

LEGISLATIVE OVERSIGHT & INVESTIGATIONS COMMITTEE

Minutes of the 3rd Meeting of the 2023 Interim

August 10, 2023

Call to Order and Roll Call

The 3rd meeting of the Legislative Oversight & Investigations Committee was held on Thursday, August 10, 2023, at 1:00 PM, in Room 131 of the Capitol Annex. Senator Brandon J. Storm, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Brandon J. Storm, Co-Chair; Representative Adam Bowling, Co-Chair; Senators Donald Douglas, Jason Howell, Gerald A. Neal, Michael J. Nemes, and Reginald Thomas; Representatives John Blanton, Lindsey Burke, Ken Fleming, Matt Lockett, Steve Riley, and Pamela Stevenson.

Guests: Steve Shannon, Executive Director, KARP Inc.

LRC Staff: Gerald W. Hoppmann, Committee Staff Administrator; Committee Analysts William Spears, Jacob Blevins, Jeremy Skinner, Shane Stevens, Chris Hall, Ryan Brown, Taylor Johnston, McKenzie Ballard; and Ashley Taylor, Committee Assistant.

Minutes for July 14th, 2023

Upon motion by Representative Fleming and second by Senator Douglas, the minutes for the July 14th, 2023, meeting were approved without objection.

Senator Storm made a brief introduction by announcing the retirement of the Committee Staff Administrator of the Legislative Oversight and Investigations Committee, Gerald Hoppmann. Senator Storm and Representative Bowling thanked Mr. Hoppmann for his service and commended his work while on the committee.

Staff Report: Kentucky Child Fatality and Near Fatality External Review Panel 2023 Update

Committee Analysts Jeremy Skinner and Jacob Blevins presented a brief summary of the most recent evaluation of the Kentucky Child Fatality and Near Fatality External Review Panel which included the report's findings and recommendations. Staff's full presentation is available on the Legislative Oversight and Investigations Committee Webpage.

Upon conclusion of the presentation Representative Lockett referenced recommendation 3.3 and asked staff why agencies were not following up on the panel's recommendations as required by statute. Mr. Blevins explained the law passed last year and he suspects agencies are not in practice with the process yet. Senator Storm asked what types of agencies and approximately how many agencies are not complying at this point. Mr. Skinner stated the agencies are typically within the Cabinet for Health and Family Services (e.g. the Department for Public Health) and other entities such as the Kentucky Board of Pharmacy. Representative Burke referenced table 3.8 and asked if the General Assembly was not in compliance with statute. Mr. Skinner explained staff are unsure of the interaction between the panel and applicable committees. He further explained staff's recommendation is important since it discusses the need for processes and standardized steps. In response to Representative Burke's question, Mr. Skinner explained that three vacancies on the panel were filled since July, which were all Attorney General appointments.

Steve Shannon introduced himself as well as Elisha Mahoney, and Rebecca Norton both with the Justice and Public Safety Cabinet. Mr. Shannon stated that staff's report is very good and action will be taken to update the MOU between the panel and cabinet moving forward. He noted that the panel is made up of volunteers, with the exception of the case analysts and the epidemiologist. He explained the panel now meets monthly verses quarterly and the panel's work has escalated. A lot of cases involve individuals who have a history of substance abuse and a lot of cases include children who take parents' suboxone treatment, which is often laying around. He noted this past year there is a noticeable change in more cases of children with diabetes who are not managing themselves well and some cases involving family members who do not support the management. There are also a lot of situations involving young people who have access to firearms in the home.

Representative Blanton thanked the panel as well as committee staff for the progress that has been made during the past three years. In response to Representative Blanton's question regarding fatality and near fatality numbers in comparison to last year, Mr. Shannon did not have exact numbers but stated his expectation would be that numbers are going up. That information is located in the panel's most recent annual report, as well as staff's report.

Senator Thomas thanked Mr. Shannon for his hard work and dedication that he provides to the panel. He asked if there are other reasons as to why there is an increase in cases besides what had already been discussed. Mr. Shannon stated that a huge percentage of these cases are substance abuse related. Ms. Mahoney added that overdose and ingestion cases have historically resulted in near fatalities, but that the panel is now seeing more fatalities.

In response to a question from Senator Neal, Mr. Shannon stated there is additional case demographic and trend information in the panel's annual reports. He also agreed to provide the most recent annual report to the committee. Mr. Shannon agreed with Senator Neal that the panel's data suggests the need for certain policy steps related to prevention.

In response to a question from Representative Stevenson, Mr. Shannon explained yes, records do indicate the first time families enter the system, subsequent times, as well

as identification of failures or missed opportunities. He explained sometimes there can be three generations of involvement with the Department of Community Based Services. The panel uses missed opportunities to further break down problem areas in order to help identify solutions. Representative Stevenson asked about the definition of a near fatality. Ms. Mahoney stated there is a statutory definition, which requires a physician to certify.

Representative Bowling thanked the panel for the all of its hard work on behalf of the state. In response to a question from Representative Bowling, Ms. Mahoney explained the members of the panel are the ones that provide training. The panel partners with other involved agencies to help them conduct the trainings. The panel is growing and developing and thankful for the work of committee staff as well as the legislative support on Senate Bill 97, which Ms. Mahoney stated is huge for the panel's work. In response to Representative Bowling's question regarding annual allocations, Ms. Norton explained that any unused funds from the previous year lapse back to the general fund. Ms. Norton stated they do not anticipate remaining funds this year due to hiring more staff members and keeping the SharePoint data system up to date. Ms. Norton said there is a draft for the panel's biennial budget request, but that they are working collaboratively to finalize it.

Representative Blanton commented that our legal and justice system in Kentucky seems to protect those who are committing crimes, but that someone should pay for the near fatalities and fatalities of innocent children. He emphasized the importance of the laws that are passed in regards to criminal justice reform because currently it is easy to defend oneself after committing a crime.

Senator Douglas spoke regarding citizen compliance, degradation of family structures, childcare providers, and the multiple social and environmental issues they must deal with, but which are rarely discussed. He explained that ours is not a perfect system and even if it was, one could not resolve every issue since the system can only handle so much.

In response to a question from Senator Storm, Ms. Mahoney stated there are not any statistics on children removed from the home and then put back into the same home, but that DCBS history is tracked. This can show if a child has previously been removed and put back into the home. That information is shared in the panel report for DCBS history.

Upon motion by Senator Douglas and second by Representative Bowling the Kentucky Child Fatality and Near Fatality staff report was adopted with a roll call of 10 yes votes 0 no votes.

Upon motion by Representative Bowling and second by Senator Douglas, Co-chair Strom adjourned the meeting.