

Office Of Claims And Appeals
Crime Victims Compensation Board
Minutes

September 24, 2023

Total
Claims: **72**

Executive Director Hardesty reports to the Board that for August, 2023:

Crime Victims Compensation:

- 26 claims were received
- 26 claims were set up
- 36 full investigations were completed
- 27 claims were assigned/reassigned to investigators
- 14 claims were awarded
- Total Awarded: \$57,257.33 (including additional awards)
- 5 additional awards were rendered
- 4 claims were denied

\$9,751.85 received in restitution
\$498.81 received in donations
\$0.00 received through subrogation
\$1,894.95 received through PIECP program

The Sexual Assault Examination Program:

- 35 claims received
- 35 claims were set up
- 29 claims were awarded
- Total Awarded: \$13,458.72
- 9 claims were denied

57 total claims were decided by the Board for August, 2023.

Board Chair Parsons called the meeting to order at 10:07 AM and conducted roll call.

The following individuals were in attendance at this month's meeting: Board Chair Parsons, Members Leenerts and Roberts, Staff Attorney Bevins-Sullivan, Executive Staff Advisor Shields, Investigators Hubbard and White, and Restitution/Collections Officer Barrie. Executive Director Hardesty joined virtually via Zoom.

Member Roberts motioned to accept the August 2023 minutes. Member Leenerts seconded the motion. With all voting in favor of the motion, the motion carried.

Executive Director Hardesty gave his Director's Report to the Board. The recent decrease in SAEP claim filings can be attributed to Children's Advocacy Centers working with Medicaid to get victims enrolled in the program. The CAC reimbursement requests are being paid through Medicaid to a greater degree, thus reducing the need for SAEP to pay.

Executive Director Hardesty is currently working on getting Member Roberts scheduled for his trauma informed training for 2023.

Executive Director Hardesty encouraged the Board to go ahead and make recommendations on claims assigned to them and have the Board decide them rather than bringing a claim before the Board before a recommendation is issued. Bringing claims before the Board before issuing a recommendation can add up to thirty days of claims processing time.

Executive Director Hardesty is staying in contact with the Department of Corrections regarding its PIECP program. The program may potentially be expanded by increasing the number of inmates that are participating, which could result in an increase of revenue coming to the Board through the program.

Executive Director Hardesty advised the Board that both he and Executive Staff Advisor Shields will be testifying before the Interim Joint Committee on the Judiciary on September 21, 2023 at 11:00 AM. The next CVC bill will go on the Interim Joint Committee on the Judiciary's agenda on October 13, 2023. Executive Director Hardesty and perhaps others may be asked to accompany Senator Harper-Angel as she testifies before the Committee.

Executive Director Hardesty advised the Board that work continues to be done on hiring the victim advocate. The next task will be the posting of the position on the register.

Executive Director Hardesty advised the Board that the Office of Justice Programs will be conducting an on-site visit for the program on September 18 and 19, 2023.

Executive Staff Advisor Shields advised the Board that the August 18, 2023 training had seventy-nine (79) people in attendance, which was the highest total in the history of the program. The September 15, 2023 training currently has fifty-two (52) registrants. Trainings for the rest of the year have been scheduled: October 20, 2023 and November 17, 2023.

For Instructions From the Board

CV-2017-00018/Ellis, John on behalf of Riley, Amanda \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny Inmate Lynch's appeal. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2018-00123/Sowders, Michael on behalf of Sowders, Michael \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny Inmate Smith's appeal. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2021-00088/Cavanaugh, Melissa \$0.00

Board Action: Board held over until another meeting

Comments: After examining Inmate Cavanaugh's exceptions, Member Roberts motioned to table this claim until the October 2023 docket. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00118/Alford, Kimberly \$325.00

Board Action: Board awarded

Comments: Member Roberts recused himself from voting on this claim, citing a conflict of interest. Member Leenerts motioned to award \$325.00 for the requested mental health expenses but deny the claim for lost earnings. Board Chair Parsons seconded the motion. With a majority of voting members present voting in favor, the motion carried.

CV-2023-00202/Williams, Felice on behalf of Williams, Robert \$0.00

Board Action: Board held over until another meeting

Comments: After discussion with the Board, Member Roberts motioned to issue a Recommended Order awarding the claim but reducing the awardable amount by twenty-five percent (25%) due to the victim's contributory conduct. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00214/Downing, Michelle \$6,262.25

Board Action: Board awarded

Comments: Member Roberts motioned to award \$6,262.25. Member Leenerts seconded the motion. Having all in favor, the motion carried.

Recommended Orders - Awards

CV-2022-00046/Jackson, Heather on behalf of George, Dewayne \$1,218.51

Board Action: Board awarded

Comments: Member Roberts motioned to award \$1,218.51 for F/B but deny compensation for LOE because Claimant submitted insufficient proof of loss with leave to refile for LOE once all documentation has been obtained and submitted to the Board. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2022-00105/Howell, Jr., Randell \$27,312.58

Board Action: Board awarded

Comments: Member Roberts motioned to award \$27,312.58 but deny compensation for the Automated Collection Services, Inc. expense because it cannot be found necessary as a direct result of the crime. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2022-00166/Price, Travis \$3,835.41

Board Action: Board awarded

Comments: Member Roberts motioned to award \$3,835.41. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2022-00289/Hayes, Jessica on behalf of Hayes, Darrell \$5,000.00

Board Action: Board held over until another meeting

Comments: Member Roberts motioned to defer action on this claim pending further investigation by the claims investigator. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2022-00295/Dean, Latonya \$556.92

Board Action: Board awarded

Comments: Member Roberts motioned to award \$556.92 for M/D but deny compensation for the requested LOS because it cannot be determined necessary due to crime with leave to refile. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00025/Copeland, Julie \$3,173.15

Board Action: Board awarded

Comments: Member Roberts motioned to award \$3,173.15. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00127/Burse, Deandra on behalf of Burse, Tony \$3,700.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$3,700.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00149/Semulyo, Nzamuye on behalf of Tuyisheme, Eric \$6,000.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$6,000.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00183/Hopkins, Ella on behalf of Qualls, Jordan \$6,416.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$6,416.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00194/Sawyers, Jr., Eric \$1,673.15

Board Action: Board awarded

Comments: Member Roberts motioned to award \$1,673.15 for the requested LOE but deny compensation for M/D because those expenses have been paid by Claimant's Passport coverage. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00199/McDermott, Cathy on behalf of McDermott, Jennifer \$770.76

Board Action: Board awarded

Comments: Member Roberts motioned to award \$770.76 but deny compensation for the headstone until Claimant pays burial expense in full with leave to refile. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00215/Phelps, Mia on behalf of Hines, William \$3,000.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$3,000.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00226/Bellamy, Donneta on behalf of Phelps, Curtis \$2,169.41

Board Action: Board awarded

Comments: Member Roberts motioned to award \$2,169.41. Member Leenerts seconded the motion. Having all in favor, the motion carried.

Recommended Orders - Denials

CV-2022-00008/XXXX \$0.00

Board Action: Board held over until another meeting

Comments: Member Roberts motioned to defer action on the claim until the October 2023 meeting. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2022-00219/Allen, Ashley on behalf of Allen, Chordae \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2022-00235/Smith, John \$0.00

Board Action: Board held over until another meeting

Comments: Member Roberts motioned to defer action on the claim pending further investigation by the claims investigator. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00123/Kendall, Cathy on behalf of Kendall, Kaila \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

CV-2023-00212/Cowan, Andrew \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

Sexual Assault Examination Awards

SA-2023-00191/ULH Ambulatory Care Pharmacy on behalf of XXXX \$8.66

Board Action: Board awarded

Comments: Member Roberts motioned to award \$8.66. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00268/Baptist Health Richmond on behalf XXXX \$488.57

Board Action: Board awarded

Comments: Member Roberts motioned to award \$488.57. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00297/St. Elizabeth Healthcare on behalf of XXXX \$650.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$650.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00307/Medical Center Bowling Green on behalf of XXXX \$347.55

Board Action: Board awarded

Comments: Member Roberts motioned to award \$347.55. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00322/Baptist Health Richmond on behalf of XXXX \$249.65

Board Action: Board awarded

Comments: Member Roberts motioned to award \$249.65. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00323/Baptist Health Louisville on behalf of XXXX \$650.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$650.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00328/Baptist Health Hardin Hospital on behalf of XXXX \$650.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$650.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00335/University of Louisville on behalf of XXXX \$650.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$650.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00338/Baptist Health Hardin Hospital on behalf of XXXX \$90.77

Board Action: Board awarded

Comments: Member Roberts motioned to award \$90.77. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00347/Baptist Health Lexington on behalf of XXXX \$403.79

Board Action: Board awarded

Comments: Member Roberts motioned to award \$403.79. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00351/Baptist Health Hardin Hospital on behalf of XXXX \$174.53

Board Action: Board awarded

Comments: Member Roberts motioned to award \$174.53. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00400/Lake Cumberland Regional Hospital on behalf of XXXX \$550.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$550.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00419/Owensboro Health Regional Hospital on behalf of XXXX \$650.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$650.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00423/Lexington SANE Program on behalf of XXXX \$200.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$200.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00424/Lexington SANE Program on behalf of XXXX \$200.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$200.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00425/Lexington SANE Program on behalf of XXXX \$200.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$200.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00426/Lexington SANE Program on behalf of XXXX \$200.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$200.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00427/Lexington SANE Program on behalf of XXXX \$200.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$200.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00428/Lexington SANE Program on behalf of XXXX \$200.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$200.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00429/Lexington SANE Program on behalf of XXXX \$200.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$200.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00430/Lexington SANE Program on behalf of XXXX \$200.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$200.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00431/Lexington SANE Program on behalf of XXXX \$200.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$200.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00432/Lexington SANE Program on behalf of XXXX \$200.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$200.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00437/Kentucky Clinic Pharmacy on behalf of XXXX \$230.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$230.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00448/Natasha Lane on behalf of XXXX \$200.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$200.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00450/University of Louisville on behalf of XXXX \$650.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$650.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00455/Murray Calloway County Hospital on behalf of XXXX \$550.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$550.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00456/Norton Audubon Hospital on behalf of XXXX \$450.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$450.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00457/University of Louisville on behalf of XXXX \$200.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$200.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00458/Alicia Cook on behalf of XXXX \$200.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$200.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00467/Natasha Lane on behalf of XXXX \$200.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$200.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00471/Norton Childrens Hospital on behalf of XXXX \$414.71

Board Action: Board awarded

Comments: Member Roberts motioned to award \$414.71. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00476/Georgetown Community Hospital on behalf of XXXX \$250.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$250.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00479/Lake Cumberland Regional Hospital MR/MH on behalf of XXXX \$550.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$550.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00480/Medical Center Bowling Green on behalf of XXXX \$200.00

Board Action: Board awarded

Comments: Member Roberts motioned to award \$200.00. Member Leenerts seconded the motion. Having all in favor, the motion carried.

Sexual Assault Examination Denials

SA-2023-00055/Pikeville Medical Center on behalf of XXXX \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00114/Medical Center Franklin ER Physicians on behalf of XXXX \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00272/Medical Center Bowling Green on behalf of XXXX \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00283/Medical Center Bowling Green on behalf of XXXX \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00309/Baptist Health Hardin Hospital on behalf of XXXX \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00312/Owensboro Health Regional Hospital on behalf of XXXX \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00313/Owensboro Health Regional Hospital on behalf of XXXX \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00324/Medical Center Franklin on behalf of XXXX \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00327/Hazard ARH Regional Medical Center on behalf of XXXX \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00333/Jane Todd Crawford Hospital on behalf of XXXX \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00362/Owensboro Health Twin Lakes Medical Center on behalf of XXXX \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

SA-2023-00449/University of Louisville on behalf of XXXX \$0.00

Board Action: Board ordered dismissed

Comments: Member Roberts motioned to deny the claim. Member Leenerts seconded the motion. Having all in favor, the motion carried.

The Crime Victims Compensation Board set its next meeting date for October 10, 2023 at 10:00 AM EST to be held at the Board's offices located at 500 Mero Street, Frankfort, KY in conference room 259SW. A Zoom option will also be provided.

Board Chair Parsons motioned to adjourn this month's meeting at 12:19 PM. Member Leenerts seconded the motion. Having all in favor, the motion carried. The September 2023 meeting of the Crime Victims Compensation Board was officially adjourned at 12:19 PM.