the Health and Human Services Committee, and I...my district is District 12, which is Omaha, Millard, and Ralston. And I am going to ask our senators, and also our staff here, to self-introduce, and we were going to start over here to my far right. Senator.

SENATOR KOLTERMAN: Senator Mark Kolterman from Seward, representing the 24th District, which is York and Polk Counties, as well.

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

SENATOR ERDMAN: Steve Erdman, District 47. I represent ten counties in the Nebraska Panhandle.

KRISTEN STIFFLER: Kristen Stiffler, legal counsel.

SENATOR CRAWFORD: Good afternoon. Senator Sue Crawford from District 45.

SENATOR WILLIAMS: Matt Williams from Gothenburg, Legislative District 36: Dawson, Custer, and the north portions of Buffalo County.

SENATOR LINEHAN: Lou Ann Linehan, District 39, which is Elkhorn, Waterloo, and Valley in Douglas County.

TYLER MAHOOD: Tyler Mahood, committee clerk.

SENATOR RIEPE: Thank you very much. We also have our two very faithful pages back here, who do a lot of detail work for us, and I'll talk here in a second that if you want to present and

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

Health and Human Services Committee
February 02, 2018

hand out copies, they will be the people. We'll need ten copies and they'll be the people that will get those copies in a lickety-split manner, if you will. The committee will take up the bills in the order in which they're posted, and our hearing today is your public opportunity to participate in the legislative process here in Nebraska. We will...committee members will come and go during the hearings. Sometimes they're testifying or they're opening bills in other committees. And you'll also notice that at times they'll be working on their laptops or iPads, and that's just part of our movement into the 21st century. To better facilitate the process today, I would ask for a few considerations, the first one being please silence or turn off your phone. As you're ready to testify, if you would help us out to move up to the front seats, if you will, closer to the front so that we can keep the process moving along. The way this works is the senator who is introducing the particular bill will come to the mic, introduce the bill, and will have an unlimited amount of time to do that. Following that introduction, then we will go to proponents, followed by opponents. Then we will go to anyone that's testifying in a neutral capacity. Tyler will read in any letters that we have received, either for or against, and then the introducing senator will have an opportunity to come back and make any closing remarks that may be made that that senator wants to respond to something that was said during the hearing. If you're here to testify, we ask you to sign in with an orange that should be over at the door here, and to give that to one of the pages, who in turn will give it to Tyler, the clerk. When you do come to the mic, we ask you to state your name, spell your name; all of this is for the record. And I ask that, if you will, to state the organization or, if you're representing yourself, please state so, so that we can get all this clarified, and to be concise as you possibly can. We also run on a five-minute clock, which means we run on four minutes on the green, one on the amber, and then the red light will come on. And when the red light comes on, we ask you to draw your conclusions together best you can. Sometimes if you're in the middle of something, it's not my objective to cut you off right in the middle, so I may be a little forgiving. But we do need to move it along so that everyone has an opportunity. You might also find that when you're testifying that, with a little good fortune, a senator might open up a question and you'll be able to continue on with your thoughts and to finish up what you intended to say. We do clearly want to hear what you're saying. It's not our intent to, in any way, cut you off mid-sentence. 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. As I stated, written materials may be distributed to the committee members, not to the entire...those in attendance, and we'd ask you to hand those to the pages, and they will distribute copies to both committee members and the staff. And you will need ten copies. If you don't happen to have the ten, our staff will make sure that you do. That said, I'd like to proceed forward, and today we're going to open with LB1107; that's Senator Linehan. So Senator Linehan, the show is yours.
[LB1107]

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

Health and Human Services Committee
February 02, 2018

SENATOR LINEHAN: Good afternoon, Chairman Riepe and members of the Health and Human Services Committee. My name is Lou Ann Linehan, L-o-u A-n-n L-i-n-e-h-a-n. I'm here today to introduce LB1107 and, as you will all recall, last year we worked on a bill that was very large, but all have the same goal of reducing the barriers to starting your own business or working, especially in a cosmetology and barbering field and other fields that needed to be looked at. I was very interested in specifically the barbers and cosmetologists because my father-in-law, for his whole life he had Standard Beauty and Barber Supply in...well, it covered eight states. And he spent a great deal of his life trying to increase the professionalism of this industry. And this has been a joy to work on because, over the last year, I've gotten to meet a lot of people that I knew 30 years ago when I first was married to my husband. So LB1107 is proposed to decrease the number of hours of education required for barber, and cosmetology, and cosmetology instructor, cosmetology-barber dual licensing programs to reduce barriers to entry into occupations. It revises and removes outdated requirements and unifies numerous occupational licensing credentials within the Department of Health and Human Services. I'm going to let the people that are behind me speak more to the specifics because I also need to mention that the barber board and the cosmetology board have been incredibly helpful. They've met with me several times but, more than meeting with me since I'm not the expert, I know they have had several meetings and have gone through this language and presented me language, and they've also worked together. So they can probably get better down into the details. I also should mention that Senator Howard...so in this bill is a lot of nail language--nail technology language. Senator Howard...it's her part of this and she will be speaking to that after this. So in that particular thing, you probably want to wait until Senator Howard is presenting her part because she knows that part better than I do. So with that, I'll take any questions. [LB1107]

SENATOR RIEPE: Are there questions from the committee members? Seeing none...and we are confident you'll stay around for closing. [LB1107]

SENATOR LINEHAN: I will; I'll be here. Thank you. [LB1107]

SENATOR RIEPE: Okay. Thank you very much. Proponents, those that would like to speak in favor of LL--or LB1107--I'm sorry. Please come forward. Thank you very much. If you'd be kind enough to state your name, spell it for us, please, and if you will, share us with the organization you represent, and go forward. [LB1107]

CAROL DAWSON: (Exhibits 1 and 2) All right. My name is Carol Dawson, C-a-r-o-l D-a-w-s-o-n. I am with Xenon Academy; it's one of the cosmetology schools here in the state of Nebraska. I am in favor of bill LB1107, except for the hours needed for licensed cosmetologists to enter into a barber crossover program. I feel 2,100 hours is ideal for cosmetology training, but I do understand the need for changes and agree that in an 1,800-hour program, a stylist could

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

Health and Human Services Committee
February 02, 2018

learn everything they needed to know to be able to work and be successful in a salon. They would just not have as much practical experience when they were done with the 1,800-hour cosmetology program. I agree that a cosmetology instructor needs 600 hours to learn to be an instructor and agree that the cosmetology instructor training must be earned in no less than six months should be eliminated. By eliminating the at least six-month time frame for the instructor, this will allow the cosmetology instructor to get to work sooner and not drag out their learning program. As I said at the beginning of this letter, I agree with everything in the bill except for the 700 hours needed for a licensed cosmetologist to clock in a crossover program for barbering. The full barber program requires 263 practical skills. Of these practical skills, the barber program has two areas of practical skills that require more skills than the cosmetology program does. These two practical skill areas are the ten beard trims and ten shaves. I do not feel that it would take a licensed cosmetologist 700 hours to learn how to do beard trims and shaves and to perform the beard...the ten beard trims and ten shaves needed for the difference of practical skills between the programs. I feel the crossover program could be done successfully in 300 hours. I feel a licensed cosmetologist can certainly be prepared to sit for the barber licensing after 300 hours of additional training beyond their cosmetology license. I believe more licensed cosmetologists could, and would, commit 300 hours to a barber crossover program that would help increase their value to a salon or barber shop, thereby increasing their wages. So the handout that I gave has barber regulations compared to cosmetology regulations. On the right-hand side, the grayed areas are the differences. So freshman cosmetology for both barber and...I'm sorry...freshman program for both cosmetology and barbers is 300 hours. It's 300 clock hours and then there are skills that need to be done. Then the advanced is where the differences happen. So barbers have to do ten shaves, ten beard trims. In the cosmetology program there are no shaves, no beard trims, because cosmetologists can't shave. We could do beard trimming with clippers. So the haircutting that the cosmetologists do, there's 300 hours of haircuts that need to be done. It's not specific to men or to women so at my school we average 410 men's cuts a month. So our students are already doing a lot of men's haircuts. They just don't have any shaving that they're doing. So with the differences, we feel that 300 hours for a crossover program, for a licensed cosmetologist to take 300 hours to learn that shaving, to learn the beard trims, they would be able to sit for boards and be successful at that. So do you have any questions for me about that?
[LB1107]

SENATOR RIEPE: Okay. Thank you. We'll see if the committee has questions. Seeing none, we may develop some as we go forward. [LB1107]

CAROL DAWSON: All right. [LB1107]

SENATOR RIEPE: But thank you for your testimony. [LB1107]

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

Health and Human Services Committee
February 02, 2018

CAROL DAWSON: All right; thank you. [LB1107]

SENATOR RIEPE: We will look for additional proponents if they will come forward, if you're off the... [LB1107]

CAROL DAWSON: All right; thank you. [LB1107]

SENATOR RIEPE: Thank you. Thank you for being here. If you'd state your name and spell it, and the organization you represent, and then go forward. [LB1107]

PAUL DUNNING: (Exhibit 3) Yes, Sir. Thanks for having me. My name is Paul Dunning, P-a-u-l D-u-n-n-i-n-g. I attended Xenon International Academy, which is where the lady before me represented, as well. I feel as though I had an excellent education there, in which I learned all of the skills that I need to cut gentlemen's hair. I've been in the industry for six years. I only cut men's hair. I work in a dual-licensed barber shop that is both licensed in barbering and cosmetology. I also work for an international education company that I actually teach how to cut men's hair. I feel as though I was so well educated at Xenon that I became one of the "forerunning" men's haircutters, probably, in the state, and I feel as though that education that I got on men's haircutting is something that easily could have had me licensed as a barber if not only for the fact that we didn't learn how to shave. I agree that the hours needed to master that process should be less. In fact I actually think that we could probably do about 100 hours of education if we only have that one skill to focus on. And I feel as though, myself, I would be ready to sit for boards after probably about 100 hours of extra education in that one skill. At Xenon they covered disease prevention, and a lot of the issues that come along with a shave, incredibly well. So I feel like even half of that process of just using clean implements and, you know, clean tools and a clean workspace is already covered at Xenon. I feel as though, you know, it would not take 700-1,100 hours to complete ten shaves. I also feel as though I come along and try to hire people to work at my barbershop, and I don't find people that I feel like I can staff from the barbering colleges, in the sense that I feel they need more time cutting more hair and getting more cuts in and styles in. So I would like to be able to hire people that had all of this haircutting experience in the men's and women's departments with that extra ability of doing a shave tacked on to it. I have been really dreaming of this moment to come for a while. I've been looking forward to speaking on this because it's something that I hold so near and dear to my heart. I'm not allowed to call myself a barber, even though all I do is cut men's hair. I cut 18 heads of hair a day, and I'm not allowed to call myself a barber for the sole purpose that I cannot shave a face. I feel as though, you know, we are being, you know, held back in our ability to provide the community with the services that they're looking for. I can't tell you how often I get phone calls every day: Paul, I'd really love a shave. I love your haircuts. Can I come in and get a shave and a haircut as well? As much as I would love to do such a cool, American traditional

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

Health and Human Services Committee
February 02, 2018

process on you, I'm not licensed for it. Oh; well, why not? Well, I'd love to do it for you; I just can't. So I would really love for you to consider lowering the hours from 700, between 700 and 1,100, much, much further down because I know that the people in my industry, on average, probably make less than \$30,000 a year, can't afford that \$10,000 of time and 300, 700, 1,100 hours of time. I feel like they would probably lose their job trying to support their families on, you know, going to school and trying to be at their workplace at the same time. I feel like, you know, I am the person to speak on this because I'm just...I'm very, very passionate about the fact that I think that we should be able to, you know, take further education, but not nearly 700-1,100 hours. So thank you very much for your time. And I know that I'm probably one of the only active professionals in the room, so I'd like to field any questions from that standpoint, if I could, from you guys. [LB1107]

SENATOR RIEPE: Okay. Are there questions from the committee members? [LB1107]

PAUL DUNNING: Yes, Sir. [LB1107]

SENATOR RIEPE: Senator Erdman. [LB1107]

SENATOR ERDMAN: Senator Riepe, thank you very much. I just couldn't pass this up. So you made a comment that you weren't allowed to shave a man's face. Is that why you have a beard (laughter)? [LB1107]

PAUL DUNNING: No. Unfortunately, no. I'm a man of the times, and it's fashionable at the moment. But yes, Sir. [LB1107]

SENATOR ERDMAN: The question I have is when I go to get a haircut, generally it depends on how well I think they did. [LB1107]

PAUL DUNNING: Sure. [LB1107]

SENATOR ERDMAN: I tip the person who did that. [LB1107]

PAUL DUNNING: Sure. [LB1107]

SENATOR ERDMAN: Do you get a lot of tips in your business? [LB1107]

PAUL DUNNING: Yes, Sir. [LB1107]

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

Health and Human Services Committee
February 02, 2018

SENATOR ERDMAN: Very good. Thank you very much. [LB1107]

PAUL DUNNING: You're welcome. [LB1107]

SENATOR RIEPE: A question that I have before you run off. [LB1107]

PAUL DUNNING: Yes. [LB1107]

SENATOR RIEPE: Have you yourself...you talked about your "practice," like your shop. [LB1107]

PAUL DUNNING: Yes, Sir. [LB1107]

SENATOR RIEPE: Have you hired barbers? [LB1107]

PAUL DUNNING: We have a barber on staff. Yes, Sir. She is an older woman that is probably in her, I believe, 60's. One of the issues that we... [LB1107]

SENATOR RIEPE: Be careful now (laughter). [LB1107]

PAUL DUNNING: Yes, Sir; I understand. One of the issues that we have is that she's not required to do any continued education, so we feel as though she is not as capable of doing some of the more modern processes that we do in our shop, some of the more modern services that we do, which is frustrating to me. So oftentimes we are looking for people with the skills in haircutting that a cosmetologist has but, unfortunately, they oftentimes don't come along with the accreditation of someone who can shave a face. [LB1107]

SENATOR RIEPE: So you've stated these comments of concern and yet you're willing let her have a straight razor in her hand. [LB1107]

PAUL DUNNING: Oh, of course. Yes, Sir. I mean she is fully licensed to do that process. It's just something that I feel like, you know, that she doesn't necessarily have as much of the continued education that someone in the cosmetological industry would have. [LB1107]

SENATOR RIEPE: Okay. Thank you very much. Let's see if we have any other questions for you. Senator Crawford. [LB1107]

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

Health and Human Services Committee
February 02, 2018

SENATOR CRAWFORD: Thank you, Chairman Riepe. And thank you for being here today. [LB1107]

PAUL DUNNING: Thank you. [LB1107]

SENATOR CRAWFORD: I believe you passed out this handout, if I'm correct. [LB1107]

PAUL DUNNING: Yes, ma'am. [LB1107]

SENATOR CRAWFORD: Yes. So is this where you are getting your conclusion that it would take about 100 hours? Is that... [LB1107]

PAUL DUNNING: Yes, ma'am. [LB1107]

SENATOR CRAWFORD: Is that where I'm reading from this, the 50, 10, 10, 70? [LB1107]

PAUL DUNNING: Yes, ma'am. [LB1107]

SENATOR CRAWFORD: Okay. And so I just wanted to clarify that that's where that came from and how to read that. Okay. [LB1107]

PAUL DUNNING: Sure. [LB1107]

SENATOR CRAWFORD: Thank you. [LB1107]

PAUL DUNNING: Thank you. [LB1107]

SENATOR RIEPE: Okay. Are there other questions? Seeing none, thank you. We very much appreciate your being here... [LB1107]

PAUL DUNNING: Thank you. [LB1107]

SENATOR RIEPE: ...and you've added some insight. Additional proponents? Welcome. And if you would state your name and spell it and the organization you represent, please. [LB1107]

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

Health and Human Services Committee
February 02, 2018

ASHLEY SHECKLER: Ashley Sheckler, A-s-h-l-e-y S-h-e-c-k-l-e-r, and I'm here with Xenon Academy, which is a cosmetology school out in central Nebraska. Good afternoon, I'm Ashley from central Nebraska, the director of Xenon Academy. I've been in the industry for 17 years. I want to start out with saying thank you for listening to us today. I am proponent for the LB1107 bill. This introduces the transferability of the hours between the disciplines. A key benefit of transferring hours will reduce the educational needs and expenses of the students prior to training. This is the first time that transferring hours will be allowed between esthetics, nail technician, and cosmetology. This will give the option for licensees to go back for additional training to get multiple licenses and expand their job opportunities and increase their earnings without repeating the training and have already successfully completed. This will save on tuition fees, as well as time spent in the classroom and away from working and earning an income. [LB1107]

SENATOR RIEPE: Okay. Are there questions from the committee members? Seeing none, thank you very much. [LB1107]

SENATOR WILLIAMS: Oops. [LB1107]

SENATOR RIEPE: Oh. [LB1107]

SENATOR CRAWFORD: Thank you, Senator. [LB1107]

SENATOR RIEPE: Senator Crawford, I'm sorry. [LB1107]

SENATOR CRAWFORD: Thank you, Chairman Riepe. And so just to confirm, you are satisfied with the credit hour differences in each increment? [LB1107]

ASHLEY SHECKLER: Yes, going down to 1,800. Yes, I do support that. [LB1107]

SENATOR CRAWFORD: Thank you. [LB1107]

ASHLEY SHECKLER: You're welcome. [LB1107]

SENATOR RIEPE: Okay, thank you very much for being here. Additional proponents. Okay. Thank you very much. Welcome. [LB1107]

LINDA POCHOP: Thank you. [LB1107]

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

Health and Human Services Committee
February 02, 2018

SENATOR RIEPE: If you would be kind enough to state your name and spell it and then tell us the organization you represent. [LB1107]

LINDA POCHOP: My name is Linda, L-i-n-d-a Pochop, P-o-c-h-o-p, and I am from the Xenon Academy in Omaha. So again, I am director of education for Xenon Academy in Omaha, Nebraska, and I've been a licensed cosmetologist for 30 years and a licensed cosmetology instructor for 25. I know over the last year many hours have been spent trying to determine what path should be taken on the matter of cosmetology, barbering, esthetics, nails, and massage therapy. I am sure that, when you started this, you had no idea the resistance that your committee was going to face from our industry, but I believe that you have discovered that we're very passionate and take our profession very seriously. While you have the weight of this decision that's going to affect thousands of people now, we have the weight of this decision that's going to forever change our industry in our state. Asking us to teach less, spend less time preparing our students for careers that may last them their lifetime, as mine has me, we don't take this matter very lightly. We do understand that there is a need for compromise, and we do support LB1107 with the reduction of the cosmetology hours from 2,100 to 1,800. With that, we still feel that we will be able to give the students the tools and the education that they're going to need to become successful and prosperous in our industry. One of the things that we've been talking about, again, is in that crossover program and just expanding that opportunity for stylists to have, in becoming dual-licensed with either barbering, esthetics, you know, that whole gamut of this, opportunities that it would open up for the students. Reducing the cosmetology instructor program from the 925 hours to 600 hours, and again removing that six months minimum training, is going to give the necessary time to teach those individuals how to follow the necessary guidelines, manage a classroom, create lesson plans, and teach extensive subject matter to our students. One of the other things in this bill that we are excited about is that it's taking away the limits of student-to-teacher ratio from a 6-to-1 in esthetics because, in the cosmetology program, it's 20-to-1. So...and we know...I know you guys know from some of our previous discussions, some of those skills are taught in each of the programs, which...why we're excited to be able to give those students credit for it if they did it in a different program. So if I'm teaching waxing to the cosmetology students, I can do it in a 20-to-1 ratio. But if I'm doing it with the esthetics, you say it's only 6-to-1. And it's like it is the exact same service, the exact same skill, the exact same teaching method but, because of those limitations, it really kind of puts a barrier on our ability to increase our class sizes for those specific trainings. As we're looking at, you know, those trainings, and the minimum hours that are happening with that--and I've spoke to you guys about this before, our success of our students has to reach beyond graduation because we're continually monitored, after the student graduates, by our accrediting agency. We have to report for gainful employment. We are held responsible for our students' student loan default rates. So for us it is truly so important that we're not just turning and burning students out. It's about making sure that once they get into our industry, that they're going to be able to live and make a decent living and

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

Health and Human Services Committee
February 02, 2018

be able to, again, hold on to a job, hold on to a career and be successful in it so that they're, again, going to be, in turn, great citizens in our state. And that's really... [LB1107]

SENATOR RIEPE: Taxpaying citizens, right? [LB1107]

LINDA POCHOP: Taxpaying citizens. salon owners. [LB1107]

SENATOR RIEPE: Okay, thank you very much. We'll see if there are some questions here from the committee. Senator Williams. [LB1107]

SENATOR WILLIAMS: Thank you, Chairman Riepe. And thank you, Ms. Pochop, for being here today. Would you discuss, from your perspective and how you look at it, the crossover license aspect that we see here between barbering and cosmetology? [LB1107]

LINDA POCHOP: You know, before this even started, we had been considering the option of bringing in barbering into our cosmetology school because, as his point in time, right now in the state of Nebraska, there is only one school that offers the barbering program, and it's in Lincoln. So for anybody that is living in the Omaha area or any other outlying areas, we're looking for them to have to travel to go to Lincoln. But as we did research with students and for people to come, the 1,100 hours was really just too much for them, when they're already working full-time, to come back. So we had held off on actually bringing in that barber program. We have several students that, as this process has been going on, as we've been talking with them about it, that would be very excited about staying at the end of their program, to complete that secondary program in a shorter amount of time while they're still enrolled in school, and before they're actually out, you know, working full-time because I feel like it would be a pretty easy transition at 300 hours, you know, you'd be looking at roughly eight to nine weeks of time. If we got it lower than that, of course, you know, that's going to shave some of that time off. We also would be able to then do a part-time program so that people that were already licensed and working in the industry would be able to do it on a part-time basis instead of a full-time basis, if the hours weren't so great. It wouldn't take them a year to get through on a part-time program. With the esthetics program, and even in nails, with so much of that being covered in each of the subject matters that we teach, I think, you know, for us we probably have about five or six of our cosmetology students a year that will continue on and do the esthetics program again very shortly after they've completed one or the other programs. And to be able to give them credit for some of, again, that double dipping of education that they got, the anatomy in esthetics is the same as the anatomy in cosmetology. Waxing is the same in both. So it's like being able to bring down some of those hours and get them out into the workforce faster. We would be very excited about being able to do that for them. So... [LB1107]

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

Health and Human Services Committee
February 02, 2018

SENATOR WILLIAMS: Thank you. [LB1107]

SENATOR RIEPE: Okay. Other questions, concerns? Do any of the programs have night schools? [LB1107]

LINDA POCHOP: At this time, we do not have any at our specific campus or in our Grand Island campus. I'm not sure with the other cosmetology schools if they have a part-time or a nighttime program. But it would definitely open us up to that ability if they're...with the hours being less. Just trying to do part-time with the hours so long, it would...they would end up being there a very, very long time. The completion rate of that would probably be pretty low. [LB1107]

SENATOR RIEPE: Okay. Are there other questions from the committee members? Seeing none... [LB1107]

SENATOR CRAWFORD: Oh...sorry, I'm slow today. [LB1107]

SENATOR RIEPE: Oh, Senator Crawford. Please go ahead. [LB1107]

SENATOR CRAWFORD: Thank you, Chairman Riepe. And thank you for being here and for your comments. So as I understood it, you would see the...closer to 300 hours from the cosmetology barber, and you spoke about the...going from several of the other trainings... [LB1107]

LINDA POCHOP: Um-hum. [LB1107]

SENATOR CRAWFORD: ...nail trainings, other trainings, into cosmetology. Do you think that those are appropriate? [LB1107]

LINDA POCHOP: I do, especially, you know, we have some of the same educators teaching both of those subjects... [LB1107]

SENATOR CRAWFORD: Um-hum. [LB1107]

LINDA POCHOP: ...between the programs. So they're getting, you know, the exact same information from the exact same person but, because it's in this program, it doesn't count... [LB1107]

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

Health and Human Services Committee
February 02, 2018

SENATOR CRAWFORD: Right. [LB1107]

LINDA POCHOP: ...for that one. So... [LB1107]

SENATOR CRAWFORD: Which is great to see it count. [LB1107]

LINDA POCHOP: It would be really a sigh of relief for a lot of the students who want to do both. There are so many new opportunities, especially in the esthetics industries, going to work with the medical esthetics and working with plastic surgeons, and doing treatments in the office under the supervision of those physicians. And to be able to allow them to have that other opportunity there I think would, you know, be really beneficial for those students. [LB1107]

SENATOR CRAWFORD: Great. Thank you. [LB1107]

LINDA POCHOP: Um-hum. [LB1107]

SENATOR RIEPE: Okay. Any other questions? Seeing none, thank you so very much... [LB1107]

LINDA POCHOP: Thank you. [LB1107]

SENATOR RIEPE: ...for being here. Additional proponents. Welcome back. [LB1107]

JACKIE HORNIG: Welcome. [LB1107]

SENATOR RIEPE: And if you'd be... [LB1107]

JACKIE HORNIG: Did you think about the movie "Ground Hog Day" today? It's like we're doing this again (laughter). So thank you. [LB1107]

SENATOR RIEPE: If you'd be kind enough to state your name, spell it, and then the organization you represent, please. [LB1107]

JACKIE HORNIG: Yes. My name is Jackie Hornig, J-a-c-k-i-e Hornig, H-o-r-n-i-g, and I am here basically representing myself as a professional, but I do work at Xenon Academy, and I do sit on the cosmetology board. I am a licensed cosmetologist, a cosmetology instructor of 33

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

Health and Human Services Committee
February 02, 2018

years and a school owner here in Nebraska. And I will only speak on the things that already haven't been spoken on in this, and so you don't have to rehash things that you already know. So the reduction of hours, what I'd like to speak to today is the reduction of hours and, as a proponent of this bill, I think the reduction of hours from 2,100 to 1,800 is a wonderful idea. I think it supports the Governor's licensure reform efforts, you know, which has started this process with LB343 last year. But it's mindful and maintains requirements that assure students have the appropriate training and the education to obtain licensure in Nebraska. So I think it's a very good number. I think the number of 15 that was proposed last year would do harm, and I'll get into that in just a moment. The majority of our students attending schools to enter into these professions are women. Many of them are single mothers who solely bear the responsibility to financially support their families. 54 percent of our students in Nebraska at this time are Pell-eligible students, so there are students coming from financial aid. Or it's the families that need government assistance to even attend the program. And I was caught by the Governor's Web site yesterday, as I read about Nebraska's SNAP reemployment program. And as I understand it, it's an initiative that has the intent to help even more Nebraskans achieve greater financial independence and overcome the barriers keeping them from higher paying jobs. So 1,500 hours might get you a job, but it might not be a higher paying job, because you don't have the quality of education. And I believe that 1,800 hours is a...meets the perfect mark. A reduction in hours would hamper the goal of higher paying jobs and greater financial success, as most salon and spas are commission-based, and our students need to be fully prepared, as they enter into the workforce. So they have to be prepared right away. So that's why I think 18 is a good number. It's a compromise, but 1,500 hours I do not feel students will be prepared right off the bat. And I know this initiative talks about resume writing and interviewing. We will have the time to do that in 1,800 hours and truly hit the ground running for our graduates. But if we take it any further down, we get to lose all those nuances and really prepare them to be professionals and not just hold a job. So without repeating everything else, do you have any questions for me? [LB1107]

SENATOR RIEPE: Okay. We will ask the committee. Do you...any questions from the committee members? Seeing none, thank you very much for being with us. [LB1107]

JACKIE HORNIG: Okay, thank you. Thank you. [LB1107]

SENATOR RIEPE: Again, proponents, please. Welcome. If you'd be kind enough to state your name, spell it, and share with us the organization you represent. [LB1107]

PATRICK BUTLER: (Exhibit 4) Sure. My name is Patrick Butler, P-a-t-r-i-c-k B-u-t-l-e-r. I'm from Floyd's 99 Barbershop, and also a licensed cosmetologist in Nebraska, representing myself. Thank you, Chairman, and thank you, board, for allowing me to have an opportunity to speak before you. As I said, I'm a licensed cosmetologist in the state of Nebraska. I've been licensed for

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

Health and Human Services Committee
February 02, 2018

the past 23 years, working behind the chair. In addition, I've gained secondary schooling that has allowed me to further my career to work within other organizations outside the state. And currently I reside in a position with a company that's based in Denver, Colorado. The company I mention is Floyd's 99 Barbershop, and that company started 16 years ago in Denver. Since then we've opened 110 locations across the country. They're spread from the West Coast in Los Angeles, California, all the way to the East Coast, up in the northeast and down south through Florida. We employ close to 1,500 cosmetologists and barbers within our barber shops and, traditionally when you think of barber shops, many people are prone to think of a smaller barber shop, 1-2 chairs. Our locations have, on average, anywhere from 10-15 chairs, and we employ, at the minimum, 15 and upwards of 30 employees at each location. The key to the conversation in hiring and growing and that rate is this: We need to hire cosmetologists and, more importantly, we need to hire barbers. In doing so, we've run up against a great challenge in many states that we opened in, and that is, there are a lack of barbers. And so what we work diligently at is partnering with barber schools within the states where we have locations. We need to hire new graduates who are coming out of school, but what we really want to strive towards is partnering with the schools so we can help cosmetologists in the crossover process to gain their license. Currently we run two programs, one in Colorado and one in California. The threshold for hours in California is 200 hours to gain the license, for a barbering license, and 300 in Colorado, which actually this last month was lowered to 90. In the handout that I gave you, it will show the number of hours that a cosmetologist would be required in order to become a barber and gain licensure. That partnering with those schools within Colorado and California has helped us to, in the last three years, helped licensed cosmetologists in our company; 103 of them have graduated and gained the skill set needed to become barbers. In addition, we've hired just under 200 barbers straight out of school just in those two states alone. The need is great, as we move across the country and so, therefore, as we look to expansion, we look to states that will be optimum partners with our company. As an example, we're going to open a new location in Kansas City, Missouri. In addition, we have a model that will be built out with five to ten more locations within Missouri as well. The great news for us is that the threshold for cosmetologists to gain their licensure is 45 hours in Missouri. That's a huge advantage to us as an employer because we can definitely put people through a program, help them to gain licensure, and hire more barbers within our shops. Nebraska has always been on that list, and I told you I lived in Omaha, Nebraska. I'm a licensed cosmetologist there and yes, I travel for my company all across the country in educating our staff and opening new locations. And Nebraska has always been on our list for expansion, and yet we've drifted down further because of the barriers that Nebraska has currently with the current laws in place. With 1,100 hours in place right now for a crossover program, it just doesn't make sense for us to expand in a state that would have that sort of barrier. This hurts me personally as a cosmetologist. I've been behind the chair for 23 years and, in 20 of those years, I've been an educator, much like the gentleman who spoke before you. I've educated for 20 years, I've traveled all over, educating about men's haircutting and grooming, in specific. I can't gain that license in Nebraska unless I took 1,100 hours of my time, which is currently a

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

Health and Human Services Committee
February 02, 2018

restricted to a full-time program in the state of Lincoln--or in the city of Lincoln, excuse me. I can't do that and support my family and take that time...type of time away from my family. I'm no different than many other cosmetologists who can't do the same thing. And so, by the reduction of hours with closer to 300, it would become a great opportunity for people outside of Lincoln to take advantage of this opportunity that would allow schools to offer new programs in order to get people through the program. So I've really seen the benefit of this program in two different states, in particular as I mentioned. It has created jobs, and it has allowed my company to open new business doors. In each of those states because of those opportunities, we've opened no less than 11 new locations because of the influx of barbers coming into our locations. So I seek...I really hope that you would consider this. I'm a proponent of it. I see it as nothing but opportunity because of the benefits that I've witnessed personally in my company. Thank you. [LB1107]

SENATOR RIEPE: Okay, thank you. We'll see if we have some questions. I have a question. [LB1107]

PATRICK BUTLER: Yes, Sir. [LB1107]

SENATOR RIEPE: And that is, is there's a wide range between Colorado's 90 on your map here and, for example, Idaho, which is 2,000. And is that just because of regulatory or statutory requirements... [LB1107]

PATRICK BUTLER: Yes. [LB1107]

SENATOR RIEPE: ...that there's no logical reason? Or just...(inaudible). [LB1107]

PATRICK BUTLER: I guess that's your opinion, as far as logic, but in Idaho, if you look at the Dakotas as well as Idaho, there are no hours credited for prior training. So therefore that wouldn't allow that individual who went through that training to apply those towards that program. And that's why you see such a disparity between the hours. [LB1107]

SENATOR RIEPE: Okay. Are there any other questions? Seeing none... [LB1107]

PATRICK BUTLER: Thank you. [LB1107]

SENATOR RIEPE: Thank you very much for being here. [LB1107]

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

Health and Human Services Committee
February 02, 2018

PATRICK BUTLER: Yep. [LB1107]

SENATOR RIEPE: Additional proponents. Do we have others that want to speak in favor? Thank you for being here. If you'd be kind enough to state your name, spell it, and tell us who you represent, please. [LB1107]

PAM ROWLAND: (Exhibit 5) My name is Pam, P-a-m Rowland, R-o-w-l-a-n-d, and I'm here to speak on behalf of the Nebraska Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art. [LB1107]

SENATOR RIEPE: Thank you. [LB1107]

PAM ROWLAND: The Nebraska Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art is a proponent of LB1107, as introduced this legislative session, with the exception of: 71-204, line 3; 71-208, line 2, 1,900 hours for barbering program; as well as 71-208.08, line 1, giving credit of only 1,200 hours of cosmetology training towards a barber program. The changes to be introduced in LB1107 were discussed at our board meeting held January 8, 2018. The board recognizes the need to reduce, update, and even repeal some statutes that may inhibit people from entering our profession. We embrace the task of reviewing current statutes and evaluating their intent and relevance to the committee's objective of reducing roadblocks towards employment. We support the majority of the provisions or changes, as proposed. These changes reduce burdens to business owners, to new licensees, and to those seeking reciprocity coming from other states, without compromising the health and safety of the public. The board did not vote to approve three proposed statutes. Again that was 71-204, line 3; 71-208, line 2; and 71-208.08, line 1. The Cosmetology Electrology, Esthetics, Nail Technology, and Body Art Board voted and approved proposing 1,500 hours of credit be given towards a barber program, not the 1,200 hours, as written in LB1107. The board did not discuss, nor vote on, 1,900 hours for barber training. We feel 1,800 hours of cosmetology training with an additional 300 hours of barber training, to hold both a cosmetology and barber license, is a sufficient educational requirement to entry-level competency. We request these areas of the bill be amended to reflect a more appropriate requirement, instead of the 700 hours of additional training, as currently proposed in LB1107. Thank you again for the opportunity to speak. [LB1107]

SENATOR RIEPE: Okay, thank you very much. Are there any questions? Seeing none, thank you very much. Other proponents? Seeing none, are there opponents, anyone in opposition who wants to testify? Apparently not. Is there anyone that wants...oh, okay. [LB1107]

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

Health and Human Services Committee
February 02, 2018

GREG HOWARD: Are you going to have a...just a question. Are you going to have a neutral position, as well? [LB1107]

SENATOR RIEPE: Yes. [LB1107]

GREG HOWARD: You think you will, okay. [LB1107]

SENATOR RIEPE: Would you like to wait for that? [LB1107]

GREG HOWARD: Yeah, I think I'll wait for that. [LB1107]

SENATOR RIEPE: Okay. Well, just stand right there. Let's see. Do we have any other in opposition? Hearing none, let's go to the neutral position and see how that goes. [LB1107]

GREG HOWARD: Okay, great. Thank you. [LB1107]

SENATOR RIEPE: If you would introduce yourself: Give us your name and your...spell it, and then tell us who you represent, please. [LB1107]

GREG HOWARD: My name is Greg Howard, G-r-e-g H-o-w-a-r-d, and I'm with the College of Hair Design here in Lincoln. And I would first like to thank the senators for the work that's went into this bill and the time and research that's gone into it. I think that there's been a lot of adjustments made in...over the summer during the interim study. And so we appreciate all the work that's went into this bill. I'd just like to say that I've been a barber for a little over 34 years, and my father initially started what was called Lincoln Barber College, that is now called College of Hair Design. So it's a long history that I have in this industry. I'd just like to say that I think that the...there's a lot of benefit to the way the...you've written the bill, in terms of...in taking it down from 1,100 hours to 700 hours, the program would approximately be about a four and a half- to five-month long program. We believe that that gives the student enough time to be prepared for the board, which is a written and a practical board where they do perform a shave and several haircuts. It also gives the student time to work on the public and to gain the confidence that is required to be proficient in this field. So basically I feel like the way the law is proposed is well-written. And we also teach cosmetology, so the reduction of hours in that area we would stand for, in support, as well. I know that this industry has a lot of...I know nearly everyone that's testified, and we all are a pretty tight community, and there's a lot of different opinions when it comes down to what does it take to develop the skill sets and the threshold of confidence in order to work in this field, so respect everybody's opinion, but we feel like keeping the requirements still at the higher level, in terms of the crossover program, has a great deal of

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

Health and Human Services Committee
February 02, 2018

benefit. So I would basically say I'm in favor of the bill, but just not to tinker with it too much at this point. [LB1107]

SENATOR RIEPE: Senator Crawford. [LB1107]

SENATOR CRAWFORD: Thank you, Chairman Riepe. And thank you for being here, Mr. Howard. Is the...are the boards and the exams similar in Nebraska to other states, or are there different standards, in terms of being able to pass that board and the skills test? [LB1107]

GREG HOWARD: I would defer that question to Ken Allen; I know he's going to be coming up. I'm not aware of a great deal of differences. There are states that I think maybe aren't...possibly might not have as extensive of a hands-on examination, but I think the...I know the written part is fairly a standard format, so... [LB1107]

SENATOR CRAWFORD: And is it...it's really the passing the test that's critical, in terms of getting to be licensed. [LB1107]

GREG HOWARD: The test is, like I said, a two-part test. [LB1107]

SENATOR CRAWFORD: Um-hum. [LB1107]

GREG HOWARD: So it's given where the student actually does physically perform these: a shave, two haircuts. And they also do some work with chemical workings of a permanent wave and rolling perm rods and such, as well. [LB1107]

SENATOR CRAWFORD: Thank you. [LB1107]

GREG HOWARD: Okay. [LB1107]

SENATOR RIEPE: Okay. Senator Williams. [LB1107]

SENATOR WILLIAMS: Thank you, Chairman Riepe. And thank you, Mr. Howard, for being here. Would you just discuss...you heard me ask one of the previous testifiers about talking about crossover from cosmetology to barbers. Help me understand the difference of the crossover from barbering to cosmetology. [LB1107]

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

Health and Human Services Committee
February 02, 2018

GREG HOWARD: The difference is essentially...I mean they're very parallel skill sets. It's just that there's like in our program, we've introduced a whole curriculum that's by one of the manufacturers of the clipper--Wahl Corporation. So there's a set of curriculum that we go through with the Wahl men's method, specifically for skin-tight fades and the use of razor blades and it's shaving and there's hard parts and they use a razor sometimes, and so. And with ethnic barbering you get into a lot of shaving around the hairline and so there's definitely a variety of skills that are put into the system. It's not simply a matter of, say, six or eight haircuts. It's a multiple...like we, on a weekly basis, bring in outside speakers who will present maybe even one little aspect of something regarding the barbering haircuts and trims. [LB1107]

SENATOR WILLIAMS: Am I...and if I'm missing something here, help me. The legislation is proposed, is proposing, I think, 300 hours to do a crossover from cosmetology to barbering. Right? [LB1107]

GREG HOWARD: No, it's... [LB1107]

SENATOR WILLIAMS: Excuse me, other way around. Other way around. What is it the other way? [LB1107]

GREG HOWARD: It's the...well, it's they're proposing 1,200 hours be credited toward the 1,900 that the barber, the proposed law, which would represent... [LB1107]

SENATOR WILLIAMS: Yeah. So you'd... [LB1107]

GREG HOWARD: ...a 700-hour program. [LB1107]

SENATOR WILLIAMS: Leave 700. [LB1107]

GREG HOWARD: Right. And there were other testimonies saying: What could we change that to work? The net result would be 300. [LB1107]

SENATOR WILLIAMS: Right. [LB1107]

GREG HOWARD: And I would be opposed to that. [LB1107]

SENATOR WILLIAMS: Got you. [LB1107]

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

Health and Human Services Committee
February 02, 2018

GREG HOWARD: So... [LB1107]

SENATOR WILLIAMS: Thank you. [LB1107]

SENATOR RIEPE: Senator Crawford: [LB1107]

SENATOR CRAWFORD: Chairman Riepe. Thank you, Chairman Riepe. So is there a cross the other direction? [LB1107]

GREG HOWARD: Yes. [LB1107]

SENATOR CRAWFORD: Okay. [LB1107]

GREG HOWARD: Yes, there is. Under the...in the law there is a similar parallel of...which is present now. Presently in Nebraska, you know, either license you can cross over with an additional 1,100 hours, which takes roughly seven months. So...so currently we have like...we just had students starting a couple weeks ago, a half dozen students, to do that in the barbering side. So they will be with us for approximately seven months. [LB1107]

SENATOR CRAWFORD: Okay, thank you. [LB1107]

SENATOR RIEPE: Additional comments, questions? [LB1107]

SENATOR RIEPE: Okay. Seeing none, thank you for your testimony. We will accept other neutral testifiers. [LB1107]

KEN ALLEN: (Exhibit 6) Good afternoon, Chairman Riepe and members of the Health and Human Services 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'd like to thank you for this time you've allowed me to testify at today's hearing. I'd also like to thank Senator Linehan for taking the time to take this bill on. It's been a barrier just to get through this bill, and I appreciate you guys deciding to dissect it for us. During one of my conversations with Senator Linehan, she'd asked me to come up with a plan for the barber board rules or their guidelines. Under a time crunch, she had to get the bill introduced prior to the ten-day... [LB1107]

SENATOR CRAWFORD: Right. [LB1107]

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

Health and Human Services Committee
February 02, 2018

KEN ALLEN: ...um-hum, area. So that being said, our board did not meet until last weekend. So under a crunch, I threw some numbers together, talking with current and past instructors on what it would take, the minimum requirements to get a barber trained properly to be safe, sanitary for public health and welfare. Feedback varied across the board, so I got back in touch with Senator Linehan, told her 1,900 hours. I said this could vary, I don't know, I haven't talked to the board. And I told her 700 hours. This, too, could vary, but I knew she had a time crunch to get the bill introduced. So that's where those numbers came from. I'm not going to throw her under the bus; that's on me. So let's get that straight right off the bat. So she introduced LB1107. Our board met last Sunday afternoon. After lengthy conversation, and two of my board members are instructors, two of my board members are dual-licensed folks. So it's not like new territory for any of them. After talking with the board, they were very adamant that the 1,900 hours felt like a good mix for us. They also weren't in favor of the 700 hours proposed in this legislation. They thought 700 would be a real push to get all the barber training, including: tapers, which is not just a haircut; shaves, which is not just a Bic shaver...the professionalism, the whole thing plus the safety factors, which is roughly one hour of classroom equates to three hours on the clinical floor, just to get the proper training. That's minimums. And I heard talk of ten shaves; those are minimum, people. Most of our people end up with 15-20 in like a two-month period, if they stick to it. Yes, we have people that will do their minimum ten; that's America. People will do just enough to get by. There was also some minimums, and these are minimums, and our board did review those minimums. They raised them on the barber program. And Senator Linehan felt that we needed more education. That's what the board decided to do, put more requirements on the students. Okay? So that being said, the board did rule to keep...to bump the 700 hours, which would have been the 1,200 hours...bump it back down to 1,050, which equates out to 850 hours; and that will be in your handout, I believe, that you have in front of you. In addition to this, I'd also like to point out that the content in Section 46, section (sic--subsection)(2), line 7-9 on page 38, we usually do a mutual agreement with the Cosmetology Board and, technically, this would be the cosmetology part of the bill. It should not be in the Barber Act itself. And vice versa also. On page 22, Section 26, subsection(2), line 16-19, the reverse is true there. That's written in a cosmetology bill; that probably should be in the barber bill. So those are minor little tweaks. Overall the bill looked like it was a pretty decent bill. I appreciated working with the senator, working with the Cosmetology Board. I just...I don't have anything else to add to this so, if you have any questions for me, I'd appreciate it. [LB1107]

SENATOR RIEPE: Okay, we'll see. Are there questions from the committee members? Thank you for this information. [LB1107]

KEN ALLEN: Sure. [LB1107]

SENATOR RIEPE: It appears there are no questions, so thank you. [LB1107]

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

Health and Human Services Committee
February 02, 2018

KEN ALLEN: Sure. [LB1107]

SENATOR RIEPE: Are there additional individuals that want to testify, apparently so, in a neutral capacity? [LB1107]

JANE NIMS: (Exhibit 7) Good afternoon, senators. I have been here before; however, my name is Jane Nims, J-a-n-e N-i-m-s, and I own seven cosmetology schools across the state of Nebraska. I'm neutral on this bill, as far as reducing cosmetology hours to 1,800 because, 50-some years ago, I graduated from cosmetology with 1,800 hours. And I'm still proficient in the profession and still going rather strong, sometimes a little slower than others but, yeah, I still keep up. My only material today is to bring you information on what this bill could create schools to have to do. Because it is a reduction of only 15 percent of hours, we would only have to file a nonsubstantial change with our crediting agency, which only requires a few items. On the last page of my brochure...as I understand it, and I may be wrong in my assumptions, this session ends April 18. The new law would commence three months later, which would be July 18th. An emergency clause added, or signed by the Governor, would not be beneficial to schools at this point. First of all, it also could...we will need a new curriculum from the state, and we will need letters from our state boards stating that we will be in compliance with all accrediting notifications. I included the actual application that we will have to send to our accrediting agency. Nothing today is free, so there are fees. We are to notify within 15 days, and we will pay a fee of \$600, and I believe it's \$95 per location. If you only have one location, that's not too much. In my case, it's seven times that. If I delay past the 15 days, I am penalized another 200 hours (sic). I just felt that my big concern is that the Governor will not push this for an emergency bill, that we will have three months after the close of the session and the signing of the bill. We also will have to do many different addendums to our students' contracted enrollment agreements. Currently they're contracted and our curriculum is 2,100 clock hours. If the bill passes and goes to 1,800, we will have to make sure the state quickly gives us an 1,800-hour curriculum. They have been working to change the 2,100-hour curriculum for eight years and have not got it done. Any questions? I see my light is on. [LB1107]

SENATOR RIEPE: But not your red one. But the... [LB1107]

JANE NIMS: Oh, okay. [LB1107]

SENATOR RIEPE: Are there questions? Senator Crawford, please. [LB1107]

SENATOR CRAWFORD: And thank you for your comments. That's very helpful to see what the impact of the E clause, or not, would have on your school. [LB1107]

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

Health and Human Services Committee
February 02, 2018

JANE NIMS: Um-hum. [LB1107]

SENATOR CRAWFORD: When you were talking about the state providing the curriculum... [LB1107]

JANE NIMS: The state board. [LB1107]

SENATOR CRAWFORD: The state board provided the curriculum, okay. [LB1107]

JANE NIMS: Right. [LB1107]

SENATOR CRAWFORD: And do you think...so they've been working on changes in the current hours for eight years. [LB1107]

JANE NIMS: Right. [LB1107]

SENATOR CRAWFORD: Lack of agreement on what that would be? [LB1107]

JANE NIMS: They could never get the breakdown of hours for each segment. They could not come to a consensus on it, basically. At one time, the last proposal was to actually do away with the total breakdown of hours. You would have to complete the 2,100, but it would be up to each school as to how we wanted to assign that particular different segment. [LB1107]

SENATOR CRAWFORD: Thank you. [LB1107]

JANE NIMS: Any other questions? [LB1107]

SENATOR RIEPE: Thank you, Ms. Nims. [LB1107]

JANE NIMS: Um-hum, thank you. [LB1107]

SENATOR RIEPE: We appreciate it. Are there others who want to testify in a neutral capacity? Okay. Seeing none, Tyler, do we have letters? [LB1107]

TYLER MAHOOD: (Exhibits 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21) Yes. All of the following are in support: John Manglameli of Creative Hair Design Salon and Spa; Judi

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

Health and Human Services Committee
February 02, 2018

Wiese, on behalf of herself; Lindsey Curtis, on behalf of herself; Shannon Bingham, on behalf of Seven Salon; Nicole Fox, on behalf of the Platte Institute; Somer Krueger, on behalf of Trios Salon; Clyde Meis, on behalf of SalonCentric; Jeanne Wagner Duren, on behalf of herself; Brandi Cress, on behalf of herself; Jaime Ditsworth, on behalf of themselves; Tracey Kelsey, on behalf of herself; Michele Leaf, on behalf of herself. And then the following are neutral: Melissa Kobus, on behalf Gloss Salon and Day Spa; and Diane Jackson, on behalf of the State Board of Health. [LB1107]

SENATOR RIEPE: Okay. Thank you, Tyler. With that, we will invite Senator Linehan to close, if she would like. Welcome back. [LB1107]

SENATOR LINEHAN: Thank you very much. I just want to thank everybody that's here. This is really tough. These people love their profession, and they're all very good at it. I noticed they all had gray hair. So I would...I know we have a couple tweaks here to work out, and I will be willing to work with them, and we'll come back and see if we've got the perfect package. But I really do appreciate them all being here, and I appreciate how much work because they have worked really hard on this over the last several months. So I appreciate it very much. Thank you...unless there's questions. [LB1107]

SENATOR RIEPE: Thank you, Senator Linehan, and thank you, everyone. That concludes the hearing on LB1107, which I declare has had a full and fair hearing. And we will proceed on to LB1042, Senator Howard. You're welcome to proceed any time you're ready. [LB1107 LB1042]

SENATOR HOWARD: (Exhibit 1) Thank you. All right. Good afternoon, Senator Riepe and members of the Health and Human Services Committee. My name is Senator Sara Howard, H-o-w-a-r-d, and I represent District 9 in midtown Omaha. Today I'm here to present to you LB1042, a bill that makes changes for the practice of nail technology, under the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act. I introduced LB1042 as a breakout piece from last year's LB343, last year's major licensing reform bill. Just of note, to piggyback off of Senator Linehan, I was reviewing her bill today. Her bill...pages 24-36 also deal with nail technology, and so we just decided that LB1042 would be the nail technology bill, and hers would be the cosmetology and barber bill, so this is just nail technology. So I thought it might be easier, because it's a little technical to do a line by line, if you have your green copies. So LB343 makes several changes to both individual and facility licensing requirements. So on page 2, lines 28-31 and page 3, it removes the minimum hour requirements for studies to become a licensed nail technician or instructor. Programs of studies consist of 300 hours for a technician and 300 on top of that to be an instructor. Throughout the bill there are changes to language to match with other updates being made to the act. This includes striking language regarding registered nail techs and temporary practitioners, as those are no longer applicable. On page 3,

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

Health and Human Services Committee
February 02, 2018

line 22, it strikes the requirement for examinations to be given twice annually, giving more freedom to the board when deciding to give the licensing exam. On page 4, lines 13-16, it changes the reciprocity requirements for ease of transfer for Nebraska...for somebody to become a nail technician in Nebraska, and it states that each month of full-time practice as a nail tech, within the five years immediately preceding their application in Nebraska, shall be equivalent to 100 hours toward a nail tech license. This change is also repeated for nail technology instructors on page 4, lines 28-31. On page 6, lines 23-24, it allows for clients, not employees, to consume alcohol on premises of salons. I know we have another piece of legislation so this would mirror that one. Many salons cater to bridal parties, which I know personally, and allow them to bring in their own alcohol. On pages 6 and 7, it makes changes to the physical requirements of a school, and we have worked with members of the board on an amendment that you should have that does change this language back to the original that I brought with me. On page 7, lines 23-31, it removes the onerous requirements for nail technology schools that allow for more flexibility in the educational curriculum. On page 8, line 20...17-23, it changes restrictions to provide for ease of allowing guest educators at schools. Page 11, lines 17-24 updates the proof of age requirements for admission to schools of nail technology and, finally, page 12, lines 28-29 requires that all financial obligations to a current school are met before a student may obtain their records and transfer to a new school. As I stated earlier, I did work with the board of nail technology on an amendment that makes minor changes to this bill, and I passed that out for your review. This bill is very straightforward, and updates our statutes regarding nail technology, to bring them in line with current educational standards and curriculum standards. I am happy to try to answer any questions you may have. [LB1042]

SENATOR RIEPE: Okay, thank you very much. Are there questions? Senator Crawford. [LB1042]

SENATOR CRAWFORD: I'm trying to find it now. There's one section where there's a temporary license that's removed... [LB1042]

SENATOR HOWARD: Right. [LB1042]

SENATOR CRAWFORD: ...and I wondered (inaudible). [LB1042]

SENATOR HOWARD: Because now we're looking more at a guest licensure instead of temporary. [LB1042]

SENATOR CRAWFORD: All right, okay. And the guest language is in here, as well? [LB1042]

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

Health and Human Services Committee
February 02, 2018

SENATOR HOWARD: Should be. [LB1042]

SENATOR CRAWFORD: All right. So there is a way to have a short-term license, but it's called a guest instead of... [LB1042]

SENATOR HOWARD: Instead of temporary. [LB1042]

SENATOR CRAWFORD: The temporary language is on page 5. [LB1042]

SENATOR HOWARD: Um-hum. [LB1042]

SENATOR CRAWFORD: And that's gone now. [LB1042]

SENATOR HOWARD: Well, no, there's still...there's still a temporary licensure. [LB1042]

SENATOR CRAWFORD: Okay. [LB1042]

SENATOR HOWARD: And there's still the military spouse piece, as well. [LB1042]

SENATOR CRAWFORD: Okay, okay. [LB1042]

SENATOR HOWARD: But this does allow for a guest license, as well. [LB1042]

SENATOR CRAWFORD: Okay. Thank you. [LB1042]

SENATOR HOWARD: Thank you. [LB1042]

SENATOR RIEPE: Okay. Are there additional questions? Seeing none, thank you very much. [LB1042]

SENATOR HOWARD: Thank you. [LB1042]

SENATOR RIEPE: We assume you'll stay around for closing? [LB1042]

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

Health and Human Services Committee
February 02, 2018

SENATOR HOWARD: I will. I do have a bill in Judiciary, so if that comes up, I'll scoot out. [LB1042]

SENATOR RIEPE: Oh, okay. [LB1042]

SENATOR HOWARD: But I will stay. [LB1042]

SENATOR RIEPE: We would like proponents at this time. Again, if you'd state your name and spell it for the record. [LB1042]

JACKIE HORNIG: (Exhibit 2) Yes, I will; thank you. My name is Jackie, J-a-c-k-i-e Hornig, H-o-r-n-i-g. And I'm here representing the Nebraska Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Arts. And so thank you for your time, and our board is in support of LB1042, as introduced this legislative session. The board discussed the proposed legislation at its January 8th board meeting. To add a little clarification, the board has voted and passed on all new regulations for curriculum requirements. So what has been taking quite some time we have buckled down and it's done. So all of the curriculums are now back at the department for their final legal approval. So that has been completed. It is a position of the board that the nail technology and nail technology instructor license remain at the currently required 300 hours. We feel 300 hours is the minimum number of hours needed to train students for adequate competency for public health and safety. These hours are below the national average for this profession. We feel that we would be doing a disservice to Nebraskans if we required any less. Our rationale behind this issue is safety of the public from the spread of harmful infections and transmission of disease. Any questions? [LB1042]

SENATOR RIEPE: Are there any questions from the committee? Seeing none, thank you very much. [LB1042]

SENATOR RIEPE: Additional proponents, please, those speaking in favor. [LB1042]

BECKY PETTIGREW: (Exhibits 3 and 4) Good afternoon. My name is Becky Pettigrew. [LB1042]

SENATOR RIEPE: Excuse me. Would you give your orange slip over? [LB1042]

BECKY PETTIGREW: Oh, sorry. [LB1042]

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

Health and Human Services Committee
February 02, 2018

SENATOR RIEPE: Thank you. [LB1042]

BECKY PETTIGREW: I have one more copy for you. [LB1042]

SENATOR RIEPE: Now name and spelling and organization, please. [LB1042]

BECKY PETTIGREW: Becky Pettigrew, B-e-c-k-y P-e-t-t-i-g-r-e-w, and I'm here on behalf of myself. [LB1042]

SENATOR RIEPE: Okay. [LB1042]

BECKY PETTIGREW: I'm here to speak to you today in support of LB1042. I have been a professional nail technician since 1997 and a licensed nail technician since 2000. I have also owned my own salon since 1997. As a licensed professional, I feel it would be prudent and in the best interest of the public to keep the current hours for nail technicians at 300 hours. When looking at the current curriculum, which consists of 300 hours, it takes a great deal of time to learn all of the text material and all of the practical skills associated with our profession. The Milady Standard Nail Technician (sic--Technology) textbook explains in depth bacteriology, anatomy, first aid, skin disorders, application and repair, maintenance, and removal of all nail enhancements. Learning a skill takes a tremendous amount of practice. The health and safety of the public must remain a priority in Nebraska, and keeping the strict guidelines in place that we currently have will ensure the highest standard of care and public safety and keep our state out of the news media. We have been very fortunate to not have any deaths in Nebraska, due to our elevated levels of education requirements, and we need to keep it that way. Currently our state falls behind less than the national average, in terms of required education. Any decrease in hours will be a huge detriment to our profession and simply unfair to our nail technicians, who would not receive the quality education that the rest of us were entitled to and received. If safe and proper precautions are not taught from the onset in educating nail technicians, they will never be carried out and practiced in the future. I thank you again for your time, and let us continue to keep the public safety first and keep the required educational hours for nail technicians at 300 hours. Thank you. [LB1042]

SENATOR RIEPE: Okay, thank you. Let's see if there are any questions from the committee. Seeing none, again, thank you for being here. [LB1042]

BECKY PETTIGREW: Thank you. [LB1042]

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

Health and Human Services Committee
February 02, 2018

SENATOR RIEPE: Additional...those speaking in favor of, proponents? While you've testified before, if you would give your name and spell it, and just so we have it for the record, please. [LB1042]

PAM ROWLAND: (Exhibits 5, 6, 7, and 8) My name is Pam Rowland, P-a-m R-o-w-l-a-n-d. Good afternoon, senators, Senator Riepe, committee chair. I am a licensed nail technician and nail technology instructor. I've been practicing in the industry for about 22 years. My medical training previously was a dialysis technician. Thank you for the opportunity to speak in support of LB1042. Infection control is one of my many health and public safety concerns. The real risk associated with the transmission of pathogens within the salon have increased substantially due to the following: antibiotic resistant pathogens, pathogens now new to our country and, lastly, huge for our state, limited government resources which has led to reduced surveillance. While Nebraska has limited funds to complete its required inspections, there are areas of the state where salons are not currently inspected. Reducing the educational requirements would just compound an already unsafe situation. Complete and comprehensive education is a must for competency to protect the public. What should scare you, senators, is MRSA; the most harmful strains can kill a healthy person in 48 hours. In California, 2009, a pedicure patron becomes infected with MRSA and dies within four days. Alan Murphy, president of King Research--you know, senators, the blue stuff that we soak our combs and nippers in to protect you. He said, and I quote: Of all the cosmetology-related fields, nail technology, by far, has the highest risk to public safety. Nail technology is the most hazardous profession in cosmetology to public safety. I'll mention this briefly. Did you also know that Nebraska does not license natural nail care services, which is manicures and pedicures, particularly the most hazardous--pedicures? I've sent around--I'm not going to go through them, if you have any questions you can contact me--but there are some pretty graphic pictures. One was a diabetic patient who--or client who received the flesh-eating bacteria--within six hours, was in the hospital. That is the leg picture. There is also transmission of contagious pathogens, such as some of the wart pictures that I gave you. Over the years I've also seen lawsuits from nail technology services increase from 6 states to now 15 or more. The states of California, Arizona, Virginia, and Texas are states that have had litigation on nail technology services. The state of Virginia, August of last year, had a lawsuit where a woman was awarded \$1.3 million for injuries obtained during a pedicure. This topic has been on national news, Dateline, and local news numerous times. There's also a handout for you to go to YouTube and see those specific CBS, CNN, and Dateline videos. Last year I said thank God, not in our state. Nebraska has it right with high standards of excellence in our education. I'm very sad to report today that this is no longer true. I've been asked, by an attorney, to be an expert witness in a lawsuit in our state. I can only say generically that this lawsuit involves nail technology services. The source of infection transmitted to the patron has been verified by a medical professional, traced to the service. Services that can be...nail technology services can be performed by all scopes of practice: cosmetology, barbers, nail techs, as well. Again, natural nail services do not need a license. Hopefully we can get that fixed soon. Lastly, I just want to

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

Health and Human Services Committee
February 02, 2018

mention to you, senators...again, this is something passionate to me. My family comes from a long line of public servants. My son and my husband are both police officers, sergeants and lieutenants. They're my heroes. I raised a hero. They protect and serve every day. And I feel that...isn't that your job essentially, the same thing? You want to protect and serve your constituents and your state. So I implore you to do the right thing and pass LB1042 and keep the 300 hours of education for nail technology. Thank you. I would be open to any questions at this time. [LB1042]

SENATOR RIEPE: Let's see if we do have any questions. Senator Erdman. [LB1042]

SENATOR ERDMAN: Thank you for coming, Ms. Rowland, again. My question is...you spurred my curiosity when you said some areas of the state are not inspected. Do you know where those are? [LB1042]

PAM ROWLAND: I believe it's the western end of the state. We just hired, I think, Kris Chiles, head of Health of Human Services (sic--Licensure Unit program manager, Public Health Division). Our board administrator finally got the hiring freeze lifted and we have a new instructor for the eastern part that started. They have a contracted person now for the central, but nothing western. [LB1042]

SENATOR ERDMAN: So how often are they inspected? [LB1042]

PAM ROWLAND: Right now they're inspecting...salons are supposed to be inspected every two years. [LB1042]

SENATOR ERDMAN: Okay. [LB1042]

PAM ROWLAND: That's a great question, and I will just mention this. I talked to some of my...doing this with a company called NIC, National Interstate Council of all the state boards of cosmetology. And they are the ones that, you know, that create and make our exam for Nebraska. I've talked to several of my colleagues through there, and they were helpful in some of these pictures. But something that California and another state is looking at with the dangers from nail technology...California has things in place that they want nail technology salons only, inspected yearly now, not every two years, because of the public health and safety risks. [LB1042]

SENATOR ERDMAN: Thank you. [LB1042]

SENATOR RIEPE: Senator Williams. [LB1042]

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

Health and Human Services Committee
February 02, 2018

SENATOR WILLIAMS: Thank you, Chairman Lindstrom (sic). And thank you, Ms. Rowland, for being here again. [LB1042]

PAM ROWLAND: Thank you. [LB1042]

SENATOR WILLIAMS: And my question has to do with something that we are not trying to fix with LB1042 but, when you're talking about the specific dangers of dealing with nails and that, with MRSA and other things, is there a difference of the possibility of transmission of those kinds of things for someone that's highly trained as a nail technologist versus the untrained, natural nail services? [LB1042]

PAM ROWLAND: That's a good question. [LB1042]

SENATOR WILLIAMS: Isn't it the same? The same thing could happen there that could happen... [LB1042]

PAM ROWLAND: Basically I believe it can, and we are seeing that. Unfortunately there are some that are not doing the proposed sanitation disinfection regulations through the state, and that's why, I think, maybe more inspections would be better. What we're seeing is it's happening between licensed and nonlicensed but again, and I can only give you my impression of talking to all the states, is we're seeing it more with nonlicensed. There's only two states that don't license manicures and pedicures: the state of Nebraska and the state of Connecticut. Everyone else has to hold a license for those services. [LB1042]

SENATOR WILLIAMS: Thank you. [LB1042]

SENATOR RIEPE: I want to add a question about MRSA because I come from a pediatric background--not as a pediatrician. But my pediatrician friends tell me that MRSA is not something that you can just cure, and it's supposedly in the country of Japan...90 percent of the population suffers or lives with MRSA. And I respect and appreciate the concern over infection control; it's critically important to all of us. But do you have any response to the MRSA? Have you guys discovered something that can resolve this? [LB1042]

PAM ROWLAND: Again, I can only respond as far as the...generically, the lawsuit pending here in the state. What I have seen in other states is people have contacted, in some of those pictures, MRSA, staph, Legionnaires', and MRSA. So I think it is very prevalent and needs to be taken care of. [LB1042]

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

Health and Human Services Committee
February 02, 2018

SENATOR RIEPE: The best they can. [LB1042]

PAM ROWLAND: The best they can. [LB1042]

SENATOR RIEPE: Okay. [LB1042]

PAM ROWLAND: You know, the only thing I can tell you is from my mom being a dialysis patient, is my mom had contracted MRSA, and she did...there were three or four nasal spray occurrences that would help her not to be a carrier. And that was just within the last five years. So I know they're making great strides there, but I think MRSA is still a big risk, as far as safety to the public. [LB1042]

SENATOR RIEPE: Okay, thank you very much. Are there other questions from the committee? Seeing none, again, thank you. [LB1042]

PAM ROWLAND: Thank you. [LB1042]

SENATOR RIEPE: We're still with proponents. Welcome. If you'd be kind enough to state your name, spell it, and then tell us your organization, and proceed forward. [LB1042]

HAROLD SIMS: (Exhibit 9) Sure. My name is Harold Sims, H-a-r-o-l-d, last name Sims, with one "m", S-i-m-s. I represent a bevy of individuals. I'm a salon owner for VIBE Salon Day Spa here in Omaha, I'm a VIP brand ambassador for Creative Nail Design, I represent Tat'z Nail'z, several nail publications, as well. Of course, I want to thank you all for having me here today, especially Senator Chair Riepe. I thank you for giving the opportunity to speak in support of LB1042. I'm an internationally ranked, celebrity nail tech, and I also work for an international manufacturer and distributor, as their global ambassador. Over the years I've traveled the country and worked closely with industry insiders, owners and nail technicians, who all stand with me today in support of LB1042. I'm also a licensed nail tech and salon owner in Nebraska, and I also went to school here. I come to you today to share my experience and frustrations as a former student, licensed technician, educator, and salon owner. My concerns run deep as I work closely with technicians who are fearful for their financial livelihood and the health and wellness of their clients, your constituents. I have never worked with another licensed tech who questioned why certain topics or hours would be included in the current curriculum. Furthermore, I've seen all of us benefit from more education, not less. The way our industry is able to earn and justify a higher income is solely based on the level of education acquired by the technician. Instead we're facing the potential to reduce the critical hands-on learning phase of our education, which correlates directly with failure. I have a new hire and recent graduate who is struggling due to the

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

Health and Human Services Committee
February 02, 2018

current stand in hours. I truly believe their struggle goes hand in hand with the natural development of new technology and science in our profession, which is the most important part of our industry. Hundreds of thousands of new, chemically-based products have been introduced in recent years, which are regulated at the federal level and are only allowed to be used by licensed professionals. The burden of the state would be to ensure these potentially dangerous chemicals are only being used by highly educated individuals. Taking all of this into account, one would think we'd be talking today about the hours being raised. I wish my time today allowed me to share further the loophole in Nebraska for natural-nail, unlicensed salons and their threat to my business and your constituents. Sadly, many of your constituents have come to my salon with their horror stories. Nonetheless, I am nearly certain the lowering of hours will lead to a lower success rate, or the potential for major lawsuits for my business. Additionally, with our current standard already below the national average, I wasn't surprised to hear the number of salons decreased 20 percent in 2017. Eventually our stagnant, or potentially lowered, hours will swing the pendulum in the opposite direction, putting these businesses and your constituents in harm's way. We feel it's the state's responsibility to ensure the regulations here in Nebraska are at a standard where our technicians and businesses can be successful and aren't limited by low regulations. The hundreds of clients my salon services stand behind me and request the same. We all know that not everything can be learned by reading a book, even when it comes to sanitation and disinfection. These technicians need the time and hands-on opportunity to put the lecture into practice on the school's salon floor. The current hours of 300 are the only way to ensure they will be successful and safe. With the proposition of less hours, nail technology students would receive less than two weeks on the clinic floor and would maybe only be able to physically touch two clients. Myself and the thousands of people I am connected with fully stand in support of LB1042. I would like to add a note on Ms. Pam Rowland's comment about inspections. My salon has been open for over eight months, and I have not been inspected yet. That's shocking to me that, as a new business with 15 practitioners, which covers every scope of practice as a salon and day spa, no one has even checked in on me. So thank God I have employees who know what they're doing. I wanted to additionally add something about your question, Senator Williams, for the issues of sanitation and disinfection. There can also be issues with the improper application of these chemical products. So we aren't always just talking about the potential for a disease to be given to a client. If some of these chemical products are applied improperly, there can be severe damage that's done, long-term. A great example would be contact dermatitis. The improper application over and over and over again, over time, can cause some serious issues. But with that, of course, I stand in support of LB1042 today, and thank you again. [LB1042]

SENATOR RIEPE: Okay, thank you very much. Are there questions? Seeing none, thank you very much for your testimony. [LB1042]

HAROLD SIMS: Thank you. [LB1042]

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

Health and Human Services Committee
February 02, 2018

SENATOR RIEPE: Again, proponents? Seeing none, are there any in opposition, any opponents? Seeing none, is there anyone testifying, or wants to testify, in a neutral capacity? Seeing none, Tyler, let's go the letter. And it appears that Senator Howard is going to waive closing, so... [LB1042]

TYLER MAHOOD: (Exhibit 10) I have a letter of opposition from Nicole Fox of the Platte Institute. [LB1042]

SENATOR RIEPE: Okay. Okay, so we've closed on that and I declare LB1042 as having received a full and fair hearing, and I would...that concludes the hearing on that. We will now proceed on to LB1034, which is my bill. And so I will ask Senator Erdman, who's the vice chair, to chair the next two bills: LB1034 and LB1035, both my bills. [LB1042 LB1034]

SENATOR ERDMAN: Thank you, Senator Riepe. When you're ready, Senator, you can open on LB1034. [LB1034]

SENATOR RIEPE: (Exhibit 1) Thank you very much. Thank you, Vice Chairman Erdman and friends and colleagues of the HHS Committee. Today I am to present on LB1034, and my name is Merv Riepe; that's M-e-r-v R-i-e-p-e, and I represent Legislative District 12. I am introducing LB924 (sic--LB1034) on behalf of the Department of Health and Human Services (sic). LB1034 requires the standards for care and protection for school-age children in childcare programs located within an accredited or approved school are deemed to meet the same standards of an accredited or approved school under the regulations of the State Department of Education. I did not realize both the Department of Health and Human Services and the Department of Education have jurisdiction over elementary schools for the safety of children. In the early morning and late afternoon/evening, the Department of Health and Human Services has oversight over the safety of children for before- and after-school programs located within the school. During the school day, the Department of Education has oversight of these same children. However, the safety requirements are vastly different, depending upon the time of day. Angelo Passarelli, from the Millard Public Schools Foundation, will explain some of these differences after my opening. There is no additional risk to these children before or after school. There are just differences in departments providing oversight. I have worked closely with the Department of Health and Human Services, the Department of Education, and many stakeholders to improve upon this request to rectify the differences in regulation standards. These programs will still be able to accept Title XX funds to obtain licensure under the bill. Programs will still have to complete all additional requirements under the Child Care Licensing Act, including background checks. AM1739 provides further clarification to which standards are to be used in before- and after-school programs located, again, within the schools. Thank you for your consideration. I will happy to answer questions that I'm able to. Thank you. [LB1034]

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

Health and Human Services Committee
February 02, 2018

SENATOR ERDMAN: Thank you, Senator Riepe. Are there any questions? Senator Howard. [LB1034]

SENATOR HOWARD: Thank you. So I wanted to ask you more about the Title XX interaction with this piece of legislation. So even...so even if they are under the Department of Education licensure and the Department of Health and Human Services is what makes them eligible for Title XX, this says that they don't have to be under the childcare licensure? Or they do? [LB1034]

SENATOR RIEPE: My understanding is that there would be no restriction on, that we're moving all towards the accreditation and that we're moving towards that Title XX would be eligible for all the children. Does that answer the question or...apparently not. [LB1034]

SENATOR HOWARD: So are there...what are the differences in the standards between an educational setting and a childcare setting? [LB1034]

SENATOR RIEPE: I'm going to defer, if I might, to Angelo...see if he can help us out on that. [LB1034]

SENATOR HOWARD: So this is more in relation to...so OPS runs Kids Club right after school. [LB1034]

SENATOR CRAWFORD: Um-hum. [LB1034]

SENATOR HOWARD: And the kids stay in their school and then they have essentially, like after-school childcare. [LB1034]

SENATOR RIEPE: That's correct. [LB1034]

SENATOR HOWARD: It's childcare; it's not an enrichment program. But they bill Title XX and they follow different standards for that. And so I'm wondering how would this bill overlay or impact their work? [LB1034]

SENATOR RIEPE: I'm not an authority on that, and so I would again...maybe I can come back in closing, if I learn some of what we'll hear from Angelo here, as well. [LB1034]

SENATOR HOWARD: Okay, perfect. Thank you. [LB1034]

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

Health and Human Services Committee
February 02, 2018

SENATOR RIEPE: I'm sorry; I just do not have any more information. Okay. [LB1034]

SENATOR ERDMAN: Any other questions? Hearing none, thank you, Senator. [LB1034]

SENATOR RIEPE: Thank you. [LB1034]

SENATOR ERDMAN: Any proponents? Thank you for coming. If you would, please state your name and spell it, and then proceed. [LB1034]

ANGELO PASSARELLI: (Exhibit 2) Sure will. Senator Erdman and members of the committee, my name is Angelo Passarelli, A-n-g-e-l-o P-a-s-s-a-r-e-l-l-i. I'm the executive director of the Millard Public Schools Foundation, here to support LB1034. LB1034 will help us serve parents and students in our school, before-school and after-school programs. Our foundation operates those before- and after-school programs in all 25 of Millard's elementary schools, much like the Kids Clubs in OPS. There are all different names, but they all have the same purpose. We have 2,300 students in 25 schools. We operate these care centers from 6:30 in the morning until school starts, and we feed them breakfast in the morning. They go to school. Then after school, we take care of them from after school till 6:00 at night, give them a snack, supervise them during their activities, and we supervise them as they play and as they study and they interact with each other. We are licensed in that capacity by HHS, which means we have a different set of regulations, like Senator Riepe discussed. I'm going to illustrate one example. The school uses regular classrooms for band and music education during the school day. HHS guidelines will not allow us to use those same rooms for after-school care. We think the room is safe for our students during school hours, and we also think it's safe for our students before and after school, as well. So most of our operations we operate in the gym, and it works very well for us for feeding the kids, getting them involved in activities and letting them burn off some steam after school. It's a good thing. It doesn't work very well for study centers, for helping them with their homework...things like that. Allowing us to use regular classrooms would really help us improve our program and may also allow us to take some students who now sit on a wait list, because we're at capacity in several of those locations. This bill allows our program to follow the Department of Ed life and safety regulations. The changes proposed would allow us to operate in classrooms and better serve the children in our program. It's pretty simple, I think, so thank you very much. We would really appreciate that, and I'd certainly answer any questions I could. [LB1034]

SENATOR ERDMAN: Any questions? Senator Crawford. [LB1034]

SENATOR CRAWFORD: Have you explored this? Have you explored the impact on the federal Title XX subsidies, if it in any way puts those at risk for your parents? [LB1034]

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

Health and Human Services Committee
February 02, 2018

ANGELO PASSARELLI: I don't believe it would change anything with Title XX, as far as I know. It shouldn't have any impact on those children applying for it. And we, as a program, accept Title XX, children on Title XX, and we try to work with them, even help them to enroll where we can. [LB1034]

SENATOR ERDMAN: Senator Crawford, did you have a question? [LB1034]

SENATOR HOWARD: I'm Senator Howard. [LB1034]

SENATOR ERDMAN: Howard, I'm sorry. Forgive me. Senator Howard. [LB1034]

SENATOR LINEHAN: It's Friday. [LB1034]

SENATOR ERDMAN: It's no question of Friday. [LB1034]

SENATOR HOWARD: Oh. What..how many...what's your percentage of Title XX? [LB1034]

ANGELO PASSARELLI: I don't know it off the top of my head, but I would say it's pretty small in Millard. [LB1034]

SENATOR HOWARD: Yeah, okay. And then, when you're saying...so the DHHS regulations aren't allowing you to use any other rooms for your program besides the gym? [LB1034]

ANGELO PASSARELLI: No, we do use...we do license some additional spaces, like a media center at one of our schools. It's a...the school regulations...I think it's 1,200 square feet if the rooms over 1,200 square feet, it has to have two entrances. But most of the classrooms in any school you walk in has one door. So a regular size classroom that is used all day long would not meet HHS guidelines. And then these band rooms that I'm talking to are really adjacent to our gym. [LB1034]

SENATOR HOWARD: Okay. [LB1034]

ANGELO PASSARELLI: So it would help us with good supervision. So we have one director and we have a lot of young people that work at our...our facilities, so we have a director that monitors their work. And being adjacent to our gym would really help us, as well. So sometimes the media centers are pretty far away from the gym. [LB1034]

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

Health and Human Services Committee
February 02, 2018

SENATOR HOWARD: And you probably don't know this, and I apologize, but is the two-door rule a federal guideline or is it through Title XX or is it just a state guideline? [LB1034]

ANGELO PASSARELLI: I believe it's a state guideline, but I'm not an authority on that. [LB1034]

SENATOR HOWARD: Okay. [LB1034]

ANGELO PASSARELLI: I probably have somebody back there that could answer that. [LB1034]

SENATOR HOWARD: Okay, great. Thank you. [LB1034]

SENATOR ERDMAN: Good question. Senator Linehan, do you have a question? [LB1034]

SENATOR LINEHAN: If there's a lawyer coming forward that knows the federal law and the... [LB1034]

ANGELO PASSARELLI: No. [LB1034]

SENATOR LINEHAN: Okay. So that would be...have you reached out to HHS and asked why there's this regulation? [LB1034]

ANGELO PASSARELLI: Yeah, we've asked. It's because those regulations...and I understand they have a wide variety of facilities that they license and, in some cases, they were...in the best interests of those students to make sure that they're in a very safe environment. We certainly want that, as well. We just feel like the schools are safe environments for our kids. [LB1034]

SENATOR LINEHAN: So why did they tell you they wouldn't do it? [LB1034]

ANGELO PASSARELLI: The regulations changed quite substantially about three years ago. With training that we have to provide for all of our employees...and they hadn't been done in many, many years, and I think that was one of the things that they brought over here, was a really...a requirement. There were really no good answers. [LB1034]

SENATOR LINEHAN: Okay. So Title XX, can you explain Title XX to me, what it is? [LB1034]

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

Health and Human Services Committee
February 02, 2018

ANGELO PASSARELLI: Title XX allows students...the state makes a payment for their before- and after-school care, if they qualify, based on the income. [LB1034]

SENATOR LINEHAN: So free and reduced-lunch children? [LB1034]

ANGELO PASSARELLI: Correct. [LB1034]

SENATOR LINEHAN: Which Millard's is about 20 percent free and reduced lunch, right? [LB1034]

ANGELO PASSARELLI: Correct. And in our program we have a much smaller percentage than that 20 percent. [LB1034]

SENATOR LINEHAN: So how much does Millard charge for like preschool, or if they drop them off at 6:30 and then they don't pick them up till 6:00? [LB1034]

ANGELO PASSARELLI: For the year, 180 school days, about \$3,000. [LB1034]

SENATOR LINEHAN: And that's both before and after, but I suppose if you just have before and you just have after, it's half that. [LB1034]

ANGELO PASSARELLI: Yep. Correct, it would be less. [LB1034]

SENATOR LINEHAN: Okay. [LB1034]

ANGELO PASSARELLI: But that's for a full day, and that includes breakfast and a snack in the afternoon. [LB1034]

SENATOR LINEHAN: But at which...do they get charged more for breakfast and snack if they're not free and reduced? [LB1034]

ANGELO PASSARELLI: No. [LB1034]

SENATOR LINEHAN: So that comes with the \$3,000? [LB1034]

ANGELO PASSARELLI: It covers the whole thing, yeah. [LB1034]

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

Health and Human Services Committee
February 02, 2018

SENATOR LINEHAN: Okay, thank you very much. [LB1034]

SENATOR ERDMAN: Any other questions? [LB1034]

SENATOR HOWARD: Just one more. When you're talking about the change in regulations, are you talking about the Step Up to Quality change that was done a few years ago? [LB1034]

ANGELO PASSARELLI: I'm not exactly sure. I wasn't in this job when they changed the rules. We were just implementing all the changes when I first started. So I'm not exactly sure. [LB1034]

SENATOR HOWARD: So as you were implementing the changes, did you receive additional dollars for doing that? [LB1034]

ANGELO PASSARELLI: No. [LB1034]

SENATOR HOWARD: Okay, thank you. [LB1034]

SENATOR ERDMAN: Thank you for your question, Senator Howard. I have one question. [LB1034]

ANGELO PASSARELLI: Yeah. [LB1034]

SENATOR ERDMAN: You made a comment that this would help you service more people, or young people on the waiting list. How big a list might that be, do you know? [LB1034]

ANGELO PASSARELLI: I have no...I can... [LB1034]

SENATOR ERDMAN: You don't have any guess? [LB1034]

ANGELO PASSARELLI: I have 40-50... [LB1034]

SENATOR ERDMAN: 40-50? [LB1034]

ANGELO PASSARELLI: ...students on a waiting list at one of our schools. Some of it has to do with this. Some of it has to do with not having enough help. [LB1034]

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

Health and Human Services Committee
February 02, 2018

SENATOR ERDMAN: Okay. [LB1034]

ANGELO PASSARELLI: So because we have to maintain a ratio of 15 to 1, so we have to make sure we have adequate help. [LB1034]

SENATOR ERDMAN: Okay, okay. Right. [LB1034]

ANGELO PASSARELLI: And then we have some special circumstances in Millard. We have a little early dismissal that kind of creates a special problem for us, so. [LB1034]

SENATOR ERDMAN: Okay, thank you. Any other questions? Thank you for coming today. Thank you for your testimony. [LB1034]

ANGELO PASSARELLI: You bet, my pleasure. [LB1034]

SENATOR ERDMAN: Any other proponents? Anyone else in favor? Any opposition? Any opposed? How about neutral? Seeing none, Tyler, do we have letters? [LB1034]

TYLER MAHOOD: (Exhibits 3 and 4) Yes, I have a letter signed by John Spatz of the Nebraska Association of School Boards, in support, and a letter signed by Jenni Benson of the Nebraska State Education Association, in support. [LB1034]

SENATOR ERDMAN: Thank you very much. Senator Riepe, you're welcome to close. [LB1034]

SENATOR RIEPE: Thank you very much. I'd like to come back. I'd like to make sure that everyone understands that the NSEA and the school boards both support this particular piece of legislation. It benefits them and that the standards set for the Department of Health and Human Services are set by the state Fire Marshal, so that we don't have a different group setting those standards, if you will. My understanding there is an organization within OPS that if it's not licensed and therefore, do not get Title XX funding, but are moving towards and would soon qualify for Title XX funding. So I think people are moving that way. This is a very friendly bill towards before and after school, and I think that we're just trying to coordinate some of that (inaudible). [LB1034]

SENATOR ERDMAN: Any questions for Senator Riepe? [LB1034]

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

Health and Human Services Committee
February 02, 2018

SENATOR HOWARD: May I clarify that? You said that Kids Club is not Title XX? [LB1034]

SENATOR RIEPE: I don't know specifically the Kids Club. What did it...tell me more about the Kids Club. Is that through OPS? [LB1034]

SENATOR HOWARD: Yes, so the Omaha Public Schools Foundation runs the Kids Club, just the same as the Millard Public School. And they're Title XX, so I don't know... [LB1034]

SENATOR RIEPE: Are they in the school building? [LB1034]

SENATOR HOWARD: Yep, um-hum. [LB1034]

SENATOR ERDMAN: Well, then they should be...if they're in the school building, I think that they would qualify. That's my understanding. [LB1034]

SENATOR HOWARD: Yeah, yeah. [LB1034]

SENATOR ERDMAN: Senator Linehan. [LB1034]

SENATOR LINEHAN: I think you're both right, like there's programs now, but they are expanding them. And some of them might not be in school buildings. Some of them might be like (inaudible). [LB1034]

SENATOR HOWARD: Oh, like Educare or Head Start? [LB1034]

SENATOR LINEHAN: Other places. Yeah. So I don't know...it's worth digging into a little deeper, I would think, because this is a huge...I mean, obviously if the kids are there all day, it seems kind of silly that it can't be there at any after school, but I'm also thinking--and this is maybe a little parochial, but--if I'm a school teacher, I'm not sure I want my classroom...I don't know how that all works, you know? You're there eight days, and then you come back and...I don't know. But it's good to try and help them, so we should definitely look at this. [LB1034]

SENATOR HOWARD: Yeah, yeah. [LB1034]

SENATOR ERDMAN: Thank you for your comments. Senator Crawford. [LB1034]

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

Health and Human Services Committee
February 02, 2018

SENATOR CRAWFORD: Thank you, Senator Erdman. And thank you, Senator Riepe. I just wanted to ask two questions: 1) whether or not the bill was shared with HHS and if they had shared with you a position, since they aren't here to speak, or I don't think we have a letter from them... [LB1034]

SENATOR RIEPE: Um-hum. [LB1034]

SENATOR CRAWFORD: ...and 2) you mentioned the Fire Marshal. So I wonder if you'd just...if the Fire Marshal is the...sets the standards. I think you said the Fire Marshal sets the standards for HHS. I just wanted to clarify what you said there. [LB1034]

SENATOR RIEPE: It's my understanding, so that you don't have the Department of Health and Human Services trying to set standards for fire concerns--fire threats. So you want to go to the state Fire Marshal to get that rather than having DHHS try to be that. And... [LB1034]

SENATOR CRAWFORD: So these building standards that we are using as the school standards, we're using those instead of the standards that the Fire Marshal sets for daycare centers. [LB1034]

SENATOR RIEPE: That's correct. [LB1034]

SENATOR CRAWFORD: Thank you. [LB1034]

SENATOR RIEPE: What was the first part of your question? [LB1034]

SENATOR CRAWFORD: Whether HHS had... [LB1034]

SENATOR RIEPE: Oh, whether we had... [LB1034]

SENATOR CRAWFORD: ...stated whether... [LB1034]

SENATOR RIEPE: ...talked with them? [LB1034]

SENATOR CRAWFORD: ...you talked to them... [LB1034]

SENATOR RIEPE: Yes. [LB1034]

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

Health and Human Services Committee
February 02, 2018

SENATOR CRAWFORD: ...or they'd stated a position to you or... [LB1034]

SENATOR RIEPE: Yes, yes. We've had conversations with virtually everybody that's affected by this, and everyone is supporting it. And it's just one of those, in my opinion, awkward things that we have two people with jurisdiction, and we're just trying to standardize it so that we can make better and a more efficient use of the space that we have and then, hopefully, be able to accommodate more families and more children in these facilities. And these facilities, because they are in the school, I think are probably a higher quality of programs than maybe some of the other programs might be, so. [LB1034]

SENATOR CRAWFORD: Excellent, thank you. [LB1034]

SENATOR ERDMAN: Any other questions? Thank you very much, Senator. [LB1034]

SENATOR RIEPE: Thank you. [LB1034]

SENATOR ERDMAN: Seeing no other comments or questions, we will close the testimony on LB1034, moving along to LB1035. Senator Riepe, your opening on that, please. [LB1034 LB1035]

SENATOR RIEPE: (Exhibit 1) Okay. Thank you, Mr. Chairman. This is a totally different theme here--this one. Friends and colleagues, I present to you LB1035. My name is Merv Riepe, M-e-r-v R-i-e-p-e. I represent Legislative District 12. Today I'm introducing LB924 (sic--LB1035) on behalf of the Department of Health and Human Services (sic). LB1035 amends the Stroke System of Care Act to add endovascular therapy capable stroke centers to designations allowed by the Department of Health and Human Services to improve the overall outcomes of stroke patients. It is my understanding there is a new national designation for stroke centers that started in 2018, and LB1035 is an update to address the new designation. Concerns over language in the bill was brought to my attention by the Nebraska Hospital Association, Nebraska Medical Association, and other hospitals. I am presenting AM1741 as new language which has been agreed to by all parties that were concerned with the original language. I have a couple of testifiers that will be able to explain the need for the new designation and for the language change in AM1741. Thank you for your consideration, and that's what I have, Mr. Chairman. [LB1035]

SENATOR ERDMAN: Are there any questions? Seeing none, thank you, Senator Riepe. You'll be around to close? [LB1035]

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

Health and Human Services Committee
February 02, 2018

SENATOR RIEPE: Of course. [LB1035]

SENATOR ERDMAN: Thank you very much. Any proponents that would like to share their testimony, please come forward. Thank you for coming. [LB1035]

LEVI BAUER: Thanks. [LB1035]

SENATOR ERDMAN: Please state and spell your name, and begin when you are ready. [LB1035]

LEVI BAUER: All right. Good afternoon, members of the Health and Human Services Committee. My name is Levi Bauer. I am the division director for orthopedics and neurosciences for CHI Health. I'm here in support of LB1035. [LB1035]

SENATOR ERDMAN: Can you spell your name, please? [LB1035]

LEVI BAUER: Oh, sorry. L-e-v-i B-a-u-e-r. [LB1035]

SENATOR ERDMAN: Thank you. [LB1035]

LEVI BAUER: Yep. I'm here in support of LB1035. CHI Health is a regional health system around Nebraska and southwest Iowa. We have 14 hospitals, around 12,000 employees. That's just to say that we are a large system that does a lot of the stroke care within Nebraska. I'd like to provide a little background on why we think this bill is so important. And then a colleague of mine, who's served on the Stroke System of Care Advisory Board with the Nebraska Department of Health of Human Services, will be available to answer any technical or medical, clinical-type questions for you guys. So some of you were members of this committee in 2016, and I'm sure recall LB722, from Senator Baker, which was adopted and created the Stroke System of Care for Nebraska. The bill, at that time, contemplated just three levels of certification, based on certifications that existed at that time from the Joint Commission and the American Heart Association. Those were: there's the comprehensive stroke center, primary stroke center, and then acute stroke ready hospitals, which are more your critical access hospitals. Since then, however, the Joint Commission and American Hospital Association have come out with a brand new certification just this year, January 1, which is known as thrombectomy-capable centers (sic--thrombectomy-capable stroke centers). So those are one level above primary, one level below comprehensive; so it goes: comprehensive, thrombectomy-capable, primary, and then acute stroke ready. So that's what we're here asking for, is a simple addition of this brand new certification into the Stroke System of Care, adding thrombectomy-capable center level of

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

Health and Human Services Committee
February 02, 2018

certification. So updating this language would make it consistent with national standards and best practices of stroke care throughout the nation. And that's what we feel is important for our patients. But we are flexible, as Senator Riepe was saying, in how this gets achieved, and want to work with everyone involved because it impacts all of us. So for example, when the department and other providers suggested some changes to the original language submitted by Senator Riepe, which included changing just the text "endovascular" capable to the text designated "thrombectomy-capable" stroke center, and then also making it clear that the department doesn't certify for this but they do endorse such a certification. We are all for both of those changes. And then, in conclusion, I think everyone agrees that the state and its residents are better served by having as many of these facilities at the highest level of certification possible. And so that's why we think, we hope, that this bill will accomplish it and encourage your positive consideration for LB1035. So I can take any questions. But anything clinical, wait for the smart guy behind me. [LB1035]

SENATOR ERDMAN: Okay. Senator Williams, do you have a question? [LB1035]

SENATOR WILLIAMS: You bet I do. Thank you, Vice Chairman Erdman. And thank you for being here, Mr. Bauer. What happens if we don't do this? [LB1035]

LEVI BAUER: So...so in...within all of these certifications, there are volume requirements. So in order to hit these certain volume requirements, you need to be able to hit the next level. So acute stroke ready are your critical access hospitals. Most of other facilities...and all of ours are at least primary. You want to be able to still progress throughout the system to reach comprehensive, which is currently the gold standard. Without this acknowledgement, the stroke protocols throughout Omaha metro, mostly because they are going quicker than everybody else, don't allow you to achieve the volume requirements to keep hitting the next levels. So including this new certification allows you to achieve it, capture the volume requirements needed for that next level. [LB1035]

SENATOR WILLIAMS: What changes with this, from a standpoint of patient care? And what changes with this, from a standpoint of reimbursements to the hospital? [LB1035]

LEVI BAUER: So reimbursement isn't impacted at all. Your reimbursement is the same, no matter what level of certification you are. What happens with patient care--and this might be a good one for Dr. Jani behind me--but it's just another...it's really...I am going to let him talk about it; it's really a miracle procedure and I... [LB1035]

SENATOR WILLIAMS: That would be fine. [LB1035]

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

Health and Human Services Committee
February 02, 2018

LEVI BAUER: I can't describe it. [LB1035]

SENATOR WILLIAMS: And I know we have somebody over here that's going to get that, too, so...oh, she's not. Thank you. [LB1035]

SENATOR ERDMAN: Thank you. Any other questions? Seeing none, thank you. [LB1035]

LEVI BAUER: Thank you. [LB1035]

SENATOR ERDMAN: Next proponent. Thank you for coming today. If you would state your name and spell it, please, and begin when you're ready, Sir. [LB1035]

VISHAL JANI: (Exhibits 2 and 3) Good afternoon, Mr. Chair, member of Health and Human Services. My name is Dr. Vishal Jani, V-i-s-h-a-l J-a-n-i. I'm a stroke neuro-interventional physician working at CHI Health. I have joined CHI Health in September 2016. My role, my interest, was to give back to community and build a center of excellence and make sure we grow our system of care, in terms of stroke patients and their loved one. I'm here to support LB1035 and would like to thank Senator Riepe for its introduction. I obviously support the testimony provided by Mr. Bauer, but want to provide short medical update that potentially will allow us...and to understand the need for this certification addendum. To kind of give you a basic perspective of what is this procedure, and what it entails in terms of our ability to provide this care to patients, this procedure allows us to perform a minimally-invasive surgical procedure in patient who has large clot in the brain artery. If done in time in the nearest hospital, brings miraculous recovery and we can allow this patient to go back in their normal, previous functional state. The success rate is around 70 percent and, by far, this procedure is one of the strongest and highest strength in medical surgical procedure field. Now give you a clear example what I did last week...88-year-old farmer came to our hospital with a very significant deficit. He cannot move his right side of the body, cannot talk, cannot express, cannot comprehend. He's unable to perceive the right side of his life, planet, and existence. It is the worst thing that can ever happen to a human being, nor just the fact it's a misery to watch him through a medical perspective or a family member. But it is 90 percent likely that patient will die. Now this procedure allows us to take this minimally-invasive surgical instrument called stent retriever and reach to the clot, snare the clot and, within 14 minutes, patient is able to move and talk, is able to walk and ask for food. It definitely not just a procedure for me; it's restoration of life, from my perspective. Now as a member of state Stroke Advisory Board (sic--Council), I did work very closely with Mr. Tim Wilson, at Department of Health and Human Services, on this and was advised it would be best to seek the update in state law, to enable consideration of the local EMS protocol level so that...that's why we're here. As a medical professional in this field, I do feel this is the best thing to do for patients. And I'll take any questions if we can forward any update. [LB1035]

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

Health and Human Services Committee
February 02, 2018

SENATOR ERDMAN: Any questions? [LB1035]

SENATOR WILLIAMS: Answered mine. [LB1035]

SENATOR ERDMAN: Very nice testimony; thank you. [LB1035]

VISHAL JANI: Thank you. [LB1035]

SENATOR ERDMAN: Thank you very much. You may know what to do, right? Thank you for coming. [LB1035]

KATIE ZULKOSKI: Good afternoon. Vice Chairman Erdman, members of the Health and Human Services Committee, my name is Katie Zulkoski, Z-u-l-k-o-s-k-i, testifying on behalf of the Nebraska Hospital Association, in support of LB1035, specifically--Senator Riepe mentioned this and earlier testifiers--the amendment, AM1741. We appreciate Senator Riepe and his staff working on those language changes to make sure that we've got the most recent terminology and also have that so that it works for all of the hospitals providing this kind of care. So we appreciate the amendment. We hope that you will support both the amendment and the bill and move them forward. And I'd be happy to answer any questions. [LB1035]

SENATOR ERDMAN: Any questions? I think you covered it; thank you. Any other proponents? Do you have a yellow sheet--an orange sheet, Sir? [LB1035]

BRIAN KRANNAWITTER: I'm sorry; I did not. I can get one. [LB1035]

SENATOR ERDMAN: You can get it later. [LB1035]

BRIAN KRANNAWITTER: I just came in--literally. [LB1035]

SENATOR ERDMAN: Okay. [LB1035]

BRIAN KRANNAWITTER: Should I sign that first? [LB1035]

SENATOR ERDMAN: Proceed. [LB1035]

BRIAN KRANNAWITTER: Okay. [LB1035]

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

Health and Human Services Committee
February 02, 2018

SENATOR ERDMAN: We'll get it later. [LB1035]

BRIAN KRANNAWITTER: Okay. My name is Brian Krannawitter; first name is B-r-i-a-n, last name is K-r-a-n-n-a-w-i-t-t-e-r. I apologize for that last name; I just learned how to spell it myself (laughter). I was here two years ago in support of LB722. I'm happy to support this. And just real quickly, we do support just two minor changes: the change in the language to "thrombectomy-capable" stroke center rather than "endovascular therapy capable" stroke center, because this is simply the correct name that the Joint Commission recognizes. And also, in Section 1, line 17, the language "or the department," in discussions with HHS, it's not really needed, simply because they simply recognize the certifications of the Joint Commission. And with that, that concludes my testimony. [LB1035]

SENATOR ERDMAN: Any questions? Hearing none, if you'd fill out an orange sheet on your way out, that would be appreciated. [LB1035]

BRIAN KRANNAWITTER: You bet. [LB1035]

SENATOR ERDMAN: Anyone else, any other proponents, those in favor? Anyone in opposition, opponents? Any neutral testimony today? Seeing none, Tyler, do you have any letters? [LB1035]

TYLER MAHOOD: (Exhibits 4 and 5) Yes, I have a letter signed by Dr. Harris Frankel of Nebraska Medicine, in the neutral position, and Dr. Tom Williams of the Division of Public Health of DHHS, in the neutral position. [LB1035]

SENATOR ERDMAN: Thank you very much. Senator Riepe, you're welcome to close. [LB1035]

SENATOR RIEPE: Thank you, Senator Erdman. I want to close by some clarification here of...the bill was brought to me by CHI Health. Many, many, many years ago we determined that it was really to our advantage, both in Omaha and the state of Nebraska, to have two schools of medicine. We subsequently went to having two trauma centers in Omaha. Some would argue that the city the size of Omaha probably needs one but, if you're going to support two schools of medicine, in essence you need two trauma centers. And this is a continuation of that, in terms of services. So we think it's to our advantage to try to bring as much new technology and opportunities for both of the schools of medicine, and we're trying to make sure that we treat them equally well. The program was not brought to me by the Department of Health and Human Services. I did want to note that I heard that, in LB1035, amends the Stroke System of Care to

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

Health and Human Services Committee
February 02, 2018

add language that would be in relationship to the Joint Commission language that was just suggested. We are friendly to that and, with that, I think it's a very positive step. It's a good step for...and we had agreement across the state that the hospital associations...and so we so don't have rural versus urban going on here. Okay. [LB1035]

SENATOR ERDMAN: Very good; well said. Any other questions? Hearing none, thank you for your closing. [LB1035]

SENATOR RIEPE: Thank you. [LB1035]

SENATOR ERDMAN: That ends the hearing on LB1035, and that completes our agenda for today. Thank you for coming. [LB1035]