

# **INTERIM JOINT COMMITTEE ON VETERANS, MILITARY AFFAIRS, AND PUBLIC PROTECTION**

## **Minutes of the 2nd Meeting of the 2020 Interim**

**July 29, 2020**

### **Call to Order and Roll Call**

The 2nd meeting of the Interim Joint Committee on Veterans, Military Affairs, and Public Protection was held on Wednesday, July 29, 2020, at 10:00 AM, in Room 171 of the Capitol Annex. Senator C.B. Embry Jr., Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Walker Thomas, Co-Chair; Senator C.B. Embry Jr., Co-Chair Designate; Senators Karen Berg, Denise Harper Angel, Jimmy Higdon, Stan Humphries, Dennis Parrett, Wil Schroder, Brandon Smith, Whitney Westerfield, Mike Wilson, and Max Wise; Representatives John Blanton, Myron Dossett, Chris Fugate, Al Gentry, Mark Hart, Samara Heavrin, Kathy Hinkle, Matthew Koch, Scott Lewis, C. Ed Massey, Patti Minter, Rob Rothenburger, Dean Schamore, Attica Scott, Buddy Wheatley, and Lisa Willner.

Guests: Keith Jackson, Commissioner, Kentucky Department of Veterans Affairs, Mark Bowman, Executive Director, Office of Kentucky Veterans Centers, Dean Stoops, Deputy Commissioner, Kentucky Department of Veterans Affairs

LRC Staff: Jessica Zeh, Elizabeth Hardy, and Kirsten Parker

### **Kentucky Department of Veterans Affairs**

Keith Jackson, Commissioner of Kentucky Department of Veterans Affairs (KDVA), was happy to announce that of the four state veterans' homes, none of the residents have tested positive for COVID-19. As of July 9, 2020 all state veterans' homes have finished global testing for staff and residents. Since March of this year, KDVA has had seven employees test positive for COVID-19, but two of those were found to be negative after immediate re-testing. Of the seven staff members that tested positive, five have returned to work, while one remains in quarantine, and the last one resigned before returning to work. KDVA facilities are working with local health departments and Kentucky Department for Public Health's Healthcare-Associated Infections to plan and execute a response to COVID-19. The Kentucky Health Department, the Cabinet for Health and Family Services, the Office of Inspector General, and Veterans Affairs (VA) partners have also been used as resources and support during the pandemic.

Commissioner Jackson also reported that because of protective measures, in-person visitation has been restricted greatly. Residents have been able to use iPADs, phones, and Plexiglas stations to visit with their families. KDVA is also preparing for altered visitation based on each facility and their infection rate and stabilization.

Staffing at facilities has remained relatively stable during the pandemic. Daycare was provided for children whose parent(s) worked at the nursing home facility. With the application of Senate Bill 149, which was passed during the 2020 session, KDVA is able to hire Nurse Aids and Personal Service Contracts, as well as recruit additional staff. Commissioner Jackson stated that each of the Veterans' Centers retained a 5-star rating during the pandemic, even with one facility raising its quality measures the past few weeks.

KDVA has applied for a construction grant for four storage buildings to keep Personal Protective Equipment and supplies to prevent and lessen COVID-19 and other outbreaks and emergencies. The cost is estimated to be \$1,837,620. The grant will have a 65 percent federal match and a state share of 35 percent. There would be no new net cost to the state.

Commissioner Jackson stated that all documents were no longer exchanged in-person, so they relied on photos and text messages, faxing, emails, and the U.S. Postal Service to send and receive forms. The number of VA claims presented each month decreased by two thirds of the normal amount because of the requirement to work from home and reduced staffing. This complication led to a less amount of claims they were able to file per month.

The Kentucky Department of Veterans Affairs sent out a *Direct Interments Only Order* to all state veterans cemeteries on March 20, 2020. This directive stopped committal services and the presentation of military funeral honors. Direct family members were allowed to attend the burial, but no services were carried out. On June 1, 2020 a transition plan was put in place allowing full interments, including memorial services and military funeral honors. Families of any veteran that was buried during the interment period were offered to have a military funeral honors ceremony.

Next, Commissioner Jackson talked about the CARES Act Funds. In April 2020, the federal government presented KDVA with \$2,910,955 from two Medicare distributions from the Cares Act Provider Relief Fund. Based on 2 percent of KDVA's 2018 Medicare cost report, the first disbursement was \$1,008,455. Also in April 2020, the second disbursement of \$1,902,500 was explicitly for Skilled Nursing Facilities based on a flat rate of \$50,000 for each facility and \$2,500 per bed. Strict instructions came with both federal funds that KDVA followed precisely. The funds provided have been helpful for the four veteran's nursing homes across the state by providing payments for hospital, physician, nursing home, home health, and other care. So far, KDVA has used \$1,480,400 of the federal funds for reimbursement of COVID expenses and lost revenue. There is a balance of \$1,430,600 remaining which will be used for COVID costs.

In response to the Governor's FY20 Budget Reduction request, the Department of Veterans Affairs established fiscal policies and returned \$262,641 of General Funds. KDVA only hired personnel that contributed to the response of COVID-19 and stopped employees from working overtime unless responding directly to a COVID-19 related issue.

Commissioner Jackson stated that KDVA stopped all spending that was unrelated to the COVID-19 response which included cemeteries, field operations, and the Commissioner's office decreased operating expenses by limiting employee travel. They also cut back training, administrative costs, and billing obligations to contracts with Brain Injury Alliance of Kentucky, Epilepsy Foundation of Kentuckiana, and Veteran Service Organizations. Altogether, the fiscal impact of the budget reduction did not halt services provided by KDVA.

In response to Representative Blanton, Commissioner Jackson confirmed that of the 455 individuals have been tested in these facilities. He also confirmed that individuals have either passed away or left facilities and they are unable to refill them due to the pandemic.

In response to Senator Higdon, Mark Bowman said that they have about a 24-48 hour turn around with COVID-19 testing. This has improved since the beginning of the pandemic when tests would take 7-10 days to process.

In response to Representative Thomas, Mark Bowman stated that the bed capacity on average at each facility is cut in half.