

KENTUCKY JUDICIAL COMMISSION ON
MENTAL HEALTH



Kentucky Judicial Commission on Mental Health Meeting Minutes	
Meeting Date, Time	March 14, 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. Denise Brown	Family Court Judge
Stacy Bruner	Circuit Court Clerk Association
Hon. Stephanie Burke	District Judge
Hon. Chris Cohron (Zoom)	Circuit Judge
Hon. Katie Comstock	Director, Administrative Office of the Courts
Hon. J. Foster Cotthoff	District Judge
Jim Daley (Zoom)	Kentucky Jailers Association
Lesa Dennis	Commissioner, Department of Community Based Services
Jim Flynn (Zoom)	Director, Kentucky Superintendents Association
Becky Frost (Zoom)	Western State Hospital
Nan Hanley	Associate Director, Access to Justice
Erica Hargis	Division of Probation and Parole
Hon. Glenda Harrison	Access to Justice
Hon. Yvette Hourigan	Kentucky Lawyer Assistance Program, Kentucky Bar Association
Van Ingram	Executive Director of Kentucky Office of Drug Control Policy
Dr. Lindsey Jasinski	Eastern State Hospital, University of Kentucky
Sarah Johnson	Department of Corrections
Hon. Lisa Jones	Circuit Judge
Hon. Debra Hembree Lambert	Kentucky Supreme Court
Lisa Lee	Department of Medicaid Services

Rabbi Shlomo Litvin	Chabad of the Bluegrass
David Livingston	President, Kentucky Association of Counties
Dr. Katie Marks	Department of Behavioral Health, Developmental and Intellectual Disabilities
Hon. Kevin Mullins	District Judge
Hon. Melissa Murphy (Zoom)	District Court Judge
Hon. Rebecca Phillips	Circuit Judge
Hon. Damon Preston	Department of Public Advocacy
Koleen Slusher	Kentucky Correctional Psychiatric Center
Shain Stephens (Zoom)	Harrison County Sherriff, Kentucky Sheriffs' Association
Diane Thompson	Nelson County Circuit Court Clerk
Hon. John Lindsay Tackett	District Judge
Hon. Stacy Tapke (Zoom)	Past President of the County Attorney's Association
Hon. Larry Thompson	Kentucky Court of Appeals
Hon. Marcus Vanover	Family Court
Tom Vicini (Zoom)	Executive Director, UNITE
Dr. Marc Woods	Eastern State Hospital, University of Kentucky
Hon. John Minton	Retired Chief Justice, Supreme Court of Kentucky
Courtney Maynard (Zoom)	Delegate - Tom Vicini
Silas Session	Delegate - Whitney P. Allen, Jr.
David Trimble (Zoom)	Delegate – Phillip Burnette, Jr.
Hon. Mona Womack	Delegate – Keith Jackson
Hon. Wil Schroder	Delegate - Russell Coleman

Agenda

- I. Registration and Lunch**
- II. Welcome and Commission Updates**
- III. Committee and Workgroup Updates**
- IV. Agency Roundtable Updates**
- V. Closing Remarks**
- VI. Adjourn**

Welcome and Commission Updates

The Kentucky Judicial Commission on Mental Health (KJCMH) convened at 12:00 PM EST on March 14, 2024, at the Administrative Office of the Courts (AOC), Frankfort, Kentucky, in person and on Zoom. Welcome was offered by Chief Judge Larry Thompson, Kentucky Court of Appeals. Additionally, Deputy Chief Justice Debra Hembree Lambert, Kentucky Supreme Court, welcomed everyone via Zoom. Chief Judge Thompson thanked the commission members for being present and noted the time commitment demonstrated. Attention was

drawn to the new appointed members to the KJCMH. Additionally, Rebecca Hisel and Maria Macaluso were recognized as new KJCMH staff members.

Chief Judge Thompson provided an update on House Bill 385, also known as Seth's Law. Chief Judge Thompson noted that House Bill 385 is the KJCMH's first legislative package, and it passed unanimously on the house floor on February 21st, 2024. It is now assigned to the Senate Judiciary Committee, and he anticipates seeing it on the agenda soon.

In addition, Chief Judge Thompson explained the three main issues addressed in House Bill 385. First, House Bill 385 adds "adult friend" language to KRS 311.631, which allows an individual with little to no family to have a trusted friend make medical decisions on their behalf. Second, it amends sections of KRS 504 to allow a defendant to be evaluated on an outpatient basis, if competency to stand trial is at issue. Lastly, Chief Judge Thompson acknowledged how House Bill 385 is named in honor of the KJCMH's previous staff attorney, Seth Stevens. Chief Judge Thompson concluded the legislative update by extending thanks to Representative Kimberly Moser, who sponsored House Bill 385; AOC Director, Katie Comstock; Stacy Tapke; Koleen Slusher; Wes Butler and everyone else who worked on House Bill 385.

Chief Judge Thompson provided updates regarding the KJCMH's upcoming events. The KJCMH anticipates having another Mental Health Summit in 2025. Chief Judge Thompson encouraged those interested in assisting with the planning process to contact Shawna Mitchell. Additionally, Chief Judge Thompson requested input related to alternative funding options for the summit. Chief Judge Thompson provided an update on the townhall meetings. The KJCMH anticipates releasing the information and updates regarding the townhall meetings by the next quarterly meeting. Thanks was given to Secretary Frielander, Commissioner Marks, and AOC's data team for converting the townhall data into an understandable format.

Committee and Workgroup Updates

I. Criminal Justice Committee

Judge John Tackett, 22nd Judicial District, shared the Criminal Justice Committee update. Judge Tackett welcomed the Reentry Workgroup as the fourth, newly added workgroup to the Criminal Justice Committee. Judge John Tackett noted the impact House Bill 385 would have on patient competency backlog. Additionally, Judge Tackett highlighted how the Pre-arrest/Diversion Workgroup conducted a site visit to Clark County's deflection program. This program is an executive branch-led and police-driven program aimed to assist individuals with mental health and substance use disorders. Judge Tackett introduced the workgroup leads to provide an update.

A. Koleen Slusher, Director, Kentucky Correctional Psychiatric Center (KCPC), provided the Competency Workgroup update. The workgroup heard from the Council for State Governments regarding screening processes and diversion opportunities from a competency perspective. The workgroup also discussed rescinding competency evaluation orders and identified challenges with rescinding competency evaluation orders. The workgroup also discussed the competency section of House Bill 385 and noted the important shift in our system as it relates to the statewide use of flexible orders and patient care. It was further explained how this would allow KCPC to open their limited number of beds to restoration patients. After this legislative session, the workgroup anticipates having a Continuing Legal Education (CLE) training. The workgroup partnered with AOC to modify existing forms related to KRS 202C. Additionally, the workgroup continues working on AOC forms related to firearms prohibition to assist those adjudicated as incompetent.

B. Judge Lisa Jones, 6th Judicial Circuit, provided the Juvenile Justice Workgroup update. The Juvenile Justice Workgroup reviewed the findings from the state Auditor's Office of the Department of Juvenile Justice and identified systemic issues and gaps in our juvenile justice system across all departments. The workgroup also reviewed the National Center for State Courts' report documenting the mapping meetings of the juvenile justice system. The draft report has been shared widely with members for feedback. The workgroup will continue exploring recommendations to identify workplan items based off the findings of the mapping report. The workgroup continues to work with the Social and Emotional Health and Well-being Standing Committee of the State Interagency Council (SIAC) to explore pro-social efforts. Additionally, the workgroup sent out a survey to Kentucky Court Designated Workers and county attorneys regarding vaping and system responses. The purpose of the survey is to make appropriate recommendations to better connect people to existing services.

C. Jim Daley, President, Kentucky Jailers Association, presented on the Prearrest and Diversion Workgroup. This workgroup has explored various topics, which include police social workers, deflection, and Crisis Intervention Teams (CIT). The workgroup discussed potential funding opportunities to get multi-jurisdictional law enforcement social workers across Kentucky. The Recovery Community Center model and Law Enforcement Assisted Programs (LEAP) in Clark County shared, with the workgroup, about how these programs increased people's connections to community service resources and deflection from incarceration. QRT National shared the opportunity to host Deflection Academies in communities across Kentucky and invited any interested communities to reach out. The workgroup continues to explore opportunities to get officers access to Crisis Intervention Team training. An overview of the curriculum content was reviewed, and focus has shifted to getting departments access instead of proposing changes to current content. The workgroup also discussed a potential survey to be administered to jails across Kentucky for the purpose of making appropriate access to care/medication recommendations.

D. The Reentry Workgroup update was provided by Erica Hargis, Director, Division of Probation and Parole, Department of Corrections. It was identified that this workgroup was needed because of the issues reported after an individual is reentering society from incarceration. The workgroup held its first meeting on March 8, 2024, via Zoom. The meeting began with membership introductions and a brief overview of the KJCMH. Upon review of membership, the workgroup identified key players that were missing from the group and invitations were sent to those individuals to join the next meeting. The next step for this workgroup is to explore the gaps and barriers related to reentry. This will be indicated on the action plan for the next workgroup meeting.

II. Civil and Family Justice Committee

Judge J. Foster Cotthoff, 3rd Judicial District, shared that the Civil and Family Justice Committee update. The Civil and Family Justice Committee last met on February 15, 2024. The three workgroups within the Civil and Family Justice Committee have formed sub-groups for best practices and processes.

A. Judge Marcus Vanover, 28th Judicial Circuit, reported on the Dependency and Neglect Workgroup. The workgroup is working on two processes: 1) Upstream planning and 2) specific priority areas. The Kentucky Statewide Upstream Mapping Workshop report was referenced and provided in the commission meeting materials. The workgroup reviewed the report and noted overlap between Upstream, juvenile justice, and the criminal Sequential Intercept Model mapping. Currently, this workgroup is working with the National Center to provide a facilitator training that will work with all three mappings. The group also discussed workgroup priority areas. The workgroup reviewed potential bench cards for licensure, assessment, and role of treatment providers. The workgroup developed a new priority area related to mental health and trauma. This workgroup is working on reviewing and revising the existing Dependency, Neglect and Abuse training curriculum to properly equip new attorneys on matters related to mental health and trauma.

B. Judge Denise Brown, 30th Judicial Circuit, presented on the Domestic Violence Workgroup. The workgroup is discussing projects related to the Violence Against Women Act, multi-disciplinary teams, bench cards for best practices when a petitioner seeks to withdraw petition, training and professional development opportunities, and teen sexting and suicide as it relates to domestic violence. Next meetings will include updates from subgroups as well as continued discussion on sexting harassment, prevention models, lethality and domestic violence history, and potential partnerships with school systems for prevention and current case requirements.

C. The Guardianship and Commitment Workgroups reports were provided by Stacy Tapke, Kenton County Attorney. Stacy Tapke provided a brief update on House Bill 385 and noted the change in processes related to guardianship. Currently, the group is working with AOC staff to get a restoration of rights form created. The workgroup has also been focused on KRS 202A procedures. Specifically, the workgroup has been exploring Medicaid waivers and understanding more about the Medicaid review process. Western State Hospital presented challenges related to medical clearance processes and discharging individuals. The workgroup will continue workplan review, including edits to AOC forms to improve clarity and an information document to educate the public about answers to frequently asked questions regarding involuntary hospitalization.

III. Treatment and Access Committee

Judge Kevin Mullins, 47th Judicial District, provided the Treatment and Access Committee update. Judge Mullins noted that access to treatment and community involvement is the cornerstone to substance use treatment. Thanks was given to key stakeholders for their involvement in Treatment and Access Committee's initiatives. Additionally, Judge Mullins shared statistics on other state's residential treatment beds for individuals with substance use disorder. It was noted that Kentucky has the highest number of residential treatment beds in the nation. Senate Bill 90 is receiving national attention, and Judge Mullins is presenting on Senate Bill 90 at the upcoming RX Summit and All Rise Conference.

A. The Intellectual and Developmental Disabilities Workgroup was covered by Crystal Adams, Director, Division of Developmental and Intellectual Disabilities, Cabinet for Health and Family Services. The workgroup met twice since the last quarterly meeting. Crystal Adams highlighted the workgroup's plans to monitor important topic areas and identify a champion to head each topic area of interest. The workgroup spent meetings discussing mass incarceration data, the Americans Disabilities Act (ADA), and the Crisis Intervention Team (CIT) curriculum. Additionally, the workgroup is exploring trainings for autism in the courts and anticipates a kick-off event to promote efforts. The workgroup plans on collaborating with other workgroups in addressing several points of interest that cross over. This specifically applies to CIT training efforts and the workgroup will formalize their recommendations to share with Prearrest/Diversion.

B. Judge Stephanie Burke, 30th Judicial District, presented on the Court Responses Workgroup. The workgroup continues to explore legislative recommendations around KRS 202A proceedings. Specifically, this workgroup looked at language used in the courtroom to decriminalize mental illness. This workgroup spent discussions outside of workgroup meetings to address legislative concerns. In response to these legislative concerns, this workgroup is reviewing tools to expand Mental Health Courts (MHC) and Assisted Outpatient Treatment (AOT) programs. The workgroup expressed the need to support pre-existing MHCs and AOT programs and to get funding updates to expand these entities. Lastly, the workgroup anticipates

creating a subgroup on KRS 202A to expand the criteria to include those with a documented history of serious mental illness and those who are in a state of “psychiatric deterioration”.

C. Judge Kevin Mullins, on behalf of Wes Butler, Attorney, Kentucky Hospital Association, provided updates on the Strengthening Community Response Workgroup. The workgroup has met twice. Judge Mullins noted how Wes Butler contributed significantly to House Bill 385 and its progress. The Strengthening Community Response Workgroup heard from Dr. Jasinski and Dr. Woods from Eastern State Hospital regarding the Emergency Psychiatric Assessment, Treatment, and Healing (EmPath) Model. Judge Mullins referenced the report made available in the materials for further updates.

After the Treatment and Access Committee update, Dr. Silas Session asked about the number of residential treatment beds for individuals with substance use disorder in Kentucky and whether substance use is more prevalent in Kentucky compared to other states. Judge Mullins confirmed that the problem is worse in Kentucky compared to other states, especially after the opioid epidemic. Judge Mullins noted that Kentucky’s response to this issue is what is important.

Agency Roundtable Updates

Chief Judge Thompson opened the floor to members to discuss agency and program activities that they wish to share with the Commission.

- I. **Commissioner Lee provided an update on Medicaid expansion projects:**
 - a. Beginning of April 1st, 2024, Commissioner Lee will be President of the National Association of Medicaid Directors.
 - b. Beginning of January 1st, 2025, Medicaid is required to have a plan in place to provide behavioral health screenings; targeted case management; and referrals to care services, at least 30 days prior to release, for children in the juvenile justice system.
 - c. Currently, received approval from Centers for Medicaid and Medicare Services to allow individuals receiving methadone treatment to also receive non-emergency medical transportation benefit.
 - d. Pending: amendment to 1115 waiver related to reentry
 - e. Pending: Multisystemic Therapy Pilot data
 - f. Pending: 2024 summer Medicaid mobile crisis intervention services
 - g. Senate Joint Resolution 72, which relates to Medicaid waiver for those with severe mental illness.

h. Looking to add a member with lived experience to the Department of Medicaid Advisory Committee

II. Commissioner Marks provided an update on Department for Behavioral Health, Development, and Intellectual Disabilities (DBHDID)

- a. Information and data related to the DBHDID annual report was shared
- b. Offered the KJCMH workgroup’s training curriculum related to behavioral health
- c. Relunched Find Help Now platform to include additional treatment services
- d. Anticipates releasing the DBHDID annual report

III. Kentucky Department of Affairs have a few upcoming events

- a. March 20th, 2024, PTSD awareness event
- b. March 21st, 2024, homelessness resource event
- c. March 28th, 2024, Governors Challenge Suicide Prevention Summit
- d. April 18th, 2024, Governors Challenge Suicide Prevention Summit
- e. April 25th, KDVA benefits claim clinic

IV. Van Ingram, Kentucky Office of Drug Control Policy, announced the Senate Bill 90 Implementation Council Meeting on April 11th, 2024, at 1:00 pm

V. Rabbi Shlomo Litvin announced Jewish Heritage Day on March 19th, 2024, at the Capitol

Closing Remarks

Judge Thompson thanked the commission members for their time and continued support. Justice Lambert noted the work of the Commission and provided her thanks for the commission members continued support. The next Commission meeting will be June 13th 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://kycourts.gov)

The commission adjourned at 3:00 PM ET.

Additional Information

Noncommission Members and Public in attendance:

Name	Organization
Caysea Cooper	Behavioral Health Group

KJCMH Support Staff in attendance:

Name	Department
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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-Hazzard	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