

LEGISLATIVE RESEARCH COMMISSION

Minutes of the 568th Meeting

June 2, 2021

Call to Order and Roll Call

The 568th meeting of the Legislative Research Commission was held on Wednesday, June 2, 2021, at 1:00 PM, in Room 125 of the Capitol Annex. Representative David W. Osborne, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Robert Stivers, Co-Chair; Representative David W. Osborne, Co-Chair; Senators Julie Raque Adams, David P. Givens, Morgan McGarvey, Damon Thayer, Reginald Thomas, and Mike Wilson; Representatives Derrick Graham, Angie Hatton, Joni L. Jenkins, Chad McCoy, David Meade, Suzanne Miles, and Steven Rudy.

LRC Staff: Jay Hartz and Christy Glass.

Speaker Osborne called the meeting to order and asked for a motion to approve the minutes of the December 2, 2020, meeting; accept as indicated items A. through L. under Staff and Committee Reports; refer administrative regulations as indicated and approve items B. through N. under New Business; and accept and refer as indicated items 1. through 49. under Communications.

There being no further discussion, a motion having been made by Representative Rudy and seconded by Senator Stivers, a roll call vote was taken, and the motion approved. The following items were approved, accepted or referred.

Minutes of the December 2, 2020 meeting.

STAFF AND COMMITTEE REPORTS

- A. Committee Activity Reports since December 2020.
- B. Report of the Administrative Regulations Review Subcommittee meetings on December 3, 2020, and January 13, March 8, April 13, and May 11, 2021.
- C. Committee review of administrative regulations by the Interim Joint Committee on Health, Welfare, and Family Services during its meeting on December 15, 2020.
- D. From Teresa Arnold, Deputy Director for Research and Communications: Reports of task forces and staff studies for 2020.

- E. Committee review of the 2020-2023 Temporary Assistance for Needy Families (TANF) Block Grant Application by the Senate Standing Committee on Health and Welfare during its meeting on January 7, 2021.
- F. Committee review of the 2020-2023 Temporary Assistance for Needy Families (TANF) Block Grant Application by the House Standing Committee on Health and Family Services during its meeting on January 7, 2021.
- G. Committee review of administrative regulations by the Senate Standing Committee on Health and Welfare during its meetings on February 3, February 10, and February 22, 2021.
- H. Committee review of administrative regulations by the House Standing Committee on Health and Family Services during its meetings on February 4, February 11, and February 22, 2021.
- I. Committee review of administrative regulations by the Senate Standing Committee on Agriculture during its meeting on February 3, and the House Standing Committee on Agriculture during its meeting on February 9, 2021.
- J. Committee review of the FY 2021 Small Cities Community Development Block Grant and Section 108 Loan Guarantee Program by the Senate Standing Committee on State and Local Government and the House Standing Committee on Local Government during its meeting on March 3, 2021.
- K. Committee review of the 2021 Social Services Block Grant (SSBG) Preliminary Plan by the Senate Standing Committee on Health and Welfare during its meeting on March 12, 2021.
- L. Committee review of the 2021 Social Services Block Grant (SSBG) Preliminary Plan by the House Standing Committee on Health and Family Services during its meeting on March 12, 2021.

NEW BUSINESS

- A. Referral of administrative regulations to the following committees for a secondary review pursuant to KRS 13A.290(6): [806 KAR 014:121](#) (Minimum standards for the readability and intelligibility of insurance contracts) and [806 KAR 015:050](#) (Reporting and general requirements for settlement providers and brokers) to **Banking and Insurance**; [803 KAR 025:092](#) (Workers' compensation pharmacy fee schedule) to **Economic Development and Workforce Investment**; [013 KAR 001:020](#) (Private college licensing) and [013 KAR 004:010](#) (State Authorization Reciprocity Agreement) to **Education**; [201 KAR 002:380](#) (Board authorized protocols. Amended after comments), [201 KAR 008:505E](#) (Administration of COVID-19 Immunizations), [201 KAR 020:065](#) (Professional standards for prescribing Buprenorphine-Mono Product or Buprenorphine-Combined-with-Naloxone by APRNs for medication assisted treatment for opioid use disorder), [201 KAR 020:370](#) (Applications for licensure), [201 KAR 020:411](#) (Sexual Assault Nurse Examiner Program standards and credential requirements), [201 KAR 020:660](#) (Licensed certified professional midwives duty to report), [900 KAR 006:030](#) (Certificate of need expenditure minimums), [900 KAR 006:055](#) (Certificate of need forms), [900 KAR 006:060](#) (Timetable for submission of certificate of need applications), [900 KAR 006:065](#) (Certificate of need application process), [900 KAR 006:080](#) (Certificate of need emergency circumstances), [900 KAR](#)

- [006:090](#) (Certificate of need filing, hearing, and show cause hearing), [900 KAR 006:095](#) (Certificate of need administrative escalations), [900 KAR 006:100](#) (Certificate of need standards for implementation and biennial review), [900 KAR 006:105](#), (Certificate of need advisory opinions), [900 KAR 006:110](#) (Certificate of need notification requirements), [900 KAR 006:115](#) (Certificate of need requirements for critical access hospitals, swing beds, and continuing care retirement communities), [902 KAR 004:150E](#) (Enhanced HANDS services in response to declared national or state public health emergency), [902 KAR 030:210E](#) (Enhanced early intervention services in response to declared national or state public health emergency), [902 KAR 095:040](#) (Radon Contractor Registration Program), [907 KAR 007:020](#) (1915(c) Home and community based services waiting list placement appeal process), [922 KAR 1:490E](#) (Background checks for foster and adoptive parents and relative and fictive kin), [922 KAR 001:540](#) (Registration of a foreign adoption), and [922 KAR 001:580](#) (Standards for children's advocacy centers) to **Health, Welfare, and Family Services**; [201 KAR 001:100](#) (Continuing professional education requirements) to **Licensing, Occupations and Administrative Regulations**; [101 KAR 002:095 & E](#) (Classified service general requirements) and [200 KAR 002:006 & E](#) (Employees' reimbursement for travel) to **State Government**.
- B. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum regarding Amendment of Legislator Mailing Policy (Postage Allowance.)
 - C. From Senate President Robert Stivers and House Speaker David Osborne: Memorandum authorizing the 2021 Interim Joint Committee Regular Meeting Schedule.
 - D. From Senator Wil Schroder and Representative Russell Weber, Co-chairs of the Interim Joint Committee on Economic Development and Workforce Investment, and Senator Wil Schroder, Representative Phillip Pratt, and Representative Kim King, Co-chairs of the Interim Joint Committee on Tourism, Small Business, and Information Technology: Memorandum requesting approval for a joint meeting of both committees on August 26 at the Kentucky State Fair. There are no apparent conflicts.
 - E. From Senator Paul Hornback and Representative Richard Heath, Co-chairs of the Interim Joint Committee on Agriculture: Memorandum requesting approval to meet on August 26 at the Kentucky State Fair, rather than the regularly scheduled meeting date of August 9.
 - F. From Senator Robby Mills and Representative Michael Meredith, Co-chairs of the Interim Joint Committee on Local Government: Memorandum requesting approval to meet on August 26 at the Kentucky State Fair.
 - G. From Senator Jared Carpenter and Representative Bart Rowland, Co-chairs of the Interim Joint Committee on Banking and Insurance: Memorandum requesting approval to meet at 11:00 a.m. on August 3, rather than 9:00 a.m.; approval to meet at 11:00 a.m. on September 14, rather than the regularly scheduled meeting date of September 7; approval to meet at 11:00 a.m. on October 5, rather than 9:00 a.m.; and approval to meet at 11:00 a.m. on November 9, rather than the regularly scheduled meeting date of November 15. There are no apparent conflicts.
 - H. From Senator Robby Mills, Representative Jerry Miller, and Representative Kevin

- Bratcher, Co-chairs of the Interim Joint Committee on State Government:
Memorandum requesting approval to meet on August 26 at the Kentucky State Fair.
- I. From Senator Ralph Alvarado and Representative Kimberly Poore Moser, Co-chairs of the Interim Joint Committee on Health, Welfare, and Family Services:
Memorandum requesting approval to meet on August 26 at the Kentucky State Fair.
 - J. From Senate President Robert Stivers: Memorandum appointing members to the Budget Review Subcommittee on Transportation as follows: Senator Jimmy Higdon, Co-chair, Senator Christian McDaniel, ex officio, Senator Brandon Storm, Senator Johnnie Turner, Senator Max Wise, and Senator Robin Webb.
 - K. From Senate President Robert Stivers and House Speaker David Osborne:
Memorandum regarding 2021 Interim Meetings and Procedures.
 - L. From Senate President Robert Stivers and House Speaker David Osborne:
Memorandum appointing Representative Kevin Bratcher to the Interim Joint Committee on Transportation and the Interim Joint Committee on Veterans, Military Affairs, and Public Protection.
 - M. From Senate President Robert Stivers and House Speaker David Osborne:
Memorandum approving the Creation, Authorization, and Appointment of 2021 Task Forces.
 - N. From Senator Chris McDaniel and Representative Jason Petrie, Co-chairs of the Interim Joint Committee on Appropriations and Revenue: Memorandum requesting approval and appointment membership to Subcommittee on 2024-Budget Preparation and Submission.

COMMUNICATIONS

- 1. From the Finance and Administration Cabinet, Office of the Controller: Surtax Receipts Statements for the Law Enforcement and Professional Firefighters Foundation Fund Programs, which reflect activity for Accounting Periods 5, 6, 7, 8, 9, and 10, and year-to-date activity for the period of July 1, 2020, through April 30, 2021.
- 2. From the Cabinet for Economic Development: Construction activity reports for each loan approved as of the quarters ending December 31, 2020, and March 31, 2021.
- 3. From the Commonwealth Office of Technology: 2020 Blockchain Technology Working Group Annual Report.
- 4. From the Cabinet for Health and Family Services: 2020 Child Care Advisory Council's Annual Report.
- 5. From the Auditor of Public Accounts: 2020 Report of the Audit of the Northern Kentucky Convention Center Corporation.
- 6. From the Cabinet for Health and Family Services, Department for Public Health: 2020 Stroke Encounter Quality Improvement Project (SEQIP) Annual Report.
- 7. From the Kentucky Personnel Cabinet: Kentucky Employees' Health Plan Twentieth Annual Report.
- 8. From the Department of Corrections: 2020 RS HB 352 County Jail Incentive Program 2nd and 3rd Quarter Reports.
- 9. From the Department of Corrections: 2020 RS HB 352 Substance Abuse Treatment and Job Training Pilot 2nd and 3rd Quarter Reports.

10. From the Department of Corrections: 2020 RS HB 352 Population Management 2nd and 3rd Quarter Reports.
11. From the Department of Corrections: 2020 Reentry Drug Supervision Annual Report.
12. From the Kentucky Board of Licensure for Pastoral Counselors: 2020 Annual Report.
13. From the Kentucky Board of Alcohol and Drug Counselors: 2020 Annual Report.
14. From the Kentucky Board of Licensure for Marriage and Family Therapists: 2020 Annual Report.
15. From the Cabinet for Health and Family Services: 2020 Kentucky Elder Abuse Annual Report.
16. From the Cabinet for Health and Family Services: Neonatal Abstinence Syndrome Annual Report.
17. From the Public Protection Cabinet: FY20 Kentucky Claims Commission Annual Report.
18. From the Cabinet for Health and Family Services: FY21 Family Resource or Youth Services Centers 70 Percent Report.
19. From the Department of Education: 2020-2021 District Participation Rates.
20. From the Energy and Environment Cabinet: FY20 Waste Tire Program Annual Report.
21. From the Kentucky Housing Corporation: 2020 Methamphetamine Housing Clean-up Assistance Program Annual Report.
22. From the Kentucky Housing Corporation: 2020 Affordable Housing Trust Fund Awards.
23. From the Cabinet for Health and Family Services: Department for Community Based Services 2020 Fourth Quarter and 2021 First Quarter Caseload Reports.
24. From the Cabinet for Health and Family Services: 2020 Child Fatality and Near Fatality External Review Panel Annual Report.
25. From the Kentucky Court Appointed Special Advocates for Children: 2021 Biennial Report.
26. From the Cabinet for Health and Family Services: 2020 Child Fatality Report.
27. From the Auditor of Public Accounts: 2020 Report of the Statewide Single Audit of the Commonwealth of Kentucky, Volume I.
28. From the Cabinet for Health and Family Services: 2020 Department for Public Health Maternal Mortality Review (MMR) Report.
29. From the State Interagency Council: 2020 Recommendations regarding the system of care for children and transition-age youth with or at risk of behavioral health needs.
30. From the Kentucky Board of Licensure for Occupational Therapy: 2020 Annual Report.
31. From the Kentucky Employers' Mutual Insurance Authority: 2020 Annual Statement.
32. From the Kentucky Employers' Mutual Insurance Authority: 2020 Statement of Actuarial Opinion.
33. From the Kentucky Board of Interpreters for the Deaf and Hard of Hearing: 2020 Annual Report.
34. From the Louisville Firefighters Pension Fund: 2020 and 2021 Actuarial Reports.
35. From the Auditor of Public Accounts: 2020 Report of the Audit of the Kentucky Health Benefit Exchange.
36. From the Auditor of Public Accounts: 2020 Report of the Independent External Audit of the Kentucky Health Benefit Exchange.
37. From the Justice and Public Safety Cabinet: 2020 HB 463 Evidence-Based Practices and Programs Annual Report.

38. From the Kentucky Employers' Mutual Insurance Authority: 2020 Management's Discussion and Analysis with Supplementary Schedules.
 39. From the Kentucky Personnel Cabinet: Quarterly Reports as of September 30 and December 31, 2020, and March 31, 2021, which lists the number of all full-time classified (merit) and unclassified (non-merit) employees.
 40. From the Kentucky Personnel Cabinet: March 2021 Semi-Annual Report listing all filled positions exempted from classified service.
 41. From the Auditor of Public Accounts: 2020 Report of the Audit of Motor Vehicle and Motorboat Taxes and Registration Fees Collected and Remitted to the Commonwealth of Kentucky by Each County Clerk.
 42. From the Department of Military Affairs: 2020-2024 Strategic Plan.
 43. From the Kentucky Employers' Mutual Insurance Authority: Statutory Basis Financial Statements for the years ended December 31, 2020, and 2019.
 44. From the Auditor of Public Accounts: 2020 Report of the Statewide Single Audit of the Commonwealth of Kentucky, Volume II.
 45. From the Cabinet for Health and Family Services, Department for Public Health: 2016-2018 Kentucky Colon Cancer Screening Advisory Committee Annual Report.
 46. From the University of Kentucky: Kentucky Tobacco Research and Development Center Quarterly Report for January 1, 2021, through March 31, 2021.
 47. From the Kentucky Employers' Mutual Insurance Authority: Statement of Assets, Liabilities, and Policyholder Equity; Statement of Income; and Statement of Solvency as of March 31, 2021.
 48. From the Kentucky Employers' Mutual Insurance Authority: Quarterly Statement for the period ending March 31, 2021.
 49. From the Kentucky Personnel Cabinet: 2020 Annual Turnover Report of 15% and Greater. (Staff suggested committee referral: State Government.) (Copy available upon request.) Pursuant to KRS 18A.030(4).
- There being no further business, the meeting was adjourned.