

LEGISLATIVE OVERSIGHT & INVESTIGATIONS COMMITTEE

Minutes

July 11, 2024

Call to Order and Roll Call

The 2nd meeting of the Legislative Oversight & Investigations Committee was held on July 11, 2024, 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 Julie Raque Adams, Danny Carroll, Donald Douglas, Gerald A. Neal, Michael J. Nemes, and Reginald Thomas; Representatives John Blanton, Lindsey Burke, Ken Fleming, Matt Lockett, Steve Riley, and Scott Sharp.

Guests: Elisha Mahoney, Executive Staff Advisor, Office of Legal Services, Justice and Public Safety Cabinet; Benjamin Harrison, Chair, Child Fatality and Near Fatality External Review Panel; and Steve Shannon, Executive Director, KARP, Inc.

LRC Staff: Committee Analysts McKenzie Ballard, Jacob Blevins, Taylor Johnston, Jeremy Skinner, Austin Sprinkles, Joel Thomas; Ashley Taylor, Committee Assistant; and Ralph Banchstubs, Graduate Fellow.

Approve Minutes from June 13, 2024

Upon motion by Representative Lockett and second by Senator Douglas the minutes for the June 13th, 2024 were approved without objection.

Kentucky Child Fatality and Near Fatality External Review Panel 2024 Update

Committee Analysts Jeremy Skinner and Jacob Blevins presented the 2024 evaluation of the Kentucky Child Fatality and Near Fatality External Review Panel which included the report's findings, recommendations, and a matter for legislative consideration. Staff's full presentation is available on the Legislative Oversight and Investigations Committee webpage.

Upon conclusion of the presentation, no questions were asked by legislators.

Response from the Kentucky Child Fatality and Near Fatality External Review Panel

Elisha Mahoney, Benjamin Harrison, and Steve Shannon introduced themselves for the record. Mr. Harrison expressed appreciation for the committee staff's recommendations,

Committee meeting materials may be accessed online at <https://apps.legislature.ky.gov/CommitteeDocuments/344>

emphasizing the recommendations are taken seriously and discussed by the panel. He then presented the panel's response detailing key statistics and findings, which can be found on the Legislative Oversight and Investigations Committee webpage.

The panel now meets monthly instead of quarterly due to an increase in cases. In 2023, the panel reviewed 202 cases and produced 25 recommendations for 12 agencies. The panel's 2023 report highlighted trends in overdose and ingestion, particularly with cannabis or THC products. The panel's report discussed substance-exposed infants and emphasized the need for improved support and data review. Physical abuse cases reached an all-time high and the panel recommended enhancing the effectiveness of multidisciplinary teams and ensuring comprehensive reviews of physical abuse cases. The panel representatives highlighted the importance of Family Recovery Courts in addressing substance abuse disorders within families. The panel's report noted that over half of reviewed cases had previous court involvement. The panel highlighted the need to address Department for Community Based Services issues and the increase in firearm-related injuries, recommending a statewide plan for psychological autopsies to prevent child suicides.

In response to questions from Senator Douglas, Mr. Harrison confirmed that overdose and ingestion case numbers were out of the entire Kentucky population and that the panel records demographic and geographic data. Senator Douglas commented that these issues should be discussed rather than being in the periphery.

In response to a question from Senator Douglas regarding overdose and ingestion statistics and whether fatalities occur prior to or following provider contact, Mr. Shannon noted that the data shown is the number of cases received by the panel and the total number of overdose and ingestion cases may be greater. He discussed the significance of provider education to prevent fatalities from medication ingestions. Senator Douglas stated that provider training programs address the concerns of Mr. Shannon and expressed concern that there is not enough focus on demographics, geographics, and patient compliance. He emphasized that poor healthcare outcomes are often blamed on providers and the system, but the biggest contributor to these outcomes is patient compliance. Senator Douglas stated, per experts he has had discussions with, most maternal mortality cases are related to substance use disorder and stressed the need to address patient compliance.

In response to a question from Senator Carroll about difficulty accessing cases within SharePoint, Ms. Mahoney acknowledged that the system is outdated. Many panel members who are not state employees have had issues. The panel is developing a new database for these reasons.

Senator Carroll echoed Senator Douglas's comments that substance abuse is a common

denominator in many cases. In response to Senator Carroll's concern about the lack of responses when there are recommendations, Ms. Mahoney explained that she sends out the recommendations with a cover letter citing the statute and indicating where to find the recommendations. However, as a cabinet employee and not a panel member, she can only follow panel guidance and cannot independently contact individuals. If Ms. Mahoney took independent actions, it may appear as if she is violating the memorandum of understanding with the Cabinet. She and Mr. Harrison agree that establishing written policies is necessary to address these issues.

In response to Senator Carroll's acknowledgement of relying on volunteers and his suggestion of reassessing the board's structure, Ms. Mahoney noted the panel struggles to meet deadlines due to the late completion of case reviews and the subsequent rush to analyze data and research best practices. Additional staff and clear policies and procedures would greatly benefit the panel's effectiveness.

In response to Senator Carroll's suggestion that a meeting be held later in the year to discuss how to address the panel's challenges, Mr. Shannon proposed that the panel might need to be elevated within the cabinet structure and potentially assigned an appointed lead to give it more authority and visibility. Recommendations from someone with an official title would likely receive more attention and responsiveness.

In response to Senator Carroll's request for clarification regarding missed opportunities, Ms. Mahoney explained that the panel tracks missed opportunities and aggregates data for analysis but the panel does not report back to the agencies involved. The panel previously acknowledged well-handled cases but mostly focused on retrospective analysis. Establishing written policies would help improve their processes.

Senator Carroll acknowledged the value of feedback for improving performance. He emphasized the importance of local agencies understanding the panel's findings and saw value in making these insights accessible to frontline workers.

In response to a question from Senator Thomas about the number of fatalities in 2023 and comparisons to previous years, Mr. Shannon highlighted that the panel now reviews over 200 cases per year, up from 60 to 80 cases in the past, which increases the overall numbers and information gathered. The panel's work is inherently retrospective, aiming to identify trends for frontline staff to address. Mr. Shannon noted the panel's efforts in promoting medication safety by distributing 4,000 lockboxes to prevent children from accessing dangerous substances. The panel's goal is to understand and mitigate contributing factors. Mr. Shannon praised the pediatric forensic medicine professionals and nurses for their work and emphasized the progress made in raising awareness about unsafe sleep practices.

Upon motion by Representative Lockett and a second by Senator Carroll, the 2024 Kentucky Child Fatality and Near Fatality staff report was adopted without objection.

Adjournment

Upon motion by Representative Bowling and second by Senator Raque Adams the meeting was adjourned.