

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

Health and Human Services Committee
April 03, 2014

[CONFIRMATION]

The Committee on Health and Human Services met at 8:30 a.m. on Wednesday, January 22, 2014, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on gubernatorial appointments. Senators present: Kathy Campbell, Chairperson; Bob Krist, Vice Chairperson; Tanya Cook; Sue Crawford; Sara Howard; and Dan Watermeier. Senators absent: Mike Gloor.

SENATOR CAMPBELL: (Recorder malfunction)...to be drifting in, and Michelle Chaffee, our legal counsel, and Brennen Miller, our clerk. The Legislature adjourned last night around 9:30 or so. So my guess is is that we're going to have a few stragglers this morning. [CONFIRMATION]

JOSHUA VEST: Okay. [CONFIRMATION]

SENATOR CAMPBELL: Dr. Vest, this is a new appointment for you to the State Board of Health so tell us a little bit about yourself. [CONFIRMATION]

JOSHUA VEST: Sure. First of all, thanks for taking the time to speak with me this morning. I appreciate it. I originally am from Kansas, attended medical school at Des Moines University in Iowa where I was student body president, served on the board of presidents for medical school which...and after medical school, I went to Detroit where I trained at Detroit Medical Central, Wayne State University. I was there for three years. I trained in reconstructive foot and ankle surgery. I have been in Lincoln now for about 2.5 years. I'm owner of Capital Foot and Ankle here in Lincoln. [CONFIRMATION]

SENATOR CAMPBELL: Dr. Vest, and I have a knee replacement, so I pay attention to things like this. Is the ankle one of the last to put into place, replacements? [CONFIRMATION]

JOSHUA VEST: It is. I think ankle replacement has kind of lagged behind replacement of other joints. The ankle doesn't quite get the press that the knee and the hip does and some of the...it's a more complicated joint, too, because of its small surface area the (inaudible). Right now, we're kind of in an exciting time of ankle replacement. Previous early ankle replacements, you know, the technology wasn't where it needed to be and there was a lot failures. And I think the medical community kind of pulled back a little bit from ankle replacement surgery. With some of the technology from the knee finally making its way down to the ankle, the indications are growing for ankle replacement surgery. So part of what we're doing as a profession now, there's a real focus on making sure that as the new technology becomes available, physicians are properly trained before using ankle replacement so that the right criteria and the right patients are being selected. But I do think you're going to see more and more of it. I think it's an exciting time for the procedure. [CONFIRMATION]

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SENATOR CAMPBELL: What got you interested in serving on the State Board of Health? [CONFIRMATION]

JOSHUA VEST: Well, as I mentioned I was student body president in medical school. I was the chief resident at Detroit Medical Center while I was there as well. And I've always kind of enjoyed having a leadership role in my profession and in things that I'm involved with. So this is just...I kind of look at it as one more way to be an advocate for my patients and for the citizens of Nebraska and to make sure that the healthcare is being administered in way that is in line with what the people of Nebraska deserve. [CONFIRMATION]

SENATOR CAMPBELL: Dr. Vest, I have to say, I think it's just great that you've, you know, been in Lincoln 2.5 years and relatively early in your career to serve on the State Board of Health. I think that's a plus for...because you're obviously looking at what is the best practices and what's happening and all of the new directions that healthcare will take. I think that's terrific. [CONFIRMATION]

JOSHUA VEST: Oh, thank you. I appreciate that. I think it's...with all the changes in healthcare, some of it can kind of be intimidating in what's going to happen in the next few years. So I think it's...some of it's exciting too. And I think it's important to be proactive and be involved when changes are being made. [CONFIRMATION]

SENATOR CAMPBELL: Excellent. Senator Watermeier has joined us and Senator Howard. Any of the senators have any questions that they'd like to ask this morning? Dr. Vest, they don't have any questions. What the process will be is that the committee will vote on your appointment. And judging from my colleagues' reaction, I don't think there's any problems to that. You need do nothing in addition. It will go to the full Legislature I would guess within the next week. And then you'll just start your duties on the State Board of Health. We do encourage every appointee that comes and talks to us that if at any time you think that we need to be aware of something from your responsibilities on the State Board of Health, we encourage you to call any of the senators on the Health and Human Services Committee. [CONFIRMATION]

JOSHUA VEST: Great. Well, thank you very much. I appreciate your time this morning. [CONFIRMATION]

SENATOR CAMPBELL: Excellent. Have a great day, and thanks for calling in. [CONFIRMATION]

JOSHUA VEST: Yep. Bye. [CONFIRMATION]

SENATOR CAMPBELL: Bye. Good morning, Marty. [CONFIRMATION]

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MARTIN FATTIG: Yes, how are you doing? [CONFIRMATION]

SENATOR CAMPBELL: I'm doing well. This is Kathy Campbell. [CONFIRMATION]

MARTIN FATTIG: I recognized your voice. [CONFIRMATION]

SENATOR CAMPBELL: I know. We've seen a lot of each other, haven't we?
[CONFIRMATION]

MARTIN FATTIG: We have, haven't we? [CONFIRMATION]

SENATOR CAMPBELL: Marty, with us today is Senator Sue Crawford, Senator Dan Watermeier and Senator Sara Howard... [CONFIRMATION]

MARTIN FATTIG: Okay. [CONFIRMATION]

SENATOR CAMPBELL: ...and Michelle Chaffee who you know, the legal counsel, and Brennen Miller, our clerk. So we appreciate you calling in and talking to us today. A number...I'm sure Senator Gloor will miss not having a chance to ask you some questions. [CONFIRMATION]

MARTIN FATTIG: (Laugh) He asks some tough questions. [CONFIRMATION]

SENATOR CAMPBELL: Yeah, absolutely. Marty, you're a reappointment to the Rural Health Advisory Commission, and you've been so involved there. Tell us a little bit about yourself and why you, you know, enjoy serving on the Rural Health Advisory Commission. [CONFIRMATION]

MARTIN FATTIG: Well, I've been involved in healthcare for...since 1975, almost all of that in rural areas in the state of Nebraska. And I've come to be very passionate about the delivery of healthcare in rural Nebraska specifically and rural America in general. I was appointed...or asked to served on the Rural Health Advisory Commission...in 2004, actually was when Larry Eichelberger from the Geneva hospital, who was serving in my position at that time, retired. And since that time, I have really enjoyed the work. I have been involved. It is kind of what spurred me to get involved in the advocacy efforts across the state and to really try and be a source of accurate information to the members of the Legislature, the executive branch as well as the Department of Health and Human Services. And I really enjoy the work. You know, I think it's very worthwhile work. The people...other members of the commission are very dedicated individuals, and I really enjoy working with them on issues impacting health and healthcare across the state. I think it's really important that we continue to strive to maintain availability of quality healthcare across the most rural parts of our state. Sometimes that can be

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extremely challenging, but I think it's important. I think those people deserve healthcare as local as we can make it. We can't of course have a clinic on every corner like we can in Omaha or something. But at least we can have quality healthcare available somewhat locally. [CONFIRMATION]

SENATOR CAMPBELL: And I know that you've just been a great pioneer in a number of things, and my colleagues...in the resume under what Marty has listed under the administrator/chief executive officer, you have just started a lot of great programs at the Nemaha County facility and I know serve on several national boards and commissions. I mean, we're just really lucky to have that interest on your part nationally as well as for the state. [CONFIRMATION]

MARTIN FATTIG: Well, thank you, Senator Campbell. It's a joy to serve with them as well. I was appointed to the electronic health record meaningful use worker by CMS and have been serving on that since 2010. So I'm actually helping write healthcare policy in Washington which is something I never thought I would be doing. [CONFIRMATION]

SENATOR CAMPBELL: Well, thank heavens we got somebody from Nebraska sitting there writing it. And I know that you've done a lot of work in telehealth, and that's becoming an interest in this committee. You want to mention a few things about what you're doing in telehealth? [CONFIRMATION]

MARTIN FATTIG: We are doing some work in telehealth. Of course, we are connected to the Nebraska Telehealth Network and do provide psychiatric services via telehealth out of our facility. Beyond that, we actually have purchased some equipment that allows us to monitor patients in their homes, those critically ill or those chronically ill patients who are very brittle and we need to keep real close track of their activity and their meds and whatnot. The equipment that we purchased allows us to monitor those people in their homes, that that information gets sent then to a Web site where our nursing staff can review it and determine in fact if a patient is maintaining their health or if they're becoming compromised. And there is no payment for this. We have just started it through our home health department. And now we're starting to put this equipment in homes of patients who are dismissed from the hospital or the emergency department... [CONFIRMATION]

SENATOR CAMPBELL: Well, Marty... [CONFIRMATION]

MARTIN FATTIG: ..simply to help them maintain some degree of health and not end up acutely ill and back in the hospital or the ER. [CONFIRMATION]

SENATOR CAMPBELL: Right. For my colleagues, Marty has just been a great addition, serves on the workgroup for LR22 and now LR422. And I really look forward to those meetings because it's just...it's very energizing to hear you all talk about the potential

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strengths that we will have in healthcare in the future. And thanks for serving on it also.
[CONFIRMATION]

MARTIN FATTIG: My pleasure, Senator Campbell. It is my pleasure to serve on that as well. There are some really dedicated folks and very, very bright folks with a really clear view of what the future should look like in this state...the future of healthcare in the state. And so it is a joy for me to work with them as well. [CONFIRMATION]

SENATOR CAMPBELL: Excellent. Well, we will let you go. We are looking at the clock and knowing that we need to be upstairs in about 15 minutes. So Marty, thanks so much. You kind of know the drill. Your nomination will go to the floor. I don't anticipate any problems. And thank you so much for your willingness to serve. [CONFIRMATION]

MARTIN FATTIG: Thank you, and thank you. And welcome to all...or, you know, hi, to all of you there in the room. I know you all, you know, and I enjoy working with all of you. [CONFIRMATION]

SENATOR CAMPBELL: Excellent. [CONFIRMATION]

MARTIN FATTIG: Just contact me if I can ever be of assistance. [CONFIRMATION]

SENATOR CAMPBELL: And you know that invitation is always open to us also.
[CONFIRMATION]

MARTIN FATTIG: I certainly do. [CONFIRMATION]

SENATOR CAMPBELL: Thanks, Marty. [CONFIRMATION]

MARTIN FATTIG: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Have a good day. Colleagues, while we're waiting, next...is it next Wednesday? Next Wednesday, we have a resolution that we need to hear in public hearing. It is from Senator McCoy having to do with reform of healthcare. And I talked to Senator McCoy. He is only planning to testify himself. He's not asking anyone else to testify. And to my knowledge, no one else will be testifying. So that's why we set the 12:45. We think that will be enough time. If you have conflicts, let me know because really one or two or three of us probably could do it. Good morning. [CONFIRMATION]

RICHARD ROBINSON: Good morning. [CONFIRMATION]

SENATOR CAMPBELL: Rich, this is Kathy Campbell, a name actually out of both of our pasts I think. [CONFIRMATION]

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RICHARD ROBINSON: Oh, definitely. [CONFIRMATION]

SENATOR CAMPBELL: How are you, Rich? [CONFIRMATION]

RICHARD ROBINSON: I think I'm in your district. [CONFIRMATION]

SENATOR CAMPBELL: Yes, absolutely. I saw that on the form. For my colleagues, this is Rich Robinson and is an appointee to the State Board of Health. Rich, with us today, I'm going to start at my far right, Senator Dan Watermeier and Senator Sara Howard, Senator Tanya Cook, Senator Bob Krist, and Senator Sue Crawford, our legal counsel, Michelle Chaffee, is here as well as our clerk, Brennen Miller. And we just want to spend a couple of minutes visiting with you. Basically, we try to get to know about you and your interest in serving on the State Board of Health. So tell us a little bit about yourself and why you are interested because it's a reappointment for you on the State Board of Health. [CONFIRMATION]

RICHARD ROBINSON: That's correct. I actually started my first term. It was an unexpired term I believe in 2009, maybe like in August. So I've served, what, four years of that term and then of course into the second term with your approval. Basically, as I have known Kathy for some time, in my previous life as I like to say, I was actually with the city of Lincoln, worked for the city of Lincoln about 25 or 26 years. And then the last 18 years of my career have been with Kirkham Michael Consulting Engineers. With the city of Lincoln, I covered most of the bases in Public Works and Utilities. I've spent a great deal of time managing the Lincoln water system. So I have firsthand knowledge of a large municipal community water supply and all the things that goes with that, the various rules and regulations, the operation, capital improvements, that sort of thing. And so, of course, then my last 18 years with Kirkham Michael I've been continuing those efforts as far as helping other communities with their public water supplies, wastewater systems, and general municipal-type improvements. As far as my education, I have a bachelor's of science in civil engineering from the University of Nebraska and also a master's of science in civil engineering with a minor in business. As far as my professional activities, I've spent a great deal of time and effort with the national organization of the American Water Works Association, served in various capacities over the years. I've been on the past national board of the directors, executive committee. For those of you that may not know too much about the American Water Works Association, it is the premier professional association for people in the drinking water industry, about 60,000 members. I've served nationally on various committees; Water Utility Council, their finance committee; as I said, the executive committee which is like the officers and five of the board members. So I have a great deal of experience with professional associations and serving communities with drinking water. One of the requirements of this position is that you be a registered professional engineer. So I'm registered in Nebraska, Kansas, and Iowa and also keep my Nebraska water operator certificate which is a grade one, which is the top level, current and active

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in my career. Those are kind of the highlights as far as serving on the board. As I said, this would be my second term, been very active on two of the standing committees, the professional boards committee and also the rules and regulations committee. I've served as vice chair and currently have been appointed as the chair of the rules and regulations committee of the board. I have certainly enjoyed my time on the board. There's many good volunteers that serve on the board and have established good relationships with those. And I continue to have a very good relationship, a working relationship with Jack Daniel and the staff at Health and Human Services as far as environmental services go. Kind of in a nutshell, I know you don't have all day. But that's kind of the brief overview. [CONFIRMATION]

SENATOR CAMPBELL: That's great, Rich. Would you be considered, what, more of a citizen representative on the State Board of Health? [CONFIRMATION]

RICHARD ROBINSON: Oh, actually, there's one position that requires a professional engineer. [CONFIRMATION]

SENATOR CAMPBELL: Oh, sorry. They're all nodding. They're going, yes, yes, we get that. [CONFIRMATION]

RICHARD ROBINSON: I think there's two public members at large plus 14, you know, medical disciplines. I serve in the capacity of the one registered professional engineer. [CONFIRMATION]

SENATOR CAMPBELL: Excellent. [CONFIRMATION]

RICHARD ROBINSON: Basically, you know, that's primarily for the drinking water regulation aspect of review. [CONFIRMATION]

SENATOR CAMPBELL: Okay, excellent. Questions from the senators? Senator Krist, do you have a question? [CONFIRMATION]

SENATOR KRIST: I'm going to assume, Rich, that in your capacity that you're a proponent of fluoridation? [CONFIRMATION]

RICHARD ROBINSON: I think you said, opponent. Or proponent? (Laugh)
[CONFIRMATION]

SENATOR KRIST: A proponent. [CONFIRMATION]

RICHARD ROBINSON: I am a proponent of fluoridation. [CONFIRMATION]

SENATOR KRIST: You are. You're in support of fluoridation. [CONFIRMATION]

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RICHARD ROBINSON: Yes. [CONFIRMATION]

SENATOR KRIST: Okay, how... [CONFIRMATION]

RICHARD ROBINSON: I think I've seen the benefits. And certainly the way it's administered, you know, in the drinking water industry it's a very small amount that is just enough, however, to help dental activity and certainly I think is a benefit to children especially. [CONFIRMATION]

SENATOR KRIST: So how to we appeal to those providers of drinking water across the state to step up to the plate and provide fluoridation? [CONFIRMATION]

RICHARD ROBINSON: That's a very good question. I think just continuing the education aspect and, you know, trying to speak to some of the opponents' arguments which I think have been fairly well...I know it's something that's hard to change in some people's mind, but I think some of the dentists certainly in this state have done a really good job of being proponents of fluoridation. [CONFIRMATION]

SENATOR KRIST: I would agree. Thanks for your service and see what you can do about making that happen all over the state. [CONFIRMATION]

RICHARD ROBINSON: All right. Appreciate that and I'll see what I can do. [CONFIRMATION]

SENATOR CAMPBELL: Any other questions from the senators this morning? I don't see any. Rich, thank you so much for phoning in today. And your appointment will go to the full Legislature I would guess next week, wouldn't expect any problems with it. And we really do sincerely appreciate your service on the State Board of Health and particularly accepting a reappointment. And it was great talking to you again. It's been a lot years. [CONFIRMATION]

RICHARD ROBINSON: Yeah. I really enjoyed it. And everybody out there have a good day and stay dry. [CONFIRMATION]

SENATOR CAMPBELL: Will do. Thank you. [CONFIRMATION]

RICHARD ROBINSON: Thank you very much. Appreciate it. [CONFIRMATION]

SENATOR CAMPBELL: Bye, Rich. [CONFIRMATION]

RICHARD ROBINSON: Bye. [CONFIRMATION]

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SENATOR KRIST: Stay dry, coming from a water works engineer. [CONFIRMATION]

SENATOR COOK: I know. That's funny. [CONFIRMATION]

SENATOR CAMPBELL: Do we have a motion to go into Executive Session?
[CONFIRMATION]