

INTERIM JOINT COMMITTEE ON LICENSING, OCCUPATIONS, AND ADMINISTRATIVE REGULATIONS

Minutes of the 5th Meeting of the 2024 Interim

October 24, 2024

Call to Order and Roll Call

The fifth meeting of the Interim Joint Committee on Licensing, Occupations, and Administrative Regulations was held on October 24, 2024, 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; Senators Donald Douglas, Jimmy Higdon, Jason Howell, Amanda Mays Bledsoe, Michael J. Nemes, Damon Thayer, and Reginald Thomas; Representatives Kim Banta, Emily Callaway, Mike Clines, Jonathan Dixon, Daniel Fister, Patrick Flannery, Al Gentry, Samara Heavrin, Keturah Herron, Thomas Huff, Kevin Jackson, Nima Kulkarni, Michael Meredith, Amy Neighbors, Ruth Ann Palumbo, Phillip Pratt, Tom Smith, and Killian Timoney.

Guests: Stephen Curley, Executive Director, Kentucky Board of Physical Therapy; Avery Schroyer, PT, DPT, CMTPT, Cert-APHPT, Owner, Titan Physical Therapy; Dr. Casey Saxon, Kentucky physical therapist and retired army physical therapist; Adam Koenig, Executive Director, Kentucky Quarter Horse Racing Association; Shelley Funke Frommeyer, State Senator; Jason Nemes, State Representative; Mary Kathryn DeLodder, Director, Kentucky Birth Coalition; and Marc Wilson, St. Elizabeth Healthcare.

LRC Staff: Bryce Amburgey, Wendy Craig, CaraBell Preece, Jasmine Williams, and Lisa W. Moore.

Approval of September 26, 2024, Minutes

Representative Timoney motioned to approve the minutes from the September 26, 2024, meeting and Representative Banta seconded the motion. Motion carried on a voice vote and the minutes were approved.

Praxis Testing

Representative Kim Banta presented on the Praxis Test, an exam teachers are required to take after completing four years at an accredited university. Her proposed bill would make the Praxis Test an optional hiring requirement for school districts. The Efficient and Effective

District Governance Task Force has studied the Jefferson County Public School System, which reported losing 127 teachers at the end of five years of attempts to pass the Praxis.

The proposed legislation would allow a local school board to require certified applicants to meet specified scores on appropriate assessments to measure content knowledge and competency. Assessments should be reasonably related to the posted position and would allow local school boards flexibility. Other states that have completely eliminated the Praxis Test include Arizona, Florida, Illinois, Michigan, and New Jersey. Representative Banta said the Praxis Test is not a true measure of a teacher's abilities and can be costly for new teachers as the price varies by subject matter. Education and strong mentorship are the keys to being a successful teacher.

Representative Clines supports eliminating the Praxis test.

Physical Therapists

Stephen Curley, Executive Director, Kentucky Board of Physical Therapy, discussed potential changes to physical therapy statutes. The statutes have not been updated in over 30 years, aside from the addition of a compact in 2017. His proposal would not raise fees, but increase statutory caps on all fees and fines. The proposed change would also eliminate supervised practice and instead allow therapists to be licensed if they have certain work experiences.

Dr. Casey Saxon, Kentucky physical therapist and retired army physical therapist, said direct imaging referrals by a physical therapist improve patient outcomes and prevent delays in care. There is no financial benefit for physical therapists who order imaging directly. There are five decades of evidence from the military showing that physical therapists are good stewards of this privilege. Research from seven countries and 13 states support physical therapists referring patients for imaging, which reduces costs, improves efficiency, and provides better patient outcomes. Physical therapists have consistently been shown to order fewer images than other providers and closely adhere to the guidance of the American College of Radiology.

Avery Schroyer, PT, DPT, CMTPT, Cert-APHPT, Owner, Titan Physical Therapy, said physical therapists are constrained in creating a patient healthcare plan when they cannot refer a patient for imaging. If the patient must see another doctor for the referral, it can add weeks to the process of receiving adequate care and pain relief.

Responding to Representative Smith, Mr. Curley said board licensure is mandatory, but membership in the Kentucky chapter of the American Physical Therapy Association is voluntary. Dr. Saxon said Kentucky has direct patient access and an individual may visit a physical therapist without a referral. Representative Smith said insurance company

requirements can be a hindrance to quality patient care. Mr. Schroyer said data supports that physical therapy patients heal faster, decrease pain/opioid use, and save on imaging costs. Chairman Koch said insurance regulations are directly related to the issue but outside the committee's jurisdiction.

Responding to Senator Higdon, Mr. Curley said there are no actual fees in statute, only fee caps. The fees are in regulation and his proposal would increase the fee caps, not the fees. Chairman Koch encouraged finding a bill sponsor.

Responding to Senator Douglas, Mr. Schroyer said he will see if data exists on the number of direct referral patients versus walk-in patients needing physical therapy without imaging. Imaging tends to be statistically less frequent in physical therapy offices than primary care physician offices. Dr. Douglas said approval imaging is time consuming. Dr. Saxon said it is about appropriate care and not convenient care to the patient.

Representative Callaway would like further conversations around the issue of physical therapists versus doctors ordering imaging. While insurance is an issue, more research is needed on the subject and all parties need to communicate.

Quarter Horses

Adam Koenig, Executive Director, Kentucky Quarter Horse Racing Association, discussed proposed changes to the quarter horse industry in Kentucky. The first change is to create a specific quarter horse section of the statutes. The Kentucky Quarter Horse Racing Association feels this change is needed so that changes made to the quarter horse industry do not affect other breeds.

Mr. Koenig said the Kentucky Quarter Horse Racing Association would also like to change the definition of Kentucky bred to include a pregnant mare that is brought into the state and foals. The hope is to encourage breeders to purchase mares and bring them to Kentucky, or bring mares slated to foal in other states, to Kentucky. This is the first step in building a broodmare brand that represents Kentucky. In 2023, only 50 horses were nominated to the program, including broodmares, weanlings, yearlings, and horses of racing age.

Representative Dixon said these changes will attract breeders to Kentucky. He anticipates the same explosion of the quarter horse industry as in neighboring states.

Responding to Chairman Koch, Mr. Koenig said construction of the new track has begun and he will be visiting this week to see the progress. He thanked the Kentucky Horse Racing and Gaming Commission for keeping the track in Ashland, Kentucky.

Senator Thayer said construction is behind schedule and he will be watching closely to ensure deadlines are met for the track to keep its HHR license in Ashland. Previous quarter horse races had been held at The Red Mile, LLC, in Lexington, Kentucky. He fully expects the track to be operational in Ashland in 2026.

Senator Thayer gave a history of his Kentucky Thoroughbred Breeders Incentive Fund legislation, which successfully encouraged breeders to purchase mares and bring them to Kentucky. There are 1,276 yearlings in the thoroughbred program compared to 50 previously, which is similar to the quarter horse industry. There is substantial money for Kentucky quarter horses after attracting more participants and horses to the program. He would like to see final legislation.

Responding to Senator Thayer, Mr. Koenig said a three year sunset is ideal. Kentucky will hopefully get a second track and increase purses. The goal is that people will come to Kentucky and stay without further incentives.

Chairman Koch said the committee will be closely watching the quarter horse stallion program to see how it performs. He is confident it will allow mares to be brought in over the next three years.

Senator Thayer said drawing more mares to Kentucky will create jobs and contribute to Kentucky's economy. He said a sunset provision is needed to ensure the stallions follow the mares to Kentucky. He thinks it is a good idea and hopes the committee will support it.

Representative Palumbo said she is sorry she will not be in the General Assembly to support the bill.

Responding to Representative Smith, Chairman Koch said cross breeding will be allowed for the first time between thoroughbreds and quarter horses. He would like to expand across the state and have four to five regions hold meets to enhance participation and growth in the industry. Mr. Koenig looks forward to the day when money and interest are great enough to discuss growth and expansion of tracks.

Freestanding Birth Centers

Senator Funke Frommeyer, Representative Nemes, and Mary Kathryn DeLodder explained proposed legislation relating to freestanding birth centers. The centers are small health care facilities, separate from a hospital, and utilized for childbirth using a midwifery and wellness model. Centers have licensed and qualified staff who care for healthy women with healthy pregnancies and are equipped to provide routine care and initiate emergency procedures. Freestanding birth centers are integrated into the healthcare system, work with qualified obstetric/pediatric consultants, and have a relationship with a hospital that

provides acute obstetric care.

Marc Wilson, Partner, Top Shelf Lobby, representing St. Elizabeth Healthcare, testified his client is neutral on the legislation. Beneficial changes were made to the bill and Senator Funke Frommeyer said a hospital may own a birthing center. Representative Nemes said he is hopeful for passage in the 2025 Regular Session of the General Assembly.

Responding to Senator Douglas, Ms. DeLodder said a medical director is not an obstetrician, and doctor qualifications are specified in regulation and not in statute. Representative Nemes said liability limits are not addressed in the bill and it is not appropriate to address in statute, but in regulation and the market.

Adjournment

With no further business before the committee, the meeting adjourned at 11:55 AM.