

**Kentucky Commission on the Deaf and Hard of Hearing
132nd Quarterly Commission Meeting
January 27, 2012
Kentucky Transportation Cabinet, Frankfort, Kentucky**

- MEMBERS PRESENT:** Ms. Nina Coyer, Ms. Amy Hatzel, Dr. Patricia Freeman, Mr. David Bayersdorfer, Mr. Joe Scott, Ms. Marilyn Fenwick, Ms. Becky Bush, Ms. Barbie Harris, Mr. John Horsley, Ms. Michelle Niehaus, Ms. Sharon White, Mr. Niels Ewing (proxy for Ms. Becky Crawford)
- MEMBERS ABSENT:** Mr. Jim Thompson, Ms. Susan Brown and Ms. Becky Crawford
- STAFF PRESENT:** Ms. Virginia L. Moore, Ms. Rowena Holloway and Ms. Katie Huber
- COMMUNICATION FACILITATORS:** Ms. Rachel Rodgers, Ms. Rachel Morgan and Ms. Laura Kogut
- VISITORS:** Ms. Jean Haynes, Mr. Ron Haynes, Mr. Luke Barlowe, Mr. Tim Jenkins, Ms. Deborah Jenkins, Ms. Stephanie Jenkins-Penn, and Ms. Becky Horsley.

The meeting was called to order at 1:15 PM. Commissioner Coyer, Chair, welcomed everyone to the 132nd Commission Meeting. The Chair informed members that Commissioner Crawford sent a representative, Mr. Niels Ewing, as a proxy for this meeting.

The Commissioner MOVED TO ACCEPT Mr. Neils Ewing as proxy for Ms. Becky Crawford for this meeting. The motion carried.

The Secretary, Commissioner Fenwick, called roll and as there was a quorum present, the meeting continued. The Chair asked for any corrections to the minutes from the 131st Quarterly Commission meeting held on October 29, 2011, KY Free Public Library in Louisville. Minutes were accepted with no corrections.

Commissioner White (Commissioner Niehaus) MOVED TO ACCEPT the minutes from the 131st Quarterly Commission meeting. The Motion carried.

REPORTS

Executive Board Report

The Executive Board met on December 8, 2011. They discussed the current study groups and provided members with an update on where each study group stood. The Executive Board suggested placing time limits to be put in place at commission meetings and future E-Board meetings, so that each meeting can be completed on time while covering all agenda items in need of discussion. The Finance report was given to E-Board members and was discussed. The Executive Director explained that the Governor's office has informed agencies of

additional budget cuts for FY 12 and for the proposed budget for FY 13 - FY14, which will impact KCDHH's budget again. Two KCDHH staff members resigned in December to take other positions. The vacancies will need to be filled. More in depth information will be provided during the agency report.

The Commission MOVED TO ACCEPT the Executive Board minutes with no corrections. The Motion carried.

Agency Report

Ms. Moore welcomed everyone to Frankfort and then continued with the agency report. Within personnel there have been some changes. Both Mr. Derek Drury and Mr. Craig Lemak have resigned from KCDHH to pursue other goals and take on new challenges. The Commission misses them very much, but wishes them nothing but success in their new jobs. The Information Office Supervisor position has been filled by Mr. Tom Musgrave. We are very pleased to welcome him to the KCDHH staff. Since Mr. Musgrave joined us he has already learned some sign language by doing online tutorials and interacting with staff. Once the Information Office Coordinator and the Interpreter I positions are posted, we will advise the Board, and the public has ten days to apply. If members are aware of any viable candidates, please advise them that there are two positions that need to be filled within KCDHH.

We are following Legislation carefully again this session, although KCDHH is not directly filing any bills. The agency is working with a few agencies to advise on bills they have proposed and continues to monitor all legislation for impact on the community. One bill that has attracted a lot of attention is Indiana's House Bill 1367 related to the Indiana School for the Deaf. This bill would consolidate all resources for the deaf and hard of hearing into one entity outside of the Indiana School for the Deaf, which has drawn a lot of controversy and opposition. As of now, HB1367 has passed the Indiana House and moves to the Senate.

HB 1, pertaining to redistricting of counties within the state, was signed into law by the Governor on January 20, 2012. Senator Tom Buford and Representative Mike Harmon represent the district where the Kentucky School for the Deaf (KSD) is located and have both been educated and understand the issues related to KSD. If another Senator or Representative is to be elected within this district, or shifted from another district, additional education will be required. A visitor at the Commission meeting announced that the House Republicans have filed a lawsuit saying that it is unconstitutional under state law to proceed with redistricting. KCDHH is following the lawsuit, and several other bills currently under consideration within the General Assembly, regarding redistricting. (SB 59, HB 302, HB 2, SB 60, HB 248, 284, 292, 318 and 370). Any impact on the community will be reported.

HB 69 is proposing new definitions for "early education assessment" and "intervention". HB 320 proposes to allow the funding for a special needs child to follow that child to another school or district if that would be in the child's best interest. Both bills would strengthen services for deaf or hard of hearing children in the school system and KCDHH supports both bills. HB 255, which talks about energy efficiencies and green schools, is also being tracked. It stated specifically how schools such as KSD need considerable renovation in order to make it

a “green” school. KCDHH will keep the Commissioners informed of all the bills that have a direct impact on our consumers.

Regulation amendments for the Telecommunication Access Program (TAP) are still in process of being finalized by the Legislative Research Commission. The first hearing of the Administrative Regulations Review Subcommittee (ARRS) was held on January 9th and the amendments passed favorably. The second hearing will be held in February and if there is no opposition the amendments should be final by March. Changes include mandating that applicants be 13 years of age to apply for a wireless device and updating the application itself to make it more consumer friendly.

KCDHH is also monitoring changes to the Kentucky Board of Interpreters (KBI) regulations. Changes to the way both permanent and temporary license are obtained are proposed, including the fact that National Association of the Deaf (NAD) III licensure would no longer be recognized as qualification for permanent KY licensure and that EIPA 4.0 or higher be accepted as qualification for licensure. KCDHH is closely monitoring these regulations to ensure they do not weaken the Kentucky licensure law for interpreter qualifications.

KCDHH became aware of a Federal grant called the National Deaf-Blind Equipment Distribution Project (NDBEDP) as a result of the passage of the 21st Century Communication and Video Accessibility Act. Many agencies in other states have been tentative about applying for the grant because of the lengthy rules and regulations connected to it. Kentucky would be allocated \$197,000 for the purchase of deaf-blind equipment and training of individuals on the equipment. After review of the requirements, KCDHH decided a partnership of agencies would best be able to manage the requirements outlined by the grant. KCDHH contacted the Office of Vocational Rehabilitation (OVR), the Office for the Blind (OFB) and the Eastern Kentucky University (EKU) Center On Deafness (COD), and worked to form partnership to apply for the grant funds. OVR and OFB will do assessments and determine the equipment needed and provide or coordinate training of the individuals while KCDHH will order the equipment through TAP vendors. EKU and COD will administer the grant, track the activities and provide the stringent reporting that must be submitted to the Federal government during the two year project. COD wrote the grant and it has been submitted. We have not been notified on the status but will advise Commissioners as soon as we know anything.

The Registry of Interpreters for the Deaf (RID), in partnership with NAD announced that on December 1, 2011 the new National Interpreter Certification (NIC) performance exam was implemented. The test is proctored by the local test administrator and is provided at KCDHH. The new NIC performance exam is only one hour compared to the 2 ½ hour timeframe of the previous test. Changes include that the NIC became a “Pass / Fail” test, with two tracks, NIC I and NIC II. NIC II includes specialized certifications such as legal.

KCDHH is working closely with fire departments to discuss getting a grant which would allow Kentucky consumers to apply for fire alarm equipment through the state. This is the same concept that Indiana has now, where consumers that are deaf and hard of hearing can apply for a strobe light fire detector and warning system through the state equipment program. KCDHH is researching the requirements for applying for the grant and has met with the Fire

Marshalls office to ensure partnership in any application they would make, to ensure distribution is statewide rather than localized pockets as in the past.

DeaFestival-Kentucky preparations are underway. Several meeting have been held with NAD Board members, and they are thrilled to be holding the conference in partnership with us. The Louisville Convention & Visitors Bureau (LCVB), during its annual Recognition of Service Excellence (ROSE) Awards ceremony, presented KCDHH Executive Director, Virginia L. Moore with an Ambassador award because of the success of partnering with NAD to bring the convention to Louisville.

Staff from the Kentucky Department of Education, the KCDHH Executive Director and Executive Staff Advisor have been working together to set up a one day mentorship for deaf and hard of hearing students that are in high school preparing to go to college. This “career day” will have volunteer professionals come in to explain their career to the students and discuss some of the student’s questions or career goals. This provides students with a great opportunity to see successful role models and helps the students learn how to advocate for themselves once they go to college. KCDHH strongly encourages Commissioners to get involved in this leadership opportunity.

Ms. Moore concluded the agency report and asked if there were any questions. Some Commissioners indicated they were not receiving eBlitz’s that are being sent out by KCDHH. Ms. Moore indicated she would research this and get the problem resolved. Commissioner Bayersdorfer asked if the smoke detectors to be distributed would also have carbon monoxide detectors. Ms. Moore explained that she didn’t think so but would look into it. He also asked about some of the legislative bills being discussed. Ms. Moore explained that HB 69 was proposing to establish a task force of individuals to research and discuss the need for early childhood intervention. KCDHH has tried several times to be included in the task force, but has been unsuccessful.

As requested by the Board, one staff member is to be spotlighted during each quarterly Commission meeting to allow for more direct and open communication between staff and Commissioners. Mr. Tom Musgrave, Information Office Supervisor, is spotlighted today. Ms. Virginia Moore introduced him to the Board. Mr. Musgrave explained his job, his past experience, and what brought him to interview for the position. He indicated he is attempting to learn sign language and plans to take a course this summer and if very happy to be part of the KCDHH team. He then proposed a question to the Commissioners, asking them what they think is the best kept secret of KCDHH. Knowing that the Telecommunication Access Program (TAP) is a huge part of KCDHH he wants to promote that program, but also wants to promote other aspects of the agency that are unknown to the public. Commissioners agreed to provide him with input after the meeting concluded.

THE AGENCY REPORT WAS ACCEPTED AS READ.

Finance Report

The Executive Director announced that the Governor requested another 2% budget cut for FY12. The agency is still on target with General funds; however, Restricted funds are running over budget for the quarter due to the increase in requests for equipment through the Telecommunication Access Program (TAP). An allotment increase will be requested to balance the TAP budget. The surcharge that supports TAP is collecting more funds than KCDHH was allotted to spend but with justification additional funds can be requested from that pool of monies.

In addition to the 2% budget cut for this year, the Governor's budget proposal for FY 12-FY14 included an 8.4% budget cut for KCDHH. The agency was shocked that this happened when all other agency under the Educational Cabinet received notice of a 4.2% cut for the next biennium. Immediately the Executive Director made phone calls to the Education Cabinet and the Governor's Office of Policy and Management (GOPM) and was notified that this was a technical error and the budget proposal would be amended to reduce the agency's overall budget cut to 4.2% for the next biennium. As the Budget (HB 265) has yet to be finalized by the General Assembly, the Executive Director will continue to monitor this legislation closely to ensure the change is made.

THE FINANCE REPORT WAS ACCEPTED AS READ.

Telecommunications Access Program Report

In the past months the Executive Director, Executive Interpreter and Internal Policy Analyst III have been meeting with AT&T representatives on a weekly basis. These meetings will continue until all issues with wireless distribution are resolved. For those recipients whose funds have been depleted, AT&T will send out a text message and a letter with instructions on how to continue service, if so chosen. KCDHH and AT&T are aware that some accounts should have been depleted months ago, but because AT&T has not been able to provide appropriate reporting records those consumers are receiving additional months of service free. Once the agreement with AT&T is finalized notifications regarding ongoing accounts will be accurate and consumers will receive notification timely to transfer service to individual service. Video explanations of the change and ongoing requirements will be posted on the KCDHH web site as well.

AT&T has changed their policy ongoing and cannot honor the original agreement to provide service at the designated rate. The Executive Director advised that AT&T will now require consumers to go through a credit check to continue service on their personal accounts. This detail has been the barrier to an ongoing agreement and is still being discussed. Various workarounds are being discussed before future orders are placed with AT&T for TAP devices.

The Executive Director advised that Kentucky's Relay provider, Sprint, now has three individuals located throughout the state to assist consumers with their training and usage needs. Commissioner Bayersdorfer asked if the new CaptionCall phone would be added to the TAP. Ms. Moore explained that CaptionCall is a Sorenson product and is currently being

offered free to consumer and that TAP is currently under contract with Weitbrecht Communication to provide CapTel phones through TAP. If consumers wish to utilize the CaptionCall phone it can be acquired free. Several of the Commissioners have already obtained one of these devices and Commissioner Fenwick indicated that she had spoken with a representative from CaptionCall and they have advised that a limited number of phones would be provided free, but they would not say when the promotion would end. Members were encouraged to pass the word to their constituents that the phone is available free if desired.

THE TELECOMMUNICATIONS ACCESS PROGRAM REPORT WAS ACCEPTED AS READ.

K-12 Educational Study Group

The group met last October and will meet again later this month to narrow the focus of this study group. Deaf and hard of hearing children are falling through the cracks within the educational system in most counties throughout Kentucky and this group is trying to work with the Kentucky Department of Education to improve services. Regulations pertaining to special education are currently being amended and some adjustments have been proposed to influence programs impacting deaf and hard of hearing children. An updated report, following the new reporting format, will be provided at the next commission meeting.

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

Addressing Service Needs Study Group

Commissioner Scott provided updates on the progress of the study group. In the last quarter the group has met with Kentucky CARE (Connecting Advocates for the Recovery and Empowerment of Deaf and Hard of Hearing Kentuckians) to discuss possible partnerships within existing entities, as well as set up partnerships within the community. Another meeting was held with Ms. Tricia Davis from Eastern Kentucky University's Center on Deafness to discuss grant opportunities to support the goals of this study group. The best route for applying for the grants is through a non-profit entity such as the Kentucky Association of the Deaf (KAD) and Ms. Davis outlined the requirements and information needed for application. The study group plans to meet with the KAD board and discuss their objectives and the responsibilities of KAD to hire and monitor positions established statewide to provide the services needed and see if KAD is willing to commit to supporting these goals. If not, another non-profit entity will be sought, rather than tying this approach to any particular state agency.

Current funding being considered, include UPS, Toyota, Courier Journal, Wal-Mart, Sorenson and Amazon. Partnership with a 501C 3 is need to qualify for these funds.

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

Nursing Home Study Group

The study group has held four productive meetings in the last quarter. Members prepared a list of all the nursing homes in the state of Kentucky and created a questionnaire to submit to each nursing home. Results indicated that most nursing homes are not aware of how to work with deaf and hard of hearing patients. From the questionnaire, members made a list of equipment needs and developed a cost analyst to submit to the Ombudsman's for consideration in applying for a Civil Monetary Penalties (CMP) grant. CMP funds are derived from fines imposed by the Office of Inspector General (OIG) due to regulatory violations noted in nursing homes, and are intended to improve the quality of life for all patients in LTC facilities.

The group will focus on awareness and take action by training facilities to provide equal access to services. The State's Long Term Care (LTC) Ombudsman provided members with an informational packet which included the regulations governing LTC facilities and shows that statutes are already in place mandating services be provided if accessibility needs are identified. She also indicated that involvement in this study group had spurred discussions within the facilities to improve services to deaf and hard of hearing.

The Ombudsman's office representative, requested that the Commission present at their next conference for Long Term Care (LTC) facility administrators, called the Summer Series on Aging. KCDHH and Betty Timon have agreed on presenting an advocacy and educational workshop, and two hours as been allotted for the presentation. Assistive technology recommendations will be included and LEC Administrators will be lead through a simulation of life as a deaf or hard of hearing resident without available services.

The Executive Director added that a presentation was provided to agencies across the state that provides services to seniors and it was well received. One volunteer Ombudsman, Mr. Barlowe, was in attendance today and ensured he would be willing to assist this study group in any of its goals to improve services to residents of LTC facilities.

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

Open Forum

Commissioner Niehaus informed the Board about upcoming training opportunities. Kentucky SEED (System to Enhance Early Development) is funding four trainings on case management with individuals who are deaf or hard of hearing across the state. Case Mangers will be provided with three hours of training on serving children and three hours on serving adults. The locations for these trainings will be Elizabethtown, Lexington, Prestonsburg, and Hopkinsville. Ms. Niehaus asked for other Commissioners who are deaf and hard of hearing to assist with these trainings. The Office of Vocational Rehabilitation will also be doing presentations on the availability of their services. The Kentucky SEED Project has helped fund other entities such as Hands & Voices and the Guide By Your Side program, and have become a great partner for the deaf and hard of hearing community.

Commissioner Niehaus also indicated that her Department would be partnering with Kentucky ADAPT in April to put on two-part training on developing staff competency when working with

deaf or hard of hearing clients in residential services. The group is trying to get providers from Support for Community Living (SCL), mental health services, and other agencies to attend. Ms. Charlene Crum will also be brought in on April 20-21 in the Frankfort area to do some training on how to provide an accurate communication assessment for a deaf individual in need of services and how to make effective recommendations regarding their needs.

Commissioner Niehaus' Department has also partnered with the Center for Accessible Living to put on a six-week conversational signing class for the staff that works with deaf and hard of hearing consumers. Flyers were passed around for these training opportunities, asking for volunteers to assist with any of the upcoming trainings.

Ms. Nina Coyer announced that Ms. Laura Kogut was honored at the December meeting of the Bardstown chapter of the Hearing Loss Association of America (HLAA). Ms Kogut has been a pioneer in supporting provision of captioning services in Kentucky and the Board thanks her for all her hard work and dedication to the community. Ms. Kogut has done all types of captioning and was always willing to accept any challenge. One big challenge recently presented itself, and that is to caption the baseball game at the Louisville Slugger Field for Opening Ceremonies for the National Association of the Deaf' (NAD) 51st biennial conference to be held in Louisville July 3 – 7, 2012 in conjunction with DeaFestival- Kentucky.

Mr. Joe Scott announced that Ms. Rachel Morgan is the new liaison for the Addressing Service Needs Study Group.

Ms. Virginia Moore is asking Commissioners to please give Mr. Musgrave their thoughts about what is the best kept secret about KCDHH. Please email him with any thoughts on this idea as we are looking to explore new Public Relations opportunities and need the consumer's perspective on the agency.

UNFINISHED BUSINESS

- The "Parent Package" is finalized and is in the process of being printed. The Board was provided with a copy to review. The Commission for Children with Special Health Care Needs (CCSHCN) will distribute them to parents of children that have already been identified as having a hearing loss. Kentucky specific organizations that can serve families are listed in the packet. The DVD located in the back of the folder was shown to the Board. This DVD includes captions and sound and will be provided by KCDHH to be shown to parents before they leave the hospital, after they have been told their child did not pass the hearing screening test. The overall message is that the child will be okay and services are available to assist the family. Commissioner Harris suggested that it also be distributed to audiology offices or places that serve schools to get the message out to them also.
- Ms. Becky Crawford accepted the position of Chair of the TAP Advisory Board.

NEW BUSINESS

- Per a recommendation from the Executive Board, time limits have been set for Study Group, EBoard and Commission meetings to ensure that all agenda items are covered in the allotted meeting times.
- Topics covered in future Study Group reports will include:
 - What have you done since the last Commission meeting?
 - What are your goals between now and the next Commission meeting?
 - List your progress points?
 - List your set back points?
 - What can the Commission Board do to help facilitate progress? (May include a request for additional funding; i.e.; to visit a facility and determine if it can promote the goals of the group, or videotape parents to document the needs of the consumer)

This will allow the Board to get the information from the Study Group in a timely fashion, keep track of the progress of the group and any need for additional guidance by the full Board and encourage the group to focus on achievable goals each quarter.

Commissioner Hatzel (Commissioner Freeman) MOVED TO ACCEPT the new study group report form with revisions included above. The Motion carried.

ANNOUNCEMENTS

- Ms. Nina Coyer wrote a book chapter entitled “Putting it into Practice”, developing student critical thinking skills, in Teacher Education. Congratulations Ms. Coyer.
- Mr. Horsley announced that Cinemark Theaters in Lexington have begun using a device called CaptiView, which attaches to the cup holders in the theater and provides individualized captioning for the viewer. It is available any time of the day for any showing. Cinemark does not have it at all locations but hopefully soon they will.
- Mr. Horsley asked the Executive Director how the board can be of more service to KCDHH’s staff members and empower the individuals at KCDHH to be more proactive, serve more of a leadership role with more negotiation skills. Ms. Moore explained that staff is required to attend three professional developments annually and can request to go to any workshop that they feel would benefit their job performance. Some of the Commissioners are also volunteering to assist with outreach efforts, which have been a help to staff. Discussion continued regarding additional goals and partnership ideas and Ms. Moore recommended that this continue when the Commissioners and staff meet to develop the upcoming Strategic Plan that will set Commission goals for FY 2012- 2014

- Kentucky School for the Deaf pancake breakfast is on February 3, 2012 from 6:30 am to 1:15 pm. Commissioner Harris has raffle tickets if the Board would like to purchase them now.
- Commissioners were provided with a copy of a letter sent to the Federal Communications Commission (FCC) regarding upcoming changes to the New Generation 911 (NG 911) systems. Disabled individuals are not the largest minority in the United States, and deafness is included in the category. As the population ages and baby boomers retire, this minority is becoming a majority. KCDHH's letter was in response to a request for comments on new regulations regarding NG 911 services and possible funding increases to improve the infrastructure to support NG 911. This would include accepting text messaging and video conferencing to directly contact 911 in emergency situations.
- The National Association of the Deaf(NAD) will provide workshops during the upcoming conference and the Executive Director is encouraging them to provide leadership and empowerment topics and establish modules that could be duplicated later to empower Kentuckians ongoing.
- On April 17, 2012 in Lexington at the Fayette County Cooperative located on Red Mile Road from 1:00pm-4:00pm, American Association of Retired Persons (AARP) and Hearing Loss Association of America (HLAA) are putting on a workshop titled "Your Medicines, Your Health". Commissioner Freeman will be one of the speakers conducting the workshop and will speak on medications connected to hearing loss.
- Next Commission meeting will be held on April 28, 2012, at 10:00 a.m. CST at the Knicely Conference Center in Bowling Green, Kentucky. The Executive Board will meet on March 8, 2012 in the KCDHH conference room at 10:00 am EST.

Commissioner Bayersdorfer (Commissioner Freeman) MOVED TO ADJOURN the meeting at 4:00 p.m. Motion passed unanimously.

Nina Coyer, Chair

Marilyn Fenwick, Secretary