

INTERIM JOINT COMMITTEE ON HEALTH, WELFARE, AND FAMILY SERVICES

Minutes of the 2nd Meeting of the 2021 Interim

July 21, 2021

Call to Order and Roll Call

The 2nd meeting of the Interim Joint Committee on Health, Welfare, and Family Services was held on Wednesday, July 21, 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: Senator Ralph Alvarado, Co-Chair; Representative Kimberly Poore Moser, Co-Chair; Senators Karen Berg, Danny Carroll, David P. Givens, Denise Harper Angel, Jason Howell, Stephen Meredith, Michael J. Nemes, and Max Wise; Representatives Danny Bentley, Adam Bowling, Josh Bray, Tom Burch, Ryan Dotson, Daniel Elliott, Ken Fleming, Deanna Frazier, Mary Lou Marzian, Melinda Gibbons Prunty, Josie Raymond, Steve Riley, Scott Sharp, Steve Sheldon, Nancy Tate, Russell Webber, Susan Westrom, and Lisa Willner.

Guests: Jenna Bannon, Program Director, Children and Families Program, National Conference of State Legislatures (NCSL); Christa Bell, Executive Advisor, Misty Sammons, Director, Dr. Sarah Vanover, Director, Laura Begin, Staff Assistant, Department for Community Based Services, Cabinet for Health and Family Services; Steve Veno, Commissioner, Lily Patteson, Division Director, Mary Sparrow, Procedures Development Specialist, Department for Income Support, Cabinet for Health and Family Services; Lydia Bell, Chief Strategy Officer, Paul Robinson, Chief Executive Officer, Home of the Innocents; Rick Wurth, Chief Executive Officer, Crystal Leugers, Chief Programming Officer, Children's Home of Northern Kentucky; Larry Hadley, Executive Director, Board of Pharmacy, Eden Davis, General Counsel, Kentucky Board of Pharmacy; Jeffrey Prather, General Counsel, Kentucky Board of Nursing; Kevin Winstead, Commissioner, Department of Professional Licensing, Public Protection Cabinet; Karyn Hascal; Edith Slone, Division Director, Melea Rivera, Assistant Director, Office of Health Data and Analytics, Cabinet for Health and Family Services; Carrie Banahan, Deputy Secretary, Office of the Secretary, Cabinet for Health and Family Services; and Julie Brooks, Policy Specialist, Department for Public Health.

LRC Staff: DeeAnn Wenk, CSA, Ben Payne, Samir Nasir, Becky Lancaster, and Amanda Dufour.

Approval of Minutes

A motion to approve the minutes of the June 16, 2021 meeting was made by Senator Nemes, seconded by Representative Gibbons Prunty, and approved by voice vote.

Consideration of Referred Administrative Regulations

The following referred administrative regulations were placed on the agenda for consideration: **201 KAR 002:040 Proposed** - Registration of pharmacist interns; **201 KAR 002:171 Proposed** - Computerized recordkeeping; **201 KAR 002:205 Proposed** - Pharmacist-in-charge; **201 KAR 002:390 Proposed** - Requirements for third-party logistics provider; **201 KAR 020:506 Proposed** - Nurse licensure compact; **201 KAR 035:010 Emergency** - Definitions for 201 KAR Chapter 35; **201 KAR 035:020 Emergency** - Fees; **201 KAR 035:025 Emergency** - Examinations; **201 KAR 035:040 Emergency** - Continuing education requirements; **201 KAR 035:050 Emergency** - Curriculum of study; **201 KAR 035:055 Emergency** - Temporary registration or certification; **201 KAR 035:070 Emergency** - Supervision experience; **201 KAR 035:075 Emergency** - Substitution for work experience for an applicant for certification as an alcohol and drug counselor; **201 KAR 035:080 Emergency** - Voluntary inactive and retired status; **900 KAR 010:111 Proposed** - Definitions for 900 KAR Chapter 10; **900 KAR 010:115 Proposed** - Exchange participation requirements and certification of qualified health plans and qualified stand-alone dental plans; **900 KAR 010:120 Proposed** - KHBE eligibility and enrollment in a qualified health plan, SHOP, and SHOP formal resolution process; **900 KAR 010:125 Proposed** - KHBE Consumer Assistance Program, kynector certification, and individual agent participation with the KHBE; **900 KAR 010:130 Proposed** - Appeals of eligibility for KHBE participation and insurance affordability programs; **902 KAR 004:150 Proposed** - Enhanced HANDS services in response to declared national or state public health emergency; **921 KAR 003:035 Proposed** - Certification process. The administrative regulations above have been reviewed by the committee.

Family First Prevention Services Act (FFPSA) Overview

Jenna Bannon, Program Director, Children and Families Program, National Conference of State Legislatures (NCSL), gave a brief history of NSCL and its purpose. She presented a graph that highlighted the numbers of maltreatment cases in the United States from 1990 to 2018 for youth younger than 18 years old. She gave specific information regarding the rates of sexual abuse, physical abuse, and neglect. She discussed the funding and structural changes the FFPSA will provide to prevent child maltreatment. She reviewed the terms of how states can receive federal funds for foster homes or Qualified Residential Treatment Programs (QRTPs) from the FFPSA. She shared how many states have a five year prevention plan that has been submitted or approved. She discussed state activity related to legislation that has been introduced such as: appropriating funds, defining QRTP in statute, convening stakeholders, authorizing studies of available prevention services, and amending statutes to limit out-of-home placements.

Ms. Bannon discussed some of the FFPSA challenges such as program costs, identifying eligible prevention programs, and COVID-19. She listed solutions for states such as: using funds to create child and family team case reviews and trial home placements; utilizing multiple funding streams for programs; and using the FFPSA for assistance with administrative costs.

In response to questions and comments from Representative Fleming, Ms. Bannon stated that she has not but can review the national data regarding the number of sexual abuse cases since the onset of the pandemic.

Department for Community Based Services Funding

Laura Begin, Staff Assistant, Department for Community Based Services (DCBS), Cabinet for Health and Family Services (CHFS), gave an introduction the DCBS presentation. She stated there are more than 9,000 children in Kentucky in out-of-home care. She discussed how Kentucky started to implement the FFPSA in October 2019. She mentioned problems Kentucky families may face and programs that may be of assistance to them. Misty Sammons, Director, Department for Community Based Services, Cabinet for Health and Family Services, discussed several DCBS programs that were funded by the American Rescue Plan Act. The total amount awarded to DCBS programs was \$862.4 million.

Update on COVID-19 Impact on Childcare Providers

Dr. Sarah Vanover, Director, Department for Community Based Services, Cabinet for Health and Family Services, explained that within the total amount awarded to DCBS that \$763 million was specifically dedicated to child care. She discussed how \$470 million will be dispersed for sustainability payments to support child care programs that were open prior to March 11, 2021. She explained that \$293 million was designated through a one-time Child Care and Development Fund (CCDF) Block Grant. She discussed how it will be dispersed to child care programs by; increasing provider payments; improving payment policies; increasing wages for early childhood educators; and building the supply of child care for underserved populations.

Kentucky Implementation of the Family First Prevention Services Act

Christa Bell, Executive Advisor, Department for Community Based Services, Cabinet for Health and Family Services (CHFS), reviewed how Kentucky's implementation of the FFPSA impacted all areas of service such as; prevention, family preservation, kinship care, foster care, congregate care, and youth aging out of the foster care system. She gave a brief overview of the FFPSA approach to prevention. She listed some of the evidence based practices (EBPs) that are included in Kentucky's five year prevention plan in areas of mental health, substance abuse, and in-home parenting skills. She testified that the department has submitted an amendment to the five year prevention plan to the federal level to add high fidelity wraparound services as an EBP.

Ms. Bell gave an overview of the Kentucky Strengthening Ties and Empowering Parents (KSTEP) program that served 202 families in state fiscal year (SFY) 2020. She reviewed the Family Preservation Program (FPP) that served 2,762 families in SFY 2020 with a planned 25 percent expansion planned for SFY 2021. She listed the total number of families and children served for all FFPSA services, including the Sobriety Treatment and Recovery Team (START) program in SFY2020. She presented a graph that measured the number of children in the custody of or committed to CHFS from June 2015 to June 2021. She shared information on a chart that displayed the differences in the amount of money spent towards prevention versus out-of-home care expenditures for SFY 2019 and SFY 2020. She discussed the implementation of the qualifying residential treatment program requirements and the significant reduction in the number of children in congregate care settings.

Ms. Bell explained the differences in the three types of prevention activities provided by CHFS; primary, secondary, and tertiary. She described how the additional \$20 million appropriated for SFY 2022 from the FFPSA will be used for FPP and KSTEP expansion, increased flex funds for families, Multisystemic Therapy pilot programs, and learning collaboratives to increase capacity to provide evidence based practices. She discussed that a small portion of the appropriation for prevention and supplemental Community Based Child Abuse Prevention federal funds will be used for: community response pilots, parent engagement meetings, increased in-home service provision under Community Collaborations for Children (CCC), client assistance funds for CCC families, and the creation of a prevention collaborative.

In response to questions and comments from Representative Moser, Ms. Bell stated that expenditures included in the prevention services are only services that fall under the FFPSA. Other expenditures are for the cost of out-of-home care and do not include for DCBS staffing. For comparison purposes, DCBS only included only the expenditures for the existing programs that would become a part of the FFPSA.

In response to questions and comments from Representative Moser, Ms. Bell stated that there is not a valid way to compare one state to another state in regards to the number of child abuse and neglect victims. She stated that the child maltreatment report that comes out on the federal level attempts to aggregate data and includes a rate of substantiation per capita. However, each state establishes its own statutory definitions of neglect criteria that results in a unique rate for each state. Kentucky has a broad definition of neglect that may allow for more investigations along with a higher number of substantiations per capita. The majority of the calls that meet acceptance criteria for a substantiation are in the neglect category.

In response to questions and comments from Representative Moser, Ms. Bell stated that it was previously common for relatives to be given custody of children directly rather

than entering into the child welfare system. She stated many relatives still choose direct custody but the difference after April 2021 may be that DCBS now provides a written array of options that relatives can choose from.

In response to questions and comments from Senator Meredith, Ms. Bell stated that a great use of the federal report on child maltreatment is to measure progress or decline from the previous years' performance. Ms. Sammons stated that some projects created with CCDF funds that will be sustainable after temporary funding ends.

In response to questions and comments from Senator Berg, Ms. Bell stated that she can provide data about the categories of neglect but DCBS does not routinely collect household income information on every family assessed. She stated that DCBS collects data on substance abuse and can provide that information to legislators.

In response to questions from Senator Alvarado, Ms. Bell stated that DCBS can look into the estimated cost per child for EBPs. She does not know the costs to support a long term kinship care program.

In response to questions and comments from Representative Fleming, Ms. Bell stated that the number of families served with FFPSA services is 3,367 with no duplication. She stated that she is not aware of significant differences in the numbers of neglect cases by regions, but DCBS can provide that information. The expansion of the programs are in high need target areas. Emotional injury is one category of abuse that can be substantiated and requires the statement of a qualified mental health professional.

In response to questions from Senator Howell, Ms. Bell stated that there were a number of factors that influenced the 2018 increase in the number of children in the custody of or committed to DCBS. She stated that in the past few years the opioid epidemic has been a contributing factor to the number of abuse and neglect substantiations.

In response to questions and comments from Representative Moser, Ms. Bell stated that under the FFPSA, DCBS is working with valued partners to provide families with services in their homes and to children in out-of-home care. She stated that many providers have been certified as qualified residential treatment programs.

Update on Child Support Changes: 2021 Regular Session House Bill 404

Steve Veno, Commissioner, Department for Income Support, Cabinet for Health and Family Services, testified that 2021 Regular Session House Bill 404 updated the child support guidelines. He reviewed statutory changes that were implemented and effective on June 29, 2021. Lily Patteson, Division Director, Department for Income Support, Cabinet for Health and Family Services, discussed the changes to 921 KAR 001:400 as a result of the amendments to KRS 403.212. She stated that the emergency regulation will have a public hearing, if requested on August 23, 2021 and written comments will be

received through August 31, 2021. The ordinary regulation will have a public hearing date, if requested on September 27, 2021, and written comments will be received through September 30, 2021.

Commissioner Veno testified that 2021 Regular Session House Bill 404 included a new section of KRS Chapter 403 to address the issue of a shared parenting credit, and the delayed start date of March 1, 2022 would allow for modifications regarding the method of applying credit due to parenting time. The Child Support Enforcement program is actively engaged with key stakeholders and Representative Massey, the sponsor of 2021 Regular Session House Bill 404.

In response to questions and comments from Senator Alvarado, Commissioner Veno stated that he will find out the total state dollar amount due for child support arrearages. He stated that the arrearages numbers captured by DIS is from when a case enters the DIS and continues after a child is emancipated.

Multisystemic Therapy (MST) Pilot Program

Paul Robinson, Chief Executive Officer, Home of the Innocents, testified that Home of the Innocents is a skilled nursing facility for medically complex children, is a certified Qualified Residential Treatment Program, and a provider of congregate residential treatment care. He discussed how Home of the Innocents is working to provide more preventative services and MST to families in Kentucky. He talked about receiving private grant funding to implement the MST pilot program.

Lydia Bell, Chief Strategy Officer, Home of the Innocents, discussed the how the MST model works to empower families and youth by working intensively to teach skills and change behaviors. She presented a graph with data that showed the outcomes and shared lessons learned from the first year of implementation of the MST pilot program. Mr. Robinson reviewed the counties that can be served by the MST pilot program and discussed the goal to expand services in new areas.

Crystal Leugers, Chief Programming Officer, Children's Home of Northern Kentucky, discussed their plan that has allowed for EBPs to serve families. They have submitted a request for a MST pilot program and started recruiting efforts. Rick Wurth, Chief Executive Officer, Children's Home of Northern Kentucky, discussed how out-patient services out-paced residential care and created a need for an expansion of out-patient services. He discussed how COVID-19 limited the abilities of school partners to refer children for services and how a large donation has allowed the program to update and expand computer software and platforms to provide new opportunities for out-patient services.

Adjournment

There being no further business, the meeting was adjourned at 3:10 PM.