

INTERIM JOINT COMMITTEE ON HEALTH, WELFARE, AND FAMILY SERVICES

Minutes of the 8th Meeting of the 2021 Interim

December 15, 2021

Call to Order and Roll Call

The 8th meeting of the Interim Joint Committee on Health, Welfare, and Family Services was held on Wednesday, December 15, 2021, at 1:00 PM, in Room 149 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, and Michael J. Nemes; Representatives Danny Bentley, Adam Bowling, Josh Bray, Tom Burch, Ryan Dotson, Daniel Elliott, Ken Fleming, Deanna Frazier Gordon, Mary Lou Marzian, Melinda Gibbons Prunty, Felicia Rabourn, Josie Raymond, Steve Riley, Scott Sharp, Nancy Tate, Russell Webber, and Lisa Willner.

Guests: Marta Miranda-Straub, Commissioner, Lesa Dennis, Deputy Commissioner, Mary Carpenter, Division Director, Department for Community Based Services, Cabinet for Health and Family Services; Eric Friedlander, Secretary, Cabinet for Health and Family Services; Jeffrey R. Prather, General Counsel, Office of Legal Services, Kelly Jenkins, Executive Director, Kentucky Board of Nursing; Jim Musser, Vice President, Policy and Government Relations, Kentucky Hospital Association; Julie Babbage, Chief Executive Officer, Diabetes Patient Action Coalition; Bob Babbage, Managing Partner, Rebecca Hartsough, Senior Policy Advisor, Babbage Cofounder; Addia Wuchner, Executive Director, Kentucky Right to Life Association; Ingrid Skop, M.D., Associate Scholar, Charlotte Lozier Institute; Jackie McGranahan, ACLU of Kentucky; Dr. Latisha Frazier, OBGYN, Resident Physician, University of Louisville; Tamarra Weider, Planned Parenthood; and John Bingham, Resident Physician, University of Kentucky.

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

Approval of Minutes

A motion to approve the minutes of the November 23, 2021, meeting was made by Representative Bentley, seconded by Representative Bowling, and approved by voice vote.

Children in Out-of-Home Placement Report

Mary Carpenter, Division Director, Department for Community Based Services (DCBS), Cabinet for Health and Family Services (CHFS), testified regarding information found in the 2021 Annual Report on Committed Children. She discussed the number of committed children, their related placement goals, and the average cost for a child in out-of-home care.

In response to questions and comments from Representative Moser, Ms. Carpenter stated the focus on prevention services has impacted the number of children coming into state care. She stated that private agencies are working with DCBS and some are providing prevention services to keep children in the least restrictive environments.

In response to questions and comments from Representative Burch, Ms. Carpenter stated there are over 100 children placed into care out-of-state. She stated that the approximate cost per day for each child in out-of-home care is \$71.18. She stated that prevention services are impacting the decrease of children in out-of-home care.

Consideration of Referred Administrative Regulations

The following referred administrative regulations were placed on the agenda for consideration: **201 KAR 002:050 Proposed** - Licenses and permits; fees; **201 KAR 002:076 Proposed** - Compounding; **201 KAR 006:020 Proposed** - Other requirements for licensure; **201 KAR 008:520 Proposed** - Fees and fines; **922 KAR 002:160 Proposed** - Child Care Assistance Program; and **923 KAR 002:470 Proposed** - Disability Determinations Program. The administrative regulations above have been reviewed by the committee.

The following referred administrative regulation with amendments was placed on the agenda for consideration: **900 KAR 012:005 Emergency** - Telehealth terminology and requirements. There was an agency amendment offered by the Office of Health Data and Analytics with the Cabinet for Health and Family Services. Senator Alvarado explained how the agency amendment would change the regulation. A motion to accept the agency amendment was made by Senator Alvarado, seconded by Senator Nemes, and approved by voice vote. The agency amendment was accepted by the committee.

Social Worker Raise Update

Eric Friedlander, Secretary, Cabinet for Health and Family Services, testified that CHFS was in an acute situation regarding the loss of social workers. He discussed the challenges to attract and retain workers. He stated that CHFS is increasing the entry level salary to attract more workers.

In response to questions and comments from Senator Alvarado, Secretary Friedlander stated that there are over 600 social worker vacancies. He stated that CHFS is beginning a new process to streamline hiring social workers. He stated that the pay increase is not for every DCBS employee, it is for the frontline and family support workers and that the plan for sustaining the pay increase will be addressed when the Governor submits his budget.

In response to questions and comments from Representative Moser, Secretary Friedlander stated that Social Clinicians I and II are usually higher level social workers. He stated that CHFS is working on proposals to address the balance of pay variances and CHFS needs to work on how to address secondary trauma among social workers.

In response to questions and comments from Representative Fleming, Secretary Friedlander stated that all DCBS employees did not get a pay increase because of budget restraints. He stated there are limitations on how much and where federal funding can be used.

In response to questions and comments from Senator Givens, Secretary Friedlander stated that CHFS has the funding to sustain the pay increase for new and existing employees due to the vacancy rate within DCBS.

In response to questions and comments from Representative Bowling, Secretary Friedlander stated that the caseloads for social workers are above the recommended numbers and the number of past dues cases is high. Lesa Dennis, Deputy Commissioner, stated that the statewide average number of cases for a social worker is 35 cases but in specific regions and counties the numbers are much higher.

Staffing of Comprehensive Programs for People with Physical and Intellectual Disabilities

Amy Staed, Chief Executive Officer, Kentucky Association of Private Providers (KAPP), discussed the number of Kentuckians supported by the Michelle P. waiver Supports for Community Living (SCL) waiver. She testified that waiver members have hiring problems made worse by the COVID-19 pandemic. She discussed reimbursements for waiver service providers that are only funded by Medicaid so that there is no way to raise wages without a corresponding increase in Medicaid reimbursement. She recommended a reimbursement increase of at least 25 percent.

In response to questions and comments from Representative Moser, Secretary Friedlander stated that CHFS is seeing challenges with staffing in facilities. He stated that the direct support professionals are the lowest paid workers. He stated that CHFS has contingency plans if there is a worker shortage and there are no plans for any facilities to close. He stated that there was confusion regarding the vaccination existing exemption

form but CHFS is in compliance with Senate Bill 8. He stated that it is an employer's decision whether or not to allow the exemption.

In response to questions and comments from Senator Alvarado, Secretary Friedlander stated that CHFS has been losing staff in facilities throughout the COVID-19 pandemic. He is aware of only one staff member that would not get a COVID-19 vaccine and left their position at a facility due to the vaccine mandate.

Nursing Shortage

Jeffrey R. Prather, General Counsel, Office of Legal Services, Kentucky Board of Nursing (KBN), testified that the number of nurses in acute care has remained consistent. He discussed the rise and fall in the number of nursing program applicants and nursing faculty working on overload. He discussed the mandates in the executive order given by the Governor on December 9, 2021, related to the nursing shortage.

Kelly Jenkins, Executive Director, Kentucky Board of Nursing, discussed the development and improvement of programs to increase the number of individuals who can work in healthcare facilities. She discussed offering scholarships and loan forgiveness to incentivize nursing students and faculty. She testified that KBN is allowing programs of nursing to open new campuses.

In response to questions and comments from Representative Moser, Ms. Jenkins stated that KBN does not set admission criteria to nursing programs regarding accepting dual high school/college credits. She stated that in the Governor's executive order, all nursing schools have to submit the number of student vacancies to better fill the open seats across the state.

In response to questions and comments from Senator Alvarado, Ms. Jenkins stated that there was not a substantial nursing shortage prior to the pandemic but that there are some areas in the state that have experienced more shortages of nurses than other areas. She stated that there were 1,777 empty seats in the nursing programs last year and some schools do not have enough available facility. She stated that each member on KBN serves a four year term but there are not requirements regarding term limits or geographic representation.

In response to questions and comments from Senator Carroll, Ms. Jenkins stated that KBN is working on reversing a regulation requiring all programs of nursing to be accredited by a national accredited body.

In response to questions and comments from Representative Bentley, Ms. Jenkins stated that someone applying for the open faculty positions do not have to a Master of Science in Nursing degree or a Doctorate of Science in Nursing degree. She stated that various programs require different degrees.

In response to questions and comments from Senator Berg, Ms. Jenkins stated that accredited and non-accredited nursing programs are monitored by KBN.

In response to questions and comments from Representative Moser, Jim Musser, Vice President, Policy and Government Relations, Kentucky Hospital Association, stated that the nursing externs are of great benefit to the hospitals.

Diabetes Report Update

Bob Babbage, Managing Partner, Babbage Cofounder, testified to the origin of the Kentucky 2021 Diabetes Report. Rebecca Hartsough, Senior Policy Advisor, Babbage Cofounder, discussed several key recommendations in the report to fight diabetes. She discussed the value of physical activity and education in relation to diabetes. Julie Babbage, Chief Executive Officer, Diabetes Patient Advocacy Coalition (DPAC), discussed Kentucky's rate of obesity for adults and the gap in coverage for products that can reduce body weight. She testified regarding the complicated system used by pharmacy benefit managers that contributes to raising the cost of drugs. Mr. Babbage discussed the diabetes and prediabetes rate in Kentucky and the amount of state money used in diabetes claims not related to prescriptions.

In response to questions and comments from Senator Meredith, Ms. Babbage stated a concerted effort by providers and patients needs to be made in regards to screening for diabetes. Mr. Babbage stated that Medicaid managed care organizations have been screening for diabetes in Kentucky.

Severe Mental Illness Task Force Report

Senator Stephen Meredith discussed several recommendations from the findings and recommendations of the Severe Mental Illness Task Force Report approved by the task force. Representative Danny Bentley, Co-Chair, Severe Mental Illness Task Force, continued discussing the recommendations from the findings and recommendations of the Severe Mental Illness Task Force Report that will improve access to mental health services, resources, and providers.

All-Claims Payer Database

Senator Ralph Alvarado discussed a bill he plans to sponsor regarding an all-claims payer database (APCD) in Kentucky. He discussed what an APCD is and how it would work to increase healthcare transparency, better understand healthcare costs, utilization, quality, and support state health system transformation efforts.

Medicaid Coverage of Community Health Workers

Representative Kimberly Poore Moser discussed her proposal for a bill relating to Medicaid coverage of community health workers. She discussed the increased eligibility for Medicaid but the lack of improvement in the health metrics. She discussed

understanding the social determinants of health that create barriers for individuals who are looking to access healthcare and the role of community health workers in improving health outcomes and reducing healthcare costs.

Humanity In Healthcare

Representative Nancy Tate discussed the elements in the 2022 Humanity in Health Care Act she is proposing. Addia Wuchner, Executive Director, Kentucky Right to Life Association, discussed the rise of chemical or non-surgical abortions in Kentucky and the risks involved. Ingrid Skop, M.D., Associate Scholar, Charlotte Lozier Institute, discussed two medical abortion medications. She described various symptoms and complications that patients could experience if the abortion medications are misused. Ms. Wuchner discussed how the legislation would keep the medical abortion as a medical procedure prescribed by doctors.

In response to questions and comments from Senator Berg, Representative Tate said she does not know the percentage of children under the age of 14 who had an abortion in Kentucky and were impregnated by family members. Representative Tate stated that surgical and chemical abortions are medical procedures. She stated that a spontaneous abortion in the medical field is where the baby died and is no longer a viable human. Dr. Skop discussed various statistics and data regarding medical abortions versus miscarriages.

Dr. Latisha Frazier, OBGYN, Resident Physician, University of Louisville, former labor and delivery nurse, former adult nurse practitioner, testified to her experience caring for women during their pregnancy journeys assisting with difficult decisions. She testified that the proposed legislation would put more limits on the patient and provider relationship. She discussed medication assisted abortion as a safe, regulated option for women.

In response to questions and comments from Representative Willner, Representative Tate stated that she would discuss preventive measures regarding evidence-based approaches to comprehensive health and contraception education.

In response to questions and comments from Representative Bentley, Dr. Frazier stated that in her clinical application, RU486 (Mifeprex) is not a poison and research has been done on RU486.

Adjournment

There being no further business, the meeting was adjourned at 3:42 PM.