

# INTERIM JOINT COMMITTEE ON LICENSING, OCCUPATIONS, AND ADMINISTRATIVE REGULATIONS

## Minutes of the 6th Meeting of the 2023 Interim

November 9, 2023

### Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Licensing, Occupations, and Administrative Regulations was held on November 9, 2023, at 11:00 AM in Room 154 of the Capitol Annex. Representative Matthew Koch, Chair, called the meeting to order, and the secretary called the roll.

### Present were:

Members: Representative Matthew Koch Co-Chair; Senator John Schickel Co-Chair; Senators Julie Raque Adams, Donald Douglas, Denise Harper Angel, Jimmy Higdon, Jason Howell, Amanda Mays Bledsoe, Christian McDaniel, Michael J. Nemes, and Damon Thayer; Representatives Kim Banta, Kevin D. Bratcher, Emily Callaway, Mike Clines, Jonathan Dixon, Daniel Fister, Patrick Flannery, Al Gentry, Samara Heavrin, Keturah Herron, Thomas Huff, Kevin Jackson, Michael Meredith, Ruth Ann Palumbo, Phillip Pratt, Tom Smith, and Killian Timoney.

Guests: State Senator Stephen Meredith; Dr. Thomas Childress, DPM, Podiatrist, Louisville Foot & Ankle Specialists; Teresa Villaran, Chair, Kentucky Nurses Association Government Affairs Cabinet; State Representative Ken Fleming; State Representative Lisa Willner; State Representative Mark Hart; State Representative DJ Johnson; Andrew Rutherford, PA-C, Government Affairs Chair, Kentucky Academy of Physician Assistants, Critical Care Employee at VA Medical Center - Lexington, Kentucky; Kevin Payton, Partner, Top Shelf Lobby; State Representative Steve Bratcher; Josh Brooks, Franchise Owner, Mr. Electric of Elizabethtown; Matthew Marshall, Fire Marshal, Frankfort Fire & EMS; Brian Meurer, Assistant Chief, Fire Marshal, Louisville Fire Department; State Representative Emily Callaway; David Morgan, Government Affairs Associate, Reason Foundation; Ambrose Wilson IV, Commissioner and Doug Hardin, General Counsel, Department of Charitable Gaming; Dustin Miller, Partner, Government Strategies, LLC; and Matt Byrd, Executive Director, Kentucky Boxing and Wrestling Commission.

LRC Staff: Bryce Amburgey, Wendy Craig, Carabell Preece, and Lisa W. Moore.

### Approval of October 16, 2023, Minutes

Co-Chair Schickel motioned to approve the minutes and Representative Timoney seconded the motion. Motion carried and the minutes were approved by voice vote.

### Podiatrists

State Senator Stephen Meredith said minimal qualifications are needed to be a licensed podiatrist in Kentucky. Most medical professionals require a residency program, but Kentucky law exempts podiatrists from this requirement. The proposed legislation will allow a podiatric assistant who is issued a podiatric assistant license by the board to assist board-licensed podiatrists with specific duties and tasks related to the practice of podiatry. He feels a residency program needs to be established before podiatrists are given a fully, unrestricted license. Dr. Thomas Childress, DPM, Podiatrist, Louisville Foot & Ankle Specialists, testified in support of the

bill and said Kentucky law allows a podiatrist license to be obtained with no training required after completion of the medical education. It is not in the best interest of the public to give people migrating to Kentucky a podiatrist license after leaving a residency for various reasons. He feels stricter requirements will improve the profession and quality of services provided to citizens.

### **Kentucky Nurses Association**

Teresa Villaran, Chair, Kentucky Nurses Association (KNA) Government Affairs Cabinet, said nurses comprise over 53 percent of Kentucky's healthcare workforce. KNA wants to address the nursing shortage through proposed legislation that establishes safe staffing committees in healthcare facilities. The legislation is a result of months of studying other states' efforts to recruit and retain nurses. Engaging nurses in important staffing decisions can increase retention and negate burn out, while increasing patient satisfaction. Specifically, if nurses are involved in decisions concerning patient care, workloads, and work methods, it has an impact on nurse satisfaction, retention, avoidance of adverse events, and reduction of infections. Many Kentucky healthcare facilities do not give direct care nurses a voice in staffing levels in their areas, and 78 percent of hospital nurses lack confidence in hospital management to resolve clinical problems.

Responding to a question from Senator McDaniel, Ms. Villaran said the bill would require healthcare facilities to have staffing committees. Establishing the staffing committees would not be a recommendation, or a choice, for hospitals.

Responding to a question from Chairman Koch regarding a bill sponsor, Ms. Villaran said the KNA does not have a bill sponsor at this time, but several legislators have expressed interest in sponsoring the legislation.

### **Licensure Compacts**

State Representatives Mark Hart and DJ Johnson explained several interstate compacts.

Representative Johnson said the Department of Defense (DoD) supports the Emergency Medical Services (EMS), Massage Therapy, Social Work, and Dentistry/Dental Hygiene Compacts. These are part of a group of interstate compacts which address licensing concerns affecting service members and their families. On average, military families move every three years. These compacts help military spouses relocate and begin work without delay by reducing the amount of time and effort needed to gain authorization to practice in a new state. They are even more efficient than expedited licensing laws which have been established for military spouses.

Representative Hart is sponsoring a bill in the 2024 Regular Session to support the EMS Compact and allow paramedics and emergency medical technicians (EMTs) flexibility to work across state lines. He is working with the Kentucky Board of Medical Services to address one issue before the legislative session begins in January.

Representative Johnson is sponsoring a bill supporting a Massage Therapist Compact. The Kentucky Board of Licensure for Massage Therapy is neutral on the proposed legislation. He also stated the Kentucky Board of Dentistry is neutral on the proposed Dentistry/Dental Hygiene Compact that will be introduced by Representative Candy Massaroni in the 2024 Regular Session.

Co-Chair Schickel said it is very important to keep a balance between Kentucky remaining a sovereign state and setting its own standards, while balancing efficiency and convenience of working with surrounding states. Representative Johnson believes in states' rights and said professions are carefully vetted with various boards and agencies before a compact is adopted.

State Representatives Ken Fleming and Lisa Willner explained the Social Work Licensure Compact. Representative Fleming said there is a void in the workforce in providing mental health services to citizens. The compact is a result of 17 states coming together and offering a consolidated approach and pipeline to recruiting more people to provide mental health services. Representative Willner testified in support of the proposed legislation and said Kentucky would be an early adopter and could establish and set the terms of the compact. She said the National Association of Social Workers (NASW) is in attendance and supports the proposed bill.

Chairman Koch recommended that all compact bill sponsors emphasize keeping Kentucky's high standards and remaining a sovereign state.

### **Psychologists**

State Representatives Ken Fleming and Lisa Willner discussed the proposed psychologist's bill. Representative Fleming said the intent is to increase the pipeline and get psychologists into the workforce faster without sacrificing any licensing requirements. Representative Willner said there are no objections to the bill, and it will benefit the public by increasing mental health services.

### **Physician Assistants**

State Representative Mike Clines; Andrew Rutherford, PA-C, Government Affairs Chair, Kentucky Academy of Physician Assistants (PA), Critical Care Employee at VA Medical Center - Lexington; and Kevin Payton, Partner, Top Shelf Lobby, discussed potential legislation that the Kentucky Academy of PA's believe will make a series of important updates to PA practice statutes to align Kentucky with the tenets of a healthcare team. Mr. Rutherford said the PA profession is a natural fit for team-oriented care models, as the profession is founded on the concept of collaborative practice. It is believed the most successful teams are those that fully utilize the skills and abilities of each team member. The Kentucky Board of Medical Licensure (KBML) should be modernized and increased to 17 members, including two spots for PAs. He also discussed the importance of updating the PA Advisory Committee, and allowing graduating PA students to apply course curriculum to pediatric head trauma requirements for licensure. Kentucky will continue losing more than half of its PA students who train in Kentucky to jobs in other states if PA practices and licensure are not modernized.

Responding to a question from Senator Adams, Representative Clines responded that he had a productive conversation with staff on the KBML. He feels the best practice would include reviewing the statutes that have not been revised since 2016.

### **Right To Repair High-Tech Farm Equipment**

State Representative Jonathan Dixon discussed giving an owner the statutory right to repair high-tech farm equipment. A few states have enacted similar legislation, which would be hurtful to Kentucky dealers, and not achieve the outcome Kentucky constituents are seeking. He has had discussions with dealers, manufacturers, and farm bureaus about the issue and will keep all parties informed of new developments. There seems to be a small disconnect between the manufacturers and the end user. He believes the Memorandums of Understanding on the

national level lay the groundwork between manufacturers and farm bureaus and provide the correct path for legislatively moving forward.

Chairman Koch said this is a hot button issue nationally concerning technology and operating high-tech agriculture equipment.

### **Electrician Licensing**

State Representative Steve Bratcher presented a bill to reduce the amount of time to receive an electrical master's license from eight to six years. Josh Brooks, franchise owner, Mr. Electric of Elizabethtown, said four neighboring states do not require a state license, and two states issue licenses that are less restrictive. Kentucky's licensing requirements seem too stringent and excessive considering the technology improvements that have made the job safer. The average age of a master electrician in Kentucky is over 50 years old, and recruiting younger people to the field is becoming more difficult. Steps should be taken now to make these positions more attainable to young people. He said six years in training and experience is sufficient along with the associate's degree program in electrical technology obtained through the Kentucky Community and Technical College System.

Chairman Koch cautioned to never substitute quality for quantity.

Responding to a question from Senator McDaniel, Mr. Brooks said two years of work experience under a master electrician as a basic electrician are needed to be eligible to take the test to become a master electrician. A master electrician can become an electrical contractor and has advanced knowledge and experience. Representative Bratcher noted there is a test for an electrical license and a separate test for the master's license. Both exams must be passed, in addition to the years of experience, in order to become a master electrician.

Responding to a question from Co-Chair Schickel, Representative Bratcher said there is no opposition to the bill.

Representative Jackson said the average age of electricians in his Bowling Green district tends to be about 65 years old. They communicated needing to recruit younger people to the profession and said it is a big problem for the future.

### **Smoke Alarms**

State Representative Phillip Pratt; Matthew Marshall, Fire Marshal, Frankfort Fire & EMS; and Brian Meurer, Assistant Chief, Fire Marshal, Louisville Fire Department, explained the proposed legislation related to smoke alarms. Mr. Marshall said there is no legislation that requires smoke alarms be installed in residential properties when a home inspection or a transfer of property is made. The proposed bill will require all existing and new one and two-family dwellings, multifamily residential units, and lodging dormitories to have a working smoke alarm in place per dwelling, or have installed a hardwired or ten year lithium smoke alarm, at the time of sale or lease, change of ownership, or change in tenancy. He stated it is the responsibility of the property owner or seller to test and provide working smoke alarms in these dwellings. Several other states, including Florida, have already implemented this law. Mr. Meurer noted three of every five fire fatalities do not have a working smoke alarm on the property. The fire department will provide a smoke alarm and the Red Cross will install for free.

Responding to a question from Representative Gentry, Mr. Marshall said exact fines have not

been determined and the main goal of the bill is to keep more people safe. He said the implementation of paperwork by the realtors is a start, but specific fines and punishments have not been identified. If the owner sells the house without a realtor, there is an affidavit the owner would sign and file with the county clerk's office.

Responding to questions from Senator Higdon, Mr. Marshall said the fire department does not cover the cost of the smoke alarms in every county, however, the Red Cross will cover the cost for the entire state. If there is a county agreement between the fire department and the Red Cross, the fire department will install the smoke detector free of charge.

Responding to a question from Co-Chair Schickel, Mr. Marshall testified that the Red Cross will install a smoke detector in every house across Kentucky.

### **Alcohol Tasting Rooms**

State Representative Michael Meredith said satellite tasting rooms were first allowed two to three years ago in distilleries in Kentucky. He said several communities in Kentucky with no distilleries would like a facility for public tasting rooms similar to satellite tasting rooms. The legislation is not complete and there were no questions from committee members.

### **Impact of Criminal Convictions on Employment**

State Representative Emily Callaway said the proposed bill is intended to reduce barriers with licensing boards and public employment to get convicted felons back to work. She said since 2015, 29 states have been working on occupational licensing laws. The goal is to improve the application process for public employment and occupational licensing by requiring boards and hiring authorities to expeditiously process applications and disclose requirements up front to prospective applicants. She said the legislation provides intentional transparency by enabling applicants to make informed decisions. The bill requires licensing boards to publish applicant-centric information about which convictions may be disqualifying, how those convictions are considered, and how any possible disqualifications can be overcome. David Morgan, Government Affairs Associate, Reason Foundation, said 95 percent of incarcerated individuals will leave prison and need opportunities to work. He noted steady employment and secure housing reduce repeat offenders.

Representative Herron supports the legislation and said this is one tool that can assist convicted felons back into the workforce after leaving prison. She is available to work with them on implementing other ideas as well.

Responding to a question from Senator Adams, Representative Callaway said additional funding should not be needed as streamlining the application process should reduce costs and save money by replacing antiquated processes and systems. It also reduces appeals, which can be costly. Senator Adams supports the legislation and believes in second chances.

Senator Mays Bledsoe said she is on a panel in Lexington discussing licensure and barriers for reentry into employment for convicted felons. She appreciates the legislation and believes in providing choices and a clear path for people leaving prison to employment.

### **Charitable Gaming**

State Representative Kevin Bratcher said the charitable gaming legislation will be the same bill that was introduced in the 2023 Regular Session. Ambrose Wilson IV, Commissioner,

Department of Charitable Gaming said there are two exceptions in the new bill. The proposed legislation will remove the limit on the enforcement division to allow them full police powers, similar to the ABC Board and the Department of Insurance. He said all staff completed the Peace Officer Professional Standards Act (POPS) certification in 2022. The other change implements a sliding scale to allow organizations to be suspended for less than a year if they do not maintain a certain percentage of the adjusted gross receipts. The organizations and the industry are in favor of this shorter suspension as many of the problems can be corrected in less than a year.

Responding to a question from Co-Chair Schickel, Mr. Wilson said five staff are POPS certified.

Responding to a question from Representative Dixon regarding regulation, Mr. Wilson said all organizations are required to file a quarterly report that is monitored to ensure they are meeting the financial requirements in the retention statute.

Responding to questions from Senator Higdon, Mr. Wilson said police enforcement security is needed at charitable gaming locations to avoid unwanted behaviors and ensure public safety. The five POPS charitable gaming inspectors are not currently paid hazardous duty pay, but this bill would implement it and change their pay rate. A budget impact study was conducted and there was no impact, and even showed a negative impact.

### **Adjournment**

Other Business: Matt Byrd, Executive Director, Kentucky Boxing and Wrestling Commission, said the statutes do not allow amateur boxing promoters to charge admission to their shows. They are requesting a change to the definition of "exhibition" to facilitate amateur exhibition shows. Doug Hardin, General Counsel, Kentucky Boxing and Wrestling Commission, said this bill was filed in the 2023 Regular Session as well.

With no further business before the committee, the meeting adjourned at 12:05 PM.