

CHFS ORGANIZATIONAL STRUCTURE, OPERATIONS & ADMINISTRATION TF

Minutes of the 4th Meeting of the 2022 Interim

September 21, 2022

Call to Order and Roll Call

The 4th meeting of the CHFS Organizational Structure, Operations & Administration TF was held on Wednesday, September 21, 2022, at 3:00 PM, in Room 131 of the Capitol Annex. Representative David Meade, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Stephen Meredith, Co-Chair; Representative David Meade, Co-Chair; Senator Ralph Alvarado; Representatives Danny Bentley, Keturah Herron, and Kimberly Poore Moser.

Guests: Eric Friedlander, Secretary, Cabinet for Health and Family Services; Victoria Elridge, Commissioner, Department for Aging and Independent Living; Cabinet for Health and Family Services; Lala Williams, Deputy Commissioner, Department for Aging and Independent Living, Cabinet for Health and Family Services; Steven Veno, Commissioner, Department for Income Support, Cabinet for Health and Family Services; and Staci Cain, Deputy Commissioner, Department for Income Support, Cabinet for Health and Family Services.

LRC Staff: Samir Nasir, Eric Rodenberg, and Mariah Derringer-Lackey.

Approval of the August 17, 2022, meeting minutes

With a motion from Senator Alvarado, second from Representative Moser, the minutes from the August 17, 2022, meeting were adopted.

Kentucky Department for Aging and Independent Living

Victoria Elridge, Commissioner, Department for Aging and Independent Living (DAIL), Cabinet for Health and Family Services (CHFS); Lala Williams, Deputy Commissioner, DAIL, CHFS; and Eric Friedlander, Secretary, CHFS, provided testimony and a presentation regarding the mission, population served, federal and state funded programs, administrative oversight and support, operating budget, personnel, accomplishments, and goals of the Department for Aging and Independent Living.

In response to questions from Senator Meredith, Commissioner Elridge stated that the average guardianship caseload is now between 40 and 70 cases while the previous caseload average was between 80 and 100. The discussion included funding for additional positions and guardianship floaters staff.

In response to questions from Senator Meredith, Commissioner Elridge has data she can provide on the number of guardianship and traumatic brain injury cases with some connection to adult protective services.

In response to questions from Senator Alvarado, Commissioner Elridge explained the Office of Ombudsman process in conjunction with facilities. Senator Alvarado discussed his experiences with the ombudsman office.

In response to questions from Senator Alvarado, Commissioner Elridge explained the collaboration between the Department for Public Health and DAIL. The programs and information are geared towards 60 years of age and older. One program highlighted is called bingo-cise, a combination of bingo and exercise, funded through the Older Americans Act which has to be overseen by the state unit on aging director. Programs created through the Older Americans Act must remain together.

In response to questions from Senator Alvarado, Commissioner Elridge explained the Kentucky State Health Insurance Assistance Program (SHIP) is through the Older Americans Act. It ensures older adults have a direct line to review their prescriptions and health insurance. Secretary Friedlander spoke on the complications of Medicare's rules and the benefits offered. Commissioner Elridge proposed that DAIL SHIP staff could possibly be trained to be Kynectors within the health benefit exchange.

In response to questions from Senator Alvarado, Commissioner Elridge clarified two of the state funded programs and the connections to the waivers. Secretary Friedlander spoke about the difference in the waivers as well. He discussed about the decision of placing the waivers where the programmatic expertise is, as opposed to the fiscal expertise.

In response to questions from Senator Meredith, Commissioner Elridge spoke about the REAP (Remove, Educate, Adjust, Pace) Concussion Management Program and the representatives of the Department for Public Health.

In response to questions from Representative Moser, Commissioner Elridge spoke about the guardianship program and how gaps in coverage may reside there. She testified about how DAIL is working on expanding the knowledge of and collaboration with the managed care organizations (MCOs) and Medicare providers so there are not gaps in coverage. Secretary Friedlander added that some gaps exist because of the lack of available trained healthcare personnel and mentioned that another challenge is housing.

In response to questions and comments from Representative Moser regarding strong partnerships with other cabinets and departments, Secretary Friedlander spoke about how there are no easy answers but discussions are happening.

In response to questions from Representative Herron, Commissioner Elridge clarified information regarding the Family Caregiver Program. The federal program has an age requirement and the state program has removed the age requirement.

In response to questions from Representative Herron, Commissioner Elridge discussed how DAIL is preparing for the increased aging population and what partnerships or collaborations have been established to help with the staffing needed. Highlighted was the collaboration with the Health Occupation Students of America.

In response to questions from Representative Herron, Commissioner Elridge said the department should be able to provide a specific number of staff needed to support the aging population.

In response to questions from Senator Meredith, Commissioner Elridge clarified the senior meals program was established in the Older Americans Act. Also, the meals are delivered to the individual's home, and DAIL ensures the home is secure enough for independent living. Secretary Friedlander spoke about the creation of DAIL.

In response to questions from Representative Meade, Commissioner Elridge clarified that the federal rule states the Older Americans Act must have a state unit on aging and one person that oversees the programs.

Kentucky Department for Income Support

Steven Veno, Commissioner, Department for Income Support (DIS), CHFS; Staci Cain, Deputy Commissioner, DIS, CHFS; and Eric Friedlander, Secretary, CHFS provided a presentation and information regarding the mission of DIS, budget, statistics about the Disability Determination Services (DDS), functions of the child support enforcement (CSE), statistics about funds, local involvement, and cost effectiveness of CSE, and department reorganization.

In response to questions from Senator Alvarado, Commissioner Veno confirmed approximately 56 percent of total child support has been collected and 44 percent of cases are not current in payments. The total amount of child support arrearages in Kentucky is \$1.4 billion. Commissioner Veno explained DIS receives some cases where the non-custodial parent may be more than \$20,000 behind, and the arrearages are added into the total for the department.

In response to questions from Senator Alvarado, Commissioner Veno discussed the federal performance measures and how DIS uses the measures to navigate the political nature of the county attorneys.

In response to questions from Senator Alvarado regarding Jefferson County, Commissioner Veno testified that Jefferson County is ranked in the lower tier. He spoke to the unique challenges Jefferson County has faced such as being a large urban county and having high staff turnover. Information was given about solutions for the high staff turnover.

In response to questions from Senator Alvarado, Commissioner Veno confirmed the department does approve pay increases for staff that administer the child support enforcement program. The pay increase is not presently tied to performance. It is based on whether money in the budget and the reasonableness of the raise.

In response to questions from Senator Alvarado, Commissioner Veno confirmed that child support employees did receive raises during the recent budget.

In response to questions from Senator Alvarado, Commissioner Veno confirmed his Chief of Staff is a second cousin of the governor and he was doing the federal tax offset security before becoming chief of staff.

In response to questions from Senator Meredith, Commissioner Veno testified the leverage he had over county attorneys was budgetary.

In response to questions from Senator Meredith, Commissioner Veno stated the next step in working with Jefferson County would be to initiate meetings to hire staff, facilitate trainings, have other staff help with the workload, then work closely on a performance improvement plan.

In response to questions from Senator Meredith, Commissioner Veno confirmed the changes came as a result of both looking at an assessment of the county and the county attorneys. A few county attorneys meet monthly with the commissioner to hear from them about what issues are occurring.

In response to questions from Senator Meredith, Commissioner Veno stated if counties do not improve on the child support collections, then he is the one that accepts responsibility.

In response to questions from Senator Meredith, Commissioner Veno said if Jefferson County doesn't improve, the department may have to look at other options such as a private contractor; but, the commissioner wants to give them the opportunity to get staffed up and trained, then possibly reevaluating a year from now.

In response to a question from Senator Meredith regarding privatization, Commissioner Veno confirmed the department has looked into privatization but not for Jefferson County. The department has looked at what other states have done as well.

In response to questions from Senator Meredith, Commissioner Veno said the trigger point for looking at other options would be a lack of progress on the performance measures. For Jefferson County specifically, a year.

In response to comments from Senator Meredith, Commissioner Veno said the rankings of the counties are available online and were publicized in July. Secretary Friedlander mentioned another trigger point he has observed is the waste, fraud, and abuse angle, when county attorneys have gotten into trouble and been investigated. Those contracts typically go to another county.

In response to questions from Representative Meade, Commissioner Veno clarified the goals and thresholds with performance measures are different for each county.

In response to questions from Representative Meade, Commissioner Veno discussed what has been observed from Tennessee's partial privatization of some counties.

In response to questions from Representative Bentley, Commissioner Veno confirmed that staff in the CSE is not paid by Social Security.

In response to questions from Representative Bentley, Commissioner Veno said that Social Security has regulations and guidelines that must be followed and they follow the progress of the division. Performance within DDS is measured against other states within the region. Secretary Friedlander spoke about staff within DDS and how they work as direct contractors with social security. The DDS staff are classified as federally funded time-limited (FFTL) employees.

In response to comments from Representative Bentley, Commissioner Veno clarified that child support funding comes from the Agency for Children and Families, and funding would not decrease because of the amount in arrearages for Kentucky. The agency does provide incentive monies based off performance measures. Last year, Kentucky was paid \$7.5 million in incentive monies.

Cabinet for Health and Family Services Secretary's Office: General Administration and Program Support

Eric Friedlander, Secretary, Cabinet for Health and Family Services, provided a presentation and testimony on the General Administration and Program Support (GAPS) associated with the Secretary's office. Testimony involved information on the functions

and overviews of the offices. Discussion of the budget and funding for GAPS included a recap on the cost allocation system.

In response to questions from Representative Meade, Secretary Friedlander discussed the connection between the Office of Human Resource Management and the Personnel Cabinet. With the cabinet having about 6,000 employees, the office helps with personnel actions.

In response to questions from Representative Meade, Secretary Friedlander discussed examining the hiring process within the cabinet and how to make that as efficient as possible. He spoke on working to streamline communications between CHFS and Personnel Cabinet.

In response to questions from Representative Meade, Secretary Friedlander talked about the role the Office of Legislative and Regulatory Affairs has in implementation of laws and regulations.

In response to questions from Representative Meade, Secretary Friedlander confirmed that complaints are received in the Office of Ombudsman. The Office of Ombudsman do not see people from the public.

Representative Meade provided his concerns about the Office of the Ombudsman.

In response to questions from Senator Alvarado, Secretary Friedlander confirmed that the Office for Children with Special Healthcare Needs are not affiliated with the Secretary's office, it is independent.

Representative Meade announced the next meeting to be October 19, 2022 at 3 p.m. in Room 131 Annex.

With no further business, the meeting adjourned at 4:56 p.m.