



Testimony by the

Pennsylvania Department of Military and Veterans Affairs

House Veterans Affairs & Emergency Preparedness Committee Hearing on

Legislative Proposals

- Independent Office of the Adjutant General for Veterans
- Restructuring and Oversight of the State Veterans Homes
- Restructuring and Oversight of State Veterans Commission
- Codification of Adult Day Healthcare
- Review of several pending bills on the Disabled Veteran's Real Estate Tax Exemption
- Creation of the Veterans Lottery Ticket
- Chief Counsel having been a sworn military SJA Officer

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Major General Mark Schindler

The Adjutant General - Pennsylvania



Introduction

Good morning, Chairwoman Boback, Chairman Sainato and members of the House Veterans Affairs & Emergency Preparedness Committee. Thank you for the invitation to offer the administration and department's insight on the various legislative proposals being considered by this committee. Today, I have with me, Mr. Marc Ferraro, Executive Deputy Secretary, Brigadier General (PA) Maureen Weigl, Deputy Adjutant General for Veterans Affairs (DAG-VA), and Mr. Travis Davis, Executive Director for Long Term Care.

Independent Office of the Adjutant General for Veterans Affairs-(HB 1964)

The Department of Military and Veterans Affairs (DMVA) is responsible for the command, control, and administration of the Pennsylvania National Guard, representing military interests within the Commonwealth, and administering Veterans programs for Veterans and their families residing within the Commonwealth of Pennsylvania. We are the voice and advocates for a population of citizens who serve or have served in the Armed Forces of the United States. We recognize the challenges of our dual missions, but also recognize the connection, needs and commitment to service that binds military service and Veterans together. We believe that DMVA is stronger together. No other department in state government has that bond.

Like every agency, DMVA has leaders at the deputy level who administer specific programs, services, and functions on behalf the Commonwealth of Pennsylvania. Each deputy is responsible to staff and administer their programs. I am confident that my deputies have the requisite executive leadership and character to effectively lead their areas of responsibility. Since I have been assigned and confirmed as the Adjutant General, I have led efforts to hire



experienced and competent leaders, address span of control concerns, and improve oversight with additional audits, reviews, and surveys. We will continue to evaluate, make necessary changes, and reevaluate to ensure that we have the right leaders, doing the right things to support our dual missions. Adding additional qualifications for the DAG-VA position will limit our ability to get the most qualified and competent person for the job.

My staff and I have looked at the proposal to make the Office of Veterans Affairs (OVA) an independent office within the DMVA with numerous oversight councils. The proposals center on the administration of the State Veterans Homes (SVH) but fails to take into account all of the other programs that the Department administers. Both functions are nested together, and we are working to integrate these functions even more. We completed a cost comparison and operational analysis of the proposal and have determined that the OVA receive direct and indirect benefits and support from the Department's military support programs. The synergy between the Military and Veterans Affairs missions in employment outreach, suicide prevention, mental health programs, education and other functions would be lost if the Department is separated. Specifically, facilities and support services that are provided at no or reduced costs because of current affiliations will drive up costs for an independent Office of Veterans Affairs within DMVA. These DMVA programs are specific to the service member family support function, but the expertise is shared across the Department. For example, if OVA were to become an independent office, it could no longer reside in Building 0-47 at Fort Indiantown Gap because it would no longer be under the control of myself. Building 0-47 is coded for federal reimbursement as an Army National Guard Readiness Center. While sharing these functions is inherent to the Department, balancing these priorities, requirements, and funding under two



separate authorities would create barriers that currently do not exist under one department head. The proposal also splits state department functions: administrative offices responsible for personnel, logistics and information technology, facilities and engineering, legal, communications, and policy and legislative activities which also impacts priorities when they are in conflict. To be sure, managing these functions as one organization with clear priorities can be challenging. However, managing them between two administrative heads with different priorities will be a bigger challenge and can lead to unnecessary conflict. Under one administrative head, conflicts are easily resolved, attempting to resolve conflict under two would be inefficient and likely ineffective. The deputies and directors would find it difficult to answer to two administrative leaders. The solution to these issues is funding to provide the OVA with the staffing and resources needed to function separately, which we have assessed to be cost prohibitive. This, however, will eliminate the efficiencies that exist in the current structure. Additional funding and time would be better spent providing additional resources to expand the programs for our Service Members and Veterans.

Restructuring and Oversight of the State Veterans Homes – (HB 1963)

DMVA has continued to work on improving State Veteran Homes' operations and functions within the Bureau of Veterans Homes (BVH), starting with a completely new leadership team. The goal to provide exceptional care to our residents has not changed. However, updating the BVH structure, roles and responsibilities and a renewed emphasis on assuring that we have skilled and knowledgeable staff to provide the necessary oversight of our homes is our main objective. The changes we are currently implementing to mitigate and/or resolve many of the issues that were identified in the independent report, and we continue to review and modify our actions to continually improve.



The proposed bill which would overly specify how the Department is structured, creates new requirements, and sweeping changes to the way the homes are administered, thereby, creating additional bureaucracy and a less agile Department. The result would hinder our ability to provide the best possible care and programs to our Veterans. DMVA is already independently implementing additional oversights, creating, and building audit and quality control teams. We have implemented a new internal structure with additional Licensed Nursing Home Administrators to support and advise the Homes. We are formalizing a Medical Advisory Committee (MAC) that advises the Adjutant General, the Deputy Adjutant General for Veterans Affairs, and the Executive Director for Long-Term Care on clinical policies and procedures within the homes. We added additional clinical expertise to advise the executive staff, who are part of the MAC. While the MAC will meet routinely to discuss the operation of the homes and maintain minutes for transparency, it can be called upon at any time to respond quickly to the needs of the organization for any given crisis and have a direct line of communication to the executive staff. We continue to look at other areas in need of improvement. These areas include crisis management; communications; infection control procedures; business operations; and other strategies to improve our Veterans, residents, and employees' quality of care, safety, and wellness. DMVA is implementing these changes without being directed to do so by the Legislature, without additional funding and all while operating and caring for nearly 1,000 residents in our six SVHs during an ongoing pandemic. DMVA appreciates the oversight of the General Assembly and welcomes legislation and support to address staffing shortfalls in the SVH, Veteran advocacy, and resources to expand outreach to get information to our aging Veteran population. We ask for your support and patience as we continue to implement changes and adjust our SVH structure, oversight, and facilities to meet the needs of our residents and



aging Pennsylvania Veterans. We will continue to track and study our changes as they are implemented to finetune or make additional adjustments as needed.

Restructuring and Oversight of the State Veterans Commission – (HB1978) The State Veterans Commission (SVC) is an advisory commission to the Department, made up of various veteran service organizations who are to represent all Veterans of the Commonwealth. Over the years the roles, duties, and responsibilities of the SVC have remained unchanged. The Veterans population, demographics, societal changes, attitudes, and needs of Veterans have changed and the SVC should reflect those changes. However, the purpose and the function of the SVC are to serve as advisors and advocates; to develop and sustain community networks; and to measure the effectiveness of programs intended to assist Veterans.

The DMVA and SVC have taken several steps to work closer. We have done so by opening our lines of communications to improve programs, services, and the lives of Veterans. Long standing issues are being discussed. We are finding common ground and are moving forward on recommendations. These recommendations include changing the meeting format of the SVC meetings, changing Veterans Outreach (aka Act 66) grant requirements, conducting geographical needs assessments, and modifying budget requests to address those needs, building consensus on proposed changes to the Veterans Real-estate Tax exemption program, and inclusion of the SVC's component organizations in the PA VETConnect program.

Overall, the SVC and the component organizations and participants are responsible for ensuring that the DMVA is aware of any new issues that are impacting Veterans; communicating what the Administration, DMVA and General Assembly are doing on behalf of Veterans; and advocating and providing a voice for all Veterans of the Commonwealth. Through our collective



efforts and common goals, DMVA continues to provide time, resources, facilities and support to the SVC and its component organizations.

Codification of Adult Day Healthcare – (HB 1972)

The Pennsylvania Long-Term Care Council released Expanding Long-term Care for Veterans report in 2019. The Expanding Long-Term Care Services to Veterans Project Group was assembled to explore options for enhancing the long-term care service choices available to Pennsylvania's Veterans. One of the key recommendations was for DMVA to explore other ways of delivering care to our Veteran population. We have asked to expand the language codifying Adult Day Healthcare to include Community Palliative Care. In doing so, this provides more options for DMVA to support Veterans by providing care in multiple settings outlined in the study. These settings include home and community-based services, expanding service options in the six SVHs, and providing solutions to address Veteran Homeless and "Hard to Place" individuals. This legislation is necessary to ensure that DMVA is authorized to consider programs and services within these types of settings. DMVA continues to look for opportunities to leverage federal, state and community programs available to expand and care for our aging Veterans.

Disabled Veteran's Real Estate Tax Exemption – (HB 1953), (HB 1815), and (HB 910)

The PA Disabled Veterans' Real Estate Tax Exemption (RETX) Program provides county tax exemptions for the Veterans' primary residence. The Pennsylvania Constitution, Title 51 of the Pennsylvania Statutes and Title 41 of the Pennsylvania Code define eligibility for the RETX Program. They state that a Veteran of the United States Armed Forces who: (1) is a resident of



the Commonwealth; (2) was discharged with an honorable discharge or under honorable circumstances; (3) that served during war-time or armed conflict; (4) is deemed 100% service-connected disabled (total or permanent disability); and (5) has a demonstrated financial need is eligible for the RETX. These provisions also extend the benefit to the unmarried surviving spouse of a Veteran who met the criteria before passing.

DMVA supports a constitutional amendment that removes the war-time service requirement. The program is a needs-based program, and the top eligibility disqualifier is the war-time service requirement. The proposed language removes the war-time service requirement, thereby applying the additional RETX standards equally to all disabled Veterans.

DMVA also supports including provisions that would make the unmarried surviving spouse of a deceased servicemember who suffered service-related deaths eligible for the RETX. Currently, when a service member dies while in active service, their unmarried surviving spouse is not eligible for the RETX because the United States Department of Veterans Affairs (USDVA) never rated the servicemember as 100% permanent and totally disabled. Many of these Gold Star Spouses and military widows/widowers have contacted DMVA expressing frustration with this omission. Unmarried surviving spouses of Veterans who the USDVA has granted the 100% disability rating are eligible for RETX, creating an unequal system. Undoing this injustice also requires a constitutional amendment to allow the unmarried surviving spouses of those who died in the line of duty or were posthumously rated 100% to be eligible to receive the RETX benefit.

Furthermore, DMVA supports the inclusion of language that makes individuals who are eligible for Individual Unemployability (IU) payments at 100% for the United States Department of Veterans Affairs (USDVA) eligible for the RETX as well. In order to be eligible for the IU



payments, a Veterans must have at least one service-connected disability rated at 60% or more disabling; or two or more service-connected disabilities—with at least one rated at 40% or more disabling; and a combined rating of 70% or more. The Veteran must also have documentation that verifies that the Veteran cannot hold down a steady job that can support them financially because of their service-connected disability to be eligible to apply for the RETX program.

Finally, DMVA supports proposed language to enable a Veteran residing in a Long-Term Care facility to remain eligible for RETX if the Veteran owns the residence. Without this change a spouse who remains in the home is not eligible for the RETX program until they can apply and be accepted into the program on their own.

DMVA does not support any provision to reduce the RETX benefit or expand it to Veterans who are not 100% disabled or not eligible for the IU payments program and paid at the 100% disability rating. Proposed proportional RETX benefits would give the same percentage of real estate tax exemption as the Veteran's rating from the USDVA. This expansion of the RETX program would drastically reduce the local taxing authority's revenue. DMVA estimates a proportional RETX could add 82,000 more Veterans to the program. Additionally, Veterans' disability ratings can change frequently. As a result, a Proportional RETX would require DMVA and the SVC to reassess eligible Veterans rating continually. For these reasons, DMVA cannot support changes to the RETX program that include proportional RETX benefits.

Veterans Lottery Ticket - (HB 1691)

DMVA continues to explore options to increase care for our aging Veterans and appreciate the goal of this bill, which is to provide revenue to that cause. DMVA continues to



plan to expand long-term care services to more Veterans. When these plans begin to materialize, and additional and sustainable funding is needed, we will seek appropriations to support these efforts. The Department of Revenue will provide detailed testimony and we defer to their expertise on how best to manage lottery products.

House Bill 1938 – SJA requirement for Chief Counsel

DMVA believes that the Chief Counsel of the Department does not need to have at least five years' experience as a sworn in and certified judge advocate. Such a requirement would provide no benefit to the Department and would only serve to substantially limit the pool of qualified Veterans from which the Office of General Counsel could select a Chief Counsel. Further, the functions of a judge advocate differ from the functions and role of a chief counsel of an agency.

The Department has numerous Staff Judge Advocates assigned to its federal complement of personnel on both the Army and Air Force manning documents. In fact, there are three full time federal Staff Judge Advocates (SJAs) assigned to the Department. They handle all military justice and operations matters. They also handle all matters involving the Pennsylvania National Guard in its Federal capacity. Additionally, the SJAs do not handle matters involving or receive training relating to Veterans' benefits or programs; state procurement and contracting processes and requirements; state administrative policies or processes; health care or long-term care law; or any other areas of state law that apply to the state operation of DMVA.

The Office of Chief Counsel, on the other hand, handles all state matters involving DMVA. Its primary workload involves compliance with the Federal and state laws that impact



the operation of the SVHs; the administration of the Commonwealth's Veterans' programs, Commonwealth procurement and contracting, Commonwealth labor and employment matters, Commonwealth construction and real estate matters, and litigation involving the Commonwealth.

Both the SJA and Office of Chief Counsel are in the same building and work closely on all issues that involve both the Federal and state sides of DMVA. Ultimately, adding this unnecessary requirement will hinder the Department's ability to hire the most qualified lawyers for Chief Counsel.

I would like to thank the Committee for the opportunity to testify today and look forward to taking your questions.