

# **INTERIM JOINT COMMITTEE ON HEALTH, WELFARE, AND FAMILY SERVICES**

## **Minutes of the 6th Meeting of the 2021 Interim**

**October 20, 2021**

### **Call to Order and Roll Call**

The 6th meeting of the Interim Joint Committee on Health, Welfare, and Family Services was held on Wednesday, October 20, 2021, at 1:00 PM, in Room 154 of the Capitol Annex. Representative Kimberly Poore Moser, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Kimberly Poore Moser, Co-Chair; Senators Karen Berg, David P. Givens, Denise Harper Angel, Jason Howell, Stephen Meredith, and Michael J. Nemes; Representatives Danny Bentley, Josh Bray, Tom Burch, Daniel Elliott, Ken Fleming, Deanna Frazier, Mary Lou Marzian, Melinda Gibbons Prunty, Felicia Rabourn, Josie Raymond, Steve Riley, Steve Sheldon, Nancy Tate, Russell Webber, Susan Westrom, and Lisa Willner.

Guests: Mary Lynn Spalding, President, Chief Executive Officer, Christian Care Communities; Tim Veno, President, LeadingAge Kentucky; Betsy Johnson, President, Kentucky Association of Health Care Facilities, Kentucky Center for Assisted Living; Bob White, Executive Director, Kentucky Senior Living Association; Mark Lee, President, Paragon Development; Mackenzie Longoria, Public Policy Director, Alzheimer's Association, Greater Kentucky Chapter; Mary Lloyd Moore, Ed.D., CCC-SLP, Executive Director, Suzanne Vitale Clinical Education Complex, Western Kentucky University; David Wheeler, Director, LifeWorks, Western Kentucky University; John Kelly, Founder, Kelly Autism Program, Western Kentucky University

LRC Staff: DeeAnn Wenk, Ben Payne, Chris Joffrion, Samir Nasir, Becky Lancaster, and Amanda DuFour.

### **Approval of Minutes**

A motion to approve the minutes of the August 26, 2021, and the September 2, 2021, meetings was made by Representative Fleming, seconded by Representative Tate, and approved by voice vote.

Consideration of Referred Administrative Regulations

The following referred administrative regulations were placed on the agenda for consideration: **201 KAR 002:270 Proposed** - Expungement; **201 KAR 002:360 Proposed** - Naloxone dispensing; **201 KAR 002:420 Proposed** - Administration of vaccines; **201 KAR 009:270 Proposed** - Professional standards for prescribing or dispensing Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone; **201 KAR 009:290 Proposed** - Athletic trainers; interpretation and application of KRS 311.901(1) and 311.903(2) (Deferred from the September 22, 2021 meeting); **907 KAR 003:005 Proposed** - Coverage of physicians' services; **907 KAR 003:010 Proposed** - Reimbursement for physicians' services; **907 KAR 003:060 Proposed** - Ambulance provider assessment program; **921 KAR 001:020 Proposed** - Child Support Enforcement Program: confidentiality, program administration contracts, and agreements; **921 KAR 001:390 Proposed** - Child Support Enforcement Program paternity establishment; **921 KAR 001:400 Emergency** - Establishment, review, and modification of child support and medical support orders; **921 KAR 002:015 Emergency** - Supplemental programs for persons who are aged, blind, or have a disability; **921 KAR 003:027 Proposed** - Technical requirements; and **921 KAR 004:116 Emergency** - Low Income Home Energy Assistance Program or "LIHEAP". The administrative regulations were reviewed.

#### **Assisted Living and Long-Term Care Update and Priorities**

Betsy Johnson, President, Kentucky Association of Health Care Facilities, Kentucky Center for Assisted Living, discussed the various levels of long-term care (LTC) in Kentucky. She discussed that 2022 Regular Session Bill Request (BR) 137 will not address reimbursements for LTC services, but it will modernize the service delivery to make LTC more consumer friendly.

Tim Veno, President, LeadingAge Kentucky, reviewed the LeadingAge services provided by nonprofit members and stated support for BR 137. He discussed various goals of BR 137 that will enhance the LTC model, differentiate personal care homes from assisted living homes, and allow assisted living homes to provide more services.

Mary Lynn Spalding, President, Chief Executive Officer, Christian Care Communities, discussed how BR 137 will affect LTC residents, define how LTC workers' roles vary from social to medical models of service, and allow for more training and resources for LTC workers.

Mark Lee, President, Paragon Development, discussed the various stake holders gathered for input on BR 137 and recommendations made to him by the Alzheimer's Association. He discussed how BR 137 will allow delivery of basic health services, merge private pay personal care with private pay assisted living, allow resident care in apartments to meet the resident's needs without having to move to a licensed area. He clarified that an assisted living community with memory units would have a different license with standards specific to dementia care. Assisted living will remain a private pay, consumer-driven, and noninstitutionalized model.

Bob White, Executive Director, Kentucky Senior Living Association, discussed a letter of support for BR 137. He reiterated that any community that is certified as assisted living may continue to operate as a social model as specified in BR 137.

In response to questions and comments from Representative Moser, Mr. Lee stated that BR 137 works to raise the bar relating to training requirements in dementia care units. Assuming a provider decides to embrace the opportunity to provide more services, the cost range would be close to personal care living on a private pay basis.

In response to questions and comments from Senator Berg, Mr. Lee stated there is a need for people in assisted living to have basic, not skilled, health services provided by nursing staff. He stated that the BR 137 does not change the requirement for employees who do not work with dementia patients.

In response to questions and comments from Senator Meredith, Mr. Lee stated that every healthcare provider has an obligation to fairly and completely disclose their services provided and the charges for its services. Ms. Johnson stated that 48 percent of the states have assisted living as a certified Medicaid provider and more allow for waiver type services in assisted living. Moving the licensure categories to align with the services being provided would have a significant impact on the Medicaid budget.

In response to questions and comments from Representative Marzian, Mr. Lee stated that it is tough to do everything needed at one time. Mr. White stated that in a smaller market, assisted living is approximately \$3,000 to \$3,600 per month and personal care living is approximately \$4,500 to \$5,000 per month and a memory care unit is higher than personal care living. The average skilled nursing unit is approximately \$6,000 per month. Ms. Johnson stated that skilled nursing facilities are typically reimbursed by Medicaid per day based on acuity of the patient and are not private pay.

In response to questions and comments from Representative Moser, Mr. Lee stated that assuming a provider decides to embrace the opportunity to provide more services, the cost of new assisted living units would be close to personal care living on a private pay basis.

In response to questions and comments from Senator Givens, Ms. Johnson stated that BR 137 does dissolve the personal care category into assisted living communities. Mr. Lee stated that licensed personal care homes have a connection to the Ombudsman's office and assisted living facilities do not.

In response to questions and comments from Representative Elliott, Mr. Lee stated that there is nothing in BR 137 related to tort reform.

In response to questions and comments from Representative Sheldon, Mr. Lee stated that a personal care, apartment style, private pay facility that would become an assisted living with BR 137 would already be delivering the level of care that is referred to as basic health services. He stated that BR 137 would preserve the provider's right to remain a social model.

In response to questions and comments from Representative Burch, Mr. Lee stated his team has continued to engage in conversations with CHFS regarding BR 137 and that he does not know of anything specifically that CHFS disagrees with in BR 137.

In response to questions and comments from Representative Westrom, Mr. Lee stated that the number of seniors will continue to rise until 2050.

### **Alzheimer's Association Priorities and Goals**

Mackenzie Longoria, Public Policy Director, Alzheimer's Association, Greater Kentucky Chapter, discussed the number of adults over 65 years of age and projections in the future. She discussed the Alzheimer's Association's priorities and goals for the 2022 legislative session including training for APS workers, funding for the Office of Dementia Services, and changes to BR 137. The Alzheimer's Association does not support BR 137 as written at this time. She recognized the consumer confusion regarding LTC and discussed creating a different model using input from all stakeholders. She reviewed background details in the process of creating BR 137 with relation to the Alzheimer's Association's participation. She addressed various areas of concern with language removed from BR 137. She discussed the statute KRS 194A.179 regarding training of staff and management for assisted living facilities. She testified that the coalition groups and the Department for Aging and Independent Living plan to meet regarding BR 137.

In response to questions and comments from Representative Moser, Ms. Longoria stated that the cost of training varies according to the size of the facility, the amount of training needed, and online versus in-person training. The specific training for dementia care licensure in BR 137 is good and represents many best practices from the Alzheimer's Association.

In response to questions and comments from Representative Gibbons Prunty, Ms. Longoria stated that the American Association of Retired Persons (AARP), The Bluegrass Area Agency on Aging and Independent Living, Disabled Veterans, and Veterans of America, should be consulted for input regarding BR 137.

### **LifeWorks Program: Transition to Work and Independent Living**

Mary Lloyd Moore, Ed.D., CCC-SLP, Executive Director, Suzanne Vitale Clinical Education Complex, Western Kentucky University (WKU), discussed the Suzanne Vitale Clinical Education Complex and its purpose support individuals and families with autism. She reviewed other programs such as the Family Resource Program, Communication

Disorders Clinic, Renshaw Early Childhood Center, and Kelly Autism Program. She gave a personal account of how a client benefited from the services provided by the Suzanne Vitale Clinical Education Complex throughout his life. She discussed LifeWorks at WKU, Kentucky's only living and learning transition program for young adults with autism.

David Wheeler, Director, LifeWorks, Western Kentucky University, discussed the LifeWorks program's goal for individuals with autism to develop skills necessary to live on their own, and to gain and maintain employment. He shared the typical participant profile, the number of participants in the program, and critical areas of focus in the program. He reviewed the LifeWorks Bridge Program that offers classroom instruction only.

Dr. Lloyd Moore discussed the number of college graduates affected by autism who are unemployed and the average annual cost of the Home and Community Based Services (HCBS) waiver services. She requested for funding to support and expand the LifeWorks program. John Kelly, Founder, Kelly Autism Program, Western Kentucky University, discussed the necessity for the LifeWorks program to exist and expand in Kentucky.

In response to questions and comments from Representative Moser, Dr. Lloyd Moore stated that LifeWorks has the capacity to serve 28 individuals with 3 apartment buildings for the two-year program and where. Mr. Kelly stated that the LifeWorks Bridge Program is a daytime program with capacity for more participants.

In response to questions and comments from Senator Nemes, Dr. Lloyd Moore stated that LifeWorks provides a person centered plan for everyone in the program. She stated that LifeWorks trains and supports the businesses that hire program participants. Mr. Wheeler stated that LifeWorks is a vendor with the Office of Vocational Rehabilitation and provides support employment and pre-employment transition services.

In response to questions and comments from Senator Berg, Dr. Lloyd Moore stated that 75 percent of people with autism in Kentucky, in the 18 to 64 age range, would be eligible for the LifeWorks program if available in their area. Ms. Lloyd Moore stated that LifeWorks at WKU is in its second year of operation.

In response to questions and comments from Representative Burch, Dr. Lloyd Moore stated that LifeWorks works with the businesses to help them understand and best respond to the program participants.

In response to questions and comments from Representative Moser, Dr. Lloyd Moore stated that the LifeWorks program at WKU does not receive any funding from WKU. She stated that the program would welcome partnerships from other universities across Kentucky to expand the program.

**Adjournment**

There being no further business, the meeting was adjourned at 3:28 PM.