

INTERIM JOINT COMMITTEE ON HEALTH, WELFARE, AND FAMILY SERVICES

Minutes of the 5th Meeting of the 2021 Interim

September 22, 2021

Call to Order and Roll Call

The 5th meeting of the Interim Joint Committee on Health, Welfare, and Family Services was held on Wednesday, September 22, 2021, at 1:00 PM, in Room 131 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 Julie Raque Adams, Karen Berg, Danny Carroll, David P. Givens, Denise Harper Angel, Jason Howell, Alice Forgy Kerr, 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, Felicia Rabourn, Josie Raymond, Steve Riley, Scott Sharp, Steve Sheldon, Nancy Tate, Russell Webber, Susan Westrom, and Lisa Willner.

Guests: Nancy Galvagni, President, Jim Musser, Vice President, Policy and Government Relations, Kentucky Hospital Association; Irfan Budhani, M.D., Pulmonologist, Critical Care Medicine Specialist, Crestview Hills, Kentucky; Cory Meadows, Deputy Executive Vice President, Director of Advocacy, Kentucky Medical Association; Donna Meador, MSN, RN, CENP, CPHQ, President, Board of Directors, Kentucky Nurses Association; Dr. Kris Williams, Chancellor, Ms. Kim Nealis-Williams, RN, MSN, Executive Director of Applied Programs and Experiential Learning, Kentucky Community and Technical College System; Dr. Jaclyn Bitterman, RN, MSN, Dean of Nursing, Jefferson Community and Technical College; Steven J. Stack, MD, MBA, FACEP, Commissioner, Department for Public Health, Cabinet for Health and Family Services; Jan Chamness, MPH, Public Health Transformation Project Lead, Director, Division of Women's Health, Department for Public Health, Cabinet for Health and Family Services; Sara Jo Best, President, Kentucky Health Department Association; and Laura Begin, Staff Assistant, Department for Community Based Services, Cabinet for Health and Family Services.

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 Dotson, seconded by Representative Fleming, and approved by voice vote.

Vaccination Rates and Hospital Capacity Statewide

Nancy Galvagni, President, Kentucky Hospital Association (KHA), testified regarding the high number of hospitalizations due to a surge in COVID-19 cases. She discussed the lack of available intensive care unit (ICU) beds available, the low supply of the monoclonal antibody treatments that is now federally allocated to states, and the percentage of people that are fully vaccinated. She discussed the high percentage of unvaccinated patients with COVID-19 in ICU beds, new policies that require hospital employees to be vaccinated or file for a medical or religious exception, and the impact of hospital staffing shortages. She provided recommendations to the committee for assisting hospitals with the impacts of the COVID-19 crisis.

Irfan Budhani, M.D., Pulmonologist, Critical Care Medicine Specialist, Crestview Hills, Kentucky, discussed the increase in the severity of COVID-19 cases driven by unvaccinated individuals. He discussed the difficulty of transferring patients for tertiary level care services. He emphasized that COVID-19 is a preventable illness.

In response to questions and comments from Senator Alvarado, Dr. Budhani stated the COVID-19 pandemic has taken a toll on healthcare workers with some workers are retiring early or leaving the health industry. He stated that there is no cure for the COVID-19 virus. Ms. Galvagni stated that hospitals across the state tell her that their main problem is staffing. She stated that there was \$1 billion in losses to hospitals that were not covered by federal funds.

In response to questions and comments from Representative Moser, Dr. Budhani stated that the Centers for Medicare and Medicaid Services (CMS) reimburses a hospital for the extracorporeal membrane oxygenation (ECMO) code at approximately \$150,000 and this amount does not include the cost of the entire hospital stay.

In response to questions and comments from Representative Dotson, Dr. Budhani state that 95 percent of the patients who are in the ICU and critically ill are unvaccinated. He stated the vaccinated patients in the ICU fair better than younger, unvaccinated patients. He stated that immunity from the COVID-19 vaccine is not dependent on antibody levels alone.

In response to questions and comments from Representative Fleming, Ms. Galvagni stated that KHA follows the Centers for Disease Control and Prevention (CDC) guidelines for employees returning to work after testing positive for COVID-19 and for unvaccinated

staff exposed to someone with COVID-19. She stated that some hospitals employ paramedics to work within the hospital.

In response to questions and comments from Representative Burch, Ms. Galvagni stated that KHA endorses the COVID-19 vaccine for hospital staff.

In response to questions and comments from Representative Webber, Ms. Galvagni stated that there have been some staff terminated for not receiving the COVID-19 vaccination. She stated that hospitals are reporting to KHA that there have not been any operational impacts due to the terminations.

In response to questions and comments from Senator Meredith, Ms. Galvagni stated that schools and daycares closing due to COVID-19 were a larger problem for staff at the beginning of the pandemic.

In response to questions and comments from Representative Webber, Ms. Galvagni stated that hospital staff are required to have other vaccines as well as the COVID-19 vaccine.

Health Care Worker Shortages

Cory Meadows, Deputy Executive Vice President, Director of Advocacy, Kentucky Medical Association, testified that the health care worker shortage is not only an immediate, acute issue but also a long-term, chronic problem that needs a long-term solution. He reviewed the causes for the physician shortage and the barriers in recruiting new physicians. He reviewed new ideas to recruit new physicians and other health care staff.

Donna Meador, MSN, RN, CENP, CPHQ, President, Board of Directors, Kentucky Nurses Association (KNA), testified about the ongoing nursing workforce shortage exacerbated by COVID-19. She gave recommendations to the committee from nurse leaders to train, retain, and recruit nurses.

Dr. Kris Williams, Chancellor, Kentucky Community and Technical College System (KCTCS), reviewed the healthcare training funds and the list of associate degree, diploma, and certificate programs available in the health care field. She discussed KCTCS collaboratives and other education partners that work to meet healthcare pipeline needs, and identified workforce barriers for students and faculty. Dr. Jaclyn Bitterman, RN, MSN, Dean of Nursing, Jefferson Community and Technical College, discussed the licensed practical nurse (LPN) apprenticeship program at the Carrollton KCTCS campus. Dr. Williams listed KCTCS funding priorities to expand opportunities for the healthcare workforce.

In response to questions and comments from Representative Gibbons Prunty, Mr. Meadows stated that healthcare practitioners have decided to have more stable work hours and would like to have more efficient ways to handle the administrative burden on practices.

In response to questions and comments from Representative Bowling, Dr. Williams stated that some of KCTCS colleges were approved and some denied additional nursing students spaces. She stated that KCTCS is working with nurse leaders and KBN to increase the number of students permitted in nursing programs.

In response to questions and comments from Representative Bray, Dr. Williams stated that KCTCS can follow up with more in-depth information on the status and job placement of graduates. She stated that enrollment numbers have been falling over the past three years but that more students are graduating.

Department for Public Health Transformation Update

Steven J. Stack, MD, MBA, FACEP, Commissioner, Department for Public Health (DPH), Cabinet for Health and Family Services, testified that the legislature collaborated with the local health departments, constituents, and DPH to bring about needed reforms in public health.

Jan Chamness, MPH, Public Health Transformation Project Lead, Director, Division of Women's Health, Department for Public Health Cabinet for Health and Family Services, reviewed the number of local health departments in financial crisis and progress due to the 2020 Regular Session House Bill 129 to core public health programs and local health priorities.

Sara Jo Best, President, Kentucky Health Department Association (KHDA), testified regarding the need for the DPH transformation to produce better health outcomes. She reviewed how focused services, the stabilization of the pension system, and equitable funding work together to support the public health transformation.

Items Received for Review

Representative Moser recognized that the half-year block grant status reports for the Child Care and Development Fund (CCDF), Community Services Block Grant (CSBG), Social Services Block Grant (SSBG), and Temporary Assistance for Needy Families (TANF) block grants are available in the meeting materials for review.

In response to questions and comments from Representative Fleming, Laura Begin, Staff Assistant, Department for Community Based Services (DCBS), Cabinet for Health and Family Services, stated that she would follow up with the number of past due cases regarding children in protective services.

Consideration of Referred Administrative Regulations

The following referred administrative regulation was placed on the agenda for consideration: **201 KAR 009:290 Proposed** - Athletic trainers; interpretation and application of KRS 311.901(1) and 311.903(2). Concerns regarding the regulation were made by Senator Alvarado. A motion to defer the administrative regulation was made by Representative Gibbons Prunty and seconded by Representative Fleming, and accepted by voice vote. The administrative regulation **201 KAR 009:290 Proposed** was deferred.

The following referred administrative regulations were placed on the agenda for consideration: **202 KAR 007:201 Proposed** - Emergency medical responders; **202 KAR 007:301 Proposed** - Emergency Medical Technician; **202 KAR 007:330 Proposed** - Advanced Emergency Medical Technician; **202 KAR 007:401 Proposed** - Paramedics; **202 KAR 007:540 Proposed** - Emergency Medical Services data collection, management, and compliance; **202 KAR 007:601 Proposed** - training, education and continuing education; **902 KAR 002:221 Emergency** - Repeal of 902 KAR 2:220; **908 KAR 001:390 Proposed** - voluntary Employer Substance Use Program (VESUP); **921 KAR 003:026 Emergency** - Repeal of 921 KAR 003:025; and **921 KAR 003:027 Emergency** - Technical requirements. The administrative regulations were reviewed.

Adjournment

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