

September 7, 2021

President Roberts Stivers Annex Room 236	Speaker David Osborne Annex Room 332	Sen. Morgan McGarvey Annex Room 254	Rep. Joni Jenkins Annex Room 472
Sen. David Givens Annex Room 236	Rep. David Meade Annex Room 332-C	Sen. Damon Thayer Annex Room 242	Rep. Steven Rudy Annex Room 304
Sen. Reggie Thomas Annex Room 254	Sen. Julie Raque Adams Annex Room 242	Rep. Suzanne Miles Annex Room 324-B	Rep. Derrick Graham Annex Room 472
Sen. Mike Wilson Annex Room 242	Sen. Dennis Parrett Annex Room 254	Rep. Chad McCoy Annex Room 324-A	Rep. Angie Hatton Annex Room 472

Dear Members of Senate and House Leadership:

The undersigned organizations are writing today to urge the Kentucky General Assembly in a special session to take the necessary steps to protect the health of Kentuckians, our workforce, and our children's education.

At a time when COVID-19 is raging through our Commonwealth at record-breaking levels, the Kentucky Supreme Court's recent [decision](#) to vacate an injunction that suspended the effectiveness of legislation that limits Governor Beshear's executive authority to respond to the pandemic has created an opportunity for legislators to step forward and take action.

Now that the Supreme Court has clarified legislative authority via [HB1](#), [SB1](#), [SB2](#) and [HJR77](#), urgent legislative action is needed to address the significant sources of federal funding and additional food assistance for children and families. These new laws could potentially eliminate flexibilities to increase our healthcare capacity and other measures to protect and educate students, to support workers and to protect our long-term care and incarcerated residents. Now that these laws are enacted, we recommend that the General Assembly take the following actions during the upcoming special legislative session to respond to the ongoing pandemic so that we can keep Kentuckians safe, learning and thriving, and our economy going strong:

- **Adhere to the Centers for Disease Control & Prevention (CDC) and the Kentucky Department for Public Health (DPH) COVID-19 safety recommendations in order to protect Kentucky's working families.**
 - Allocate resources for additional promotion of vaccinations.
 - Offer guaranteed paid time off and other benefits for workers to get the COVID-19 vaccine themselves and to take their children to vaccination appointments, as soon as they are eligible.
 - Empower local governments to make their own decisions regarding social distancing, capacity restrictions, and masking for businesses and public transportation, except in [red \(high incidence rate\)](#) counties, create and establish a set of requirements that will automatically apply when counties are red.
 - Allow state and local public employees to continue working remotely unless the responsibilities of their job require in-person work.
 - Allow state and local public employees to provide virtual and telephonic services to the public when possible in order to minimize in-person interactions.
 - Require businesses, schools, local governments, and nonprofits to adhere to the "least restrictive" federal or state public health guidelines at a minimum.
- **Protect Kentucky's children along with their families, their teachers, and the community agencies that care for them.**
 - Provide greater flexibility to local school boards to be able to use non-traditional instruction (NTI) days during the public health emergency.
 - Require universal masking for schools in red (high incidence rate) counties to protect children along with the workers and families accompanying or supervising them.
 - Incentivize public schools to opt-in to free testing and use of the [state testing portal](#) to guarantee school districts have the capacity to identify, track, and mitigate the spread of COVID-19 to keep students, faculty, and staff in school.
 - To ensure accurate and actionable data, require local health departments, healthcare facilities, long-term care facilities, correctional facilities, county jails, and others who may fall within reporting requirements to prevent community spread of infectious diseases to maintain current reporting requirements to DPH related to the spread of COVID-19.
 - Give the Cabinet for Health & Family Services (CHFS) the ability to protect children and families against the spread of COVID-19 by implementing masking, social distancing, and/or other risk mitigation protocols during visitations with family members, noncustodial parents, and fictive kin.
 - Prioritize funding for schools to have school-based mental health professionals and school nurses at every school statewide.

- **Protect people who are incarcerated in Kentucky and the staff who work in jails, prisons, and juvenile facilities, along with their families and communities.**
 - Require universal masking and regular testing for all incarcerated people housed in county jails and prisons, children housed in juvenile facilities, and all staff who work in those facilities located in red counties, and provide resources through ARPA monies to allow this to happen without imposing additional burdens on county governments. This is especially important because incarcerated people and children who are committed to live in a facility do not have the freedom to take measures to protect themselves.
 - Allocate resources to encourage incarcerated people and staff who work in county jails, prisons, and juvenile facilities to get vaccinated, and to provide vaccinations at those facilities.
 - Take action to alleviate severe overcrowding in many of the county jails by releasing people awaiting trial that can legally be released so that there is room to separate people housed in the jails with different COVID statuses and to provide social distancing. Based on the August 26th jail population report, there were 11 county jails at over 150% of capacity and a total of 42 county facilities that were over 100% of capacity – a situation that clearly does not allow for any distancing measures to be implemented.

- **Keep state emergency orders in place while the pandemic continues in order to protect food assistance like the Pandemic EBT program (P-EBT) and the SNAP Emergency Allotments for thousands of Kentucky’s children and families.** Seventy-five percent of Kentucky’s students rely on school meals for their daily nutrition, feeding more than 7 in 10 Kentucky kids at risk of hunger during the pandemic. P-EBT alone has fed over 650,000 children total during the pandemic, equating to \$1.13 billion to support our local economies/local grocers.
 - Continue to accept federal funds for P-EBT as a replacement for school meals when children are unable to be in the classroom or childcare centers.
 - Allow CHFS to continue requesting SNAP Emergency Allotments, which provides more funding for food to 500,000 low-wage workers and Kentucky families from month to month.
 - Put in place the administrative authority for the executive branch to distribute these relief funds to Kentuckians to eliminate any further delay of these benefits.

- **Protect Kentucky’s overwhelmed healthcare systems from shutting down to ensure all Kentuckians get the care they need when they need it.**
 - Allow CHFS to flexibly apply safety protocols to Kentucky’s long-term care, healthcare and correctional facilities related to visitation of residents.
 - Reinstate emergency authorizations for all healthcare professional licensure boards to allow out-of-state professionals to practice in Kentucky and temporarily remove barriers to licensure and practice for much-needed Kentucky healthcare providers.
 - Keep state of emergency orders in place so that FEMA relief money can be utilized and clinician orders, insurance barriers and established clinical relationships requirements can be minimized to support community-based COVID-19 testing and vaccination sites.
 - Maintain all prescribing, telehealth, and home health flexibilities, allowing providers to waive certain state and federal requirements until the current public health emergency subsides.
 - With the increased call volume to emergency hotlines and crisis call centers, prioritize additional funding for Community Mental Health Centers (CMHC) and other areas where staff shortages are creating operational challenges.

- **Protect Kentuckians from eviction, utility cut-offs, and price gouging during current and future pandemics in order to save lives, promote economic security, and prevent unnecessary homelessness.**
 - Prohibit utilities from ending payment plans already in place, reinstating late fees and/or disconnecting services to Kentuckians in the middle of winter.
 - Require landlords to include information about available assistance with notices of non-payment or eviction.
 - Require Court Clerks to provide Healthy at Home funds information.
 - Keep price-gouging orders in place to protect all consumers from corporate greed in the form of price-gouging on gasoline, fuel, prescriptions, food, and other goods.

- **Protect Kentucky’s economic recovery from current and future surges of COVID-19 by supporting struggling employers and workers.**
 - Do not penalize struggling Kentucky businesses who are behind on unpaid unemployment employer contributions. Continue to suspend these interest rate applications and other penalties.
 - Extend Pandemic Unemployment Assistance (PUA) for small business owners, contractors, and gig workers who live in work counties with high infection rates of COVID-19.
 - Expand the ability of the Labor Cabinet to waive UI overpayments for the duration of the public health emergency.
 - Continue to waive the waiting week.
 - Consider the following reason to qualify as “good cause” for unemployment benefits: infection with COVID-19, quarantine for exposure to COVID-19 or caring for a family member with COVID-19. The cost of those benefits should be charged to the pooled account, rather than an employer’s account.
 - Ensure that the over 1,568 self-insured employers in Kentucky are held harmless for pandemic-related unemployment insurance claims not covered by federal relief, just as relief has been ensured for employers participating in the state unemployment insurance trust fund.

We appreciate the enormity of the task before you and hope that these recommendations are of help. We are happy to provide further information regarding the recommendations or other resources and stand ready to be of assistance to you all in any way that we can. Please contact Dr. Sheila Schuster (502.836.4222, kyadvocacy@gmail.com) or Kelly Taulbee (502.545.0688, kelly@kyvoicesforhealth.org) with any questions.

We know that you will step forward to take actions that protect the health and wellbeing of all Kentuckians, while supporting our economic recovery and educational institutions in these difficult times.

Sincerely,

Cc:
Governor Andy Beshear
All Members of the Kentucky General Assembly





Additional signatories include:

- Aaron K. Jonan Memorial Clinic – Jackson, KY**
- Asthma & Allergy Center – Pikeville-Hazard-Whitesburg**
- Black Lives Matter Louisville**
- Kennedy Individualized Community Services**
- Kentucky State Building & Construction Trades AFL-CIO**
- League of Women Voters Louisville Housing Committee**
- Maryhurst**
- Participation Station**
- Pediatric Associates of Hazard**
- Pediatric Associates of Pikeville**
- Red River Health Care – Stanton, KY**
- Salyersville Medical Center**
- Smart Justice Advocates**
- The Pediatrics Behavioral and Mental Health Alliance of Kentucky**

**Additional individuals have co-signed with the above organizations, representing parents, grandparents, teachers, and concerned citizens from across the state.*