

INTERIM JOINT COMMITTEE ON HEALTH SERVICES

Minutes of the 4th Meeting of the 2024 Interim

September 25, 2024

Call to Order and Roll Call

The fourth meeting of the Interim Joint Committee on Health Services was held on September 25, 2024, at 9:00 AM in Room 149 of the Capitol Annex. Senator Stephen Meredith, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Kimberly Poore Moser Co-Chair; Senator Stephen Meredith Co-Chair; Senators Julie Raque Adams, Karen Berg, Danny Carroll, Donald Douglas, Greg Elkins, Shelley Funke Frommeyer, Michael J. Nemes, Lindsey Tichenor, and Max Wise; Representatives Steve Bratcher, Josh Bray, Adrielle Camuel, Ryan Dotson, Robert Duvall, Deanna Frazier Gordon, Amy Neighbors, Rebecca Raymer, Steve Riley, Rachel Roarx, Scott Sharp, Lisa Willner, and Susan Witten.

Guests: Jonathan Wolfson, Chief Legal Officer, Policy Director, Cicero Institute; Brandon Embry, PA-C, Kentucky Orthopaedics & Spine; Erin Chalmers, DMSc, MSPAS, PA-C, DFAAPA, President, Kentucky Academy of Physician Assistants; Andrew Rutherford, DMSc, PA-C, Kentucky Academy of Physician Assistants; Ashton C. Ogle, DMSc, PA-C, Kentucky Academy of Physician Assistants; Lisa Biddle-Puffer, Vice President, Quality and Regulatory Affairs, Kentucky Association of Health Care Facilities, Kentucky Center for Assisted Living; Jeremy Bischoff, Vice President, Reimbursement, Kentucky Association of Health Care Facilities, Kentucky Center for Assisted Living; Dr. Aaron Thompson, President, Kentucky Council on Postsecondary Education; Dr. Phil Neal, Acting Executive Vice President, Provost, Kentucky Community and Technical College System; Kelly Jenkins, Executive Director, Kentucky Board of Nursing; Ann Jeannette Pierce; Susan Fruge; Marie Allison; Heidi Schissler, Legal Director, Kentucky Protection and Advocacy; Corey Nett, via Wendy Cooper, Personal Aid; Jordan Humphrey; Kelley Knoop; Sherry Pickett; Nicole Maher; D. Brent Irvin; Dallas Kratzer, Senior Fellow, Council on Post-Secondary Education; Steve Flairty, Ellyn Jones; and Jason DeLong, PA-C. Orthopedic Surgery, Kentucky Orthopaedics & Spine.

LRC Staff: Chris Joffrion, Lead Staff, DeeAnn Wenk, CSA, Logan Bush, and Becky Lancaster.

Approval of Minutes

A motion to approve the minutes of the June 18, 2024, meeting was made by Senator Raque Adams, seconded by Representative Frazier Gordon, and approved by voice vote.

Consideration of Referred Administrative Regulations

The following referred administrative regulations were placed on the agenda for consideration:

201 KAR 020:320 Proposed - Standards for curriculum of prelicensure registered nurse and practical nurse programs.

201 KAR 028:240 Proposed - Occupational Therapy Licensure Compact.

915 KAR 001:010 Emergency - Initial and renewal applications for cannabis business licenses.

915 KAR 001:020 Emergency - Cannabis business licenses.

All of the above listed administrative regulations were reviewed.

Discussion of 2024 Regular Session Senate Bill 173/2025 Regular Session Bill Request 42

Senator Reginald Thomas gave a brief overview of 2025 Regular Session Bill Request 42. Ann Jeannette Pierce discussed her daughter, who has an intellectual and developmental disability. Her daughter lives in a community group home, where she has sustained injuries that have occurred within the home. Ms. Pierce advocated for cameras within community group homes to improve safety for the individuals.

Susan Fruge discussed the need for the guardians of people with intellectual and developmental disabilities to have the ability to waive the right to privacy and allow cameras in community group homes for an individual's safety and protection.

Marie Allison discussed the federal ruling regarding the prohibition of cameras in a community group setting and the need for cameras to ensure that individuals with intellectual and developmental disabilities are not injured or abused in a community group home.

Heidi Schissler, Legal Director, Kentucky Protection and Advocacy, testified in opposition of the bill and discussed 1915(c) home and community-based waivers. Corey Nett, via Wendy Cooper, personal aid, testified in opposition of the bill and discussed the invasion of privacy and correlating issues with in-house camera videos that could arise. Jordan Humphrey testified in opposition of the bill and discussed problems with the loss of privacy.

Discussion of 2024 Regular Session House Bill 574

Representative Kimberly Poore Moser discussed the shortage of physicians and the bill's solution of trained physicians that completed a medical residency outside of the United States.

Jonathan Wolfson, Chief Legal Officer, Policy Director, Cicero Institute, discussed the physician shortage, that 2024 Regular Session House Bill 574 would allow otherwise qualified internationally-licensed doctors to practice without repeating their medical residency, the pathway to full medical licensure, and that international training has long been recognized.

In response to questions and comments from Senator Berg, Mr. Wolfson stated that international physicians are accepted if they are on faculty with the university.

In response to questions and comments from Representative Frazier Gordon, Representative Moser stated that she is working with all physician groups while completing the bill.

In response to questions and comments from Representative Bratcher, Mr. Wolfson stated that the bill would include doctors of osteopathic medicine.

In response to questions and comments from Senator Meredith, Representative Moser stated that she could look at adding incentives like loan forgiveness for physicians that choose to serve in rural or under-served areas.

Physician Assistants and Collaborative Agreements

Brandon Embry, PA-C, Kentucky Orthopaedics & Spine, discussed the barriers causing physician shortages, qualifications for physician assistants (PAs), allowing PAs to prescribe schedule 2 controlled substances, simplifying the supervising physician's process, and patient support of PAs.

Andrew Rutherford, DMSc, PA-C, Kentucky Academy of Physician Assistants, discussed the difference of supervision versus collaboration, and the need to decrease the administrative burden.

In response to questions and comments from Senator Funke Frommeyer, Mr. Embry stated that PAs and physicians work together to establish a practice with shared responsibilities and that Illinois' one-page application is easier than Kentucky's 15-page application. Mr. Rutherford stated that the application is not online and cannot be emailed.

In response to questions and comments from Senator Tichenor, Erin Chalmers, DMSc, MSPAS, PA-C, DFAAPA, President, Kentucky Academy of Physician Assistants, stated that residencies are optional for PAs and that no additional changes would need to be made to change the language from supervision to collaboration. Ashton C. Ogle, DMSc, PA-C, Kentucky Academy of Physician Assistants, stated that collaboration does not change their scope of practice.

In response to questions and comments from Representative Willner, Mr. Rutherford stated that the barrier to passing legislation is a lack of education as to how PAs work with physicians.

In response to questions and comments from Senator Carroll, Ms. Chalmers stated that there are no bridge programs for PAs to become physicians. Ms. Ogle stated that PAs are not looking to become a physician and the program is designed to fill in healthcare gaps with PAs working independently on a team with physicians.

In response to questions and comments from Senator Nemes, Mr. Rutherford stated that PAs are not competing for jobs with physicians and want to collaborate with physicians.

In response to questions and comments from Representative Moser, Mr. Rutherford stated that PAs are not looking to practice independently, they are requesting to update language to reflect the true collaboration with physicians. Mr. Embry highlighted that if PAs bill without a physician on-site, the Medicaid reimbursement is 85 percent. Ms. Ogle stated that national level discussions are being held to change physician assistant to physician associate to better characterize how they work with physicians.

Update on Federal Minimum Staffing Standards for Long-Term Care Facilities

Lisa Biddle-Puffer, Vice President, Quality and Regulatory Affairs, Kentucky Association of Health Care Facilities, Kentucky Center for Assisted Living, discussed the federal staffing requirements, long-term care staffing shortages, Centers for Medicare and Medicaid Services (CMS) exemptions and consequences of the federal rule, the lawsuit filed by the American Health Care Association, and the staffing challenges for nursing homes.

Jeremy Bischoff, Vice President, Reimbursement, Kentucky Association of Health Care Facilities, Kentucky Center for Assisted Living, discussed how the mandate was unfunded, CMS' unrealistic expectations of nursing homes, facility closures, workforce recruitment and retention, telehealth solutions, and recommendations for finding a path forward to a stronger workforce.

In response to questions and comments from Senator Berg, Ms. Biddle-Puffer stated that a telehealth registered nurse (RN) on duty does not cover the requirement for a 24-hour RN on-site.

Heroes to Healers

Representative Steve Bratcher discussed that the proposed bill will allow a military medic to convert to a licensed practical nurse (LPN) then bridge to a RN and the educational partners working together.

Dr. Aaron Thompson, President, Kentucky Council on Postsecondary Education (CPE), discussed how CPE has been addressing the workforce shortages by integrating highly trained veterans with bridge programming.

Dr. Phil Neal, Acting Executive Vice President, Provost, Kentucky Community and Technical College System (KCTCS), discussed KCTCS' commitment to partnering with CPE and the Kentucky Board of Nursing to create pathways for veterans to enter the workforce.

Kelly Jenkins, Executive Director, Kentucky Board of Nursing, discussed working with partners from CPE and KCTCS on the RN bridge program to improve the healthcare workforce.

Representative Bratcher discussed the three branches of military that have medics, the military's medic training, and the skill bridge program. Dr. Thompson discussed hospitals and agencies that supply funds for veterans to become a LPN or RN and that quality of training would be verified at each clinical level.

In response to questions and comments from Representative Dotson, Ms. Jenkins stated that the National Council of State Boards of Nursing sets the testing standard and KCTCS would identify gaps in didactic curriculum training to recommend specific areas or classes for training. Representative Bratcher stated that the military medics are primarily trained in emergency medicine but also work with families and children. Dr. Thompson stated that CPE has other areas where veterans can bridge prior training to receive additional credits.

Adjournment

There being no further business, the meeting was adjourned at 10:55 AM.