

**Kentucky Commission on the Deaf and Hard of Hearing**  
**130<sup>th</sup> Quarterly Commission Meeting**  
**July 29, 2011**  
**Northern Kentucky Public Library- Campbell County**

- MEMBERS PRESENT:** Ms. Amy Hatzel, Dr. Patricia Freeman, Mr. David Bayersdorfer, Ms. Susan Brown, Mr. Joe Scott, Ms. Marilyn Fenwick, Ms. Becky Bush, Ms. Becky Crawford, Mr. John Horsley, Ms. Michelle Niehaus, Ms. Betty Timon, Mr. Ed Schickel, and Mr. Arlen Finke (proxy for Ms. Sharon White)
- MEMBERS ABSENT:** Ms. Nina Coyer, Mr. Jim Thompson and Ms. Barbie Harris
- STAFF PRESENT:** Ms. Virginia L. Moore, Ms. Rowena Holloway and Ms. Katie Huber
- COMMUNICATION FACILITATORS:** Mr. Derek Drury, Ms. Rachel Rodgers and Ms. Laura Kogut
- VISITORS:** Mr. John Steffen

The meeting was called to order at 1:04 PM. Commissioner Hatzel, Vice Chair, introduced the new Commissioners that will be serving on the Board. Ms. Becky Bush replaces Ms. Cristal Collins as the parent representative, Ms. Becky Crawford replaces Mr. Ed Schickel as the American Association of Retired Persons (AARP) representative and Ms. Barbie Harris replaces Ms. Betty Timon as a Kentucky Association of the Deaf (KAD) representative. All members introduced themselves and the organizations they represent. Commissioner White sent a representative, Mr. Arlen Finke, Vice President of the KAD, as a proxy for this meeting.

**Commissioner Crawford (Commissioner Brown) MOVED TO ACCEPT Mr. Arlen Finke as proxy for Ms. Sharon White for this meeting. The motion carried.**

Ms. Betty Timon, Secretary, called roll and found that a quorum was present so the meeting continued. Ms. Timon asked for any corrections to the minutes from the 129<sup>th</sup> Quarterly Commission meeting held on April 30, 2011, at the Kentucky School for the Deaf in Danville. Some members provided grammatical edits and the minutes were accepted with corrections.

**Commissioner Bayersdorfer (Commissioner Brown) MOVED TO ACCEPT the minutes from the 129<sup>th</sup> Quarterly Commission meeting. The motion carried.**

Mr. John Steffen, Executive Director of the Executive Branch Ethics Commission, was present to speak to the Board about the Executive Branch code of ethics (COE) within state government. In 2008, Governor Steve Beshear passed an Executive Order

requiring all Commissions that serve under regulatory authority to be advised of the COE and KCDHH falls under this mandate. Mr. Steffen asked that all Board members present sign in and then passed out handouts to the members. He conducted a basic ethics training that included three provisions that apply to the KCDHH Board members:

- Prohibition against self-dealing: If you serve on this board you should not do business with your own agency. You cannot have a contract with your own agency in a private capacity, such as an attorney.
- Obligation to disclose: If a matter comes before the board which you have a direct and private interest in, you should abstain from voting on it. You should disclose that you have a conflict of interest and have it documented in writing and make sure that it is recorded that you abstained from the matter.
- Acceptance of gifts: As a commissioner member you should not accept a gift worth more than twenty-five dollars annual from any person or business that you regulate, do business with, or may have litigation issue with. Gifts are considered anything of value including meals, cash, trips, gift cards, presents or packages.

Those are the three main points that apply to ethics training in the Governor's executive order. Specifics are listed on the Ethics Commission website and any questions concerning the mandates can be directed to the Ethics Commission or the Governor directly. Mr. Steffen asked if there were any questions, and there being none, concluded the training.

## **REPORTS**

### **Executive Board Report**

The Executive Board met on June 21, 2011. They announced the newly appointed Commission members that will represent the American Association of Retired Persons (AARP), the Kentucky Association of the Deaf (KAD) and the Parent Representative. Due to new appointments the Commission board will need to vote on a new Secretary at this meeting. The Board discussed some misinterpretations within the report and a few grammatical errors. Those will be corrected by Ms. Huber.

**Commissioner Niehaus (Commissioner Freeman) MOVED TO ACCEPT the Executive Board minutes, with corrections. The Motion carried.**

Ms. Hatzel noted that since Ms. Timon's term had expired, another Commissioner is required to replace Ms. Timon in leading the Nursing Home Study Group. Ms. Fenwick agreed to serve as Chair and Ms. Timon will remain on the study group. Members voted to approve this change with no opposition.

### **Agency Report**

Ms. Moore welcomed the new Board members and encouraged them to contact her if they have any questions or concerns. Orientation was held prior to this meeting, so members are fully able to vote in their new capacity.

Ms. Moore continued with the agency report. The main focus was on preparing the financial reports in order to close the fiscal year as well as the predicted budget cuts of 2 or 3% for the FY 11-12. During July, the Personnel Cabinet advised that funds from furlough days staff were mandated to take, and savings from vacant positions, would be swept with the end of the year calculations. This is a one-time occurrence and is reflected in the financial report provided in the packet.

The Personnel Cabinet also advised that after doing cap runs for all state agencies, KCDHH's cap would be dropped from 13 to 12, since the Information Office Supervisor position was vacant. Justification was written and provided to the Personnel Cabinet, as implementation of their new payroll system was part of the reason the position has not been filled. The Governor's office acknowledged that we had been trying to fill the 13<sup>th</sup> position for some time, so with the justification provided we believe the cap will be raised back to 13. Thus, we will be allowed to hire the Information Office Supervisor. No final word has come from the Personnel Cabinet as of yet.

Internally the Telecommunications Access Program (TAP) is on hold. This decision was made because AT&T started sending bills to individuals' homes saying that money was owed. When KCDHH received word this was happening we immediately sent out letters telling people not to pay the AT&T bill and that we were trying to resolve the issues. The problem continued, so now the program has been internally put on hold until we can settle these issues with AT&T. If necessary another Request for Purchase (RFP) will be drafted and posted through the Finance Cabinet. Hopefully, this won't be necessary as other states attempting to offer a similar program cannot seem to get bids from the major vendors. If the program were to be suspended, Commissioners would be notified in advance and asked to assist with community understanding of the problems. For the time being, applicants are being placed on a waiting list until AT&T can provide the changes requested. As part of the clean-up, we have asked for a standard agreement including everything we require from AT&T and an outline of how the program will work in the future. Items to be included in the agreement and outline shall cover deadlines for shipment, delivery, and billing notifications.

Staff attended two major conferences over the past few months, the Kentucky Association of the Deaf (KAD) and the Hearing Loss Association of America (HLAA) conference. At the KAD conference, held in Lexington, three staff members delivered presentations on both emergency preparedness and self-advocacy. Due to the high interest in the subjects, KCDHH is working on a VLOG describing how to advocate for yourself, how to work with the hospitals and the court system, and how to prepare your family for a disaster and general emergency preparedness techniques. The Administrative Specialist II attended the HLAA conference, which was very informative. Information about a new captioned telephone called the CaptionCall was received and KCDHH has asked the vendor for a demonstration model for the office. Commissioner Fenwick also attended the conference and purchased the device, but Sorenson (vendor for CaptionCall) donated the funds back to her HLAA chapter, so the phone was free. If a consumer wants one of the new caption call phones they are being distributed free by the vendor. Ms. Fenwick stated that it seems to work faster than the CapTel 800i which

she also has and that it has many features which the CapTel phone does not have. Customers will be notified of the availability of this product, but the TAP is still under contract with Wiebricht to provide the CapTel phones through the TAP distribution program.

KCDHH is still working to expand on emergency notifications. The Interpreter I is working with the Department of Emergency Management and several other entities to ensure the needs of the deaf and hard of hearing are met with the new generation 911 (NG911) service expansions being required by the Federal Communications Commission. We will continue to work with the Preparedness Branch within the Department for Public Health, to ensure that interpreters are available during an emergency and to put some procedures in place on how shelters should accommodate those with a hearing loss, including allowing hearing assistance animals to be sheltered with their owners. We are also building emergency kits to hopefully be located at State Police stations for use by shelters during emergencies. The kits will include an amplified phone, a CapTel and a TTY along with instructions on how to work with deaf and hard of hearing individuals and provide information on other technology that might possibly be available, such as videoconferencing. We are also reaching out to other states to see what they have in place for situations like these. There are so many local, state and federal agencies involved in this priority now that progress should be made soon, but communication between the agencies is still a challenge. KCDHH is currently serving on an Advisory Board to ensure that in such situations the needs of our entire community are met.

Commissioner Niehaus suggested that we also look into North Carolina's work on training responders to be emergency mental health responders as well.

Ms. Moore concluded her report and asked if there were any questions. Ms. Timon asked where you can find the locations of the TAP demonstration cabinets on the web. Ms. Moore indicated that staff would be focusing on revamping the website in the next three to six months and will ensure vital information is included and the overall website is more friendly and easier to access. Mr. Scott asked if other vendors could be sought for wireless devices. Ms. Moore explained the RFP process and state procurement regulations that prohibit vendors outside of the contract. She also reassured Mr. Scott that we believe AT&T will come through with the needed resolutions and that within another year, our TAP will be an outstanding model for other agencies nationwide. Mr. Scott indicated some of his concern was in regard to coverage not being available in rural areas of Kentucky. Ms. Moore indicated that we were handling that on a case-by-case basis and Mr. Scott should refer his consumers to the TAP individually so we could deal with obtaining a sole source contract with another vendor or another phone that would work through AT&T. We have also had consumers purchase boosters so the phone can receive signals within their homes. Mr. Schickel suggested that we send out a standardized survey to allow consumers to let us know of any challenges they are having and provide feedback regarding use of the phones. Ms. Moore stated this will be considered for placement on the website as it is updated.

As requested by the Board, one staff member is to be spotlighted during each meeting to allow for more direct and open communication between staff and Commissioners. Mr. Derek Drury, Interpreter I, was spotlighted today and he explained his job duties and responsibilities at KCDHH. His daily operations include interpreting for the deaf and hard of hearing staff members in various settings. Mr. Drury is also involved in other projects such as assisting with processing of TAP applications, emergency management, serving on the effective communication committee within the Kentucky Hospital Association, and on the Kentucky Board of Interpreter's policy committee. He also serves as a backup for Access Center requests and works on legislative and regulatory issues with the Executive Director and the Internal Policy Analyst III. Mr. Drury wears many hats at KCDHH and we are very appreciative of his work with constituents and the agency.

## **THE AGENCY REPORT WAS ACCEPTED AS READ.**

### **Finance Report**

The Executive Director advised that the FY 10-11 books are closed. An up to date report was passed out to all the commissioners showing the breakdown of all the expenditures. Some challenges were faced at the end of the fiscal year as the Budget office called asking for additional funds that had failed to be withdrawn from personnel expenses. The Executive Staff Interpreter / Fiscal Agent and Executive Director discussed the options and the funds were taken from an account that had recently received a refund. After calculations were made, the General Fund breakdown came to zero. The TAP restricted fund balance was \$64.00 because of a last minute calculation by the budget office, so that money was swept back into the state's rainy day fund. Commissioner Niehaus asked how the National Association of the Deaf (NAD) conference being held in 2012 would impact the KCDHH budget and Ms. Moore explained that NAD will be working with the Kentucky Association of the Deaf (KAD) rather than KCDHH and that DeaFestival, which will be held in conjunction with the NAD conference, is supported by the Knowledge Center on Deafness foundation. The primary involvement with NAD and KCDHH will be staff time on the project, which is considered in-kind.

## **THE FINANCE REPORT WAS ACCEPTED AS READ.**

### **Telecommunications Access Program Report**

The commissioners commented that they appreciated that the KCDHH staff included the excerpts from consumers in the Telecommunications Access Program (TAP) annual report to the Legislative Research Commission. They said it is a really powerful to read what the consumers say and would be very nice to have that on the website so that people could share their personal stories.

In October, the Executive Director will attend the National Association of State Relay Administrators (NASRA) conference. The FCC will provide updates at this conference

and attendees will have an opportunity to talk with the FCC and other state relay providers. Currently, the FCC is trying to push charges to individual states for relay calls and this will be a hot topic at the conference as most states have no means of funding relay services independently.

Since Sprint has taken over as Kentucky's Relay Service Provider, there have been a lot of complaints about CapTel captioning being very slow. The Sprint representative for the state of Kentucky reported that no problems with their captioning speed had been reported. This doesn't seem to be true considering how many complaints that KCDHH has heard over these past few months. KCDHH has advised people to call Sprint or CapTel customer service representatives and explain their concerns so that something could be done to improve services.

## **THE TELECOMMUNICATIONS ACCESS PROGRAM REPORT WAS ACCEPTED AS READ.**

### **K-12 Educational Study Group**

Commissioner Coyer is Chair of this group, but as she was unable to attend, Ms. Moore provided handouts of the study group's goals and asked members to review them. Commissioners discussed what is happening in Kentucky's schools and how vital this study group is if we are to identify the gaps that exist and advise the Kentucky Department of Education (KDE) as to what is needed to fill those gaps and bring the students up to the same educational standards as students without a hearing loss. Commissioner Freeman noted that more and more students are being mainstreamed and this is drawing attendance away from the Kentucky School for the Deaf (KSD), but we all need to work on how the child's needs can best be met, not who goes to which school in which district. The group plans to recommend specific actions for KDE to take in order to improve public education for deaf and hard of hearing children statewide.

Commissioner Brown asked for clarification of the reference to the American Institute of Research (AIR) report in the goals. Ms. Moore indicated that it was an independent group that completed a comprehensive study in 2002 and made twelve recommendations to KDE to improve education at both KSD and the Kentucky School for the Blind. One recommendation was that by 2014 all deaf/hard of hearing and blind/visually impaired students be at the same proficiency level as all other students. This is especially reflected in a student's reading level. The study group will work with KDE to see where the state stands on the goals recommended in the AIR report and get an update on how those goals are to be met in the future.

Some discussion was had regarding the state law on hearing screenings in schools and whether the law was being enforced. Commissioner Niehaus commented that she and her department are working with KDE to ensure there are school based services for children with mental health issues that aren't being addressed, which was also an educational shortcoming. Ms. Niehaus offered to join the K-12 study group. Commissioner Hatzel, Commissioner Brown, Commissioner Bush and Commissioner

Scott provided input regarding the need for accommodations in the school system, how budget cuts have impacted the provision of services, and the need to standardize how students are categorized (labeled) so that they are eligible for services.

All members agreed that this was a huge issue to propose, nevertheless, it is a much needed study group to address the long overlooked goals of educating our children. Ms. Moore reminded the members that a study group is fluid and that this one is addressing the basic concept of education in the school systems and an update on the AIR report goals. As the group reports quarterly the goals may change, or the group may be continued in the next fiscal year if all the goals are not met.

**Commissioner Niehaus (Commissioner Brown) MOVED TO ACCEPT the K-12 Study Group goals as proposed. The Motion carried.**

**THE K-12 EDUCATIONAL STUDY GROUP REPORT WAS ACCEPTED AS READ.**

### **Addressing Service Needs Study Group**

Commissioner Niehaus and Commissioner Scott provided updates. Ms. Niehaus stated that the study group started looking at the need for case management services. The group has completed two rounds of surveys of people who are out in the community providing direct services and doing what they consider case management. The results of the surveys found that it is not truly case management that people need, instead it is generally things like reading letters and advocating for doctors' appointments, a one or two time thing. The need is more for a system navigator or community advocate than an actual case manager, who would work with the individual on an ongoing basis to meet employment or mental health goals over a longer period of time. The group started working with the Kentucky River Community Care in Eastern Kentucky and the Barren River center in Bowling Green to help give staff there the skills needed to teach self-advocacy in their area and they will use that as a pilot project. The study group wants to identify the needs these centers may have to move forward within their communities and then use these accomplishments to replicate organizations in other areas of the state. It's a parallel process of working within existing systems, such as comp care perhaps, to make them more accessible to our consumers. Last year's study group focused on trying to hire individuals to meet these needs across the state, but with the recent budget cuts that was not possible. This year the focus is to find individuals already out there working within agencies that can be trained to work with deaf and hard of hearing consumers and promote empowerment. KCDHH will assist with training in any way possible. Ms. Moore advised that Derek Drury has been assigned as the staff liaison for this study group, as Anita Dowd had more educational and early intervention experience and has been assigned as the liaison for the K-12 Educational study group.

**Commissioner Niehaus (Commissioner Brown) MOVED TO ACCEPT the Addressing Service Needs Study Group goals as proposed. The Motion carried.**

## **THE ADDRESSING SERVICE NEEDS STUDY GROUP REPORT WAS ACCEPTED AS READ.**

### **Nursing Home Study Group**

Commissioner Timon was appointed as Chair of this study group, but since her term has expired, Commissioner Fenwick has accepted the nomination to Chair the group with Ms. Timon serving as a community resource. As outgoing Commissioner, Ms. Timon provided the report for this quarter.

Ms. Timon, Ms. Moore and Ms. Payne, the liaison for the group met with the Ombudsman's Office to see what progress had been made since this topic of providing dedicated wings in nursing homes for deaf and hard of hearing individuals was discussed years ago. Ms. Kimberly Baker, the state's Long Term Care Ombudsman under the Department for Aging and Independent living met with the group and explained that they are the body that has oversight over all the nursing homes in Kentucky. Conveniently, the group was having a conference, at which Ms. Moore attended and spoke, and they are developing packets that cover the needs of all consumers entering a nursing home. The Ombudsman's office was grateful to obtain information on deaf and hard of hearing that could be included in the packets. Information will be included to advise staff working in the nursing homes of how to better serve deaf and hard of hearing individuals placed in their facilities. The group is also working to obtain a list of nursing homes that are already accessible in Kentucky. Ms. Baker is responsible for the inspection of the nursing homes as well and ensured us that all efforts will be made to accommodate every individual placed in a facility in Kentucky.

**Commissioner Bayersdorfer (Commissioner Brown) MOVED TO ACCEPT the Nursing Home Study Group goals as proposed. The Motion carried.**

## **THE NURSING HOME STUDY GROUP GOAL REPORT WAS ACCEPTED AS READ.**

### **UNFINISHED BUSINESS**

We have received everyone's input and have made the changes to the "Parent Package". We are trying to obtain more input from the Commission for Children with Special Health Care Needs (CCSHCN), as they are the organization that initiated this effort with KCDHH several years ago as a result of the passage of House Bill 5. We are getting quotes and working on possible partnerships to fund the printing of the packet. Copies will be provided once printing is completed.

Ms. Hatzel reminded the members of the Governor's Appointment of two new members, Ms. Rebecca Crawford and Ms. Barbie Harris, discussed earlier in the meeting. Ms. Becky Bush joins us as the Parent representative.

## **NEW BUSINESS**

The Board reviewed the future meeting dates for the next two years as follows:

Saturday, October 29, 2011  
131st Commission Board Meeting  
Time: 10:00 am – 1:00 pm  
Location: Louisville Free Public Library, Main Branch

Friday, January 27, 2012  
132nd Commission Board Meeting  
Time: 1:00 pm – 4:00 pm  
Location: Frankfort, Transportation Cabinet Office Building

Saturday, April 28, 2012  
133rd Commission Board Meeting  
10:00 am – 1:00 pm  
Location: The Carroll Knically Conference Center, Bowling Green, KY

Friday, July 27, 2012  
134th Commission Board Meeting  
1:00 pm – 4:00 pm  
Location: Frankfort, Transportation Cabinet Office Building

Saturday, October 27, 2012  
135th Commission Board Meeting  
10:00 am – 1:00 pm  
Location: Todd Hall, KY Center for the Arts, Louisville, KY

Friday, January 25, 2013  
136th Commission Board Meeting  
1:00 pm – 4:00 pm  
Location: Frankfort, Transportation Cabinet Office Building

**Commissioner Brown (Commissioner Freeman) MOVED TO ACCEPT meeting dates as proposed. The Motion carried.**

Ms. Moore noted that if the Commission meeting at Natural Bridge State Park did not work out because of lodging, the next commission meeting would be held in Louisville.

With the expiration of Ms. Timon's term, another Chair is needed for the TAP Advisory Board, which will be selected by the Executive Board at the next meeting. Ms. Timon has agreed to fill a vacancy for a hard of hearing consumer on the Board.

Additionally, with the expiration of Ms. Timon's term, a new Secretary for the full Board must be elected. The Secretary's responsibilities include being part of the Executive

Board, reading roll call at the meetings and approving the minutes of the meetings. Ms. White was nominated from the floor, but as she was not present to accept or deny the nomination it was ruled ineligible. Ms. Timon nominated Ms. Fenwick as Secretary and she accepted the nomination. As there were no other nominations, Ms. Fenwick was elected by acclamation.

KCDHH has been working closely with the Kentucky Association of the Deaf (KAD), Knowledge Center on Deafness (KCD) and the National Association of the Deaf (NAD) for the upcoming DeaFestival. In July, Ms. Moore, Mr. Zulauf and Ms. White all met with NAD staff to clarify the roles and expectations of each organization in producing the conference and DeaFestival. In August, another meeting will be held with the NAD planning committee to outline the duties of KCDHH staff so we can accomplish our daily tasks, DeaFestival and assist with NAD without being overwhelmed. KyRID has also stepped up to volunteer and work with interpreters for both events. Updates will continue to be provided at Commission meetings.

Ms. Moore encouraged Commissioners to sign up to work the State Fair as the eleven day event is very time consuming for the staff so volunteers are needed. KCDHH has again partnered with Heuser Hearing Institute and Sprint, although Sprint will not send a representative to man the booth, only literature to distribute. CapTel will be demonstrated at the KCDHH booth but a Relay representative will not be present. The Hearing Loss Association of America (HLAA) will also be represented at the booth and provide information on Assistive Technology available to those with a hearing loss. Heuser will be providing hearing screenings at various times throughout the day as well.

## **ANNOUNCEMENTS**

- Kentucky Adapt will be having their fourth annual walk in Danville, KY, on September 25, 2011. Please come and walk for this good cause.
- Ms. Moore announced that Mr. Zulauf lost his wife of 51 years and the staff plans to attend the funeral. Commissioners were asked to give donations.
- Registry of Interpreters for the Deaf (RID) had an incident at the national level with some fraud involved in the National Interpreter Certification (NIC) interview testing process. This has been resolved at the national level and those impacted in Kentucky will be allowed to test again without charge.
- Commissioner Brown provided a hard copy of the study her students completed regarding access in movie theaters. This information will be used in any further actions taken by KCDHH to pursue access legislatively.
- KSD is honoring African Americans who attended KSD from 1935 to 1960 and did not receive a diploma. Through work with the KDE and the Education and Workforce Development Cabinet this came to fruition. There will be a

ceremony at KSD for those individuals during the Kentucky Board of Education meeting on August 3, 2011.

- Congratulations are in order for Commissioner Freeman's sons who have been selected as members of the National Deaf Swim Team for the United States and will be traveling to DC, then Coimbra, Portugal to compete.
- The Board recognized three commissioners for their service as their terms ended with this meeting. Ms. Cristal Collins, Mr. Ed Schickel and Ms. Betty Timon. Ms. Timon has served for 20 years as Commissioner and was especially thanked for her years of dedication and service to the community.

**Commissioner Freeman (Commissioner Brown) MOVED TO ADJOURN. Motion passed unanimously.**

The meeting adjourned at 4:38 p.m.