

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.