



The Advocate



IMPACT Series: Strengthening CHFS Inter-relationships through Customer Service Excellence!

FROM THE DIRECTOR'S DESK

Lisa Lee Williams, D.Min, MaOM

Executive Director,

Office of the Ombudsman and Administrative Review

The Office of the Ombudsman and Administrative Review (OOAR) exists to strengthen the inter-relationships between citizens of the Commonwealth and the ninety-three (93) agencies and departments of the Cabinet for Health and Family Services (CHFS). As citizen advocates, this goal is demonstrated through resolving issues between the citizen and CHFS programs via education, skilled and knowledgeable investigations, and excellence in customer service. Through this triad of operational excellence, the Office of the Ombudsman also helps CHFS agencies and departments understand how inquiries interrelate with program operations, outcomes or other barriers that impede consistent, inclusive program delivery. This is ongoing work and the impact of the OOAR staff has proven to be a necessary and valued resource for the Cabinet for Health and Family Services and the Commonwealth. Great Job Team! Continue to make an impact; it matters and so do each of you!

Please watch: [Episode 33 - Secretary Friedlander Interviews Lisa Lee Williams](#)

Dr. Lisa Lee Williams, D.Min., MaOM is the executive director for the Office of the Ombudsman and Administrative Review (OOAR) at CHFS, and the author of, *The Power of Unity: Confronting Conflict in Church Leadership Teams*. With 20 years of leadership and program management experience, Dr. Williams is also a teacher and consultant to religious and non-profit organizations. Today, we discuss the importance of cultural humility and why it's important to "empathize with understanding" in order to make lasting change in our community.

Word of the Month — Compassion

If someone shows **kindness, caring, and a willingness to help others**, they're showing compassion...When you have compassion, you're putting yourself in someone else's shoes and really feeling for them. (Source: <https://www.vocabulary.com>)

Statewide Announcements:

July 29, 2021 — State offices require employees to wear masks regardless of vaccine status.

SUBMISSIONS — Submissions are due by August 24th

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Employee spotlight:

Brandy Marlette

Brandy Marlette is a fairly new QA branch employee with a long history assisting children and families in Kentucky State Government.



After completing her Bachelor of Science degree in Criminal Justice at ITT Technical Institute (2009), she began working for the Department for Community Based Services in October 2009 conducting Child Protective Services investigations in Trimble County. Five years later, Brandy started working in Henry County, where she provided ongoing services and investigations. In November, 2017, she moved to the Office for Children with Special Healthcare Needs with the First Steps program assisting families and children in developing plans to meet children's specific development and care needs. Brandy joined the Quality Advancement Branch of the Office of the Ombudsman in May 2020. Since then Brandy has demonstrated a fantastic ability in completing various appeals, including CAPTA appeals, Service Appeals and Caretaker Misconduct Appeals.

Brandy's hobbies include exercising, swimming, playing and watching baseball with her two boys and taking care of her "little farm animals." She enjoys being with family and friends, laughing and making memories.

Quality Advancement Branch: Richard Dienst, Branch Manager

In a prior edition I discussed the impact of regulations on the work within the Quality Advancement Branch. For this and subsequent editions I will examine the specific regulations that govern our treatment of appeal requests. First, I will discuss the regulation that addresses appeals regarding child abuse and neglect findings made by the Department for Community Based Services, 922 KAR 1:480.

Individuals who incur a substantiated finding of child abuse or neglect are required to be informed of the finding through receipt of a notification letter sent to them via certified mail. This regulation clarifies that the person must then submit a written appeal request "no later than thirty (30) calendar days from the date the notice of a substantiated finding of child abuse or neglect is postmarked." If an individual submits an appeal request after the 30-day time frame, they must then provide an explanation of why their appeal was submitted after the time limit. We then determine if the individual demonstrates "good cause" in their explanation of why their appeal was untimely. Simply saying, "I didn't receive it" is not an acceptable explanation.

This regulation also identifies multiple scenarios in which an appeal request is not eligible for an administrative hearing. For example, if there is some type of court action related to the finding of child abuse or neglect, then the appeal request may have to be placed on abeyance, pending the conclusion of the court action. If a criminal finding or Family Court finding is made against a person in relation to a child abuse or neglect finding, then that person cannot obtain an administrative hearing. Also, if an individual previously submitted an appeal request regarding a finding and a Final Order was issued regarding this appeal request, then it is no longer an issue that is eligible for an administrative hearing. Finally, if a person doesn't respond to attempted correspondence, their appeal request is judged to be "abandoned" and their appeal request may be denied.

Each appeal request is evaluated for hearing eligibility, and may then follow one of several paths. Appeals that are eligible for an administrative hearing are subsequently forwarded to the Division of Administrative Hearings (DAH) for the hearing process. Individuals whose appeals are deemed "non-hearable" receive letters referring them to the Service Appeal process, where they can receive further consideration from DCBS (usually the Service Region Administrator) or they can request a policy review from the Complaint Review Branch. Individuals whose appeals are placed on abeyance must provide a court status update every two months to maintain the status of their appeal. If the court issue is resolved in their favor, they can then proceed with the appeal process. For example, an Informal Adjustment, dismissal or stipulation to dependency, without agreement of DCBS, would result in a CAPTA hearing. A Court finding that there was no abuse or neglect means that DCBS must change their finding, so this wouldn't advance to a CAPTA hearing... unless DCBS refused to change the finding. If the court issue is resolved against them, their appeal request will be determined non-hearable.