

1 AN ACT relating to creation of the Office of Safer Communities in the Department  
2 for Public Health and making an appropriation therefor.

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

4 ➔Section 1. KRS 194A.030 is amended to read as follows:

5 The cabinet consists of the following major organizational units, which are hereby  
6 created:

7 (1) Office of the Secretary. Within the Office of the Secretary, there shall be an Office  
8 of the Ombudsman and Administrative Review, an Office of Legal Services, an  
9 Office of Inspector General, an Office of Public Affairs, an Office of Human  
10 Resource Management, an Office of Finance and Budget, an Office of Legislative  
11 and Regulatory Affairs, an Office of Administrative Services, an Office of  
12 Application Technology Services and an Office of Data Analytics, as follows:

13 (a) The Office of the Ombudsman and Administrative Review shall be headed by  
14 an executive director who shall be appointed by the secretary with the  
15 approval of the Governor under KRS 12.050 and shall:

- 16 1. Investigate, upon complaint or on its own initiative, any administrative  
17 act of an organizational unit, employee, or contractor of the cabinet,  
18 without regard to the finality of the administrative act. Organizational  
19 units, employees, or contractors of the cabinet shall not willfully  
20 obstruct an investigation, restrict access to records or personnel, or  
21 retaliate against a complainant or cabinet employee;
- 22 2. Make recommendations that resolve citizen complaints and improve  
23 governmental performance and may require corrective action when  
24 policy violations are identified;
- 25 3. Provide evaluation and information analysis of cabinet performance and  
26 compliance with state and federal law;
- 27 4. Place an emphasis on research and best practices, program

- 1 accountability, quality service delivery, and improved governmental  
2 performance;
- 3 5. Provide information on how to contact the office for public posting at all  
4 offices where Department for Community Based Services employees or  
5 contractors work, at any facility where a child in the custody of the  
6 cabinet resides, and to all cabinet or contracted foster parents;
- 7 6. Report to the Office of Inspector General for review and investigation  
8 any charge or case against an employee of the Cabinet for Health and  
9 Family Services where it has cause to believe the employee has engaged  
10 in dishonest, unethical, or illegal conduct or practices related to his or  
11 her job duties; or any violation of state law or administrative regulation  
12 by any organization or individual regulated by, or contracted with the  
13 cabinet;
- 14 7. Compile a report of all citizen complaints about programs or services of  
15 the cabinet and a summary of resolution of the complaints and submit  
16 the report upon request to the Interim Joint Committee on Health and  
17 Welfare and Family Services;
- 18 8. Include oversight of administrative hearings; and
- 19 9. Provide information to the Office of the Attorney General, when  
20 requested, related to substantiated violations of state law against an  
21 employee, a contractor of the cabinet, or a foster or adoptive parent;
- 22 (b) The Office of Legal Services shall provide legal advice and assistance to all  
23 units of the cabinet in any legal action in which it may be involved. The  
24 Office of Legal Services shall employ all attorneys of the cabinet who serve  
25 the cabinet in the capacity of attorney, giving legal advice and opinions  
26 concerning the operation of all programs in the cabinet. The Office of Legal  
27 Services shall be headed by a general counsel who shall be appointed by the

1 secretary with the approval of the Governor under KRS 12.050 and 12.210.  
2 The general counsel shall be the chief legal advisor to the secretary and shall  
3 be directly responsible to the secretary. The Attorney General, on the request  
4 of the secretary, may designate the general counsel as an assistant attorney  
5 general under the provisions of KRS 15.105;

6 (c) The Office of Inspector General shall be headed by an inspector general who  
7 shall be appointed by the secretary with the approval of the Governor. The  
8 inspector general shall be directly responsible to the secretary. The Office of  
9 Inspector General shall be responsible for:

- 10 1. The conduct of audits and investigations for detecting the perpetration of  
11 fraud or abuse of any program by any client, or by any vendor of  
12 services with whom the cabinet has contracted; and the conduct of  
13 special investigations requested by the secretary, commissioners, or  
14 office heads of the cabinet into matters related to the cabinet or its  
15 programs;
- 16 2. Licensing and regulatory functions as the secretary may delegate;
- 17 3. Review of health facilities participating in transplant programs, as  
18 determined by the secretary, for the purpose of determining any  
19 violations of KRS 311.1911 to 311.1959, 311.1961, and 311.1963;
- 20 4. The duties, responsibilities, and authority pertaining to the certificate of  
21 need functions and the licensure appeals functions, pursuant to KRS  
22 Chapter 216B;
- 23 5. The notification and forwarding of any information relevant to possible  
24 criminal violations to the appropriate prosecuting authority;
- 25 6. The oversight of the operations of the Kentucky Health Information  
26 Exchange; and
- 27 7. The support and guidance to health care providers related to telehealth

1 services, including the development of policy, standards, resources, and  
2 education to expand telehealth services across the Commonwealth;

3 (d) The Office of Public Affairs shall be headed by an executive director  
4 appointed by the secretary with the approval of the Governor in accordance  
5 with KRS 12.050. The office shall provide information to the public and news  
6 media about the programs, services, and initiatives of the cabinet;

7 (e) The Office of Human Resource Management shall be headed by an executive  
8 director appointed by the secretary with the approval of the Governor in  
9 accordance with KRS 12.050. The office shall coordinate, oversee, and  
10 execute all personnel, training, and management functions of the cabinet. The  
11 office shall focus on the oversight, development, and implementation of  
12 quality improvement services; curriculum development and delivery of  
13 instruction to staff; the administration, management, and oversight of training  
14 operations; health, safety, and compliance training; and equal employment  
15 opportunity compliance functions;

16 (f) The Office of Finance and Budget shall be headed by an executive director  
17 appointed by the secretary with the approval of the Governor in accordance  
18 with KRS 12.050. The office shall provide central review and oversight of  
19 budget, contract, and cabinet finances. The office shall provide coordination,  
20 assistance, and support to program departments and independent review and  
21 analysis on behalf of the secretary;

22 (g) The Office of Legislative and Regulatory Affairs shall be headed by an  
23 executive director appointed by the secretary with the approval of the  
24 Governor in accordance with KRS 12.050. The office shall provide central  
25 review and oversight of legislation, policy, and administrative regulations.  
26 The office shall provide coordination, assistance, and support to program  
27 departments and independent review and analysis on behalf of the secretary;

- 1 (h) The Office of Administrative Services shall be headed by an executive  
2 director appointed by the secretary with the approval of the Governor in  
3 accordance with KRS 12.050. The office shall provide central review and  
4 oversight of procurement, general accounting including grant monitoring, and  
5 facility management. The office shall provide coordination, assistance, and  
6 support to program departments and independent review and analysis on  
7 behalf of the secretary;
- 8 (i) The Office of Application Technology Services shall be headed by an  
9 executive director appointed by the secretary with the approval of the  
10 Governor in accordance with KRS 12.050. The office shall provide  
11 application technology services including central review and oversight. The  
12 office shall provide coordination, assistance, and support to program  
13 departments and independent review and analysis on behalf of the secretary;  
14 and
- 15 (j) The Office of Data Analytics shall be headed by an executive director who  
16 shall be appointed by the secretary with the approval of the Governor under  
17 KRS 12.050 and shall identify and innovate strategic initiatives to inform  
18 public policy initiatives and provide opportunities for improved health  
19 outcomes for all Kentuckians through data analytics. The office shall provide  
20 leadership in the redesign of the health care delivery system using electronic  
21 information technology to improve patient care and reduce medical errors and  
22 duplicative services;
- 23 (2) Department for Medicaid Services. The Department for Medicaid Services shall  
24 serve as the single state agency in the Commonwealth to administer Title XIX of  
25 the Federal Social Security Act. The Department for Medicaid Services shall be  
26 headed by a commissioner for Medicaid services, who shall be appointed by the  
27 secretary with the approval of the Governor under KRS 12.050. The commissioner

1 for Medicaid services shall be a person who by experience and training in  
2 administration and management is qualified to perform the duties of this office. The  
3 commissioner for Medicaid services shall exercise authority over the Department  
4 for Medicaid Services under the direction of the secretary and shall only fulfill  
5 those responsibilities as delegated by the secretary;

6 (3) Department for Public Health. The Department for Public Health shall develop and  
7 operate all programs of the cabinet that provide health services and all programs for  
8 assessing the health status of the population for the promotion of health and the  
9 prevention of disease, injury, disability, and premature death. This shall include but  
10 not be limited to oversight of the Division of Women's Health and the Office of  
11 Safer Communities. The Department for Public Health shall be headed by a  
12 commissioner for public health who shall be appointed by the secretary with the  
13 approval of the Governor under KRS 12.050. The commissioner for public health  
14 shall be a duly licensed physician who by experience and training in administration  
15 and management is qualified to perform the duties of this office. The commissioner  
16 shall advise the head of each major organizational unit enumerated in this section  
17 on policies, plans, and programs relating to all matters of public health, including  
18 any actions necessary to safeguard the health of the citizens of the Commonwealth.  
19 The commissioner shall serve as chief medical officer of the Commonwealth. The  
20 commissioner for public health shall exercise authority over the Department for  
21 Public Health under the direction of the secretary and shall only fulfill those  
22 responsibilities as delegated by the secretary;

23 (4) Department for Behavioral Health, Developmental and Intellectual Disabilities. The  
24 Department for Behavioral Health, Developmental and Intellectual Disabilities shall  
25 develop and administer programs for the prevention of mental illness, intellectual  
26 disabilities, brain injury, developmental disabilities, and substance use disorders  
27 and shall develop and administer an array of services and support for the treatment,

1 habilitation, and rehabilitation of persons who have a mental illness or emotional  
2 disability, or who have an intellectual disability, brain injury, developmental  
3 disability, or a substance use disorder. The Department for Behavioral Health,  
4 Developmental and Intellectual Disabilities shall be headed by a commissioner for  
5 behavioral health, developmental and intellectual disabilities who shall be  
6 appointed by the secretary with the approval of the Governor under KRS 12.050.  
7 The commissioner for behavioral health, developmental and intellectual disabilities  
8 shall be by training and experience in administration and management qualified to  
9 perform the duties of the office. The commissioner for behavioral health,  
10 developmental and intellectual disabilities shall exercise authority over the  
11 department under the direction of the secretary, and shall only fulfill those  
12 responsibilities as delegated by the secretary;

13 (5) Office for Children with Special Health Care Needs. The duties, responsibilities,  
14 and authority set out in KRS 200.460 to 200.490 shall be performed by the office.  
15 The office shall advocate the rights of children with disabilities and, to the extent  
16 that funds are available, shall ensure the administration of services for children with  
17 disabilities as are deemed appropriate by this office pursuant to Title V of the Social  
18 Security Act. The office may promulgate administrative regulations under KRS  
19 Chapter 13A as may be necessary to implement and administer its responsibilities.  
20 The duties, responsibilities, and authority of the Office for Children with Special  
21 Health Care Needs shall be performed through the office of the executive director.  
22 The executive director shall be appointed by the secretary with the approval of the  
23 Governor under KRS 12.050;

24 (6) Department for Family Resource Centers and Volunteer Services. The Department  
25 for Family Resource Centers and Volunteer Services shall streamline the various  
26 responsibilities associated with the human services programs for which the cabinet  
27 is responsible. This shall include, but not be limited to, oversight of the Division of

1 Family Resource and Youth Services Centers and Serve Kentucky. The Department  
2 for Family Resource Centers and Volunteer Services shall be headed by a  
3 commissioner who shall be appointed by the secretary with the approval of the  
4 Governor under KRS 12.050. The commissioner for family resource centers and  
5 volunteer services shall be by training and experience in administration and  
6 management qualified to perform the duties of the office, shall exercise authority  
7 over the department under the direction of the secretary, and shall only fulfill those  
8 responsibilities as delegated by the secretary;

9 (7) Department for Community Based Services. The Department for Community Based  
10 Services shall administer and be responsible for child and adult protection, violence  
11 prevention resources, foster care and adoption, permanency, and services to  
12 enhance family self-sufficiency, including child care, social services, public  
13 assistance, and family support. The department shall be headed by a commissioner  
14 appointed by the secretary with the approval of the Governor in accordance with  
15 KRS 12.050;

16 (8) Department for Income Support. The Department for Income Support shall be  
17 responsible for child support enforcement and disability determination. The  
18 department shall serve as the state unit as required by Title II and Title XVI of the  
19 Social Security Act, and shall have responsibility for determining eligibility for  
20 disability for those citizens of the Commonwealth who file applications for  
21 disability with the Social Security Administration. The department shall be headed  
22 by a commissioner appointed by the secretary with the approval of the Governor in  
23 accordance with KRS 12.050; and

24 (9) Department for Aging and Independent Living. The Department for Aging and  
25 Independent Living shall serve as the state unit as designated by the Administration  
26 on Aging Services under the Older Americans Act and shall have responsibility for  
27 administration of the federal community support services, in-home services, meals,



1 family and caregiver support services, elder rights and legal assistance, senior  
2 community services employment program, the state health insurance assistance  
3 program, state home and community based services including home care,  
4 Alzheimer's respite services and the personal care attendant program, certifications  
5 of assisted living facilities, the state Council on Alzheimer's Disease and other  
6 related disorders, and guardianship services. The department shall also administer  
7 the Long-Term Care Ombudsman Program and the Medicaid Home and  
8 Community Based Waivers Participant Directed Services Option (PDS) Program.  
9 The department shall serve as the information and assistance center for aging and  
10 disability services and administer multiple federal grants and other state initiatives.  
11 The department shall be headed by a commissioner appointed by the secretary with  
12 the approval of the Governor in accordance with KRS 12.050.

13 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO  
14 READ AS FOLLOWS:

15 **(1) As used in this section:**

16 **(a) "Community violence" means nonfatal injuries, assaults with a firearm,**  
17 **mass shootings, homicides, and other acts of interpersonal violence**  
18 **committed outside the context of a familial or romantic relationship;**

19 **(b) "Local educational agency" has the same meaning as in 20 U.S.C.**  
20 **7801(30);**

21 **(c) "Office" means the Office of Safer Communities; and**

22 **(d) "State educational agency" has the same meaning as in 20 U.S.C. 7801(49).**

23 **(2) The Office of Safer Communities is hereby established within the Department for**  
24 **Public Health and shall be headed by an executive director appointed by the**  
25 **secretary with the approval of the Governor under KRS 12.050.**

26 **(3) The Office of Safer Communities shall:**

27 **(a) Obtain alternative funding sources other than the Commonwealth,**

- 1 including gifts, grants, and bequests;
- 2 (b) Promote or assist in establishing or enhancing community violence
- 3 intervention and school based mental health programs;
- 4 (c) Coordinate with existing violence intervention and school based mental
- 5 health programs to minimize duplication of services;
- 6 (d) Collect and disseminate data and make recommendations relating to gun
- 7 violence, policy, and community violence intervention programs and school
- 8 based mental health programs, from both a public safety and a public
- 9 health perspective;
- 10 (e) Create and implement a plan for collection, assessment, and analysis of
- 11 relevant data, including the:
- 12 1. Geographic locations of gun violence;
- 13 2. Nature of gun violence, including:
- 14 a. Domestic violence;
- 15 b. Suicide;
- 16 c. Child abuse;
- 17 d. Accidental shooting; and
- 18 e. Community violence;
- 19 3. Frequency of incidents of gun violence;
- 20 4. Number of victims of gun violence; and
- 21 5. Impacts of gun violence by demographic group;
- 22 (f) Perform other duties relevant to policy development and implementation to
- 23 support communities impacted by gun violence;
- 24 (g) Collect and disseminate data and make recommendations relating to school-
- 25 based mental health services in high-need local educational agencies and
- 26 state educational agencies, including the:
- 27 1. Impact of the lack of mental health service providers on students;

- 1                    2. Ratio of school-based mental health providers to students;  
 2                    3. Retention rate of school-based mental health service providers; and  
 3                    4. Recruitment processes in place for school-based mental health service  
 4                    providers; and  
 5                    (h) Report to the secretary and employ such staff as necessary to perform the  
 6                    duties, functions, and responsibilities of the office;  
 7                    (4) By September 1 of each year, each law enforcement agency and coroner shall  
 8                    report all statistical data involving gun violence for the previous fiscal year to the  
 9                    office.  
 10                    (5) By November 1 of each year, the Office of Safer Communities shall review,  
 11                    approve, and coordinate all proposed and current gun violence intervention  
 12                    programs and projects and school-based mental health programs and projects,  
 13                    that are:  
 14                    (a) Conducted by or receive funding through agencies of the executive branch;  
 15                    and  
 16                    (b) Principally related to the prevention or the reduction of gun violence in the  
 17                    Commonwealth.  
 18                    (6) By November 1 of each year, the office shall submit an annual report outlining  
 19                    the data collected and the office's recommendations regarding gun violence and  
 20                    school-based mental health services and intervention to the Interim Joint  
 21                    Committee on Health, Welfare, and Family Services.  
 22                    (7) The Office of Safer Communities shall promulgate administrative regulations in  
 23                    accordance with KRS Chapter 13A to implement this section.

24                    ➔Section 3. Within 90 days of the effective date of this Act, the Office of Safer  
 25 Communities shall report to the secretary of the Cabinet for Health and Family Services  
 26 regarding the operations of the office.

27                    ➔Section 4. There is hereby appropriated General Fund moneys in the amount of

1 \$3,000,000 in fiscal year 2023-2024 to the Department for Public Health, Office of Safer  
2 Communities for the purposes outlined in Section 2 of this Act. Notwithstanding KRS  
3 45.229, the General Fund appropriation shall not lapse and shall carry forward in the  
4 Office of Safer Communities.

5       ➔Section 5. In the event the Legislative Research Commission dissolves the  
6 Interim Joint Committee on Health, Welfare, and Family Services and establishes another  
7 interim joint committee with jurisdiction over health services, the reviser of statutes shall  
8 change the name of the interim joint committee in Section 2 of this Act to that interim  
9 joint committee.