

**Kentucky Commission on the Deaf and Hard of Hearing  
133<sup>rd</sup> Quarterly Commission Meeting  
April 28, 2012  
Knically Conference Center, Bowling Green, Kentucky**

**MEMBERS PRESENT:** Ms. Nina Coyer, Ms. Susan Brown, Ms. Becky Bush, Ms. Becky Crawford, Ms. Barbie Harris, Mr. David Bayersdorfer, Mr. Joe Scott, Ms. Marilyn Fenwick, Mr. John Horsley, Ms. Michelle Niehaus and Ms. Sharon White

**MEMBERS ABSENT:** Ms. Amy Hatzel, Dr. Patricia Freeman, and Mr. Jim Thompson

**STAFF PRESENT:** Ms. Virginia L. Moore, Ms. Anita Dowd, Mr. Tom Musgrave, Ms. Rowena Holloway and Ms. Katie Huber

**COMMUNICATION FACILITATORS:** Ms. Rachel Rodgers, Ms. Joyce Wilder and Ms. Tracy Lundergan

**VISITORS:** Ms. Jean Haynes, Mr. Ron Haynes, Ms. Laura Herman, Mr. David Herman, Ms. Jeannie Taylor, Ms. Nancy Perry, Ms. Cindy Stone, Ms. Crystal Bearley, Mr. Ed Schickel and Mr. Leo Phelps

The meeting was called to order at 10:07 AM. Ms. Coyer, Chair, welcomed everyone to the 133<sup>rd</sup> KCDHH quarterly meeting. The Secretary, Ms. Fenwick, called roll and as there was a quorum present, the meeting continued. The Chair asked for any corrections to the minutes from the 132<sup>nd</sup> Quarterly Commission meeting held on January 27, 2012, at the Transportation Cabinet in Frankfort. Minutes were accepted with no corrections.

**Mr. Bayersdorfer (Ms. White) MOVED TO ACCEPT the minutes from the 132<sup>nd</sup> Quarterly Commission meeting. The Motion carried.**

**REPORTS**

**Executive Board**

The Kentucky Commission on the Deaf and Hard of Hearing (KCDHH) Executive Board met on March 8, 2012. Members discussed the study groups functioning during this fiscal year and were provided with an update on the progress of the goals of each study group. The Executive Director discussed current changes within the

Approved 7/27/2012

Telecommunications Access Program (TAP) and current Personnel actions. The Finance report was also presented and discussed. More in depth information is provided within the agency report.

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

The Executive Director and Commission Chair welcomed the visitors present at the Commission meeting, and thanked them for the wonderful experience of being in Bowling Green, and attendance at the previous evening's Town Hall meeting at the ALIVE Center. Due to the attendance of a special representative from AT&T at the commission meeting, the TAP Report was moved to the top of the agenda.

### **Telecommunications Access Program**

The Executive Director explained that the TAP distribution of wireless pagers has been in a pilot project mode for the past year. Throughout the process there have been successes and some challenges along the way. The Executive Director introduced Ms. Nancy Jarett, the state representative for AT&T, and explained that she would answer questions related to the TAP wireless program and explain some of the changes that have occurred in the program recently.

The original plan that was implemented with AT&T for KCDHH wireless consumers included unlimited data and text with 100 minutes of voice time for \$45.00 a month. Under the original agreement, consumers did not have to have a credit check nor was a deposit or contract required. There has been a lot of success with this program. Some participants said that when they were in car accidents, they were able to contact someone to help them. Others used the Internet on their wireless devices during weather emergencies to get information. However, there were a small number of individuals who abused their privileges and ran up huge overages in a short time. After reviewing the usage of the whole population with KCDHH and AT&T representatives over the last six months it was determined that some changes had to be made. It was determined that individuals who transferred to their own accounts at the end of the initial plan would need to pass a credit check. If they did not pass the credit check, they would have to pay a reduced deposit.

During transition to their own accounts, current customers whose funds were depleted were sent letters from KCDHH explaining the changes. AT&T also sent out text messages and instructions were placed on the website to explain to consumers how they could continue service. A credit check was required, but if the individual could not afford the deposit at the time of transfer, the person's number would be held for 90 days until the deposit was paid. No contract was required and AT&T has a plan called the

Text Accessibility Plan (TAP) that allows consumers unlimited text and 3G data for \$45.00 a month plus applicable taxes. Unfortunately, voice packages are an additional charge. Some hard of hearing consumers did not feel this was providing true accessibility and plan to challenge AT&T to come up with a more equitable plan that includes minimal voice minutes to allow access by CapTel users.

Ms. Jarrett told the commissioners that of the first group of individuals transitioning to their own plans, 75% switched over during the last several months, which is an impressive number in the overall population. She explained that local stores and the national call center were completely inundated with phone calls and people coming into the stores trying to get help with transferring their phones. AT&T plans to continue training staff at the local level to improve service and resolve these challenges. Ms. Jarrett said it is challenging to keep staff trained due to turn over in the local stores. She indicated that AT&T had tried to work with KCDHH to resolve issues throughout the pilot project, and has met weekly since the transition issues came up. She also stated that she understands there are some issues with the voice service and she will take it to the national office again to relay the commission's concerns.

Ms. Jarrett opened the session to questions from the audience as discussed below:

- One of the issues about transferring under personal accounts was that consumers were being required to prove their hearing loss again. Ms. Moore explained that this has been verified when the consumer qualified for the device through TAP and that she had completed a form that can be faxed to any store to verify the consumer's hearing loss. Ms. Jarrett and Ms. Moore will work together to ensure there is a copy of this verification in any authorized store, ready for consumers to utilize.
- Ms. Niehaus asked if the AT&T TAP has a means of providing services for low-income people for less than the \$45.00 a month. Ms. Jarrett said that price was set by the national office, but she will research it and get back to us.
- Ms. Harris spoke on behalf of the students at Kentucky School for the Deaf, indicating some concerns that their mail often goes to their home addresses rather than the dorm address. Therefore some of them were unaware they were to be cut off. Although she was able to obtain permission to take them off campus to the local AT&T store to transfer their service, she suggests that we develop a better way of notifying KSD students about their accounts. She also recommended that KCDHH post everything needed to complete the transfer on our website so any consumer can be prepared when transferring service. Ms. Moore advised that the letter and forms are already posted there, but something would be added indicating that a valid identification is also need to set up a personal account.
- Ms. Niehaus suggested that KCDHH provide a self-advocacy day at KSD, involving a representative from AT&T to explain the process of transferring

service and teach the students how to advocate for themselves in such situations. This may have to be done annually to accommodate students entering the school between sessions.

- Mr. Scott asked how it was determined to give the consumer 14 days to transfer service. Ms. Moore explained this was a compromise selected due to AT&T billing cycles and the amount of funds remaining on a consumers account when the notices are sent. With the ongoing policy developed consumers will be responsible for any overages incurred and the 14 days was selected to minimize this fact at transfer.
- Ms. Fenwick shared a complaint with Ms. Jarett, stating that she was forced to do a credit check although she has an ongoing AT&T account with five other phones. She also noted that she was forced to pay an \$18 dollar transfer fee, on each phone, which she didn't feel was right. Ms. Jarett indicated this should not have occurred with an active ongoing account and she would look into that situation and make sure that Ms. Fenwick gets reimbursed.
- Another issue that Ms. Moore brought up was that AT&T listed the national business office number on their informational sheet, but after doing research, Ms. Huber found that they were closed on the weekends, causing problems for consumers that attempted to complete transfers on weekends. Ms. Jarett will also verify this and come up with a solution.

Ms. Moore thanked Ms. Jarett for coming to the meeting, explaining the changes and answering questions. Ms. Jarrett informed everyone that she has a lot of information that she will take back to AT&T and will inform Ms. Moore about the results of all commission and consumer questions.

Some consumers have encountered problems with learning to use the iPhone and Ms. Moore recommended they contact a friend and work together. It was also noted that Nancy Perry's agency, the Barren River Resource Center in Bowling Green is a great resource for this as well. Regardless of the challenges faced during the pilot portion of this program, KCDHH has to remember that this is a wonderful program and the only one in the nation that currently offers the service package along with the device distributed through TAP. Ongoing applicants will be advised of the full requirements prior to issuance of the device and should not have to face as many challenges when ready to transfer service to their personal accounts.

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

**Agency Report**

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KCDHH has been very busy these past three months. While preparations for DeaFestival are ongoing, that is just part of the staff duties.

The 2012 Legislative session is now closed. Although the Budget Bill passed during the last days of the session, other pending issues caused the General Assembly to be called into special session for one week. KCDHH monitors all legislation introduced to determine any impact on the community and provides information and advocacy as needed to ensure passage of bills that will benefit our constituents. House Bill 265, the 2013-2014 budget bill, passed with agency cuts across the board. Although KCDHH advocated against KSD's cuts, the Kentucky Department of Education imposed a 7.2 percent cut on the school's next biennial budget. However, due to concerned parents contacting their legislators the cut was reduced to 4.2 percent, a significant victory. Other agencies within the Education and Workforce Development Cabinet sustained a 4.2 percent cut, while the Cabinet Administrative department sustained an 8.4 percent cut, as well as the Kentucky School for the Blind. KCDHH was able to ensure that any money from the sale of surplus property at KSD goes back to the school's overall budget.

Senate Bill 43 passed and allows provision of an alternative diploma to special needs students in a modified program of education. KCDHH also followed the Kentucky Board of Interpreters regulation changes and provided comments regarding allowance of EIPA testing scores of 3.5 to be accepted as qualification for full licensure through June of 2014. A last minute amendment was added and this qualification will only be allowed through 2013. After that date a score of 4.0 will be required for full licensure in educational settings only.

The Telecommunication Access Program (TAP) regulations were updated and passed effective April 1, 2012. Changes included provision of wireless devices to individuals 13 and older. The reason for the change was that iTunes does not permit anyone under the age of 13 to open an account and school systems do not allow students under the age of 13 to use wireless devices while in classes. In addition, Internal Medicine physicians and Advanced Registered Nurse Practitioners will now be allowed to certify hearing loss on TAP applications.

KCDHH as been in the process of interviewing candidates for the Information Office Coordinator. This position has been posted twice due to little interest the first time, and was posted again to make sure more applicants were received. An offer has been made and the person should start by July 1, if approved by Personnel. Interviews were also conducted for the Interpreter I position, which was filled by Ms. Katie Huber. Interviews will now begin to fill the Administrative Assistant position again.

The Executive Director and Executive Staff Advisor attended the National Early Hearing Detection and Intervention (EHDI) conference on March 5-6 in St. Louis, Mo. The EHDI annual meeting brings together a broad cross-section of the deaf and hard of hearing community and advocates. Among those stakeholders were professionals who work in state EHDI program, assist in EHDI efforts on the federal level; provide screening, diagnostic and early intervention support at the state/local level to young children with hearing loss and their families, champion medical home activities within each state, and are parents of children with hearing loss, or are deaf or hard-of-hearing adults who are helping to expand opportunities for young children with a hearing loss. Some controversy with those in attendance and protesters at the conference indicated that EHDI was promoting “audism”, or discrimination against people who sign as their primary mode of communication. Follow up meetings with the EHDI group are scheduled and the Executive Staff Advisor is heavily involved in this initiative.

Kentucky's application for the National Deaf Blind Equipment Distribution Program (NDBEDP) grant has yet to be notified if Kentucky has been approved.

The Information Office Supervisor has been working with the state fire commission to apply for a Federal Emergency Management Agency grant to distribute smoke detector kits to deaf and hard of hearing consumers in Kentucky. If approved, the grant would allow us to provide our constituents with a box that includes a bedside monitor with strobe light, smoke detector and tactile bed shaking device, along with an instructional DVD demonstrating how to install the kit and work the equipment. Once a constituent gets this kit, the local fire department in that area will be notified that someone in their area received the device so they can be aware of the needs of those individuals during a fire response. If the grant is denied, KCDHH will explore alternative means of obtaining this equipment for our constituents.

KCDHH has received positive feedback regarding the TAP equipment demonstration cabinets at different outreach sites, indicating it gives the consumer an opportunity to see and test the equipment available through TAP before selecting the device that meets their needs. There are currently six cabinets throughout the state and we are working to secure a location in Eastern Kentucky for a seventh cabinet.

Last May, KCDHH collaborated with Melody Bock-Freeman, former KCDHH commissioner and artist instructor, to implement a competition for Kentucky deaf and hard of hearing K-12 students. This competition gave students a chance to display their artistic abilities and apply to be allowed to paint a miniature horse at the Visual Artist Studio set up at the National Association for the Deaf (NAD) conference in July. Six students selected from applicants and their families are very excited about winning.

Several local newspapers picked up the story and have run it, increasing the awareness of DeaFestival and young deaf and hard of hearing artists.

Ms. Moore explained more about the upcoming partnership with NAD and DeaFestival. She showed the DeaFestival poster to attendees and explained the meaning of the theme “Diverse Branches, Common Roots.” Hotels in the Louisville area are booking up quickly. Attendance at the NAD conference is expected to be the largest ever based on the number of preregistrations NAD has received. Commissioners who wish to block a hotel room should contact the KCDHH office for assistance. Several major hotels have been booked and each is listed on the KCDHH website with a link for registration. Ms. White talked about the Kentucky Association of the Deaf (KAD) July 4 river boat event. She advised that tickets are on sale and are running out quickly. The performers for the boat event include, Warren “Wa Wa” Snipe, Sean Forbes, the Anderson Twins (Clay and Levi), and a local deaf DJ. Ms. White also announced that representatives from the World Federation for the Deaf are attending and will hold their annual board meeting in the United States for the first time since 1975. This is a unique and wonderful opportunity to show children and parents that sign language is not the same throughout the world and that strong role models exist internationally.

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. Ms. Katie Huber, Administrative Assistant, was spotlighted today. Ms. Huber explained her responsibilities, which include but are not limited to, answering the phones, working in the TAP department, assisting the Executive Director and the Executive Staff Advisor, and planning both the Eboard and Commission meetings.

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

### **Finance Report**

The Executive Director announced that due to the current budgetary climate, the allotment increase for the TAP was not requested, but may be considered again in the next biennium. The provision of wireless pagers has been on hold until issues could be resolved with AT&T, but a large order was placed in early May and funds in the restricted account will be exhausted by the end of the fiscal year. KCDHH has been very conservative with General Funds, but funds in that account will be depleted by June 30 as well.

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

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

The Educational study group has taken some twist and turns throughout the year. The goals of the group were so expansive that the focus had to be narrowed so progress could be made. The group, through many discussions, has prioritized the goals and will recommend that the study group be extended for another year, focusing on the educational needs of individuals who are deaf and hard of hearing at ages 0-3. The group discussed the fact that the Kentucky Department of Education (KDE) has been reorganized and the Director of KSD and the Kentucky School for the Blind (KSB) has been replaced. The previous Director was a member of this study group, but with the reorganization, she may no longer participate. KCDHH plans to meet with the person who will be taking her place once it is official.

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

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

Mr. Scott provided updates on the study group's progress. The group met with the Kentucky Association of the Deaf (KAD) board members two different times during the last quarter. Mr. Scott presented the goals of the study group and proposed collaborating with KAD to obtain a grant to carry out those goals. Ms. Tricia Davis, from the Eastern Kentucky University Center on Deafness, outlined the requirements and information needed for application and how it relates to KAD. KAD accepted the partnership and the group is ready to apply for the grant. In the next few months, the group plans to get all the specific details into place, meet with KAD and outline the responsibilities, requirements and qualifications for the Director's position they wish to hire.

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

### **Nursing Home Study Group**

The study group has been focusing on applying for the Civil Monetary Penalties (CMP) grant. Ms. Kim Baker, the state's Ombudsman for nursing homes, shared a report from the Office of Inspector General and handed out information about the grant application process. Ms. Baker and Ms. Malicia Hitch will develop a draft for the grant application. The group hopes to have a draft for its May meeting.

The study group has been successful, as KCDHH has been contacted by several agencies to work with senior citizens populations. The group has been in contact with the Kentucky Regional Planning and Development Agency for assistance and KCDHH staff has presented workshops about the ADA, deaf and hard of hearing culture, and a patient's rights in a nursing home. More and more nursing homes are contacting

KCDHH to learn how they can provide accommodations for their deaf and hard of hearing patients. Ms. Betty Timon and staff continue to plan for a workshop presentation at the “Summer Series on Aging” conference.

The group continues to develop informational brochures to be inserted into the Ombudsman welcome packets given to the new patients. Ms. Bushman will bring additional equipment to the next meeting for demonstration, to see if the technology would be good to add to the list being developed. The group still plans to go see the Columbus Colony in Ohio for additional insight for improvements in Kentucky.

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

### **Open Forum**

- Ms. Niehaus informed the Board about upcoming training opportunities. During the first week of October, the Department of Behavioral Health, Developmental & Intellectual Disabilities is having their first Peer Specialist Training for deaf individuals. Ms. Niehaus is hopeful the Addressing Service Needs Study Group will have someone hired by then and that they can collaborate to conduct community access provider training and peer specialist training.
- Ms. Coyer thanked Ms. Freeman for the workshop she presented in Lexington in April and indicated it was very informative and helpful regarding interactions with medicines, particularly with seniors. KCDHH, AARP and HLAA are working together to see if there is any way to post that captioned workshop to our website.
- Mr. Scott announced that one of his consumers is starting the process of working towards his Commercial Driver’s License (CDL). This will pave the way for other deaf and hard of hearing individuals to get their CDLs, an ongoing request. Since the NAD announced their support on this issue, it will be a little easier for consumers to accomplish this goal. Ms. Harris indicated she was aware of another individual applying for a CDL. Ms. Moore stated that both individuals have the Commission’s support as well.
- Ms. Coyer announced that she presented Ms. Niehaus’s Mental Health class regarding becoming a Certified Deaf Interpreter (CDI). Ms. Niehaus said it was a wonderful experience and there was also deaf or hard of hearing students present sharing their stories.
- Mr. Bayersdorfer commented that he had attended the Hearing Loss Association of America chapter meeting and met the representative from Norton Healthcare who came to talk about the accessibility for the deaf and hard of hearing. A new position, in-house interpreter, was created at Jewish Hospital who will also serve as an onsite interpreter. When the speaker said a deaf/hard of hearing guest notifies the hospital, the hospital would arrange for sign language interpreter. This remark raised a red

flag with him that they stereotyped that all hard of hearing needed sign language interpreters by default. That is wrong and I couldn't correct or address with the speaker at that time. But he does hope that Nortons or any other facility for that matter refrain from stereotyping deaf/hard of hearing as using sign language interpreters by default. Ms. Moore stated that KCDHH is on the Kentucky Hospital Association board and continues to educate the hospital on communication issue. Accomplishments are being made, but it takes time and lots of educating to make changes.

- The Executive Director showed attendees the updated DeaFestival website and explained how to find the listing of hotels and sponsors. Ms. Niehaus asked when the NAD workshops would be posted and Ms. Moore commented that she has been pushing NAD to list them soon as many constituents are asking the same question. Ms. Moore announced that there will be a bluegrass biker motorcycle tour after DeaFestival, and they will visit the distilleries on the Bourbon Trail.

### **UNFINISHED BUSINESS**

- The Board at the July Commission meeting must approve new Study Groups for FY 12-13. Proposal forms are to be filled out and sent to KCDHH before the Eboard meeting scheduled for June 14.
- The "Parent Package" is finalized and has been printed. 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 serve families are listed in the packet. The DVD will be shown to parents before they leave the hospital, after they have been told their child did not pass the hearing screening test, but will not be in the actual packet. The overall message is that the child will be okay and services are available to assist the family. The Executive Staff Advisor added that the video is for parents who have yet to receive a confirmation of diagnosis, meaning that they have failed the screening but it does not mean they have a hearing loss. The packet is information for parents who have confirmed that their child does, in fact, have a hearing loss, which is why the DVD is not in the packet. KCDHH will look into getting more DVDs to pass out to individuals.

### **NEW BUSINESS**

Commissioner's reviewed the draft Strategic Plan provided and the Executive Staff Advisor went over the highlights of changes made and goals added to the plan. The Executive Director recommended that a core team be set up to come to KCDHH and work on the final plan before the July commission meeting. Commissioners are to provide comments and recommendations to the Executive Director as soon as possible.

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A few Commissioners' terms will be expiring June 30, 2012. AG Bell's, held by Mr. Bayersdorfer, is expiring and KCDHH is in contact with interim President of AG Bell requesting a list of three individuals to present to the governor's office for appointment. The Member-at-Large position, held by Ms. Freeman, is also expiring. KCDHH will post that position to the web and send out an announcement requesting applications. Lastly, one of the Kentucky Association of the Deaf (KAD) positions, currently held by Mr. Horsley, is expiring. Names have been requested from KAD to be referred to the governor's office for appointment.

### **ANNOUNCEMENTS**

- Ms. Moore talked about the successful town hall meeting held at the ALIVE Center. It was a well-attended meeting. The Commission's goal is to hold more town hall meetings, depending on budget. To conduct the Town Hall meetings efficiently, they should be held prior to future Commission meetings, so when locations of future commission meetings are considered, areas that need more contact through Town Hall meetings should also be considered, for example, Eastern Kentucky.
- The next Commission meeting will be held on July 27, 2012, at 1:00 PM EST at The Transportation Cabinet, in Frankfort, Kentucky. The Executive Board will meet on June 14, 2012 in the KCDHH conference room at 10:00 AM EST.

**Ms. White (Ms. Harris) MOVED TO ADJOURN the meeting at 1:19 PM CST. Motion passed unanimously.**

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Nina Coyer, Chair

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Marilyn Fenwick, Secretary