

Child Fatality and Near Fatality External Review Panel
Virtual Meeting

Tuesday, February 20, 2024

MINUTES

Members Present: Lori Aldridge, Co-Chair, Tri County CASA; Commissioner Lesa Dennis, Department for Community Based Services; Dr. Christina Howard, Child Abuse Pediatrician, University of Kentucky; Dr. William Ralston, Chief Office of the Medical Examiner; Dr. Elizabeth Salt, Citizen Foster Care Review Board; Heather McCarty; Family Resource and Youth Service Center; Hon. Olivia McCollum, Boone County Assistant Attorney; Steve Shannon, KARP, Inc.; Sen. Danny Carroll, State Senator; Dr. Henrietta Bada, Department for Public Health; Judge Libby Messer, Fayette Family Court; Detective Jason Merlo, Kentucky State Police; Janna Estep Jordan, Director of Operations, Prevent Child Abuse Kentucky; Dr. William Lohr, Medical Director, Cabinet for Health and Family Services; Janice Bright, State Child Fatality Review Team; and Dr. Danielle Anderson, Supportive Mental Health and Addiction Recovery Treatment.

Welcome and Introductions

Lori Aldridge, Co-Chair

Lori welcomed everyone to meeting and advised them she will be starting the meeting in Judge Murphy's absence. Judge Murphy will hopefully be joining us later. With no introductions, if everyone has had an opportunity to review the minutes and case review summaries from the January meeting, we will entertain a motion to approve. Steve Shannon made a motion to approve, which was seconded by Commissioner Lesa Dennis. With no objections, the January Minutes and Case Review Summaries are approved.

Case Reviews:

The following cases were reviewed by the Panel. A case summary of findings and recommendations are attached and made a part of these minutes.

<u>Group</u>	<u>Case #</u>	<u>Analyst</u>
4	NF-016-23-C	Joel Griffith
3	NF-009-23-C	Joel Griffith
2	NF-025-23-C	Joel Griffith
1	F-042-23-C	Joel Griffith
1	NF-072-23-C	Cindy Curtsinger
2	NF-082-23-C	Cindy Curtsinger
3	NF-083-23-C	Cindy Curtsinger
4	NF-032-23-C	Cindy Curtsinger
4	F-015-23-C	Joel Griffith
3	NF-019-23-NC	Joel Griffith

2	F-029-23-C	Cindy Curtsinger
1	NF-036-23-C	Cindy Curtsinger
1	NF-011-23-NC	Joel Griffith
2	F-008-23-NC	Joel Griffith
3	NF-134-23-C	Cindy Curtsinger
4	NF-029-23-C	Cindy Curtsinger

Additional Discussion:

Dr. Anderson: How will KY DCBS approach the marijuana use as it becomes a prescribed substance. The concern is marijuana is increasingly being laced with fentanyl. It would be impossible for DCBS to investigate every single report of an adult using cannabis in a child caring role. What occurs when there are repeated reports of children being exposed. That information would be helpful for providers to understand and how to report.

Commissioner Dennis: As medical cannabis becomes more available in Kentucky, just like any other prescribed medication, parents should be able to provide proof. DCBS will have to assess for that like we do any other medication use in the home. We will look to see if it is being used as prescribed or abused, just like any other medication.

Dr. Anderson: I think my next question, would a report of a siblings near fatal ingestion be considered in a new referral regarding another child?

Commissioner Dennis: Yes, it would, and it would increase the risk and level of concern.

Joel: We've talked about this before, there's probably a judicial education piece as well. We've seen jurisdictions say we only want to know if mom or dad test positive for substances other than marijuana. Marijuana has its own set of concerns regarding parenting capacity.

Judge Messer: This is an issue that has been coming up a lot for us. I think you will find across the state specific judges have their own thoughts on this issue. However, I would say the overwhelming majority of judges are of the opinion, just like any other intoxicating medication, there would need to be a showing that any indication, even if it's used as prescribed, was impairing their ability to appropriately care. Then you might have a dependent child. Or if there is any indication that their use or abuse is leading to neglectful or abusive parenting then it meets the statute, whether its prescribed or not. The use of prescribed marijuana is no different than all the other prescribed medication we've been dealing with for many years.

Dr. Anderson: I would say unlike some of the other substances prescribed, there are specific signs and symptoms, and objective ways to measure toxicity levels. With THC, there's no test that can say we can document at what level you are intoxicated or how much THC you might have in your system and what level of functioning you have. That doesn't exist and I think that's where we are going to run into problems. There's very little objective evidence in these cases.

Judge Messer: We get no objective evidence on any prescribed medication. I've asked repeatedly for someone to tell me the prescribed appropriate level of suboxone that should show in your system if it's

within a therapeutic range or not. I get no answer to that. The conversations we've been having as judges, is this is another prescribed intoxicating medication.

Dr. Anderson: I just fear in the coming years, there will be a lot of issues. We will just have to continue to review those concerns as they appear.

Next meeting Tuesday, March 19, 2024.

Meeting adjourned.