

INTERIM JOINT COMMITTEE ON FAMILIES AND CHILDREN
Minutes of the 5th Meeting of the 2023 Interim
October 25, 2023

Call to Order and Roll Call

The 5th meeting of the Interim Joint Committee on Families and Children was held on October 25, 2023, at 1:00 PM in Room 149 of the Capitol Annex. Representative Samara Heavrin, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Danny Carroll Co-Chair; Representative Samara Heavrin Co-Chair; Senators Julie Raque Adams, Greg Elkins, Rick Girdler, Amanda Mays Bledsoe, Stephen Meredith, Lindsey Tichenor, and Max Wise; Representatives Shane Baker, Kim Banta, Mike Clines, Jennifer Decker, Stephanie Dietz, Daniel Elliott, Ken Fleming, Jim Gooch Jr., Marianne Proctor, Josie Raymond, Steve Riley, Rachel Roarx, and Nick Wilson.

Guests: Leila Salisbury, Executive Director, Kentucky Center for Grieving Children and Families; Katarina Salisbury, Senior, Lafayette High School; Destini Engle, District Mental Health Specialist, Fayette County Public Schools; Elizabeth Delaney, Owner and Operator, Borrowed Babies Daycare; Representative Mike Clines; Daris Freeman, Assistant Vice President, Legal Counsel, Unum Insurance; Charles Aull, Executive Director, Center for Policy and Research, Kentucky Chamber of Commerce; Eric Friedlander, Secretary, Cabinet for Health and Family Services; Lesa Dennis, Commissioner, Department for Community Based Services, Cabinet for Health and Family Services; Dr. Katie Marks, Commissioner, Department for Behavioral Health, Developmental and Intellectual Disabilities, Cabinet for Health and Family Services; Lisa Lee, Commissioner, Department for Medicaid Services, Cabinet for Health and Family Services; Melanie Taylor, Director, Division of Protection and Permanency, Cabinet for Health and Family Services; Misty Sammons, Director, Division of Financial and Administrative Management, Cabinet for Health and Family Services; Mary Carpenter, Executive Advisor, Department for Community Based Services, Cabinet for Health and Family Services; Dr. Allen Brenzel, Clinical Director, Department for Behavioral Health, Developmental and Intellectual Disabilities, Cabinet for Health and Family Services; and Kelly Pullen, Executive Director, Aetna Better Health Sky Program.

LRC Staff: Ben Payne, Logan Bush, Samir Nasir, and Becky Lancaster.

Approval of Minutes

A motion was made to approve the September 27, 2023, minutes by Senator Raque Adams, seconded by Representative Fleming, and approved by a voice vote.

Grief Support for Children

Leila Salisbury, Executive Director, Kentucky Center for Grieving Children and Families, discussed the impact of opioids and substance related deaths on children, long term effects of early death loss, educational impacts on bereaved children, and solutions including building a statewide resource. Katarina Salisbury, Senior, Lafayette High School, discussed her personal and educational struggles after losing her father to suicide at a young age. Destini Engle, District Mental Health Specialist, Fayette County Public Schools, discussed the Fayette County public schools (FCPS) pilot program for children who lost a parent or caregiver including demographic info, death type, and perceived stress, anxiety, and depression scale.

In response to questions and comments from Representative Roarx, Ms. Salisbury stated that grieving children and teens need support.

In response to questions and comments from Senator Raque Adams, Ms. Salisbury stated that through the Governor's Emergency Education Relief (GEER) fund, grief books were provided to public schools. Ms. Engle stated that through this GEER funding FCPS was able to buy books and other supplies to help grieving students.

In response to questions and comments from Senator Mays Bledsoe, Ms. Salisbury stated that the funding through the opioid abatement fund will allow funding for the next 18 months and they are looking to expand to other school district through other grant options.

In response to questions and comments from Representative Fleming, Ms. Salisbury stated that three students are trained in peer-to-peer support. The program is a peer led group with a facilitator supervising. Ms. Engle stated that as a facilitator, she sits in on each group and checks in on students to ensure they do not need a higher level of care, whether that be individual with herself or with an outside provider.

Child Care Center Operations

Elizabeth Delaney, Owner and Operator, Borrowed Babies Daycare, discussed the childcare crisis in Kentucky including hardships for new centers, the ending of American Rescue Plan Act (ARPA) funds ending in December 2023, and possible solutions to assist child care centers.

In response to questions and comments from Senator Carroll, Ms. Delaney stated she only has budget and net loss figures on her own centers, but could obtain information

on other centers and provide that information to the committee members. She stated that continuing the sustainability payments would ensure centers would stay open.

In response to questions and comments from Representative Heavrin, Ms. Delaney stated that there are 50 new centers that were ineligible for the sustainability. She stated one of her solutions would provide \$5 million dollars in state funds to be distributed to those centers.

Voluntary Paid Family Leave Insurance for Kentucky Employers

Daris Freeman, Assistant Vice President, Legal Counsel, Unum Insurance, discussed the status of paid family and medical leave in each state and the National Council of Insurance Legislators (NCOIL) Promise for Life model. Charles Aull, Executive Director, Center for Policy and Research, Kentucky Chamber of Commerce, discussed what it would mean to employers in Kentucky if the NCOIL model was enacted.

In response to questions and comments from Senator Mays Bledsoe, Mr. Aull stated that legislation would setup the framework pertaining to the number of weeks for leave and then each employer would be able to tailor the insurance to the needs of its employees.

In response to questions and comments from Representative Decker, Mr. Aull stated that many of the questions he has heard are about paid family and medical leave being a new concept and public policy.

Foster Care Placement Challenges

Eric Friedlander, Secretary, Cabinet for Health and Family Services, discussed receiving no responses from the Cabinet's request for proposal (RFP) for units to house high acuity youth who have been difficult to place. He provided background information on psychiatric residential treatment facilities (PRTF) I and II and information on therapeutic foster care.

Lesia Dennis, Commissioner, Department for Community Based Services, Cabinet for Health and Family Services, discussed different initiatives the Department for Community Based Services (DCBS) has created to help with difficult to place children including creating a state wide centralized office to discuss high acuity youth, creating a high acuity specialist in each of the nine service regions to help support staff, and working with providers to help expand capacity.

Dr. Katie Marks, Commissioner, Department for Behavioral Health, Developmental and Intellectual Disabilities, Cabinet for Health and Family Services, discussed the Department for Behavioral Health, Developmental and Intellectual Disabilities role in

coordinating with other departments within the cabinet on finding placement for high acuity youth and building community partner capacity. Dr. Allen Brenzel, Clinical Director, Department for Behavioral Health, Developmental and Intellectual Disabilities, Cabinet for Health and Family Services, discussed the committee structure that was outlined in the RFP to providers.

In response to questions and comments from Representative Heavrin, Secretary Friedlander stated that the RFP received no responses due to the inclusion of a no reject no eject clause meaning if a child was referred to a facility that the facility had to take the child.

In response to questions and comments from Senator Carroll, Secretary Friedlander stated that he did not want to say yes to a state funded and ran facility, but if the cabinet cannot find placement for these high acuity youth it may be necessary.

In response to questions and comments from Representative Heavrin, Commissioner Dennis stated that there are 38 children in PRTF. Secretary Friedlander stated that the cabinet has had two PRTF apply for new licenses.

In response to questions and comments from Senator Raque Adams, Lisa Lee, Commissioner, Department for Medicaid Services, Cabinet for Health and Family Services, stated that PRTF I rates increased on October 1, 2023, from \$274 a day to \$500 a day and PRTF II rates are a tiered structure and increased from \$345-\$405 to \$600 a day and is now a flat rate. Kelly Pullen, Executive Director, Aetna Better health Sky Program, stated that Aetna does not reimburse for therapeutic foster care, but they do reimburse for PRTF, acute in patient, and \$1,200 a day for out of state placement. Commissioner Dennis stated that the capacity to serve all children is not available in-state at this time. Secretary Friedlander stated that the cabinet is working with providers to build the continuum of care in Kentucky.

In response to questions and comments from Representative Dietz, Secretary Friedlander stated that this is a national problem and children in non-traditional placement are sleeping in beds and not on the floor of an office building. He stated that Aetna has brought additional providers to Kentucky to help with wrap around services in therapeutic foster care. Ms. Pullen stated that the provider will have the capacity for 200 beds in underserved areas in Kentucky.

In response to questions and comments from Representative Heavrin, Secretary Friedlander stated that PRTF II licensing began 7 to 8 years ago.

Consideration of Referred Administrative Regulations

201 KAR 023:160 Emergency

921 KAR 003:095 Proposed

921 KAR 003:020 Proposed

The administrative regulations, above, have been reviewed by the committee.

Adjournment

There being no further business, the meeting was adjourned at 2:47 PM.