

INTERIM JOINT COMMITTEE ON LICENSING, OCCUPATIONS, AND ADMINISTRATIVE REGULATIONS

Minutes of the 4th Meeting of the 2022 Interim

September 29, 2022

Call to Order and Roll Call

The 4th meeting of the Interim Joint Committee on Licensing, Occupations, and Administrative Regulations was held on Thursday, September 29, 2022, at 11:00 AM, in Room 154 of the Capitol Annex. Representative Adam Koenig, Co-Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator John Schickel, Co-Chair; Representative Adam Koenig, Co-Chair; Senators Donald Douglas, Jimmy Higdon, Jason Howell, Christian McDaniel, Michael J. Nemes, Damon Thayer, and Reginald Thomas; Representatives Kevin D. Bratcher, Tom Burch, Patrick Flannery, Al Gentry, Thomas Huff, Matthew Koch, Chad McCoy, Michael Meredith, Jerry T. Miller, Kimberly Poore Moser, Phillip Pratt, Sal Santoro, Killian Timoney, and Susan Westrom.

Guests: State Representative Mark Hart; Brigadier General (Retired) Steve Bullard, Executive Director, Kentucky Commission on Military Affairs; Allen Neal, Scott County Electrical Inspector; Mike Stone, Executive Director; John Arnett, Jr., Board Member, Kentucky Council on Problem Gambling; Scott Hunt, PhD, Associate Dean, College of Justice, Safety, and Military Science, Eastern Kentucky University; Curtis Barrett, PhD, Kentucky Council on Problem Gambling Professional Advisor, University of Louisville; and Joshua Gaines, Project Manager, Corrections and Reentry, The Council of State Governments Justice Center.

LRC Staff: Wendy Craig, CaraBell Preece, and Lisa W. Moore

Approval of Minutes from August 24, 2022, Meeting

Representative Miller motioned to approve the minutes from the August 24, 2022, meeting and Representative Koch seconded the motion. Motion carried and the minutes were approved by voice vote.

Emergency Medical Services (EMS) Compact

State Representative Mark Hart and Brigadier General (Retired) Steve Bullard, Executive Director, Kentucky Commission on Military Affairs, Ray Molliers, Executive Director, Interstate Commission for EMS Personnel Practice, Doug Wolfberg, Founding

Partner, Page, Wolfberg & Wirth, Counsel to the EMS Compact Commission, and Eric Sherman, Southeast Liaison, Department of Defense State Liaison Office, explained the proposed legislation for the EMS Interstate Compacts and answered questions from members. Many military spouse professionals must relicense each time they move to a new state with their active-duty spouse. The state can facilitate the ability of professionals, including military spouses, to work across state lines by enacting occupational licensure interstate compacts.

Brigadier General Bullard noted the Kentucky General Assembly has been a national leader in occupation licensing compacts. It has already reviewed and passed seven professional licensure interstate compacts and supporters feel the timing is right to include the EMS Compact. Responses to the previously expressed opposition to the EMS Compact by Charles R. “Chuck” O’Neal, MS, NRP, FACPE, when he served as Deputy Executive Director of the Kentucky Board of Emergency Medical Services, are included in members’ folders. Concerns related to protecting state sovereignty have been addressed and his position on the issue has changed from opposed to neutral. Many other agencies are in full support.

Mr. Mollers said there are 22 states that have joined the compact and five of those states neighbor Kentucky. This would be advantageous for Kentucky to join its surrounding states in the compact.

Mr. Sherman said the United States Department of Defense has established a Defense-State Liaison Office (DSLO) that works with state policymakers to change laws and policies to improve military family well-being. Each year, the DSLO focuses on 10 key issues. For each issue, the Military State Policy Source website provides background information, official Defense Department data and status updates on relevant information across states. The EMS Compact provides immediate recognition for transitioning service members and spouses, while expediting their applications and alleviating confusion for military spouses transferring between member states.

Representative Hart said the legislation has been amended to satisfy concerns including costs, background checks, standardized disciplinary processes, felonies, and anonymous complaints. All Emergency Medical Technicians (EMT’s) who obtain a privilege to practice in another state are obligated to be informed of and to abide by the scope of practice in all other member states including Kentucky if it joins the EMS Compact. Under the compact, each member’s state has the responsibility to vet the licenses of those seeking to engage in multistate EMS practice. While Kentucky statutes allow for EMS professional to come to our state during emergencies where the Governor has issued a state of emergency, the compact will allow for license portability on a regular basis. He urged the members to support the legislation in the 2023 Kentucky General Assembly Legislative Session.

Senator Schickel said the Licensing, Occupations, and Administrative Regulations Committee has been supportive of interstate compacts. The EMS Compact will be reviewed carefully and the committee will approve cautiously as state sovereignty is taken seriously.

Responding to a question from Representative Meredith, Representative Hart said the EMS compact will do nothing to affect how we license EMT's and paramedics in the state. It will not make licensure for in-state folks more difficult or strict, such as with the National Registry. The EMS applicant will apply for license as the "home state," which is then recognized as the equivalent of a license to practice in all other member states similar to the manner in obtaining a driver's license.

Electrical Inspections

State Representative Phillip Pratt and Allen Neal, Scott County Electrical Inspector, discussed the shortage of electrical inspectors in the region. Under current Kentucky law, electrical inspectors cannot perform any electrical work in their county in which they perform inspections nor surrounding counties. Mr. Neal said he would like to be able to perform electrical work in counties outside of the county he inspects. Representative Pratt said he has heard no opposition from any local groups and will be working on a bill draft for the 2023 General Assembly Session. There were no questions from members.

Problem Gambling

Mike Stone, Executive Director, Kentucky Council on Problem Gambling (KYCPG), said the KYCPG is not anti-gambling. The Council's mission is to increase awareness of problem gambling, promote prevention and research, and advocate for the availability of treatment. KYCPG cites evidence that excessive gambling is a public health issue that can be best addressed through a state-operated program of evidence-based approaches to prevention, mitigation and counseling. KYCPG is not advocating to get funding for itself. It is advocating for publicly funded services for the problem gambler and his or her family, and for society, managed through the Department of Behavioral Health, Developmental and Intellectual Disabilities (DBHDID).

KYCPG does not oppose nor advocate for gambling. Statistics indicate tens of thousands of Kentuckians are already at risk or have a problem or an addictive gambling disorder. The latest research in Kentucky showed as many as 64,000 addicted gamblers, 165,000 problem gamblers, and 15,000 Kentucky college students with a gambling problem. KYCPG's advocacy efforts focus on raising awareness of problem gambling, promoting responsible gambling, and helping the problem and addicted gambler and his or her family. KYCPG does oppose illegal and unregulated gambling that preys on the vulnerable and makes no contribution to the public welfare.

The Council notes two of the most significant factors for individuals to gamble in excess are opportunity and proximity. KYCPG urges the Kentucky General Assembly to authorize such a program and establish a recurring funding mechanism from existing and

projected revenue the state will receive from legally approved gambling. Last year, more than \$2 billion was spent on legal gambling in Kentucky. The state government will receive about \$400 million in revenue in the coming year. In addition, it is anticipated the General Assembly will consider legislation in its 2023 session to legalize sports gambling and “grey” or “skill” machines in the state.

The Kentucky Incentives for Prevention (KIP) most recent survey conducted by REACH of Louisville of sixth, eighth, tenth and twelfth grade public school students showed more than 26 percent of high school senior gambled for money or possession during their lifetimes. The KIP survey indicated almost two percent of the more than 100,000 respondents reported gambling money or time spent gambling led to financial problems with family, work, school, or personal life, which are criteria for gambling addiction.

A gambling problem is evident when someone continues to gamble in spite of recurring negative consequences resulting from the gambling activity. A gambling disorder can increase the chance of an individual developing a psychological disorder, particularly major depressions and phobias and is linked to behavioral health conditions, including alcohol use disorder, drug use disorder, nicotine dependence, and anxiety disorder. Addicted gamblers have a higher suicide rate than any other addictive disorder, and are six times more likely to be divorced. A study showed 25-50 percent of spouses of compulsive gamblers were abused, and research has shown that children with parents who have gambling problems are up to 10 times more likely to develop their own. Problem gamblers have increased involvement in criminal activity and miss work, lose productivity, and get fired from employment.

Society pays for the criminal justice and government social services in place to address the societal problems. Each addicted gambler costs society between \$1,200 and \$19,000. The impact on state social costs is greater than \$10 million to as much as \$300 million.

John Arnett, Board Member, KYCPG, shared his personal story of overcoming gambling addiction. New and more comprehensive data can provide a better understanding of the scope of the problem and plan an effective public health initiative. The KYCPG estimates funding for a problem and addicted gambling program starts at \$1.4 million in the first year, and increases to \$3.7 million in the fifth year. KYCPG urges the Kentucky General Assembly to designate a portion of the revenue received from legal gambling to fund a public program of problem and addicted gambling education, prevention, and treatment services.

Chairman Koenig said House Bill 607 passed in the 2022 Regular Session of the General Assembly ensured that the Historical Horse Racing (HHR) facilities would provide a self-exclusion list for anyone who is having issues and maintain and share with other

facilities. He challenged the committee to continue to identify revenue streams to provide funding for gambling addiction.

Senator Schickel recognized Mr. Arnett and said he was a dear friend from Boone County. He acknowledged his courage in testifying about his gambling addictions before the committee.

Responding to a question from Representative Timoney, Mr. Stone said that “grey” or “skill” machines are considered to be gambling.

Responding to a question from Representative Moser regarding insurance coverage for gambling addiction, Mr. Stone said not all insurance companies cover gambling problem treatments. It is their recommendation that funds for treatment would flow through a certified gambling counselor who would bill for services rendered very much like treatment of substance abuses. Representative Moser is a huge proponent for treatment of any addiction, and said after a diagnosis, there should be a specific billing code for gambling treatment. She also said that \$150,000 may not be enough funding to cover treatments programs, but it is a start for an awareness campaign. Mr. Stone said one half of one percent that the state would take in the coming year would be between \$1.5 and 2 million dollars that would be distributed to the Department of Behavioral Health and administered by established regulations.

Responding to a question from Senator Thomas, Mr. Stone said families are involved in the treatment program for gambling addictions. Mr. Arnett said self-awareness, professional counseling, and a long-term support group, such as Gamblers Anonymous, are the keys to the road to recovery. He said Kentucky needs more adequate certified gambling therapists. Legislation should cover employing gambler therapists and offer treatment programs. It is a \$12,000 to \$50,000 cost for a 30-day program and private insurance companies typically do not cover gambling addiction issues. Senator Thomas is shocked that Lexington does not have a certified gambling counselor.

Responding to Senator Thomas regarding alcohol support programs, Mr. Stone said he will contact Dr. RonSonlyn Clark, Senior Director of Substance Abuse Services, RiverValley Behavioral Health, in Owensboro, Kentucky, and have her provide him a response for alcohol treatment program questions. Chairman Koenig said there tends to be crossover between gambling and alcohol issues in people.

Responding to a question from Representative Gentry, Mr. Stone said the National Association of Administrators of Disorder Gambling Services recommends 23 cents per person is average public funding across the states for budgeting for treating gambling programs, approximately \$1 to \$1.5 million. Representative Gentry said there is a need for treatment programs and it needs public assistance to be effective and efficient and \$150,000 will not be enough to adequately fund a quality program for the state.

Responding to a question from Representative Burch, Mr. Arnett said his treatment was too late. He said in-patient treatment would have been helpful and possibly made his three year prison sentence avoidable. He said the Gamblers Anonymous support group and the 1-800 phone number were not sufficient treatment in itself and does not provide certified therapists. He had the tools to beat addiction, but the winning proved too powerful. Representative Burch believes the gambling industry should be contributing funding for treatment programs.

Senator Douglas said there is not enough certified gambling therapists in the Commonwealth, however he suggested utilizing universities to produce therapists instead of identifying new funding streams. The Kentucky taxpayers would probably appreciate utilizing existing facilities and resources to address the problem.

Responding to a question from Representative Koch, Mr. Stone said the KYCPG contributes \$80,000 a year towards awareness and it provides the 1-800-GAMBLER help line phone number service in cooperation with RiverValley Behavioral Health. The Kentucky Lottery pays for part of the tax services in the contract and billboards across the state addressing problem gambling. The horse racing industry uses signage at their venues and in their program books advertising the 1-800 help line. He said prevention and awareness is just as important as treatment.

Responding to a question from Senator Thayer, Mr. Stone said studies show there is a significant social cost from gambling. Senator Thayer said human activity is addictive and he is not sure it is the taxpayer's job to fund treatment on legal activities.

Offender Reentry

Joshua Gaines, Project Manager, Corrections and Reentry, The Council of State Governments Justice Center, showed members a PowerPoint and said nearly one in four jobs in the United States require a government-issued license. Many people with a criminal record are prohibited from receiving occupational licenses or discouraged from seeking jobs in licensed fields. Barriers to work can have devastating effects on people with criminal records, but fair chance licensing legislation can reduce these barriers. Nearly 300 provisions of state law limit access to licensure for Kentuckians with criminal records.

Over half of the states have enacted broadly applicable fair chance licensing laws in one form or another. Three key principles have emerged: 1) Licensing bodies should have the authority to deny applicant with past convictions that directly relate to the tasks and duties of a licensed activity such that licensure would create an appreciable risk to public safety; 2) Workers should not be barred from licensure solely on the basis of a past conviction; instead, they should be given individualized consideration that accounts for their past and current circumstances and the unique nature of their criminal conduct; and 3) Licensing policies and practices involving determinations about the criminal history of applicants should be transparent and consistently applied.

There are economic benefits to putting people back to work who have been involved with the criminal justice system. One study has shown that \$87 billion dollars are lost annually due to barriers to work faced by people with felony convictions.

Responding to a question from Chairman Koenig, Mr. Gaines said an individual's criminal history cannot change between the time of the application and approval to the final licensure. Chairman Koenig said offender reentry can assist with workforce issues and Kentucky's growing incarceration problem. Kentucky still has overflowing prisons and getting people back to work and out of the criminal justice cycle would be beneficial.

Co-Chair Schickel said he is disappointed in the Council's work on the offender reentry issue. He does not believe this approach will be successful because of the public safety aspects and determining who sets the standards for the profession.

Representative Moser said she sponsored and passed a bill in the 2021 Regular Session dealing with certification employability for incarcerated individuals. The bill allows these individuals to move forward in society and receive the job training they need. Kentucky is making strides and she feels that providing a "pre-application determination" process for prospective applicants to know whether their record is disqualifying before investing in the training and education required for a license is a good idea.

Responding to a question from Representative Moser, Mr. Gaines clarified that the pre-application process is procedural in nature. It will require a determination that takes place at a later time. The standards that are used to determine whether a board approves or denies an application would not be any different and would be consistent with current Kentucky law. The only difference is that the person would get that determination before having to make the investment in education and training.

Representative Moser said the goal is to move individuals from the criminal justice system to employment, which reduces relapse and recidivism. Kentucky can learn from other states and she supports this.

With no further business before the committee, the meeting adjourned at 12:25 p.m.

