

# Pennsylvania State Veterans Commission

## Meeting Agenda

December 02, 2022, at 1000 AM

Location: Arrowheads Community Club

1000	Call to Order	Chairman Nicholas Taylor
	Moment of Silence	Vice-Chair David Eisele
	Pledge of Allegiance	Chairman Nicholas Taylor
	Introduction of Commission Members	Chairman Nicholas Taylor
	Oath of Office:	MG Mark Schindler
	<ul style="list-style-type: none"><li>Ms. Terri Lynn DAV</li><li>Mr. Tony Ficarri IAWV</li></ul>	
	PA Commendation Medal	MG Mark Schindler/Chair Taylor
	<ul style="list-style-type: none"><li>Mr. Slep PASACDVA</li><li>Mr. Brian Natali DMVA</li></ul>	
	Chairman's Open Remarks	Chairman Nicholas Taylor
	TAG's Opening Remarks and Comments	MG Mark Schindler
	Approval of 07 October 2022 Meeting Minutes	Requires Vote
	Reading of Official and Other Communications	Chairman Nicholas Taylor
	DAG-VA Opening Remarks and Report	BG (PA) Maureen Weigl
	<ul style="list-style-type: none"><li>PPL, BVH, PIRO</li><li>Programs Report</li></ul>	<b>Requires Vote</b>
	VISN 4	Mr. David Cowgill
	Briefing: 43 PA Code, Chapter 5 Amendments Changes	Mr. Jeffrey King
	Committee Reports	
	<ul style="list-style-type: none"><li>VSO Grant</li><li>RETX</li><li>Legislative</li><li>Pensions/Relief/Grave Markings</li><li>Women Veterans</li><li>Veterans' Health</li><li>Governance Committee</li><li>PAWVC Update</li></ul>	Mr. Matthew Hollenbeck Mr. David Eisele Mr. Charles Jackson Mr. Larry Googins Ms. Lisa Kaye Mr. Mark Baylis Mr. Michael Brooker President Mr. Bernard McDonald
	Unfinished Business	Chairman Nicholas Taylor
	New Business	Chairman Nicholas Taylor
	<ul style="list-style-type: none"><li>Change in presumptive amount in RETX</li><li>Review update BVH holiday schedule</li></ul>	Mr. Joel Mutschler Chairman Nicholas Taylor
	Good of the Order	SVC Commissioners
	Agenda Items for Next Meeting	SVC Commissioners
	Closing Remarks	Chairman Nicholas Taylor
	Next Meeting	
	January 06, 2023, 10 AM	
	Fort Indiantown Gap, Annville	
	Retiring of the Colors	Chairman Nicholas Taylor
	Adjournment	Chairman Nicholas Taylor
	<b>Chairman Taylor graciously invites SVC members and attendees to stay for a luncheon after the meeting</b>	

# State Veterans' Commission

## Meeting Minutes

October 7, 2022

10:00 AM to 12:20 PM

Arrowheads Community Center, Fort Indiantown Gap

**Call to Order** **Chairman Nicholas Taylor**

The Pennsylvania State Veterans' Commission (SVC) meeting was called to order at 10:00 AM.

### Moment of Silence and Pledge of Allegiance

Please keep in your kind thoughts the veterans and their families who at this moment are dealing with their challenges, whether it is illness, whether it is transportation, whether it is homelessness, whether it is suicide. We keep our veterans and their families in our thoughts and hope that these situations will come to a successful end. Recitation of the Pledge of Allegiance.

### Commission Introductions

MG Mark Schindler	The Adjutant General
BG (PA) Maureen Weigl	DAG DMVA-OVA
Mr. Nicholas Taylor	SVC Chairman; Commander, Catholic War Veterans
Mr. Henry Manella	Commander, Veterans of Foreign Wars
Mr. Bernard McDonald	Commander, AMVETS
Mr. Gerald Hawk	Executive Director, AMVETS
Mr. John Getz	Adjutant, Veterans of Foreign Wars
Mr. Samuel Petrovich	Adjutant, Disabled American Veterans
Mr. William Albert (on phone)	Commander, Blinded Veterans of America
Mr. David Eisele	President, PA State Association of County Directors of Veterans Affairs
Mr. Robert Heister	President, Military Officers Association of America
Mr. Larry Googins	President, Vietnam Veterans of America
Ms. Constance Snavelly	Designee, Keystone Chapter Paralyzed Veterans of America
Mr. David Brady	Commandant, Marine Corps League
Mr. Richard Fine (on phone)	Commander, Jewish War Veterans
Mr. Joseph Chiodo	Commander, Italian American War Veterans
Mr. Craig Wilhelm	Commander, The American Legion
Mr. James Hogan	Adjutant, The American Legion
Ms. Lisa Kaye	Member-at-Large
Mr. Mark Baylis	Member-at-Large
Mr. Charles Jackson	Member-at-Large
Mr. Michael Brooker	Member-at-Large
Mr. Tim Liezert	VHA, VISN-4

### Others Present

Brig Gen Michael Regan	PANG-Air
CSM Jon Worley	PANG-Army
Mr. Marc Ferraro	Executive Deputy Secretary-DMVA
Mr. Dave Cowgill (on phone)	VISN-4
Mr. Nate Silcox	Office of State Senator Patrick Stefano
Mr. Rich Hamp	Special Assistant to DAG-VA

Ms. Barbara Raymond	Director DMVA-BVH
Mr. Sam Dunkle	Commandant, DMVA-BVH-Holidaysburg
Mr. Vito Ruggiero	Commandant, DMVA-BVH-Gino J. Merli
Mr. Brian Gula	Commandant, DMVA-BVH-Southeastern Veterans Center
Mr. Richard Adams	Commandant, DMVA-BVH-Southwestern Veterans Center
Mr. Joel Mutschler	Director DMVA-PIRO
Mr. Brian Natali	DMVA-PIRO (Programs and Services)
Ms. Elizabeth Pettis	DMVA-Chief Counsel
Mr. Jeffrey Wallitsch	DMVA-Counsel
Mr. Michael Woody	DMVA-PPL
Mr. Jeffery King	DMVA-PIRO (Programs and Services)
Ms. Joan Nissley	DMVA-Public Affairs
Mr. Tom Cherry	DMVA-PIRO (Programs and Services)
Mr. Justin Slep	PASACDVA-Franklin County
Mr. Danny Osten	PASACDVA-Cumberland County
Mr. Thomas Coreau	PASACDVA-Dauphin County
Mr. Leonard M. Johnson	DAV
Mr. Sam D. Robinson III	DAV
Mr. Michael Stelacio	TAL
Mr. Matthew Hollenbeck	TAL
Mr. Bruce Foster	TAL
Mr. Richard Hudzinski	VVA
Mr. Carl Curtis	VVA/TAL
Mr. William Wright	Catholic War Veterans
Mr. Richardson (on phone)	Penn State Clearinghouse for Military Family Readiness
<b>Oath of Office</b> <span style="float: right;"><b>MG Schindler</b></span>	
General Schindler administered the oath of office to one new Commissioner, Mr. Mannella of the VFW.	
<b>Recognition</b> <span style="float: right;"><b>MG Schindler</b></span>	
General Schindler and Chairman Taylor recognized Mr. Slep, PASACDVA, with a Certificate of Appreciation for his service on the SVC from September 2020 to September 2022, and recognized Mr. Chiodo, IAWV, with a Certificate of Appreciation for his service on the SVC from September 2021 to September 2022.	
<b>Chairman's Opening Remarks</b> <span style="float: right;"><b>Chairman Taylor</b></span>	
<p>It's always nice to recognize the good things that our members are doing, so congratulations to all who received some formal recognition today. That brings us to the chairman's opening remarks and so let me be brief.</p> <p>General Schindler, General Weigl, Commission members, DMVA staff, good morning and welcome to today's meeting. This morning I was thinking that this is October, the beginning of the federal fiscal year, beginning of the military training year, and I thought this would be a good time to review what we've done as a Commission over these past 12 months. As your chairman, I'm honored and privileged every Tuesday morning at 0830 to meet on VTC with General Weigl, Mr. Hamp, Greg Holler, Mr. Mutschler, and other selected DMVA staff members. These weekly updates I think are most helpful and informative in terms of updates on the state homes, veterans' programs, initiatives, and processes that are going on throughout the Commonwealth. Much of the information that I receive in these briefings is passed along to you and in the Veterans Registry, so I hope you're reading that because we're doing some good things. Ladies and gentlemen, you know over the last 12 months we've done some very good action-oriented things. We've changed the name of the existing Act 66 Committee to the VSO Grant Committee, the more properly named the function of that committee. We've created four new standing committees to specifically address veterans' concerns. We've created a committee for women's veterans chaired by Ms. Lisa Kaye. We've created a veterans' health committee chaired by Mr. Mark Baylis. We've established a governance committee chaired by Mr. Michael Brooker, and a transportation</p>	

committee chaired by Mr. William Hines. Mr. Mark Baylis was approved by the Governor's Office as the Pennsylvania State Veterans' Commission representative to the Long-term Care Council. So, congratulations on that. We have representation on the Governor's Challenge for Suicide Prevention and, if you recall, we participated in a suicide awareness event in September. Each new commissioner is now provided with a copy of Title 51 that explains our duties and responsibilities to better help you in what you think you should be doing. I wish I had that when I first came on this Commission in 2015. Our Legislative Committee has provided feedback on no less than 12 House and Senate bills that did or could directly affect veterans and our voices were heard. Our Real Estate Tax Committee provided a detailed series of recommendations that was approved and forwarded by the SVA to the House and Senate Veterans Affairs and Emergency Preparedness Committees. There are several bills that have been signed into law by the governor recently that the Commission has been in favor of. I refer you to slide 11 in your read-ahead packet for today and it's on the first page of the Policy Planning and Legislative Affairs slide. I don't want to steal any thunder, but there's some good some going on there. Going forward, I asked the Legislative Committee for their recommendations to this Commission for our 2023 goals, and please be prepared to discuss and maybe have a vote on these at the December 2nd Commission meeting. PA VETConnect continues to receive praise and accolades as the Commonwealth's premier information and referral network. There's a slide with details in your read-ahead also. Let's not forget that in February of this year the Pennsylvania Department of Military and Veterans Affairs received the prestigious Abraham Lincoln Award of Excellence from the United States Department of Veterans Affairs for this initiative, and this was presented during the National Association of State Directors of Veterans Affairs midwinter conference by the United States Secretary of Veterans Affairs himself, Mr. Dennis. So, kudos to all. What are we doing to assist our veterans? The number of eligible amputee and paralyzed veterans increases every day. The disabled real estate tax exemption is at a five-year high with over 16,200 veterans enjoying the benefits from this program. There's legislation introduced for a monetary bonus for Operation Iraqi Freedom and Operation Enduring Freedom, OIF and OEF veterans. And today alone on behalf of the Commission, I approved 24 educational opportunities. Today we have a slightly different lineup. I had requested that each of the State Home Commandants be present to give us a short 5-to-10-minute briefing on the highlights of the homes, to highlight some positive events, what possibly needs improvement, and the major take-away of this is at the end of your briefing I would like each commandant to tell this Commission what you need our help with. What can we do for you? So, please think about that. If it's within our authority to do so, we will take it under advisement and we will give you the help that you need. And please don't be shy about this. Ladies and gentlemen, in conclusion let me say I'm excited and proud to be a member of this Commission and I believe that working together we have turned the corner and become a more action and result-oriented group, and I believe that the report in October of 2023 will showcase more, better achievements, all designed to assist our veterans and their families in this Commonwealth. General Schindler, General Weigl, Mr. Ferraro, I thank you for your great support to each member of this Commission, and please let me tell you your staff has contributed greatly to this Commission. We could not do it by ourselves.

Questions/Discussion

None.

**TAG's Opening Remarks**

**MG Schindler**

Thanks, everybody. Good morning, it's good to see everybody. Nick, thanks for your comments. Once again, congratulations to those who were presented with certificates. It's always great to recognize people that are out there doing outstanding work. We don't do that enough quite frankly. We don't say thank you enough and we don't recognize great work enough. So, congratulations, I was very happy to do it in this forum. If you could just go forward a couple slides, there are some of our deployments. There's not a lot of change in the Air National Guard and Army National Guard deployments. You know, we still hover around that 800 going in and out the door. Welcoming people back, sending people out. We have a couple deployments, larger ones. As you all know from publicity that we talk about this every quarter and being on the Commission, the Air National Guard deploys folks in smaller numbers, just more frequently and for shorter times. That's continuing. You can see on the slides the Army, a little bit larger numbers: two major headquarters going out the door here virtually

at the same time, the 28th Division headquarters. I'll be at their event on Sunday, I believe. Sunday is their departure ceremony. And the 55th Maneuver Enhancement Brigade headquarters will also be going on the door, being mobilized at the same time. So. looking at about over 650 formations and I'm going up to Scranton to see them off on the plane. The Sergeant Major and I will be up there in Scranton to see them. I want to thank everybody that was here at the last meeting and thank your support and providing the press conference that we did have here and lighting candles for suicide prevention month. Quickly following that, we had a great conference I was able to attend and speak at with Health and Aging and Education and so on, where we also were able to highlight suicide prevention month and really get the word out there about the great programs and assets that are available across the Commonwealth. I promised to visit when I was there one of our colleges at Penn State University. I happened to be able to visit their Veterans Center. It's simply outstanding for veterans that are in the area, veterans that go to school there. Our other veteran centers tremendous. You know, a lot of places you go to visit a college and it's a room. I got a tour of the facilities. They have first-rate facilities for offering services to veterans, bringing in help, whether you need doctors, whether they need medical support, whether it's veterans that just need to place to study, veterans that need access to rooms, bringing in potential employers. Just a great suite of facilities available there at Penn State University. People, it's certainly setting the standard for how they're taking care of veterans who decide to return to school, young people that are currently serving doing a great job at Penn State University. Towards the end of the month of September, we did have a great visit with approximately 50 to 60 Gold Star family members from Pennsylvania, and there were well over 150 when you combined West Virginia. They had a retreat I was able to go down to with the Sergeant Major and our wives and be able to talk to the Gold Star families and be able to thank West Virginia for partnering with us every year they sponsor this event. They got put on hold, but I know a lot of the Gold Star families in Pennsylvania love to go down there at the same time. So, a great visit with them. If you follow any of the DMVA social media, Facebook, or my Twitter account or whatever, however you choose to get your information, it's out there. Some of these events we'll publicize, so I urge you to follow those. Just a few things to highlight on the veteran side. The last thing was a great Meeting the Guard event at the capital. We opened that up to government veterans to state employees. I had an opportunity to speak on the Senate floor, on the House floor and to recognize state employees, to recognize National Guard servicemembers that have done outstanding work, and to be able to do that in that forum as the only cabinet member aside from the governor to be able to speak on the House and Senate, I was really honored to be able to do that and recognize some outstanding veterans of tomorrow, currently serving members, and some state employees and be able to talk to the Senate and House once again about the great work that is being done by everybody that's in this room as well as our servicemembers. So, a great opportunity to do that. We look forward to continuing that next year. Nick, that's all I have this morning, but thank you all for being here. It's great to see such a great crowd. Thank you to the commandants for showing up today also. It's great to have you. I look forward to your comments too.

#### Questions/Discussion

None.

#### **Approval of the September 9, 2022, Meeting Minutes**

**Motion:** Mr. Baylis, Member-at-Large, made a motion to approve the minutes.

**Second:** Mr. McDonald, AMVETS, seconded the motion.

Questions/Discussion

Chairman Taylor: There is something I would like to bring up and it's actually a correction to the record. Last month I stated that I did not receive any official correspondence and that was incorrect. On or about the 20th of June, I received a memorandum from the Lehigh Valley Military Affairs Council. The memo was signed by Mr. Richard Hudzinski, the chairman of the programs committee of that council, and the memorandum asked specifically, "Does the state veterans grave registration record collection system managed by DMVA, and the counties continue to serve a useful purpose?" So, after coordination with DMVA personnel, I responded back in writing to Mr. Hudzinski and the council that "In short, burial records are received from the counties on a routine basis that are then filed alphabetically by county and retained for a period of one year by DMVA prior to being sent to the Pennsylvania State Archives. Pennsylvania State Archives has a partnership with Ancestry.com to digitize family history records, to include these burial records, and makes them available online. As a result, the Department's collection of this information serves the state historical preservation purpose that benefits the families and veterans and future generations." I hope that answered the question and I would like to have that entered as a correction for the minutes. Greg, if you could please ensure that that happens.

The body agreed; motion carried. Minutes approved.

**Reading of Official and Other Communications**

**Chairman Taylor**

None.

**Deputy Adjutant General-VA Remarks**

**BG (PA) Weigl**

Good morning, everybody, great to see you all again. Those that were at the War Council yesterday, as the chairman mentioned, we're going to hear from the commandants this morning as part of my report. Having said that, in your folders is the PIRO report with a few exceptions I want to highlight. I want to remind everybody that on 2 November we will have our final town hall this year. It is highlighting veterans' services and veterans, so I encourage all of you to join us that evening. Also on 2 November, we will be meeting with the GAC-VS and receiving their report to the Governor's Office down at the governor's mansion, so a lot of work has been done with those committees and I'm excited to get their final year-end report. Additionally, I would like to thank Tim Liezert for being here today and for his work with us. So, VISN-4 will be mailing out a few hundred thousand letters to veterans across the Commonwealth. Something we don't always have the luxury to do because we don't have their addresses and can't acquire that data, but PennDOT and VISN-4 funded it and sent the mailouts with information from DMVA on PA VETConnect and other programs and resource information for all of our veterans. I just thank you sir. At this time, I'm going to turn the mic over to Travis Davis. You've all met Travis, he is our executive director of long-term care, and he and Barbara Raymond our director of nursing, today.

**DMVA Bureau of Veterans Homes**

**Mr. Davis**

Good morning, everyone. I want to start off by thanking everyone for allowing our team from the Bureau of Veterans Homes to be here today to meet everyone. I also want to thank Gen. Schindler and Gen. Weigl, Mark, and the rest of the leadership team at DMVA for really giving us the support, the trust, and the tools that we need in order to keep our veterans safe in our homes and also make our workplace a great place for our people to work within the Commonwealth. They've been so supportive, so we want to thank them for that. I want to start off with just a really quick brief on the homes and then we're going to get into why we're here today with our leadership team. So, year-to-date, we have placed 337 veterans in our veterans' homes. I think that's a good number. We certainly want to be above that, but it's strong. It's much improvement from what we saw during COVID. As many of you know, we had to stop admissions like many other nursing homes, so we've created that access for a lot of veterans, a 16% increase. I would still have about another quarter to go so we will

surpass last year's admission numbers which were around 340, so we're on good track there. Our waiting list is at 299 today, last time I spoke to this committee we were around 330. So, we're making some headway with that. The challenge that we have today is empty beds, and what I mean by that is we're at about 65% full across our six homes. The reason for that is staffing: we don't have enough staff right now to fill all of our needs, so that's a challenge. It's an uphill battle. I think all the departments within the state are fighting this to some degree, within the healthcare workforce, especially long-term care, an even bigger challenge. So, what are we doing about it right now? We're working with downtown and the Office of Administration on these issues. We're also doing job fairs and awareness, so people know that we have these positions. I'm sure some of our commandants have talked to you about maybe some things that you can do to help us on that. COVID: So, unfortunately for our industry this is not over. I mean, we're still battling COVID on the front lines every single day. In our six counties that we have veterans' homes, our county transmission rates remain high, that's over 10%, and what we have seen historically through COVID is when those rates go up our numbers go up. Our resident numbers go up, our staff numbers go up. So, right now we are seeing a peak of cases. Luckily, we have the vaccine out there, we have the booster shot that's available and being given out. We have our flu vaccines. Our veterans are stable. A lot of our staff members are stable as well. Just minor costs, things like that, but yet for our staff and for our residents it creates a lot of challenges in our homes. It's the PPE, wearing the N95s for an 8-to-12-hour shift. There's PPE burnout that we're seeing. There's some isolation for residents, going into zones with PPE and enhancements. Unfortunately, we're still challenged with every single day and our team is doing a great job ensuring the safety of our veterans and our staff. So, while we're here today, and Barb will talk a little bit more about this too, but we have our six locations. There, at these six long-term care facilities, you have two main leadership positions: there are commandants and our director of nursing. Last year we've had four commandant changes and we've had three director of nursing changes in one movement. That's a significant amount of change and I'm going to let Mark talk a little bit about it too. So, I want to bring up the commandants and our Director of Nursing, Barb. I'm going to start with one of the biggest changes that we've made, the most significant thing that we've all felt and that was with Barb Raymond stepping down from her post up in Erie. Barb has worked many different roles within our veterans' homes, but as the Director of Homes, I can say Barb is one of the most hard-working people in the Commonwealth and makes more personal sacrifices for our veterans and our staff. She's a road warrior. She's in our homes on weekly basis and I think all of us including the commandants can say how much we appreciate her support and really her mentorship to our new wave of leadership, our nurses, our administrators, and that hands-on training that she's giving them every day. So, I'm going to pass this on to her to let her introduce the team.

Ms. Raymond: Good morning, everyone. Thank you for allowing us to be here with you all today. Last time I was in this room with many of you here I was in a different role, I was in the commandant role. So, just about a year and a half ago, I moved into the Director of the Veterans Homes. My perspective on the homes is probably unique. I look at the team and look at everyone from a nurse's aide to a nurse to a scheduler to the supervisor, and my perspective is quite unique because I've done all those roles, on all three shifts. So, I truly do know what goes on in our homes. I know what happens. The COVID challenge has been a tremendous burden on our staff, our residents, and family members. For the most part, our residents, thankfully, are stable with the new vaccine, the bivalent vaccine. We have that available at all six of our state veterans' homes and we are proceeding to move to utilizing that bivalent vaccine. I would encourage all of you to get that vaccine if you have not already. That vaccine is recommended for anybody that's already gone through their primary series, so even if you've had that third and fourth shot, the recommendation is that you still get that bivalent vaccine. Flu season is, of course, coming up, so we're focused on protecting our residents and veterans from the flu as well. And of course, the Centers for Medicare and Medicaid Services recently changed some of their guidance where if your county transmission rate is not in the high category, nursing homes don't have to wear masks. All of our homes are still considered in that high transmission rate, so we are still in masks which is why we're still concerned with PPE fatigue. Fortunately, our staff is used to that by now, but it is still a challenge to wear masks in the baths, showers, kitchens, over stoves, mopping floors. It's tough. Our folks are really struggling but some of the things we're looking at is where you guys can help us by working with your legislators to make sure we're pushing the envelope on staffing. The Adjutant General has really pushed our hiring from his end as well as wages, so that is tremendously helpful. Some things that we can't do that the private sector can are

things like bonuses and those sorts of things. But we're very appreciative for his support as well as Gen. Weigel's support to our mission where we can take care of our residents and veterans. Some of the leaders we unfortunately don't have with us today. Two are out for personal reasons. Cheri Specht is our commandant up at the Erie facility. I was up there for 12 years. They thankfully have no staff members with COVID, but one resident with COVID in the hospital. They are keeping that resident in the hospital through his isolation. The staff that they have positive are thankfully all stable and their new leadership team with the coming up there they have a new director of nursing and new deputy commandant they're all stable. Our other commandant that couldn't join us is Peter Ojeda. Peter has been with the Commonwealth for about 20 years, managing the Delaware Valley facility out in Philadelphia. He started at that facility as Director of Nursing and then moved to the commandant role. His director of nursing at that facility will be retiring in a few months, so we are working with internal folks to grow an individual to take that role on. As far as his update, he does have six COVID positive residents in his facility. They are stable in the facility, and he has two out at the hospital currently. They both went out for other reasons besides COVID; however, we like to keep track of those individuals as well. So those are the highlights from the two that aren't here, and I will pass this on to our commandant at the Southwest facility who has been with us from many years, Rich Adams.

Mr. Adams, Southwest: I am not one of Travis's new people. It will be 42 years next month working in long-term care, 38 of that as a licensed administrator. We're in a little bit of an outbreak with COVID in Pittsburgh. Nothing serious. We're dealing with it and doing just fine. Couple things going on at our place. We recently hooked up with the PGA, the Pro Golf Association wanted to do a program, adaptive golf for vets. They took some of our veterans, gave them chairs, and adaptive golf clubs for their hands. This program's gone on now for a couple of years, where they're taking vets to golf courses where wheelchairs are accessible. So, they can go out and do that, and they spend some time indoors, whenever weather doesn't permit. We just had a veterans' outreach program for the community at the facility. The VA was there and supplied us with some nurses to give vaccines for veterans in the community and any of our employees that wanted to get the booster. So, we thank them for being there. The Red Cross was there, we had guide dogs... 30 different organizations there to help veterans. We had that outside and it was a very good event. We recently went through VA and Department of Health surveys and we're both were very successful. We're just following up with the VA on some issues that were brought up that were minor and we're moving in the right direction there. You asked me what the service organizations can do for us. What this Council can do. I did 25 years in the private industry before the last 15 here with the Commonwealth. What I saw when I came on board, it's amazing. What your service organizations are doing now at the veterans' homes are above and beyond. The programs they support for activities, the funds they throw our direction, and all the volunteers that come in... the private world doesn't have that. It's what sets us above and beyond, so keep doing what you're doing. And if everybody in here wants to send me a nurse aide, I'll take it.

Mr. Gula, Southeast: I'm the commandant at the Southeast Veterans Center. I've worked in long-term care the last 20 years. I started off as a dietary aid. And I've been at the south center. For about 18 months. Up until then, I worked for the private sector for profit organizations. And when I got to the Veterans Center, I was absolutely amazed about how well veterans were being cared for. The number of resources and funding they're getting, the best of the best. It just blows me away. There's so much going on in the homes that it's just incredible. To pick out one thing, we have remodeling being done with new order, we have new technology being installed, our activities program and our volunteer services are active every single day. We receive donations, volunteers coming in to help with activities, so it absolutely is amazing. My biggest problem is staffing. Just to give you an idea, at my home we're currently caring for 190 veterans. We have capacity of 290. What's holding us back is our staffing. We have excellent staffing ratios and care for the patients we currently have. But, as Travis and Rich said, to get those staffing levels up to provide the quality of care, we need more staff. So, any support, we would appreciate that.

Mr. Ruggiero, Merli (Scranton): I'm just going to keep repeating what everyone's already said. We need staffing, so let's just get that out of the way. As Barb said, I'm the new/old commandant. Back in 2014, I was commandant at Gino J. Merli. The old commandant had some regulatory issues that they couldn't get out of, so in my mindset, using your terminology, I had a mission and I had to complete that mission. From 2014 to 2016

with a lot of hard from support staff sitting here today, we accomplished that mission. In 2016, I went back to work as the administrator for the municipality I live in of about 15,000 people. But sitting there all those years later, I knew something was missing. And all of a sudden, it was ironic because I received the phone call that the position of commandant was open again and was, I interested in coming back? I asked myself why? Everybody was saying, everything with COVID and all. Why? It's because of what I saw when I was there in 2014. You know, you go to school and read about the stuff that transpired in WWI and WWII and what our veterans did for us. And to have that honor to serve those veterans in my capacity was something that I really took to heart. I was honored and humbled to do that. But to hear the stories, sitting and talking to all the veterans in our home. I never imagined. It was a live story and a live history book. With that, as Rich and Brian said, both coming from the private sector, the amenities that our veterans have is unbelievable. The support is unbelievable. Yes, we had COVID. Yes, we're dealing with that aspect, and we have a lot of tired staff and that's why we need staff because of the fatigue that Travis and Barb spoke about. But uniqueness of working and able to provide service to our veterans and one of these six homes is the most humbling experience you can ever imagine. The amenities for our veterans. They're eating surf and turf. Having golf tournaments. We were able to raise \$34,000 for our resident welfare fund. So, it's such an honor to be able to do that. Yes, we're dealing with COVID and a new roofing project. So, we just ask for your support. I'm sorry for repeating myself, but we have terrific leadership and all I'm asking for is your continued support.

Mr. Dunkle, Holidaysburg: I'm the commandant at Holidaysburg Veterans Home in Blair County. I am a combat disabled veteran. I spent 23 years in the United States Army in infantry, intel, and special ops. After that I spent nine years in the CIA, in the special activities division, Africa division, and my last posting was at the National Counterterrorism Center. So, having done all that, what can I do next? There's nothing better than serving veterans, so I came back to my hometown, and I've been here since 2013. I've been the commandant, starting my second year and it's an honor for me to be there and take care of those veterans. Holidaysburg is quite a challenge. We have a large campus with three resident buildings. Currently we have 238 veterans and spouses, and if you don't know, spouses are eligible to live in our veterans' home, so I think that's a neat thing for families. We have 424 beds total. It's a great place and I invite you to come anytime. We have our Avenue of Flags up. We put that up when we started the war on the virus and we're not going to take it down until we beat the virus. It's a sign of unity and strength. Basically, at Holidaysburg we're getting a new facility and I'm excited about that because if you didn't know it, Holidaysburg once was a hospital for the mentally challenged. It's very sterile if you will. It's nice, it's clean, but it's not really what you want in a home. So, the new facility is going to be a 200-bed facility, skilled care, and I'm excited about it. We have two main floors for the veterans with semi-private rooms. There are walls instead of curtains in between the two residents, and they will share a bathroom with a shower sink and a toilet. Now we're in community scenarios, so it's going to be a significant upgrade for us. Over the last month and a half every organization who has oversight of the home visited... Department of Health, Department of Veterans Affairs, Life Safety, and Department of Human Services. We did well, I think, from my optic. We had tags from all of them, but they were low-level, minor, no harm to any veterans. Turnover is an issue. They're not leaving to go someplace else; they're leaving this community. They're getting out of nursing, getting out of being a CNA. So, we're challenged with that. What I would ask of you is to be an advocate for us. We're open for business. If you know any nurses, any CNAs, send them our direction because that's our purpose, to take care of veterans and that's your purpose. So, help me help you help us. Thank you.

Mr. Davis: So, we heard a lot of similar challenges these homes are facing but there are also a lot of unique challenges these homes are facing every day. Morale, communication, regulatory issues.... Every campus has a very different workforce and very different challenges every day. Nick, I just want to thank you, I appreciate the time, and quickly if anyone has any questions.

#### Questions/Discussion

Chairman Taylor: Travis, thank you very much and to all the commandants in the Department, thank you very much. It was very informative, and I would like to see this as an annual update. There's one common thread that I think all the commissioners heard through all this and it's staffing. So, the question I have is, is it the hiring

process, is it the lack of applicants, what specifically do you think the problem is for the staffing issues you're talking about?

Mr. Davis, BVH: Since COVID our entire industry, and I'm specifically talking about nursing homes, we lost 15% of our workforce. You compare that to acute care, the hospital space, it's in single digits, assisted living is at 7-8%. So, we have significantly seen our pool of employees shrink. That is facing our whole, entire industry. So, what we're doing right now is we're thinking about the next generation, high school students, college students. Talking about the careers within the Commonwealth. You've heard from a lot of these commandants. They've served in dietary, housekeeping, nursing, CNAs.... There is career development in the Commonwealth, and we must do a better job to get that word out. Governor Wolf signed a budget, and this is the first time we've seen a Medicaid increase in ten years. That's significant for us to keep up with this. We knew that reimbursement wasn't enough for Medicaid, but also our costs for labor haven't settled yet. They continue to rise. We saw that with agencies through COVID. My wife is a nurse. I was happy for nurses. They're making a lot of money and they're going to continue to make money because the demand is so high.

Mr. Foster, TAL: to all of you are our Advisory Council to positive thing in your facility and are we supporting them and sending you the best people yes.

Ms. Raymond, BVH: They are. The advisory members come in and they will give us their feedback. Many of the members will come in like Gen. Weigl and walk the floors. They won't have their name tags on they'll just come in on a random Sunday and the staff at the homes are very well versed in security. They may not know that individual, so they will stop that individual and say what are you doing, what's your purpose here. Then they obviously will introduce themselves and staff let them go about their way. So, the Advisory Council members they give us that feedback of what they see when they walk through our doors, what they see when they walk down the hallways, speak to our veterans and residents as well as our staff. So, it is very helpful to have them there, and the committee meetings. Many of the advisory members used to have me on speed dial and they have the commandants on speed dial. They will call and let us know what they see. So, yes, the long answer is yes, they are very helpful.

Mr. Hudzinski, VVA: What pending legislation at the General Assembly has the most impact on you, that could support you in this area of labor acquisition and retention?

Mr. Davis, BVH: I would say one thing that's making headway right now is the temporary nurse program. During COVID we were able to use temporary nurses and count them as CNAs on staff. And then that waiver expired. Pennsylvania did put through a waiver through the federal government to have that accepted and it was approved. Again though, it's only buying us little bit more time. I think that was a big thing for our industry but also, we look at different requirements across different states. Personal care assistants in Florida, that's a tremendous impact they're able to use them in nursing homes and we are not. So, I think, you know, we've been so focused on our CNAs, LPNs, and RNs, there's a lot of other people within their space that could provide care that haven't been counted in those staffing numbers and that's the thing that I think that we could work with legislation on, is what other positions could a nursing home benefit from.

Mr. Hudzinski, VVA: So, is there a bill number that's being worked on currently in the subject area?

Ms. Raymond, BVH: Not right now, sir. Right now, it is a waiver that's been approved for us to continue to utilize those individuals. But there is not a bill at this point in time?

Mr. Hudzinski, VVA: Who should I follow up with because I have some questions about this?

Mr. Davis, BVH: Sure, I will touch base with you, sir.

Mr. Johnson, DAV: My home is Del Val Veterans Home. Are we permitted now to go in and have activities?

Ms. Raymond, BVH: Yes, absolutely. So, there are rules. If you're a volunteer, you have to follow the staff rules. So, you have to have a booster and that sort of thing. If you're simply a visitor, you just have to screen coming in.

Mr. Petrovich, DAV: What kind of a salary gap are you guys fighting against?

Mr. Davis, BVH: That's a good question. In terms of salary, we're competitive. What we miss out on are things Barb mentioned... bonuses, incentives.... General Schindler has supported us on double-overtime incentives for some of the really critical, hard-to-fill positions like housekeeping or CNAs. But that's really the gap right now. It's not the salary, it's the things they're getting on top of that. Sometimes it's just appreciation, a lunch, a shirt. There are a lot of things outside of overtime that nurses are cashing in on. They might be getting overtime as well as a \$50 gift card. That stuff is rampant in the industry and our hands are just tied there.

Mr. Heister, MOAA: Do you have any success selling the advantages of state employment, which is, besides the intangibles, great benefits plus pensions? Nobody gets a pension these days.

Mr. Davis, BVH: That's something we're trying to create awareness around. One challenge nursing homes have trying to recruit the younger generation is that they've never been anywhere before. So, if they have, it's not always been a great experience; they were visiting their grandmother or grandfather at the end of life or they've heard negative things about nursing homes. What helps us is when we get people into our homes. Because our care is a lot different than it is in an acute-care hospital. It's a lot more intimate and it's a relationship. We get to know these veterans, residents, and families on a different degree because they're with us for a long period of time. That's a huge selling point for us, but without a younger person or student coming in and experiencing that, they don't understand that benefit. And that's one thing that we all love about working in long-term care. I teach long-term care to the University of Scranton and that's one thing I'm passionate about: we have to open more people's eyes to what long-term care and post-acute care really is. A lot of people think they understand it, but the only way to do it is to get them in. We are all committed to succession planning, mentorship, and getting some interns into our system. We have one intern now and that's a program that we need to grow.

Mr. Ferraro, DMVA: So, to try to close some of the staffing stuff. Rich, to get it where you were talking about most of it's not legislative. It's policy. So, we're working with the Office of Administration but it's more policy. The big three, DHS, DOC, and DMVA, that run 24-hour service centers, long-term care, corrections and whatnot, so we're working together as a group to try to come up with policies to deal with this. I'll throw it out, our lead on this really is Patty who is the Deputy for OA, working close with Travis and his team and Maureen. So, if you guys want to have a separate discussion on this, let me know. And if there's some involvement that you want to get into, we can most certainly have Patty come in, sit down with you guys, and Kim Kreiser who's our director of HR, and go over all the different policies and things that we're working on and see where you guys could contribute if that's what you want.

MG Schindler, TAG: Let me tell you something, although they're employees of ours, they run more than just long-term care facilities. And I think that I may be speaking to the choir here, but they are connected to families. Their facilities are like families, caring for families, caring for veterans, going the extra mile when, yes, they could make more in bonuses. It's not just them, it's who they represent. But they're connected like the National Guard is. They're connected to the communities that they're in also because they involve them in what they do. And I'm speaking to the choir here, to a lot of the organizations that support them, but I just publicly in this forum wanted to say thank you again for what you do and for who you represent. Because it's not just you. It's the DONs, it's the RNs, the LPNs, the activities coordinators, the maintenance personnel, the security personnel, I mean, you name it. There are so many people that you represent and so many people that go above and beyond to serve veterans. So, thank you once again thanks for taking the time.

### Approval of State Veterans' Programs Reports

**Motion:** Mr. Fine, JWV, made a motion to approve the programs report.

**Second:** Mr. Baylis, Member-at-Large, seconded the motion.

The body agreed; motion carried. Programs reports approved.

As part of the read-ahead, there's a lot of background here and maybe a little bit more background to the items in the agenda. First with the leadership update, Ken Mortimer, associate director at the Hershel "Woody" Williams VA Medical Center continues to be detailed to Altoona as the director as we recruit for that position. The CFO at Pittsburgh continues to serve as acting associate director during the recruitment process. That recruitment process, I think, is finalized and the new candidate will be announced in the very near future.

Second topic, healthcare priorities. As Dr. Elnahol, our new Undersecretary for Health, gets on board, he's been on board about 90 days, he's done a scan of the healthcare system and he's announced some priorities that have been fully vetted with network directors and staff and they fall in the following order, and they're not prioritized they're treated all equal, but these may seem familiar as we spend a lot of time talking about some of these things. Priority 1, hire faster and more competitively. Recently, the PACT Act for toxic exposures was announced. Part of that act includes a Title IX that enhances our hiring authorities. We are in the process of implementing those in regulation and implementation. And, as alluded to earlier, really the healthcare workforce in our country is waning. As our average employee is up there, we're seeing a lot of retirements. The pandemic has added to the burden and quite frankly there's quite a bit of burnout in healthcare. So not only as you heard from the state, but from VA and even our community partners, some are struggling with the workforce challenge. Our solution is to look and be competitive with salaries. Look at the training programs and build those up, and other things. There'll be a hiring stand-down the second weekend November that you'll probably hear from VA. And that'll be our effort to look at this harder and move forward with that. movement hopefully. Second priority: connect veterans to the soonest and best care. That is otherwise known as "access," and our most recent access report is part of the agenda, I think. You'll also see that access has been redefined during the pandemic. Pre-pandemic, access was defined as a point of care at a point in space and time. Through the pandemic, healthcare or access has been redefined to "anytime-any place-anywhere," through the emergence of virtual modalities and those type of technologies. So, as we roll out more virtual capabilities, and I have another announcement later in the agenda that is just an example of that, but more of them through providing access to our veterans. I mentioned the passing of the PACT Act, and the third priority is serving veterans. We're rolling out the implementation of the PACT Act and what you'll see in the near future is an emphasis on completing the healthcare or toxic exposure registry, if you become interested in that and want to be assessed. There's also a clinical reminder that will be rolling out to providers. They'll be asked to be done on a yearly basis, so as you meet with your primary care providers there'll be a reminder and some questions around your exposures or experiences. Fourth is accelerating our journey to high reliability. What is that? It is a cultural movement, it's a commitment to zero harm in hospitals when you have the convergence of equipment, staff, training, meditations.... There's a lot of things that come into play, and our commitment is to make sure that all those things come in and do not harm. That is establishing a culture that when somebody sees something wrong, they report it. So, there's psychological safety and no fear in reporting things that they're concerned about. It is a commitment to making sure that even when close calls happen, that we learn as a system. So, as we have one site in Network 4 that experiences something, we share it with all nine sites so that we are aware. And that's all part of the cultural movement to make sure that we are providing safe and reliable care. Fifth is to support veterans' whole health through caregivers and support our survivors. Whole health is a game changer and changes the conversation between a healthcare provider and the veteran into what's most important to them in the health care needs. Too often we find that maybe the healthcare plan is driven by the provider and there's maybe not as much acceptance from the patient perspective. So, this is a move to really change the dynamic to being veteran-driven and what matters most in the development of a healthcare plan. And then, finally, veteran suicide remains a top healthcare priority for VA, and we continue to work on that. As national healthcare system, it's very important that we have one standard of care across our states. With that, on September 1st, the VA submitted to the *Federal Register* an interim final rule that will allow VA to provide access to abortion counseling and in certain cases abortions to private veterans and VA beneficiaries. Female veterans are our largest growing demographic. Currently more than 11% of our total population of patients that we serve are female. Many of them are of reproductive age, and this becomes a very serious safety issue. So, the authority specifically will allow VA to provide services that are deemed by the provider to be concerning and risky to their health (this is the health of the mom), and in cases allow abortion services and counseling to be provided. We're going through the process of doing what we call gap analysis between what local

regulations are available in many parts of our VA. So, the local community provides and is able to provide adequate services, but in some states local laws do not permit the execution of those needed services. So, VA will provide it and stand up those services were needed to make sure that our veterans are getting care they need. Quick patient experience update, just want to brag a little bit. We continue to do very well in meeting our veterans' expectations through our trust score. We're currently rated as the second highest network among 18 throughout the country and the top compliment themes over the last 90 days were interactions with staff, quality of care, cleanliness of facilities, and satisfaction with specialty care. There is a briefing in the read-ahead regarding caregiver support update. The important note here is that on September 14, the VA submitted to the *Federal Register* an interim rule that will extend the program of comprehensive assistance for family caregivers' eligibility through September 30, 2025. A great expansion of eligibility. I mentioned how access is changing to "anytime-anywhere." I'm happy to talk about a partnership we have down in Greene County, a new ATLAS site (Accessing Telehealth through Local Area Stations). This is a collaboration between the county, the Clarksburg VA, and the Pittsburgh VA that allows telehealth to be provided at that site. That's our second ATLAS site to be brought online. The first one was at the VFW in Linesville. The VA portal is moving to VA.gov and details on that are in the read-ahead. I would like to thank you for your great support of VISN-4.

Questions/Discussion

Mr. Foster, TAL: I would just like to thank you for the VSO utilization survey by the VISN. I haven't distributed it to the organizations yet, but I will. I'm hoping you will allow the committee to send this to our people, get their concerns, and give you a reply to it. But we really appreciate it. The only thing I didn't see in there that I asked for are future. I know most of the facilities have a future.

Mr. Liezert, VISN-4: Thank you. We talked about the recapitalization of some of our facilities and that continues to be a high priority with potential budget requests specifically for that. As we go about our facility planning for recapitalization, any impact to your spaces I would expect our directors to be talking to you about. I'll take that back and make sure.

Mr. Brady, MCL: There's probably no short answer, but I had an opportunity to attend a meeting last week in Springdale and there was a representative from Volunteer Services at the Pittsburgh center, and he was telling us about the programs and opportunities to participate, except in Butler County. Curious as to why Butler County was carved out?

Mr. Liezert, VISN-4: I'll have to go back and check. I suspect the county line is where Pittsburgh VA responsibilities stop and Butler begins, but I'll have to find out about that.

Mr. Johnson, DAV: We spoke earlier, and I mentioned the presumptive diseases from Vietnam, Gulf War, 9/11. And on 9/11, it has melanoma as a presumptive. Vietnam veterans are also suffering from that disease. It's been deadly to us. If you can investigate that for us, why that's not on there? Thank you.

Mr. Liezert, VISN-4: Thank you. I'll take that back and try to find out more.

Mr. Petrovich, DAV: I want to thank you and Dave for putting that report together, also concerning the privacy issues in the hospital. Bruce and I must get together, take a look at that, adjust it and let some other folks take a look, but it's a great start. I just wanted to thank you.

**Committee Reports**

**VSO Grant Committee**

**Mr. Foster**

Mr. Chairman, thank you. We officially changed our name to the VSO Outreach Committee, but I want to take a minute to speak about Act 66 processing this year. I just don't understand, you know, normally we know what our budget allocation is going to be. I mean, it must wait for the budget to be passed in the end of June, but normally we get notified in March. This year we were notified in August. There isn't an organization here that hasn't had to fund their program because we have yet to receive a payment, and I would be diligent in my duties if I did not bring that up here. I've been told it's because it must go through nine different sections for approval. Well, I would think we could ask for pre-approval because what we did to correct the situation was we moved the application period behind 60 days. So, to me, next year, if our timetable is the same as this year, the

organizations can't pay out of their pocket, or be expected to pay out of pocket, for extended time periods. Enough said. We just need to look at our process. The next thing I wanted to say was just to thank you for allowing me to perform in this position through this year. We have transitioned in the American Legion. We have a great deal of confidence in this man. I will not entertain chairmanship in the next cycle. I make the recommendation to you that Matt should become the chairman of the committee. We need youth in the program and a good voice to carry on. We need to continue that. With that said, I do want to say that you opened my eyes to something. When we were told at the last meeting that we had to have our budget information in, we met that deadline. Then you wrote to me and said, you guys need to do justification. We published this book last year, the justification for urgency in this state. If you can't get our justification from there, we have failed. These are urgent times for veterans. 21,000 less veterans are receiving benefits this year than last year.

#### Questions/Discussion

Chairman Taylor: Mr. Foster, thank you very much for your service. Your request to not continue is noted. Matthew, if you are to be appointed, let's see what happens. On the first point, let me get you an answer.

Ms. Pettis, DMVA OCC: On the VSO grant issue, this is not intended to be the sole source of funding for your programs. It is meant to augment your programs and typically well-run organizations have reserves for those situations. The Commonwealth will pay, we're good at paying. But we're a government organization, and it takes time signing agreements. I tell people it takes a minimum of 60 days. Once we get an agreement signed by TAG, it also must go through the Office of Attorney General and the Office of General Counsel, and by law they have 30 days and the other has 30 days. So, I explained that the expectation should be 60 days once you sign the agreement, and we get TAG to sign the agreement. Additionally, we are waiting until we have a budget now before we sign these agreements. Because we don't know how much it's going to be that we're going to get in our budget for that line item, so it makes no sense for us to enter into an agreement that we will then immediately have to amend thereafter. Additionally, we don't make any promises in any of our contracts about when somebody's going to get paid because it's a circuitous route to get things paid in the Commonwealth. It must go through many different offices. It is just the reality of the situation. So, again the Commonwealth is not the sole or should not be the sole source for your VSO programs. That's not what the statute says, that was never the intent just to be clear.

Chairman Taylor: I hope that answers your question. I hope you enjoy retirement, sir. Thank you for your many years of longstanding contributions to, not only The American Legion, but to this Commission. If it is within my purview, I would like to recognize you formally later.

Mr. Googins, VVA: Thank you very much for explaining the situation. We have a small VSO program at Vietnam Veterans of America, so all we have are donations from veterans or other organizations. We do fund it if we don't get the money on time by taking out a loan, an interest loan, not an interest free loan, so that we keep the program going. So, I just want everybody to understand. So, let's get down in the trenches. I'm an Air Force guy. I hope I never get in a trench. I respect those that do. I totally support what Bruce was talking about and the way he explained it, so I just wanted to understand the process. I don't want to be rude, but I really don't care about the process. That's your job and you take care of it, and the TAG takes care of that process, and we're behind that. What I worry about and the other service organizations... I think what Bruce might be asking... let's see if we can do better in getting the funds rather than take the funds away from veterans. So, I appreciate that, Mr. Chairman. Bruce, I hope I didn't speak for you.

Mr. Petrovich, DAV: First, I'd like to say to Bruce Foster, Groundhog Day, we've been here before! And just a question to the Chief Counsel: Elizabeth, I know we have kicked around over the years a year contract so that you don't run into these things. So, if you have a three-year contract, after year two you're negotiating the next three contracts, and nobody has to take money out of the pocket that has to go to other programs. We've been supporting to fund this because, God love me, I've got two of them to do, the vans and the service officers. So, maybe we can start this process, so we eliminate this mess?

Ms. Pettis, DMVA OCC: Absolutely. So, yes, two years ago we put out that idea of doing a contract. If we did a contract, you would get paid monthly. We wouldn't have to do contracts every year, they'd be five years. We

could set them up because we know it's getting ready to expire in five years and we could get the agreement done six months in advance so there would be no change in service. The problem is that this is set up as a grant program and grant programs take time and there are formal processes. And, yes, we must evaluate based on performance. And you must provide justifications every time for every section because we're doing grant programs. So, you're not entitled to the program, I mean to the money. We must make sure that we are responsibly giving out grant money. You just can't give that to everyone you have to prove that you're complying with the existing agreements. If there are situations where organizations are repeatedly not meeting the requirements of the contract, I must pull everybody aside, saying can we responsibly give money to this organization. It's a lot involved. It would be much easier for everyone involved if we went to a contract for services model and we just paid the veteran service organizations for the work that they perform for the Department.

Chairman Taylor: I think everybody's in agreement with that. That's something perhaps I would respectfully submit that this Commission should pursue in 2023. Sam?

Mr. Petrovich, DAV: General Weigl, this is the part that's in your ballpark. We set off to get started talking about this. Madame Chief Counsel, you've given us a high level of descope, but we've got to work our way down so everybody knows what's involved, what you're accepting, and what you're getting into. That way, I think we won't have these discussions anymore. So, if we could do that, Gen. Weigl, I'd appreciate it. When there is a committee in place, and basically it is the five service organizations anyway. I mean you see the same smiling faces no matter where you're coming from, the PWVC the SVC or just the independent organizations that meet with Chip every quarter. So, please, let's get started.

Ms. Pettis, DMVA OCC: As a final note, legislation would be required. Just so everybody's clear, we would have to have legislation. We would have to repeal the existing and just give the Department the responsibility to provide services, and then we have the inherent ability to contract with third parties to provide the services.

**RETX Committee**

**Mr. Slep**

Mr. Chairman, I have no official report for you today, but I would just like to say that we've worked very hard the last couple years. The committee went through a lot of challenges, through COVID and all the other stuff we have to do. I'm very proud of current members and past members of the real estate tax committee. We were able to unify the Commission on a unanimous vote to make massive change moving forward as a Commission, and that's not to be confused because I can clearly state what we did again if I need to. But I want to thank the DMVA. I used to I used to wear them out every single day. They are doing a lot of great work. They're an excellent partner. And again, I want to thank everybody sitting around the table. My last little parting comment would be, always keep the best interest of Pennsylvania veterans and their families as a priority. If you're sitting here at the table, voting for yourself or your organization or association as your priority, I respectfully ask you to pass the torch to someone else that will hold Pennsylvania first. That's all I have to say. Thank you.

Questions/Discussion

None.

**Legislative Committee**

**Mr. Jackson**

Mr. Chairman, the Legislative Committee has no report right now. We are working on goals to presented to the Commission for next year. The PWVC has put on hold for one month its goals, and we want to make sure that the people in the PWVC get a chance to look at them and vote. Then we'll be able to come back and give you something more substantial.

Questions/Discussions

None.

**Pensions/Relief/Grave Marking/State Military Cemetery Committee**

**Mr. Googins**

I'm going to have my partner over here helping. One thing and that I mentioned, and I hate to bring up the War Veterans Council, but they have a program for honor guard participation at the state cemeteries. I talked yesterday to John Getz about maybe expanding that program. So, we we're going work on maybe a program on the honor guard at our state cemeteries. So, that be that'd be cool. One item that I need to learn a little bit more about is the little flags that we put in at the cemeteries, and someone help me, I just learned about this, they're supposed to be kept in until Veterans Day. Is that correct, as far as anybody knows? Some of the cemeteries take them out because it's hard to mow all around them, and from what I am gathering is that it's a push-pull from the direction from the state and the private sector sentence cemeteries to say I'm going do what they need to do is they got the mos. I don't know. I'll investigate that if it's ok, just to find out where the difference is. I think my partner here will help me out with that. It's been answered already, but if I can pass it on to you, I've got one more thing. Last meeting, I mentioned about a Vietnam Veterans memorial that was going to be put into Indiantown Gap and Constance is going to update us on that because she's more familiar with it. I'm going to give you the microphone you can do it all. And I'll just remind you of one thing for the good of the order at the end. If anybody has any questions for me.

#### Questions/Discussions

Ms. Snavelly, KPVA: The dedication for the Vietnam memorial tomorrow at Indiantown Gap National Cemetery is at the parking lot across from columbarium A and B. Some contexts with the little flags at private cemeteries: At least for Lebanon, the County Code says they come down in July after the 4th. However, a lot of the veterans' advisory councils for the areas let them stay up until after Veterans Day. Again, speaking for Lebanon County, we remove them the Saturday after Veterans Day. Now, putting on the hat of a person that manages a private cemetery (I really need to learn how to retire), I will keep a check on the flags at my cemetery. I keep a little stapler in each of my vehicles so as I do a drive-through I can fix them or replace them. So, I think it would probably go by the cemeteries if they're removing them because the flag just didn't hold up. Some let them in until after Veterans Day, but the County Code says they only need to be there through July 4th. So, there's the answer. There's a lot of "what ifs."

#### **Women Veterans Committee**

**Ms. Kaye**

Thank you, Mr. Chairman. I have no official report this month. Happy three-day weekend to most of us.

#### Questions/Discussions

None.

#### **Veteran Health Committee**

**Mr. Baylis**

The Long-term Care Council's meeting is not until the 13th of this month. In November I'll have something to say on that one. I have been trying to come up with a way to come up with some legislation that we could recommend for suicide prevention, and I love this graph, by the way, from the CDC Suicide Study. It boils some things down really well, and if you use the categories that they use, there are four major categories of causal suicide: relationship collapse, long-term physical problems, overdose, and long-term financial struggles are the things that seem to remove hope, where veterans get tired of the strain and hurt themselves. There's another study out of DoD done by Navy SEAL that entirely focuses on the loss of hope, and it talks a little bit more about feeling lost out here and a sense of loss of purpose and direction. So, if we used these five categories, I would like to have a little working group in December, prior to this meeting, where maybe we could bounce around some ideas targeting different areas. How to come up with some suggestions on legislation that may be able to help bring down the veteran suicide problem. It is my perception reading those studies that the country's doing very well clinically with therapies and medical treatments, but there's some things on the fringes that maybe we could do a better job and help with some legislation. I would like to meet early for the December meeting. I don't think I'd be up for it in November, but if anybody would like to do that in December, I would offer that possibility. I do a lot of homeless veterans, I don't know how many of you know that, but we do stand-downs in a lot of cities every month and we see an unusual trend in our numbers: the at-risk veterans of becoming homeless numbers participating in our stand-downs is going up. They used to

be about 5 to about 10% were actually homeless vets and we're seeing 25 to 35% more, which I don't know exactly what's causing it but the economy seems to be a glaring battlefield indicator to me. Anyway, those are my main things I want to talk about. I'd like to introduce my son behind me. He's doing a civics project, so he's going to be reporting to his retired marine E-9 civics teacher about what we did here today. So, if anybody has anything you want this civics teacher to hear, please let me know. Subject to any questions, that's what I've got. Thank you.

Questions/Discussions

Chairman Taylor: Adam, welcome. I hope we are providing you the information that you need for your school project. Thanks for being here with us today.

**Governance Committee**

**Mr. Booker**

Good morning, everyone. My apologies, I've not been able to deliver on getting our committee together. I do have our draft bylaws and what I'm calling our operating procedures, which is an addendum to the bylaws. We just need to connect as a group to work on them, and I would ask members of the committee who are here to stay behind afterwards for a little bit and meet with Rick to discuss our way forward in our collaborative tools.

Questions/Discussions

None.

**PA War Veterans Council Update**

**Mr. McDonald**

As per our conversation earlier today, it'll be monthly. As of today, I don't have any business. But I'll keep it on a monthly basis if I deem something needs to be brought to the Veterans Commission.

Questions/Discussions

None.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

Chairman Taylor: I had a question that I proposed to Mr. Mutschler and the PIRO team about the use of professional titles in correspondence. Some years ago, I asked about this, and I was told no, but verbally I was told yes. My concept was that there may be some forms of correspondence where the use of a professional title, like a master's degree or a doctorate degree or a military rank even may be appropriate to use in some kind of correspondence, and the response verbally that I got is yes. So, a little more about that to follow, but the whole purpose of me saying this is if there is some correspondence that needs to be put out, right now I have the approval to, if somebody is recognized as a Ph.D., they would be allowed to use doctor in their title. So, more to follow. And, just a reminder, on Sunday the 6th of November, there is the Veterans Day ceremony here at Fort Indiantown Gap National Cemetery. Catholic War Veterans has the lead for that, so if you are in the area and want to come out and participate, I'd encourage you to please do that. 2:00 to maybe 6:00 at the national cemetery.

**Good of the Order**

Mr. Googins, VVA: There's an organization in southwestern Pennsylvania some of us have heard about, I know Gen. Weigl has, it's called the Veterans' Breakfast Club. They started by doing breakfast once a month and the director would go around to veterans to lead them on and say for example, what did you do in the service, and ask questions and get them to expound on what they did to serve our country. It has become extremely successful and it's very interesting. All services they allow to just speak. It's now expanded. When COVID-19 started, they went virtual and they continue virtual especially on Monday evenings at 7 PM and other times, and they still have live events. They have something like 80 live events now they're thinking about 60 including the virtual events. I know it's getting late however I brought a bunch of these magazines. It's a current one that just came out. They do a great job on a free magazine. By the way, this is all free, there's no expense, but you must pay for breakfast if you had breakfast and go to one of the live events. Anyway, the individual who started it is a history buff. He taught at Penn State Beaver for many years and then as he learned about veterans, he's now veteran supporter, and that is his life right now, and his families also. So, he's dedicated to this. The sole purpose is to recognize veterans and tell their stories. It is not one of those that is recorded. All of the virtual meetings are recorded but that's not the purpose. This is just a friendly group, and I'll tell you everyone go to I come home and tell my wife that's the best one yet. I don't know when that will hit the ceiling but what I'm getting at is that every one of them are interesting and someone a jaw dropping. I have a bunch of these magazines in the back of the room. They cost nothing. I highly recommend you take some time and just jump in.

Mr. Heister, MOAA: MOAA is the lead organization of a military coalition in DC. We have a dozen lobbyists. We represent officers of course, but the work we do benefits servicemembers, retirees, and veterans of all ranks. And something I want to draw your attention to is, those of you who are Tricare recipients, beneficiaries, Tricare is taking this action to eliminate 14,000 independent pharmacies around the country from participating in the Tricare pharmacy network, and what that's doing is that takes away your option to go down to your local independent pharmacy who probably charges you a lower copay, certainly than Express Scripts does, and probably less than Rite Aid or Walmart or Giant Eagle or any of the other national drug stores, CVS and so on. This was done sort of as a stealth thing. I smell lobbyists at work hard at night but MOAA's fighting this. The action that you can take is to reach out to your Congress representative and your senators and ask them to insert themselves into this and stop Tricare from kicking out up to 14,000 independent pharmacies. The rationale is, oh you got another pharmacy just down the street, so we don't need to have this one. Well, that other pharmacy just happens to charge more. That's it.

Mr. Eisele, PASACDVA: Good afternoon, sir. I'm new to this table, but I have been doing this job for well over a decade and have been to the SVC many, many times over. The biggest thing I could ask going into the elections is to leave all the garbage the door and let's keep moving forward. We are all doing the same job. We need to remember when we walk into this door, we're team. Lead by example and get the job done so veterans stay in Pennsylvania and want to move to Pennsylvania. That's all I have to say.

Mr. Brady, MCL: I just wanted to let you know that on November 11th, the Marine Corps League nationally is joining with the National Flag Foundation in an event to highlight the 240th anniversary the Purple Heart award. Beginning at the Coppers Building in Pittsburgh, on the evening of November 11th, it will be bathed in purple and a Marine Corps League color guard will participate in a ceremony. From there it goes to One World Trade Center in New York, to a small community in Arizona where buildings across the country will be either bathed in purple or red, white, and blue with a Marine Corps League color guard (fingers crossed). So, keep an eye on that. I'm aware that along with the one in Pittsburgh there will be an event in Philadelphia. I'm not sure where yet but watch the social media postings of the Marine Corps League and the National Flag Foundation. And, also, until the next time we meet, Vets Vote!

Mr. Hawk, AMVETS: I want to let everyone know that AMVETS is doing a homeless veterans clothing drive. There are boxes out through several locations in Lebanon County. On November 5th, we will be down here at headquarters, right here on the base, building 3-97. Anybody wants to bring any clothing or whatever, we're

going to gather everything up that day. We'll have some food available and stuff like that. So, everybody's welcome. Your donations are welcome. They're definitely going to homeless veterans. Appreciate your help.

Ms. Snively, KPVA: The Lebanon Valley Chamber of Commerce is having their annual veterans' breakfast on the 1st of November, if anybody who's local and available. The Indiantown Gap National Cemetery will be the recipient of the 2022 General Smoker Beyond the Call Award that day also. The keynote speaker is Sergeant Earl Granville. He's a nine-year veteran of the Army National Guard and Purple Heart recipient, if anyone's heard of him. He's an amputee thanks to a roadside bombing and is now a motivational speaker and a marathon runner. I couldn't run a marathon with two legs. So, if anybody is interested, I have information on that.

### **Closing Remarks**

Chairman Taylor: We have one more formal piece of process to do and that is the election. But before we do that, does anybody have any recommendations for the agenda for our next meeting? Our next meeting, as you can see on the program, is slated for Friday, December 2nd. If you don't have anything now, that's fine. If you do think of something, please send an e-mail to Mr. Greg Holler. And I'm thinking probably the Friday before Thanksgiving is when the team will get together to talk about the read-ahead. If any of the commissioners have anything you'd like to add to the agenda that makes sense. And that takes us to the elections.

### **Elections**

#### Chairman:

Mr. Heister, MOAA, nominates Mr. Taylor, CWV. Mr. Taylor accepts.

Mr. Jackson, Member-at-Large, nominates Mr. Petrovich, DAV. Mr. Petrovich accepts.

Vote is made by ballot. Ballots are tallied by Mr. Wallitsch; OCC. Mr. Taylor is re-elected Chairman of the State Veterans Commission.

#### Vice Chairman:

Mr. McDonald, AMVETS, nominates Mr. Manella, VFW. Mr. Manella accepts.

Mr. Taylor, CWV, nominates Mr. Eisele, PASACDVA. Mr. Eisele accepts.

Vote is made by ballot. Ballots are tallied by Mr. Wallitsch, OCC. Mr. Eisele is elected Vice Chairman of the State Veterans Commission.

### **New Chairman's Remarks**

**Mr. Taylor**

Thank you, ma'am and ladies and gentlemen. Thank you very much for your support and your confidence. I truly, truly look forward to working together this next year with each and every one of you. And, Sam, congratulations again on your nomination and I look forward to working with everyone.

### **Next Meeting**

Friday, December 2, 2022, 10:00 AM  
Forum: Arrowheads Community Center, FIG

The minutes of this meeting are respectfully submitted by:

BG (PA) Maureen Weigl  
Deputy Adjutant General

## Veterans Affairs



**STATE VETERANS COMMISSION MEETING  
DECEMBER 2, 2022**



**DMVA MILITARY UPDATE**





# CURRENT MOBILIZATIONS & TOTAL DEPLOYMENTS



PAARNG Current Deployments						
MDATE	MSAD	UNIT	OPN	PAX	MISSION	Projected Return Date
28 FEB 22	03 MAR 22	109 IN	MFO-22-24	199	T10, 12302	08 JAN 23
01 JUN 22	01 JUN 22	1955 CCD	OSS	2	T10, 12302	28 MAR 23
02 JUN 22	04 JUN 22	252 QM	OSS	206	T10, 12304B	31 MAR 23
28 JUN 22	03 JUL 22	192FFT	APO	7	T10, 12304B	08 APR 23
08 OCT 22	10 OCT 22	28 ID HQ	OSS	394	T10, 12302	04 AUG 23
07 OCT 22	10 OCT 22	55 MEB	SWB	102	T10, 12302	03 AUG 23
ARNG Soldiers at MOB/DEMOB Sites				118	Various Missions	Various based on tour
Various Individual MOB Soldiers				1	Various Missions	Various based on tour
Total PAARNG Deployed: 1029						

PAANG Current Deployments		
Unit	Opn	Pax
193 SOW	OFS-OIR-OSS, Other	8/1
111 ATKW	IPR (HS), OFS-OIR-OSS, TS	36/6/40
171 ARW	Alert Status (HS), OFS-OIR-OSS	37
<b>Total PAANG Deployed</b>		<b>128</b>

**Total PANG Deployed 806**

# PVH CURRENT LICENSURE STATUS



SVH	Regulatory Agency	Survey Reason/Type	Survey Date(s)	Status/comments	
DVVH	DOH Nursing	Annual Recertification	04/26/22 - 04/29/22	Cleared	
	DOH Life Safety	Annual Recertification	05/10/22	Cleared	
	VA	Annual Recertification	06/07/22 - 06/10/22	CAP accepted, full certification	
GMVC	DOH Life Safety	Annual Recertification	10/18/22	POC accepted, date certain 11/11	
	DOH Nursing	Annual Recertification	10/11/22 - 10/14/22	POC accepted, date certain 12/02	
	DOH Nursing	Abbreviated - Complaints, Follow-Ups	09/22/22	Cleared	
	DOH Nursing	Abbreviated - Complaint	08/17/22	Cleared	
	VA	Annual Recertification	02/07/22 - 02/10/22	CAP accepted, full certification	
	HVH	DOH Nursing	Annual Recertification	08/22/22 - 08/26/22	Cleared
		DOH Life Safety	Annual Recertification	08/30/22 - 08/31/22	Cleared
DHS		Annual Recertification	08/16/22 - 08/17/22	Cleared	
VA		Annual Recertification	06/06/22 - 06/10/22	CAP accepted, full certification	
PSSH	DOH Nursing	Annual Recertification	05/17/22 - 05/20/22	Cleared	
	DOH Life Safety	Annual Recertification	05/24/22	Cleared	
	DHS	Annual Recertification	09/21/21 - 09/22/21	Cleared	
	VA	Annual Recertification	01/31/22 - 02/04/22	CAP accepted, full certification	
SEVC	DOH Nursing	Annual Recertification	08/23/22 - 08/26/22	Cleared	
	DOH Life Safety	Annual Recertification	08/30/22	Cleared	
	DHS	Annual Recertification	09/07/22	Deficiency-Free	
	VA	Annual Recertification	01/31/22 - 02/04/22	CAP accepted, full certification	
SWVC	DOH Nursing	Annual Recertification	07/11/22 - 07/15/22	Cleared	
	DOH Nursing	Abbreviated - Complaint, Incident	08/18/22	Cleared	
	DOH Life Safety	Annual Recertification	07/20/22 - 07/21/22	Cleared	
	VA	Annual Recertification	08/02/22 - 08/05/22	CAP accepted, full certification	

Each DMVA Pennsylvania Veterans' Home is currently licensed by the PA Department of Health, PA Department of Human Services and certified by the U.S. Department of Veterans Affairs. HVH, PSSH and SEVC have a Personal Care program.

*Last updated: 11-17-2022*

# BUREAU OF VETERANS' HOMES



## Resident COVID-19 Update

Home	Data Date	# of Residents with S/S of COVID-19	# of Residents Currently Positive in Facility	# of Residents Waiting Test Results	# of Residents in Hospital for COVID-19 Reasons	# of Total Residents Tested	General Resident Population Testing, Enter round # and S-Started C-Complete	# of Residents Positive for COVID-19 Cumulative	# of Residents Recovered	# of Residents That Expired with a Positive COVID-19 Status.
DVVH	11/16/2022	1	0	0	0	7531	56-S	168	145	22
GMVC	11/16/2022	0	0	0	0	14327	108-C	210	177	33
HVH	11/16/2022	1	1	2	0	19373	102-C	275	233	32
PSSH	11/16/2022	11	11	1	1	13530	183-S	195	143	22
SEVC	11/16/2022	0	3	0	0	16495	134-C	199	137	46
SWVC	11/16/2022	0	0	0	1	18110	55-C	172	163	8
<b>Total:</b>		13	15	3	2	89366		1219	998	163

As of 16 Nov 2022

> community > commonwealth

> country

# BUREAU OF VETERANS' HOMES



## Staff COVID-19 Update

Staff		01	02	03	04	06	07
Home	Data Date	# of Staff Currently Out for COVID-19 Reasons	# of Staff Currently Positive	# of Staff Waiting Test Results	# of Total Staff Tested	# of Staff Tested Positive for COVID-19 Cumulative	# of Staff Returned to Work Cumulative
<b>DVVH</b>	11/16/2022	1	1	0	13630	226	270
<b>GMVC</b>	11/16/2022	0	0	0	25468	233	224
<b>HVH</b>	11/16/2022	3	3	0	59402	672	2190
<b>PSSH</b>	11/16/2022	8	8	2	26827	289	572
<b>SEVC</b>	11/16/2022	5	4	0	24685	358	600
<b>SWVC</b>	11/16/2022	0	0	0	33145	292	521
<b>Total:</b>		17	16	2	183157	2070	4377

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> [country](#)

# BUREAU OF VETERANS' HOMES



## COVID-19 Vaccination Update

### Vaccinations (All Homes)

ResidentsBy Home	Vaccinations - Residents					
		Census	Fully Vaccinated	% Fully Vaccinated	Partially Vaccinated	Not Vaccinated
DVH	Residents	126	126	100%	0	0
GMVC	Residents	128	128	100%	0	0
HVH	Residents	242	228	94%	0	15
PSSH	Residents	135	134	99%	0	1
SEVC	Residents	192	189	98%	0	3
SWVC	Residents	128	125	98%	1	2
<b>Total</b>		<b>951</b>	<b>930</b>	<b>98%</b>	<b>1</b>	<b>21</b>

As of 16 Nov 2022

> community > commonwealth

> country

## Pennsylvania Veterans Homes COVID-19 Update

COVID-19 links for information related to the Veterans Homes and skilled nursing facilities.

- <https://www.dmva.pa.gov/Pages/default.aspx>
- <https://www.health.pa.gov/topics/disease/coronavirus/Pages/LTCF-Data.aspx>
- <https://www.health.pa.gov/topics/disease/coronavirus/Pages/Monitoring-Dashboard.aspx>
- <https://www.health.pa.gov/topics/disease/coronavirus/Pages/Guidance/SNF-Guidance.aspx>
- <https://docs.google.com/spreadsheets/d/19MpLoPxayE1MDwQJJYCzXlSN64V4FJSJPGzfvVBb5Mw/edit#gid=1511961664>
- N

### State Legislation of Interest.

- SB 849 (Stefano) Amends Title 51 (Military Affairs), in veterans' preference, further providing for definitions; and, in voluntary veterans' preference in private employment, further providing for definitions. **Final Passage 6/30/2022. Signed by Governor 7/7/2022 (Act 44), Earliest Effective Date 9/5/2022.**
- HB 1868 (Mako) Amends Title 63 (Professions and Occupations ((State Licensed)) repealing and replacing existing language and establishing new chapter relating to military and veterans licensure. Provides requirements for the Bureau of Professional and Occupational Affairs relating to licensing for military applicants, examining relevant military experience, approving renewals of licenses for deployed servicemembers, gathering license fees and submitting information reports to various state officials. **Final Passage 6/30/2022, Signed by Governor 7/7/2022 (Act 35), Earliest Effective Date 11/4/2022.**
- HB 1421 (Thomas) Amends Title 51 (Military Affairs), in Department of Military Affairs, providing that the department may request the Pennsylvania National Guard for assistance in burials and provides that if a contract is executed the department shall pay an amount not exceeding \$250. Final Passage in House; 201-1; 6/9/21. **Final Passage in Senate 49-0; 6/20/22. Final Passage 7/8/2022. Signed by the Governor 7/11/2022 (Act 54), Earliest Effective Date 9/9/2022.**
- HB 995 (Kaufer) - Amends Title 51 (Military Affairs), in Department of Military Affairs, establishing the Veterans' Outreach and Support Network Program. Provides for a program that will improve the health and wellbeing of veterans and the families of veterans through community engagement and consistent network communication and organize participants to cooperate with network partners to provide for proactive solutions to address the problems faced by veterans. **Awaiting 3rd Consideration. Set on Tabled Senate calendar 4/13/2022 (TAG LTR of Support IP) Push for Fall Passage. Rep Kaufer most likely had too many bills. Will likely need to be reintroduced next session (Sine Die)**
- HB 491 (Boback) Amends Title 51 (Military Affairs) establishing Chapter 99 regarding Veterans' Benefit Payment Exclusion. One hundred percent of a veterans' benefit payment may not be included as income for any commonwealth program. **Awaiting 3rd Consideration. 1/22/2022 Rereferred to Senate Approps.**
- HR 129 (Pennycuick) Concurrent Resolution establishing the Task Force on Women Veterans' Health Care in the Commonwealth of Pennsylvania. **Passed House 203-0; 5/24/22. Received in Senate VAEP 5/24/22.**
- HB 1055 (Webster) Amends "An act to authorize the recorder of deeds in the several counties of this Commonwealth to record the discharges of all honorably discharged officers and soldiers," providing that a veteran's records of discharge shall be inaccessible to anyone other than the veteran or an immediate family member or authorized agent for 85 years. **Final Passage House 11/10/2021. Received by Senate VAEP 11/12/2021.**
- HB 1108 (Neilson) Amends Title 30 (Fish), in fishing licenses, further providing for exemptions from license requirements for therapeutic recreational programs. H Game and Fish 4/6/21. Voted favorably and reported as committed H Game and Fish. 4/21/21. Discussed during public hearing H Game & Fish + H Tourism & Rec, 10/6/21. **Final Passage House 12/15/2021. Voted favorably and reported as committed Senate Game and Fish – 10/26/22. On Senate calendar 11/15/22. On 2nd consideration.**

### State Legislation of Interest.

- SB 241 (Brewster) Amends Title 30 (Fish), in fishing licenses, exempting individuals participating in therapeutic recreation programs. Effective in 60 days. **Final Passage Senate 6/24/21. Awaiting 2<sup>nd</sup> consideration. On House tabled calendar 11/18/2022.**
- HB 1972 (Boback) Amends Title 51 (Military Affairs), in State Veterans' Commission and Deputy Adjutant General for Veterans' Affairs, providing the definition of "commission" is clearly explicated to mean The State Veterans' Commission within the context of this bill. Provides for "Community-Based Palliative Care." Subchapter E. Introduced H VAEP 10/13/21. **Final Passage House 198-0; 5/25/22. Received in the Senate, referred to VAEP, 6/1/22. Awaiting 1st consideration.**
- HB 164 (Staats) Act amending Title 51 (Military Affairs), providing that a licensed funeral director, funeral entity or cemetery company shall, within 96 hours of receipt of the remains of a deceased serviceperson, notify the county director of veterans affairs of a deceased serviceperson having legal residence in the county at the time of death and provide the family of the deceased serviceperson with the contact information for the county director of veterans affairs. **Final Passage House 6/09/2021. Received by Senate VAEP 6/11/2021.**
- SB 272 (Mastriano) Amends Title 30 (Fish), in fishing licenses, providing free resident fishing licenses for first responders who have a disability incurred in the line of duty that prevents substantial employment and meets certain qualifications. **Final Passage Senate 1/19/2022. Received in the House and referred to House Game and Fisheries 1/21/2022.**
- SB 455 (Bartolotta) Amends Title 51 (Military Affairs), in veteran-owned small businesses, The legislation provides for eligibility, issuance and administration of the logotypes and the system for verification. Money may be utilized from the Veterans' Trust Fund to establish the logotypes and a system for verification. Violation of this act is a misdemeanor of the third degree if the individual fraudulently holds the logotype. Further provides the full amount of each fine collected for a violation shall be deposited into the Veterans' Trust Fund. **Awaiting 3rd consideration. Rereferred to Senate Approps 6/21/2021.**
- SB 150 (Ward) *Comp: HB 477 (Pisciottano)* Amends Title 51 (Military Affairs), in veterans' pensions and benefits, further providing for blind veteran's pension and for amputee and paralyzed veteran's pension by increasing the compensation from \$150 to \$180. **Awaiting 2nd consideration. Rereferred to S Approp 5/10/2021.**
- SB 578 (Bartolotta) Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, in taxation and finance, further providing for exemptions and special provisions. **Awaiting 2nd Consideration. Laid on the table 6/26/2021.**
- SB 750 (Fontana) Amends the Pennsylvania Amber Alert System Law, establishing the Pennsylvania Green Alert System; and further providing for immunity. **Awaiting Second Consideration. Set on Senate Tabled Calendar 6/8/2022.**

### State Legislation of Interest.

- SB 244 (Pittman) Amends Title 51 (Military Affairs), in disabled veterans' real estate tax exemption, providing the commission may not consider disability compensation received by an individual as determined by the federal Department of Veterans Affairs. **On 2nd Consideration. On Senate calendar 11/15/22.**
- HB 1691 (Boback) An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in State lottery, further providing for statement of purpose, for powers and duties of secretary and for disposition of funds and providing for instant lottery game to benefit older veterans. **Set on House Tabled Calendar 11/18/22. Awaiting 2nd Consideration.**
- HB 1963 (Ryan) Amends Title 51 (Military Affairs), in Department of Military Affairs, repealing provisions related to advisory councils for veterans' homes; and, in State Veterans' Commission and Deputy Adjutant General for Veterans Affairs, establishing the Veterans' Home Advisory Board within the department and providing for its composition and powers and duties. **Introduced H VAEP 10/7/21. Discussed during public hearing H VAEP 10/19/21. Awaiting 1st Consideration.**
- HB 1978 (Pennycuick) Amends Title 51 (Military Affairs), in State Veterans' Commission and Deputy Adjutant General for Veterans' Affairs, permitting any veteran organization or individual veterans to apply for membership. This legislation also outlines the powers and duties of the State Veterans' Commission. **Introduced H VAEP 10/18/21. Discussed during public hearing 10/19/21 H VAEP. Awaiting 1st Consideration.**
- HB 386 (Pisciottano) Amends the State Lottery Law, in State lottery, further providing for statement of purpose, for powers and duties of secretary and for disposition of funds and providing for instant lottery game to benefit veterans. **Introduced H VAEP, 2/3/21.**
- SB 974 (Brooks) Act providing for Student Loan Forgiveness Program for Nurses and Nurse Faculty; and imposing duties on PHEAA. **Introduced Senate Education, 12/17/21.**
- HB 1976 (Harkins) Act providing for workplace health & safety standards for public employees; providing for powers & duties of the Sec. Of L&I, establishing the PA Occupational Safety & Health Review Board; providing for workplace inspections. **Introduced in House Labor and Industry 10/18/21. Awaiting First Consideration.**
- HCO 2548 (Polinchock) Exempts direct care employees at veterans' homes from the Civil Service Act. **House Co-Sponsorship Memo Filed, 12/3/21.**

**\*\*Updates as of 16 Nov 2022**

## BUREAU ACTIVITIES



**pennsylvania**  
DEPARTMENT OF MILITARY  
AND VETERANS AFFAIRS

- We serve over 700,000 veterans and approximately 18,000 members of the Pennsylvania National Guard. We are here for them, their families, and the nearly 2,500 active and over 10,000 reserve component military members and families that call Pennsylvania home. **We are a community of over 2 million Pennsylvanians strong.**
- **Top issues facing our veterans' community** across the commonwealth are Homelessness, Transportation, Employment, Mental Wellness, and veterans benefit awareness as confirmed by the survey of 103 members of our regional advisory groups.
- **State Benefits** – In SFY 21-22, we directly served 3,813 veterans and family members with state benefit programs. So far, this SFY we have served 2,259 veterans and family members.
- **VBA benefits** – The collective efforts of DMVA, the counties, TAL, VFW, VVA, DAV, and AMVETs there were 112,712 claimants in the month of September that received a payment, the value of September payments is \$189,709,288.
- **PACT Act** - Veterans can visit [www.va.gov/PACT](http://www.va.gov/PACT) to get the latest information and updates or connect with a Veteran Service Officer for assistance. Since the PACT was enacted, the federal VA has seen an increase of over **113,000 claims nationwide**.
- **Veterans Trust Fund (VTF)**- Since the grant program began in 2013, a total of \$6,700,590 has been awarded to organizations that serve PA veterans to include \$1.4 million last year. 2023-24 Notice of Funding Announcement to be published December 2022. More information may be found at [www.dmva.pa.gov/veterans](http://www.dmva.pa.gov/veterans) and then click on Grants.
- **2023-24 Grants to Veteran Service Officer (VSO) Programs** – Notice of Grant Announcement and Guidelines published on 15 Nov 22. Applications are due by 15 Jan 22. Questions may be directed to the VSO Grant Program Manager. More information may be found at [www.dmva.pa.gov/veterans](http://www.dmva.pa.gov/veterans) and then click on Grants.



- **Title 43 Regulatory Update Project** – We conducted a regulatory review of the application and adjudication procedures for our state veterans’ benefits programs codified in 43 Pa. Code. The review follows a detailed process governed by the Regulatory Review Act and overseen by the Independent Regulatory Review Commission. Members from the SVC have been included on the associated working groups. An Exposure Draft was provided to key stakeholders, and we will close the informal comment period on 19 Dec 22.
- **Stakeholder Engagement** - We realize that there is no way we can successfully serve veterans without the cooperation of our government partners and community partners, especially those who are on the ground level and work every day to improve the lives of veterans. We are taking a positive and collaborative approach in all we do. We continue to work with our federal and state government partners as well to expand our ability to connect with servicemember, veterans, and their families. For example:
  - PennDOT Welcome Centers (Digital Monitors) – 4 million visitors per year across 13 facilities has messaging related to PA VETConnect and the PA Veterans Registry.
  - Fifth and final **virtual town hall** held on 2 Nov 22 to honor veterans. Brig. Gen. (PA) Weigl, DMVA deputy adjutant general for Veterans Affairs; Kory Auch, Governor’s Office of Administration special advisor for Veteran Programs; Bridget Slagan, Camp Freedom development coordinator; and Debbie Goral, VA Veteran Community Partnership.
  - Collaboration with the Veterans Health Administration and the Departments of Aging and Transportation mailings are being sent to over 530,000 veterans across the Commonwealth to inform them of federal VA, DMVA, and PDA benefits.
  - Senate Staff Veteran Advocate Training – Completed training events for Senate Republican (7 Sep 22 – Harrisburg) and Democratic (20 Oct 22, First City Troop, Phila.) with over 60 attendees across both events. Anticipating additional training events from the PA General Assembly.
    - Significant uptick in phone calls over the last 4 weeks, with a 103.7% sustained increase in daily calls and 155% increase (8.7 hours per week) in call duration since the start of the campaign. Overall increase of 3.5% of new registrants to the PA Veterans Registry since 12 Oct 22 with a 108% average increase per week.
- **PA Veterans Registry** - 47,610 total registrants.
  - Customer Experience Score 87.7% (agree or higher)
  - Demographics: 18-25 2%; 26-34 9%; 35-44 13%; 45-54 17%; 55-69 25%; and 70+ 17%



- **Suicide Prevention** - Pennsylvania is participating in the Governor’s Challenge to prevent suicide among service members, Veterans, and their families (SMVF). Special focus on three priority areas: Identify SMVF and screen for risk; Improve access to mental health and behavioral health services; and Increase lethal means safety and safety planning
  - Through a partnership with VA and SAMHSA, Pennsylvania is also participating in the Governor’s Challenge to prevent suicide among service members, Veterans, and their families (SMVF). Special focus is on three priority areas: Identify SMVF and screen for risk; Improve access to mental health and behavioral health services; and increase lethal means safety and safety planning.
  - Northwest Pennsylvania Veteran Suicide Prevention Program: A partnership with the University of Pittsburgh’s Program Evaluation and Research Unit for suicide prevention implementation within a 15-county region using a \$3.7M Center for Disease Control grant over a five-year performance period.
  - Together with Veterans (TWV): NEPA faces some of the highest rates for Veteran Suicide within the Commonwealth. In collaboration with Carbon County, DMVA has adopted the TWV model—a community-based suicide prevention program that partners rural Veterans with community agencies. DMVA has expanded this TWV model Cambria.
- **Governor’s Advisory Council on Veterans Services** – met on November 2, 2022. The Governor attended for a year-end review. More information to include past meeting minutes and presentations may be found at [www.dmva.pa.gov/veterans](http://www.dmva.pa.gov/veterans) and then click on Governor’s Advisory Council on Veterans Services. The next meeting will be February 1, 2023.



- Since PA VETConnect launched, we have made more than 16,500 connections with federal, state, and local government officials, non-profit organizations, and community leaders to build relationships and enhance our network capabilities.
- This program has been recognized with the 2022 VA Pillar of Excellence Award and the team was awarded the Governor’s Award of Excellence
- Currently have over 1,889 resources in the database that are vetted to assure they are appropriate for servicemembers, veterans and their families.
- Project to enhance and further develop the technology platform is in progress.
- Examples:
  - Region 1 held the monthly Erie County Veteran Engagement Board (CVEB) and had Brandon Wiley speak on Veteran Suicide Prevention. He spoke about basic signs and SAVE – Signs, Asking, Validating and Encourage Treatment and Expedite Help. He encourages everyone to prepare and store all lethal means properly and effectively.
  - Region 2 attended the PA Disabled Veterans Rehabilitation (PDVR) meeting. RPOC shared PACT Act updates, Outreach events planned for the region, and the VSS presentation to the Altoona VAMC Caregiver event. Discussed the upcoming VCI Symposium on 10/26-10/27. Day 2 will focus on suicide prevention.
  - Region 3 participated in the Healthy Adams County Behavioral Health Task Force that discussed ways to spread the word about mental illness and to increase mental wellbeing among the county residents. RPOC provided a list of resources that should be included in their guide. VSS participated in a newly formed coalition – Veteran Community and College Coalition, which is based out of Bath, NY (covers Potter and Tioga counties). This coalition will focus on developing relationships with area universities and colleges to educate the younger Veterans attending school.
  - Region 4 held the quarterly #reachout community meeting with TWV NEPA community members in Lehigh, which served as a mini training to local community leaders on utilizing newly developed Veteran #reachout cards for individuals working with veterans. The cards have important contact information for the area for veterans to reach out to. Of the 30 attendees, the meeting included two Carbon County Commissioners, Chief Public Defender, Deputy District Director from Congressman Meuser’s office, President of Lehigh Valley Health Network, multiple Commanders of local area veteran service organizations, Carbon County Aging Administrator, Penn Foundation staff, and many others.
  - Region 5 met Lancaster County Warden and Deputy Warden at an event in Lancaster City and spoke to them about our initiatives with veteran inmates and providing them with resources for a successful reentry process. The inmates don’t stay very long in the county, so they need to get employment, housing and education resources prior to release. Visiting York County jail with the Warden, Deputy Warden and the Reentry Coordinator of Lancaster County to see how they can incorporate what York County in the new Lancaster facility.

## OVA / VSO GRANT PROGRAM SUMMARY



<b>FY 21 - 22 Claims, Compensation and Pension Summary</b>	
<b>Monthly Content Count</b>	<b>Monthly Content Gross Amount Value</b>
<b>112,101</b>	<b>\$188,703,699.00</b>
<b>Year to Date Content Count</b>	<b>Year to Date Content Gross Amount Value</b>
<b>335,036</b>	<b>\$562,826,688.00</b>

Note: Data is derived from monthly Federal Veterans Affairs reports. Content Count is the number the of recipients receiving VA compensation and pension. Content Gross is the dollar amount associated with compensation and pension payments.

**As of 31 October 2022**

> [community](#) > [commonwealth](#) > [country](#)

# REINTEGRATION AND OUTREACH EVENTS OVERVIEW



Outreach Statistics					
	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Year to Date
Outreach Events Supported	61	17			<b>78</b>
Mobile Outreach Van Events	13	2			<b>15</b>
Veteran Interactions	1,196	342			<b>1,538</b>
Claim referrals to County Directors and Service Organizations	452	115			<b>567</b>
Claim referrals to other state, county and local organizations assisting Veterans	225	93			<b>318</b>
Health Care Enrollment Referrals	162	44			<b>206</b>
Number of Veterans Registry Cards distributed	119	42			<b>161</b>
County Directors Office Attended	32	5			<b>37</b>
Legislative attended events	32	9			<b>41</b>

As of 31 October 2022

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# VETERANS' TRUST FUND



VTF Report						
Source	Week	Month to Date	Fiscal Year Total		Total	# HOV Sold
Appropriation Transfer to VTF	\$0.00	\$0.00	\$0.00		\$1,700,000.00	
HOV License Plate	\$0.00	\$0.00	\$1,084.00	72	\$54,686.00	3,646
PA Monuments LP	\$0.00	\$0.00	\$0.00	0	\$0.00	0
HOV Motorcycle License Plate	\$0.00	\$0.00	\$0.00	0	\$3,479.00	232
HOV Women's License Plate	\$0.00	\$0.00	\$75.00	5	\$1,635.00	109
Checkoff & Donations	\$18,731.00	\$229,602.91	\$483,926.04		\$13,505,593.03	
Veterans Trust Fund Online Donations	\$0.00	\$0.00	\$25.00		\$6,153.00	
SECA Donations	\$0.00	\$493.68	\$944.28		\$15,649.50	
County Juror Donations	\$3,482.71	\$3,790.51	\$9,835.86		\$62,622.07	
Interest	\$4,850.31	\$4,850.31	\$16,741.35		\$199,229.32	
VSO	\$0.00	\$0.00	\$0.00		\$700,000.00	
PENNDOT Costs (SFY 16-17)	\$0.00	\$0.00	\$0.00		\$194,000.00	
PENNDOT Costs (SFY 15-16)	\$0.00	\$0.00	\$0.00		\$194,000.00	
PENNDOT Costs (SFY 14-15)	\$0.00	\$0.00	\$0.00		\$194,000.00	
PENNDOT Costs (SFY 13-14)	\$0.00	\$0.00	\$0.00		\$194,000.00	
VTF Grant NOFA (SFY 21-22)	\$423.10	\$423.10	\$1,321,811.60		\$1,321,923.10	
VTF Grant NOFA (SFY 20-21)	\$0.00	\$0.00	\$0.00		\$782,833.48	
VTF Grant NOFA (SFY 19-20)	\$0.00	\$0.00	\$0.00		\$800,000.00	
VTF Grant NOFA (SFY 18-19)	\$0.00	\$0.00	\$0.00		\$780,137.46	
VTF Grant NOFA (SFY 17-18)	\$0.00	\$0.00	\$0.00		\$763,749.14	
VTF Grant NOFA (SFY 16-17)	\$0.00	\$0.00	\$0.00		\$641,329.75	
VTF Grant NOFA (SFY 15-16)	\$0.00	\$0.00	\$0.00		\$502,126.03	
VTF Grant NOFA (SFY 14-15)	\$0.00	\$0.00	\$0.00		\$472,473.67	
VTF Grant NOFA (SFY 13-14)	\$0.00	\$0.00	\$0.00		\$442,020.00	
Veteran Programs Training	\$0.00	\$0.00	\$0.00		\$8,700.00	
Veterans Assistance	\$0.00	\$0.00	\$0.00		\$22,901.34	
VTA	\$18,820.00	\$58,991.00	\$230,800.00		5,612,914.32	
Working Balance	\$7,820.92	\$179,323.31	-\$1,039,980.07		\$1,921,938.63	3,987

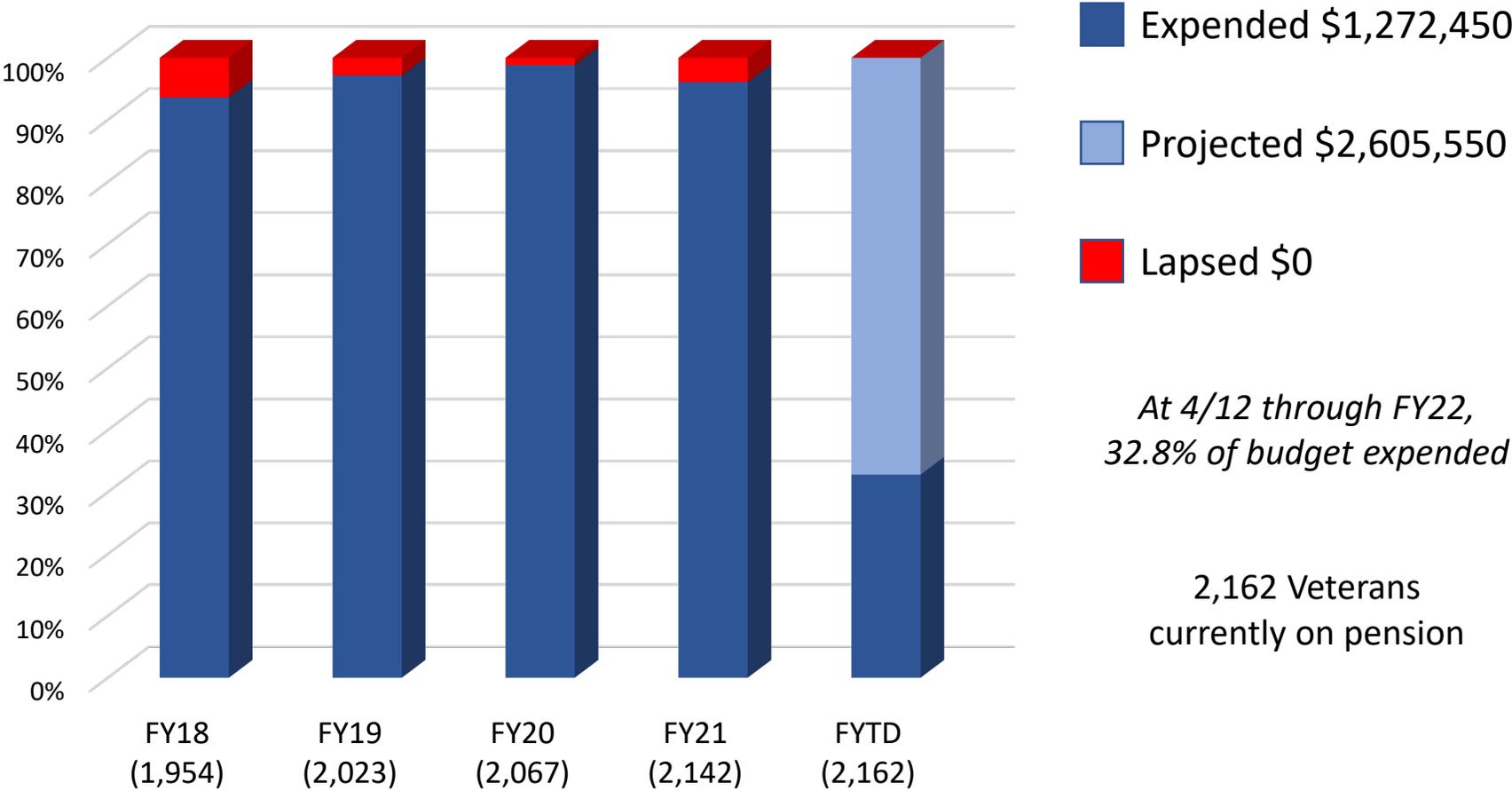
As of 31 October 2022

> community > commonwealth > country

# AMPUTEE & PARALYZED VETERANS' PENSION



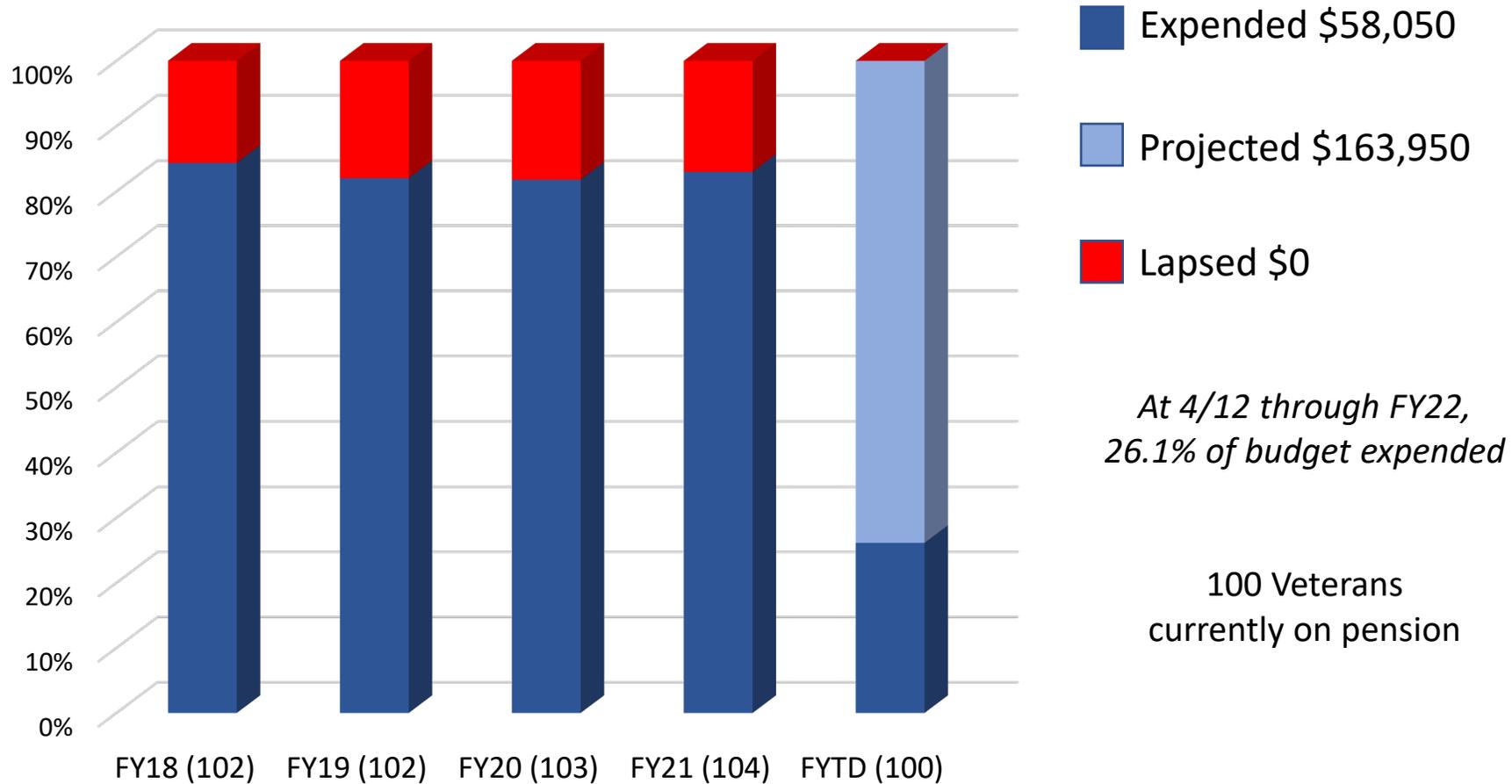
\$3,878,000



# BLIND VETERANS' PENSION



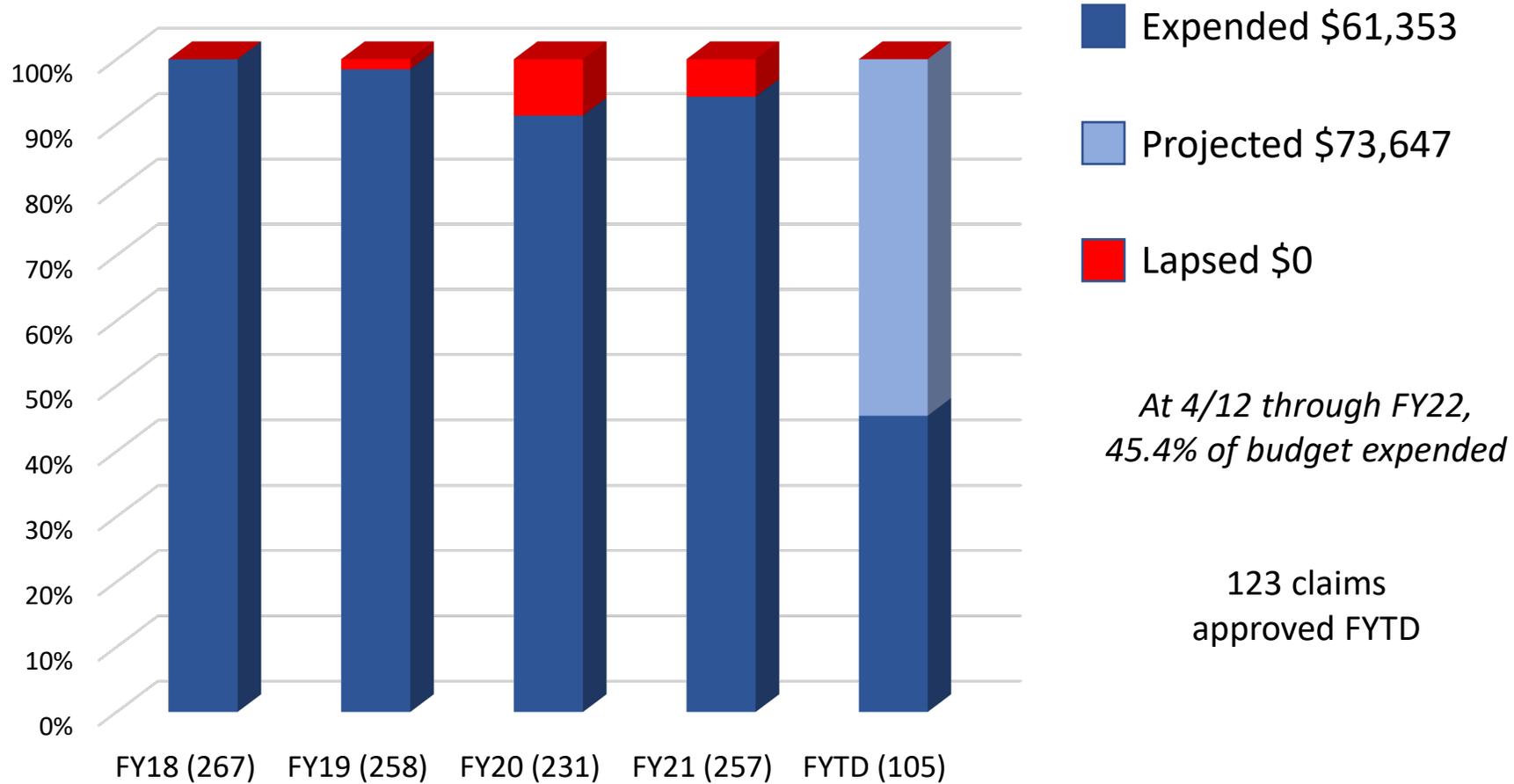
\$222,000



# EDUCATIONAL GRATUITY



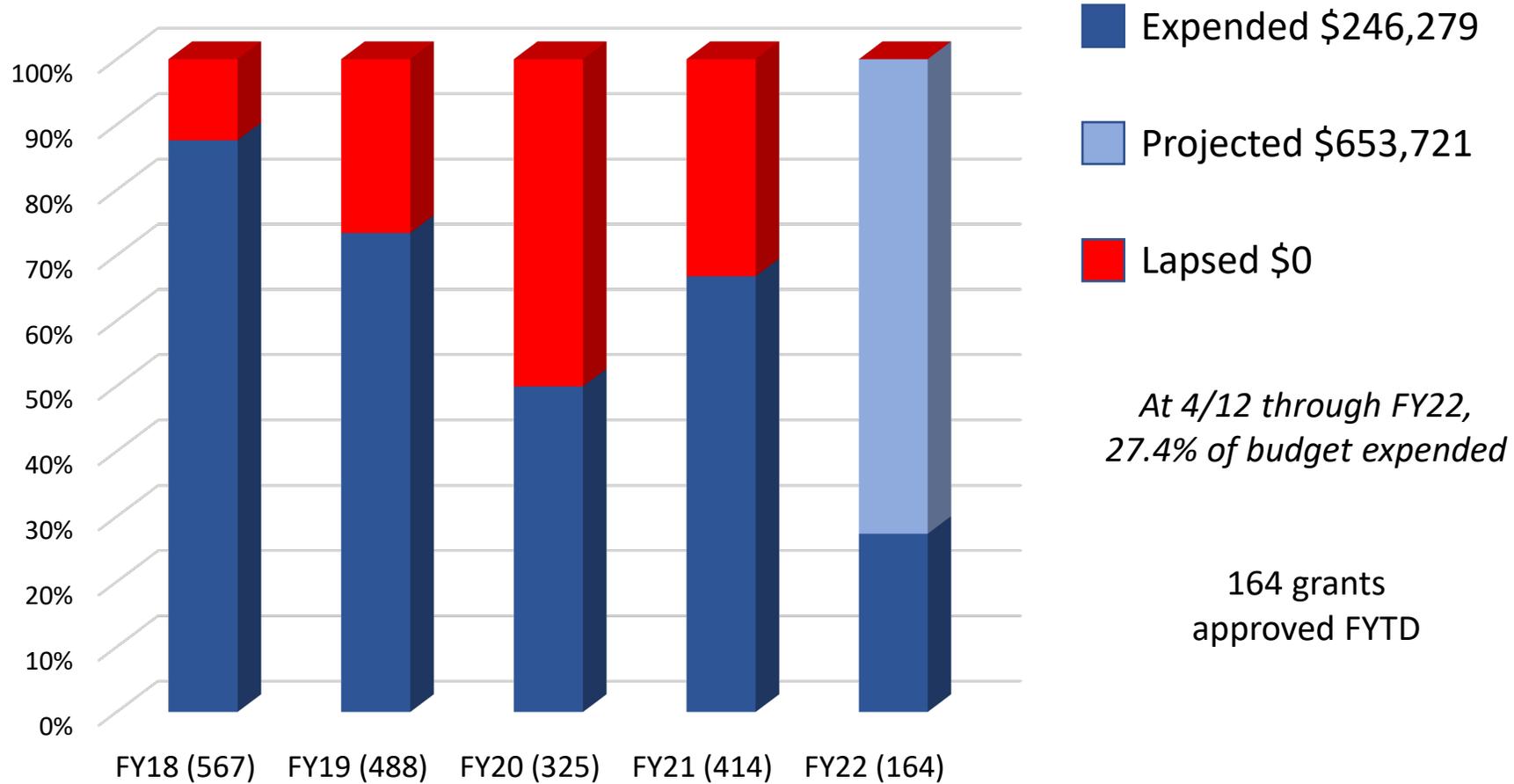
\$135,000



# VETERANS TEMPORARY ASSISTANCE



\$900,000

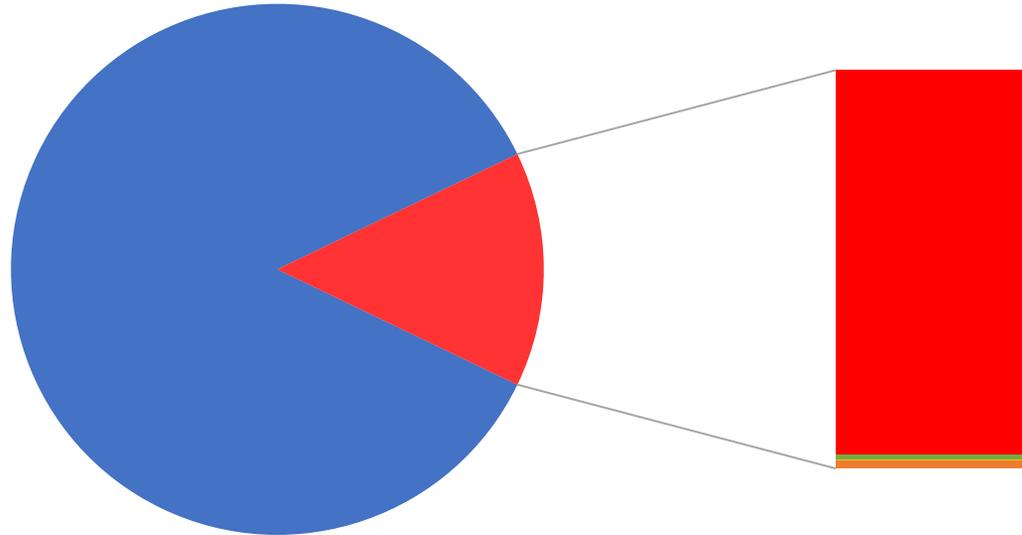


# MILITARY FAMILY RELIEF ASSISTANCE PROGRAM



## Total All Contributions FY2005-22

\$2,174,250.77



- Personal Income Tax Donations
- Personal/Corp/Org Donations
- Cash Donations
- Other Dept of Revenue Transfers
- Online Donations

## Total Grants FYTD 2022

(\$ 28,000)

## Total Grants FY 2005-22

(\$ 949,921.86)

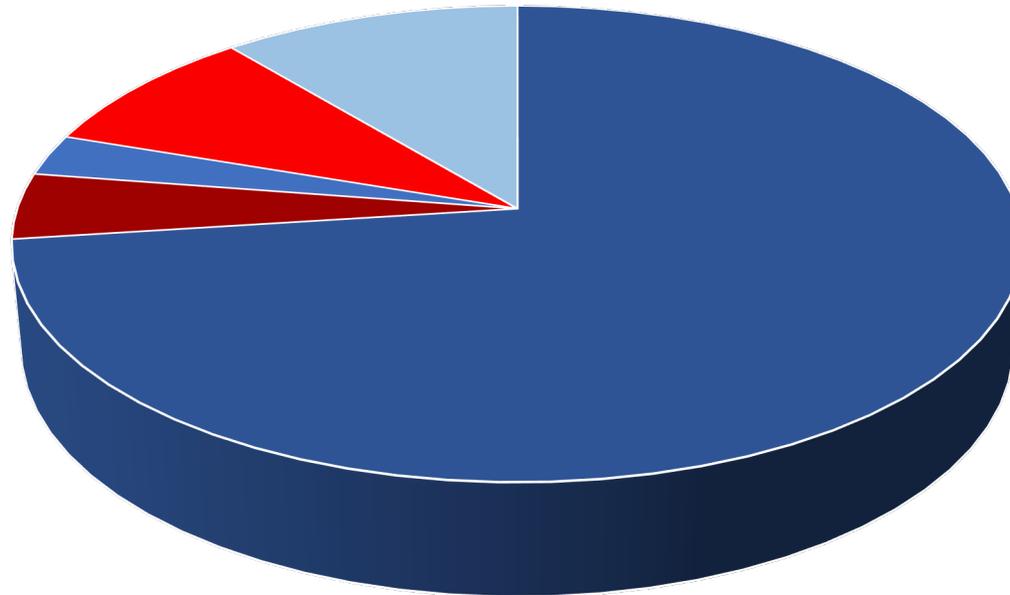
## MFRAP Account Balance

\$ 1,224,328.91

# DISABLED VETERANS' REAL ESTATE TAX EXEMPTION



891 Total Adjudications  
Between 28 Sep and 17 Nov 2022

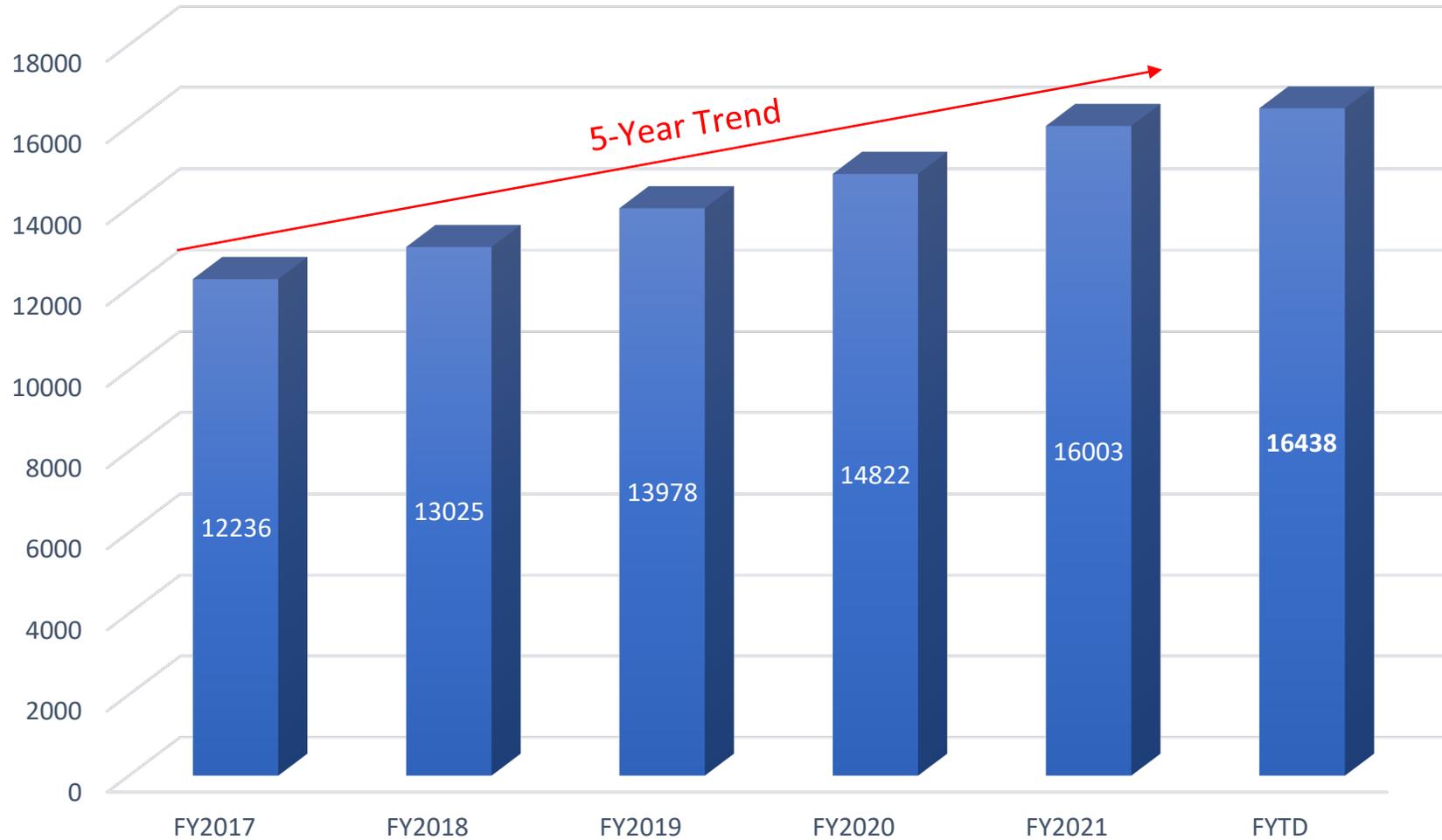


- 650 Approved (73%)
- 40 Denied: Financial Need
- 25 Denied: Ineligible\*
- 78 Removed: No Response
- 98 Removed: Eligibility Change

**\* 25 Applications Ineligible by Reason:**

- 6 – Property not owned solely by Veteran or as an estate by the entirety with spouse
- 12 – Veteran did not serve during a period of war or armed conflict.
- 4 – Veteran does not occupy the property as a principal dwelling.
- 3 – Veteran did not have a 100% permanent disability due to a future exam.

# DISABLED VETERANS' REAL ESTATE TAX EXEMPTION



As of 17 Nov 2022

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## VISN 4 ACCESS – FISCAL YEAR 2023 WAIT TIMES



Clinics FY23 thru Nov. 10	Number of Appointments	Average Wait
Mental Health	37,436	5.0
Primary Care	68,736	4.6
Specialty Care	108,908	10.0
Other	76,584	6.0
ALL	291,664	7.0

FY23 data updated 11/11/2022 with appointment info as of 11/10/2022.

## VISN 4 ACCESS – CURRENT AVERAGE WAIT TIMES



VISN 4 Facility	Primary Care	
	New Patients	Returning Patients
James E. Van Zandt VAMC	17	2
Abie Abraham HCC	23	1
Coatesville VAMC	14	4
Erie VAMC	24	3
Lebanon VAMC	12	4
Corporal Michael J. Crescenz VAMC	27	7
VA Pittsburgh Healthcare System (University Drive)	37	14
VA Pittsburgh Healthcare System (H.J. Heinz)	25	13
Wilkes-Barre VAMC	17	2
Wilmington VAMC	16	10

FY23 data updated 11/13/2022 with wait times as of 11/12/2022 for the last 30 days.

[www.accesstocare.va.gov](http://www.accesstocare.va.gov)

December 2022 Update

> community > commonwealth > country

### Improvements to the Access to Care website

Average wait times for all VHA medical centers and clinics are now calculated to include additional steps in the appointment process that had not been captured in the past.

- For **new patient** appointments, average wait time is calculated from the earliest time a request for care is consistently recorded in the scheduling system to the date the appointment is completed – or the date it is scheduled to occur if not yet completed.
- For **established patient** appointments, average wait times are measured from the date agreed upon between a Veteran and provider for future care and ends on the date care is received, or the date that care is scheduled to occur if it has not yet occurred.

The upgraded calculation makes the website more reflective of the complete process of requesting and receiving care. Averages are representative of general performance and may not represent individual experience. Average wait times are never used to determine eligibility for community care.

## VISN 4 CARE IN THE COMMUNITY



	Care in the Community Consults (Scheduled and Completed)	Non-VA Unique Patients*
FY 18	87,706	62,427
FY 19	101,068	70,376
FY 20	153,506	87,041
FY 21	155,825	85,472
FY 22	167,808	91,133
FY 23 (as of 11/10/22)	19,945	23,740

\*Number of unique enrolled Veterans who receive community care at VA expense

FY23 data updated 11/13/2022 with consult info as of 11/11/2022.

# **Title 43 Pa. Code Chapter 5 Regulatory Review and Proposed Amendments**

Bureau of Veterans Programs, Initiatives, Reintegration, and Outreach



# REGULATORY REVIEW STATUS



Program	Current Status	Proposed Changes	Next Steps	Issues/Concerns
<b>Veterans Temporary Assistance</b>	Draft Complete, ready for internal routing in March.	Changes made to reflect transition from Emergency Assistance Program	Exposure Draft	
<b>Educational Gratuity</b>	Draft 75% complete, ready for internal routing in March.	Addressing needed administrative facets of program and aligning workflow with regulatory requirements	Exposure Draft	
<b>Disabled Veterans RETX</b>	Draft 75% complete, ready for internal routing in March.	Addressing needed administrative facets of program and making regulatory changes to the financial need assessments	Exposure Draft	
<b>Blind Veterans Pension</b>	Draft Complete, ready for internal routing in March.	Updating administrative procedures, payment, collecting of debts due to overpayments	Exposure Draft	
<b>Amputee &amp; Paralyzed Veterans Pension</b>	Draft Complete, ready for internal routing in March.	Updating administrative procedures, payment, collecting of debts due to overpayments	Exposure Draft	
<b>Military Family Relief Program</b>	No regulatory requirement for program. Draft updates for program guidelines ready for internal routing in March	Updating program guidelines.	TAG approval of guidelines then re-publishing in the Pennsylvania Bulletin	
<b>Burial Details for Veterans</b>	Working group unable to move forward due to regulatory and contracting conflicts	Remove Title 51 rulemaking requirement	PPL recommends approaching General Assembly to amend Title 51 rule making requirements.	contradiction with statutory requirement for regulations and contractual nature of program. PPL is working a legislative amendment related to this program.

- An exposure draft of the proposed amendments will be presented to external stakeholders for review and comment. Engagement with stakeholders is an informal opportunity to reconsider and refine the draft prior to the formal rulemaking process.
- **After SVC review/vote on 02 Dec 22 and closeout of the stakeholders’ informal comment period (30 days from delivery), the draft will be refined and presented to DAG-VA/TAG for approval/signature of Notice of Proposed Rulemaking (NPRM) face sheets and transmittal to the Office of General Counsel, Office of the Budget, and Governor’s Policy Office for review under EO 1996-1. We will engage with these offices and the Office of Attorney General prior to delivering final proposed amendments to Standing Committees, Legislative Reference Bureau, and Independent Regulatory Review Commission.**

### Title 43 Pa. Code Ch. 5

- Chapter 5 is proposed to be retitled from “Bureau for Veterans’ Affairs” (which no longer exists) to “State Veterans’ Programs” to provide consistency with Chapter 7, “State Veterans’ Home.”
- Chapter 5 was last reviewed/amended in 1991, some 31 years ago.
- Statutory amendments have changed the organization of the Dept and important aspects of several of our programs over that time.
- Various interpretations and adjudication guidance have been issued in policy over that time which are now best addressed in regulation.
- We also find it advisable to structure the rules consistently: Definitions, Application, Adjudication, Appeal, and Administration.

### **Subch. A, Veterans' Temporary Assistance**

- When the Veterans' Emergency Assistance program was ended and turned into the Veterans' Temporary Assistance program in 2016, the regulations were never updated. Our proposed amendments codify the "VTA Guidelines" that we have been using since 2016, bringing the regulations current and in line with statute.
- Offer more detailed adjudication procedures, particularly with respect to determinations of need.
- Extends the reconsideration period from 10 to 30 days.
- Discusses the role of the VTA Fund Committee at DMVA.

### Subch. B, Educational Gratuities

- Address dual application and payment for students attending two or more educational institutions, as well as application procedure for students transferring between educational institutions.
- Describe approved educational institutions and proposed rules on full-time attendance.
- Create reasonable annual expense allowances in the financial need assessment for students residing off-campus
- Clarify Chapter 35 benefits are not a precondition to EG but are counted in the financial need assessment.

### **Subch. C, Disabled Veterans' Real Estate Tax Exemption**

- Redefine “income” in the financial need assessment, limiting it to reportable income and specifically exempting veterans' benefits.
- Explain eligibility based on “blind,” “paraplegic,” and “loss of two or more limbs.” Ties these definitions more closely to those applied in the Blind and Amputee & Paralyzed Pensions programs.
- Create a rationale behind the cost-of-living allowance, tying it to amounts in the federal Maximum Thrifty Food Plan and Consumer Expenditure Survey; adjusted for inflation every two years.
- Provide a comprehensive list of acceptable expenses to eliminate ambiguity in the income/expense assessment.

### **Subch. C, Disabled Veterans' Real Estate Tax Exemption (cont.)**

- Add a definition of qualifying dependent tied to IRS rules.
- Return adjudication of eligibility back to the county, consistent with state law, along with clear guidance. (Assessment of financial need remains with DMVA, consistent with state law.)
- Appeal procedures more clearly address eligibility issues and issues concerning administration of the exemption that are properly appealed to the county boards of revision of taxes or assessment appeals.

### **Subchs. D-E, Blind and Amputee & Paralyzed Veterans' Pensions**

- Allow for application by spouse, legal guardian, or person exercising general power of attorney on behalf of a veteran unable to apply due to medical condition.
- Add clarity to the list of required supporting documentation.
- Hold DMVA to a 30-day adjudication timeframe after receipt of a fully developed application.
- Clarify that pensions are not retroactive to effective date of VA disability ratings; they are effective on date of application to DMVA.
- Require timely notification of changes (i.e., a move or death).
- Provide procedure on reimbursement of debts.

### **Military Family Relief Assistance Program Guidelines**

- The authorizing statute for MFRAP specifically disallows formal rulemaking in favor of the publication of guidelines. These proposed amendments may be published as a simple notice (without the full formal rulemaking process) in the *Pennsylvania Bulletin*.
- There is a two-level approval process for MFRAP grants. The MFRAP VSS in the Programs office has authority to approve grants up to \$1,500. An MFRAP Committee within DMVA can approve grants up to \$3,500. The work group proposed adjusting the VSS's authority up to \$1,600 to align with VTA approval authority.

## REGULATORY REVIEW WORK GROUP MEMBERS



1. Brian Natali, PA DMVA (PIRO)..... 717-861-9418, [bnatali@pa.gov](mailto:bnatali@pa.gov)
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22. Seth Benge, PA DMVA (PPL)..... 717-861-8719, [sbenge@pa.gov](mailto:sbenge@pa.gov)
23. Jaime Black, PA DMVA (OCC)..... 717-861-8503, [jaiblack@pa.gov](mailto:jaiblack@pa.gov)
24. Len Cowitch, PA DMVA (OCC)..... 717-861-8503, [lcowitch@pa.gov](mailto:lcowitch@pa.gov)
25. Bradley Rank, PA DMVA (PIRO)..... 717-861-6577, [brank@pa.gov](mailto:brank@pa.gov)

# REGULATORY REVIEW WG SMALL GROUPS



BVP-APVP	EG	VTA	MFRAP	RETX		BURIAL PROG	TRANSP. PROG
Joan Hess	Joan Hess	Barry Koch	Barry Koch	Brian Natali	Justin Slep	Brian Natali	Brian Natali
Chris Fidler	Chris Fidler	Dan Kindrick	Dan Kindrick	Keith Beebe	Matt Zamosky	John Getz	Sam Petrovich
Dave Eisele	Dave Eisele	Matt Zamosky	LTC Michael Siriani	Chris Fidler	Tracy Wylie-Perry	Connie Snavelly	Terry Gendron
Barry Koch	Barry Koch	Len Cowitch	Mary Kate Cowher	Jim Cooper	Dan Kindrick	Susan Meighen	Jennifer Snyder
Jeff King	Jeff King	Jeff King	Jeff King	Len Cowitch	Jeff King	Jennifer Snyder	Jeff King

Brad Rank (Project Mgmt.), Greg Holler (Admin), Seth Bengel (Policy/Legislation), Jaime Black and Len Cowitch (Legal) are supporting/advising members.

NEXT MEETING



**Friday January 6, 2022  
at 10:00AM**

**Arrowheads Community Club  
Fort Indiantown Gap  
Annville, PA 17003**

**\*VISIT PA STATE VETERANS COMMISSION-PA DMVA FOR SVC INFO\***



U.S. Department of Veterans Affairs  
Veterans Health Administration  
VA Healthcare-VISN 4

## **VISN 4 Update**

**December 2, 2022**

### **Leadership Update**

Ken Mortimer, Associate Director at the Hershel “Woody” William VA Medical Center in Huntington, West Virginia continues to be detailed to the Altoona Director position as we recruit for a new leader for Altoona.

Derek Coughenour, Associate Director at the James E. Van Zandt VAMC, Altoona, PA continues to be detailed to the position of Acting Associate Director at the Philadelphia, VAMC.

Carl Parrish, Chief Financial Officer at the James E. Van Zandt VAMC, Altoona, PA is currently detailed to the position of Acting Associate Director at Altoona. The detail was effective starting October 23, 2022.

Robert Kling, the CFO at the VA Pittsburgh continues to serve as acting Associate Director in Pittsburgh during the recruitment process.

### **Flu Shots**

VA Health and Wellness Clinics annually sponsor the [Flu Shot Campaign](#) – the flu vaccine is given at many VA facilities, as well as community clinics and pharmacies. A link is included of where eligible Veterans can receive their flu shots.

### **PACT Act Update**

Please assist in helping to spread the word on the expanded eligibility for Veterans exposed to toxic environments and other criteria made available through the PACT Act.

The PACT Act is a historic new law that will help VA deliver care and benefits to millions of Veterans, and survivors, affected by burn pits and other toxic exposures.

We at VA want Veterans and survivors to know three main things about the PACT Act.

- First, we want Veterans and survivors to apply for their PACT Act benefits and care right now.
- Second, applying for PACT Act benefits will not affect your current benefits. Your current service connection will not be impacted.
- And third, any Veteran or survivor can learn more about the PACT Act at by visiting [VA.gov/PACT](https://www.va.gov/PACT) or calling 1-800-MY-VA-411.

If Veterans, or a loved one, served during the Vietnam era, or the Gulf War, or in our post-9/11 conflicts, they may very well be eligible for additional benefits or care.

Every Veteran enrolled in VA healthcare will get a five-minute Toxic Exposure Screening – a series of questions to help you determine if you might be eligible for additional benefits or care. This was made available at all VHA facilities and clinics starting Nov 8.

VA is currently reaching out to Veterans and survivors to make sure that they know about this new law and what it could mean for them and their families. Because we want every eligible Veteran and survivor—every one—to get the benefits and care they’ve earned and deserve.

### **PACT Act Awareness Events**

VA will host a minimum of 50 PACT Act awareness events December 11-17, 2022. At least one in each state. Pennsylvania will host two events in Pittsburgh and Philadelphia. Each event will be held at a local VAMC and will be open to the media and livestreamed if possible. Veterans, Veterans families, caregivers, survivors and advocates will be encouraged to participate.

### **Onboarding Surge Events**

A nationwide Onboarding Surge Event (OSE) was held November 14-18, a fast tracking of selectees’ onboarding experience by coordinating all required pre-employment actions into a single-day event. Every VA facility will conduct at least one OSE with participation from the different areas involved (C&P, HR, OIT, Occupational Health, etc.), as well as senior leaders. On November 18, every VISN also hosted an in-person after action review and participate in the national OSE celebration.

### **Patient Experience Update**

Nationally, VA’s trust score over the last 90 days was 90%. In VISN 4, our trust score over the last 90 days was 93 which is the second highest VISN in the nation. The top

compliment themes over the last 90 days were quality of care, cleanliness of facility, interactions with staff, satisfaction with specialty care and Pulmonology Services.

## **Caregiver Support Update**

### Resources for Caregivers

The Department of Veteran Affairs Caregiver Support Program (CSP) is excited to celebrate National Family Caregivers Month this November. Caregivers of Veterans are CSP's partners in providing first-class care to Veterans. Their efforts and sacrifices deserve to be recognized. Each facility across VISN 4 will host events for caregivers during the month.

### Program of Comprehensive Assistance for Family Caregiver (PCAFC)

VA is reviewing and examining the current Program of Comprehensive Assistance for Family Caregivers (PCAFC), including a thorough review of the eligibility criteria and improving the overall Veteran and caregiver experience.

VA announced it is extending the amount of time that Legacy Participants, Legacy Applicants and their Family Caregivers within the PCAFC will remain eligible for the program. This will include all services, supports and benefits until September 30, 2025.

VA has suspended annual reassessments during a review of current eligibility criteria for all those enrolled in the Program of Comprehensive Assistance for Family Caregivers (PCAFC). VA will continue to initiate reassessments for Veterans and family caregivers who request to be considered for an increase in stipend level or if there is evidence of an increased need for personal care services. During this time, VA will not remove anyone from the program or decrease any support based on the annual reassessments.

As part of the VA MISSION Act, Phase II of program expansion occurred October 2022, expanding the program to include family caregivers of eligible Veterans from *all eras* who were seriously injured in the line of duty.

New applications continue to be received. These are processed in a timely manner.

In addition to the VHA Clinical Review Process, there are additional appeal options for Veterans and caregivers. The Caregiver Support Line (CSL) (1-855-260-3274) can assist Veterans and caregivers with navigating these additional options and with providing information about filing a review or appeal.

### Program of General Caregiver Support Services (PGCSS)

- Facilities are continuing to develop, implement, and enhance services and education for caregivers.
- Caregiver Support Program staff, VA providers and professionals have received training in the Campaign for Inclusive Care, which engages caregivers as part of the Veteran's care team.
- Family caregivers of Veterans who aren't eligible for PCAFC can still receive support and resources through PGCSS.

### **Connected Care Update**

Video Appointments: As we move closer to winter, we want to remind Veterans and their caregivers that when inclement weather hits, you can request your provider see you in your home through a VA Video Connect (VVC) visit. There is no co-pay required. Ask your provider or care team to do a video visit when inclement weather strikes. We should be able to accommodate most requests with some advanced notice. We want all our Veterans to be safe, and still access the care they need. Don't Risk It! Do a Video Visit!

Open Slot Management: Open Slot Management (OSM), which was paused during the onset of the COVID-19 Pandemic, is being reinstated during December 2022 throughout Primary Care and various specialty services at each VISN 4 VA Medical Center. Open Slot Management allows Veterans meeting certain criteria (e.g. Veterans waiting for an appointment greater than 30 days, service-connected, new patient, etc.) to reschedule their medical appointment via SMS (Short Message Service which is a text messaging service component with mobile devices) for an earlier slot. Veterans will automatically receive these text messages as long as they have not opted out of the VEText program. This feature allows Veterans to reschedule their appointment for an earlier available appointment. By using the prompts provided in the text message, the Veteran can either reschedule or keep their current appointment. If the Veteran chooses to reschedule their current appointment, VEText will book/schedule the Veteran into the earlier slot and cancel the previously scheduled appointment. The use of Open Slot Management decreases wait times and improves the utilization of appointments.

### **Closing**

In closing, I'd like to thank you for your continued support of VISN 4. Please let me know if you have any questions.

Delaware Valley Veterans' Home, Philadelphia PA - Peter Ojeda - Commandant											
Level of Care	Authorized Beds	Available Beds [Auth Beds Less Pending Cert.]	Beds Assigned	Beds Vacant	Pending VA Certification	Percentage Filled	Admissions	Discharges	Expirations	Waiting List Veteran/Placing	Waiting List Non-Veteran/Placing
Nursing Care	141	100	98	2	41	98%	5	0	2	45	14
Memory Care	30	30	30	0	0	100%	0	0	0	23	9
<b>Total</b>	<b>171</b>	<b>130</b>	<b>128</b>	<b>2</b>	<b>41</b>	<b>99%</b>	<b>5</b>	<b>0</b>	<b>2</b>	<b>68</b>	<b>23</b>
Non-Veteran Census Percent						5%					
Gino J. Merli Veterans' Center, Scranton PA - Vito Ruggiero - Commandant											
Level of Care	Authorized Beds	Available Beds Equal Auth. Beds	Beds Assigned	Beds Vacant	Infrastructure Beds on Hold	Percentage Filled	Admissions	Discharges	Expirations	Waiting List Veteran/Placing	Waiting List Non-Veteran/Placing
Nursing Care	156	156	102	54	0	65%	1	1	9	17	18
Memory Care	40	40	27	13	0	68%	0	0	2	3	3
<b>Total</b>	<b>196</b>	<b>196</b>	<b>129</b>	<b>67</b>	<b>0</b>	<b>66%</b>	<b>1</b>	<b>1</b>	<b>11</b>	<b>20</b>	<b>21</b>
Non-Veteran Census Percent						12%					
Holidaysburg Veterans' Home, Holidaysburg PA - Sam Dunkle - Commandant											
Level of Care	Authorized Beds	Available Beds Equal Auth. Beds	Beds Assigned	Beds Vacant	Infrastructure Beds on Hold	Percentage Filled	Admissions	Discharges	Expirations	Waiting List Veteran/Placing	Waiting List Non-Veteran/Placing
Nursing Care	231	231	143	88	0	62%	6	3	2	11	3
Memory Care	26	26	21	5	0	81%	1	0	0	0	0
Personal Care	167	167	74	93	0	44%	0	1	0	1	1
<b>Total</b>	<b>424</b>	<b>424</b>	<b>238</b>	<b>186</b>	<b>0</b>	<b>56%</b>	<b>7</b>	<b>4</b>	<b>2</b>	<b>12</b>	<b>4</b>
Non-Veteran Census Percent						19%					
Pennsylvania Soldiers' & Sailors' Home, Erie PA - Cheri Spacht - Commandant											
Level of Care	Authorized Beds	Available Beds Equal Auth. Beds	Beds Assigned	Beds Vacant	Infrastructure Beds on Hold	Percentage Filled	Admissions	Discharges	Expirations	Waiting List Veteran/Placing	Waiting List Non-Veteran/Placing
Nursing Care	75	75	62	13	0	83%	0	0	1	30	10
Memory Care	32	32	16	16	0	50%	0	0	0	0	4
Personal Care	100	100	57	43	0	57%	0	0	0	3	2
<b>Total</b>	<b>207</b>	<b>207</b>	<b>135</b>	<b>72</b>	<b>0</b>	<b>65%</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>33</b>	<b>16</b>
Non-Veteran Census Percent						11%					
Southeastern Veterans' Center, Spring City PA - Brian Gula - Commandant											
Level of Care	Authorized Beds	Available Beds Equal Auth. Beds	Beds Assigned	Beds Vacant	Infrastructure Beds on Hold	Percentage Filled	Admissions	Discharges	Expirations	Waiting List Veteran/Placing	Waiting List Non-Veteran/Placing
Nursing Care	208	208	122	86	0	59%	7	2	5	24	6
Memory Care	30	30	29	1	0	97%	0	0	0	32	13
Personal Care	54	54	39	15	0	72%	1	4	0	10	3
<b>Total</b>	<b>292</b>	<b>292</b>	<b>190</b>	<b>102</b>	<b>0</b>	<b>65%</b>	<b>8</b>	<b>6</b>	<b>5</b>	<b>66</b>	<b>22</b>
Non-Veteran Census Percent						8%					
Southwestern Veterans' Center, Pittsburgh PA - Richard Adams - Commandant											
Level of Care	Authorized Beds	Available Beds Equal Auth. Beds	Beds Assigned	Beds Vacant	Infrastructure Beds on Hold	Percentage Filled	Admissions	Discharges	Expirations	Waiting List Veteran/Placing	Waiting List Non-Veteran/Placing
Nursing Care	196	196	101	95	0	52%	0	1	4	13	11
Memory Care	40	40	30	10	0	75%	0	0	0	0	4
<b>Total</b>	<b>236</b>	<b>236</b>	<b>131</b>	<b>105</b>	<b>0</b>	<b>56%</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>13</b>	<b>15</b>
Non-Veteran Census Percent						15%					
Summary / Pennsylvania Bureau of Veterans' Homes											
Veteran Census/Events	Auth Beds	Available Beds [Auth Beds Less Pending Cert.]	Beds Assigned	Beds Vacant	Pending VA Certification	Percentage Filled	Admissions	Discharges	Expirations	Waiting List Veteran/Placing	Waiting List Non-Veteran/Placing
Nursing Care	1007	966	628	338	41	65%	19	7	23	140	62
Memory Care	198	198	153	45	0	77%	1	0	2	58	33
Personal Care	321	321	170	151	0	53%	1	5	0	14	6
<b>Totals</b>	<b>1,526</b>	<b>1,485</b>	<b>951</b>	<b>534</b>	<b>41</b>	<b>64%</b>	<b>21</b>	<b>12</b>	<b>25</b>	<b>212</b>	<b>101</b>
Veteran Status: Non-Veteran/Veteran	Total Non-Vets (f)	Male Non-Vet	% Non Vets (f)	Total Vets (f)	% Vets (f)	Male Vets	Total Male (f)	Female Non-Vets	Female Vets	Total Female (f)	VH Totals (f)
DVVH	7	0	5%	121	95%	120	120	7	1	8	128
GJMVC	16	3	12%	113	88%	110	113	13	3	16	129
HVH	45	2	19%	193	81%	182	184	43	11	54	238
PSSH	15	2	11%	120	89%	111	113	13	9	22	135
SEVC	15	1	8%	175	92%	164	165	14	11	25	190
SWVC	19	2	15%	112	85%	108	110	17	4	21	131
<b>Totals</b>	<b>117</b>	<b>10</b>	<b>12%</b>	<b>834</b>	<b>88%</b>	<b>795</b>	<b>805</b>	<b>107</b>	<b>39</b>	<b>146</b>	<b>951</b>



**DELAWARE VALLEY VETERANS HOME  
ADVISORY COUNCIL MEETING MINUTES  
August 10, 2022**

**Present:**

**Advisory Council Members**

**In person**

Allan Abramson, President Advisory Council (JWV)  
Benjamin Mastridge, Vietnam Veterans  
James Ritchie, Veterans of Foreign Wars  
Larry Holman, Jewish War Veterans  
Daniel Murray, Marine Corps League  
Douglas Craig, Military Officers Association of America  
John P. O'Donnell, American Legion

**Conference Call**

Richard Fine, AMVETS  
Martina White, PA House of Representatives

**Department of Military and Veterans Affairs and Delaware Valley Veterans Home**

Travis Davis, Executive Director of Long-Term Care  
Barbara Raymond, Director, Bureau of Veterans Homes  
Violetta Berdichevskaya, Medical Director  
Aurelio Ojeda, Commandant  
Rita Yeung, Deputy Commandant  
Deborah Olivieri, Director of Nursing  
Yahvae Jones, Admissions and Marketing Coordinator  
William McGoldrick, Volunteer Resource Coordinator  
Veronica Royster, Clerical Assistant 3

**Absent**

Bruce Boice, Disabled American Veterans  
Samuel Huhn, Blinded Veterans Association  
Daniel McCollum, American Legion  
Kerry Judge, Senator Robert Tomlinson  
Charles Petronis, Catholic War Veterans  
Mia Woods, Chief Compliance and Ethics Officer  
Beth Werner, Regional Compliance Officer  
Maureen Weigl, Deputy Adjutant General

**Residents**

Mr. Knapp, President Resident Council

**Visitors**

Dr. Wally Quinlan, Councilmember Brian O'neill Office

- Moment of Silence
- Pledge of Allegiance
- Introduction of Attendees
- Approval of Minutes from May 11, 2022

**Report from Violetta Berdichevskaya, Medical Director**

- We are still in the Covid-19 era.
- There was an outbreak in the DVVH location & I believe there is another one in SEVC, it did not surprise me at all. It will be with us for a long time. The good news is it is less fatalities. Now a pill (paxlovid) is being used, less people are dying from Covid.
- There are 3 pills to be taken 2 times per day, only used outside of the hospital and patients are benefitting from them. Hospitalization decreases.
- You must be 18 years and older to use this medication, the outcome is tremendous, it is effective only 5 days.
- When a resident test positive they are isolated and put in a separate location.
- Everybody has my blessings.
- We in the window of getting influenza vaccinations in a month.

**Report from Yahvae Jones, Admissions/Marketing**

- There are 83 Veterans on the waiting list.
- 2 Veterans are out of the State.
- 23 non-Veterans on the list.
- I did 5 events in May, 3 in June and 6 in person events in July.
- I went to meet with Social Workers, to network and possibly get residents for our home or for one of the other Veterans homes.
- I can only take in five more.

**Report from Compliance Officer**

- Beth Werner & Mia Woods was not available to attend the meeting. Beth sent an email. The email was read by Barbara Raymond.
- Compliance and other team members have completed four Facilities Performance Assessments and five more are scheduled for the rest of this year.
- For 2022, there have been 34 inquiries that were reviewed and 33 are closed with one still in progress as of 08/1/22. The Compliance department continues to keep this updated.

**Report from Travis Davis, Executive Director of Long-Term Care**

- General Weigl is in a meeting, she will try to get on before the meeting is over.
- Governor Wolf signed a budget last month, over \$500 million invested for Long-term Care and Nursing facilities.
- 190 million towards recruitment and retention efforts.
- This is the first time in over a decade Medicaid got a significant increase.
- The Department of Health wanted to increase staffing from 2.7 to 4.1. That proposal was thrown out the door just a little bit. They have come to the table and set new goals, for where the staffing is going to be. In year one they will bump it up from 2.7 and it will be increased to 2.9, then 3.2 moving forward after that. Here at the Veterans Homes, we are already well exceeding those numbers averaging over 3.8, which is a strong number, and we are committed to making sure we are staffed, especially when we are looking at taking in new admissions. Things are moving in the right direction.
- Census- we surpassed 950 across the six homes, we are doing a great job getting admission and getting staff in the door. These are promising numbers.
- We were going through a little bit of a back log. It was not necessarily the Department of Military and Veterans Affairs, it was more centralized in Harrisburg with getting postings out for jobs. It was a painful two months to go through at our homes. We were all affected by this throughout the Commonwealth. I am happy to report it is better than two months ago, it is still taking time. We need to get

people in as quickly as possible. People are not waiting anymore 30 to 45 days. People will move on to the next employer, so we need to keep our foot on the pedal there.

- SEVC & Gino J. Merli are 4 Stars and DVVH & Erie are 5 Star facilities. We are trying to move in the right direction and pleased with the work from the team.
- Construction - There is a signed bill by President Biden it is called Build America, Buy America, a plan started less than 30 days ago. What they want is anyone who is receiving federal grants to buy products in America. I think we all would say we love that idea and we want to keep it that way. The challenge that we are faced with right now are price increases. We have a building that is going to be constructed in Hollidaysburg, we did a study to see what that would cost us if it was all American, it would cost 30% more. We believe we are going to meet an exemption on that building to keep it on track.
- SEVC have a big project coming up in the next five years, where the State matches part of that project.
- Three on going projects right now- SEVC we are putting in new flooring, it is now a carpeted building. Many of you can imagine that is not the best thing to have in a healthcare setting.  
 Erie- we have a lot of things going on at Erie right now, the biggest is the dining room, we are about 78% through construction.

Hollidaysburg – the big project is coming, and it will be one of the biggest in the State. The replacement of their existing skilled nursing facility to a new 200 bed facility.

**Report from Barbara Raymond, Director, Bureau of Veterans Homes**

- The various Long-Term Care Advocacy groups, as well as the American Health Association is advocating to the government to continue on with the public health emergency until the October deadline. As of now October 13<sup>th</sup> the public health emergency is set to be over, which will affect some waivers that are in effect at the Nursing Homes. We are hoping it continue on particularly at that time frame as we gear up for Flu season and additional covid cases we are expected to have.
- Covid – Currently at the homes we have 22 positive residents between SEVC and DVVH homes, those residents are stable. Within the last week we had 2 additional deaths that had covid listed on the death certificate. Covid was not listed as the primary cause, the individuals had other respiratory and cardiac concerns. That brings our total deaths for this year to 14 deaths throughout the six homes.
- We have 29 Staff members that are positive across the six homes currently.
- The residents are well above 95 percent vaccinated, they are very much continuing to take the booster to make sure they are up to date. We are only about 60 percent for that 4<sup>th</sup> dose, mostly because of timing. We did have a few residents that refused the 4<sup>th</sup> dose.
- The staff is in 100% compliant with the federal mandate for vaccination. The staff is either vaccinated or have a religious or ADA accommodation. We are continuing to offer our staff the vaccination.
- We have 1 resident case of bacterial infection, it has nothing to do with seasonal type influenza. It is still spread by droplets, so that individual is in isolation, it showed up in his blood from a hospital visit.
- Our facilities are ready for our CMS phase 3 requirements. It went into effect pre-covid, so we have not been surveyed on them. We will start to get surveyed on them in October. The Phase 3 requirements are various things such as, quality programs, Infection control programs and the trauma – informed care have to be very specific.
- Survey- we just recently had our Hollidaysburg and DVVH survey through the VA. There were no major concerns, minor outtakes. We recently had our survey for the VA and DOH at our Pittsburgh facility, we are waiting the final report from the VA, we did receive our final result from DOH and both of those surveys they did a very good job, minor things.
- We do have all 6 of our Commandants in place.
- We have a new Director of Nursing in our SEVC facility, she started a few months ago.
- Our SWVC facility we will have a vacant Director of Nursing position within the next few weeks, that individual is moving to a different position.

**Report from Peter Ojeda, Commandant**

- Over the past 3 months we had 17 admissions and 4 discharges.
- Monetary Donations for the past 3 months totaled \$1425.00.
- **ACTIVITIES**  
 For the months of May, June, and July we had many events including seashell painting, painting with a twist, bingo, Wii bowling, ice cream social, DVVH glee club, virtual mass, devotions service, catholic hymns, our daily bread, outdoor exercise and the monthly birthday bash for the residents.  
 We celebrated Certified Nursing Assistant Week and the CNA's received gift cards, refreshments and appreciation signs were posted throughout the building.
- **May 8<sup>th</sup>** – Mother's Day Luncheon and musician JT Trinacria
- **June 18<sup>th</sup>**- Picnic hosted by Catholic Daughters of America
- **June 19<sup>th</sup>** – Father's Day sitcom and Lambertville Brass Band
- **July 3<sup>rd</sup>** – Holiday Entertainment: Air National Guard Band
- **Upcoming Events**
- **August 4<sup>th</sup>**- Coast Guard Birthday Party hosted by American Legion 810
- **August 10<sup>th</sup>** – Tabletop horse racing- hosted by VFW 6495
- **August 19<sup>th</sup>** – Musical Entertainer Rosie Hay
- Inspection- We are fighting two issues. We were in compliance and have to give an explanation. If the explanation is not accepted we will have to go through it again in November.
- Dr Wally Quinlan to Peter- How long is the isolation for a positive covid now? Peter responded 5 days in isolation, then another test. If the test is negative they can come back by day 7.

**Mr. Knapp, Resident**

- Peter, Debbie, Jack and Dr. B are 110% on top of things.  
 Question from Mr. Knapp to Travis, is there any word on an increase for disability payments to veterans? It's been a while since we received an increase. Travis responded that is a good question for General Weigl when she gets on, she is more in tuned to that then I am. If for some reason she is unable to join us I will find out today.

**James Ritchie, Veterans of Foreign Wars**

- The Commandant report, under activities, the minutes have the tabletop horse racing was sponsored by the Vietnam Veterans. The guys who did it are Vietnam Veterans and they belong to VFW. It was sponsored by VFW.

**Daniel Murray, Marine Corps League**

- We have some Advisory Council people that have not been here for years.
- Reach out to the organization that is sponsoring the Advisory Council Members that are not showing up.

**William McGoldrick, Volunteer Resource Coordinator**

- I have Bruce Boice contact information, physically he can not come in.

**Martina White, PA State Representative**

- 143 million has been allocated for State Veteran Homes and there was an increase of 14.5 percent of the 500,000.00 for the Veterans Outreach Services.
- In my office every month we serve our local veterans onsite and try to help them get resources and what they are entitled to and even for the family members. We increased the honor guard detail funding.

- You have been through a lot throughout the pandemic and I want to give credit to the Commandant and the General. I think that it has been a very challenging time for the State.
- I am glad Delaware Valley Veterans Home is in our district, having a five star rating is a proud thing we should continue to tell.
- I just want to say thank you and I know it has been a little while, I am here for you however I can be of service.
- Allan Abramson to State Representative Martina White; when you get a moment would you please reach out to me I have questions to ask you and some of my people have questions. State Rep took Allan Abramson telephone number to contact him. Allan thanked her for calling in.
- I do serve on the leadership team as the house majority. Sometimes I know in the past there has been time constraints on my end. I do care deeply about what you all do there at the Veterans Home here in the Northeast.
- I am here for you, sometimes I will send Kelly Kolodi from my office or a representative to make sure you have what you need. Call anytime and I will definitely follow up Allan. Thank you and have a nice day.
- Jeffrey Knapp to State Representative Martina white, when can you show up here I would like to speak to you personally? I was not sure what your policy was, I was going to have my staff call over to see what we needed to do to make sure we would be able to get in. I am happy to come over whenever the next meeting is. That is no problem. Mr. Knapp said thank you.
- Bill McGoldrick said to State Representative Martina White, he will set up an appointment with you to come back to the building again, I will come to your office.

**Douglas Craig, Military Officers Assoc. of America**

- This will be my last Advisory Council Meeting I will be attending. I am being replaced by Claudette Campbell.

**Larry Holman, Jewish War Veterans**

- My membership expires in Nov.

**Allan Abramson (President), Jewish War Veterans**

- We hear in the news polio, monkey pox, infectious diseases are on the rise, what plans are being made?
- Barbara answered I am glad you brought that up, monkey pox in general, we are at very low risk. From a vaccine standpoint we would not be able to get it because it is very limited and we would not be eligible at this time. The staff watch for unusual rashes. Travis response, the facilities added an Infection Preventionist of a corporate level who work with all six facilities. She goes to all six homes and help with audits, education and make sure we are all adhering to the same protocol.
- Barbara asked Allan did Ashley Dinges reach out to you yet? He said no, Barbara said he will reach out to you. He works out of headquarters with Travis and I. He is tasked with this variation.

**Old Business:**

**New Business:**

**Good of the Counsel:**

**Adjourned: 11:00 AM**

**Next Meeting: November 09, 2022**

**GINO J. MERLI VETERANS' CENTER  
ADVISORY COUNCIL MEETING  
August 18, 2022**

**CALL TO ORDER**

Travis Davis, Executive Director, called the meeting to order at 10:00 a.m.

**ROLL CALL**

Secretary Bernie McDonald excused, roll call bypassed.

**MEMBERS**

*Lisa Solarczyk, President - Marine Corps League (Excused)*  
*William Smith, Vice President - The American Legion (Virtual)*  
*Bernard "Bernie" McDonald, Secretary – AMVETS (Excused)*  
*Robert Cudworth - Military Officers Association of America*  
*Robert Smith - Military Order of the Purple Heart (Excused)*  
*Russell Canevari - Veterans of Foreign Wars*  
*Richard Green - Blinded Veterans Association*  
*Joe Sylvester - Disabled American Veterans (Excused)*  
*Lisa Baker - PA State Senate (Excused)*  
*Carol Sweeney for Karen Boback - PA House of Representatives*  
*Tim Cleveland – PSACDVA (Excused)*  
*Lisa Kaye – PSACDVA (Virtual)*  
*Wilson Miller - GJMVC Resident Representative*

**DMVA**

*Major General Mark J. Schindler - Adjutant General, Pennsylvania (Excused)*  
*Maureen Weigl, BG - Deputy Adjutant General, VA (Excused)*  
*Travis Davis – Executive Director, Long-Term Care*  
*Barbara Raymond – Director, Bureau of Veterans' Homes*  
*Vito P. Ruggiero - GJMVC Commandant*  
*Kathleen Ambrose - GJMVC Deputy Commandant*

**OTHERS PRESENT / INTRODUCTION OF GUESTS**

*Lynn O'Day, Recorder*  
*Daniel Kazmierski, Medical Director*  
*Sara Butler, Admissions*  
*Jan McAllister, Volunteers*  
*Dantie Brooks, Regional Compliance Officer*  
*Margaret Thompson, QA (Virtual)*

**MOMENT OF SILENCE**

**REVIEW OF PREVIOUS MINUTES**

- Previous minutes accepted as written.  
Motioned by Russell Canevari and Richard Green.

- **REPORT OF THE MEDICAL DIRECTOR**

- Daniel Kazmierski reported that COVID is still dominating the news. We are having in-person meetings not so much because the transmission rates are down but because most people are vaccinated. We have had 52 residents positive for covid year to date and most of those were earlier in the year. We have had 4 resident deaths. Our last positive resident was on June 9<sup>th</sup>.
- We are trying to get all our residents up to date on their vaccines which is the 2 original vaccines and 2 boosters. We have 131 out of 137 residents who are up to date. There are 6 residents who are not up to date.
- We have 85 staff positive for this year so far and no staff deaths. Our last staff positive was 8/10/22. We are very proactive with any positive staff; they are immediately sent home. We have a protocol that we follow for allowing them to come back including retesting, following symptoms and things of that nature.
- We have 214 staff up to date with the vaccine and 98 are not. This does not mean that they do not have any vaccines, just that they do not have all the vaccines required for an up-to-date status (2 original shots with 1 booster or 2 boosters over 50 years old).
- We are continuing to have vaccine clinics weekly for not only residents and employees but also families of all. It has been a very successful program.
- We will have FLU vaccines available September 15<sup>th</sup>.
- We are seeing high transmissible rates and high rates of contracting COVID, but we are clearly seeing less lethality and less powerful symptoms. We still must remain vigilant about it especially among our vulnerable populations.
- We are continuing our efforts of trying to avert physical and or verbal altercations among our residents. We had some bad resident to resident interactions in the past so we are trying to be proactive.
- We've been trying to transition all of our diabetic residents who are getting finger sticks to the Dexcom or Free Style system. Once we have the transition complete, we can monitor their sugars without having to stick their fingers.
- The VA discontinued primary care visits. Previously, if anyone needed specialists, they had to see a primary care physician at the VA for a referral. They no longer need to do this.
- We continue our efforts for gradual dose reductions for antipsychotic, antidepressant and antianxiety medications.
- We continue to try and minimize foley catheters to help minimize urinary tract infections.
- We continue to try and minimize the use of antibiotics throughout the facility.
  - Russell asked what happens when someone refuses to get the vaccine.
    - Dr. Kazmierski stated that we have very few and it is their right. We will undertake isolation precautions should there be an outbreak. We will move them to another unit. We only have 6 that are not up to date out of 137 residents. They all have some level of the vaccines, so they are not completely unprotected.
    - Travis stated that Gino Merli has been the leader of vaccination rates since early on. One of the reasons why is education, they did a great job educating staff, family and residents helping them overcome their fears.

## **REPORT OF THE EXECUTIVE DIRECTOR OF LONG-TERM CARE**

- Travis Davis reported that General Weigl is traveling but asked him to thank all the council members for their dedication and for volunteering to serve our veterans. She said that she will be here for the next meeting.
- Travis formally introduced himself to the council. He joined DMVA about a year and a half ago. He is from Scranton and spent the last 7 years at Allied Services. It is a privilege to work with the veterans here at Gino Merli. Having veterans in his family, he knows the reputation of this place and he is really impressed with the team.
- The governor's budget passed in July. This year there was over a 500-million-dollar investment in long term care. This is the first time in well over a decade, that long term care has been a priority. 190 million is going toward retention bonuses, professional development, and recruitment efforts. This is important as our biggest challenge right now is getting employees in the door. We have a lot of vacant beds in our homes and a lot of people on our wait lists. The challenge we have is having the staff to fill all the beds. A big portion is going towards Medicaid is getting a 20% increase which will impact us to some degree but more so the private industry.
- Department of Health is proposing to increase the minimum staffing requirements. For many years we have been at a 2.7 minimum requirement, and they want to increase it to a 4.1 which is a substantial jump. At this time all our homes average around a 4.0 so we are in a pretty good position if that were to happen but DOH has met with advocacy groups and has agreed to a 3.2. Year one they will move into a 2.87 and then to a 3.2. Our goal is to staff above that and keep a minimum of a 3.8.
- Census across the homes is 962. We have a compliment of about 1500 beds, so we are around 65% occupancy. We are growing in all 6 of our homes. We are a bit landlocked in 2 of our homes due to construction and some occupancy surveys.
- Gino Merli and Southeastern has bumped up to a 4-star rating. Hollidaysburg and Southwest are at 3 stars and Erie and Delaware Valley are at 5 stars. We are pleased with those results.
- Recruitment is a priority, and we have a statewide campaign going on. We are working closely with the governor's office and the office of administration on being unique in competing with the private industry. We have had some speed bumps to overcome with delays in posting, it still takes a while for us to get an employee in the door and people aren't waiting.
- There is a new federal bill signed by President Biden called Build America by America. This bill basically states that if you receive any federal dollars for construction, your materials must be purchased within the United States. Right now, we have a big construction plan set for Hollidaysburg where we are replacing one of the buildings with a new 200 bed home. When we ran the numbers for purchasing in the United States it drove up the cost 29%. We are going to apply for a waiver through the federal VA to get around this new law but going forward we are going to have to start planning far in advance.

## **REPORT OF THE DIRECTOR OF THE BUREAU OF VETERANS' HOMES**

- Barbara Raymond introduced herself to the council. She stated that she had been the commandant of Erie for the past 12 years.

- Currently we have a COVID outbreak at 2 of our facilities. We have a small outbreak of 6 residents at our Southeast facility and we have 2 residents at our Hollidaysburg facility. All those residents are currently stable. We are using Paxlovid in several of our facilities including the individuals at our Southeast facility, however they were still positive. We did have an outbreak at our Delaware Valley facility however all those individuals are currently out of isolation.
- We have had 14 deaths since January of this year with the 2 most recent at Southeast.
- We are gearing up for the CMS phase 3 regulations. Regulations came out prior to COVID however the surveyors were not surveying on these regulations.
- We are paying attention to our quality measures. Five-star ratings are heavily dependent upon the quality measures which are how you can show that you are taking care of an individual.
- Hollidaysburg, Southwest, and Delaware Valley have had their recent VA surveys. Southwest also had their annual Department of Health survey. They have all done a very good job. We get looked at for hundreds of potential violations and for our facilities to have an average of 3 to 4 deficiencies out of hundreds is a tremendous accomplishment.
- Several directors of nursing are floating across the state in various areas. Maria Coles has been filling in while Andrew is carrying a role in Southwest.
- We now have all our 6 commandants in place across the homes.
- We want to have a 3.8 PPD. Currently it is 2.7 which means there is 2.7 hours per patient, per day for a 100-bed facility would equal 270 hours of patient care. With the current staffing crisis, we would have a serious challenge to go to a 4.1. Currently we are budgeted at a 3.8.
- We understand our veteran population is a bit different from the private sector. We tend to have more males, more altercations, more falls with injury, more urinary type issues and we are thankful to be able to budget ourselves at that higher staffing number.
- We are looking at the statuses of the council members, making sure we have all the proper paperwork in place.
  - Russell Canevari asked for clarification of the 2.7 and Barbara stated that we must have 2.7 hours of care, per patient, per day. Russell then asked if we have the staff to accommodate the hours and Barbara stated that is the problem. It is a very serious problem that we are facing across the country. Nursing and healthcare staff are leaving because they are tired and fatigued. COVID was extraordinarily devastating to our healthcare system.
  - Robert Cudworth asked if we are at a 3.8 right now. We are close but our census is also down. We are not sacrificing the care for a full census. We have been keeping our census low on purpose so that we can maintain the patient care hours. That is what has caused the long wait lists in some areas.

### **REPORT OF THE ADMISSIONS DIRECTOR**

- Sarah Butler reported that our census is at 137. Since our last meeting we have had 19 new admissions but have also had 15 deaths.
- We are in the process of trying to increase the census. We do have 4 admissions scheduled to come in.
- We are also scheduled to attend 2 outreach events to try and build the waiting list. Unlike some of the other homes, our waiting list is not as long yet.

## **REPORT OF THE COMMANDANT**

- Vito Ruggiero introduced himself as the “new old guy”. He was commandant a few years past.
- He reported that we hosted a golf tournament on June 6<sup>th</sup>, and it was the highest amount ever raised. We will have the amount next meeting.
- Our roofing project is completed, and the courtyard has reopened.
- We will begin the replacement of the heating and air conditioning units on September 6<sup>th</sup>. We will be starting with 1S. Letters will be sent out to the families to notify them of the project and changes.
- The COVID rate is currently at 17.46 which is high. We are following the policies. All those not up to date are required to test bi-weekly, wear safety glasses and N-95 masks.
- We are continuing to offer vaccine clinics to residents, staff and family.
- We have 131 of 137 residents not fully vaccinated. Today we have 2 more scheduled which will bring us to 133.
- Our admissions have decided to raise our census goal to 75% capacity which will bring in 10 more residents. We are confident that with the allotted overtime we will be able to raise our compliment to 75% and still maintain an open unit incase we need to create a red area again for COVID.
- Our off-site trips have increased for our residents.
- We received our VA survey response regarding the 3 deficiencies that the facility received. We are compliant other than a bond which is being handled by our legal department.
- Yesterday we had DOH here as a follow-up from a complaint to see if we are following up on our submitted plan of correction. They also had a new complaint. Happy to say we are compliant, and that the new complaint is unsubstantiated.
- Our Vets Home Week was a success. Travis and Maria were in the dunk tank for money.
- Saturday is our motorcycle ride with Harley Davidson. Janice can give you more information if you stop at her office.
- On August 2<sup>nd</sup>, we celebrated Morris Kashuba who turned 103.
- All of our homes will be participating in a cooking contest. Our home’s entry will be tasted and voted on today. You are all welcome to stay for that.
  - Joe Sylvester stated that his organization would like to take the residents to a restaurant like they used to. Vito stated that we are beginning to go out again and that he should contact Pam or Jan.

## **THE GOOD OF THE COUNCIL**

- Robert Cudworth asked why do we have to have 2 witnesses when a patient needs to get a shot. Isn’t it a matter of the custodian or guardian? Barbara stated that we are just making sure that everyone is aware of the treatments and what is going into their body.
- Carol Sweeney for Karen Boback stated that the Veterans’ Affairs and Emergency Preparedness Committee went to Penn State on August 10<sup>th</sup>, they attended the informational meeting held at the Veterans’ and Service Member’s legal clinic. They met with Michele Vollmer, a clinical professor of law and associate dean for clinics and experiential learning as well as other individuals to discuss the mission of the clinic. The clinic provides, among other things, assistance with VA related legal issues such as disability, pension, education benefits, advocacy for change in law and legislation that will further benefit veterans and their families.

House Bill 1421 which is Act 54, provides money for the following: an increase in the amount of a stipend from 150.00 to 250.00 for honor guard burial details. It authorizes the PA National Guard to provide burial details when veterans' service organization members are not available or unable to provide the burial detail. An increase in the base pay for members of Pennsylvania National Guard and Pennsylvania Guard ordered to special or active state duty to not less than 180.00 per day.

House Bill 1867 now Act 69, which encourages school districts to identify and assist students of transient military personnel.

House Bill 2412 now Act 38, authorizes the PANG to support state and local governments with cyber training or exercises while activated.

- Russell Canevari asked for clarification of the honor guard stipend. Lisa Kaye stated that military burials and honors are supposed to be free of charge and money is from donations. She stated that she doesn't believe it's accurate that people are getting paid 250.00 per funeral. If a family wants to give a donation that is a whole different issue, but honors are supposed to be free. This has been a battle that people are being charged and that people are being paid and the families aren't being given the option for free. Lisa also stated that this issue is being brought to the attention of the State Veterans' Commission.
- Travis ended with the real problem right now is the red tape around hiring. We are trying to be creative with our hiring and becoming a Commonwealth employee. What's promising is that we are not seeing a huge exit of all our direct care staff leaving for all the crazy offers being posted all over the state. Our turnover numbers are nowhere near what they are in the private sector, they are high regardless which is concerning. We need to keep pushing the boundaries of what we are told that we can and cannot do. We sare looking for support from our state reps and senators as well as the council and the organizations to move the needle. We are hoping with the new budget, we will have the ability to be creative and get people in our doors.

## **ADJOURNMENT**

*The next meeting was announced: November 17, 2022, at 10:00 a.m.*

**Pennsylvania Soldiers' and Sailors' Home**

**Advisory Council Meeting**

**Erie, Pennsylvania**

**September 8, 2022**

**9:00a.m.**

**ADVISORY COUNCIL MEMBERS PRESENT**

Mr. Gary Fry, President, AMVETS

Mr. Richard DiGiacomo, Secretary, Military Officers Assoc. of America

Mr. David Price, Military Order of the Purple Heart

Mr. Anthony DiGiacomo, County Director of Veterans Affairs, VIA TEAMS

Mr. Harry Stewart, American Legion

Mr. Joe Benacci, Director of Veterans Affairs

The Honorable Daniel Laughlin, PA Senator

**ADVISORY COUNCIL MEMBERS ABSENT**

Mr. Eric Cepek, Director, Veterans Office

Mr. Raymond J. Chambers, Vice President, Marine Corps League

Mr. Walter Simpson, Disabled American Veterans

The Honorable Curt Sonney, PA House of Representatives

Mr. Robert C. Eiler, Veterans of Foreign Wars

Mr. Gregory Smith, PSSH Resident Council President

Mr. Richard Supak, Catholic War Veterans

**OTHERS PRESENT**

Mr. Travis J. Davis, MHA NHA, HSE, Executive Director, Long-Term Care

Mrs. Barbara Raymond, RN, NHA, Director of Veterans' Homes

Mrs. Elizabeth Seibert, PSSH Deputy Commandant

Ms. Alyssa Cooley, PSSH Commandant Assistant

Mr. Ken Vybiral, PSSH Volunteer Coordinator

Mr. Josh Spigner

### **CALL TO ORDER**

Mr. Gary Fry called the meeting to order at 9:00a.m.

### **MOMENT OF SILENT AND PLEDGE OF ALLEGIANCE**

Mr. Gary Fry led a moment of silence, and the Pledge of Allegiance was recited.

### **ROLL CALL**

Ms. Alyssa Cooley took roll call for all present.

### **SWEARING IN OF COUNCIL MEMBERS**

No Council Members were sworn in.

### **APPROVAL OF PREVIOUS MEETING MINUTES**

The minutes were approved from the prior meeting.

### **MEDICAL DIRECTOR UPDATE**

Mrs. Seibert provided update on behalf of Dr. Eric Milie:

Currently on our campus we are in full compliance with all of the regulatory survey agencies. That includes the DOH, DHS and VA. We are, from a covid standpoint, all green, which means that all of our residents are free of covid at the moment. We continue to monitor and test according to the testing protocols that are laid out via the CMS and DOH. Which for us means, with the Erie County transmission rate being as high as it is right now, this morning it was at 23%, we continue to test twice weekly for all residents and staff who are not up to date with their vaccination status. All the residents again are clear and free of covid at this moment. We do have 3 staff members who have tested positive for covid. 2 as recently as yesterday afternoon. Our testing location continues to be outside, which is really advantageous. Our staff when they exhibit any symptoms are educated and have been doing a really good job adhering to this. They call in if they any symptoms, they come in and test at the outside testing location, so there is no resident crossover. They will continue to be off the schedule and will return once they're cleared by nursing administration. As far as resident impact, we continue to watch any of the activities to make sure there appropriate, given some of the covid mitigations that are at hand, but we encourage the outside activities. Visitation is without restricts. We are trying to be as back to normal as we can make it as evidence by the " Sharing and Caring" trip that was enjoyed by a lot of folks yesterday down in Pittsburgh. I was greeted by some residents that said they had a wonderful time yesterday and it was very much appreciated.

### **ADMISSIONS AND MARKETING UPDATE**

Mrs. Seibert provided update on behalf of Pamela Jenkins:

From an admissions standpoint we are seeing a lot of referrals coming in. we continue to receive them and field the calls. We are continuing to send out applications and to provide tours as needed. We have from a bed occupancy level we have 6 veterans on the waiting list for the dementia unit, which currently has 15 residents. We have 3 non-vets on the waiting list for the dementia unit. You might remember

from the last meeting the ACU unit “E” and “D” are being renovated with all new flooring, so we have by design left some of those beds vacant as a matter of accommodating during the renovations of that unit. We are pretty confident as soon as the renovations happen, we can open up for full occupancy and we have established a waiting list to be able to fill those beds.

On the nursing care unit, we have 65 out of the 75 beds occupied. We have 20 veterans that are on the active waiting list and 10 non-vets on the waiting list. Again, a condition of the renovations, once the renovations are finished, we will be able to fill those beds off of the waitlist.

On the PCU side we have 55 residents we’re caring for right now. We have 4 that are on the waiting list and 2 that are non-vets on the waitlist. The renovations to the bathrooms, which are going really well, we are on phase 3 of the phase 5 construction project. So, again, some of the census is the result of the bed fill availability.

Any questions? There were no questions.

### **MARKETING UPDATE**

From a marketing end, we did participate this summer in some really fun outreach opportunities. The “8 Great Tuesday” nights we participated in as well as the “Tall Ships” festival. What was interesting with the “Tall Ships” is that there were a lot of people from the Pittsburgh area. I think Ken mentioned, next year we will have our Pittsburgh facility represented there as well. Ken and Emily did a real good job of providing info, not just on PSSH but also for the folks that came up from Pittsburgh. So that was a really successful event. We have been participating in some senior citizen expos. The Curt Sonney senior expo. We will be participating in the Albion fair next week and the Mercer County Veteran Resource Fair we will be participating in. In the month of August, we were able to assist 5 veterans that were otherwise homeless, prior to coming to our Personal Care unit. So that was an active month and very much a support for our veteran homeless population. Again, the waitlist continues to grow which is always a good thing.

Ken Vybiral added:

It has been a real active summer especially since the last time we met. Life here at the Home has probably been the best its been since the onset of the pandemic. We were able to have a performance by the Erie Philharmonic which was exclusive to us. It was a really great celebration of patriotic music. It was really fantastic. We mentioned the “Sharing and Caring” trip, but just a lot of activity that was brought back this summer. A lot of the State Representatives have been offering their expos and fairs. So, we’ve been engaged and participating in all of those, getting out and talking to the community and making sure they’re aware of our services. From an employment standpoint, admissions standpoint, volunteer recruitment standpoint we’re all working very hard to build all those areas back up again. we’re excited for where we are at right now and looking forward to a lot of great events coming this fall.

Any questions? There were no questions.

### **REPORT OF THE EXECUTIVE DIRECTOR OF LONG-TERM CARE**

Mr. Travis Davis provided update:

First, I want to say thank you all for your time and dedication to our Home up here in Erie. We certainly respect and appreciate all the time that you dedicate to our veterans here and our staff.

The Governor's budget was signed in July, and it had a significant investment in Pennsylvania long-term care. Close to \$500 million dollars. There hasn't been a significant investment in LTC in Pennsylvania in over a decade, so it was something that our industry really needed, and I think it was highlighted during the pandemic. Part of this \$500 million dollar investment, there is about \$190 million that's going to support retention bonuses, professional development and recruitment efforts for our staffing, and that's something I can you right now we desperately need. Its why our hands are pretty much tied to provide the things we can do for our staff. Because we are state employees, things like bonuses, incentives, appreciation gifts, those are all things that the private industry does routinely to boost the morale and attract staff and those are things that we can't do. So, I'm hoping that with this \$190 million dollars that's being funneled into the state, I'm hoping that we are granted some flexibility with what we can do for our staff.

Staffing still continues to be our biggest challenge today. It's the reason that our facilities are not full. We have extensive waiting lists. We have vets that are trying to get into our Homes, but we don't have the staff right now to do it. So right now, our census is around 980 at the 6 Homes. That's about a 68% occupancy rate. Again, we have a lot of closed wings, some due to construction like here in Erie, some is due to staffing.

The DOH proposed an increase to the minimum staffing requirement. We right now surpass what the minimum state requirement is and we're going to continue to staff accordingly so we can meet our residents needs. However, our goal moving forward is going to be, to be above what the state minimum is. It's going to require additional positions for us to fill. So, we've gotten approval to add about 140 additional, mostly nursing positions to meet that goal. As you know, we have hundreds of vacancies right now. So, on top of that, it's going to be a big task to try and fill these positions.

Five-star ratings. That's how we are rated through the Centers of Medicare and Medicaid. We have 2 of our 6 facilities bump up a star rating which is a great sign. Gino Merli and Southeastern Veteran Center are both now 4 overall stars.

We recently wrapped up 2 annual Department of Health surveys at Hollidaysburg and Southeastern Veteran Center. Both of those went very well. Southeastern Veteran Center had a deficiency free survey this year.

Covid, we have 3 Homes currently in outbreak. All of our county transmission rates remain very high. What that does to us is it increases the amount of testing that is done. Every week were doing hundreds of tests on our staff and our residents. The PPE burnout and fatigue it puts on our staff members, we're really starting to see that. We've been seeing it over the years but never were in an outbreak, which again is 1 resident that could trigger the outbreak. Our staff are in their googles, they're in their N95s and gowns, and it's really starting to wear on our employees. I will say between the 3 outbreaks we have right now, all of our residents remain stable. We have 15 Covid deaths year to date throughout the 6 Homes. None of those cases was Covid the primary cause of death. We are still required to record it as a Covid though.

On the construction end president Biden signed a federal bill called "Build America by America". What that says is anyone whose receiving federal funds for construction they want all the materials purchased by American manufacturers. We have a 2-year waiver in effect for our current construction projects. For example, we have a replacement project going on in Hollidaysburg where we are constructing a 200 bed nursing facility to replace 2 outdated facilities. That's about an \$80 million project. If the "Build America by America" was in effect today, that would raise our costs about 29% for that project. So, this is in the back of our heads that we really have to go back to the drawing board and look at our 5 year and 10 year construction plans so we can see what that impact is going to have on us. This is relatively new, were working with the VA closely on this to see how it may impact some of our larger projects down the road. As you can see there is a lot of construction going on in Erie, we're getting really close to the finish line. We're about 90% done with the nursing side. Its going to be a great addition for our residents up here in Erie. Also, at Southeastern we have some flooring projects going on.

2 other positive notes I want to mention, we're seeing a decrease in grievances across all of our Homes. Those grievances are whether a family member or a resident has a complaint about something. Were seeing that those numbers are going down, which is a great sign for us.

Also, we are seeing an increase in employee satisfaction. I told you today about staffing challenges, PPE burnout, with all of that burden on our staff, we're seeing their satisfaction go up. So, when I look at quality, I think those 2 measures tell us that we are moving in the right direction.

Any questions?

*You mentioned President Biden "Building America" and its going to run the cost up almost 30%, is there some metrics that go with that? Where did you get that number from?*

What we did when this originally came out, we didn't know that there would be a 2 year waiver, so we looked at our current construction projects right now and we estimated the things we were outsourcing out of the country for this project and what would it cost to buy in America if we did that. That's where we got that 29% increase. Luckily the VA said, no, we're going to put out a 2 year waiver for any existing projects. So, we're okay on that project going forward but, we have major projects down the pipeline in Southwestern Veterans Home in Pittsburgh. We have a bout a \$24 million project going on down there and renovations to that building. So, that is what the team is working on right now is estimating those costs.

*I have one question on staff. Is there any particular area where we're really hurting at this location?*

Nursing. RNs LPNs and nursing assistants. And that's across all 6 Homes. The one Home we have adequate staffing at is Hollidaysburg, but we are preparing to downsize that facility because of this new construction project. Right now, the Hollidaysburg campus is enormous, and it's spread out in multiple buildings. We're going to consolidate a lot of services under one roof and looking at staffing to see what are appropriate numbers going forward. Hollidaysburg is the one location right now that if we have a veteran that needs placement right away and he's lives up in the Erie area, we tend to go towards Hollidaysburg to get them that care right away and then they can transfer when a bed becomes available.

*First on your metrics there, there are not too many organizations anywhere that have those 2 causes of metrics going on at the same time. So that is a tremendous kudos.*

*On the nursing, and only because all the kids I've coached, so many are now in colleges and studying to be nurses etc., before they get to that point they all look for nurse's aide positions while in school. I'm sure you guys could try to take advantage of that.*

Probably one of our biggest challenges with that are the schools. There are no teachers in the nurse aide training courses anymore. Across the country there is a teacher shortage to train the nurses aides. That's one of the problems. The other problem actually dates back probably more than a decade ago. The Department of Education pulled the nurse aide training from several different entities so that has been a major problem. Red cross use to hold it and that's where we would get a lot of our individuals from. The other change that happened about a decade ago, for an RN in school, after he/she completed there initial first year, which involved their clinical rotation to be in a nursing home, that counted as their nurse aide training, it no longer counts. So even if you were an RN going through college you still would have to take the nurse aide training course that there is no teachers for.

*But I'm saying kids that already have that certification.*

So, what we're doing actually this summer, we're going to do a government internship program. That's where we are going to try to pull those individuals that maybe are in school and they don't want to work during the school year, so like a summer job. So those are the type of people we are going to try to pull in for summer type employment. As far as going to the different colleges, we're doing job fairs, those kinds of things.

And that's tough because everyone is doing that, right? What we're trying to do also is work with our sister agencies. The Department of Human Services and we have the similar needs on the nursing end. So, we're talking about doing personal videos where we show how you kind of grow a nurse. How you can get into one of our Homes, whether it's by housekeeping, dietary or CAN, you can grow your career. We're pushing this movement with our Office of Administration in Harrisburg. We've talked about the colleges so much, lets talk about high schoolers when they're trying to figure out what they want to be, how can they go to school and get things paid for. That's where I think we need to start building that pipeline because I am concerned about the future of caregivers for this industry.

#### **REPORT OF THE DIRECTOR OF VETERANS' HOMES**

Mrs. Barbara Raymond provided update:

Good morning, everyone. It's wonderful to see you all in person. Cheri is unable to join us today. Probably about 2 years ago I involved her in a project and its just finally wrapping up today. Thank you to Beth for pinch-hitting again. Cheri does send her regards that she wasn't able to join us today at this meeting.

Speaking of "Sharing and Caring", this facility, Southwest facility and Hollidaysburg facility were all on the boat trip yesterday as well as today. I did hear that Cheri was our captain, she must have taken over for me. I was captain for about 5 years. PSSH and our Hollidaysburg facility they won the dance contest. They had a really good time yesterday down in Pittsburgh. It's a long busy day for our Erie and Hollidaysburg folk, its quite the trip but everybody really enjoys it. Hopefully next year I can join them again.

From a Covid perspective, we have 15 positive residents across our 6 Homes. We have our Gino Merli facility in Scranton in outbreak. Currently they have 11 positive residents. Our Southeast facility has 1. That individual, though stable from a Covid perspective, has other comorbidities and that family is currently looking to go on hospice or comfort measures. Because that individual is currently positive with Covid, depending on when the individual does indeed expire, we would then count that as a Covid death. So, depending on the timeframe of when this individual were to move on in their lives would determine whether or not we count it as a Covid death. Our Hollidaysburg facility has 3 individuals positive. Everybody other than that 1 individual is currently stable.

We currently have 28 staff members positive with Covid across the 6 Homes. Our vaccine rates, we are well above 80% for our staff members. We are 100% compliant with the Federal mandate. Any of our individuals not fully vaccinated and or up to date either have a religious accommodation or an ADA accommodation so we are 100% compliant.

We talked about our recent surveys. We had a very busy survey the last few weeks. Our Hollidaysburg was surveyed by the VA, Department of Health Life Safety, Department of Health Clinical and Department of Human Services all within just the last few weeks. They are doing quite well though, no major concerns out of any of our surveys. Travis mentioned we're really excited for our Southeast facility they ended up deficiency free out of their most recent annual survey.

We are doing job fairs, they are coming up this coming fall late in September is when the first one starts and then we will hit them throughout the 6 Homes to again, try and fill those nursing positions which is definitely are greatest need. Which is where we put those additional positions due to our wanting to have higher hour per patient per day then the private sector does. The private sector, the government was initially looking at a 4.1 per hour per patient per day, which if you take a 100 bed building, that is 410 hours nursing care that is required. Currently it is 2.7 hours, again with that 100 bed building it would be about 270 hours. So, you can see in the current staffing crisis some facilities are struggling to maintain that 2.7 hours per patient per day, let alone increasing it to the 4.1. so, the Governor's Office did back that off a little. We don't have the finals on that yet, but the Governor's Office did back that off significantly. However, we want to keep our staffing as high as we possibly can, so we budgeted ourselves at 3.8 hours per patient per day. With those additional positions that we were budgeted, we did also move to some maintenance positions, some housekeeping positions across the 6 facilities, some activities positions to help support the overall operations of the 6 Homes.

The other thing on our list from a fun perspective are cooking contests. So, we're doing our cooking contest across the 6 Homes. It's really fun the staff are enjoying it. We had some hiccups here and there on how to process everything and make sure everything was going smoothly and according to plan, but the kitchen staff were really excited about it. Its been neat to do that quality check on the food as well as boost a little morale.

Any questions?

*When we were working with the budget this year, the staffing hours were a big point. From my standpoint, when I see 2.7, and correct me if I'm wrong here, that's basically 1 person taking care of 3 people all day?*

Not quite. We'll use that 100 bed example. If you take that 2.7 and times your 100 residents, so you have 270 hours in 24 hours then divide that by 8.

*Is that 2.7 really low?*

So, the 2.7, it all depends quite honestly on the acuity of the resident. Our resident population, though they may not be sick from a clinical perspective, we don't have a lot of tracheostomies, we don't have a lot of wound care, we don't have a lot of tube feedings, those types of things that take nursing time in that manner. However, our population is primarily male, and I love all you men dearly, however, men don't listen. They tend to get up because they think they can do it and then with weak legs and that sort of thing, they fall. So, that is where some of our biggest challenges are. The gentlemen that we take care of tend to be a little more aggressive, they tend to have more mental health issues. So that is where our time is spent, not necessarily on those skilled needs if you will. So, 2.7 hours truly depends on acuity however, it is low. Even in a private sector we didn't run a 2.7. now with the staffing crisis, most places are running below a 2.7.

*What do you feel is the sweet spot?*

Honestly, outside of our folks, I would say a 3.2. Again, depends on the acuity. As an average I would say 3.2.

*What's the standard to protect staff and the residents from some of those difficult patients?*

Once we take them in, which is why we're very judicial as far as watching what's the history, what's the diagnosis, what's the medications, because once we have them, we can only discharge somebody for lack of payment or a situation where we can no longer care for them if they're a danger to themselves or others however the caveat is we have to have somewhere safe to place them. So, if they're a challenge for us are you going to take them in?

*So, it's rare?*

Yes, very rare. Depending upon the scenario, if someone is threatening with a knife, bodily harm, things like that, we do have the option to transfer them to a hospital depending on the diagnosis though the hospital may or may not admit them and still the hospital is obviously not a discharge plan, so they still end up coming back.

*I understand the difficult patients, but I don't think the ones who can't pay get thrown out, correct?*

Correct. Our situation is uniquely different. We don't look at finances at all until they come in. A lot of people think that it's free, it's not free. In a very simplistic way, we take 80% of the individual's income and they keep 20%. There are very formulas involved in it, depending on if they have a community spouse, depending on if they have a community home, because the home in the Medicaid world as long as the individual goal is to discharge home then the home is never taken until the individual then passes on or there is no community spouse. We don't discharge anyone because they can't pay. That being said though, if they should be paying us, we go through the process, but it is very difficult.

## **REPORT OF THE COMMANDANT**

Mrs. Elizabeth Seibert provided update:

I just want to highlight some of the construction projects briefly. Some that you see from being on campus and some that are kind of behind the scenes. The first one that is kind of behind the scenes is the boiler house. The roof was changed out and that is complete. We're just waiting to have Labor and Industry complete their final inspection.

We did have a freezer and a cooler which was installed down in our storeroom which will be very advantageous for the dietary inventory flow. That is almost ready to be up and running. We're just waiting for some final work to be done.

The front of the PCU entrance, work is still being completed there. We thank you for using the ramp as an alternate way of egress in and out. We're just waiting on the new railings that were made to be installed and that should be by the next time you guys come it should be completed. They also in that area, fixed the porch roof. It was needing of some repair.

The renovation project over on the nursing side is coming along very nicely. We'll be excited to tour you guys once it is complete. The therapy gym just has some final touch ups. The HVAC contactor just needs to do some things behind the scenes with some of the tubes and then it will be completed.

The NCU kitchen, that whole area, we are waiting on a service line and a beverage counter which is here and just needs to be installed. According to the walk around yesterday, the end of October is the date they are hopeful for.

On your drive in you may have seen the new security building that is out by the front gate. There is a few more things that need to happen before that is completely turned over. One final inspection of.

On PCU the bathrooms are all being renovated in this building. As you can imagine it is quite a feat and it does entail going all the way down to the basement so whenever they work on one bathroom, it might be on the second floor, but it's involving the plumbing trunks all the way down in the basement. It is a 5 phase project that was initiated a while ago and we are on phase 3.

The front of the NCU building, you'll notice they laid some additional sidewalk space for residents to be able to ambulate with their wheelchairs and some sitting areas that will be enjoyed by them once the full gates and everything with that project is completed.

On the ACU, both units' "D" and "E", all the flooring on the units including the resident's rooms is being lifted and all new flooring will be laid down. It's a really nice project for the Alzheimer unit.

As far as the compliance goes, I want to mention we are in our open window for our DHS survey on the Personal Care side.

From a staffing angle I want to report off the actual numbers. We are authorized for 268 employees, we have 227 filled, which leaves us with 41 vacancies. We will continue to recruit and fill those positions.

Lastly, I wanted to mention we do have in the works, after many years, a resident and staff photo. It's going to be taken in front of the facility. When you walk out, you'll see everyone gathered for that.

Any questions?

There were no questions.

## **COMPLIANCE REPORT**

Mr. Josh Spigner provided update:

The first issue is monthly exclusion checks. We've found that those are being done inconsistently throughout the BVH and so we are trying to link with OA downtown so that we can be on a contract with a vendor that will do this automatically for us, thus eliminating the risk of human error and also taking some of the workload off of the Homes themselves.

The second issue for us is PBJ (Payroll Based Journaling). We are in the midst of having different vendors who are going to be able to help us stay in compliance with PBJ and also eliminate the risk of human error so none of our numbers are at risk to PBJ reporting issues.

Any questions?

There were no questions.

### **REPORT OF THE COUNCIL MEMBERS**

Mr. R. DiGiacomo:

Every time I come here, the residents are always pleasant, they always want to talk, and they don't know who I am, I'm just walking around and that is good evidence that they're getting good care here. Likewise, the employees, they might have an idea of who this stranger is walking around but they're also always cheerful and engaged and when I sit back and watch the interactions with the residents, they're always positive.

My generation, Sunday is September 11<sup>th</sup>, we don't have that many residents here who are that generation yet but I think we will down the road, so one of the things you guys keep performing well and this will be here for my generation. When I need somewhere to go, I would have no problem living here at the Soldiers' and Sailors' Home. I know that I will be taken care of.

Mr. Harry Stewart:

It's really nice to see the residents getting out. We had them down for our picnic and they loved every minute of it, the staff were great.

Will we be able to do the Christmas tour this year?

*Mrs. Raymond: I'll talk with Cheri. I think so. I'm going to tentatively say yes, but I will talk to Cheri and make sure she is okay with it. I'll let her know what we've done in the past.*

Mr. Benacci:

Good morning, I don't have a lot other than we all know that the PACT Act was passed here in August, so they added a lot of new presumptive's for 9/11 all the way down to the Vietnam and Agent Oranges. The big one is the hypertension. I'm sure your house VSOs are aware, but I just wanted to make sure that all the residents know and if they need to go back and file a claim they should. If they got denied in the past for hypertension they should go back in, don't wait for the VA to contact them.

*Mrs. Raymond: We have 2 VSO's that support the east and the west side of the state as well as individual VSOs in all of the Homes and yes, they are on top of it.*

The Honorable Daniel Laughlin:

The Veteran's breakfast that's coming up in a couple of weeks, I didn't get a chance to get the update from , my staff, so I brought Katie with me. Katie, can you give us a little update please?

Katie: The Veterans Appreciation Breakfast is September 23<sup>rd</sup> at the Zem Zem Shriners Club. It's a smaller sit down breakfast. The guest speaker will be Joe. Each attendee will receive an appreciation certificate from the Senate.

The Honorable Daniel Laughlin: Thank you, Katie. We're looking forward to having some residents from here attend. I have to tell you, I've been on this for 6 years now. This is one of the things that I'm most proud of is being on this Advisory Council. I don't know how much of a positive impact that had but I certainly do my best and take messages back to the Senate.

Mr. Gary Fry:

We get these little emails that update us about Covid and the situation with the residents and employees and the construction going on and I like that because living out in Warren County I feel like I'm kept in the loop. They come quite frequently, and I like it.

We've got a new meeting setup here. Is this better or worse? Do we like it away from the wall?

*The audio is much better. We are still working on the acoustic situation, but you guys know we had challenges when we were downstairs in the chow hall.*

Well, it looks like it is pretty well accepted so we're moving in the right direction.

I see this morning that the VA announced that the flu shots are ready. If you're in that area and want to go get your flu shots. Please spread work out for that.

The building and grounds looks nice. I was impressed pulling in this morning. I see most of the construction is coming right along.

I want to bring up one other thing. Last time we inducted two people into the hall of the fame. I was taken back by the crowd that was here. how nice it was and showcased in the chapel. I just thought it was very great. I heard a lot of people when I was walking around the room saying how nice they thought it was. I don't know who in particular put it together, but they should be commended, I'm sure it was a group effort.

#### **OLD BUSINESS**

No old business to discuss.

#### **NEW BUSINESS**

No new business to discuss.

#### **GOOD OF THE COUNCIL**

Nothing was added.

#### **ADJOURNMENT**

Meeting was adjourned at 10:06a.m.

The next Advisory Council Meeting is scheduled for Thursday, December 8, 2022, at 0900.



## **SOUTHEASTERN VETERANS' CENTER ADVISORY COUNCIL MEETING MINUTES**

**July 14, 2022**

The Southeastern Veterans' Center Advisory Council met July 14, 2022 at 10:00AM in the Coates Hall All-Purpose Room at the Southeastern Veterans' Center.

### **Advisory Council Members Participating:**

Barry Amole, Vietnam Veterans of America, President  
Mary Archey, Marine Corps League, Vice President  
Richard Doherty, Military Officers Association of America  
Robert Richardson, Resident Representative  
Kenneth Schweitzer, American Legion  
John Getz, Veterans of Foreign Wars

### **Department of Military and Veterans' Affairs/Southeastern Veterans' Center:**

Travis Davis, Executive Director, Long-Term Care - DMVA  
Barbara Raymond, BVH Director – DMVA  
Brian Gula, Commandant – SEVC  
Mildred Butler-Coleman, Deputy Commandant – SEVC  
Lauren Stenson, Director of Nursing - SEVC  
Jill Alwine, Admissions and Marketing Coordinator – SEVC

### **Visitors:**

Nikki Whitlock, Constituency Relations, Senator Katie Muth's Office  
The Honorable Katie Muth, PA State Senate  
Todd Rankin, Business Manager, Geriatrics & Extended Care, CVAMC

### **Excused Absence:**

Thomas Applebach, Lehigh County Office of Veterans' Affairs  
Anthony Arnao, Jr. Catholic War Veterans  
Thomas Brown, Veterans of Foreign Wars  
Jeffrey Elliot, PA AMVETS  
Doug Forsythe, Disabled American Veterans  
The Hon. Tim Hennessey, PA House of Representatives  
The Hon. Bob Mensch, PA State Senate  
MG Mark J. Schindler, Adjutant General - DMVA  
Robert Stone, American Legion  
Maureen Weigl, BG (PA) – DMVA

### **Call to Order:**

The Advisory Council Meeting was called to order by Barry Amole at 10:00 AM. There was a moment of silence, followed by the Pledge of Allegiance.

### **Review and Approval of April 14, 2022 Meeting Minutes:**

A motion was made by John Getz and seconded by Mary Archey to approve the minutes of the Advisory Council Meeting held on April 14, 2022. Motion carried, and minutes were approved as written.

### **Report of the Medical Director:**

Lauren Stenson, SEVC Director of Nursing, reported on behalf of Medical Director Dr. Michele Shrikanthan. Currently the facility has no Covid positive residents. There is one positive staff member who is in stable condition and remains out of the facility.

From skilled nursing, there are 153 residents who are vaccinated; 101 of them have also received the first booster; 45 residents have received the second booster. Three residents are unvaccinated. From Personal Care, there are 36 residents who are vaccinated with 35 having also received the booster. For staff, there are 37 employees who remain unvaccinated.

### **Report of the Admissions and Marketing Coordinator:**

Admissions Coordinator Jill Alwine reported that as of the end of the 2<sup>nd</sup> quarter the facility has 192 residents, 156 in skilled nursing and 35 in personal care. There were 31 new admissions up from last quarter which was 14 admissions. Total admissions to date are 45. There are currently 81 people on the waitlist. The approximate waiting list times for skilled nursing and personal care is 2-4 months and 9-12 months for memory care, due to it being our smallest area. There are 77 vacant beds.

Barry Amole inquired about the 77 vacant beds. Jill responded that 3E and 3W remain empty as quarantine units. However, there is an upcoming flooring project that will require temporarily placing residents on those units.

### **Report of the Executive Director, Long Term Care – Travis Davis – DMVA:**

Speaking on behalf of DAG Maureen Weigl, Executive Director of Long-term Care Travis Davis passed along her thanks to everyone on the Advisory Council for their continued support and ongoing dedication to SEVC.

Travis Davis provided an update on the state budget that was recently passed.

- Pennsylvania's long-term care industry will receive more than \$500 million in increased funding, which has been needed for a very long time. The total funding increase for the long-term care industry amounts to more than \$515 million for the 2022-23 fiscal year, including its federal match. Funding will be included to support retention bonuses, professional development, and recruitment efforts for staffing. Staffing continues to be the biggest challenge.
- There will also be funding for childcare assistance, which would be a huge benefit for current staff and recruitment efforts. Hopefully, we will be able to offer childcare on site or nearby at a discounted price. We are currently conducting surveys to assess the need. SEVC has the largest interest among all the homes.
- Pennsylvania will raise its Medicaid reimbursement rate by 17.5% for the state's nursing homes, translating to an increase of around \$35 per resident per day. This is the first increase since 2014. In our state veteran homes about one third of the payer source comes from Medicaid. The community sector relies heavily on Medicaid, they are very dependent upon the Medicaid daily rates.

- Last year the PA Department of Health proposed a staffing minimum increase. The changes would increase the minimum number of direct care hours for residents from 2.7 to 4.1 hours per day, which is closer aligned with Medicare recommendations. This would have resulted in an increase of 300 additional RN, LPN, CNA positions. They have come to a compromise, which is at the Governor's level for approval. Most likely it will be 2.87% and 3.2% going forward. This would be 140 new nursing positions. We are confident that those levels will be met. This is expected to take effect July 1, 2023. However, with the federal government nursing home reform act this could all change. If the federal government raises the federal minimum staffing requirements for facilities, then all states will be required to follow the rule. An announcement is expected next year.

The statewide recruitment campaign is ongoing. We are currently experiencing some difficulties since the state has centralized the hiring process. There is a huge delay when posting open positions. Previously, it was taking approximately 60-90 days to onboard new employees. Unfortunately, now it takes 2 months just to post an open position. This is a statewide issue, and they are working on fixing this issue in Harrisburg. However, this is really hurting our big push to hire staff.

Other construction projects throughout the homes include:

- The expansion project in Erie to the dining and therapy areas is wrapping up.
- Hollidaysburg Veteran Home will be breaking ground on a new 200 bed skilled nursing facility next year to replace old infrastructure.

Robert Richardson asked for an update regarding the hiring of Certified Registered Nurse Practitioners at SEVC. Barb stated the positions are authorized. The recruitment for these positions has been a challenge, due to salary, experience, candidates not interested in all call time, etc.

John Getz asked for clarification regarding the delay in hiring and posting jobs. Barb explained that all job postings and background checks are handled by the Talent Acquisition Agency at the Office of Administration. This process started April 24<sup>th</sup> and there is a tremendous backlog when posting open positions. When the facility gets a list of applicants, completes interviews and selects a candidate, Talent Acquisition will then conduct the background checks. Human Resources at headquarters is tracking this data. Last quarter, it took an average of 67 days to fill an open position. It is most likely much higher this quarter. It is not just affecting DMVA but all state agencies.

**Report of the Director of Veterans' Homes – Barbara Raymond – DMVA:**

Barb provided an update on the COVID status at all six homes: Currently, we have one positive resident throughout our homes. We are routinely conducting testing throughout the homes, so this number will most likely change. We have had 12 overall deaths since January 1<sup>st</sup> among all the homes; none had COVID listed as the primary cause of death. Currently, we have nine staff positive with Covid throughout the six homes. Which is also a significantly low number and expected to increase. Recently 5 of the 6 homes experienced an outbreak over the spring season. It took about 2-4 weeks to clear out of the outbreaks simply because of testing.

A vaccine update was provided. The homes are 100% compliant with the federal mandate for vaccines. Everyone is vaccinated or has an ADA or religious accommodation.

We are preparing for phase three of the Centers for Medicare & Medicaid Services regulations. Phase three was implemented in 2019 however it was not being used by surveyors yet. We are just preparing the homes on updated regulations.

Currently the Centers of Medicare and Medicaid 5-star rankings for all six homes are as follows: Gino Merli, Hollidaysburg, Southeast and Southwest have three stars. These ratings are based on health inspections and the number of deficiencies. Delaware Valley and Soldier and Sailors have a 5-star rating.

Reporting on the surveys at the homes, Southwestern Veterans' Home is currently having their annual DOH survey, as of now there are no major concerns. The survey team will exit tomorrow. Delaware Valley Veterans' Home and Hollidaysburg Veterans' Home recently had VA surveys. Preliminary results were minor concerns that the facilities are already correcting.

Update on staffing across the homes: We are soon to have a vacancy in the Director of Nursing role at our Erie home. Lauren Stenson is the new Director of Nursing at SEVC. A commandant has been selected for Gene Merli.

Barb concluded her report and there were no questions from the Council.

#### **Report of the Commandant – Brian Gula– SEVC:**

Brian welcomed everyone and provided a staffing update. Please welcome Lauren Stenson in her new role of Director of Nursing. We are very excited to announce that Lauren has been promoted to the permanent role of the Director of Nursing at SEVC. Lauren started her career path with SEVC as a RN Instructor, then moved into the ADON role, and was the acting Interim DON for the past 4 months. We recently hired a new Medical Director, Dr. Monika VanSant. She comes to us with 18 years of long-term care experience, and she has had her own practice since 2009. We are very excited to have her on board at SEVC.

Survey update: SEVC is currently in our window for our Annual Department of Health Survey. We are expecting them within the next few weeks. We did have a DOH complaint survey last week to review 3 complaints received. The DOH review determined there were no deficient practices found and all policy and procedures were followed. The complaints were unsubstantiated.

The Activities staff are doing a phenomenal job. We had a very successful Veterans Homes Week, with an abundance of great outdoor activities including a petting zoo, Rita's water ice and a carnival with games, refreshments and dunk tank. We had an incredible 4<sup>th</sup> of July celebration. Major Benedict from the PA National Guard provided an elaborate firework display that residents, staff and families all enjoyed.

SEVC Volunteer Department is also doing great things. A new program our Volunteer Coordinator has implemented is a summer high school volunteer program. High school students volunteer and gain knowledge and experience on various career paths in long-term care. Several students have already completed the program and have achieved enough hours to receive the Presidential Youth Service Award.

Regarding compliance at SEVC, the Bureau of Veterans Homes Compliance Team conducted a skilled nursing facility performance assessment, which is a mock survey. The team go through everything the Department of Health would review during a nursing home survey. It is another set of eyes to ensure

compliance. The team is scheduled to come back to conduct another assessment on the Personal Care Unit, since PC unit follows different regulations.

**Report of the Deputy Commandant – Mildred Butler-Coleman – SEVC:**

Mildred provided SEVC construction updates, noting there were major supply chain issues for the past 12 months. This interruption caused many projects to be delayed. Budgeted projects from last year are now finally underway.

Our nurse call bell system is being upgraded since we can no longer get parts to fix the older system if it would break. Both Coates Hall and CLC will get new call bell systems that will be computerized with state-of-the-art technology. This will allow us to run reports to check call bell response times and gives us the ability to do investigations into quality of service and quality of care for the residents. Symtec will be providing the computer software and Aid bell will be providing the electronic equipment.

The HVAC System is being updated to separate the air and hot water systems. The two systems were integrated. The new system will separate the hot water from the heating/cooling system. Phase 1 included installing heating pumps. The project is wrapping up and the air conditioning system is keeping up with the summer temperatures.

Our new flooring project is scheduled to start in August. All the carpet in the resident's rooms and the lobby in the CLC building are going to be replaced with vinyl flooring for infection control purposes. The carpet does not hold up well against cleaners and disinfectants and the vinyl flooring will be easier to clean and maintain. All the residents will have to be moved to Coates Hall one floor at a time while the work is being done. We anticipate the project to begin around August 22<sup>nd</sup> and room changes to begin on or around August 9<sup>th</sup>. The contractors will complete the work in phases therefore room changes will occur according to a schedule. Work should be completed in October. Families and regulatory agencies have been notified. This will be a big project and require all departments to work together to ensure that it runs smoothly but will be worth it.

Robert Richardson inquired about resident safety regarding the flooring. Mildred explained the vinyl floors will be textured to minimize resident falls. Barb added that all the homes are moving away from carpet due to infection control issues as well as cleanliness issues. The homes are not seeing an increase in falls. Residents tend to shuffle so the vinyl flooring is a better option.

Brian added an update regarding the Certified Registered Nurse Practitioners (CRNP) positions at SEVC. SEVC is moving toward hiring our own physicians and CRNP's. Those services are currently contracted out through Suburban Geriatrics. Dr. VanSant our new Medical Director is an SEVC employee. We are working to recruit CRNP's, however it has been a challenge, however, Suburban Geriatrics will continue support our facility until our medical team is established.

**Comments from the Council:**

Barry Amole reminded members to please have your organizations submit reappointment recommendation in a timely manner. A copy of the Advisory Council member listing with appointment status is included in your packet.

Mary Archey asked for an update regarding the Adult Day Health Care and if they are looking into using the space for childcare services. Travis stated that construction is complete. DMVA is reassessing the need for adult day health care at all the homes. Meetings are being conducted with the Federal VA along with the Department of Aging County Directors, since they are a large referral source for adult day care services. We still have plans to move forward. However, the priority at SEVC is ensuring our staffing levels are sufficient for our current operations. The adult day health care program is still on the table, but we do not have a definitive timeline.

Travis stated that the primary focus is still on adult day care, but while waiting on the legislation to get passed they are looking into what other ways the space can be used. One thing being considered, is using the space to provide childcare for staff. It is being reported that three major benefits that employees are looking for from their jobs are flexible scheduling, help with childcare, and help with transportation. This could also help attract potential employees to the facility. We have the space at SEVC although slight modifications would have to be made to meet code for childcare services.

John Getz commented on the Christmas Holiday and added that VFW District 9 is here to take care of the veterans. He voiced his concern regarding providing gifts for the holidays. Mildred will follow up with the Volunteer Coordinator.

**Old Business:**

Nothing to Report.

**New Business:**

Nothing to Report.

**Election of Officers:**

President – unanimous nominations and election of Barry Amole to serve as President.

Vice President – unanimous nominations and election of Mary Archey to serve as Vice President.

Secretary - unanimous nominations and election of Ken Schweitzer to serve as Secretary.

**Time and Date for the next Meeting:**

With no further business to discuss, the next regular meeting of the Advisory Council will be held on October 13, 2022 at 10:00 a.m.

Approved:

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Barry Amole, President

Minutes submitted by: Patty Carfagno



## 2022 Pennsylvania Veterans' Homes Holiday Activities

### HVH

- 12/2 Live Music with James Weiss in AH MPR
  - 12/8 Memorial Service in AH MPR
  - 12/9 Army vs. Navy Game Tailgate Party – All buildings
  - 12/10 Army vs. Navy Game
  - 12/13 TAG visit to HVH
  - 12/14 Altoona High School Chorus Ensemble – Eisenhower Hall
  - 12/14 Christmas Resident/Family Holiday Meal in all buildings
  - 12/17 "Friends of Vets" visit and sponsored Bingos in EH and AH
  - 12/21 Ugly Christmas Sweater Party in AH MPR
  - 12/21 Christmas Party in MH
  - 12/22 Ugly Christmas Sweater Party in EH Veterans' Hall
  - 12/22 Pool Tournament at MH
  - 12/25 Resident Christmas gift deliveries in all buildings
  - 12/30 New Years Eve Party in all buildings\
- \*Lights on the Lake trips will be occurring in the evenings three times a week, rotating through buildings

### SWVC

- 12/2 American Legion Christmas Tour
- 12/9 American Legion Auxiliary Post 701 White Oak and SAL Santa's Workshop
- 12/1 VFW 914 Bingo
- 12/2 American Legion Christmas Tour
- 12/3 Warriors of Chaos Veterans Motorcycle Club
- 12/5 Ringold Band Performance
- 12/8 100 years Birthday Party for Miss Kitty
- 12/8 VFW 2754 West View Bingo Party
- 12/9 McKeesport High School Band Show Choir Performance
- 12/9 Santa's Workshop with the American Legion Auxiliary and SAL 701 White Oak
- 12/10 Sweats for Vets
- 12/10 Christmas Caroling Unit to Unit
- 12/13 Singer/Guitarist Doug Edgell Performs
- 12/14 **TAG Visit** Noon, Holiday Luncheon
- 12/15 PA ELKS BINGO
- 12/16 The Pittsburgh Belairs Band
- 12/17 Bingo: Military Officers Association of America
- 12/19 Accordionist Kevin Solecki
- 12/20 Marine Corps League Bingo
- 12/21 VFW Auxiliary Post 9199 Shaler Christmas Party and Bingo
- 12/22 Jerry DeMaria Singer Christmas Show
- 12/23 Hey Joe Singer
- 12/25 Holiday Mass with Father Steve Christmas Day



## 2022 Pennsylvania Veterans' Homes Holiday Activities cont'd

### PSSH

- 12/3 NCU and ACU family open house
- 12/7 ACU resident Christmas party
- 12/8 Trips to see Christmas lights
- 12/14 PCU resident Christmas party
- 12/15 **TAG Visit**, Noon, Holiday Visit - music and cookies  
Trips to see Christmas lights
- 12/17 Wreaths Across America (laying of wreaths in AM, ceremony at noon)
- 12/19 Burton's Funeral Home resident stocking distribution party
- 12/21 NCU resident Christmas Party
- 12/30 NYE party with music by Mike and Marie Miller
- 12/30 NYE Glow Bingo

### GMVC,

\*\*Holiday Luncheon December 12-16th 11:00 MPR

- 12/1 John Stevens Holiday Program MPR
- 12/4 Veterans Promise Peckville at Leo's Catering Christmas Party
- 12/5 Northeast Harmony Music Program MPR
- 12/8 Doug Smith Holiday Show MPR
- 12/9 George Rittenhouse Christmas Show MPR
- 12/16 Santa's Shop with EJ the DJ, the Grinch, Mr. and Mrs. Claus, and Santa's Elf - Christmas cookies and Eggnog, holiday bucks for residents to buy holiday items MPR
- 12/18 Amer. Leg. Post 350 Karaoke and Lunch
- 12/19 **TAG Visit**, 1330HRS, Holiday Music Program Hot Cocoa and Holiday cookies for all / The Luongo Brothers music program
- 12/21 Celebrating First Day of Winter with The Millennium performing special treats MPR
- 12/25 Christmas Mass MPR  
Christmas Movie with Holiday treats and eggnog MPR
- 12/31 New Year's Eve Celebration with the Fabulous Fortunes holiday treats and beverages along with party hats MPR

### SEVC

- 12/4 Sweats For Vets
- 12/5 Pottsgrove Community Band Holiday Concert Tilghman Hall
- 12/7 Chester County Concert Band Holiday Concert Tilghman Hall
- 12/12 4CLC Holiday Party
- 12/13 Coate's Hall and Personal Care Holiday Parties
- 12/14 1CLC Holiday Party
- 12/15 2CLC Holiday Party
- 12/16 3CLC Holiday Party



## 2022 Pennsylvania Veterans' Homes Holiday Activities cont'd

### SEVC cont'd

- 12/19 Memory Care December Birthday Party
- 12/20 **TAG Visit**, 0730HRS, Veterans Breakfast
- 12/23 Spring-Ford Middle School Holiday Concert- Tilghman Hall
- 12/29 December Birthday Party Tilghman Hall

### DVVH

- 12/6 Ferguson Plumbing Company host a special dinner
- 12/7 Lunch and a Movie hosted by Vietnam Veteran Society
- 12/12 Family Council
- 12/15 Hanukkah Party hosted by JWV 98
- 12/17 Christmas Party hosted by the Cooties
- 12/19 Pennsbury High School sings carol, presents colors, and plays bingo with residents
- 12/21 **TAG Visit**, 1700HRS Holiday Dinner  
Formal Christmas Dinner with families attending
- 12/28 Monthly Birthday Party with entertainer Matthew Fishteyn

**Summary of Activity from 9/28/2022 to 11/17/2022**

<b>APPLICATIONS APPROVED</b>	<b>650</b>
New	371
Review	262

<b>APPLICATIONS DENIED</b>	<b>241</b>
Financial Need	40
Ineligible	25
No Response	78
Change of Eligibility	98

<b>OVER INCOME</b>	<b>84</b>
New	29
Review	55

<b>13%</b>
8%
21%

<b>APPLICATIONS CREATED</b>	<b>633</b>
<b>TOTAL ADJUDICATED</b>	<b>891</b>

**Summary of Current Applications (Exempt)**

Count	No Activity	Review Process Started	Review App Received	New Apps Pending
16,438	15,957	441	40	150

**Summary of Activity from 09/28/2022 to 11/17/2022**

<b>Apps Created: 633</b>	
New:	371
Review:	262
<b>Apps Approved: 650</b>	
New:	377
Review:	273
Apps Denied (Financial Need):	40
Apps Denied (Ineligible):	25
Apps Removed from Exempt List (No Response):	78
Apps Removed from Exempt List (Change of Eligibility):	98

**Summary of Ineligible Reasons**

Reason	Count
The property for which you claim exemption is not owned solely by you, or as an estate by the entirety with your spouse.	6
The U.S. Department of Veterans Affairs has determined that the veteran did not serve during a period of war or armed conflict.	12
You do not occupy the property for which you have claimed exemption as your principal dwelling.	4
The U.S. Department of Veterans Affairs stated that you have a future exam, therefore, your disability has not been rated as total or 100% permanent.	3

# NOTICES

## DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

### Determination of Need; Disabled Veterans' Real Estate Tax Exemption

Under 51 Pa.C.S. § 8904 (relating to duty of commission), the State Veterans' Commission (Commission) fixes uniform and equitable standards for the determination of need for certain disabled veterans and their unmarried surviving spouses to qualify for an exemption from real estate taxes on their principal dwellings. In so doing, the Commission was required by law to apply a rebuttable presumption that an applicant with annual income of \$75,000 or less has a need for the exemption.

Section 8904 of 51 Pa.C.S. further provides that, beginning on January 1, 2009, the Commission will adjust the annual income level qualifying for the rebuttable presumption in an amount equal to the change in the Consumer Price Index for the preceding two years. Adjustments were made to the annual income level that became effective on January 1, 2009, 2011, 2013, 2015, 2017, 2019, and 2021.

During the two-year period from November 1, 2020, until October 31, 2022, the Consumer Price Index (All Urban Consumers/Seasonally Adjusted) increased by a total of 13.4 percent. Accordingly, beginning January 1, 2023, the Commission will apply a rebuttable presumption that an applicant for the Disabled Veterans' Real Estate Tax Exemption Program with an annual income of \$108,046 or less may have a need for the exemption. Applicants whose annual income exceeds \$108,046 may attempt to rebut the presumption that they do not need the exemption by submitting expense documentation that they believe demonstrates their need.

In applying the \$108,046 presumptive income level, the Office of Veterans Affairs will use the following approach when determining the effective date of the exemption:

Applications pending on December 31, 2022, which are determined to demonstrate need based on eligibility criteria applicable on or before that date, shall be effective based on the date of application in accordance as provided by 43 Pa. Code § 5.25 (relating to effective date of exemption).

Applications pending on December 31, 2022, which did not demonstrate need when applying the prior annual rebuttable presumption income level, but which are eligible under the revised income level applicable on January 1, 2023, shall be effective as of January 1, 2023, unless the presumption is rebutted.

Applications filed with county boards for the assessment and revision of taxes, or similar boards for the assessment of taxes, on or after January 1, 2023, shall be effective based on the date of application as provided by 43 Pa. Code § 5.25.

Applicants who were denied certificates of need prior to January 1, 2023, but who believe they qualify after that date, may reapply with the effective date based on the date of the new application as provided by 43 Pa. Code § 5.25.

MARK J. SCHINDLER  
Major General, PAARNG  
The Adjutant General

DRAFT

PENNSYLVANIA DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

[ 43 PA. CODE CH. 5 ]  
Bureau for Veterans' Affairs

The Pennsylvania Department of Military and Veterans Affairs (Department) and the State Veterans' Commission (Commission), under the general authority in 51 Pa.C.S. § 701 (relating to overall powers of department) and the specific authority in 51 Pa.C.S. §§ 1704(7), 7701(b), 7702(b), and 8904(1) propose to amend Chapter 5 (relating to Bureau for Veterans' Affairs) to read as set forth in Annex A.

*Purpose of this Proposed Rulemaking*

This proposed rulemaking is to update the procedures for application, adjudication, appeal, and administration of veterans' benefit programs administered by the Department and Commission.

*Explanation*

Chapter 5 is proposed to be amended to provide clear and consistent procedures for the application, adjudication, appeal, and administration of all veterans' benefit programs administered by the Department and Commission. The proposed amendments are necessary for several reasons. Chapter 5 was last amended in 1991. Amendments to the rules in Chapter 5 are required because of amendments to certain underlying authorities and organizational changes within the Department since 1991. The proposed amendments update, as necessary, and clarify definitions and procedures, as well as promote cross-programmatic consistency in application, adjudication, appeal, and administration procedures.

Act 12 of 1996 redesignated the Department of Military Affairs as the Department of Military and Veterans Affairs and prompted several organizational changes within the Department. The Bureau for Veterans' Affairs was reorganized as the Office of Veterans Affairs with two subordinate bureaus: the Bureau of Veterans Homes and the Bureau of Veterans Programs, Initiatives, Reintegration, and Outreach. A change to the title of Part 1 is therefore proposed to reflect the current name of the Department, "Department of Military and Veterans Affairs," and Chapter 5 is proposed to be amended from "Bureau for Veterans' Affairs" to "State Veterans' Programs" to better reflect the content of the chapter.

*Subchapter A. Veterans' Emergency Assistance Program*

Amendments are required in Subchapter A, Veterans' Emergency Assistance Program, because this program no longer exists in the same name and form. Act 109 of 2016 amended 51 Pa.C.S. Ch. 85 by changing the title from "Veterans' Emergency Assistance" to "Veterans' Temporary Assistance." The title of Subchapter A is therefore proposed to be changed from "Veterans' Emergency Assistance Program" to "Veterans' Temporary Assistance Program." Act 109 of 2016 also substantially amended the program's definitions, eligibility requirements, and provisions on assistance. The statutory amendments were addressed in a document entitled Program Guidelines for Veterans Temporary Assistance, published at 46 Pa.B. 109 on January 2, 2016, however the outdated rules at Subchapter A were left in place. These amendments propose

to bring Subchapter A into conformity with 51 Pa.C.S. Ch. 85. On promulgation of the amended rules, the Department will discontinue use of the document titled Program Guidelines for Veterans Temporary Assistance.

*Section 5.1.* Proposed amendments to § 5.1, Definitions, are intended to address legislative changes since the original promulgation and to cure minor inconsistencies in restated statutory definitions by proposing conforming language that directs back to relevant definitions in 51 Pa.C.S. § 8501. A proposed change to the definition of “Armed Forces of the United States” creates clarity by specifically including other individuals, agencies, and organizations beyond the military services whose service has been deemed “active military service” with respect to federal law and regulations administered by the United States Department of Veterans Affairs. Changes to the definitions of “Bureau” and “Department” are proposed to reflect the organizational changes made in 1996. The current definitions of “military or naval service of the United States” and “women’s organization officially-connected with the military or naval forces” are proposed to be removed and replaced by a single definition of “Armed Forces of the United States” as discussed above. The definition of “sudden or unexpected loss of income or other source of support” is proposed to be replaced with a definition of “need for temporary assistance” which conforms to the definition provided at 51 Pa.C.S. § 8501, and a definition of “surviving dependents” is proposed to be added, also conforming to the definition at § 8501. Lastly, five definitions, “peacetime hostile fire,” “surviving children of an eligible veteran,” “surviving parents of an eligible veteran,” “terrorist attack,” and “war or armed conflict,” are proposed to be removed because they are no longer relevant as a result of amendments made to the statutory definitions and eligibility requirements by Act 109 of 2016.

*Section 5.2.* This section is proposed to be amended from “Amounts of emergency assistance” to “Application procedures” to create a more logical flow in the regulatory structure. Application procedures in the current regulation are found at § 5.4. The proposed application procedures do not differ substantively from procedures in the current § 5.4. Proposed subsection (a) eliminates reference to a specific form, a standard practice in rulemaking, and updates the sources of application forms and assistance. Subsection (b) addresses completion and execution of form, including a provision allowing the spouse, legal guardian, or person exercising general power of attorney to sign the application if the veteran is unable due to a medical condition. Subsection (c) adds clarity by proposing a comprehensive list of required supporting documentation aligned with the statutory eligibility requirements. Proposed subsection (d) highlights an Authorization for Release of Information on the application form and the use and limits on use of information gathered under the authorization, and proposed subsection (e) points applicants to mail and fax information on the application form for proper submission. Lastly, proposed subsection (f) provides a simple procedure for withdrawal of application that does not currently exist.

*Section 5.3.* This section is proposed to be amended from “Domicile” to “Adjudication procedures” to continue a logical flow in regulatory structure from application to adjudication. Domicile, or the residency requirement, meanwhile, is sufficiently addressed in the proposed subsection on supporting documentation at § 5.2(c), above. Adjudication procedures in the current subchapter are briefly discussed at § 5.5 (relating to review of applications). The

proposed amendments offer more detailed adjudication procedures. Proposed subsection (a) describes the general determination of need. Proposed subsection (b) announces maximum amounts and limits on assistance, all consistent with the Program Guidelines on Veterans Temporary Assistance established in 2016. And, proposed subsection (c) addresses notification of determination, including important new provisions for correspondence with and payment to homeless veterans.

*Section 5.4.* This section is proposed to be amended from “Application procedures” to “Appeal procedures” to continue a logical flow in regulatory structure from application to adjudication to appeal. The application procedures meanwhile are shifted to proposed § 5.2, as discussed above. The proposed appeal procedures are substantially the same as the current appeal procedures which conform to 1 Pa. Code Part II (relating to general rules of administrative practice and procedure). The only significant proposed change to the appeal procedures is an extension of the timeline for requesting reconsideration from ten (10) days to 30 days. This change is consistent with requests for reconsideration across programs and is intended to allow applicants more time to gather supplemental information relevant to the request.

*Section 5.5.* This section is proposed to be amended from “Review of applications” to “Administration of temporary assistance” to complete a logical flow in regulatory structure from application to adjudication to appeal and finally to administration of the program. Proposed subsection (a) outlines the organization and responsibilities of a Fund Committee, previously established in the Program Guidelines for Veterans Temporary Assistance, to assist with the administration of temporary assistance. The organization and responsibilities of the Fund Committee do not differ from those published in the Program Guidelines and in use at the Department since 2016. Subsection (b) notices the Adjutant General’s authority to adjust adjudication guidelines and maximum amounts of assistance according to the amount of funds available for temporary assistance in the Veterans Trust Fund at any given time. And, subsection (c) proposes the addition of critical language noticing and reinforcing the Department’s focus on safeguarding the personal information of veteran applicants with which it is entrusted.

*Sections 5.6-5.7.* These sections are proposed to be removed and reserved. Section 5.6 (relating to renewal of payment) addresses a recurring payment function in the previous Veterans’ Emergency Assistance Program which no longer exists in Veterans’ Temporary Assistance. Section 5.7 (relating to reconsideration and appeals) is shifted and addressed in proposed § 5.4, as discussed above.

#### *Subchapter B. Educational Gratuity Program*

Amendments are required in Subchapter B, Educational Gratuity Program, to provide essential information in the application and adjudication procedures not provided in the current rule, to address organizational changes within the Department, and to create consistency in the regulatory structure across programs.

*Section 5.11.* Proposed amendments to § 5.11, regarding definitions, are intended to cure minor inconsistencies with restated statutory definitions by proposing conforming language that directs back to relevant definitions in 51 Pa.C.S. § 8701. The definitions of “Bureau” and “Department”

are proposed to be changed to reflect the organizational changes made in 1996. The lengthy definition of “eligible disabled or deceased veteran” is proposed to conform simply to the definition at 51 Pa.C.S. §8701, and the definition of “gratuity” is proposed to now refer to the definition of eligible disabled or deceased veteran. A proposed change to the definition of “military or naval service of the United States” adds the Space Force and National Guard, and creates clarity by specifically including other individuals, agencies, and organizations beyond the military services whose service has been deemed “active military service” with respect to federal law and regulations administered by the United States Department of Veterans Affairs. The definition of “war or armed conflict” currently attempts to describe the United States Department of Veterans Affairs’ definition of “periods of war” at 38 CFR § 3.2. As this definition has changed since the original promulgation of Subchapter B in 1991 (including addition of the Persian Gulf War period and a recent amendment to the Vietnam Era period), conforming language is proposed here as well, directing back to the federal regulation. Lastly, minor changes to the definitions of “peacetime hostile fire” and “terrorist attack” are proposed to better describe their relation to the defined periods of war or armed conflict.

*Section 5.12.* This section is proposed to be amended from “Purpose” to “Application procedures” to create a more logical flow in the regulatory structure and consistency across programs. Application procedures in the current regulation are found at § 5.14, Procedure. The proposed application procedures do not differ substantively from procedures in the current § 5.14. The proposed procedures do however update the sources of application forms and assistance at subsection (a). Proposed subsection (b) addresses completion and execution of the form. Proposed subsection (c) adds clarity by proposing a comprehensive list of required supporting documentation aligned with the statutory eligibility requirements. Proposed subsection (d) adds language highlighting the authorization for release of information (VA Form 3288) and the use and limits on use of information gathered under the authorization. Proposed subsection (e) points applicants to mail and fax information on the application form for proper submission. Proposed subsection (f), regarding dual application, addresses students attending two or more educational institutions. Proposed subsection (g), regarding transfer application, addresses students transferring between educational institutions (currently at § 5.19). Proposed subsection (h), regarding no subsequent application, describes the Bureau’s responsibility to coordinate subsequent evaluation and payment directly with the educational institutions. And, proposed subsection (i) provides a simple procedure that does not currently exist for withdrawing application.

*Section 5.13.* This section is proposed to be amended from “Certification of service” to “Adjudication procedures” to continue a logical flow in regulatory structure from application to adjudication. Current adjudication procedures are split between § 5.15, Review and approval, and § 5.17, Determining financial need, and are insufficient in detail. Proposed subsection (a), regarding determination of eligibility, describes approved educational institutions and proposes rules on full-time attendance at an approved educational institution which are necessary for objective adjudication but are not addressed in the current rule. Proposed subsection (b), regarding determination of financial need, does not substantively differ from the procedures in current § 5.17, but it creates reasonable annual expense allowances for students residing in off-

campus housing, or an alternative allowing students to submit certain off-campus expenses, where educational institutions currently report such expenses as zero. The allowances are expressly to the benefit of the applicant. Also, in the determination of need, the Bureau has long interpreted award of federal Dependents' Educational Assistance (38 USC Ch. 35) as a precondition to eligibility for the Educational Gratuity. The proposed rule clarifies that award of Chapter 35 benefits is to be included as part of the funds available to defray the cost of attendance but is not a precondition to eligibility. Lastly, where current determinations of financial need rest solely on information provided by the educational institution, the proposed rule makes specific allowance for applicants to rebut that information by submitting additional relevant information in a request for reconsideration. Proposed subsection (c) addresses notification of determination and includes a 30-day timeframe for notification following the receipt of a fully developed application.

*Section 5.14.* This section is proposed to be amended from "Procedures" to "Appeal procedures" to continue a logical flow in regulatory structure from application to adjudication to appeal. The application procedures meanwhile are shifted to proposed § 5.12, as discussed above. The proposed appeal procedures are substantially the same as the current appeal procedures which conform to 1 Pa. Code Part II (relating to general rules of administrative practice and procedure). The only significant proposed change to the appeal procedures, at subsection (c), is the use of a hearing officer provided by the Commonwealth in place of the appointment of a Commission member to act as presiding officer. This proposal creates consistency with appeal procedures in all other Chapter 5 programs.

*Section 5.15.* This section is proposed to be amended from "Review and approval" to "Administration of educational gratuity" to complete the logical flow in regulatory structure from application to adjudication to appeal and finally to administration of the program. Subsection (a), regarding payment, addresses the payment procedures currently outlined in § 5.18 and adds a provision for the equal division of a gratuity payment between two educational institutions when a student submits dual applications as discussed in proposed § 5.13(c). Subsection (b) proposes the addition of a critical section noticing and reinforcing the Department's focus on safeguarding the personal information of veteran applicants with which it is entrusted.

*Sections 5.16-5.20.* These sections are proposed to be removed and reserved. Section 5.16 (relating to eligibility criteria) is a restatement of the statutory eligibility criteria which is superfluous and unnecessary to the proposed rule. Section 5.17 (relating to determining financial need) is proposed to be folded into § 5.13, Adjudication procedures, as discussed above. Section 5.18 (relating to payment) is addressed in proposed § 5.15, Administration of educational gratuity, as discussed above. Section 5.19 (relating to transfer) is addressed in proposed § 5.12, Application procedures, as discussed above. And, § 5.20 (relating to reconsideration and appeals) is shifted and addressed in proposed § 5.4, as discussed above.

*Subchapter C. Disabled Veterans' Real Estate Tax Exemption Program*

Amendments are required in Subchapter C, Disabled Veterans' Real Estate Tax Exemption Program, to address amendments to the Act since promulgation of the current rule, to provide essential information in the application, adjudication, appeal, and administration procedures not provided in the current rule, to address organizational changes within the Department, and to create consistency in the regulatory structure across programs.

*Section 5.22.* There are significant proposed amendments to § 5.22, Definitions, intended to refine and clarify critical programmatic definitions to mitigate the possibility of arbitrary decision-making while potentially broadening access to the exemption, a goal endorsed by legislators on the House and Senate Veterans Affairs and Emergency Preparedness Committees, the State Veterans' Commission, and the Department.

Where no definition of "Armed Forces of the United States" exists in the current rule, a definition is proposed to provide consistency between programs and to create clarity by specifically including other individuals, agencies, and organizations beyond the military services whose service has been deemed "active military service" with respect to federal law and regulations administered by the United States Department of Veterans Affairs.

Whereas the definition of "blind" is clear in the Act, it is also incomplete in the sense that adjudication of the disability relies on ratings provided by the United States Department of Veterans Affairs which are grounded in 38 CFR Ch. 1, Pt. 4 (relating to schedule for rating disabilities). The definition in the Act addresses visual acuity, however the federal schedule for rating disabilities evaluates visual disabilities based on impairments to visual acuity, visual field, and muscle function. (See, 38 CFR § 4.75.) It is not always apparent to adjudicators what type of impairment actually underlies the disability rating. For this reason, the proposed definition of "blindness" is reasonably expanded to account for other impairments. This more complete definition is necessary to objectively adjudicate an application for exemption based on blindness. Importantly, the proposed definition is also consistent with the definition of "blind veteran" used in the Blind Veterans' Pension Program at 43 Pa. Code § 5.31.

The current definitions of "cost of living allowance" and "dependents' allowance" are proposed to be combined into a single "cost-of-living allowance." While the allowances are currently defined, the basis and amounts of the allowances were never promulgated or published. The proposed definition provides a rational basis for the allowance in the federal government's Maximum Thrifty Food Plan and the Consumer Expenditure Survey, it is scalable to the number of qualified dependents, and will be adjusted for inflation every two years.

The current definition of "income" is proposed to be changed from "income from whatever source derived..." to "gross reportable annual income..." followed by a comprehensive list of specific reportable sources of income. The proposed definition cures a challenge posed to many applicants by patently exempting distributions from individual retirement accounts which are transferred or rolled over into other eligible accounts within 60 days of the date of distribution as well as qualified disaster distributions which are repaid within the year. Most significantly, the Commission agreed on the exclusion of veterans' benefits from the assessment of income in a unanimous vote on October 8, 2021. Income from federal and state veterans' benefit programs,

as well as Combat Related Special Compensation from the military services, which is also non-reportable, are therefore also patently excluded in the proposed definition.

“Loss of two or more limbs,” another disability creating statutory eligibility in the Act, is not defined in the Act and has never been defined in statute or regulation. As with the definition of blindness, adjudicators must rely on disability ratings reported by the United States Department of Veterans Affairs. In the federal schedule for rating disabilities at 38 CFR Ch. 1, Pt. 4, a rating that equates to “loss of two or more limbs” can result from either the physical loss of limbs or the loss of function in limbs. Because of the rating structure, adjudicators often have no way to determine whether a disability rating is awarded because of physical loss (i.e., amputation) or loss of function (i.e., paralysis or neuralgia). Therefore, the proposed definition accounts for variations of impairment in the federal rating schedule and, importantly again, aligns with the definition of “amputee and paralyzed veteran” in the Amputee and Paralyzed Veterans’ Pension Program at 51 Pa.C.S. § 7702(c). This proposed definition is necessary to objectively adjudicate applications for the exemption based on loss of two or more limbs.

The proposed definition of “monthly household expenses” provides clarity by including a comprehensive list of the acceptable expenses for necessities of life associated with the principal dwelling. A comprehensive list is necessary to eliminate ambiguity and allow for an objective assessment of financial need for the exemption.

The definition of “monthly income” is proposed to be clarified by changing it to “monthly household income” and replacing the ambiguous language “Income received by the claimant and other persons...” with “Income received by the applicant and qualifying dependents...” with a separate proposed definition of “qualifying dependent.”

“Paraplegia,” another disability creating statutory eligibility, is defined in the Act. However, again, adjudicators rely on disability ratings reported by the United States Department of Veterans Affairs, and the federal schedule for rating disabilities at 38 CFR Ch. 1, Pt. 4 offers no specific rating for paraplegia. The bilateral paralysis of the upper or lower extremities of the body (as defined in the Act) is rated as a complete loss of use in the federal schedule. The complete loss of use of both lower or both upper limbs will result in a permanent and total disability rating, which will therefore create eligibility under that broader construct, but it is critical to create alignment between the definition in the Act and the federal schedule for rating disabilities to eliminate potential confusion and dispute.

A definition of “presumptive income level” is proposed to better describe the function of the statutory presumption in the determination of need.

A definition of “principal dwelling” is proposed to clarify the term as used in the Act with respect to eligibility. Importantly, the proposed definition incorporates standing legal guidance from the Department that there are no restrictions on the size of the property with respect to the exemption.

A definition of “qualifying dependent” is proposed to define the applicant’s dependents whose income and expense information is relevant to the determination need. The definition also allows for the proper tallying of dependents in the cost-of-living expense allowance.

*Section 5.23.* This section is proposed to be amended from “Eligibility criteria” to “Application procedures” to create a more logical flow in the regulatory structure and consistency across programs. Application procedures in the current regulation are generally found at § 5.24, Processing applications. Since promulgation of the current rule in 1991, multiple processes have been combined into a single multi-purpose form to replace separate application forms for eligibility, financial need, surviving spouses, and the five-year review of need, all addressed in current § 5.24. Proposed subsection (a) eliminates reference to a specific form (a standard practice in rulemaking), but it is important to note that only one application form now exists for the program, and we are proposing changes to that application to better reflect the amended rules as well. The balance of the proposed application procedures does not differ substantially from procedures in the current § 5.24. Proposed subsection (a) updates the sources of application forms and assistance, and subsection (b) addresses completion and execution of the form. Proposed subsection (c) adds clarity by offering a comprehensive list of required supporting documentation aligned with eligibility requirements in the Act. Proposed subsection (d) highlights an Authorization for Release of Information on the application form and the use and limits on use of information gathered under the authorization, and proposed subsection (e) requires that applications be submitted to the county office of property assessment through the county office of veterans affairs so the application can be stamped to show the date of receipt. This is largely consistent with the current rule at § 5.24(b) but the submission process, as practiced in virtually all counties, includes a check on the application by the county office of veterans affairs before delivery to the office of property assessment. The proposed rule simply reinforces that existing step in the process. There is also no longer a requirement to notarize the application form as required at § 5.24(c); verification of eligibility by an accredited veterans services officer at the county office of veterans affairs replaced the notarization step in the current application form. Lastly, the proposed amendments add a subsection (f) providing a simple procedure for withdrawal of application that does not currently exist.

*Section 5.24.* This section is proposed to be amended from “Processing applications” to “Adjudication procedures” to continue a logical flow in regulatory structure from application to adjudication. Rules for the processing of applications, again, are proposed to be addressed at § 5.23. Adjudication procedures in the current subchapter are briefly discussed in § 5.5 (relating to review of applications). Proposed amendments at subsection (a), Determination of eligibility, are intended to provide clarity for applicants and guidance for county boards for the assessment and revision of taxes, or similar boards, on the adjudication of eligibility, as is their duty consistent with 51 Pa.C.S. § 8903 (relating to duty of board). This guidance does not exist in the current rule. This proposed subsection also explains the burden of proof and weighting of evidence for each eligibility requirement in the Act. Proposed subsection (b), Determination of financial need, similarly explains the Commission’s duty to determine need at 51 Pa.C.S. § 8904. With respect to the determination of need, § 8904 was amended by Act 161 of 2006 to create a simplified avenue for determining need. This amendment created an annual income level at or below which

an applicant shall be presumed to have need, eliminating the requirement for a full income-expense assessment. (See, 51 Pa.C.S. § 8904(1).) When an applicant fails the presumptive need test, the determination can be rebutted by a full income-expense assessment. Proposed paragraph (b)(1) explains the process for determining presumed need and relies heavily on the proposed definitions of “income” and “presumptive income level” already discussed in § 5.22. Proposed paragraph (b)(2) restates, in the context of the presumption, the full determination of need, relying heavily again on the proposed definitions of “income,” “monthly household income,” “monthly household expenses,” “cost of living allowance,” and “qualifying dependents” already discussed in § 5.22. Proposed subsection (c) provides standards for the certification of need required at 51 Pa.C.S. §8904(4) (relating to duty of commission). Finally, proposed subsection (d) makes provision for the boards and the Commission to reasonably delegate adjudication and administrative duties to offices with appropriate staff, resources, and expertise: the county offices of property assessment and veterans affairs in the case of the board, and the Bureau of Veterans Programs, Initiatives, Reintegration, and Outreach in the case of the Commission. Both the boards and the Commission retain their statutory duties to approve eligibility, certify need, and, in the case of the board, grant and administer the tax exemption.

*Section 5.25.* This section is proposed to be amended from “Effective date of exemption” to “Appeal procedures” to continue a logical flow in regulatory structure from application to adjudication to appeal. Discussion of the effective date of exemption meanwhile is shifted to proposed § 5.26 (relating to administration of the tax exemption). The only significant proposed change to the appeal procedures is the addition at subsection (a) of language directing appeals of determinations on eligibility to the county board for the assessment and revision of taxes, or similar board, as is their duty consistent with 51 Pa.C.S. § 8903 (relating to duty of board). The proposed appeal procedures at subsection (b) for determinations of financial need made by the Commission are substantially the same as the current procedures at § 5.27 which conform to 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

*Section 5.26.* This section is proposed to be amended from “Periodic review” to “Administration of the tax exemption” to complete the logical flow in regulatory structure from application to adjudication to appeal and finally to administration of the program. Discussion of the periodic review of need is made subordinate to this proposed section, as discussed below.

Proposed subsection (a) addresses the effective date of exemption, largely maintaining the same requirements as found in current § 5.27 (relating to effective date of exemption). The only significant proposed change is in the amount of time applicants are given to gather relevant documentation after submission of the application. Whereas the current rule allows for a period “not to exceed 120 days except under extraordinary circumstances,” the proposed rule shortens it to a period “not to exceed 60 days except under extraordinary circumstances.” Short of extraordinary circumstances, it is the experience of the Commission that 60 days is a reasonable amount of time to respond to requests for information. The longer 120-day timeframe also often carries applications into the next taxing period, creating administrative challenges at the county offices of property assessment.

Proposed subsection (b) addresses periodic review of need. The current rule on periodic review of need is outdated because of a statutory amendment created by Act 161 of 2006. Section 5.26 of the current rule relates a two-year periodic review found in the former statutory requirement. Act 161 of 2006 amended that requirement by extending the periodic review to once every five years. The proposed rules at subsection (b) reinforce the Bureau's responsibility for tracking due dates for the periodic review and properly noticing those with exemptions of the need for review. It further directs that the application, adjudication, and appeal procedures remain the same as with a new application and refers to those relevant sections in the proposed rule.

Subsection (c) proposes a new rule relating to notification of changes, addressing notification procedures for the death of a veteran or surviving spouse in receipt of the tax exemption.

Subsection (d) proposes a new rule, necessary considering the presumption created by Act 161 of 2006 and codified at 51 Pa.C.S. § 8904(1), regarding adjustments to the presumptive income level based on changes in the Consumer Price Index and their publication in the Pennsylvania Bulletin every two years.

Subsection (e) proposes a new rule on adjustments to the cost-of-living expense allowance defined at proposed § 5.22. To provide a rational basis for adjustments to the allowance, the proposed rule relies on changes in the Maximum Thrifty Food Plan table and in the mean annual cost of gasoline, other fuels, and motor oil for the Northeast Region in the Consumer Expenditure Survey. The Bureau shall adjust the allowance based on changes in these indices and publish them alongside adjustments to the presumptive income level in the Pennsylvania Bulletin.

Subsection (f) proposes the addition of a critical section noticing and reinforcing the Department's focus on safeguarding the personal information of veteran applicants with which it is entrusted.

*Section 5.27.* This section regarding reconsideration and appeal is proposed to be removed and reserved. Information on reconsideration and appeal is proposed to be discussed at § 5.25, above.

#### *Subchapter D. Blind Veterans' Pension*

Amendments are required in Subchapter D, Blind Veterans' Pension, to provide essential information in the application, adjudication, and administration procedures not provided in the current rule, to address organizational changes within the Department, and to create consistency in the regulatory structure across programs. The title of the subchapter is proposed to be changed to "Blind Veterans' Pension Program" to promote consistency between subchapters in Chapter 5.

*Section 5.31.* Proposed amendments to § 5.31, Definitions, cure minor inconsistencies with restated statutory definitions by proposing conforming language that directs back to relevant definitions in 51 Pa.C.S. § 7701. Conforming language is, for example, proposed to replace the current definition of "blind veteran," and a separate definition of blindness is proposed to better address the way that term is used throughout the subchapter. There are no changes to the federal disability rating requirements in the proposed definition of "blindness." Changes to the definitions of "Bureau" and "Department" are proposed to reflect organizational changes. Lastly,

the definition of “military or naval forces of the United States” adds the Space Force and National Guard, and creates clarity by specifically including other individuals, agencies, and organizations beyond the military services whose service has been deemed “active military service” with respect to federal law and regulations administered by the United States Department of Veterans Affairs.

*Section 5.32.* The title of this section remains “Application procedures.” The proposed application procedures do not differ substantively from current procedures. Proposed changes in subsection (a) update the sources of application forms and assistance. One change is proposed in subsection (b) allowing for application by a spouse, legal guardian, or person exercising general power of attorney on behalf of a veteran unable to apply due to medical condition. Proposed changes at subsection (c) add clarity to the short list of required supporting documentation, which is properly aligned with eligibility requirements in the Act. Language highlighting the Authorization for Release of Information on the application form and the use and limits on use of information gathered under the authorization is proposed at subsection (d), while information on submission of applications in the current subsection (d) is moved to a newly proposed subsection (e), which refers applicants to the mailing address and fax number provided on the application. Lastly, a proposed subsection (f) provides a simple procedure that does not currently exist for withdrawing applications.

*Section 5.33.* This section is proposed to be amended from “Review of applications” to “Adjudication procedures” to continue a logical flow in regulatory structure from application to adjudication. The proposed amendments do not substantially change the current adjudication or notification of determination procedures, however the language is changed to provide conformity across programs. The most significant proposed change at subsection (b) holds the Bureau to a 30-day adjudication timeframe after receipt of a fully developed application.

*Section 5.34.* This section is proposed to be amended from “Appeal” to “Appeal procedures” to continue a logical flow in regulatory structure from application to adjudication to appeal. The proposed appeal procedures are substantially the same as the current appeal procedures which conform to 1 Pa. Code Part II (relating to general rules of administrative practice and procedure). Minor changes to the language are proposed to promote consistency with appeals language in the other subchapters.

*Section 5.35.* This section is proposed to be amended from “Reserved” to “Administration of pension” to complete the logical flow in regulatory structure from application to adjudication to appeal and finally to administration of the program. Proposed subsection (a) addresses the effective date of pension currently at § 5.36 and clarifies that the pension shall not be backdated to the date of award of disability compensation by the United States Department of Veterans Affairs. Proposed subsection (b) discusses rate and form of payment, including information on electronic funds transfer payments, a stipulation that the pension may not be made payable to anyone other than an eligible blind veteran, and important new provisions for correspondence with and payment to homeless veterans. Proposed subsections (c) and (d) provide rules for the notification of changes (i.e., changes of address and contact information) and notification of death of the pensioner, including the potential need for supporting documentation. Proposed

subsection (e) provides procedure on reimbursement of debts, typically accrued when the Department is not timely notified of the death of a pensioner. This is a standard process in the Department which is not accounted for in the current rule. Lastly, subsection (f) proposes the addition of a critical section noticing and reinforcing the Department's focus on safeguarding the personal information of veteran applicants with which it is entrusted.

*Sections 5.36.* This section is proposed to be removed and reserved. Current section 5.36 (relating to effective date of pension) is proposed to be included in § 5.35, Administration of pension, as discussed above.

#### *Subchapter E. Paralyzed Veterans' Pension*

Amendments are required in Subchapter E, Paralyzed Veterans' Pension, to address amendments to the Act since promulgation of the current rule, to provide essential information in the application, adjudication, and administration procedures not provided in the current rule, to address organizational changes within the Department, and to create consistency in the regulatory structure across programs. The title of the subchapter is proposed to be changed to "Amputee and Paralyzed Veterans' Pension Program" in conformance with amendments passed in Act 180 of 2014 and to promote consistency between subchapters in Chapter 5.

*Section 5.41.* Proposed amendments to § 5.41, Definitions, cure minor inconsistencies with restated statutory definitions by proposing conforming language that directs back to relevant definitions in 51 Pa.C.S. § 7702. Conforming language is used, for example, in the proposed definition of "amputee and paralyzed veteran." This definition in turn is proposed to replace the definition of "paralyzed veteran" which is outdated because of amendments at § 7702 created by Act 180 of 2014. Changes to the definitions of "Bureau" and "Department" are proposed to reflect organizational changes. Act 180 of 2014 changed the eligibility criteria to more closely align with relevant disabilities in the federal schedule for rating disabilities at 38 USC Ch. 1 Pt. 4. The current definition of "loss of use" is thus outdated and proposed to be changed to "loss or permanent and severe or complete paralysis of two or more limbs" as that term is currently defined in the Act. Lastly, the definition of "military or naval forces of the United States" adds the Space Force and National Guard, and creates clarity by specifically including other individuals, agencies, and organizations beyond the military services whose service has been deemed "active military service" with respect to federal law and regulations administered by the United States Department of Veterans Affairs. Current definitions of "peacetime combat-related action," "terrorist attack," and "war or armed conflict service dates" are proposed to be removed because requirements in the Act for service during war or armed conflict, including peacetime combat-related actions and terrorist attacks, were removed by Act 109 of 2001. The current definition of "women's organization officially-connected with the military or naval forces" is proposed to be removed and included in the definition of "military or naval forces of the United States," discussed above.

*Section 5.42.* This section is proposed to be changed from "Eligibility" to "Application procedures." The current language regarding eligibility gives outdated reference to the monthly amount of the pension which is proposed to be removed and addressed more generally in

proposed § 5.45 (relating to administration of pension). The proposed application procedures do not differ substantively from current procedures at §5.43. Proposed changes in subsection (a) update the sources of application forms and assistance. One change is proposed in subsection (b) allowing for application by a spouse, legal guardian, or person exercising general power of attorney on behalf of a veteran unable to apply due to medical condition. Proposed changes at subsection (c) add clarity to the short list of required supporting documentation, which is properly aligned with eligibility requirements in the Act. Language highlighting the Authorization for Release of Information on the application form and the use and limits on use of information gathered under the authorization is proposed at subsection (d). Information on submission of applications in the is proposed at subsection (e), and a proposed subsection (f) provides a simple procedure that does not currently exist for withdrawing applications.

*Section 5.43.* This section is proposed to be amended from “Application” to “Adjudication procedures” to continue a logical flow in regulatory structure from application to adjudication. The proposed amendments do not substantively change the current adjudication or notification of determination procedures, however the language is changed to provide conformity across programs. The most significant proposed change at subsection (b) holds the Bureau to a 30-day adjudication timeframe after receipt of a fully developed application.

*Section 5.44.* This section is proposed to be amended from “Criteria and procedure for determination of peacetime combat-related actions” to “Appeal procedures” to continue a logical flow in regulatory structure from application to adjudication to appeal. Because Act 109 of 2001 removed the eligibility requirements based on wartime service, peacetime combat-related action, or terrorist attacks, the current section is outdated and is proposed to be removed in its entirety. The proposed appeal procedures are substantially the same as the appeal procedures at current § 5.46 which conform to 1 Pa. Code Part II (relating to general rules of administrative practice and procedure). Minor changes to the language are proposed to promote consistency with appeals language in the other subchapters.

*Section 5.45.* This section is proposed to be amended from “Review of applications” to “Administration of pension” to complete the logical flow in regulatory structure from application to adjudication to appeal and finally to administration of the program. Information in the current § 5.45 on review of applications is rolled into the proposed § 5.43, regarding adjudication procedures, as discussed above. Proposed subsection (a) addresses the effective date of pension currently at § 5.47 and clarifies that the pension will not be backdated to the date of award of disability compensation by the United States Department of Veterans Affairs. Proposed subsection (b) discusses rate and form of payment, including information on electronic funds transfer payments, a stipulation that the pension may not be made payable to anyone other than an eligible blind veteran, and important new provisions for correspondence with and payment to homeless veterans. Proposed subsections (c) and (d) provide rules for the notification of changes (i.e., changes of address and contact information) and notification of death of the pensioner, including the potential need for supporting documentation. Proposed subsection (e) provides procedure on reimbursement of debts, typically accrued when the Department is not timely notified of the death of a pensioner. This is a standard process in the Department which is not

accounted for in the current rule. Lastly, subsection (f) proposes the addition of a critical section noticing and reinforcing the Department's focus on safeguarding the personal information of veteran applicants with which it is entrusted.

*Sections 5.46-5.47.* These two sections are proposed to be removed and reserved. Current section 5.46 (relating to appeals) is proposed to be addressed at § 5.44, appeal procedures, as discussed above. And, current § 5.47 (relating to effective date of pension) is proposed to be included in § 5.45, administration of pension, as discussed above.

### *Fiscal Impact*

*Commonwealth.* The Department does not expect that this proposed rulemaking will have a fiscal impact on the Department or other Commonwealth agencies. All procedures will be handled by existing Department staff.

*Political subdivisions.* Proposed amendments to Subchapter C, Disabled Veterans' Real Estate Tax Exemption Program, will potentially create modest increases in the number of real estate tax exemptions and thereby have a fiscal impact on counties, municipalities, and school districts in this Commonwealth. It is impossible to precisely estimate the potential impacts because eligibility for the tax exemption ultimately relies on a combination of multiple variables and the number of applicants who may meet all of the variables is unknowable. While, for example, the Department and Commission may know the number of veterans with 100 percent disability, it is unknown how many of that number own real property or have financial need. For this reason, we can only offer the most aggressive estimate, a ceiling, on the potential fiscal impact by county. It is believed that the real impact in all counties will be much lower than estimates the Department and Commission are able to provide. At present, while there are 21,885 permanent or totally disabled veterans in the Commonwealth, 16,418 of them, approximately 75 percent, are receiving the real estate tax exemption. Proposed definitions of "blind" and "loss of two or more limbs," additional disabilities made eligible in the constitution and Act, will expand eligibility to certain veterans with disabilities rated between 70-90 percent. There are 35,023 veterans in the Commonwealth with disabilities rated between 70-90 percent. The Department and Commission have used this number as a ceiling in our estimates of potential fiscal impact. However, this number is a gross exaggeration for the purpose of estimating impact because only a small percentage of those 70-90 percent disabled veterans will have ratings that meet the precise proposed definitions of "blind" or "loss of two or more limbs." Because the Department and Commission have proposed to align these definitions with those used in the Blind Veterans' Pension and Amputee and Paralyzed Veterans' Pension programs, the more likely increase will be closer to the number of disabled veterans receiving one of those two pensions, currently 2,262 veterans. And many of those pensioners are already receiving the real estate tax exemption as permanent or totally disabled veterans. The Department and Commission are prepared to share and discuss specific, by-county fiscal impact projections with political subdivisions and the public on request. No proposed amendments to the other subchapters will have a fiscal impact on political subdivisions.

*Private sector.* This proposed rulemaking will not have a fiscal impact on the private sector.

*General public.* This proposed rulemaking will not have a fiscal impact on the general public.

#### *Paperwork Requirements*

Veterans and eligible dependents seeking state veterans' benefits under Chapter 5 will be required to file applications and supporting documentation with the Department. Additionally, county boards for the assessment and revision of taxes, or similar boards, will be required to administer an eligibility application process for the Disabled Veterans' Real Estate Tax Exemption Program, as required by 51 Pa.C.S. § 8903 (relating to duty of board). The proposed rule makes allowance for delegations of this duty to county offices of property assessment and veterans affairs to leverage the staff, resources, and experience in those offices.

#### *Effective Date*

This proposed rulemaking will become effective upon final-form publication in the Pennsylvania Bulletin.

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed rulemaking within 30 days after the date of publication in the Pennsylvania Bulletin. Public comments should be addressed to Jaime Black, Assistant Counsel, Attention: Regulation # 13-XXX Public Comment, Department of Military and Veterans Affairs, Building 7-36, Fort Indiantown Gap, Annville, PA 17003, or by e-mail to [RA-Regulations@pa.gov](mailto:RA-Regulations@pa.gov).

#### *Contact Person*

The contact person for questions about this proposed rulemaking is Jaime Black, Assistant Counsel, (717) 861-8503 or Jeffery King, Programs Supervisor, (717) 861-8452.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on [TBD], the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Veterans Affairs and Emergency Preparedness Committee and the Senate Veterans Affairs and Emergency Preparedness Committee. A copy of this material is available to the public upon request and is available on the Department's website at [www.dmva.pa.gov](http://www.dmva.pa.gov).

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations, or objections to this proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly, and the Governor.

MAJOR GENERAL MARK J. SCHINDLER,  
The Adjutant General

Annex A

TITLE 43. MILITARY AFFAIRS

PART I. DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

CHAPTER 5. [ BUREAU FOR VETERANS' AFFAIRS ] STATE VETERANS'  
PROGRAMS

Subchapter A. Veterans' [ Emergency ] Temporary Assistance Program

§ 5.1. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—Title 51 of the *Pennsylvania Consolidated Statutes* Chapter 85 (relating to veterans' [ emergency ] temporary assistance).

**Armed Forces of the United States**—The Army, Navy, Marine Corps, Air Force, Space Force, and Coast Guard, and the reserve and National Guard components thereof when engaged in active Federal military service. The term also includes certain members of former women's auxiliary organizations officially connected with the armed forces, as well as certain members of the United States Merchant Marine, the National Oceanic and Atmospheric Administration, the Public Health Service, and other individuals, agencies and organizations when their service has been deemed "active military service" with respect to laws administered by the Secretary of the United States Department of Veterans Affairs.

*Bureau*—The Bureau [ for ] **of Veterans Programs, Initiatives, Reintegration, and Outreach, Office of** Veterans[ ' ] Affairs of the Department.

*Commission*—The State Veterans' Commission.

*Department*—The Department of Military and Veterans Affairs of the Commonwealth.

**Eligible veteran**—As conforms to the definition provided at 51 Pa.C.S. § 8501.

[ *Military or naval service of the United States*—The United States Army, Navy, Air Force, Marine Corps, Coast Guard and the reserve components thereof when engaged in active Federal military service. The term also includes members of the American Merchant Marine in oceangoing service during the period of armed conflict from December 7, 1941 to August 15, 1945, who have a Department of Defense Certificate of Release or Discharge from Active Duty or its equivalent. ]

[ *Peacetime hostile fire*—A situation resulting in casualties to members of the military or naval forces of the United States, or women's organizations officially connected therewith, during periods other than established war or armed conflict service dates when American armed forces are engaged in hostilities or exchange fire with the armed forces of a foreign

state or terrorists or when American armed forces are targets of fire from the armed forces of foreign states or terrorists. ]

[ *Sudden or unexpected loss of income or other source of support*—Loss of income that arises from factors beyond the control of the applicant in a sudden or unexpected manner, including sickness, disability and loss of employment. These factors shall have occurred within 180 days prior to the date of application. Factors beyond the control of the applicant include acts of nature, such as floods/tornadoes or other natural catastrophes that cause sudden loss of property or valuables. ]

[ *Surviving children of an eligible veteran*—Includes, for purposes of determining whether qualified as “surviving dependents” under 51 Pa.C.S. § 8501 (relating to definitions), legitimate children, legally adopted children, stepchildren who were members of an eligible veteran’s household when the veteran died and are dependent on the veteran for support and illegitimate children of the eligible veteran when one of the following applies:

(i) The eligible veteran is the mother of the illegitimate children.

(ii) The eligible veteran is the father of the illegitimate children and has acknowledged them in writing signed by the eligible veteran or has been judicially ordered to contribute to the children’s support or judicially decreed to be the father. ]

[ *Surviving parents of an eligible veteran*—Includes, for purposes of determining whether they qualify as surviving dependents under 51 Pa.C.S. § 8501, a mother, father, mother through adoption or father through adoption. ]

[ *Terrorist attack*—An act of violence, including bombings, kidnappings, shootings and assaults, perpetrated by individuals or groups against members of the military or naval forces of the United States, or a women’s organization officially connected therewith, for political, anarchist or other motives. ]

[ *War or armed conflict*—The Mexican border period, World War I, World War II, the Korean Conflict, the Vietnam Era and periods beginning on the date of a future declaration of war by Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution, as well as dates established by Federal statute or regulations of the United States Department of Veterans’ Affairs as being periods of war or armed conflict. ]

[ *Women’s organization officially-connected with the military or naval forces*—An organization for females affiliated with the United States Armed Forces whose former members are recognized as veterans by the United States Department of Veterans’ Affairs. ]

*Need for temporary assistance*—As conforms to the definition provided at 51 Pa.C.S. § 8501.

*Surviving dependents*—As conforms to the definition provided at 51 Pa.C.S. § 8501.

§ 5.2. [ Amounts of emergency assistance ] Application procedures.

(a) [ To the extent that appropriations are sufficient, the amount of assistance paid under the Veterans' Emergency Assistance Program shall equal the assistance payable under the Public Welfare Code (62 P. S. § § 101—1411) to a resident of the county in which the veteran resides who has the same number of dependents as the applying veterans. Veterans' emergency assistance payments will not exceed the maximum assistance payable for a family of the same size under the Public Welfare Code. ] Forms. Application shall be made on the form provided by the Department. Forms are available from the following sources:

(1) The County Office of Veterans Affairs in each county seat. Applicants are encouraged to request the assistance of an accredited veterans services officer at the county office to complete and submit the application form.

(2) The Department of Military and Veterans Affairs, Attn: OVA-PIRO, Building 9-26, Fort Indiantown Gap, Annville, Pennsylvania 17003-5002.

(3) The Department's field offices collocated with the U.S. Department of Veterans Affairs Regional Offices in Philadelphia and Pittsburgh.

(4) Veterans services officers affiliated with The American Legion, Veterans of Foreign Wars (VFW), American Veterans (AMVETS), and Disabled American Veterans (DAV) in the Commonwealth.

(5) Veterans services officers at the Pennsylvania Veterans Homes in Erie, Hollidaysburg, Philadelphia, Pittsburgh, Scranton, and Spring City.

(b) [ The Director of the Bureau may adjust the amounts of assistance payable under this program by reducing the monthly payments or reducing the number of months for which assistance may be paid when the Director finds it necessary to keep projected expenditures within funding appropriated for this program. ] Completion and execution of form. An applicant shall complete and sign the application form, certifying to the truthfulness of its contents under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). If the applicant is unable to sign the application due to a medical condition, a spouse, legal guardian, or person exercising general power of attorney may sign the application for the applicant.

(c) Supporting documentation. An applicant shall submit the following documents with the application form:

(1) The eligible veteran's DD Form 214, Certificate of Release or Discharge from Active Duty, or equivalent.

(2) For eligible veterans with service-connected disabilities, copy of current award letter, rating code sheet, or benefit summary letter issued by the United States Department of Veterans Affairs.

**(3) Copy of current Pennsylvania driver's license, learner's permit, or identification card, or other acceptable proof of residency as requested.**

**(4) For surviving dependents, copy of eligible veteran's death certificate or DD Form 1300, Report of Casualty, as appropriate, proof of valid marriage, copy of birth certificate, and other acceptable proof of relationship and dependency status as requested.**

**(5) Documentation supporting the need for temporary assistance, including proof of total household income from all sources, current copies of household expenses such as utilities, medical bills, mortgage statement or lease agreement, auto loan and insurance statements, bank statements, earning statements, estimates for repairs, proof of loss of employment, assets or support, and any other documentation relevant to the specific need for assistance, as requested.**

**(6) Proof of other assistance and benefits received, including veterans' disability compensation, veterans' pension, dependency and indemnity compensation, survivors' pension, social security retirement, social security disability insurance, supplemental security income, unemployment compensation, workers' compensation, and other public assistance.**

**(d) Authorization for release of information. Execution of the application form includes authorization for release of information pertaining to the applicant's employment or employability, and relevant benefits the applicant is entitled to or receiving from employers, government agencies, insurance companies, and unions. The Bureau may request additional information or documentation pursuant to the executed release. Any information provided shall be considered confidential and used only for determining eligibility for this program.**

**(e) Submission of application. An applicant shall mail, fax, or otherwise deliver the completed application, together with supporting documentation, to the address on the application form.**

**(f) Withdrawal of application. An applicant may voluntarily withdraw his or her application for any reason at any time prior to the determination of eligibility.**

§ 5.3. [ Domicile ] **Adjudication** procedures.

(a) [ To meet the domicile requirement of 51 Pa.C.S. § 8503(2) (relating to eligibility), an applicant shall demonstrate that he is a permanent bona fide domiciliary of this Commonwealth. Acceptable evidence of domicile includes the following:

(1) Tax records; for example, resident state income tax, real property tax on home, personal property tax and the like.

(2) Voting records—voter registration.

(3) Driver's license or registration indicating the residence address in this Commonwealth and the county of application.

(4) Employment records indicating the residence address in this Commonwealth and the county of application. ]

**Determination of eligibility and need.** The Bureau will determine eligibility and need for temporary assistance by comparing information from the application form and supporting documentation to eligibility and need requirements described in the Act and this subchapter, as well as policy and adjudication guidelines promulgated by the Department.

(b) [ A person residing in this Commonwealth for a temporary purpose, such as a visit, school attendance, seasonal employment, and the like, does not become a Pennsylvania domiciliary and is not eligible. ] **Maximum amount of assistance.** The maximum amount of temporary assistance is the lesser of \$1,600 or the documented amount of need.

**(1) In no case will the amount of assistance exceed the documented amount of need.**

**(2) In no case will the amount of assistance exceed \$1,600 in any 12-month period.**

**(3) In no case will the amount of assistance exceed the amount of income lost or expense incurred.**

**(4) Only one grant will be made based upon need arising out of each event or episode to either the eligible veteran or surviving dependents.**

**(5) In no case will assistance be made payable to anyone other than the eligible veteran or surviving dependents.**

**(6) In no case will Veterans' Temporary Assistance be granted concurrently with Military Family Relief Assistance or other governmental cash assistance based upon need arising out of the same event or episode.**

(c) [ To be eligible, Pennsylvania shall be the exclusive residence of the applicant. An applicant who maintains a residence in another state is not eligible for emergency assistance. ] **Notification of determination.** The Bureau will notify applicants of its determination in writing within five (5) business days of the receipt of a fully developed application. An application is fully developed when all the information and supporting documentation needed for adjudication have been submitted or gathered.

**(1) If the application is approved, the notification shall include a check issued by the Commonwealth in the amount of the need for temporary assistance. Checks shall be mailed to the address provided by the applicant on the application form. Applicants who are homeless shall not be denied temporary assistance for lack of a permanent address. Checks may be delivered to a local intermediary such as a County Director of Veterans Affairs, a fiduciary designated by the United States Department of Veterans Affairs, or other appropriate representative, in care of a homeless eligible veteran or surviving dependent provided that the intermediary's address is given on the application form and certified by the applicant.**

**(2) If the application is disapproved, the notification shall clearly state the reasons for the disapproval and inform the applicant of the appeal procedures specified in § 5.4 (relating to appeal procedures).**

§ 5.4. [ Application ] **Appeal** procedures.

(a) [ *Forms.* An application for Veterans' Emergency Assistance and requests for renewals of assistance payments shall be made on forms prescribed by the Department. ] **Request for reconsideration. An applicant may ask the Bureau to reconsider its determination within 30 days after the notification of determination by submitting a written request, together with a statement of reasons or additional information, to the Bureau. After a determination is made on reconsideration, notification shall be sent to the applicant as specified in § 5.3(c) (relating to notification of determination).**

(b) [ *Source of forms.* Application forms may be obtained from:

- (1) The County Directors of Veterans' Affairs.
- (2) The Service Officers for Veterans' Organizations.
- (3) The case workers for the American Red Cross.
- (4) The Adjutant General's Offices in Pittsburgh, Philadelphia and Wilkes-Barre. ]

**Form and timeliness of appeal. An applicant aggrieved by a determination of the Bureau may appeal to the Adjutant General within 30 days after notification of the Bureau's action on reconsideration. Appeals shall be in writing, shall state the reasons for the appeal, and describe the requested relief.**

(c) [ *Completion of forms.* An applicant for Veterans' Emergency Assistance shall complete and sign the application form and verify, under penalty of law, that the information submitted in support of the application is true and correct to the best of the applicant's knowledge and belief. If the applicant is unable to sign the application due to a medical condition, the spouse or legal guardian may sign the application for him. ] **Appeal process. The Adjutant General will hear appeals as provided in 1 Pa. Code Part II (relating to general rules of administrative practice and procedure). When an appeal is docketed, the Adjutant General will appoint a presiding officer to hear the appeal and prepare and file a proposed report in the manner provided by 1 Pa. Code Part II. The Adjutant General will issue the final administrative action of the Department on appeals.**

(d) [ *Submission of forms.* An application form shall be submitted through one of the offices named in subsection (b). The official submitting the application will review it to verify its completeness and accuracy. The following documents shall be submitted with the application:

- (1) Veteran's DD-214 or Report of Separation from active military service.
- (2) For widows and widowers, a copy of the applicant's marriage license and veteran's death certificate.

(3) A copy of a birth certificate of the veteran's dependent children and, if applicable, a copy of court orders indicating payment of child support.

(4) Proof of residency by the veteran's tax record, employment record, voting registration or a copy of a driver's license.

(5) Proof of loss of employment, if applicable, including the applicant's termination notice from employment.

(6) Proof of other benefits, including, if applicable, unemployment compensation, Bureau educational benefits, Bureau disability compensation/pension, social security or Federal, state or local pensions, public welfare, union benefits, Social Security Income, workmen's compensation or insurance (sick benefits).

(7) Proof of lack of other income, including, if applicable, employment pay and allowances, annual or sick leave, income from rental of property, savings, financial assistance provided by family and friends, and interest and dividends.

(8) Receipts indicating current monthly mortgage, rent and utility payments. ]

**Subsections (a) and (b) supersede 1 Pa. Code § 35.20 (relating to appeals from the actions of the staff).**

[ (e) *Mailing address.* Application forms shall be sent to the Bureau for Veterans' Affairs, Department of Military Affairs, Fort Indiantown Gap, Annville, Pennsylvania 17003-5002. ]

§ 5.5. [ Review of applications ] **Administration of temporary assistance.**

(a) [ The Bureau will examine applications on behalf of the Commission and make an initial determination to grant or deny Veterans' Emergency Assistance for 1 month ] **Fund Committee.**

**(1) The Deputy Adjutant General for Veterans' Affairs shall appoint a Fund Committee to assist with administration of temporary assistance. The Fund Committee shall be composed of:**

**(i) A chairperson, who shall be the Chairman of the State Veterans' Commission.**

**(ii) A vice chairperson, who shall be the President, Pennsylvania State Association of County Directors of Veterans Affairs, or designee.**

**(iii) Three additional committee members who shall be the Director, Bureau of Veterans Programs, Initiatives, Reintegration and Outreach, the Chief, Division of Programs and Services, and the Supervisor, Veterans Services Officers, Division of Programs and Services, or designees.**

**(2) The Department's Office of Chief Counsel will provide legal advice and assistance to the Fund Committee in a non-voting role.**

**(3) At least three members of the Fund Committee or their designees will constitute a subcommittee to review applications for assistance referred to the subcommittee by the Bureau. Bureau staff may refer applications and request assistance of the subcommittee in matters involving unusual facts and circumstances, novel legal or policy questions, requests for assistance in amounts close to the annual limit, or where an appeal is anticipated. The membership of the application review subcommittee will rotate based on availability and to ensure that all committee members and designees have an opportunity to review applications from time to time.**

(b) [ The Bureau will notify the official submitting the application of approval or denial and notify the applicant of approval through receipt of the first check. ] **Adjustments. On recommendation of the Fund Committee, the Adjutant General may adjust the adjudication guidelines and the maximum amount of assistance paid under this program so that total payments to eligible veterans and surviving dependents do not exceed the amount of funds available in the Veterans Trust Fund.**

(c) [ An applicant is not eligible to receive a first Veterans' Emergency Assistance check until the Bureau has verified that the applicant is eligible. The verification shall include certification that the applicant is not receiving monetary assistance under the Public Welfare Code (62 P. S. § § 101—1411) made prior to receipt of the application by the Bureau. ] **Safeguarding information. All personal information obtained and maintained by the Bureau in the administration of temporary assistance shall be safeguarded in accordance with rules at 43 Pa. Code Ch. 1, Subch. B (relating to safeguarding personal information obtained in the administration of veterans' programs) and current security management policy issued by the Department and Commonwealth.**

§ 5.6. [ **Renewal of payment** ] (**Reserved**).

§ 5.7. [ **Reconsideration and appeals** ] (**Reserved**).

#### Subchapter B. Educational Gratuity Program

§ 5.11. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—Title 51 of the *Pennsylvania Consolidated Statutes* Chapter 87 (relating to educational gratuity program).

*Bureau*—The Bureau [ **for Veterans' Affairs** ] **of Veterans Programs, Initiatives, Reintegration and Outreach, Office of Veterans Affairs** of the Department.

*Commission*—The State Veterans' Commission.

*Department*—The Department of Military **and Veterans** Affairs of the Commonwealth.

**Educational institution**—As conforms to the definition provided at 51 Pa.C.S. § 8701.

**Eligible disabled or deceased veteran**—**As conforms to the definition of eligible disabled or deceased veteran provided at 51 Pa.C.S. § 8701.** [ A person who served in the military or naval forces of the United States, or a women’s organization officially connected therewith, who did one of the following:

(i) Was killed in action or died as a result of wounds incurred during war or armed conflict or as a result of hostile fire or terrorist attack during peacetime, as determined by the Department.

(ii) Died in service during a period of war or armed conflict.

(iii) Was honorably discharged from the military or naval forces of the United States and certified by the United States Department of Veterans’ Affairs as a 100% disabled veteran as a result of service during war or armed conflict or as a result of hostile fire or terrorist attack, as determined by the Department during peacetime.

(iv) Was honorably discharged from the military or naval forces of the United States and died as a result of a service-connected disability, as certified by the United States Department of Veterans’ Affairs, incurred during war or armed conflict or as a result of peacetime hostile fire or terrorist attack, as determined by the Department. ]

**Gratuity**—Payments in amounts authorized by law to provide educational assistance for qualifying children of [ **certain** ] **eligible** disabled or deceased veterans.

**Military or naval [ service ] forces of the United States**—The [ **United States** ] Army, Navy, Air Force, Marine Corps, **Space Force, and** Coast Guard and the reserve **and National Guard** components thereof when engaged in active Federal military service. The term also includes [ **members of the American Merchant Marine in oceangoing service during the period of armed conflict from December 7, 1941 to August 15, 1945, who have a Department of Defense Certificate of Release or Discharge from Active Duty or its equivalent** ] **certain members of former women’s auxiliary organizations officially connected with the armed forces, as well as certain members of the United States Merchant Marine, the National Oceanic and Atmospheric Administration, the Public Health Service, and other individuals, agencies, and organizations when their service has been deemed “active military service” with respect to laws administered by the Secretary of the United States Department of Veterans Affairs.**

**Peacetime hostile fire**—A situation resulting in casualties to members of the military or naval forces of the United States [ , or women’s organizations officially connected therewith, ] during periods other than established **periods of** war or armed conflict [ **service dates** ] when [ **American armed** ] **the military or naval** forces are engaged in hostilities or exchange fire with the armed forces of a foreign state or terrorists or when [ **American armed** ] **the military or naval** forces are targets of fire from the armed forces of foreign states or terrorists.

*Terrorist attack*—An act of violence, including bombings, kidnappings, shootings and assaults, **during periods other than established periods of war or armed conflict**, perpetrated by individuals or groups against members of the military or naval forces of the United States [ (or a women’s organization officially connected therewith) ] for political, anarchist or other motives.

*War or armed conflict*—[ **The Mexican border period, World War I, World War II, the Korean Conflict, the Vietnam Era and periods beginning on the date of a future declaration of war by Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution, as well as dates established by Federal statute or regulations of the United States Department of Veterans’ Affairs. ] As conforms to the definition provided at 38 CFR § 3.2 (regarding periods of war).**

§ 5.12. [ Purpose ] **Application procedures.**

[ The purpose of this subchapter is to provide eligibility criteria for the Educational Gratuity Program and to establish standard procedures for the filing and disposition of applications for this gratuity. ]

**(a) Forms. Application shall be made on the form provided by the Department. Forms are available from the following sources:**

**(1) The County Office of Veterans Affairs in each county seat. Applicants are encouraged to request the assistance of an accredited veterans services officer at the county office to complete and submit the application form.**

**(2) The Department of Military and Veterans Affairs, Attn: OVA-PIRO, Building 9-26, Fort Indiantown Gap, Annville, Pennsylvania 17003-5002.**

**(3) The Department’s field offices collocated with the United States Department of Veterans Affairs Regional Offices in Philadelphia and Pittsburgh.**

**(4) Veterans services officers affiliated with The American Legion, Veterans of Foreign Wars (VFW), American Veterans (AMVETS), and Disabled American Veterans (DAV) in the Commonwealth.**

**(5) Veterans services officers at the Pennsylvania Veterans Homes in Erie, Hollidaysburg, Philadelphia, Pittsburgh, Scranton, and Spring City.**

**(b) Completion and execution of form. An applicant shall complete the application form, including information relating to the eligible veteran and educational institution, and sign it, certifying to the truthfulness of its contents under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).**

**(c) Supporting documentation. An applicant shall submit the following documents with the application form:**

**(1) A copy of the applicant’s official birth certificate.**

(2) A copy of the applicant's current Pennsylvania driver's license, learner's permit or identification card, or other acceptable proof of identification and residency as requested.

(3) A copy of the eligible veteran's DD Form 214, Certificate of Release or Discharge from Active Duty, or DD Form 1300, Report of Casualty, or equivalent forms, as appropriate.

(4) A copy of the eligible veteran's most current disability compensation rating decision or rating code sheet issued by the United States Department of Veterans Affairs, or VA Form 3288, Request for and Consent to Release of Information from Individual's Records, or successor form.

(5) Other relevant documentation as requested to establish eligibility and financial need as required in the Act.

(d) Authorization for release of information. Execution of the VA Form 3288 gives the Bureau authority to obtain information from the eligible veteran's United States Department of Veterans Affairs records. The Bureau may request additional relevant information or documentation pursuant to the executed release. Any information received shall be considered confidential and used only for determining eligibility for educational gratuity and other state veterans' benefits.

(e) Submission of application. An applicant shall mail, fax, or otherwise deliver the completed application, together with supporting documentation, to the address on the application form.

(f) Dual application. If an applicant is simultaneously enrolled in two approved educational institutions in the Commonwealth and the credit hours combine to create full-time enrollment as explained in § 5.13(a)(2), the applicant shall submit separate applications for each educational institution.

(g) Transfer application. If an applicant transfers to another educational institution after an application for educational gratuity has been approved, a new application form shall be submitted for adjudication.

(h) No subsequent application. Educational gratuity is available for up to eight terms or semesters. Application forms are not required for successive terms or semesters. The Bureau will correspond directly with the applicant's educational institution at or near the beginning of each successive term or semester to determine continuing need until the gratuity is exhausted. If an applicant is denied gratuity for any reason in a successive term or semester, a notification of determination will be delivered to the applicant in accordance with § 5.13(c)(2).

(i) Withdrawal of application. An applicant may withdraw an application for any reason at any time prior to the determination of eligibility.

§ 5.13. [ Certification of service ] Adjudication procedures.

[ The United States Department of Veterans' Affairs shall be the source for certification that a veteran's death or total disability resulted from wartime or armed conflict, hostile fire or terrorist attack. ]

(a) Determination of eligibility. The Bureau will determine eligibility for the gratuity by comparing information from the application form and supporting documentation to eligibility requirements described in the Act and this subchapter, as well as adjudication policy and guidelines formally issued by the Department.

(1) Peacetime hostile fire or terrorist attack. The death of a member of the military or naval forces of the United States caused by peacetime hostile fire or terrorist attack outside of codified periods of war will be verified by concurrent eligibility for Survivors' and Dependents' Educational Assistance, Title 38 USC Ch. 35, by the United States Department of Veterans Affairs.

(2) Approved educational institution. All institutes of postsecondary and higher education or career and technical education centers within the Commonwealth approved by the Veterans and Military Education Division of the Pennsylvania Department of Education, acting in its role as the State Approving Agency under the provisions of Title 38 USC Chs. 30, 32, 33, 34, 35 and 36, are approved for the purpose of this program.

(3) Attending an approved educational institution.

(i) The applicant must be enrolled in full-time study at an approved educational institution. For undergraduate programs, the Commission recognizes 12 credit hours as full-time study. For graduate and professional programs, the Commission recognizes nine credit hours per semester as full-time study. For all other career or technical programs, the Commission relies on the educational institution's assessment of full-time study.

(ii) An applicant enrolled in a program at an approved educational institution that formally designates a lesser number of credit hours as full-time study shall be eligible for the gratuity when he or she meets the educational institution's program-specific requirements for full-time study.

(iii) Applicants enrolled in full-time study conducted online or via correspondence shall be eligible for the gratuity if the program is administered by an approved educational institution within the Commonwealth.

(iv) An applicant enrolled in two approved educational institutions simultaneously with credit hours that combine to create full-time study shall be eligible for the gratuity.

(b) Determination of financial need. Need for the gratuity is demonstrated when the applicant's cost of attendance per term or semester equals or exceeds the funds available to the applicant to defray the cost. Information on cost of attendance and funds available to defray the cost is reported to the Bureau by the educational institutions.

(1) Expenses in the cost of attendance include actual expenses billed by the educational institution such as tuition, fees, room, and meals, as well as estimated non-billable expenses

such as off-campus room and meals, books and supplies, transportation, and miscellaneous expenses. The Bureau shall apply the following annual expense allowances (divided by the number of terms or semesters enrolled) when an expense amount is not expressly supplied by the educational institution:

(i) Room and meals expense for applicants residing off-campus with family: \$1,200 per year. Room and meals expenses for applicants residing off-campus in leased housing may be supplied by the applicant. The meals expense for off-campus applicants shall not exceed \$250 per month.

(ii) Transportation expense for students living off campus: \$1,200 per year. Transportation expense for students living on campus: \$400 per year.

(iii) Miscellaneous expenses: \$500 per year.

(2) Funds available to defray the applicant's cost of attendance include benefits, grants, scholarships, and certain income from student employment. Examples of funds available include education benefits for survivors and dependents granted under Title 38 USC Ch. 35, state grants from the Pennsylvania Higher Education Assistance Agency (PHEAA), Federal Pell Grants, Federal Supplemental Educational Opportunity Grants (FSEOG), institutional scholarships and grants, private and non-institutional awards, and gross income from federal work-study and non-work-study positions. Applicants are not required to be in receipt of veterans benefits under Title 38 USC Ch. 35 prior to application for the gratuity, however if those benefits are available to the applicant, they shall be included in the calculation of funds available.

(3) The applicant may challenge or supplement information provided by the educational institution and rebut the presumptive expense amounts by submitting additional relevant information in a request for reconsideration as specified in § 5.14(a).

(c) Notification of determination. The Bureau shall notify applicants of its determination in writing within 30 days of the receipt of a fully developed application. An application is fully developed when all the information and supporting documentation needed for adjudication has been submitted or gathered.

(1) If the application is approved, the written notice shall provide important payment and programmatic information.

(2) If the application is disapproved, the written notice shall clearly state the reasons for the disapproval and inform the applicant of the appeal procedures specified in § 5.14 (relating to appeal procedures).

§ 5.14. Appeal [ P ] procedures.

(a) [ *Application forms.* Application shall be made on MA-VA Form 30. This form is available from: Department of Military Affairs, Bureau for Veterans' Affairs, Fort Indiantown Gap, Annville, Pennsylvania 17003-5002 and Adjutant General Offices located in Pittsburgh, Philadelphia and Wilkes-Barre and County Directors of Veterans' Affairs. ]

**Request for reconsideration. An applicant may ask the Bureau to reconsider its determination within 30 days after the notification of determination by submitting a written request, together with a statement of reasons or additional information, to the Bureau. After a determination is made on reconsideration, notification shall be sent to the applicant as specified in § 5.14(c) (relating to notification of determination).**

(b) [ *Complete application.* When applying for the educational gratuity the applicant shall provide the information requested on the application for educational gratuity (MA-VA 30). ] **Form and timeliness of appeal. An applicant aggrieved by a determination of the Bureau may appeal to the Adjutant General within 30 days after notification of the Bureau's action on reconsideration. Appeals shall be in writing, shall state the reasons for the appeal, and describe the requested relief.**

(c) [ *Executing the application.* The applicant shall complete and sign MA-VA 30. The signer of the form shall certify under the penalty of law that the information provided is true and correct to the best of the applicant's knowledge and belief. ] **Appeal process. The Adjutant General will hear appeals as provided in 1 Pa. Code Part II (relating to general rules of administrative practice and procedure). When an appeal is docketed, the Adjutant General will appoint a presiding officer to hear the appeal and prepare and file a proposed report in the manner provided by 1 Pa. Code Part II. The Adjutant General will issue the final administrative action of the Department on appeals.**

(d) [ *Additional documentation.* The Bureau will obtain additional information, verification or documentation to process applications (MA-VA Form 30). ] **Subsections (a) and (b) supersede 1 Pa. Code § 35.20 (relating to appeals from actions of the staff).**

[ (e) *Mailing address.* The applicant shall mail or otherwise deliver the completed MA-VA Form 30 to the following address: Educational Gratuity Program, Bureau for Veterans' Affairs, Department of Military Affairs, Fort Indiantown Gap, Annville, Pennsylvania 17003-5002. ]

§ 5.15. [ Review and approval ] **Administration of educational gratuity.**

(a) [ The Bureau will examine the application, additional documentation and other applicable information and present it to the Commission along with staff recommendation for approval or disapproval. ] **Payment. The Bureau will make a gratuity payment per term or semester at an amount established in the Act upon approval of the applicant's eligibility and financial need. Gratuity payments shall be made directly to the educational institution. In the case of simultaneous enrollment as discussed at § 5.12(f) (relating to dual applications), the gratuity payment shall be divided equally and made directly to both educational institutions.**

(b) [ The Bureau will advise the applicant of the disposition of the application. If the application is approved, an approval letter will be mailed to the applicant advising that Statement Form (MA-VA 32) shall be requested by the applicant for each subsequent term/semester. Statement Forms MA-VA 32 will be completed by the institution if the

student is studying or training and returned to the Bureau for payment. ] Safeguarding information. All personal information collected and maintained by the Bureau in the administration of educational gratuity shall be safeguarded in accordance with rules at 43 Pa. Code Ch. 1, Subch. B (relating to safeguarding personal information obtained in the administration of veterans' programs) and current security management policy issued by the Commonwealth and Department.

§ 5.16. [ Eligibility criteria ] (Reserved).

[ (a) *Parents.* Eligibility for the educational gratuity is established on the record of service of that parent of the applicant who was or is an eligible disabled or deceased veteran as defined in § 5.11 (relating to definitions).

(b) *Child.* A student may qualify for the educational gratuity if the following qualifications are met. The student is:

- (1) Between the ages of 16 and 23.
- (2) The child of an eligible disabled or deceased veteran as defined in § 5.11.
- (3) A resident of this Commonwealth for 5 years immediately preceding the date the application was filed.
- (4) Attending an approved educational institution.
- (5) Able to demonstrate a financial need for the gratuity. ]

§ 5.17. [ Determining financial need ] (Reserved).

[ (a) Funds available to defray educational expenses include the financial benefits, grants and income of the qualified child—applicant—from whatever source derived, including Veterans Affairs Survivors' and Dependents' Educational Assistance, Social Security Benefits, Pennsylvania State Grants (PHEAA), Federal Pell Grants, Supplemental Educational Opportunity Grants (SEOG), institutional scholarships and grants, private and noninstitutional awards, as well as the applicant's earnings from employment and his income from interest, dividends or otherwise.

(b) The educational expenses of the qualified child include costs incurred in connection with obtaining the education, including tuition, room, board, books, supplies, travel, clothing, recreation and incidentals.

(c) An applicant shall be considered to have demonstrated a financial need for the educational gratuity when the educational expenses, calculated under subsection (b) equal or exceed the funds available to defray the educational expenses as determined under subsection (a). ]

§ 5.18. [ Payment ] (Reserved).

[ The Bureau will make gratuity payments not exceeding \$500 per term or semester to the educational institution, upon the submission by them of proof of the matriculation of the

applicant. Payments will not be made directly to the applicant. Whenever a student awarded gratuity payments is completing an educational or training course and becomes 23 years of age before completing the course, the educational gratuity payment may be paid until the course is completed. Educational gratuity payments may not be made for longer than 4 scholastic years. The Bureau may adjust the payments per term or semester per child so that total payments under the Educational Gratuity Program do not exceed the amount of the appropriations. ]

§ 5.19. [ Transfer ] **(Reserved)**.

[ (a) An educational gratuity payment may not be applied to an educational or training institution other than the one listed as payee on a check issued in payment of the gratuity.

(b) If a student transfers to another educational or training institution after an application for educational gratuity has been approved, a new application for the educational gratuity shall be filed and presented to the Commission for approval or disapproval. ]

§ 5.20. [ Reconsideration and appeals] **(Reserved)**.

[ (a) *Reconsideration of initial determination.* An applicant may ask the Commission to reconsider its initial determination within 30 days after notification of the original determination by submitting a written request, together with a statement of reasons or additional information, to the Bureau.

(b) *Appeals.* A person aggrieved by a determination of the Commission may appeal to the Adjutant General as provided in 51 Pa.C.S. § 8703(c) (relating to eligibility and qualification requirements) within 30 days after notification of the determination. An appeal shall be in writing and state the reasons for the appeal. The Adjutant General, in consultation with the Chairperson of the Commission, will appoint a member of the Commission or other qualified individual to serve as a presiding officer to hear the appeal and prepare and file a proposed report on the matter as provided by 1 Pa. Code Chapter 35 Subchapter G (relating to proposed reports). The Adjutant General will issue the final administrative adjudication of appeals under this subsection.

(c) *Supersession.* Subsections (a) and (b) supersede 1 Pa. Code § 35.20 (relating to appeals from actions of the staff). ]

#### Subchapter C. Disabled Veterans' Real Estate Tax Exemption Program

§ 5.21. Scope.

This subchapter implements PA. CONST. Art. VIII, § 2(c) and the [ a ]Act.

§ 5.22. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—Title 51 of the *Pennsylvania Consolidated Statutes* Chapter 89 (relating to disabled veterans' real estate tax exemption).

**Armed forces of the United States—The United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard, and the reserve and National Guard components thereof when engaged in active Federal military service. The term also includes certain members of former women's auxiliary organizations officially connected with the armed forces, as well as certain members of the United States Merchant Marine, the National Oceanic and Atmospheric Administration, the Public Health Service, and other individuals, agencies, and organizations when their service has been deemed "active military service" with respect to laws administered by the Secretary of the United States Department of Veterans Affairs.**

**Blindness—As defined in § 8901 of the Act, loss of vision so that visual acuity with the best correcting lens is 3/60 or 10/200, or equivalent, or less normal vision in the better eye. Also included are circumstances where the widest diameter of the visual field of the better eye has contracted to such an extent that it subtends an angular distance of not greater than 20 degrees as determined and certified by the United States Department of Veterans Affairs in accordance with 38 CFR Ch. 1, Pt. 4 (relating to schedule for rating disabilities).**

**Board—The county board for the assessment and revision of taxes, or similar board for the assessment of taxes.**

**Bureau—The Bureau [ for ] of Veterans Programs, Initiatives, Reintegration and Outreach, Office of Veterans[ ' ] Affairs of the Department [ of Military Affairs of the Commonwealth ].**

*Commission*—The State Veterans' Commission.

**Cost-of-living expense allowance—An allowance [ granted to the applicant when considering the expenses of the veteran ] included in the determination of need to cover reasonable household expenses not otherwise submitted with an applicant's supporting documentation. The allowance is keyed to the price of food and groceries in the United States Department of Agriculture's Maximum Thrifty Food Plan table and the annual mean expenditure for gasoline, other fuels, and motor oil for the Northeast Region in the United States Bureau of Labor Statistics' Consumer Expenditure Survey.**

**[ *Dependent's allowance*—Allowance given for the veteran and the veteran's dependents to cover other reasonable household expenses; that is, food and the like, not included in the "Monthly Household Expenses" listing on the application. ]**

**Department—The Department of Military and Veterans Affairs of the Commonwealth.**

**Determination of need—[ Financial need as determined by the Commission by comparing the applicant's income against the applicant's expenses. ] An assessment of financial need determined by comparing the applicant's monthly household income to the applicant's monthly household expenses.**

*Income*—[ Income from whatever source derived, including salaries, wages, bonuses, commissions, income from self-employment, support money, cash public assistance and relief; the gross amount of pensions or annuities, including railroad retirement benefits; benefits received under the Social Security Act except Medicare benefits; benefits received under State unemployment insurance laws and veterans disability payments; interest received from the Federal or state government or an instrumentality or political subdivision thereof; realized capital gains; rentals; workmen’s compensation and the gross amount of loss of time insurance benefits and proceeds except the first \$5,000 of the total of death benefit payments; and gifts of cash or property other than transfers by gift between members of a household in excess of a total of \$300. This term does not include surplus food or other relief in kind supplied by a governmental agency. Income from savings accounts and bonds shall be included as well as interest received from investments. ] Gross reportable annual income from whatever source derived, including salaries, wages, bonuses, tips, and commissions; income from sole proprietorships, rental real estate, royalties, partnerships, S corporations, estates and trusts; income from farming and agricultural activities; dividends and other distributions, including realized capital gains; distributions from pensions, annuities, retirement or profit-sharing plans, individual retirement accounts, insurance contracts, etc., except eligible rollover distributions which have been directly transferred or rolled over to another account within 60 days from the date of distribution and qualified disaster distributions which have been repaid within the year; benefits received under the Social Security Act and Railroad Retirement Act, except Medicare benefits; interest income, including interest received from the federal or state government or an instrumentality or political subdivision thereof; benefits received under federal and state unemployment insurance laws; workers’ compensation and the gross amount of loss of time insurance benefits and proceeds except the first \$5,000 of the total of death benefit payments; cash public assistance and relief except supplemental nutrition assistance, surplus food or other governmental relief in kind; gifts of cash or property, other than transfers by gift between members of a household, in excess of a total of \$300; and all other income as reported to the Internal Revenue Service in a given tax year. This term does not include income from federal or state veterans’ benefit programs or Combat Related Special Compensation from the military services.

*Loss of two or more limbs*—Having at least two limbs with a 40 percent disability compensation rating or higher for amputation or loss of use in each limb as determined and certified by the United States Department of Veterans Affairs in accordance with 38 CFR Ch. 1, Pt. 4 (relating to schedule for rating disabilities).

*Monthly household expenses*—Expenditures [ providing for the necessities of life, including payments for mortgage, automobile, electric power, fuel, water, sewage, garbage disposal, telephone, domestic help and educational costs ] by the applicant and qualifying dependents for necessities of life associated with the principal dwelling, including payments for mortgage principal, interest, taxes, and insurance premiums; second mortgage and home equity loans; mobile home lot rental fees; utility bills, including electricity, gas, fuel oil, water, sewage, trash removal, telephone, cable television and internet service; necessary

home maintenance and home maintenance fees, including homeowners' association and condominium maintenance fees, lawn care, snow removal, pest control, and domestic help; necessary home repairs and medically necessary home improvements; automobile loans or cash paid for automobiles for the applicant and each legal dependent residing in the household and generating earned income; automobile repairs except for routine maintenance and inspections; educational costs, including tuition, textbooks, room, and meals paid directly or by student loan; court-ordered child and spousal support; major purchases for necessary furniture and appliances; and insurance premiums for applicant and legal dependents for life, healthcare, dental and vision, and medical expenses paid directly. Monthly minimum payments on credit card or revolving credit accounts are acceptable when expenses already claimed are not included in the balance.

*Monthly **household** income*—Income received by the [ claimant and other persons ] applicant and qualifying dependents [ while ] residing in the home during a calendar year in which real property taxes are payable [ ; the term shall include the income of residents not related to the claimant paying reasonable fixed rents ] .

*Paraplegia*—As defined in § 8901 of the Act, the bilateral paralysis of the upper or lower extremities of the body, as determined and certified by the United States Department of Veterans Affairs in accordance with 38 CFR Ch. 1, Pt. 4 (relating to schedule for rating disabilities).

*Presumptive income level*—A designated amount of annual income, as determined according to § 8904(1) of the Act, qualifying applicants for a presumption of need for the tax exemption in lieu of a full determination of need.

*Principal dwelling*—The applicant's primary residence in the Commonwealth and the land upon which it sits, without restrictions as to size or acreage of the parcel.

*Qualifying dependent*—For the purpose of determining monthly household income, monthly household expenses, and the cost-of-living expense allowance, the applicant's spouse, dependent children, and dependent parents, if any, as defined in federal IRS Publication 501, or successor publications, residing in the household.

§ 5.23. [ Eligibility criteria ] Application procedures.

(a) [ A veteran shall qualify for the real property tax exemption if the following exist ] Forms. Application shall be made on the form provided by the Department. Forms are available from the following sources:

(1) [ The veteran has been honorably discharged or released under honorable conditions from the armed forces of the United States for service in a war or armed conflict in which the United States was engaged ] The County Office of Veterans Affairs in each county seat. Applicants are encouraged to request the assistance of an accredited veterans services officer at the county office to complete and submit the application form.

(2) [ As a result of the military service, the veteran is blind or paraplegic or has sustained the loss of two or more limbs, or has a service-connected disability declared by the United States Department of Veterans' Affairs or its successors to be a total or 100% permanent disability ] The Department of Military and Veterans Affairs, Attn: OVA-PIRO, Building 9-26, Fort Indiantown Gap, Annville, Pennsylvania 17003-5002.

(3) [ The dwelling is owned by the veteran solely or as an estate by the entirety ] The Department's field offices collocated with the United States Department of Veterans Affairs Regional Offices in Philadelphia and Pittsburgh.

(4) [ The need for the exemption from the payment of real estate taxes has been determined by the Commission ] Accredited veterans services officers affiliated with The American Legion, Veterans of Foreign Wars (VFW), American Veterans (AMVETS), and Disabled American Veterans (DAV) in the Commonwealth.

(b) [ The unmarried surviving spouse of a veteran qualifies for the real property tax exemption if:

(1) The appropriate board of the assessment and revision of taxes or other similar board for the assessment of taxes determines that:

(i) The deceased veteran met the eligibility criteria for the exemption in 51 Pa.C.S. § 8902 (relating to duty of commission) during the veteran's lifetime.

(ii) The surviving spouse occupies the real estate as his principal dwelling.

(iii) The real estate is owned solely by the surviving spouse or as an estate by the entireties with the deceased veteran.

(iv) The surviving spouse is unmarried.

(2) The Commission or its successor determines that the surviving spouse has a financial need for the exemption. ]

Completion and execution of form. An applicant shall complete and sign the application form, certifying to the truthfulness of its contents under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(c) Supporting documentation. An applicant shall submit the following documents with the application form:

(1) A copy of the veteran's DD Form 214, Certificate of Release or Discharge from Active Duty, or equivalent.

(2) A copy of the applicant's current Pennsylvania driver's license, learner's permit, or identification card, or other acceptable proof of identification and residency as requested.

(3) A copy of the veteran's most recent benefit summary letter, disability compensation rating decision, or rating code sheet issued by the United States Department of Veterans

Affairs, or VA Form 3288, Request for and Consent to Release of Information from Individual's Records, or successor form.

(4) A copy of the officially recorded deed for the property for which an exemption is sought. For recent purchases, prior to recording of the deed, a copy of the HUD-1 Form or Certificate of Occupancy shall be acceptable.

(5) For an unmarried surviving spouse applicant, a copy of the eligible veteran's death certificate and the marriage certificate or acceptable proof of common law marriage as discussed at § 5.24(a)(5).

(6) If the applicant is required to file federal taxes, a copy of the applicant's most recently filed IRS Form 1040 or 1040-SR and all applicable schedules showing reportable income, including Schedule 1 (Additional Income and Adjustments to Income), Schedule B (Interest and Ordinary Dividends), Schedule C (Profit or Loss from Business – Sole Proprietorship), Schedule D (Capital Gains and Losses), Schedule E (Supplemental Income and Loss), and Schedule F (Profit or Loss from Farming), as well as reporting documents such as all W-2 and 1099 forms, including the SSA-1099 and RRB-1099-R.

(7) When an applicant's income appears to be above the presumptive income level, copies of supporting documentation for all monthly household income and monthly household expenses, both as defined in § 5.22. All monthly household expenses presented shall be of the same year as the monthly household income.

(8) Other relevant documentation as requested to establish eligibility and financial need as required in the Act.

(d) Authorization for release of information. Execution of the VA Form 3288 gives the Board authority to obtain information from the applicant's United States Department of Veterans Affairs records. The Board may request additional relevant information or documentation pursuant to the executed release. Any information provided shall be considered confidential and used only for determining eligibility for the tax exemption and other county and state veterans' benefits.

(e) Submission of application. An applicant shall submit the completed application to the county office of property assessment through the county office of veterans affairs. The office of property assessment shall stamp the application to show date of receipt.

(f) Withdrawal of application. An applicant may withdraw an application for any reason at any time prior to the determination of need.

§ 5.24. [ Processing applications ] Adjudication procedures.

(a) [ The veteran or the unmarried surviving spouse shall request the following two forms from the County Director of Veterans' Affairs or the Bureau for Veterans' Affairs, Fort Indiantown Gap, Annville, Pennsylvania 17003-5002: ] Determination of eligibility. The Board shall determine eligibility for the tax exemption in accordance with 51 Pa.C.S. § 8903 (relating to duty of board), by comparing information from the application form

**and supporting documentation to eligibility requirements described in the Act and this subchapter. If the Board approves an applicant's eligibility, the application form shall be signed, acknowledging approval, and forwarded to the Bureau with appropriate supporting documentation for the determination of financial need. If the Board finds that an applicant is ineligible for the tax exemption, the reasons for the determination shall be clearly marked on the application form, signed, and a copy provided to the applicant. No determination of need will be conducted.**

[ (i) MA-VA 41 (Information Needed by County Tax Assessment Office for Disabled Veterans Property Tax Exemption).

(ii) MA-VA 40, Veteran only; or MA-VA 40ss, Surviving Spouse only, (Application for Determination of Need for Exemption from Certain Real Property Taxes). ]

**(1) In accordance with § 8902(a) of the Act, the applicant must be a resident of the Commonwealth and must occupy as a principal dwelling the property for which the exemption is requested. An applicant's current Pennsylvania driver's license, learner's permit, or identification card showing the address of the dwelling for which tax exemption is requested shall suffice as proof of residence and principal dwelling barring indications to the contrary. Applicants without a current Pennsylvania driver's license, learner's permit, or identification card, or applicants whose residence or principal dwelling are otherwise in question, must prove residence and principal dwelling to the satisfaction of the Board.**

**(2) The DD Form 214, or equivalent, is best evidence of the veteran's character of discharge and dates of service in the armed forces of the United States. A benefit summary letter issued by the United States Department of Veterans Affairs attesting to the veteran's character of discharge and dates of service is also acceptable evidence.**

**(i) Qualifying character of discharge shall be determined in accordance with 51 Pa.C.S. § 104 (relating to character of discharge). The character of discharge requirement for the tax exemption coincides with the United States Department of Veterans Affairs' character of discharge requirement for disability compensation at 38 CFR § 3.12 (relating to character of discharge). Thus, qualifying character of discharge for the tax exemption will have already been positively adjudicated for a veteran who has been awarded disability compensation.**

**(ii) Service in a war or armed conflict shall be determined in accordance with 38 CFR § 3.2 (relating to periods of war). Award of the Armed Forces Expeditionary Medal, a service specific expeditionary medal, or a combat era specific expeditionary medal, as recorded on the DD Form 214, DD Form 215 (Correction to DD Form 214), or equivalent, is acceptable proof of service in an armed conflict outside codified periods of war.**

**(iii) While there is no specific requirement for active-duty service in the Act, active-duty service is a requirement for the underlying federal disability compensation ratings. The United States Department of Veterans Affairs adjudicates active-duty service in accordance with 38 CFR § 3.12a (relating to minimum active-duty service requirement).**

Therefore, if a veteran is in receipt of disability compensation, the veteran's qualifying active-duty service has already been positively adjudicated. To qualify for a tax exemption, the veteran shall have served at least one day of that qualifying period of active-duty service during a period of war.

(3) To qualify for the exemption, the veteran must have been rated by the United States Department of Veterans Affairs, prior to death, for service-connected blindness, loss of two or more limbs, paraplegia, schedular 100 percent permanent disability, or total disability based on individual unemployability, all in accordance with 38 CFR Ch. 1, Pt. 4 (relating to schedule for rating disabilities). The United States Department of Veterans Affairs rating code sheet, if available, is best evidence of the veteran's qualifying disability compensation ratings. The most current disability compensation rating decision or benefit summary statement are also acceptable evidence if they clearly address the disability ratings creating eligibility. Where these documents conflict, the rating code sheet shall govern.

(i) Blindness and loss of two or more limbs may result in a schedular rating of less than 100 percent and still qualify an applicant for the tax exemption. The definition of "blindness" at § 5.22 coincides with the definition of "blind veteran" in the Blind Veterans' Pension program at 43 Pa. Code § 5.31, and the definition of "loss of two or more limbs" at § 5.22 coincides with the definition of "loss or permanent and severe or complete paralysis of two or more limbs" in the Amputee and Paralyzed Veterans' Pension program at 43 Pa. Code § 5.41. For this reason, eligibility for the tax exemption based on blindness or loss of two or more limbs may rely on, but shall not depend on, the prior approval of a veteran's application for Blind Veterans' Pension or Amputee and Paralyzed Veterans' Pension.

(ii) Paraplegia, as defined at § 5.22, may be rated by the United States Department of Veterans Affairs under various diagnostic codes, but the resulting complete loss of use of both lower or both upper extremities will result in a 100 percent permanent or total disability rating and will thus be qualifying under either construct.

(4) In accordance with § 8902(a)(3) of the Act, the officially recorded deed must show property ownership in one of three manners: sole ownership by the veteran, joint ownership by the veteran and spouse, or as an estate by the entirety (between the veteran and spouse). This statutory requirement patently preempts all other manner of property ownership, including ownership by trust and joint ownership by the veteran and anyone other than a spouse.

(5) A copy of the official marriage certificate and the veteran's death certificate, together with attestation on the application form that the spouse remains unmarried, shall suffice as proof of eligibility for surviving spouses. Assertions of common law marriage must be accompanied by notarized statements from two close relatives of the veteran attesting to the fact that the surviving spouse and veteran held themselves out to the community as husband and wife, and resided together continuously beginning on or before January 1, 2005, through the date of the veteran's death.

(b) [ MA-VA Form 41 shall be completed and forwarded in three copies to the County Tax Assessment Office for their records. The tax office will retain one copy for their files and return the second and third copies to the veteran showing the date of receipt ]

**Determination of financial need. The Commission shall determine need for the tax exemption in accordance with 51 Pa.C.S. § 8904 (relating to duty of commission).**

**(1) Presumed need for the tax exemption is demonstrated when an applicant's annual income is determined to be at or below the current presumptive income level as defined in § 5.22.**

**(2) When an applicant's annual income is above the presumptive income level, the Commission shall conduct a full determination of need by comparing the applicant's monthly household expenses, including a cost-of-living expense allowance, to the monthly household income, all as defined in § 5.22. All monthly household income and monthly household expenses submitted shall be of the same year. Need for the tax exemption is established in this manner when the monthly household expenses exceed the monthly household income.**

(c) [ The MA-VA Form 40 or MA-VA Form 40ss shall be completed and notarized. Form MA-VA 40, Veteran: The veteran shall attach a copy of Report of Separation. Form MA-VA 40ss Spouse: The applicant shall attach copies of a Veteran's Report of Separation, Veteran's Death Certificate and Marriage Certificate. A receipted copy of MA-VA Form 41 shall be attached to applications listed in this subsection and mail them to the State Veterans' Commission, Fort Indiantown Gap, Annville, Pennsylvania 17003-5002 ]

**Certification of need. The Commission shall notify applicants of its determination in writing within 90 days of the receipt of a fully developed application. An application is fully developed when all information and supporting documentation needed for adjudication have been submitted or gathered.**

**(1) If financial need is determined, the written notice shall provide certificates of need, as well as important programmatic information, including an explanation of the periodic review of need discussed at § 5.26(b). It is the responsibility of the applicant to ensure certificates of need are presented to the proper county, municipal, and school district taxing authorities.**

**(2) If financial need is not determined, the written notice shall clearly state the reasons and inform the applicant of the reconsideration and appeal procedures specified in § 5.25(b).**

**(3) The Commission shall separately certify its determination of an applicant's financial need to the Board in both cases.**

(d) [ The Commission will determine whether the applicant has financial need for real property tax relief. The Commission will make this determination by comparing the applicant's income against his expenses. An applicant will be considered to have a financial need for the exemption when the applicant's expenses exceed the applicant's income. In

making this determination, the Commission will consider the amount of the potential real estate tax liability as an expense. The Commission or the Bureau may ask applicants to verify unusual expenses and may exclude from consideration expenses in excess of ordinary and necessary living expenses. The applicant's "monthly household expenses" will be calculated using the "cost of living allowance" and "dependent's allowance" as defined in § 5.22 (relating to definitions) ] Delegations of authority.

**(1) The Board may appropriately delegate adjudication of eligibility to the county office of property assessment or the county office of veterans affairs, or both offices together, to leverage staff, resources, and expertise, but shall issue final approval of the tax exemption, in accordance with 51 Pa.C.S. § 8903 (relating to duty of board), based on the initial determination of eligibility and the Commission's subsequent certification of need.**

**(2) The Commission may appropriately delegate adjudication of financial need to the Bureau to leverage staff, resources, and expertise, but shall approve certifications of need to the Board in accordance with 51 Pa.C.S. § 8904 (relating to duty of commission).**

[ (e) When eligibility criteria have been verified and the certification of need for tax exemption has been approved by the Commission, the Board for the Assessment and Revision of Taxes will grant the tax exemption, effective on the date provided in § 5.25 (relating to effective date of exemption). ]

[ (f) Notification of the granting of the tax exemption by the Board for the Assessment and Revision of Taxes shall be forwarded to the person who has received the exemption from the payment of real estate taxes and to the tax levying bodies and tax collectors of political subdivisions imposing taxes upon the dwelling of the person granted the exemption from the payment of real estate taxes. That Board for the Assessment and Revision of Taxes will also notify the Commission of the exemption. ]

§ 5.25. [ Effective date of exemption ] Appeal procedures.

(a) [ *General rule.* Real property tax exemptions shall be effective as follows: A qualified disabled veteran or unmarried surviving spouse shall be exempt from real property taxes that become due on or after the date the applicant first files a written request for an exemption with the appropriate Board for the Assessment and Revision of Taxes or similar board. Requests are considered filed on the date received regardless of whether or not they contain complete documentation. The applicant is responsible to obtain complete documentation within a reasonable time—not to exceed 120 days except under extraordinary circumstances—after filing the request. Real property taxes become due on the date when the taxes are assessed and not the date billings are provided the taxpayers. A qualified applicant shall have filed the application for exemption on or before the date the tax period commences to be exempt for that tax period. Applications filed after the commencement of a period shall apply to the next tax period. ] Appeal of eligibility. An applicant may appeal a determination on eligibility by submitting an appeal in accordance with the Board's rules and regulations, paying special attention to deadlines, fees, forms,

**burden of proof, and appearance. The Board shall issue a final administrative decision on matters of eligibility.**

(b) [ *Grace.* This section does not prohibit or discourage taxing authorities from granting tax exemptions to qualified disabled veterans as a matter of grace irrespective of the date upon which the veteran applies for the exemption. ] ***Reconsideration and appeal of financial need.***

**(1) *Request for reconsideration.* An applicant may ask the Commission to reconsider its determination within 30 days after the notification of determination by submitting a written request, together with a statement of reasons or additional information, to the Bureau. After a determination is made on reconsideration, notification shall be sent to the applicant as specified in § 5.24(c) (relating to certification of need).**

**(2) *Form and timeliness of appeal.* An applicant aggrieved by a determination of the Commission may appeal to the Adjutant General within 30 days after notification of the Commission's action on reconsideration. Appeals shall be in writing, shall state the reasons for the appeal, and describe the requested relief.**

**(3) *Appeal process.* The Adjutant General will hear appeals as provided in 1 Pa. Code Part II (relating to general rules of administrative practice and procedure). When an appeal is docketed, the Adjutant General will appoint a presiding officer to hear the appeal and prepare and file a proposed report in the manner provided by 1 Pa. Code Part II. The Adjutant General will issue the final administrative action of the Department on appeals.**

**(4) Paragraphs (1) and (2) supersede 1 Pa. Code § 35.20 (relating to appeals from the actions of the staff).**

§ 5.26. [ Periodic review ] **Administration of the tax exemption.**

(a) [ The Commission will review cases that have been granted real property tax relief under the PA. CONST. Art. VIII, § 2(c), at 2-year intervals. ] ***Effective date of exemption.* Real estate tax exemptions shall be effective as follows:**

**(1) An approved applicant shall be exempt from real estate taxes that become due on or after the date an applicant first files a request for exemption with the appropriate Board. Requests are considered filed on the date received and date-stamped by the Board, as noted in § 5.23(e), whether the application is fully developed or not. The applicant is responsible to obtain complete supporting documentation, as requested, within a reasonable time—not to exceed 60 days except under extraordinary circumstances—after filing the request. Applications submitted after the commencement of a tax period shall apply to the next tax period.**

**(2) Nothing in this subsection is intended to prohibit or discourage taxing authorities from granting tax exemptions to applicants as a matter of grace irrespective of the date upon which an applicant files the application.**

(b) [ On the second anniversary of the granting of real property tax relief under the PA. CONST. Art. VIII, § 2(c), the veteran or the surviving spouse to whom the relief has been granted will be sent a letter explaining the reason for the review and Form MA-VA Form 40A (Review for Determination of Continued Need for Exemption from Certain Real Property Taxes). ] Periodic review of need. A review of financial need is conducted at five-year intervals following the initial granting of a tax exemption in accordance with 51 Pa.C.S. § 8904(3) (relating to duty of commission).

(1) The Commission shall be responsible for tracking due dates for periodic review and shall provide timely notice and instructions for the review to veterans and surviving spouses in receipt of the tax exemption, as well as notice to the appropriate Board.

(2) Applications for periodic review of need shall be initiated on the same form and in the same manner as described in § 5.23. Applicants shall complete and Boards shall forward applications to the Commission with appropriate supporting documentation for determination of need.

(3) The Commission shall adjudicate applications and certify need on periodic review in the same manner as described in § 5.24(b) (relating to certification of need) and shall provide notification of determination, including certificates of need, in the same manner as described in § 5.24(c).

(4) Requests for reconsideration and appeal of the Commission's determination of need on periodic review are to be submitted and shall be considered and heard in the same manner as described in § 5.25(b).

(c) [ This Form, MA-VA Form 40A, shall be returned properly completed to the Commission, and it will be evaluated in the same manner as the original application to determine need based on the latest information. Reference shall be made to § 5.2 (relating to amounts of emergency assistance). ] Notification of changes. Veterans and surviving spouses in receipt of a tax exemption, or their next of kin when appropriate, shall timely notify the proper county office of veterans affairs when a change affecting eligibility for the exemption, such as death of the recipient, remarriage of a surviving spouse, sale of the property, or changes to the deed, occurs. The surviving spouse of a recently deceased veteran receiving the tax exemption must reapply for the exemption as discussed in § 5.23 (relating to application procedures) within a reasonable time—not to exceed 90 days except under extraordinary circumstances—after the death of the veteran.

(d) [ A report of the findings of the Commission will be forwarded to the appropriate taxing body. ] Adjustment to presumptive income level. The presumptive income level is set in accordance with the Act and is adjusted every two years by an amount equal to the change in the Consumer Price Index over the preceding two years. The Bureau shall publish notice of adjustments to the presumptive income level in the Pennsylvania Bulletin as well as ensure appropriate changes to the application form and relevant programmatic material.

**(e) Adjustment to cost-of-living expense allowance. The cost-of-living expense allowance shall be adjusted every two years, concurrently with adjustments to the presumptive income level, to equal the most recent Maximum Thrifty Food Plan table plus the annual mean cost of gasoline, other fuels, and motor oil for the Northeast Region (divided by 12) in the most recent Consumer Expenditure Survey. The Bureau shall publish notice of adjustments to the cost-of-living expense allowance in the Pennsylvania Bulletin as well as ensure appropriate changes to the application form and relevant programmatic material.**

**(f) Safeguarding information. Because of the sensitive nature of information provided in the application and supporting documentation, all information collected, used, and maintained by the Bureau in the administration of the Disabled Veterans' Real Estate Tax Exemption shall be safeguarded in accordance with rules at 43 Pa. Code Ch. 1, Subch. B (relating to safeguarding personal information obtained in the administration of veterans' programs) and current security management policy issued by the Department and Commonwealth.**

§ 5.27. [Reconsideration and appeal ] **(Reserved).**

[ (a) *Reconsideration of initial determination.* An applicant may ask the Commission to reconsider its initial determination within 30 days after notification of the original determination by submitting a written request, together with a statement of reasons or additional information, to the Bureau. ]

[ (b) *Appeals.* A person aggrieved by a determination of the Commission may appeal to the Adjutant General as provided in 51 Pa.C.S. § 8505 (relating to appeals) within 30 days after notification of the Commission determination. An appeal shall be in writing and state the reasons for the appeal. The Adjutant General, in consultation with the Chairperson of the Commission, will appoint a member of the Commission or other qualified individual to serve as a presiding officer to hear the appeal and prepare and file a proposed report on the matter as provided by 1 Pa. Code Chapter 35 Subchapter G (relating to proposed reports). The Adjutant General will issue the final administrative adjudication of appeals under this subsection. ]

[ (c) *Supersession.* Subsections (a) and (b) supersede 1 Pa. Code § 35.20 (relating to appeals from actions of the staff). ]

#### Subchapter D. Blind Veterans' Pension **Program**

§ 5.31. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—Title 51 of the *Pennsylvania Consolidated Statutes* § 7701 (relating to [ **B** ]blind [ **V** ]veterans' [ **P** ]pension).

*Blind veteran*—[ A person who served in the military or naval forces of the United States, or a women’s organization officially connected therewith, at any time, who gave this Commonwealth as his place of residence when entering the military or naval forces and who, while performing duties connected with the service, suffered an injury or incurred a disease which resulted in loss of vision so that the visual acuity with best correcting lens is 3/60 or 10/200, or equivalent, or less normal vision in the better eye. Less normal vision than 3/60 or 10/200, or equivalent, includes circumstances where the widest diameter of the visual field of the better eye has contracted to such an extent that it subtends an angular distance of not greater than 20°. The term does not include a person separated from the military or naval forces of the United States or a women’s organization officially connected therewith under other than honorable conditions. ] As conforms to the definition provided at 51 Pa.C.S. § 7701(a).

*Blindness*—As pertains to the definition of blind veteran, loss of vision so that visual acuity with the best correcting lens is 3/60 or 10/200, or equivalent, or less normal vision in the better eye. Also included are circumstances where the widest diameter of the visual field of the better eye has contracted to such an extent that it subtends an angular distance of not greater than 20 degrees as determined and certified by the United States Department of Veterans Affairs in accordance with 38 CFR Ch. 1, Pt. 4 (relating to schedule for rating disabilities).

*Bureau*—The Bureau [ for ] of Veterans Programs, Initiatives, Reintegration and Outreach, Office of Veterans[ ’ ] Affairs of the Department [ of Military Affairs of the Commonwealth ] .

*Department*—The Department of Military and Veterans Affairs of the Commonwealth.

*Military or naval forces of the United States*—The Army, Navy, Marine Corps, Air Force, Space Force, and Coast Guard, and the reserve and National Guard components thereof when engaged in active Federal military service. The term also includes [ members of the American Merchant Marine in oceangoing service during the period of armed conflict from December 7, 1941 to August 15, 1945, who have a Department of Defense Certificate of Release or Discharge from Active Duty or its equivalent ] certain members of former women’s auxiliary organizations officially connected with the armed forces, as well as certain members of the United States Merchant Marine, the National Oceanic and Atmospheric Administration, the Public Health Service, and other individuals, agencies, and organizations when their service has been deemed “active military service” with respect to laws administered by the Secretary of the United States Department of Veterans Affairs.

§ 5.32. Application procedures.

(a) *Forms.* [ An application for the Blind Veterans’ Pension shall be made on forms prescribed by the Adjutant General ] Application shall be made on the form provided by the Department. Forms are available from the following sources:

(1) [ The Department of Military Affairs, Bureau for Veterans' Affairs, Fort Indiantown Gap, Annville, Pennsylvania 17003-5002 or through the Adjutant General's Field Office located in Pittsburgh, Philadelphia or Wilkes-Barre. ] The County Directors of Veterans Affairs in each county seat. Applicants are encouraged to request the assistance of an accredited veterans services officer at the county office to complete and submit the application form.

(2) [ The County Directors of Veterans' Affairs in each county seat. ] The Department of Military and Veterans Affairs, Attn: OVA-PIRO, Building 9-26, Fort Indiantown Gap, Annville, Pennsylvania 17003-5002.

(3) [ Veterans' service organizations. ] The Department's field offices collocated with the United States Department of Veterans Affairs Regional Offices in Philadelphia and Pittsburgh.

(4) [ The American Red Cross. ] Veterans services officers affiliated with The American Legion, Veterans of Foreign Wars (VFW), American Veterans (AMVETS), and Disabled American Veterans (DAV) in the Commonwealth.

(5) Veterans services officers at the Pennsylvania Veterans Homes in Erie, Hollidaysburg, Philadelphia, Pittsburgh, Scranton, and Spring City.

(b) *Completion and execution of form.* An applicant shall complete and sign the application form in the presence of a witness, certifying to the truthfulness of its contents under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). [ The signature shall be witnessed and the form dated. ] If the applicant is unable to sign the application due to a medical condition, a spouse, legal guardian, or person exercising general power of attorney may sign the application for the applicant.

(c) *Supporting [ D ] documentation.* [ The ] An applicant shall submit the following documents [ along ] with the application form:

(1) [ VA Form 00-3288 or successor form—Request for and consent to Release of Information from Claimant's Records. This form is needed to obtain information from the applicant's United States Department of Veterans' Affairs (V.A.) Records. The current location of the applicant's V.A. medical records shall be indicated on this form. ] A copy of the applicant's current state driver's license or identification card, or other acceptable proof of identification as requested.

(2) A copy of the applicant's [ Department of Defense ] DD Form 214, Certificate of Release [ and ] or Discharge from Active Duty, or [ its ] equivalent, covering the period of service when the applicant sustained the injury or incurred the illness or disease resulting in [ the applicant's ] blindness.

(3) A copy of the applicant's current disability compensation award letter or rating code sheet issued by the United States Department of Veterans Affairs, or VA Form 3288,

**Request for and Consent to Release of Information from Individual's Records, or successor form.**

**(4) Other relevant documentation as requested to establish eligibility.**

(d) [ *Submission of applications.* An applicant shall mail or otherwise deliver the completed application, together with supporting documentation, to the following address: Blind Veterans' Pension, Department of Military Affairs, Bureau for Veterans' Affairs, Fort Indiantown Gap, Annville, Pennsylvania 17003-5002. ] **Authorization for release of information.** Execution of the VA Form 3288 gives the Bureau authority to obtain information from the applicant's United States Department of Veterans Affairs records. **The Bureau may request additional relevant information or documentation pursuant to the executed release. Any information provided shall be considered confidential and used only for determining eligibility for the pension and other state veterans' benefits.**

(e) **Submission of application.** An applicant shall mail, fax, or otherwise deliver the completed application, together with supporting documentation, to the address on the application form.

(f) **Withdrawal of application.** An applicant may withdraw an application for any reason at any time prior to the determination of eligibility.

§ 5.33. [ Review of applications ] **Adjudication procedures.**

(a) [ The Bureau will review applications. The Bureau may request applicants to supply additional information to support the application. ] **Determination of eligibility.** The Bureau will determine eligibility for the pension by comparing information from the application form and supporting documentation to eligibility requirements described in the Act and this subchapter, as well as adjudication policy and guidelines issued by the Department.

(b) [ The Bureau will notify the applicant in writing of its determination. If the application is approved, the pension will be paid from the effective date established in § 5.35 (relating to effective date of pension). If the application is disapproved, the written notice will state the reasons for the disapproval and inform the applicant of the appeal procedures specified in § 5.34 (relating to appeals). ] **Notification of determination.** The Bureau shall notify applicants of its determination in writing within 30 days of the receipt of a fully developed application. An application is fully developed when all the information and supporting documentation needed for adjudication has been submitted or gathered.

**(1) If the application is approved, the written notice shall provide important pension payment information and the opportunity to elect method of payment.**

**(2) If the application is disapproved, the written notice shall clearly state the reasons for the disapproval and inform the applicant of the appeal procedures specified in § 5.34 (relating to appeal procedures).**

§ 5.34. Appeal **procedures.**

(a) **Request for reconsideration.** An applicant may ask the Bureau to reconsider its [ **initial** ] determination within 30 days after notification of [ **the original** ] determination by submitting a written request, together with a statement of reasons or additional information, to the Bureau. After a determination is made on [ **the** ] reconsideration [ **request** ], notification [ **is** ] **shall be sent to the applicant [ of the outcome ] as specified in § 5.33(b) (relating to notification of determination).**

(b) **Form and timeliness of appeal.** An applicant aggrieved by a determination of the Bureau may appeal to the Adjutant General within 30 days after notification of the Bureau's [ **determination** ] **action on reconsideration.** Appeals shall be in writing, [ **and** ] shall state the reasons for the appeal, **and describe the requested relief.**

(c) **Appeal process.** The Adjutant General will [ **adjudicate** ] **hear** appeals as provided in 1 Pa. Code Part II (relating to general rules of administrative practice and procedure). When an appeal is docketed, the Adjutant General will appoint a presiding officer to hear the appeal and prepare and file a proposed report in the manner provided by 1 Pa. Code Part II. The Adjutant General will issue the final administrative [ **adjudication** ] **action** of the Department on appeals.

(d) Subsections **(a) and** (b) supersede[ s ] 1 Pa. Code § 35.20 (relating to appeals from the actions of the staff).

§ 5.35. [ [Reserved] ] **Administration of pension.**

**(a) Effective date of pension. A pension will be paid from the first day of the month in which the completed application is received by the Bureau. Payment shall not be backdated to the date of award of disability compensation administered by the United States Department of Veterans Affairs.**

**(b) Rate and form of payment. A pension shall be paid at the rate established in the Act by check from the Commonwealth or by electronic funds transfer (EFT) into a designated account. To make or change EFT designations, the pensioner must complete and submit an Electronic Funds Transfer Payment Enrollment Form. Pensioners may enroll in EFT at any time.**

**(1) Under no circumstances shall a pension be made payable to anyone other than an eligible blind veteran.**

**(2) Applicants who are homeless shall not be denied a pension for lack of a permanent address. Checks may be delivered to a local intermediary such as a County Director of Veterans Affairs, a fiduciary designated by the United States Department of Veterans Affairs, or other appropriate representative, in care of a homeless veteran so long as the intermediary's address is provided on the application form and certified by the applicant.**

**(c) Notification of changes. Pensioners shall keep contact information current by timely notifying the Bureau of changes of address and telephone number. The pension shall continue to be paid to blind veterans who move or reside outside the Commonwealth.**

**(d) Notification of death.** The pension is not transferable to surviving spouses, dependents, or other beneficiaries. Timely notification of the death of a pensioner shall be made to the Bureau directly. Notifications shall clearly state the pensioner's name and date of death. The Bureau may request additional supporting documentation.

**(e) Reimbursement of debts.** The Department shall seek reimbursement of all payments made following the death of a pensioner. Reimbursements shall be made payable to "Commonwealth of Pennsylvania" and mailed to: Department of Military and Veterans Affairs, Attn: OVA-PIRO, Building 9-26, Fort Indiantown Gap, Annville, Pennsylvania 17003-5002. Compromise or write-off of debt, in accordance with Commonwealth and departmental policy, may be offered when appropriate. All delinquent debt that is disputed or unanswered shall be forwarded to the Office of Attorney General for collection.

**(f) Safeguarding information.** All personal information collected and maintained by the Bureau in the administration of the Blind Veterans' Pension shall be safeguarded in accordance with rules at 43 Pa. Code Ch. 1, Subch. B (relating to safeguarding personal information obtained in the administration of veterans' programs) and current security management policy issued by the Commonwealth and Department.

§ 5.36. [ Effective date of pension ] **(Reserved).**

[ A pension will be paid based upon the date when the completed application is received by the Bureau. A pension will be paid from the first day of the month in which an application is received if it is received on or before the 20th day of the month. If the application is received after the 20th day of the month, the pension will be paid for the first day of the next succeeding month. ]

#### Subchapter E. **Amputee and** Paralyzed Veterans' Pension **Program**

§ 5.41. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context already indicates otherwise:

*Act*—Title 51 of the *Pennsylvania Consolidated Statutes* § 7702 (relating to **amputee and** paralyzed veterans' pension).

**Amputee and paralyzed veteran**—As conforms to the definition provided at 51 Pa.C.S. § 7702(a).

*Bureau*—The Bureau [ for ] **of Veterans Programs, Initiatives, Reintegration, and Outreach, Office of** Veterans [ ' ] Affairs of the [ Commonwealth ] **Department**.

*Department*—The Department of Military **and Veterans** Affairs of the Commonwealth.

[ *Extremities*—The limbs of a human body, such as the arms and hands or legs and feet. The term does not include fingers and toes. ]

*Loss [ of use ] or permanent and severe or complete paralysis of two or more limbs*—[ A person is deemed to have lost the use of limbs when the person’s balance, propulsion or manipulation is affected so as to permanently preclude locomotion or use of the arms and hands without the aid of braces, crutches, canes, wheelchairs or other devices. ] Having at least two limbs with a 40 percent disability compensation rating or higher in each limb as determined and certified by the United States Department of Veterans Affairs, or its successor, in accordance with 38 CFR Ch. 1, Pt. 4 (relating to schedule for rating disabilities).

*Military or naval forces of the United States*—The Army, Navy, Air Force, Marine Corps, **Space Force**, and Coast Guard, and [ members of ] the reserve and National Guard components [ and forces ] thereof [ including the Army and Air National Guard, when they are in a military duty status ] when engaged in active Federal military service. The term also includes certain members of former women’s auxiliary organizations officially connected with the armed forces, as well as certain members of the United States Merchant Marine, the National Oceanic and Atmospheric Administration, the Public Health Service, and other individuals, agencies, and organizations when their service has been deemed “active military service” with respect to laws administered by the Secretary of the United States Department of Veterans Affairs.

[ *Paralyzed veteran*—A person who served in the military or naval forces of the United States, or a women’s organization officially connected therewith, during established war or armed conflict service dates, who gave the Commonwealth as the person’s place of residence at the time of entry into military service and who is currently a resident of Pennsylvania and who, while performing duties connected with military or naval service, suffered an injury or incurred a disease which resulted in the loss of, or loss of use of, two or more extremities. The term does not include persons separated from the military or naval forces or women’s organizations officially connected therewith under other than honorable conditions. The term includes persons who are paralyzed as a result of peacetime combat-related actions as defined in this section. ]

[ *Peacetime combat-related action*—A military action resulting in casualties to members of the military or naval forces or officially connected women’s organizations of the United States during periods other than established war or armed conflict service dates when one of the following events take place:

- (i) American armed forces are engaged in hostilities or exchange fire with the armed forces of a foreign state or terrorists.
  - (ii) American armed forces are engaged in operational activities incident to engagements with the armed forces of a foreign state or terrorists.
  - (iii) American armed forces are the targets or victims of hostile fire or terrorist attack.
- ]

[ *Terrorist attack*—An act of violence, including bombings, kidnappings, shootings and assaults, perpetrated by individuals or groups against members of the military or naval forces of the United States for political, anarchist or other motives. ]

[ *War or armed conflict service dates*—Periods of war or armed conflict, including the Spanish-American War, the Mexican border period, World War I, World War II, the Korean Conflict, the Vietnam Era and periods beginning on the date of a future declaration of war by Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution, as well as dates established by Federal statute or 38 CFR (relating to pensions, bonuses and veterans' relief) as being periods of war or armed conflict. ]

[ *Women's organization officially-connected with the military or naval forces*—An organization for females that is affiliated with the Armed Forces and whose members are recognized as veterans by the United States Veterans Administration. ]

§ 5.42. [ Eligibility ] **Application procedures.**

[ A paralyzed veteran is eligible for a pension of \$100 per month. The pension is in addition to compensation provided by the Commonwealth and the Federal government. ]

**(a) Forms. Application shall be made on the form provided by the Department. Forms are available from the following sources:**

**(1) The County Directors of Veterans Affairs in each county seat. Applicants are encouraged to request the assistance of an accredited veterans services officer at the county office to complete and submit the application form.**

**(2) The Department of Military and Veterans Affairs, Attn: OVA-PIRO, Building 9-26, Fort Indiantown Gap, Annville, Pennsylvania 17003-5002.**

**(3) The Department's field offices collocated with the United States Department of Veterans Affairs Regional Offices in Philadelphia and Pittsburgh.**

**(4) Veterans services officers affiliated with The American Legion, Veterans of Foreign Wars (VFW), American Veterans (AMVETS), and Disabled American Veterans (DAV) in the Commonwealth.**

**(5) Veterans services officers at the Pennsylvania Veterans Homes in Erie, Hollidaysburg, Philadelphia, Pittsburgh, Scranton, and Spring City.**

**(b) Completion and execution of form. An applicant shall complete and sign the application form in the presence of a witness, certifying to the truthfulness of its contents under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). If the applicant is unable to sign the application due to a medical condition, a spouse, legal guardian, or person exercising general power of attorney may sign the application for the applicant.**

**(c) Supporting documentation. An applicant shall submit the following documents with the application form:**

**(1) A copy of the applicant's current state driver's license or identification card, or other acceptable proof of identification as requested.**

**(2) A copy of the applicant's DD Form 214, Certificate of Release or Discharge from Active Duty, or equivalent, covering the period of service when the applicant sustained the injury or incurred the disease resulting in loss or permanent and severe or complete paralysis of two or more limbs.**

**(3) A copy of the applicant's current disability compensation award letter or rating code sheet issued by the United States Department of Veterans Affairs, or VA Form 3288, Request for and Consent to Release of Information from Individual's Records, or successor form.**

**(4) Other relevant documentation as requested to establish eligibility.**

**(d) Authorization for release of information. Execution of the VA Form 3288 gives the Bureau authority to obtain information from the applicant's United States Department of Veterans Affairs records. The Bureau may request additional relevant information or documentation pursuant to the executed release. Any information provided shall be considered confidential and used only for determining eligibility for the pension and other state veterans' benefits.**

**(e) Submission of application. An applicant shall mail, fax, or otherwise deliver the completed application, together with supporting documentation, to the address on the application form.**

**(f) Withdrawal of application. An applicant may withdraw an application for any reason at any time prior to the determination of eligibility.**

§ 5.43. [ Application ] **Adjudication** procedures.

(a) [ *Form.* An application for the Paralyzed Veterans Pension shall be made on a form prescribed by the Adjutant General. The form is available from the following sources:

(1) Department of Military Affairs, Bureau for Veterans' Affairs, Fort Indiantown Gap, Annville, Pennsylvania 17003-5002 or through the Adjutant General's Field Offices located in Pittsburgh, Philadelphia and Wilkes-Barre.

(2) County Directors of Veterans' Affairs in each county seat.

(3) Governor's Veterans Outreach and Assistance Centers.

(4) Veterans service organizations.

(5) American Red Cross. ]

**Determination of eligibility. The Bureau shall determine eligibility for the pension by comparing information from the application form and supporting documentation to eligibility requirements described in the Act and this subchapter, as well as adjudication policy and guidelines issued by the Department.**

(b) [ *Completion and execution of form.* An applicant shall complete and sign the application form, certifying to the truthfulness of its contents under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). The signature shall be witnessed and the form dated. ] *Notification of determination.* The Bureau shall notify applicants of its determination in writing within 30 days of the receipt of a fully developed application. An application is fully developed when all the information and supporting documentation needed for adjudication has been submitted or gathered.

(1) If the application is approved, the written notice shall provide important pension payment information and the opportunity to elect method of payment.

(2) If the application is disapproved, the written notice shall clearly state the reasons for the disapproval and inform the applicant of the appeal procedures specified in § 5.44 (relating to appeal procedures).

[ (c) *Documentation.* The application shall submit the following documents along with the application form:

(1) The appropriate United States Department of Veterans' Affairs or Department of Defense form requesting and consenting to the release of information from the applicant's Federal records. The Department will use this form to obtain verification from the United States Department of Veterans' Affairs or the Department of Defense of the applicant's disability rating reflecting the loss, or loss of use, of the extremities. The current location of the applicant's Veterans' Administration medical records shall be indicated on this form.

(2) A copy of the applicant's Report of Separation from Active Duty in the Armed Forces of the United States covering the period when the applicant sustained the injury or incurred the disease resulting in the loss of, or loss of use of, extremities.

(3) An applicant for a pension resulting from loss of, or loss of use of, limbs in peacetime combat-related actions may be required to submit additional documentation to verify the nature of the combat-related action and to verify that the loss of, or loss of use of, extremities resulted from the actions. ]

[ (d) *Submission of application.* An applicant shall mail or otherwise deliver the completed application, together with supporting documentation, to the following address: Paralyzed Veterans' Pension, Department of Military Affairs, Bureau for Veterans' Affairs, Fort Indiantown Gap, Annville, Pennsylvania 17003-5002. ]

§ 5.44. [ Criteria and procedure for determination of peacetime combat-related actions ]  
Appeal procedures.

(a) [ The Department will determine whether a peacetime action of the United States military and naval forces or officially-connected women's organization qualifies as a combat-related action or situation as defined in § 5.41 (relating to definitions). In making the determination, the Department will consider the following criteria:

(1) The nature, purpose and extent of the military action.

- (2) The duty status of the military personnel participating in the action.
- (3) The location where the action occurred.
- (4) Whether the United States government identified the action or situation as combat-related by the award of decorations, payment of combat or hostile fire pay or other recognition to members of the armed forces who were involved in the action.
- (5) The cause of casualties among members of the military or naval forces of the United States.
- (6) Whether the casualties were the result of an accident instead of hostile fire or terrorist attack, whether or not the accident is directly related to operational activities incident to an engagement with foreign armed forces or terrorists. ]

**Request for reconsideration. An applicant may ask the Bureau to reconsider its determination within 30 days after the notification of determination by submitting a written request, together with a statement of reasons or additional information, to the Bureau. After a determination is made on reconsideration, notification shall be sent to the applicant as specified in § 5.43(b) (relating to notification of determination).**

(b) [ The Department will identify terrorist attacks against members of the United States military or naval forces or officially-connected women's organizations by considering the following criteria:

- (1) The nature and purpose of the attack.
- (2) The objective of the attack.
- (3) The identity of the attackers and the victims.
- (4) Whether or not the attack was self-identified as such by the perpetrators.
- (5) Whether or not the United States government has investigated the attack and identified it as a terrorist act. ]

**Form and timeliness of appeal. An applicant aggrieved by a determination of the Bureau may appeal to the Adjutant General within 30 days after notification of the Bureau's action on reconsideration. Appeals shall be in writing, shall state the reasons for the appeal, and describe the requested relief.**

(c) [ The Department, through the Bureau, will maintain a log of verified peacetime combat-related actions or situations. If the information submitted by an applicant does not indicate participation in a verified peacetime combat-related action, the Department, through the Bureau, will make a determination of whether the action or situation needs the definition of a peacetime combat-related situation or action. The Bureau, through the Adjutant General, may seek the advice of the State Veterans' Commission in making the determination. ] **Appeal process. The Adjutant General will hear appeals as provided in 1 Pa. Code Part II (relating to general rules of administrative practice and procedure). When**

**an appeal is docketed, the Adjutant General will appoint a presiding officer to hear the appeal and prepare and file a proposed report in the manner provided by 1 Pa. Code Part II. The Adjutant General will issue the final administrative action of the Department on appeals.**

**(d) Subsections (a) and (b) supersede 1 Pa. Code § 35.20 (relating to appeals from the actions of the staff).**

§ 5.45. [ Review of applications ] **Administration of pension.**

(a) [ The Bureau will review an application. The Bureau may request an applicant to supply additional information to support the application. ] **Effective date of pension. A pension will be paid from the first day of the month in which the completed application is received by the Bureau. Payments will not be backdated to the date of award of disability compensation administered by the United States Department of Veterans Affairs.**

(b) [ The Bureau will notify the applicant in writing of its determination. If the application is approved, the pension shall be paid from the effective date established in § 5.47 (relating to effective date of pension). If the application is disapproved, the written notice will state the reasons for the disapproval and inform the applicant of the appeal procedures specified in § 5.46 (relating to appeals). ] **Rate and form of payment. A pension shall be paid at an amount established in the Act by check from the Commonwealth or by electronic funds transfer (EFT) into a designated account. To make or change EFT designations, the pensioner must complete and submit an Electronic Funds Transfer Payment Enrollment Form. Pensioners may enroll in EFT at any time.**

**(1) Under no circumstances shall a pension be made payable to anyone other than an eligible amputee and paralyzed veteran.**

**(2) Applicants who are homeless shall not be denied a pension for lack of a permanent address. Checks may be delivered to a local intermediary such as a County Director of Veterans Affairs, a fiduciary designated by the United States Department of Veterans Affairs, or other appropriate representative, in care of a homeless veteran so long as the intermediary's address is provided on the application form and certified by the applicant.**

**(c) Notification of changes. Pensioners shall keep contact information current by timely notifying the Bureau of changes of address and telephone number. The pension shall continue to be paid to amputee and paralyzed veterans who move or reside outside the Commonwealth.**

**(d) Notification of death. The pension is not transferable to surviving spouses, dependents, or other beneficiaries. Timely notification of the death of a pensioner shall be made to the Bureau directly. Notifications shall clearly state the pensioner's name and date of death. The Bureau may request additional supporting documentation.**

**(e) Reimbursement of debts. The Department shall seek reimbursement of all payments made following the death of a pensioner. Reimbursements shall be made payable to**

**“Commonwealth of Pennsylvania” and mailed to: Department of Military and Veterans Affairs, Attn: OVA-PIRO, Building 0-47, Fort Indiantown Gap, Annville, Pennsylvania 17003-5002. Compromise or write-off of debt, in accordance with Commonwealth and departmental policy, may be offered when appropriate. All delinquent debt that is disputed or unanswered shall be forwarded to the Office of Attorney General for collection.**

**(f) Safeguarding information. All personal information collected and maintained by the Bureau in the administration of the Amputee and Paralyzed Veterans’ Pension shall be safeguarded in accordance with rules at 43 Pa. Code Ch. 1, Subch. B (relating to safeguarding personal information obtained in the administration of veterans’ programs) and current security management policy issued by the Department.**

§ 5.46. [ Appeals ] **(Reserved).**

[ (a) An applicant aggrieved by a determination of the Bureau may appeal to the Adjutant General within 30 days after notification of the Bureau determination. An appeal shall be in writing and state the reasons for the appeal. ]

[ (b) The Adjutant General will adjudicate an appeal as provided in 1 Pa. Code Part II (relating to general rules of administrative practice and procedure). When an appeal is docketed, the Adjutant General will appoint a presiding officer to hear the appeal and prepare and file a proposed report in the manner provided by 1 Pa. Code Chapter 35 Subchapter G (relating to proposed reports). The Adjutant General will issue the final administrative adjudication of the Department on an appeal. ]

[ (c) Subsection (a) supersedes 1 Pa. Code § 35.20 (relating to appeals from the actions of the staff). ]

§ 5.47. [Effective date of pension ] **(Reserved).**

[ (a) *Pension payment schedule.* A pension will be paid based upon the date when the completed application is received by the Bureau. A pension will be paid from the first day of the month in which the application is received if it is received on or before the 20th day of the month. If the application is received after the 20th day of the month, the pension will be paid from the first day of the next month. ]

[ (b) *Transition rule.* Under the act, no pension may be paid for a month before July 1, 1986. ]

# NOTICE

## DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

### Determination of Need; Disabled Veterans' Real Estate Tax Exemption

Under 51 Pa.C.S. § 8904 (relating to duty of commission), the State Veterans' Commission (Commission) fixes uniform and equitable standards for the determination of need for certain disabled veterans and their unmarried surviving spouses to qualify for an exemption from real estate taxes on their principal dwellings. In so doing, the Commission was required by law to apply a rebuttable presumption that an applicant with annual income of \$75,000 or less has a need for the exemption.

Section 8904 of 51 Pa.C.S. further provides that, beginning on January 1, 2009, the Commission will adjust the annual income level qualifying for the rebuttable presumption in an amount equal to the change in the Consumer Price Index for the preceding two years. Adjustments were made to the annual income level that became effective on January 1, 2009, 2011, 2013, 2015, 2017, 2019, and 2021.

During the two-year period from November 1, 2020, until October 31, 2022, the Consumer Price Index (All Urban Consumers/Seasonally Adjusted) increased by a total of 13.4%. Accordingly, beginning January 1, 2023, the Commission will apply a rebuttable presumption that an applicant for the Disabled Veterans' Real Estate Tax Exemption Program with an annual income of \$108,046 or less may have a need for the exemption. Applicants whose annual income exceed \$108,046 may attempt to rebut the presumption that they do not need the exemption from real estate tax on their principal dwelling by submitting expenditure documentation that they believe demonstrates their need.

In applying the \$108,046 presumptive income level, the Office of Veterans Affairs will use the following approach when determining the effective date of the exemption:

Applications pending on December 31, 2022, which are determined to demonstrate need based on eligibility criteria applicable on or before that date, shall be effective based on the date of application in accordance as provided by 43 Pa. Code § 5.25 (relating to effective date of exemption).

Applications pending on December 31, 2022, which did not demonstrate need when applying the prior annual rebuttable presumption income level, but which are eligible under the revised income level applicable on January 1, 2023, shall be effective as of January 1, 2023, unless the presumption is rebutted.

Applications filed with county boards for assessment and revision of taxes or similar boards on or after January 1, 2023, shall be effective based on the date of application as provided by 43 Pa. Code § 5.25.

Applicants who were denied certificates of need prior to January 1, 2023, but who believe they qualify after that date, may reapply with the effective date of any exception being based on the date of the new application as provided by 43 Pa. Code § 5.25 unless the presumption is rebutted.

MARK J. SCHINDLER  
Major General, PAARNG  
The Adjutant General

## CPI for Urban Consumers

### CPI for All Urban Consumers (CPI-U) 1-Month Percent Change

**Series Id:** CUUR0000SA0  
 Not Seasonally Adjusted  
**Series Title:** All items in U.S. city average, all urban consumers, not  
**Area:** U.S. city average  
**Item:** All items  
**Base Period:** 1982-84=100  
**Years:** 2016 to 2022

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	% Base Change	RETX Presumptive
2016	0.2	0.1	0.4	0.5	0.4	0.3	-0.2	0.1	0.2	0.1	-0.2	0.0		\$ 88,607.00
2017	0.6	0.3	0.1	0.3	0.1	0.1	-0.1	0.3	0.5	-0.1	0.0	-0.1		
2018	0.5	0.5	0.2	0.4	0.4	0.2	0.0	0.1	0.1	0.2	-0.3	-0.3	4.6	\$ 92,594.00
2019	0.2	0.4	0.6	0.5	0.2	0.0	0.2	0.0	0.1	0.2	-0.1	-0.1		
2020	0.4	0.3	-0.2	-0.7	0.0	0.5	0.5	0.3	0.1	0.0	-0.1	0.1	2.8	\$ 95,279.00
2021	0.4	0.5	0.7	0.8	0.8	0.9	0.5	0.2	0.3	0.8	0.5	0.3		
2022	0.8	0.9	1.3	0.6	1.1	1.4	0	0	0.2	0.4			13.4	\$ 108,046.00
2023														

[Top Picks \(Most Requested Statistics\) : U.S. Bureau of Labor Statistics \(bls.gov\)](#)

(Price Indexes > CPI for All Urban Consumers (CPI-U) 1982-84=100 (undadjusted) > Retrieve data > More formatting options > 1-Month Percent Change > Specify year range > Retrieve data)





**TO** The Department of Military and Veterans Affairs and Pennsylvania State Veterans Commission Members

**FROM** Nicholas M. Taylor  
Chairman, Pennsylvania State Veterans Commission

**DATE** September 28, 2022

**RE** Commission Meeting Dates for Calendar Year 2023

1. At the request of the Department of Military and Veterans Affairs (DMVA), and to synchronize the calendars of the Commissioners, the following State Veterans Commission meeting dates are established for Calendar Year 2023:

Friday, January 6, 2023  
Friday, February 3, 2023  
Friday, April 14, 2023  
Friday, June 2, 2023  
Friday, September 8, 2023  
Friday, October 13, 2023  
Friday, December 8, 2023

2. All meetings will begin at 1000 hours on the specified dates. Meeting location is the Arrowheads Community Club, Building 9-65, Fort Indiantown Gap, Annville, PA 17003.

3. No meetings are scheduled in the months of March, May, July, August, and November in Calendar Year 2023. Changes to the dates, times, or location, if required, will be published and forwarded to the DMVA staff and the Commissioners in advance of that date change.

a. The date of April 14, 2023 was set so as not to conflict with the Easter weekend.

b. The date of October 13, 2023 was set so as not to conflict with the Columbus Day weekend.

NICHOLAS M. TAYLOR  
Lieutenant Colonel, US Army (Ret.)  
Chairman  
Pennsylvania State Veterans Commission

# 2023 STATE VETERANS COMMISSION

## MEETING CALENDAR

**FRIDAY, January 6, 2023– 10:00 am**

Arrowheads Community Club  
Building 9-65 Fort Indiantown Gap  
Anville, Pa 17003

**FRIDAY, February 3, 2023– 10:00 am**

Arrowheads Community Club  
Building 9-65 Fort Indiantown Gap  
Anville, Pa 17003-5002

**FRIDAY, APRIL 14, 2023 – 10:00 am**

Arrowheads Community Club  
Building 9-65 Fort Indiantown Gap  
Anville, Pa 17003-5002

**FRIDAY, JUNE 2, 2023– 10:00 am**

Arrowheads Community Club  
Building 9-65 Fort Indiantown Gap  
Anville, Pa 17003-5002

**FRIDAY, SEPTEMBER 8, 2023 – 10:00 am**

Arrowheads Community Club  
Building 9-65 Fort Indiantown Gap  
Anville, Pa 17003-5002

**FRIDAY, OCTOBER 13, 2023 – 10:00 am**

Arrowheads Community Club  
Building 9-65 Fort Indiantown Gap  
Anville, Pa 17003-5002

**FRIDAY, DECEMBER 8, 2023 – 10:00 am**

Arrowheads Community Club  
Building 9-65 Fort Indiantown Gap  
Anville, Pa 17003-5002

**NOTE: MEETING LOCATIONS ARE SUBJECT TO CHANGE UPON SPECIAL EVENT OR CIRCUMSTANCE**