

Maine SRC-DBVI Meeting Minutes

August 20, 2014

1:00 - 4:00

Frances Perkins Conference Room
Commerce Center, Augusta

Present: John McMahon, DBVI Director; Scott Murray, SRC-DBVI Admin. Assistant; Jim Phipps, Iris Network Director; Cheryl Peabody, ACB Maine; Nancy Moulton, Education Services for Blind and Visually Impaired Children; Mark Sinclair, NEBAA; Brad Strause, AlphaOne; Sue Fairfield, Maine Parent Federation; Cindy Bernstein, DOE, Lynn Merrill, PTGDU; Kathy Despres, C.A.R.E.S. CAP advocate

On Polycom: Walter Woitasek, prior consumer, Carrie Brooker, DBVI VR Counselor

Absent with Notice: Kelly Osborn, Chris Boynton Michelle Mason

Guests: Dave Perry, prospective and preview SRC member. Ruth Mlotek (joined at 3:20 to present on Balancing Act program.)

1. Call to Order/Introductions: Meeting called to order at 1:08 by Brad Strause, Chair, followed by introductions.

2. Public comment: None.

3. Establishment Grant Update. Brad, Mark, and Jim had a meeting with John, Brenda, Marilyn and Nancy from AG's office working out RSA questions about the contract between the IRIS Network and State of Maine; that is the necessary component to getting the federal funds. Currently responding to questions, likely to move forward if response is satisfactory, but concerns remain on some points. John optimistic. Governor signed financial order so the State of Maine really got behind this, holdup is with RSA. Jim praised DBVI's efforts, should know by next Friday, will notify group.

John warmly welcomed back and responded with high praise for Brenda's work as acting director in his absence.

4. Approval of Minutes: Mark moved to accept the June meeting minutes. Jim seconded. All in favor, none opposed. Motion carried unanimously.

5. Annual training conference update: (Carrie) Hopefully everyone got save-the-date e-mail. Cee Gandolfo (TACE) confirmed (Kelly coordinating, Cee spoke at General SRC last year. She is from Oregon, bringing Linda Mock as well.) Still working on agenda, will go out with full registration soon.

Pre-conference arrival accommodations discussed, not yet decided what will be offered beyond one overnight. Carrie will talk to manager at Hampton Inn and committee will decide. Start time on day one moved to 10:00 so people could travel up that morning. Some people still won't have transportation so previous day arrival needed. Contact Carrie with specific needs--training committee meeting again soon. Brad announced he will not be at conference due to family wedding. Suggested elections be done like last year--first thing so the new chair can conduct the SRC for the whole session.

Jim concerned about TACE expiring in 6 weeks, but Cee committed to come. Additional speaker is Linda Mock, previous DBVI director in Oregon, SRC paying for only for their lodging, TACE is covering travel. Carrie will verify.

With conference in Bath, we ought to invite Carolyn Lockwood, who recently resigned her position as the DOL Bureau of Rehab. Services director to take a job as the director of Maine Street Bath. She also lives in Bath and wants us to connect with her

6. Terms Expiring: Many members terming out, committee attrition a concern. Jim suggested having nominating committee to prepare for October meeting. Currently terming out are Jim, Mark, Brad, Chris. Sue also terming out but her seat is required, need someone from MPF. Kathy mentioned that Sue can come to meetings but not as a voting member. Could change the bylaws, have Sue resign and get reelected, (Rehab act is silent on that, but still not advisable, may not be legal.) John will ask RSA liaison; Kathy will float it on the NCSRC website.

CAP and 121 are the only lifetime seats. Sue's seat should be similar as Rehab act requires. John reminded SRC members that committee members do not need to be SRC seat holders. Brad and Jim willing to come back as committee members after terming out. John will email his staff, suggested Kathy send out current roster.

Mark has proposed replacement (name is Kathy) for Business and industry who is moving from MD up to Bath in November. Mark will give contact information and Kathy will send application.

Brad mentioned difficulty filling business seat, suggested Dave Perry. John's supervisor group has potential members, will give names to Kathy and send out packets to them. Brad willing to call them.

Jim cited new Director of Program Services at Iris, would be appropriate for Jim's seat, will approach him. Mel Clarridge might be good person for Brad's seat. Lynn suggested inviting people to the training.

Kathy favors looking for ways to dovetail with SRC-DVR events, work collaboratively on trainings and membership. Jim agreed we could save a lot of money by working together, coordinating trainings, etc. Mark asked if he should still attend the training, since he is terming out, his decision, but Brad in favor of his attending.

Nancy mentioned steering committee meeting discussion about people writing up synopsis. Kathy added that half of SRC eligible to take seats. Chair or Vice chair required to be blind. Steering committee asked for volunteers, Kelly volunteered and Lynn was asked and agreed to it. Discussion should happen when Kelly is in the room because she's the Chair of both SRCs and we need one more person voting. So slate discussion held off.

Cheryl and Lynn are the only two eligible visually impaired people. Requirement is 51 percent of the DBVI SRC or more have to be blind. Brad will contact blind attorney in Portland as prospect. All prospects should attend annual training. Jim stressed review of minutes to highlight progress/impact of SRC - important to feature that when talking to prospective members. Also need to create descriptions for each office and ready them for the annual training. Brad asked for drafts by 9/5 to be sent to Scott.

Lynn interjected about invoice for the website -- not received yet. Brad asked Scott to remind him to send out notice to have committee chairs submit short description of what they do.

Kathy has requested to go to Louisville conference on 9/8-9, related to VR program performance--natural fit for the statewide plan committees and performance standards and what VR should do to meet them. Cost is \$1200. Two people from SRC-DVR are going.

Jim cited discussion at steering committee meeting about the SRC authorizing reimbursement of Kathy's expenses, email query yielded no objections, so Jim moved to ratify the decision that was made back in July to reimburse the cost of Kathy's trip. Lynn seconded. All in favor. None opposed. Motion carried unanimously. Kathy will send links to conference website and do report after.

7. New Business: Kathy brought up public document about northern client who had been denied reimbursement from DBVI. DBVI's decision was upheld by a review in front of a Fair Hearings Officer. The client appealed the decision in

federal court. VR usually always wins at the court level. Statute of limitations doesn't really run out. John clarified that in state law you have 30 days to file an appeal, but the person didn't do that. Then they filed a case in federal court, and what was judged to be different is that the federal 4-year statute of limitations is the one that governs, not the state' 30-day, hence the decision of the Fair Hearing Officer was overturned. Ohio, Florida, and others have lost the same kind of appeal. This didn't apply to VR until 1998 amendments to the Rehab Act. We can regulate in there that 4-year statute of limitations to coincide with the act that created the 4 year statute. By rule we're going to agree with that. A lot of detail isn't completely understood, didn't make sense to AG. Questions should go to the deputy commissioner at DOL. The reality is that the Supreme Court receives thousands of requests and may take only 50 or 60.

John reported contacting Council of State Administrators of VR when this first came up to discuss potential national implications. SRC could pursue question. Jim commented that it's supposed to promote early resolution. Kathy then read excerpt from the document. John urged promptness if SRC has questions. Brad favors proposal, but need to understand impact first, asked if Jim or Kathy do a synopsis. Kathy clarified if you don't have a 30-day window, nothing will get cleaned up. If a client doesn't like their closure we could open cases back up and if we found a rights violation we'd have to go back.

Jim commented that 30 days is pretty quick a window and sometimes clients don't realize their rights have been violated until later, so the administrative process is designed to be efficient and cut off people's rights and the federal court is saying, no, we don't want people left out in the cold, if IDEA pertains. IDEA then clarified--Individual disabilities in Education Act (doesn't pertain to adults, though) Brad stressed need for consensus before proceeding, options limited and not sure if action is advisable. Impact on service provision unknown, most issues already get resolved through the Client Assistance process. We've only had 6 Administrative Fair Hearings in the last 4 years so we're not talking great numbers. Could be more if people are overly litigious. We're going to run things the way Rehab Act says to and some people are going to wait till the last minute. Kathy added that CAP usually resolves issues within 30 days, 10-15 cases a year. If client is too late, we help them reapply and stay with them - getting into the system takes a long time.

Brad stressed need to defer to John and Kathy, and the need to know impact and cost. State has lawyers on staff but their time gets billed back to DBVI. Kathy will keep group informed. Brad suggested continue conversation on e-mail if they have a position to share with the group. Needs to be done quickly, though. Discussion closed.

8. Changes to WIA: Substantial rearrangement. Brad talked with Brenda, asked for synopsis of changes. John still catching up on emails on WIOA since returning to work following his prolonged medical absence. Gave overview of history and changes re: TACE. Going to one entity in the country to provide technical assistance to states with the highest needs so not every state will have access every year. States that have been repeatedly out of compliance will get highest priority. Jim concerned that lower priority states won't be monitored, Cindy described tier system where all schools get looked at every 3 years. If flags get raised you get more attention, may be as simple as looking at standards and indicators they look at that every year. We haven't had a corrective action related to standards and indicators for some time.

Jim asked about impact of re-authorization fragmenting services, John reported VR staying in DOE, IL program moving to federal DHHS. Older blind IL program to stay with blindness agencies. John will update as new information comes in. John cited national concern over changes to definition of "highly qualified" staff. Kathy cited website to go to comment. Transition is a big issue and pre-employment services.

9. Director's Report: Written but not yet sent. Department's budget due to commissioner by 8-22. No funding initiatives related to blindness placed into the DOL budget in quite a while. Put in a couple to continue the work of the 2009 resolve, corrective action from 2011 and collaborative work with DOE recently. DOE has authorized funding for two additional TVI positions in this current state fiscal year. Will know Friday what gets in. Total package is little over \$300,000 and consists of funding of the afore mentioned two TVI positions, as well as one Blindness Rehab. Specialist position (works with families of blind children).

10. Treasurer's Report: Report sent out this morning, based on 2014 budget and shows what has been spent this year. Lynn read line-by-line. Highlights:

- Increase in training spending clarified: to diversify, send more staff to trainings.
- Web site allocation is \$3K same as 2014. Underspent due to late start. Scott is assuming web site liaison role.
- Monies not spent are not necessarily carried over, so bigger budget is ok as long as it stays within reason; right now around \$17,000. May need to expand conference expenditures with TACE involved.
- Mileage, wages and reimbursement line item at \$650, members reminded to tell prospects that costs are reimbursed including mileage, childcare and missed work time. (Membership section of SRC website needs more detail about this)
- Carrie then clarified which year's budget this year's training comes from. We may need to pay 20% deposit (\$800-1000) before 9/30. Remainder of bill would come in after 10/1.

- Line item for auditing clarified--has never been used and would be more than allocated if it was. Should be within 8 percent we're already paying.
- 2015 proposed total: \$17,800.

Jim made motion to approve the budget as presented with the elimination of auditor. Brad and Mark seconded. No discussion. All in favor. Motion carried unanimously. Lynn will send budget to John.

Brad then mentioned that since Kelly is not present, nominations will be from the floor at the October training. Lynn would be willing to have nomination for vice chair

11. Web Site update: Brad had provided initial content and then group decided additional help needed for next steps, Scott recruited as liaison. Scott met with subcommittee on 7/31, has reviewed site, two meetings with John Brandt, will go ahead with content gathering and initial edits. Discussion about members-only section, given the superior efficiency and transparency of email exchanges, idea dropped.

12. Balancing Act: Ruth Mlotek then gave a presentation on "Balancing Act" Three organizations involved, Iris, USM Center on Aging, and UNE. Six-month program teaches clients exercises to improve balance, avoid falls which are a major cause of serious injury in the elderly. Grant is through NIH, to see if program helps people with vision loss. Already tested in assisted living facilities. Goal is 70 participants, still recruiting. Initially was to cover Cumberland and York counties, expanded to Augusta, Rockland, and Bangor. Qualifications are age 62+, 20/70 vision or worse in both eyes, living independently, can use cane, walker but not wheelchair full-time. Promotional materials available in multiple print sizes, audio or Braille. Includes weekly follow-up, goal is to find community support to continue exercises. Very positive results so far. Goal is to add clients from any programs associated with SRC members. Cover letter and information sheet distributed.

13. Adjournment: Mark moved to adjourn meeting at 4:03. Lynn seconded. None opposed. Motion carried unanimously.