

INTERIM JOINT COMMITTEE ON HEALTH, WELFARE, AND FAMILY SERVICES

Minutes of the 1st Meeting of the 2022 Interim

June 2, 2022

Call to Order and Roll Call

The 1st meeting of the Interim Joint Committee on Health, Welfare, and Family Services was held on Thursday, June 2, 2022, at 1:00 PM, in Covington, KY at the Northern Kentucky Convention Center. 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, Jason Howell, Stephen Meredith, Michael J. Nemes, and Max Wise; Representatives Danny Bentley, Josh Bray, Tom Burch, Ryan Dotson, Daniel Elliott, Ken Fleming, Deanna Frazier Gordon, Melinda Gibbons Prunty, Josie Raymond, Steve Riley, Steve Sheldon, Nancy Tate, Russell Webber, and Susan Westrom.

Guests: Brent Cooper, President, Chief Executive Officer, Northern Kentucky Chamber of Commerce; Julie Babbage, Executive Director, Diabetes Patient Advocacy Coalition; Elizabeth Goode, Division Director, Department for Public Health, Cabinet for Health and Family Services, Kentucky Prescription Assistance Program; Sharon Lamberton, Deputy Vice President, State Policy, Pharmaceutical Research and Manufacturers of America; Gary Dougherty, Director, State Government Affairs, American Diabetes Association; Stewart Perry, Board Chair, Diabetes Leadership Council; Rebecca Kelly, State Chapter Lead, Angela Lautner, Legislative Lead, Kentucky#insulin4all; Sara Jo Best, Public Health Director, Lincoln Trail District Health Department, President, Kentucky Health Departments Association; Cathy Winston, WIC Coordinator, Northern Kentucky District Health Department; Shannon Stiglitz, Senior Vice President, Government Affairs, Kentucky Retail Federation; and Eric Friedlander, Secretary, Cabinet for Health and Family Services.

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

Welcome

Brent Cooper, President, Chief Executive Officer, Northern Kentucky Chamber of Commerce, gave opening remarks and welcomed the committee members.

Diabetes and Prescription Drug Affordability

Gary Dougherty, Director, State Government Affairs, American Diabetes Association, gave a brief background on diabetes and discussed the difference between Type 1 and Type 2 diabetes. He discussed interventions that can be taken to lower the risk of developing diabetes, escalating medical expenses for diabetes patients, insulin affordability initiatives, and the need for a cost-sharing cap for certain diabetes devices and supplies.

Julie Babbage, Executive Director, Diabetes Patient Advocacy Coalition, discussed the rate of people with diabetes and pre-diabetes in Kentucky. Stewart Perry, Board Chair, Diabetes Leadership Council, testified regarding the prevalence of insulin-dependent diabetes. Mr. Perry gave a brief explanation of how rebates to pharmacy providers and pharmacy benefit managers effect the price of medications. Ms. Babbage explained how the rebate system is driving up the cost of drugs to patients but that biosimilar and generic insulins are new tools to reduce the cost of insulin to patients. Mr. Perry gave recommendations on how the legislature can continue to make insulin more affordable to diabetic patients.

Elizabeth Goode, Division Director, Department for Public Health, Cabinet for Health and Family Services, Kentucky Prescription Assistance Program, discussed the Kentucky Prescription Assistance Program's (KPAP) mission to consolidate all national prescription assistance programs to help Kentuckians obtain free or reduced-price prescription drugs. She explained KPAP's eligibility and access to a network of national, state, and local resources.

Sharon Lamberton, Deputy Vice President, State Policy, Pharmaceutical Research and Manufacturers of America, testified regarding investments into research and development of treatments and revenue provided by clinical trials. She discussed inhalable and 24-hour insulin products, how drugs are priced, and various solutions, legislation, and programs geared to help patients lower their costs for medications.

Rebecca Kelly, State Chapter Lead, Kentucky#insulin4all, shared her story as an uninsured patient with diabetes and her struggle with obtaining affordable insulin. She testified regarding the rising price of insulin and the struggle to qualify for medication assistance. Angela Lautner, Founder, Legislative Lead, Kentucky#insulin4all, testified to her struggle with medication assistance programs.

In response to questions from Senator Berg, Mr. Perry stated that the costs for and rebates to the insurer for medications determine what medications are listed on each tier of a medication formulary list.

Feeding America's Infants: Infant Formula Safety and Shortage

Sara Jo Best, Public Health Director, Lincoln Trail District Health Department, President, Kentucky Health Departments Association, discussed the increase in participation of the special supplemental nutrition program for women, infants, and children (WIC), and the timeline and events leading up to the national shortage of formula. Cathy Winston, WIC Coordinator, Northern Kentucky District Health Department, shared information regarding the WIC program and the adjustments made to get baby formula to families in need.

Shannon Stiglitz, Senior Vice President, Government Affairs, Kentucky Retail Federation, discussed retailers strained conditions for producing baby formula prior to the recall and shortage caused by the effects of COVID-19 to the workforce. She discussed the strategies that retailers are taking to make baby formula more available to consumers and to the issues caused by having too few manufacturers and exclusive contracts between states and a manufacturer.

Eric Friedlander, Secretary, Cabinet for Health and Family Services (CHFS), testified that existing price-gouging statutes will continue to be enforced and that CHFS is working with assistance programs to better distribute the baby formula. He discussed various websites nationally and locally to assist in finding baby formula.

In response to questions from Representative Bentley, Secretary Friedlander stated that CHFS is aware of baby formula scams online and suggested that individuals look at trusted federal and state websites for assistance.

In response to questions from Senator Carroll, Secretary Friedlander stated that CHFS has been able to work with local health departments and pharmacies to fill prescriptions for specialized baby formula.

Consideration of Referred Administrative Regulations

The following referred administrative regulations were placed on the agenda for consideration: **201 KAR 002:106E** - Licensed or permitted facility closures; **201 KAR 002:106** - Licensed or permitted facility closures; **201 KAR 026:115** - Definition of psychological testing; **201 KAR 026:125** - Health service provider designation; **201 KAR 026:130** - Grievances and administrative complaints; **201 KAR 026:155** - Licensed psychologist: application procedures and temporary license; **201 KAR 026:160** - Fee schedule; **201 KAR 026:175** - Continuing education; **201 KAR 026:185** - Requirements for granting licensure as a psychologist to an applicant licensed in another state; **201 KAR 026:190** - Requirements for supervised professional experience; **201 KAR 026:215** - Nonresident status; **201 KAR 026:225** - Renewal and reinstatement; **201 KAR 026:230** - Examinations and applications; **201 KAR 026:250** - Employment of a psychological associate, a temporarily licensed psychological associate, or a temporarily licensed psychologist; **201 KAR 026:270** - Change of license status; **201 KAR 026:310** - Telehealth and telepsychology; **201 KAR 046:020E** – Fees; **900 KAR 010:201** - Repeal of 900 KAR

10:200; **907 KAR 003:170** - Telehealth service coverage and reimbursement; **910 KAR 001:190** - Nutrition program for older persons; **921 KAR 004:122** - Assistance for low-income households with water or wastewater utility arrears; and **922 KAR 001:360E** - Private child care placement, levels of care, and payment. The administrative regulations above have been reviewed by the committee.

Adjournment

There being no further business, the meeting was adjourned at 12:51 PM.