

SUBSTANCE USE RECOVERY TASK FORCE

Minutes of the 6th Meeting of the 2020 Interim

November 24, 2020

Call to Order and Roll Call

The 6th meeting of the Substance Use Recovery Task Force was held on Tuesday, November 24, 2020, at 3:00 PM, in Room 171 of the Capitol Annex. Representative Russell Webber, Chair, called the meeting to order, and the secretary called the roll. The minutes from the task force's November 10, 2020 meeting were approved.

Present were:

Members: Senator Ralph Alvarado, Co-Chair; Representative Russell Webber, Co-Chair; Senators Julie Raque Adams, and Max Wise; Representatives Joni L. Jenkins, and Lisa Willner.

Guests:

LRC Staff: Ben Payne, Samir Nasir, and Christina Williams

Substance Use Recovery Task Force Findings

The Substance Use Recovery Task Force meetings resulted in six findings.

Finding number one stated a significant number of incarcerated individuals have a substance use disorder (SUD), and many of those individuals are incarcerated for crimes related to their substance use disorder. The ability to effectively treat these inmates, while incarcerated or in post release in Kentucky jails and correction facilities, in substance use disorder programs is not adequate because of barriers in the referral process that prevent Kentucky jails and correction facilities from taking full advantage of every treatment option available. Representative Willner thanked members for accepting changes she proposed on finding number one. She stated there is an enormous number of people incarcerated with SUD, and many of them are incarcerated because of crimes they committed relating to the SUD. She stated because the task force has heard testimony on that issue, there is a necessity for a recommendation related to approaching people for treatment before they become justice involved. The second part of finding number one addresses barriers once people are released from incarceration. She added there is a need to address how to reduce barriers and place people into the treatment spots they need, as there are currently empty spots available in high quality treatment programs. Co-Chair Alvarado motioned for the passage of finding number one. Senator Wise seconded the motion, which passed by voice vote.

Finding number two stated over \$400 million has been awarded to the University of Kentucky in grants and programs to conduct research in the field of substance use disorders. Co-Chair Alvarado motioned for the passage of finding number two. Senator Wise seconded the motion, which passed by voice vote.

Finding number three stated private business owners in Kentucky have made a calculated decision to discover how to positively employ individuals who are in the three main stages of SUD, an individual who is still actively abusing substances, an individual who is in current treatment for SUD, and an individual who is at the post treatment stage of SUD. Co-Chair Alvarado motioned for the passage of finding number three. Senator Wise seconded the motion, which passed by voice vote.

Finding number four stated the reduction of the supply of opioids on the market in Kentucky has helped to reduce the number of individuals in the Commonwealth who suffer from SUD. Co-Chair Alvarado motioned for the passage of finding number four. Senator Wise seconded the motion, which passed by voice vote.

Finding number five stated a great number of SUD treatment programs now exist and successfully operate in all regions of Kentucky and offer inpatient and outpatient treatment and short term and long term supports to individuals with SUD. Co-Chair Alvarado motioned for the passage of finding number five. Senator Wise seconded the motion, which passed by voice vote.

Finding number six stated the Substance Abuse and Mental Health Services Administration (SAMSA) which is a part of the United States Department of Health and Human Services (HHS), has awarded Kentucky \$78.8 million in federal funds from October 2018 to September 2021 to be used towards the response effort to SUD. Co-Chair Alvarado motioned for the passage of finding number six. Senator Wise seconded the motion, which passed by voice vote.

Substance Use Recovery Task Force Recommendations

The Substance Use Recovery Task Force meetings resulted in eleven recommendations for the Kentucky General Assembly to take action on in the 2021 Regular Session.

Recommendation number one stated through the adoption of a concurrent resolution during the 2021 regular session of the General Assembly to encourage the Education and Workforce Development Cabinet to encourage Kentucky businesses to create career paths for individuals that are in need of second chances and to encourage Kentucky businesses to not have “zero tolerance” policies for employees related to substance use disorder. Co-Chair Alvarado motioned for the passage of recommendation number one. Senator Wise seconded the motion, which passed by voice vote.

Recommendation number two stated through the adoption of a joint resolution during the 2021 regular session of the General Assembly to direct the Cabinet for Health and Family Services to establish a work group to create written recommendations for distribution throughout Kentucky for individuals who suffer from substance use disorder and to be able to reduce the barriers they experience to access opioid disorder treatment programs. Co-Chair Alvarado motioned for the passage of recommendation number two. Senator Wise seconded the motion, which passed by voice vote.

Recommendation number three stated through the adoption of legislation during the 2021 regular session of the General Assembly related to the expansion of the use of telehealth for counseling, behavioral therapy, medication assisted treatment, and general medical care for individuals with substance use disorder and requiring that private insurance and the Kentucky Medicaid program provide coverage for these expanded services. Co-Chair Alvarado motioned for the passage of recommendation number three. Senator Wise seconded the motion, which passed by voice vote.

Recommendation number four stated through the adoption of a joint resolution during the 2021 regular session of the General Assembly to direct the Cabinet for Health and Family Services and the Justice and Public Safety Cabinet to work together to create recommendations for the legislature related to partnerships for decriminalization, diversion programs, and the funding of drug courts and to submit those recommendations to the Legislative Research Commission by December 1, 2021. Co-Chair Alvarado motioned for the passage of recommendation number four. Senator Wise seconded the motion, which passed by voice vote.

Recommendation number five stated through the adoption of legislation during the 2021 regular session of the General Assembly related to removing the barriers of prior authorization requirements for medication assisted treatment related to United States Food and Drug Administration approved treatments. Co-Chair Alvarado motioned for the passage of recommendation number five. Senator Raque Adams seconded the motion, which passed by voice vote.

Recommendation number six stated through the adoption of a concurrent resolution during the 2021 regular session of the General Assembly encouraging the Cabinet for Health and Family Services and Medicaid managed care organizations to permit coverage of United States Food and Drug Administration approved digital therapeutics in order to provide more therapy options and improved compliance and outcomes for individuals going through substance use disorder recovery. Co-Chair Alvarado motioned for the passage of recommendation number six. Senator Wise seconded the motion, which passed by voice vote.

Recommendation number seven stated through the adoption of a joint resolution during the 2021 regular session of the General Assembly to encourage the Cabinet for Health and Family Services to work with substance use disorder treatment providers to establish a pilot program to fully fund post-inpatient treatment housing and transitional living in a limited setting for individuals with substance use disorder. Co-Chair Alvarado motioned for the passage of recommendation number seven. Senator Raque Adams seconded the motion, which passed by voice vote.

Recommendation number eight stated through the adoption of a concurrent resolution during the 2021 regular session of the General Assembly encouraging the United States Congress to continue to provide state funding that supports The Kentucky Opioid Response Effort in the Commonwealth and other programs that provide support to individuals with substance use disorder. Co-Chair Alvarado motioned for the passage of recommendation number eight. Senator Wise seconded the motion, which passed by voice vote.

Recommendation number nine stated through the adoption of a concurrent resolution during the 2021 regular session of the General Assembly supporting the Cabinet for Health and Family Service's 1115 waiver application for Medicaid funds to be permitted to be used for addiction treatment for incarcerated individuals and encouraging the United States Center for Medicaid Services approve the Commonwealth's waiver application. Co-Chair Alvarado motioned for the passage of recommendation number nine. Senator Wise seconded the motion, which passed by voice vote.

Recommendation number ten stated through the adoption of a joint resolution during the 2021 regular session of the General Assembly directing the Cabinet for Health and Family Services to study the issue of why individuals do not seek treatment for a substance use disorder prior to an individual becoming involved in the family court system or the child welfare system, to identify barriers to treatment, and to develop strategies for access to treatment and to submit the findings to the Legislative Research Commission by December 1, 2021. Co-Chair Alvarado motioned for the passage of recommendation number ten. Representative Willner seconded the motion, which passed by voice vote.

Recommendation number eleven stated through the adoption of a joint resolution during the 2021 regular session of the General Assembly directing the Justice and Public Safety Cabinet to study the issue of why individuals do not seek continued treatment for a substance use disorder after release from incarceration, to identify barriers to finding a treatment program, and to develop strategies for access to a treatment program and to submit the findings to the Legislative Research Commission by December 1, 2021. Co-Chair Alvarado motioned for the passage of recommendation number eleven. Representative Willner seconded the motion, which passed by voice vote.

Chairman Webber made a motion to adopt all findings and recommendations of the 2020 Substance Use Recovery Task Force. The motion passed on a 6-0-0 roll call vote. With no further business to come before the task force, the meeting was adjourned at 3:30 P.M.