



KENTUCKY

General News



March 2015

People Before Politics: Landmark Heroin and Domestic Violence Laws Passed in Final Hours of the General Session



As time was running out on the 2015 legislative session, elected officials of the General Assembly put aside politics and put the health and safety of the citizens of the Commonwealth in the forefront. House Bill 192, legislation dealing with initiatives to fight the rise of heroin in Kentucky, was passed 100-0 in the House and 34-4 in the Senate. This law will save lives, and I thank the families who would not let this legislation die and pushed legislators to reach a compromise.

“Passage of this bill has been my top priority this legislative session. I am heartened to know that members of the Kentucky General Assembly put politics aside, did their jobs, and passed meaningful heroin legislation in the waning hours of the 2015 General Assembly. The bill includes provisions that are important to law enforcement and me - increasing penalties for large volume traffickers, expanding access to treatment, and getting heroin overdose reversal kits into the hands of our first responders. I know this legislation will save lives, and I’m proud of leaders on both sides of the aisle for putting people over politics in trying to address the resurgence of heroin in Kentucky,” said Attorney General Jack Conway.

The comprehensive heroin legislation is now law. This legislation provides new tools for prosecutors and police while expanding access to treatment. The legislation increases penalties for traffickers, makes Narcan available to first responders and provides them civil immunity, provides a Good Samaritan defense to those who call to report a heroin overdose and allocates an additional \$10 million to treatment.

Life-Saving Heroin Overdose Kits Distributed to Kentucky Hospitals



First Lady Jane Beshear and I were proud to deliver on a promise to help all Kentuckians, regardless of socio-economic and insurance obstacles, obtain life-saving Narcan kits where they are needed most. In January, I joined Governor Steve Beshear and First Lady Jane Beshear in announcing the purchase of heroin overdose reversal kits for Kentucky hospitals with the highest rates of heroin overdoses. We're using \$32 million in funds my office recovered in settlements with two pharmaceutical companies to buy approximately 2,000 naloxone rescue kits for the University of Louisville Hospital, University of Kentucky HealthCare hospitals, and the St. Elizabeth Hospital system in Northern Kentucky.

First Lady Jane Beshear, and I announced on March 24 at the University of Louisville Hospital and March 26 at the University of Kentucky Hospital that overdose patients will receive a kit free of charge, when they leave the hospital, so they or a loved one can prevent another overdose event and possibly save a life.

"This project will allow us to get this medicine into the hands and homes of the people who need it most – heroin users and their families," Attorney General Conway said. "Heroin and opiate abuse is killing Kentuckians, and these kits will save lives and provide a second chance for people to seek treatment for their addictions.

"We continue to treat a growing number of patients for heroin overdoses, and these kits will provide us another tool to help save lives," said Ken Marshall, president of UofL Hospital. "We are grateful to First Lady Beshear, Attorney General Conway, and SATAC for this program that supports our mission to bring wellness, healing and hope to all Kentuckians."

"Unfortunately we see the tragic circumstances and consequences of heroin and opiate abuse on an almost daily basis in our emergency departments," said Dr. Roger Humphries, chair of Emergency Medicine at UK HealthCare. "To give patients and family members the ability to rapidly administer a safe and potentially life-saving treatment will make a significant difference for some of our patients, and it will save lives."

The Substance Abuse Treatment Advisory Committee (SATAC), was created by Gov. Steve Beshear and is chair by Attorney General Conway. SATAC administers the settlement funds pursuant to the court orders. SATAC is providing \$105,000 to purchase the approximately 2,000 naloxone rescue kits. The kits will be provided free of charge to every treated and discharged overdose victim at the pilot project hospitals.

Naloxone, which is also known as Narcan, has no potential for abuse and immediately reverses the effects of a heroin overdose by physiologically blocking the effects of opiates. Right now, it is not covered by Medicaid or many private insurance companies, which means even if users currently receive a prescription they likely never fill it because they cannot afford it. Naloxone is available in injectable or nasal mist forms. The nasal mist form must still be approved by the Food and Drug Administration (FDA). When it is approved, health experts believe most insurance companies and Medicaid will begin to cover it.

"Narcan kits are critical, lifesaving tools that can help put people on the road to recovery," said Mrs. Beshear. "As Kentuckians expand access to mental health treatment, including addiction recovery, it's more important than ever to have community access to tools like Narcan. Often, an overdose experience is what finally drives people suffering from addiction to seek help."



In 2013, 230 Kentuckians died from heroin overdoses. The final numbers for 2014 are not currently available, but officials do expect an increase in the number of heroin overdose fatalities. To learn more about SATAC and its effort to expand drug treatment across Kentucky, visit KyKidsRecovery.ky.gov.

Dating Violence Bill

The passage of the Dating Violence Bill was a major accomplishment this legislative session. I have championed legislation that would extend domestic violence protections to women and men in dating relationships. In fact, Kentucky was one of the only states not to extend those protections to non-married couples. That ended last week with the passage of this bill. Kentucky is a better state for now having this measure in place - people are safer, and hopefully this legislation will save lives and help end the cycle of domestic violence.

Victims' Assistance Conference – Fighting for Victims One Case at a Time



I would like to commend the men and women that fight tirelessly to protect and heal victims of crime. Last month in Louisville, the Office of Victims Advocacy hosted more than 200 victim service providers, advocates, social workers, prosecutors and law enforcement from across Kentucky at the Victims' Assistance Conference. The conference, titled "Engaging Communities – Empowering Victims", had a special focus on child abuse, sexual assault and domestic violence. This training helps victim advocates across the state coordinate services with other community agencies in the hope of stopping the cycle of violence.

"I want Kentuckians to know that my investigators, prosecutors and victims' advocates work every day to make our communities safer and to ensure justice and healing for victims of crime," said Attorney General Conway.

Last year, Attorney General Conway's Office of Victims Advocacy provided resource referrals to more than 7,000 victims, victim advocates, and victim service providers. The office also trained more than 800 victim advocates, prosecutors, and law enforcement through various initiatives.

The Office of the Attorney General provided funding for the Victims Assistants Conference in order for participants to attend free of charge. Additional funding for the conference was provided by the Mary Byron Project, the Child Sexual Abuse and Exploitation Prevention Board and a Children's Justice Act Grant, administer by the Cabinet for Health and Family Services, Department for Community Based Services.

The Office of Victims Advocacy also administers and monitors the Child Sexual Abuse and Exploitation Prevention Board, which funds child sexual abuse prevention programs and oversees the tax check-off and license plate projects for the Child Victims' Trust Fund.

Former Falmouth Police Chief Indicted and Arrested on 73 Criminal Counts



Former Police Chief, Mark Lane Posey, was arrested and indicted on 72 felony counts and one misdemeanor count. According to the indictment, from March 2008 to December 2014, Posey is alleged to have taken more than \$10,000 in funds from a drug task force account. Posey allegedly solicited donations from local businesses for drug cases and deposited the funds into one account. Posey would allegedly write checks out of that account for cash and keep the funds for personal use. Posey is alleged to have forged the signature of a co-signor to the account. Also, Posey allegedly purchased a gun with Falmouth Police department funds approved by city council and then sold the gun to a friend for a higher amount.

On Tuesday March 24, a Franklin County grand jury returned an indictment charging Posey with Abuse of Public Trust Over \$10,000, a Class C Felony, Theft by Unlawful Taking – Firearm, a Class D Felony, Criminal Possession of a Forged Instrument Second Degree (70

COUNTS), Class D Felonies and Theft by Deception Under \$500, a Class A Misdemeanor. If convicted, Posey faces a maximum sentence of 20 years in prison. His arraignment is scheduled for Friday April 10th at 9 a.m. in Franklin Circuit Court. My Office of Special Prosecutions is handling the prosecution of this case.

The Office of the Attorney General's Department of Criminal Investigations (DCI) investigated this case and the OAG Division of Special Prosecutors will be prosecuting the case.

"My investigators moved swiftly to investigate these allegations of theft and abuse," Attorney General Conway said. "As always, I encourage anyone who suspects such illegal activity on the part of an elected or appointed official to contact the DCI toll-free hotline at **866-524-3672** or email information to DCIFORCE@ag.ky.gov."

Lexington Man Arrested in Sexual Predator Sting

A Lexington resident, Sherwin D. Collins, also known as "Rick," was arrested by the Frankfort Police Department on March 19 for allegedly attempting to engage in sexual activity with an underage girl. Collins allegedly traveled to Frankfort to engage in illegal sexual acts with an 11-year-old girl. Investigators allege that Collins traveled to Frankfort after making arrangements with the young girl's mother to meet her and her daughter for the purposes of engaging in sexual contact with the child. Collins also allegedly sent inappropriate pictures of himself, divulging his identity. Collins was arrested in Frankfort and a search warrant was executed at his Lexington home.



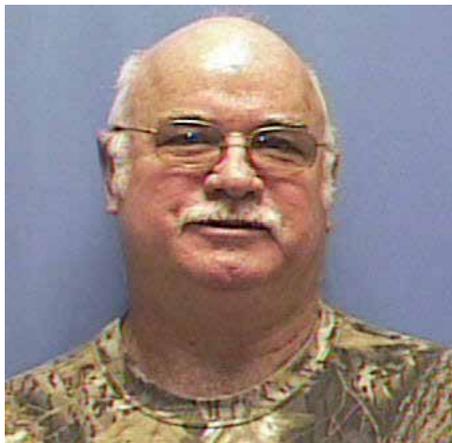
Attorney General Conway's Cyber Crimes Unit investigated this case. The case will be prosecuted in Franklin County.

Collins has been charged with one count of unlawful use of electronic means originating or received within the Commonwealth to induce a minor to engage in a sexual or other prohibited activities. The crime is a Class D felony and is punishable by up to five years in prison.

Since its creation in June 2008, Attorney General Conway's Cybercrimes Unit has launched 452 child pornography investigations and seized nearly 700,000 child pornographic images and videos from the Internet. The unit is also a member of the U.S. Dept. of Justice's Internet Crimes Against Children Task Force.

For additional information on General Conway's efforts to protect Kentuckians from Internet predators, visit the Office of the Attorney General's "Cybersafety in Kentucky" page at ag.ky.gov/cybersafety. To report cyber abuse, call the CyberTipline at **1-800-843-5678**.

Guilty Pleas in Sex Abuse Cases



Robert Morris, age 69, pled guilty on March 12 in Breathitt Circuit Court to six counts of First Degree Sexual Abuse against two victims. Three of the counts are Class C felonies, involving a child under the age of 12, and three counts are Class D felonies involving a child under the age of 16. Morris was tried on the charges in January, and a Breathitt County jury failed to reach a verdict.

Morris also entered a plea of guilty on February 26 in the Pulaski Circuit Court to one count of Second Degree Rape, and one count of First Degree Sexual Abuse, both Class C felonies, involving one of the minor victims involved in the Breathitt County case. Robert Morris's wife, Brenda Morris, age 62, also pled guilty in Pulaski Circuit Court to one count of Facilitation to Rape, a Class D Felony.

Sentencing for Robert Morris in Breathitt Circuit Court is set for June 5, 2015 at 10 a.m. Sentencing in Pulaski Circuit Court for Robert and Brenda Morris is set for May 15, 2015 at 10:30 a.m.

This case was prosecuted by Attorney General Conway's Special Prosecutions Division.

Phone Call Scam Targeting Seniors



Fraudulent phone calls offering complimentary Life Alert systems paid for by the state have recently been reported as a new scam targeting seniors in Kentucky. Scam artists are claiming they are affiliated with a fictitious state agency called the "Division of Aging." The callers are telling consumers that all they need to do to receive this service is to verify some personal information. Following the discovery of this scam, Attorney General Conway's Consumer Protection Division, in conjunction with the Cabinet for Health and Family Services, warned seniors of this fictitious attempt to take money over the phone and steal the identities of Kentuckians.

“Please warn your family, friends and neighbors not to fall prey to this scam targeting our seniors,” said Attorney General Conway. “The Department for Aging and Independent Living is not involved, nor would it call seniors at home to request personal information. If you or someone you know receives such a call, please hang up, and do not provide personal information over the phone to someone you did not call or do not know. I encourage seniors and their families to contact my Office Consumer Protection at 1-888-432-9257 to expose this cowardly scam.”

Consumer Tips

- ▶ Never provide personal information to unsolicited callers. The caller may use the information to either take money from your bank account or steal your identity.
- ▶ Beware of callers offering “free” items. Never engage in conversation with these callers. Hang up the phone immediately. If it sounds too good to be true, it probably is.
- ▶ Never commit to offers over the phone. Take the time to research any offer by asking friends, family or contacting the Attorney General’s Office of Consumer Protection.

If you or someone you know has been a victim of identity theft, contact law enforcement and visit 1.usa.gov/1bchVgT. For more identity theft protection tips, visit the Office of the Attorney General’s website at ag.ky.gov/idtheft.

For more information regarding services provided by the Department for Aging and Independent Living, call **502-564-6930**.

Medicaid Service Provider Pleads Guilty and is Sentenced

Hailey Smith, a resident of Madisonville, provided community living support, respite care, and attendant care services to several Medicaid recipients through the Kentucky Consumer Directed Option (CDO) program. Smith admitted to submitting false time sheets between May of 2011 and April of 2012 for services she did not perform, resulting in a loss of \$8,290 to the Kentucky Medicaid Program.

Smith pled guilty and was sentenced in Hopkins District Court on a charge of defrauding the Kentucky Medicaid Program. She agreed to a 12-month sentence, which will be diverted for a period of two years as long as she meets the terms of the plea agreement. Pursuant to the agreement, Smith was ordered to pay full restitution to the Kentucky Department of Medicaid Services. As part of the guilty plea, Smith is prohibited from working in any Kentucky CDO program.

This case was investigated by the Medicaid Fraud and Abuse Control Unit of the Kentucky Attorney General’s Office and the Cabinet for Health and Family Services’ Office of the Inspector General.

Since Attorney General Conway took office in January 2008, his Office of Medicaid Fraud and Abuse Control has recovered or been awarded more than \$260 million dollars for the state and federal Medicaid programs. These cases range from lawsuits and settlements against pharmaceutical companies to cases against individual providers.

In 2013, General Conway’s Medicaid Fraud Unit was named one of the most aggressive in the country by the nonprofit watchdog group Public Citizen. The Attorney General’s tip line for reporting allegations of Medicaid fraud is **1-877-228-7384**.

March Madness – Kentucky and Louisville Continue to Advance, Friendly Winning Wager with West Virginia AG

Attorney General Conway and West Virginia Attorney General Patrick Morrisey entered into a friendly wager over the outcome of Midwest regional Sweet Sixteen game in Cleveland.

Attorney General Conway wagered a Meacham Country Ham from Union County, where his father was born and raised. Thankfully, he be sending any ham to West Virginia. Instead, he’ll be toasting the Wildcat victory with a piece of Blinko glass from Attorney General Morrisey.

The Wildcats are on an historic roll. Here’s hoping for the continuation of a perfect season for the University of Kentucky that culminates with a ninth national title.



Today’s Woman – Robyn Bender

The Office of the Attorney General is proud that Robyn Bender, the Deputy Attorney General overseeing the civil side of the office, has been nominated by “Today’s Woman” magazine as one of the most admired women in government.

You can vote for Robyn by visiting <http://goo.gl/FKKrN1>.