

COMMISSION ON RACE & ACCESS TO OPPORTUNITY

Minutes

November 12, 2024

Call to Order and Roll Call

The sixth meeting of the Commission on Race and Access to Opportunity was held on November 12, 2024, at 1:00 PM in Room 129 of the Capitol Annex. Senator Amanda Mays Bledsoe, Co-Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Amanda Mays Bledsoe, Co-Chair; Representative Killian Timoney, Co-Chair; Senators Karen Berg, Gerald A. Neal, and Whitney Westerfield; Representatives George Brown, Jr., Samara Heavrin, and Nima Kulkarni; and Katima Smith-Willis.

Guests: Representative Mike Clines; Molly Dubuque (MA, BCBA, LBA), Vice President of Clinical Standards and Outcomes, LittleStar ABA Therapy; T.J. Couey, Owner and Director of Operations, Bloom Behavior Therapy, LLC, Chairman, ABA Advocates, Chairman, Bluegrass Alliance for Behavioral Health; Bart Baldwin, Executive Director, ABA Advocates; and Hailie Newman, Parent Advocate.

LRC Staff: Brandon White and Logan Schaaf.

Approval of September and October Minutes

On a motion and a second, the minutes of the September 24, 2024, and October 22, 2024, meetings were approved by voice vote.

Autism Screening, Diagnosis and Treatment Challenges, and Opportunities in Kentucky

Representative Mike Clines; Molly Dubuque (MA, BCBA, LBA), Vice President of Clinical Standards and Outcomes, LittleStar ABA Therapy; T.J. Couey, Owner and Director of Operations, Bloom Behavior Therapy, LLC, Chairman, ABA Advocates, Chairman, Bluegrass Alliance for Behavioral Health; Bart Baldwin, Executive Director, ABA Advocates; and Hailie Newman, Parent Advocate, discussed issues related to autism screening, diagnosis, and treatment, and efforts to improve access and quality of care.

Representative Clines stated he filed House Concurrent Resolution 51 in the 2024 Regular Session to establish the Autism in Education Task Force.

Ms. Newman shared how applied behavior analysis (ABA) therapy has helped her son.

Committee meeting materials may be accessed online at <https://apps.legislature.ky.gov/CommitteeDocuments/345>

Ms. Dubuque stated thousands of children in the state lack access to behavioral healthcare services. Undiagnosed and untreated conditions can lead to significant impacts on quality of life. Approximately one in 36 children is diagnosed with autism, and there are 18,000 children in Kentucky with autism spectrum disorder (ASD). In many counties, ASD is one of the top five most diagnosed conditions among children.

Mr. Couey testified the methods used by payers to calculate network adequacy are incomplete and provide an overly optimistic representation of what is happening in many communities. Frequently, the methods of calculating adequacy are not aligned with the generally accepted standards of care and do not take into account multiple other factors, which can lead to shortages of licensed behavior analysts in many areas.

ABA providers struggle to provide services to patients due to the evolving job market. Licensed behavior analysts are able to secure substantially higher salaries by adding a few minutes to their commute and providing services in states bordering Kentucky. Behavior technicians who perform the actual therapy can earn more money working jobs where they are not subjected to the physically and mentally challenging environments that working with children and adults with severe behavior issues often creates.

Other factors affecting access to care include: long waitlists for diagnosis and treatment, insufficient participation in provider networks, low motivation to treat Medicaid clients, and rates that are not commensurate with rising employment costs.

Mr. Baldwin provided policy recommendations to improve care, including: increasing the Medicaid Behavioral Health Fee Schedule by at least 25 percent, working with doctors to ensure compliance with federal requirements and the enforcement of managed care organization contracts, evaluating Kentucky's network adequacy laws to ensure broader access to care, and investing in the development and expansion of programs that train clinicians for diagnosis and treatment.

Responding to Co-Chair Mays Bledsoe, Ms. Dubuque discussed factors contributing to the increased rate of autism diagnosis. Co-Chair Mays Bledsoe noted the importance of early intervention.

Responding to Senator Westerfield, Mr. Couey and Mr. Baldwin discussed measurement and service shortcomings that contribute to the overall lack of access to care.

Responding to Representative Kulkarni, Mr. Couey highlighted Texas, Colorado, and California as states that received rate increases and have seen increased participation in their behavioral health networks.

Responding to Representative Heavrin, Ms. Newman discussed her experience dealing with her local school while trying to secure an education plan for her son.

Co-Chair Timoney highlighted the importance of addressing the lack of access to care and dealing with disparities.

Ms. Smith-Willis praised Ms. Newman for sharing her story.

Approval of Commission Recommendations

On a motion and a second, the commission endorsed the following recommendations by voice vote:

- Endorse legislation to promote a civic season through engagement in history and civic participation, including paid holidays of Juneteenth and July 4th;
- Promote access and opportunities for employment, entrepreneurship, and business ownership in the equine, bourbon, and agriculture industries;
- Budget consideration for subsidies for transitional housing, expanded case management services for reentering citizens, and ensuring reentering citizens have work ready documents;
- Support local banks and urge regulators to recognize Community Reinvestment Act credits for affordable housing projects through collaborative investment funds;
- Renew investment in new market tax credit program to help banks deploy capital to housing projects;
- Extend the time-period for historic tax credit programs to allow for project completion;
- Create new Kentucky Low Income Housing Tax Credit to increase access to housing capital for developers;
- Increase investment in the Kentucky Affordable Housing Trust Fund/Rural Housing Trust Fund;
- Expand access to state housing funds for workforce housing projects;
- Consider state tax credit program to support contributions to affordable housing organizations;

- Invest in primary care infrastructure, including recruitment and retention of medical students into primary care, integration of comprehensive primary care, and strengthening the workforce pipeline;
- Improve methods to pay for care so that providers are paid for delivering the right care to the right patient at the right time;
- Increase Medicaid reimbursement rates for primary care, moving closer to Medicare parity; and
- Endorse legislation to provide access to birthing centers, which would expand access to postpartum coverage, services, and benefits, as well as increase access for doula services.

Adjournment

With no further business before the commission, the meeting was adjourned at 2:05 PM.