

INTERIM JOINT COMMITTEE ON HEALTH, WELFARE, AND FAMILY SERVICES

Minutes

August 25, 2022

Call to Order and Roll Call

Pursuant to the approval of the President of the Senate and Speaker of the House, the joint meeting of the Senate Standing Committee on Health and Welfare, and the House Standing Committee on Health and Family Services was held on Thursday, August 25, 2022, at 12:00 PM, in the Freedom Hall Conference Room, Second Floor, Kentucky State Fair, Louisville, Kentucky. Representative Kimberly Poore Moser called the House meeting to order, and the secretary called the roll. Senator Ralph Alvarado, Chair, called the Senate meeting to order, and the secretary called the roll.

Present were:

Members: Senator Ralph Alvarado, Chair; Senators Karen Berg, Danny Carroll, Jason Howell, Stephen Meredith, Michael J. Nemes, and Max Wise;

Representative Kimberly Poore Moser, Chair; Representatives Danny Bentley, Adam Bowling, Ryan Dotson, Daniel Elliott, Ken Fleming, Deanna Frazier Gordon, Melinda Gibbons Prunty, Felicia Rabourn, Josie Raymond, Steve Riley, Scott Sharp, Steve Sheldon, Nancy Tate, Russell Webber, Susan Westrom, and Lisa Willner.

Guests: Shelby Somervell, Vice President, Government Affairs and Communications, The Metro Chamber of Commerce, Greater Louisville Incorporated; Dr. Brittney Welch DNP, RN, CNE cl, Chair, Governmental Affairs Cabinet, Kentucky Nursing Association, Director, Clinical Education, Galen College of Nursing; Kate Shanks, Senior Vice President, Public Affairs, LeKisha Miller, Executive Director, Workforce Center, Kentucky Chamber of Commerce; Brenda Fitzpatrick, Center Director, Northwest Area Health Education Center; Juliana B. McGuinn, Director, North Central Area Health Education Center; Dr. Leslie Sizemore, Senior Fellow, Council on Postsecondary Education; Dr. Koffi Akakpo, President, Bluegrass Community and Technical College; Dr. David McFaddin, President, Eastern Kentucky University; Kelly L. Dauk, M.D., Board Member, Prevent Child Abuse Kentucky, Pediatric Specialist, Norton Children's Hospital; Jill Seyfred, Executive Director, Prevent Child Abuse Kentucky; Laura Begin, Regulation Coordinator, Department for Community Based Services, Cabinet for Health and Family Services; Adam Mather, Inspector General, Kara Daniel, Deputy Inspector General, Office of Inspector General, Cabinet for Health and Family Services; and

LRC Staff: DeeAnn Wenk, Ben Payne, Chris Joffrion, Samir Nasir, Logan Bush, Becky Lancaster, and D. J. Burns.

Welcome

Shelby Somervell, Vice President, Government Affairs and Communications, The Metro Chamber of Commerce, Greater Louisville Incorporated, welcomed the committee to Louisville, Kentucky.

Consideration of Referred Administrative Regulations

The following referred administrative regulation was placed on the agenda for consideration: **908 KAR 003:010 Proposed** - Patient's rights. A motion to defer the administrative regulation for the House Standing Committee on Health and Family Services was made by Representative Dotson and seconded by Representative Webber, and accepted by voice vote. A motion to defer the administrative regulation for the Senate Standing Committee on Health and Welfare was made by Senator Wise, seconded by Senator Carroll, and accepted by voice vote. The administrative regulation 908 KAR 003:010 Proposed was deferred.

The following referred administrative regulation was placed on the agenda for consideration: **922 KAR 005:070 Proposed** - Adult protective services. There was an agency amendment offered by the Cabinet for Health and Family Services, Laura Begin, Regulation Coordinator, Department for Community Based Services, Cabinet for Health and Family Services, explained how the agency amendment would change the regulation. A motion to accept the agency amendment for the House Standing Committee on Health and Family Services was made by Representative Fleming and seconded by Representative Raymond, and accepted by voice vote. A motion to accept the agency amendment for the Senate Standing Committee on Health and Welfare was made by Senator Wise, seconded by Senator Meredith, and accepted by voice vote.

The following referred administrative regulations were placed on the agenda for consideration: **201 KAR 002:020 Proposed** – Examination; **201 KAR 002:050 Proposed** - Licenses and permits; fees; **201 KAR 002:225 Proposed** - Special limited pharmacy permit – Medical gas; **201 KAR 020:070 Emergency** - Licensure by examination; **201 KAR 020:085 Proposed** - Licensure periods and miscellaneous requirements; **201 KAR 020:110 Proposed** - Licensure by endorsement; **201 KAR 020:240 Proposed** - Fees for applications and for services; **201 KAR 020:370 Proposed** - Applications for licensure; **202 KAR 007:545 Proposed** - License classifications; **201 KAR 007:545 Emergency** - License classifications; **202 KAR 007:560 Emergency** - Ground vehicle staff; **900 KAR 005:020 Emergency** - State Health Plan for facilities and services; **900 KAR 005:020 Proposed** - State Health Plan for facilities and services; **900 KAR 006:075 Emergency** - Certificate of need nonsubstantive review; **900 KAR 006:075 Proposed** - Certificate of need nonsubstantive review; **900 KAR 014:010 Emergency** - Essential personal care visitor programs; visitation guidelines; **900 KAR 014:010 Proposed** - Essential personal

care visitor programs; visitation guidelines; **902 KAR 002:020 Emergency** - Reportable disease surveillance; **902 KAR 020:016 Proposed** - Hospitals; operations and services; **902 KAR 020:018 Proposed** - Operation and services; End Stage Renal Disease (ESRD) facilities; **902 KAR 020:106 Proposed** - Operation and services; ambulatory surgical center; and **906 KAR 001:110 Proposed** - Critical access hospital services.

In response to questions from Senator Alvarado, Kara Daniel, Deputy Inspector General, Cabinet for Health and Family Services, stated that the 900 KAR 006:075 Proposed - Certificate of need nonsubstantive review, regulation was part of the change made to the State Health Plan and the coordinated changes in the nonsubstantive review regulation. She stated that the primary changes were allowing the transferring of beds from one hospital to another hospital, aligning with 2022 House Bill Regular Session 777, neonatal beds, cardiac cath programs and emergency medical services (EMS).

In response to questions from Representation Moser, Adam Mather, Inspector General, Office of Inspector General, Cabinet for Health and Family Services, stated that that 900 KAR 006:075 Proposed, aligns with the statutory changes made from 2022 House Bill Regular Session 777. The administrative regulations were reviewed.

The Healthcare Workforce Shortage

A. Overview

Dr. Brittney Welch DNP, RN, CNE cl, Chair, Governmental Affairs Cabinet, Kentucky Nursing Association, Director, Clinical Education, Galen College of Nursing, discussed the number of nurses in Kentucky, areas of opportunity available to help alleviate the shortage of nurses. She discussed workplace violence programs, loan forgiveness programs, retention programs, tax incentive programs for employers, pilot nurse emeritus programs, and other collaborative efforts to recruit and maintain healthcare staff.

In response to comments and questions from Representative Moser, Donna Meador, President, Kentucky Nurses Association (KNA), stated that there are scholarships available through the Kentucky Board of Nursing (KBN) but are not utilized as often and people are not aware of the scholarships.

In response to comments and questions from Representative Willner, Dr. Welch stated that the lack of onsite child care is an infrastructure issue for healthcare workers and students especially in rural areas.

In response to comments and questions from Senator Alvarado, Dr. Welch stated that with more law suits and criminal charges against nurses and medical professionals than in the past there is an unknown impact to medical careers. Ms. Meador stated that it is important for patient safety to embrace a just culture and the every error needs to be individually investigated but many times there are system errors that contribute to unintentional medical errors.

B. The Talent Pipeline Program

Kate Shanks, Senior Vice President, Public Affairs, Kentucky Chamber of Commerce, discussed previous changes made to policy and program to handle the workforce challenges through foundation and advocacy work. LaKisha Miller, Executive Director, Workforce Center, Kentucky Chamber of Commerce, discussed how the talent pipeline management (TPM) program creates a stronger alignment between education and the needs of Kentucky employers. She discussed different types of employers working with the TPM program, examples of workforce solutions produced by the TPM program, and the statewide Healthcare Advisory Council.

In response to comments and questions from Representative Moser, Ms. Miller stated that the Healthcare Advisory Council came to together to align with a TPM program to deal with the state registered nurse aides shortage.

In response to comments and questions from Representative Fleming, Ms. Miller stated that the Kentucky Chamber of Commerce focuses on the future workforce and discussed the Bus-to-Business program to expose school children to various careers in healthcare and other key sectors in the state. She stated that the Kentucky Chamber of Commerce aligns regionally with programs across the state to spread to grow those programs.

In response to comments and questions from Representative Dotson, Ms. Meador stated that it was a very small number of people that left the nursing profession due to the mandatory COVID-19 vaccine mandates. Ms. Welch stated that no nursing students left because of the COVID-19 vaccine mandates

C. Area Health Education Centers Overview

Juliana B. McGuinn, Director, North Central Area Health Education Center, discussed how Area Health Education Centers (AHECs) were created, enhance access to quality healthcare, AHECs' eight locations, and the middle school, high school, and postsecondary pipeline programs for healthcare careers. She discussed the need for more funding for AHECs. Brenda Fitzpatrick, Center Director, Northwest Area Health Education Center, discussed how the expansion funds received will go to expand health career programs. She discussed how AHECs will implement a nursing pipeline to target secondary and postsecondary students, administering school-based health career programs, and expanding health career enrichment and pathway activities. Ms. McGuinn stated that AHEC is a grassroots organization.

In response to comments and questions from Representative Moser, Ms. McGuinn stated that the North Central Area Health Education Center is partnering with Gateway Community and Technical College to work with the high schools to develop dual credit programs. She stated each AHEC is strategically located to survey and meet the needs of

surrounding communities and the summer camp programs are very successful. She discussed the three main areas of AHECs. Ms. Fitzgerald stated that AHECs are partnering with 15 health magnet schools in the Louisville area.

D. The Healthcare Workforce Initiative Program

Dr. Leslie Sizemore, Senior Fellow, Council on Postsecondary Education (CPE), discussed the appropriation to CPE to create the Healthcare Workforce Collaborative (HWC), the focus of the HWC, participation by Kentucky public colleges, the HWC areas of focus, healthcare partners, expansion of clinical learning experiences, dedicated education units within hospitals, the extensive list of wrap around services for students, and the grant review process that includes an evaluation process.

Dr. David McFaddin, President, Eastern Kentucky University (EKU), discussed how EKU is dedicated to educating the next group of healthcare professionals, a grant that will enhance the EKU simulation center, the decline in students choosing nursing and healthcare professions, college readiness for stem-related degrees, and EKU's service to Veterans and their families.

Dr. Koffi Akakpo, President, Bluegrass Community and Technical College (BCTC), discussed BCTC's partnerships with high schools, hospitals, and universities to accelerate healthcare careers, shared faculty with the University of Kentucky, ways BCTC is increasing the number of students per year, BCTC's new paramedic programs, and the need for more funding to continue programs.

Corporal Punishment - 2022 Regular Session House Bill 119

Representative Steve Riley discussed how the pandemic has affected students' mental health with the use of corporal punishment, effects of a student's home life that play a role in school discipline, and possible liability issues for school employees that use corporal punishment. Kelly L. Dauk, M.D., Board Member, Prevent Child Abuse Kentucky, Pediatric Specialist, Norton Children's Hospital, discussed the definition of corporal punishment, the size of typical boards used for punishment, historical disparities relating to corporal punishment, trauma caused by corporal punishment, conflicting statutes, and trauma-informed discipline. She discussed how corporal punishment interferes with learning and key relationships, the success of schools not using corporal punishment, and advocated for children to be protected from being hit with boards in schools.

In response to questions and comments from Senator Alvarado, Representative Riley agreed that wording of the bill may need to be changed in regards to a situation where a minor child is physically larger than the adults supervising the class and who may need to subdue the student.

In response to questions and comments from Representative Bowling, Representative Riley stated that he has seen more recent data that indicates the use of corporal punishment has continued to decrease.

In response to questions and comments from Senator Wise, Dr. Dauk stated that some corporal punishment cases have parental consent.

Adjournment

There being no further business, the meeting was adjourned at 1:52 PM.