

1 AN ACT relating to farmer-focused mental health services and making an  
2 appropriation therefor.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 248 IS CREATED TO  
5 READ AS FOLLOWS:

6 *(1) (a) The Governor's Office of Agricultural Policy shall create and administer a*  
7 *program related to farmer-focused mental health services.*

8 *(b) The purpose of the program is to provide:*

9 *1. Access to information on issues impacting mental health;*

10 *2. A telephonic and Internet-based message function to leave comments*  
11 *or questions and receive responses; and*

12 *3. Assistance with paying for up to three (3) mental health guidance*  
13 *sessions with a mental health professional licensed or certified in*  
14 *Kentucky whose scope of practice includes providing mental health*  
15 *treatment services;*

16 *for the farming community in the Commonwealth.*

17 *(2) The Governor's Office of Agricultural Policy shall report to the Interim Joint*  
18 *Committee on Appropriations and Revenue and the Interim Joint Committee on*  
19 *Agriculture annually, within sixty (60) days following the close of each fiscal*  
20 *year, the activities undertaken, the results of those activities, and funds expended*  
21 *for each activity during that fiscal year related to the farmer-focused mental*  
22 *health services program.*

23 ➔Section 2. KRS 304.17B-003 is amended to read as follows:

24 (1) There is hereby established the Kentucky Health Care Improvement Authority as an  
25 agency, instrumentality, and political subdivision of the Commonwealth and a  
26 public body corporate and politic with all the powers, duties, and responsibilities  
27 conferred upon it by statute and necessary or convenient to carry out its functions.

1 The authority shall be administered by a board of fifteen (15) members and is  
2 created to perform the public functions of administering programs financed by the  
3 funds appropriated to the authority in conformance with KRS 304.17B-001 to  
4 304.17B-031 and any terms and conditions established by the General Assembly as  
5 a part of the act appropriating the funds. The members of the board shall consist of  
6 the following:

- 7 (a) The commissioner of the Department of Insurance, or the commissioner's  
8 designated representative, who shall serve as chair;
- 9 (b) The secretary of the Cabinet for Health and Family Services, or the secretary's  
10 designated representative, who shall serve as vice chair;
- 11 (c) Two (2) nonvoting members serving ex officio from the House of  
12 Representatives, one (1) of whom shall be appointed by the Speaker of the  
13 House and one (1) appointed by the minority floor leader, and who shall serve  
14 a term of two (2) years;
- 15 (d) Two (2) nonvoting members serving ex officio from the Senate, one (1) of  
16 whom shall be appointed by the President of the Senate and one (1) appointed  
17 by the minority floor leader, and who shall serve a term of two (2) years;
- 18 (e) The deans of the University of Louisville School of Medicine and the  
19 University of Kentucky College of Medicine, or their designated  
20 representatives;
- 21 (f) The commissioner of the Department for Public Health, or the commissioner's  
22 designated representative;
- 23 (g) Two (2) representatives of Kentucky health care providers, who shall be  
24 appointed by the Governor; and
- 25 (h) Four (4) citizens at large of the Commonwealth, who shall be appointed by the  
26 Governor.

27 (2) The terms of office of the initial appointments of the citizen at-large members of the

1 board shall expire one (1), two (2), three (3), and four (4) years respectively from  
2 the expiration date of the initial appointment. One (1) of the initial terms of the  
3 representatives of health care providers, at least one (1) of whom shall be male and  
4 at least one (1) of whom shall be female, shall be for two (2) years and one (1) shall  
5 be for four (4) years. All succeeding appointments shall be for four (4) years from  
6 the expiration date of the term of the initial appointment. Two (2) of the citizens at  
7 large shall be male and two (2) shall be female. Board members shall serve until  
8 their successors are appointed.

9 (3) In making private sector and citizen-at-large appointments to the board, the  
10 Governor shall assure broad geographical and ethnic representation as well as  
11 representation from consumers and the major sectors of Kentucky's health care and  
12 health insurance businesses. Private sector and citizen-at-large members shall serve  
13 without compensation but shall be reimbursed for reasonable and necessary  
14 expenses.

15 (4) The authority shall establish procedures for accountability, including the review of  
16 expenditures, and develop mechanisms to measure the success of programs that  
17 receive allocated funds in accordance with any criteria or instructions provided by  
18 the General Assembly. The authority shall be attached to the Department of  
19 Insurance for administrative purposes and shall establish advisory boards it deems  
20 appropriate, which shall consist of health insurance consumers, health care  
21 providers, and insurance company representatives, to assist with oversight of fund  
22 expenditures.

23 (5) Grants and funds obtained under KRS 304.17B-001 to 304.17B-031 shall be used  
24 for expenditures as follows:

25 (a) **Beginning on July 1, 2020, and each fiscal year thereafter, an amount of**  
26 **five hundred thousand dollars (\$500,000) shall be appropriated for the**  
27 **farmer-focused mental health services program created in Section 1 of this**

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Act; and

**(b) All remaining funds shall be allocated as follows:**

- 1.** Seventy percent (70%)~~[of all moneys in the fund]~~ shall be placed into the Kentucky Access fund for the purpose of funding Kentucky Access;
- 2.**~~[(b)]~~ Twenty percent (20%)~~[of all moneys in the fund]~~ shall be spent on a collaborative partnership between the University of Louisville and the University of Kentucky dedicated to lung cancer research; and
- 3.**~~[(c)]~~ Ten percent (10%)~~[of all moneys in the fund]~~ shall be used to discourage the use of harmful substances by minors.

- (6) The authority shall assure that a public hearing is held on the expenditure of funds allocated under this section, except for funds allocated to the Kentucky Access fund **or to the farmer-focused mental health services program created under Section 1 of this Act.** Advertisement of the public hearing shall be published at least once but may be published two (2) more times, if one (1) publication occurs not less than seven (7) days nor more than twenty-one (21) days before the scheduled date of the public hearing. The authority shall submit an annual report to the Governor and the General Assembly indicating how the funds were used and an evaluation of the program's effectiveness in health care and access to health insurance for Kentucky residents.
- (7) Neither the authority nor its employees shall be liable for any obligations of any of the programs established under KRS 304.17B-001 to 304.17B-031. No member or employee of the authority shall be liable, and no cause of action of any nature may arise against them, for any act or omission related to the performance of their powers and duties under KRS 304.17B-001 to 304.17B-031, unless the act or omission constitutes willful or wanton misconduct. The authority may provide in its policies and procedures for indemnification of, and legal representation for, its members and employees.

1 (8) The authority shall have all the powers necessary or convenient to carry out and  
2 effectuate the purposes and provisions of KRS 304.17B-001 to 304.17B-031,  
3 including, but not limited to, retaining the staff it deems necessary for the proper  
4 performance of its duties.

5 (9) The authority shall meet at least quarterly and at other times upon call of the chair  
6 or a majority of the authority.

7 ➔Section 3. KRS 164.476 is amended to read as follows:

8 (1) The "Lung Cancer Research Fund" is created and shall receive funds each year from  
9 the Kentucky health care improvement fund in the amount specified in KRS  
10 304.17B-003(5)(b)2. The lung cancer research fund shall be used to finance the  
11 Lung Cancer Research Project described in subsection (5) of this section. No  
12 revenues from the lung cancer research fund shall be allocated until the board has  
13 adopted the strategic plan described in subsections (5) and (6) of this section.

14 (2) A research consortium between the University of Kentucky and the University of  
15 Louisville is created and shall be known as the Governance Board of the Lung  
16 Cancer Research Project. The consortium shall be attached to the Council on  
17 Postsecondary Education for administrative purposes.

18 (3) The board shall consist of nine (9) members appointed by the Governor as follows:

19 (a) Two (2) members shall be from the faculty of the School of Medicine at the  
20 University of Kentucky;

21 (b) Two (2) members shall be from the faculty of the School of Medicine at the  
22 University of Louisville;

23 (c) Two (2) members shall be from the Council on Postsecondary Education; and

24 (d) Three (3) members shall be from the state at large, one (1) of whom shall be  
25 appointed chair by the Governor.

26 (4) Except as provided in paragraphs (a) to (d) of this subsection, the terms of the  
27 members shall be for four (4) years and until their successors are appointed and

1 confirmed. A vacancy on the board shall be filled for the remainder of the unexpired  
2 term in the same manner as the original appointment. Members may be reappointed.

3 The initial appointments shall be for staggered terms, as follows:

- 4 (a) Two (2) members shall be appointed for one (1) year;
- 5 (b) Two (2) members shall be appointed for two (2) years;
- 6 (c) Two (2) members shall be appointed for three (3) years; and
- 7 (d) Three (3) members shall be appointed for four (4) years.

8 (5) The Governance Board of the Lung Cancer Research Project shall develop and  
9 oversee the implementation of a twenty (20) year strategic plan that utilizes the  
10 resources of both the University of Louisville and the University of Kentucky in  
11 establishing the Lung Cancer Research Project. The Lung Cancer Research Project  
12 shall be a joint program to:

- 13 (a) Develop an expertise in the area of lung cancer research with an immediate  
14 focus on early detection and epidemiology and with an ultimate goal of  
15 eradication of lung cancer;
- 16 (b) Establish a statewide clinical trial network to make university-based clinical  
17 trials available to the community physician in order to bring the most  
18 innovative cancer treatments to all Kentuckians in need of these treatments;
- 19 (c) Leverage the resources earmarked for the Lung Cancer Research Project  
20 toward the certification of the cancer program at the University of Kentucky  
21 and the University of Louisville by the National Cancer Institute as a cancer  
22 center; and
- 23 (d) Undertake other initiatives consistent with the strategic plan.

24 (6) The strategic plan shall identify both short-term and long-term goals and the  
25 appropriate oversights to measure progress toward achievement of those goals; it  
26 shall be updated every two (2) years.

27 (7) The Governance Board of the Lung Cancer Research Project shall submit an annual

1 report to the Governor and the Legislative Research Commission by September 1  
2 each year for the preceding fiscal year, outlining its activities and expenditures.  
3 (8) The Auditor of Public Accounts, on an annual basis, shall conduct a thorough  
4 review of all expenditures from the lung cancer research fund and, if necessary in  
5 the opinion of the Auditor, the operations of the Lung Cancer Research Project and  
6 the lung cancer research fund.