

KENTUCKY JUDICIAL COMMISSION ON
MENTAL HEALTH



Meeting Date, Time	September 12, 2024; 12:00-3:00 PM ET
Meeting Location	Administrative Office of the Courts 1001 Vandalay Drive Frankfort, KY 40601
Virtual Option	The meeting was also offered virtually through Zoom; a recording can be found here .

Attendees	
Name	Organization
Crystal Adams	Director, Division of Developmental and Intellectual Disabilities
Hon. Stephanie Burke (Zoom)	District Judge
Hon. Wes Butler	Attorney for Kentucky Hospital Association
Hon. Chris Cohron (Zoom)	Circuit Judge
Matthew Cole (Zoom)	Commissioner of the Department of Vehicle Registration, Kentucky Department of Transportation
Hon. Katie Comstock	Director, Administrative Office of the Courts
Hon. J. Foster Cotthoff (Zoom)	District Judge
Cookie Crews	Commissioner, Kentucky Department of Corrections
Margaret Forsee	Owen County Circuit Court Clerk, President of Kentucky Circuit Court Clerk Association
Kelly Foster (Zoom)	Associate Commissioner, Kentucky Department of Education
Rebecca Frost (Zoom)	Western State Hospital
Erica Hargis	Division of Probation and Parole
Hon. Tanisha A. Hickerson	District Court Judge
Van Ingram	Executive Director of Kentucky Office of Drug Control Policy
Dr. Lindsey Jasinski	Eastern State Hospital, University of Kentucky
Hon. Lisa Jones	Court of Appeals
Hon. Debra Hembree Lambert	Kentucky Supreme Court
Hon. William "Bo" Leach (Zoom)	District Court Judge

Agenda

- I. Registration and Lunch**
- II. Welcome and Commission Updates**
- III. Kentucky Medicaid Behavioral Health Judicial Initiatives**
- IV. Using EmPATH to Improve Behavioral Health**
- V. Committee and Workgroup Updates**
- VI. Closing Remarks**
- VII. Adjourn**

Welcome and Commission Updates

The Kentucky Judicial Commission on Mental Health (KJCMH) convened at 12:00 PM EST on September 12, 2024, at the Administrative Office of the Courts (AOC), in Frankfort, Kentucky, both in person and on Zoom. Deputy Chief Justice Debra Hembree Lambert of the Supreme Court of Kentucky welcomed attendees and expressed her appreciation for their presence. She also celebrated the KJCMH's two-year anniversary, highlighting key accomplishments such as progress on statewide mapping of criminal, juvenile justice, and child welfare systems; hosting a groundbreaking Mental Health Summit; completing a listening tour with town halls across the state; unanimously passing the first legislative package; and offering community mapping opportunities for judges and court partners at the local level. Special attention was given to the hard work and dedication done in the workgroups.

Justice Lambert also discussed the expiration of commission members' appointments, which are set by Supreme Court Order and run on a two-year cycle. Appointments were set to expire on September 1, 2024. As gaps in collaborative partners were identified, several new members were added. She expressed gratitude to resigning members who were critical to the KJCMH's success, including Judge Denise Clayton, Stacy Bruner, Jim Daley, Joe Ross, Sarah Johnson, and Katie Comstock. New members were welcomed, including Margaret Forsee, Jordan Dallas Turner, Josh Lindblom, Shain Stevens, Commissioner Randy White, Commissioner Cookie Crews, Commissioner Johnathan Shell, Commissioner Matthew Cole, and Thomas Stephens. A copy of the new Supreme Court Order and an update on the commission structure were both included in the meeting materials. Steve Shannon, Executive Director for the Kentucky Association of Regional Programs, has been appointed as the lead for the Prearrest and Diversion Workgroup. Additionally, Chris Griffith, Program Manager of the Family Life Counseling Program with the Christian Appalachian Project, is the new Vice Chair of the Civil and Family Justice Committee.

An update was given on the community mapping efforts. Over the past quarter, the commission had the opportunity to partner with the Kentucky Court of Justice as they hosted a Recovery-Oriented System of Care Summit in each of the Supreme Court Districts. During these Summits, the commission shared its newest initiative, community mapping.

Based on statewide mapping of all three systems, the commission created a framework to bring together court partners for a 2-day event, providing them with the opportunity to identify gaps and brainstorm opportunities to improve local care.

The KJCMH released two videos highlighting House Bill 385, also known as Seth's Law. Justice Lambert encouraged members to share these videos to help educate those affected by this legislative change. Additionally, Justice Lambert extended thanks to all the chairs who reserved time on their agendas to discuss legislative recommendations for consideration in the 2025 session. The workgroup's legislative recommendations were also included in the meeting materials.

Kentucky Medicaid Behavioral Health Judicial Initiatives

Angela Sparrow, Behavioral Health Supervisor of the Department of Medicaid Services, presented on Kentucky's Medicaid behavioral health judicial initiatives, highlighting efforts related to mental health and the judicial system within Medicaid.

The presentation began with a brief history of Medicaid services in Kentucky. In 2014, Kentucky Medicaid expanded as part of the Affordable Care Act. Medicaid now covers a range of behavioral health services, including mental health and substance use disorder services. An overview of Medicaid's services was provided, including inpatient care, SUD residential treatment, outpatient services, and supportive services, all of which continue to expand.

Additionally, the presentation covered Kentucky's Section 1115 waiver, which allows the state to pilot projects over the next five years. An overview of Kentucky's reentry pilot was provided. Angela Sparrow explained how the pilot was approved by CMS on July 2, 2024, and the goal is to streamline demonstration efforts across states to maximize the benefits for their Medicaid programs. She shared how the pilot aims to provide individuals with the time and opportunity to apply for Medicaid during the pre-release period.

The presentation also reviewed the Consolidated Appropriations Act, passed in 2023, which mandates that state Medicaid agencies cover certain services pre-release. On July 23, 2024, CMS issued guidance on the required and optional provisions under this act, which will take effect on January 1, 2025. The act includes coverage for adjudicated juveniles, requiring states to provide early and periodic screening, diagnostic, and treatment services.

Lastly, an overview of Recovery Residence Support Services (RRSS) was provided. Medicaid currently cannot reimburse for room and board, as it is not a pre-release service, there are plans to include these services in the future. The authority to reimburse for RRSS is pending with CMS and is currently supported through philanthropic funds.

Questions asked:

Dr. Silas Session asked if there was a Veterans component to this demonstration. Angela Sparrow confirmed that, through partnership and collaboration, they have identified gaps and barriers, including specific subpopulations such as veterans. They have connected with the VA, and VA benefits will be incorporated into the demonstration.

The presentation's slide deck was requested to be shared with the attendees.

Operation UNITE Youth Rally Update

Tom Vicini, President/CEO of Operation UNITE, provided an update on the organization's youth rallies. These regional events are designed for sixth-grade students within the UNITE service area. The rallies aim to inspire youth to make positive decisions, join UNITE Clubs, and participate in prevention initiatives such as Camp UNITE. Invitations have been sent to superintendents, school principals, and Family Resource & Youth Service Center staff in the UNITE service region, providing them with the date and location for their respective schools.

Using EmPATH to Improve Behavioral Health Outcomes

Dr. Lindsey Jasinski and Dr. Marc Woods presented on the EmPATH model, which aims to improve behavioral health outcomes in Kentucky. EmPATH stands for Emergency Psychiatry Assessment, Treatment, and Healing. This model is new to Kentucky and serves as the designated destination for all medically cleared patients in crisis, prior to determining their disposition or inpatient admission. The goal is to prevent the need for inpatient facilities by focusing on immediate evaluation and treatment by psychiatric specialists within a calming, healing, and comfortable environment. Seventy-five percent of patients treated in an EmPATH unit stabilize and return home within 24 hours.

Dr. Jasinski discussed UK HealthCare's EmPATH center and the positive feedback it has received in the press. The Kentucky EmPATH model is located on the Eastern State Campus, but it is fully operated by UK HealthCare. She emphasized how the facility is truly treatment-focused and staffed 24/7. The services offered include mental health, behavioral health, and substance use disorder treatment, and barriers to access are minimal. Operating for just six weeks, the facility has already seen 450 patients and is nearly doubling the rate at which people are able to get their appointments.

Questions asked:

Dr. Silas Session asked whether this model adheres to the COMPACT Act. Dr. Jasinski responded that it does not currently follow the COMPACT Act, but they plan to provide more information on this after the meeting.

Amy Luttrell inquired about the feasibility of replicating this model in other Kentucky communities. Dr. Jasinski indicated that awareness of the model is growing, and they are hopeful it will be replicated across the state.

A sign-up sheet was distributed to attendees for those interested in touring the EmPATH facility.

Committee and Workgroup Updates

I. Criminal Justice Committee

Judge John Tackett, 22nd Judicial District, expressed his gratitude for the collaborative work of the EmPATH model. He then shared an update from the Criminal Justice Committee and extended his thanks to the workgroups.

A. Dr. Koleen Slusher, Director of the Kentucky Correctional Psychiatric Center (KCPC), provided the Competency Workgroup update. Seth's Law has gone into effect, and the workgroup has been actively reaching out to various stakeholders, including the Kentucky Association of Counties and the Kentucky Jailers Association. Next week, they plan to attend the Kentucky Executive Retreat to provide further information on Seth's Law. Dr. Jeff Fiex, Office of Forensic and Juvenile Court Services, has served as a consultant to the workgroup, and the legislation was modeled after Tennessee's approach. He also met with the group to discuss conducting statewide evaluations. Acting as technical assistance for state hospitals, Dr. Fiex shared that this initiative has helped reduce wait times, which KCPC has experienced as well. The workgroup heard from the Council of State Governments (CSG), who presented on the role of Forensic Act Teams. The workgroup also discussed potential legislative recommendations for the 2025 session, with a primary focus on the language in KRS 202C and guardian ad litem. This proposal has been submitted to the Executive Committee for further review.

B. Judge Lisa Jones, 1st Appellate District, Division 2, Kentucky Court of Appeals, provided the Juvenile Justice Workgroup update. The group has divided into two subgroups: 1) the legislative subgroup and 2) the mapping priorities subgroup. The Legislative Subgroup is focused on legislative recommendations regarding juvenile competency standards and the age of criminal responsibility. The workgroup is researching other states' laws, consulting experts, and gathering additional information to inform these recommendations. The mapping subgroup is discussing

training for community-based providers to support pro-social efforts and expanding crisis stabilization units. Judge Jones provided an update on the Birch Program, which has 12 beds for high-acuity youth, assisting with placements and providing the Cabinet with a resource to help stabilize youth for long-term stability.

C. Steve Shannon, Executive Director of KARP, Inc., was not able to attend. Judge Tackett presented on behalf of the Prearrest and Diversion Workgroup. Currently, the workgroup is finalizing a jail survey and focusing on the role of police social workers. The group also heard a presentation from Jailer Hensley on Boyd County's Reentry Program. Additionally, the workgroup is working on a white paper regarding police social workers.

D. Erica Hargis, Director of the Division of Probation and Parole at the Department of Corrections, provided the Reentry Workgroup update. The group also heard from Jailer Hensley about Boyd County's reentry efforts and hopes to replicate the program in other areas of Kentucky. The workgroup discussed gaps within in the jails, and they aim to have deliverables prepared for the next meeting.

II. Civil and Family Justice Committee

Judge J. Foster Cotthoff, 3rd Judicial District, provided the Civil and Family Justice Committee update via Zoom. He expressed his excitement about the launch of Christian County's Mental Health Court, which he will be leading. Judge Cotthoff also conveyed his appreciation for the commission's presentation at the ROSC Summit and extended his thanks to Chris Griffith for serving as Vice Chair.

A. Judge Marcus Vanover, 28th Judicial Circuit, reported on the Dependency and Neglect Workgroup. The workgroup continues its efforts within subgroups, focusing on enhancing collaboration with community partners and developing training programs. The goal is to expand system partnerships through these efforts. Additionally, they are working on trainings related to Medications for Opioid Use Disorder, Adverse Childhood Experiences, and resilience. The workgroup is also addressing the needs of high-acuity youth with intellectual and developmental disabilities. As the trainings progress, they aim to establish ongoing partnerships. The group is still finalizing a bench card, with the goal of presenting a completed version at the Judicial Circuit College by the end of October. They are also working on developing resource guidelines. Another subgroup is focused on training for new court-appointed counsel and is collaborating with AOC's legal department to disseminate this training.

B. Judge Denise Brown, 30th Judicial Circuit, was not able to attend. Judge Cotthoff referred to the Domestic Violence Workgroup's report summary, which was included in the meeting materials.

C. Stacy Tapke, Kenton County Attorney, provided the reports for the Guardianship and Commitment Workgroups. The Guardianship Workgroup conducted a comprehensive review of KRS 387 and agreed that the term "ward" is outdated, suggesting it could be replaced with "person under guardianship". The group is also reviewing a draft form regarding restoration of rights. The Commitment Workgroup is focused on improving KRS 202A processes and mapping these processes throughout Kentucky. The group is working diligently to enhance educational materials from both the family and court perspectives on 202A processes.

III. Treatment and Access Committee

Judge Kevin Mullins, 47th Judicial District, provided the Treatment and Access Committee update. He reminded the group that since the last commission meeting, there has been a strong focus on promoting SB 90. In June, some commission members testified about the progress of SB 90 at the invitation of Representative Moser, before the Judiciary Committee. Judge Mullins also provided an update on the expungement clinic held in his courtroom, extending his thanks to the Hazard Public Defender's Office for their support. Additionally, he mentioned that the Treatment and Access Committee recently heard a presentation on the EmPATH program.

A. The Intellectual and Developmental Disabilities Workgroup update was provided by Crystal Adams, Director of the Division of Developmental and Intellectual Disabilities, Cabinet for Health and Family Services. This quarter, the workgroup discussed the Autism in the Courts initiative and met with the Autism Justice Center to learn about their work in Pennsylvania. They plan to continue this collaboration. The group is also preparing legislative recommendations for the 2025 session, focusing on parental rights for individuals with disabilities. They explored data systems and self-identification models to improve communication access across Kentucky and will continue to explore the potential legal implications on this. Additionally, the Department of Transportation presented on the regulatory process for drivers with disabilities, and the workgroup plans follow-up discussions on this topic in future meetings.

B. Judge Stephanie Burke, 30th Judicial District, presented the Court Responses Workgroup update. The workgroup is continuing to review legislative recommendations related to KRS 202A and hospitalized minors. They heard from Tara Brewer about Assisted Outpatient Treatment (AOT) programs and their outcomes. The group plans to continue exploring mental health courts and AOT programming throughout the state. Recently, the group has been exploring advocacy efforts supportive of diversion, including the Mental Health Diversion Initiative, and received an update on the expansion of mental health courts and behavioral health positions in Kentucky. These updates will inform future meeting discussions on supporting court-led diversion for individuals with behavioral health needs. In future

meetings, the group anticipates exploring barriers to seeking petitions for Casey's Law.

C. Wes Butler, Attorney for the Kentucky Hospital Association, provided updates on the Strengthening Community Response Workgroup. In recent meetings, the workgroup heard presentations from the Department for Medicaid Services on peer support billing services and jail service billing models. The workgroup gained insights into school-based and jail-based Medicaid services. They are also focused on ensuring that individuals receive substance use disorder and mental health assessments while incarcerated to prevent lapses upon release. The workgroup anticipates continuing these discussions in upcoming meetings.

Closing Remarks

Justice Lambert thanked the commission members for their time and continued support.

The next Commission meeting will be December 5th at the Administrative Office of the Courts.

Contact information: JCMH@kycourts.net.

Webpage: [Kentucky Judicial Commission on Mental Health – Kentucky Court of Justice \(kycourts.gov\)](http://KentuckyJudicialCommissiononMentalHealth-KentuckyCourtofJustice.kycourts.gov)

The commission adjourned at 3:00 PM ET.

Additional Information

Noncommission Members and Public in attendance:

Name	Organization
Dr. David Susman (Zoom)	Kentucky Department for Behavioral Health, Developmental & Intellectual Disabilities
Bryanna Carroll (Zoom)	Kentucky League of Cities
Doug Lewis (Zoom)	Finance & Administration Cabinet
Angela Sparrow, Presenter	Department for Medicaid Services

KJCMH Support Staff in attendance:

Name	Department
Hon. Katie Shepherd	Kentucky Supreme Court
Hon. Alex Clay	Kentucky Supreme Court
Jacindia Rowe	Kentucky Supreme Court
Angela Darcy	Pretrial
Melana Gross	Pretrial
Shawna Mitchell	Judicial Commission on Mental Health
Hon. Maria Macaluso	Judicial Commission on Mental Health
Hon. Nathan Goins	Family and Juvenile Services
Jason Dufek	Pretrial
Debbie Hall	Specialty Courts

Jennifer Van Ort-Hazard	Judicial Commission on Mental Health
Rebecca Hisel	Judicial Commission on Mental Health
Elizabeth Nichols	Specialty Courts
Audrey Collins	Specialty Courts
Ashley Clark	Family and Juvenile Services
Eboni Thompson	Family and Juvenile Services
Nadalie Hardwick	Family and Juvenile Services
Tina Morrow	Office of Statewide Programs
Ian Shepherd	Office of Statewide Programs