



The Advocate

Making a Difference

FROM THE DIRECTOR'S DESK

Dr. Lisa Lee Williams, D.Min, MaOM
Executive Director,
Office of the Ombudsman and Administrative Review

Approaching Labor Day weekend, it is fitting to remember the important work that we do at OOAR. The citizens who seek our assistance come from all walks of life. Many are financially-challenged, underemployed or face additional challenges dealing with children with special needs, or aging parents. Our goal is to treat all who come to us with the same respect regardless of race, religion, age, gender, sexual identification, or cultural differences.

Over the last three months, the OOAR **Equity Core Team** and each OOAR Department have worked hard identifying ways to make equity a key goal of our work. **Equity** conforms to the Governor's, Cabinet Secretary Friedlander's, and CHFS's commitment to the same. We reported our work on September 1 to the Cabinet Secretary.

The recently released census and world events are reminders that the U.S. and Kentucky are changing. The COVID-19 pandemic has also exposed **equity** issues in our society. We need to recognize and be adaptive with those changes. *The Advocate* and CHFS webinars are important tools in helping guide our growth. By learning and exposing ourselves to different situations, we learn about diversity. By stepping outside our regular comfort or typical operating lifestyle zones, we hopefully learn to become more inclusive. Rather than turn our backs on these issues, I applaud the work that each of you is doing in challenging times. Change can be scary. But I encourage each of you to welcome it, to learn from it and to grow in a positive direction.



Statewide Announcements:

The **2021 Kentucky Employees Charitable Campaign** drive has started. Please pledge \$24 or more by November 24th at khris.ky.gov!



SUBMISSIONS — Emails/ideas due **Oct. 24th** to carolyn.vose@ky.gov

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Office of the Ombudsman and Administrative Review

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CHFS Values:

- ◆ Equity.
- ◆ Health and well-being.
- ◆ Structural economic support.
- ◆ Resilient individuals and communities.
- ◆ Operational excellence.



Employee spotlight:

Melanie Gammon,
QA Branch

Melanie Gammon is an Administrative Specialist III within the Quality Advancement (QA) Branch. She has worked for the Cabinet for nearly 20 years. Her first job was with the former Department for Social Insurance. Since then she has worked for the Division of Family Resource and Youth Service Centers, the Division of Audits, the Division of Administration and Financial Management, and Family Support. Melanie spent nearly 16 years as a Regional Billing Specialist with the Division of Administration and Financial Management. She is currently working on an accounting degree through Southern New Hampshire University. She lives in Danville with her husband, daughter, dog and cat. Melanie likes to read, cook and bake, work on craft projects and spend time with her family.

Thank you Melanie for your diverse talents and all that you do!



Quality Advancement Branch Richard Dienst, Branch Manager

This column discusses the regulation involving Department for Community Based Services, Protection and Permanency (P & P) Service Appeals (922 KAR 1:320). P & P appeals are limited to individuals who receive services from the Division of Protection and Permanency. This includes parents, foster parents, adoptive parents, relatives and fictive kin, tuition waiver applicants, educational/training voucher applicants, adults denied general adult or adult protective services and some child care providers. While the topic of Service Appeals is different from CAPTA Appeals, the processes are very similar.

As with CAPTA Appeals, this regulation states that a person must submit a written appeal request within thirty (30) calendar days from the date they received notice of the Cabinet action, or within thirty (30) calendar days from the occurrence of the disputed action. As with CAPTA Appeals, 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. Our specialists must then determine if the individual demonstrated “good cause” in explaining why their appeal was filed untimely. If “good cause” is not provided, the appeal request is denied.

Similar to CAPTA Appeals, this regulation also identifies multiple scenarios in which an appeal request is not eligible for an administrative hearing. If there is some type of court action related to the issue being appealed, then this appeal request is not subject for review through an administrative hearing. If an individual previously submitted an appeal request regarding an issue and a Final Order was issued regarding this same issue, then it is no longer eligible for an administrative hearing. If a person abandons their appeal request (e.g., they don’t respond to attempted communications), then their appeal request may be denied. Denial of individuals seeking to provide foster or adoptive services is not eligible for an administrative hearing. A denial of the Cabinet’s fitness determination of a relative or fictive kin is also not eligible for a hearing. Removal of a foster child from a foster or adoptive home is also not eligible for a hearing in certain circumstances. For example, if a household member was found to have abused, neglected or exploited a child, then they are not eligible for a hearing. Also, removal of a child from a foster home, relative caregiver or fictive kin caregiver is not eligible for a hearing if the removal was for the purpose of achieving a permanency goal (922 KAR 1:140) or uniting or reuniting the child with a sibling at the next placement. Other issues that are not eligible for a hearing are: closure of a foster or adoptive home if the Cabinet has not placed a child in the home within the previous two years; closure of a relative, fictive kin, foster, or adoptive home according to the terms of the contract between the Cabinet and these entities; the per diem rate of reimbursement paid to a foster parent; a decision to not recommend a foster parent for enrollment in specialized training as a medically complex or care plus foster parent; and a request for foster care maintenance payment regarding a child that was not in the Cabinet’s legal custody during the period of time for which the payment is requested.

Service Appeals that are eligible for an administrative hearing are forwarded to the Division of Administrative Hearings for the hearing process. Individuals with non-hearable appeals receive letters and are referred to appropriate entities for possible resolution of their complaints. For example, individuals are typically referred for further consideration from DCBS by the Service Region Administrator, or they can request a policy review from the Complaint Review Branch.

Making Sense of the Census and Why it Matters



The 2020 U.S. Census information was released to the States by the US Commerce Department last month. Conducted every 10 years, the Census shows the changing U.S. demographics and helps economists, social scientists and others understand and predict future growth trends. So what did the US Census show for the US and Kentucky?

Nationally 52% of all U.S. counties were smaller in 2020 than in 2010. The census shows U.S. populations moving toward metropolitan and suburban areas as opposed to rural areas. The census also reported an 8.6% decline in the population identifying as “White alone.” This was due to an improved Diversity Index (DI), which includes mixed races and how people identify themselves. (Source: <https://www.census.gov/newsroom/press-releases/2021/population-changes-nations-diversity.html>).

In Kentucky, the *Courier Journal* ran the following article outlining changes locally and throughout Kentucky (Source: <https://www.courier-journal.com/story/news/local/2021/08/12/2020-census-kentuckys-rural-areas-see-population-decline/5558680001/>). The fastest population growth occurred in Scott County (21.2%) versus 3.8% for the state overall. The biggest declines occurred in parts of eastern and western Kentucky, with a demonstrated population shift towards the more central part of the state. Increases were seen in suburban areas as well as in counties served by interstate highways. Ryland Barton, a National Public Radio (NPR) reporter, also has an interesting piece on Kentucky’s census at <https://wfpl.org/census-shows-population-declining-in-rural-kentucky/>. You can get Census Quick Facts about your particular county by doing a simple Google search “ACS 2020 US Census” followed by “(your county name), KY.” By changing the search date to 2010 you can see how your county has changed in 10 years.

Why does the Census matter? Federal funds are distributed to the states based upon census data and need. This involves millions of dollars and comprises a large portion of each state’s annual fiscal budget. Medicaid, a federal program which many of us at OOAR deal with, is one such program for which Kentucky receives federal monies. According to the Kaiser Family Foundation, in 2019 the federal government paid 64% of total Medicaid costs with the States paying 36%. (Source: <https://www.kff.org/medicaid/issue-brief/medicaid-financing-the-basics/>. May 7, 2021). A recent editorial explains how Kentucky’s expanded Medicaid program helped fill the gap for vulnerable Kentuckians during the COVID pandemic. (Source: <https://kypolicy.org/medicaid-filled-the-covid-coverage-gap/>). Other federal programs for which states receive federal monies involve public schools, transportation, and community development.

The census is also used to determine political boundaries and redistricting on the local and state levels as well as determining representation in Congress. “Gerrymandering” is a politically neutral old historical term that refers to redrawing political districts to favor a political party or cause, meaning every political party in power has used it. But census data has also been used in the past to separate and minimize certain racial groups. Heather Cox Richardson, a college history professor with a notable online following, has written an interesting article on the U.S. Census and the figures released in August. You can read it by Googling her name, the term “census” and “Letters from an American” which is the name of her online column, or click the link below: <https://heathercoxrichardson.substack.com/p/august-13-2021>.

Systemic Bias Explained

The following link was shared by Pat Walden, Assistant Director at Division of Program Performance. Thank you, Pat, for contributing to our knowledge of Systemic Bias and *The Advocate*. https://www.youtube.com/watch?v=YrHIQIO_bdQ.

New Inclusive Language adopted by the CDC

The way we speak about other groups or people matters. Recently the Centers for Disease Control and Prevention (CDC) published information online favoring more inclusive language. See their link at https://www.cdc.gov/healthcommunication/referred_Terms.html.