

# INTERIM JOINT COMMITTEE ON HEALTH SERVICES

## Minutes of the Fifth Meeting of the 2024 Interim

October 23, 2024

### Call to Order and Roll Call

The fifth meeting of the Interim Joint Committee on Health Services was held on October 23, 2024, at 9:00 AM 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 Stephen Meredith Co-Chair; Representative Kimberly Poore Moser Co-Chair; Senators Julie Raque Adams, Karen Berg, Danny Carroll, Donald Douglas, Shelley Funke Frommeyer, Michael J. Nemes, Lindsey Tichenor, and Max Wise; Representatives Steve Bratcher, Josh Bray, Lindsey Burke, Emily Callaway, Adrielle Camuel, Ryan Dotson, Robert Duvall, Deanna Frazier Gordon, Amy Neighbors, Rebecca Raymer, Steve Riley, Rachel Roarx, Scott Sharp, Lisa Willner, and Susan Witten.

Guests: Representative Rachel Roberts; Dr. Whitney Jones, Chair, Kentucky Colorectal Cancer Screening and Prevention Program; Dr. Michael Gieske, Director, Lung Cancer Screening, Physician Advisor Advocacy, St. Elizabeth Cancer Center; Dr. Connie White, Deputy Commissioner, Clinical Services, Department for Public Health, Cabinet for Health and Family Services; Dr. Pat Murphy, President, Kentucky Society of Addiction Medicine; Dr. Shawn Ryan, President, Chief Science Officer, Brightview Health; John Inman, Associate General Counsel, Director of Government Affairs, Brightview Health; William C. Thornbury, Jr., M.D., President, Kentucky Board of Medical Licensure; Michael Rodman, Executive Director, Kentucky Board of Medical Licensure; Leanne Diakov, General Counsel, Kentucky Board of Medical Licensure; DJ Wasson, Deputy Secretary, Kentucky Public Protection Cabinet; Angi Raley, Director, Health and Life and Managed Care Division, Department of Insurance, Kentucky Public Protection Cabinet; Kelly, Market Conduct Examiner, Department of Insurance, Kentucky Public Protection Cabinet; Dr. Shanna Babalonis, Director, Center on Drug and Alcohol Research, Associate Professor, College of Medicine, University of Kentucky; Sam Flynn, Executive Director, Office of Medical Cannabis, Cabinet for Health and Family Services; Nick Therrell, Director, Licensure and Access, Office of Medical Cannabis, Cabinet for Health and Family Services; and Shelby Lewis, Executive Policy Advisor, Office of Medical Cannabis, Cabinet for Health and Family Services.

LRC Staff: DeeAnn Wenk, CSA, Chris Joffrion, Logan Bush, and Becky Lancaster.

### **Approval of Minutes**

A motion to approve the minutes of the June 18, 2024, meeting was made by Senator Meredith, seconded by Senator Douglas, and approved by voice vote.

### **Consideration of Referred Administrative Regulations**

The following referred administrative regulations were placed on the agenda for consideration:

**201 KAR 002:015 Proposed** - Continuing education.

**201 KAR 002:220 Proposed** - Collaborative care agreements.

**201 KAR 002:470 Proposed** - Change of ownership.

**902 KAR 004:030 Proposed** - Newborn screening program.

All of the above listed administrative regulations were reviewed.

### **Updates On Colon and Lung Cancer Screening Programs**

Dr. Whitney Jones, Chair, Kentucky Colorectal Cancer Screening and Prevention Program (KCCSPP), discussed the KCCSPP mandates, outcomes, annual savings, committee members, partner sites, program services, and factors associated with early-age onset colorectal cancer.

Representative Neighbors discussed the rise of early onset colorectal cancer, goals for the KCCSPP to bring awareness to young adults, the success rates of the program, and the need for funding.

Dr. Michael Gieske, Director, Lung Cancer Screening Program (LCSP), Physician Advisor Advocacy, St. Elizabeth Cancer Center, discussed lung cancer mortality rates, rural disparities, LCSP successes, the Lung Cancer Education, Awareness, Detection, and Survivorship (LEADS) Collaborative, lung cancer stage migration, national screening rates, and the LCSP budget allocations.

In response to Senator Berg, Dr. Jones stated data for 2023 and 2024 has been collected and is under review with the Department for Public Health. Dr. Connie White, Deputy Commissioner, Clinical Services, Department for Public Health, Cabinet for Health and Family Services, discussed analyzing health data annually.

In response to Senator Funke Frommeyer, Dr. Jones stated that research on the causes of early onset colorectal cancer is ongoing but education should continue while waiting for results.

In response to Representative Camuel, Dr. Gieske said a rise in lung cancer is expected due to the vaping epidemic but it could take 20 to 30 years to see the effects.

In response to Senator Meredith, Dr. Gieske stated that radon exposure is a factor in contributing to lung cancer and smoking significantly increases the risk. Dr. White said local health departments have radon kits available at no cost to the public.

### **Addiction Treatment: Buprenorphine Administrative Regulation (201 KAR 9:270)**

Dr. Pat Murphy, President, Kentucky Society of Addiction Medicine, discussed how 201 KAR 9:270 is harmful and unnecessary, barriers to healthcare effects on minority communities, and the effectiveness of buprenorphine for treatment and prevention of opioid use disorder.

Dr. Shawn Ryan, President, Chief Science Officer, Brightview Health, discussed how 201 KAR 9:270 needs to be reviewed and updated, and rate cuts for treatment by insurance companies.

William C. Thornbury, Jr., M.D., President, Kentucky Board of Medical Licensure (KBML), discussed the ongoing, comprehensive review of a potential amendment for 201 KAR 9:270 to increase access for opioid use disorder patients, federal changes made to improve access to buprenorphine, and the board's work with other agencies in revising the regulation.

### **Mental Health Parity Report (2021 Regular Session House Bill 50)**

DJ Wasson, Deputy Secretary, Kentucky Public Protection Cabinet (PPC), discussed the background of the annual mental health parity report, review of non-quantitative treatment limitations, review of annual reports from insurers, and training on new standards for self-certification for insurers.

In response to Representative Moser, Ms. Wasson stated insurers are complying with the law to align mental health coverage with other medical health treatments.

In response to Senator Douglas, Ms. Wasson described typical red flags that indicate insurers may not be in compliance with mental health parity requirements.

In response to Senator Funke Frommeyer, Ms. Wasson stated the PPC is starting to implement new federal rules that give guidance on reviewing compliance with mental health parity requirements by insurers.

In response to Representative Willner, Ms. Wasson said concerns or complaints about mental health parity can be filed with the Department for Insurance online and prior authorizations are reviewed.

In response to Senator Berg, Ms. Wasson stated the PPC would investigate if out-of-network providers were being reimbursed at higher rates than in-network providers to see if laws are violated.

### **Medicinal Cannabis Program and Research Update**

Dr. Shanna Babalonis, Director, Center on Drug and Alcohol Research, Associate Professor, College of Medicine, University of Kentucky, discussed the National Institutes of Health grant funding, a project collaboration with Johns Hopkins University, submission of the Drug Enforcement Administration Schedule I cannabis growing application, clinical trials, completed cannabis projects, data from two exemplar studies, and the Medicinal Cannabis Program's future plans.

In response to Representative Moser, Dr. Babalonis said there is an annual symposium to disseminate information at the University of Kentucky and bi-monthly and monthly webinars open to the public.

In response to Senator Tichenor, Dr. Babalonis stated the Cannabis: Fetal and Maternal Health study is complete, the data is being analyzed, and the study did not follow the brain development of participating children. She stated there is a national large-scale study indicating negative health consequences for infants and adolescents who have been exposed to cannabis in utero.

In response to Senator Nemes, Dr. Babalonis said her team is excited to launch new clinical trials and report the results.

In response to Senator Funke Frommeyer, Dr. Babalonis said smoking is the most common form of medical and recreational cannabis use and there is evidence that cannabis use enhances the potential abuse of opioids.

Sam Flynn, Executive Director, Office of Medical Cannabis, Cabinet for Health and Family Services, discussed the Kentucky Medical Cannabis Program's (KMCP's) mission and the timeline and status of program implementation. He discussed medical cannabis business licensing, governing regulations, license types, business safety requirements, dispensary regions, nonrefundable application fees, submission and review process timelines, business license applications, and the local government opt-in and opt-out options.

In response to Representative Moser, Mr. Flynn stated cannabis vaporization products are permitted under 2023 Regular Session Senate Bill 47 but that 2024 Regular Session House Bill 829 prohibits their use in public places.

In response to Representative Sharp, Mr. Flynn stated KMCP cannot prohibit out-of-state businesses from applying for medical cannabis licenses. Businesses can only apply for one type of medical cannabis license but they can apply once within each of the 11 regions.

In response to Representative Roberts, Mr. Flynn stated the number of people eligible for a medical cannabis card will be a moving target because some illnesses may improve and no longer require medical cannabis treatment. He stated KMCP is doing significant outreach to educate people that medical cannabis use is not legal until January 1, 2025, and KMCP is investing in a call center.

In response to Representative Bray, Mr. Flynn stated application fees are comparable to other states, application fees are restricted funds, and approximately 70 businesses will be paying annual fees, not the initial 4,498 applicants. He stated KMCP will review plans when there is more information on cardholders.

In response to Senator Tichenor, Mr. Flynn stated he will investigate whether there are dispensary applications from hospitals, and that national pharmacy chains are not pursuing medical cannabis licensing.

In response to Representative Frazier Gordon, Mr. Flynn said government assistance, such as Medicaid, does not cover medical cannabis and KMCP does not have the authority to set medical cannabis prices.

In response to Representative Calloway, Mr. Flynn stated KMCP abides by all open-request laws but is prohibited from providing information related to the internal workings of a business applying for a license, and that KMCP plans to proceed with the lottery process when a vacant license space opens.

## **Adjournment**

There being no further business, the meeting was adjourned at 11:16 AM.