

Kentucky Commission on the Deaf and Hard of Hearing
139th Quarterly Commission Meeting
October 26, 2013
Pikeville, Kentucky

MEMBERS PRESENT: Mr. David Bayersdorfer, Ms. Becky Crawford, Ms. Susan Brown, Ms. Amy Hatzel, Ms. Edie Ryan, Mr. David Beach, Ms. Becky Bush, Mr. John Horsley, Ms. Barbie Harris, Ms. Sharon White, Ms. Kelly Daniel, Ms. Jeannie Taylor and Ms. Michelle Niehaus

MEMBERS ABSENT: Ms. Liz Agro and Ms. Holly Evans

STAFF PRESENT: Ms. Virginia Moore, Mr. Blake Noland, Ms. Row Holloway

COMMUNICATION FACILITATORS: Ms. Rachel Morgan, Ms. Rachel Rodgers, and Ms. Tracy Lundergan

VISITORS: Mr. Ron Haynes, Ms. Jean Haynes, Ms. Rebecca Horsley, Mr. Archie Harris, Mr. Allen Lee, Mr. Robert Hamilton, Ms. Sharon Roberts and Mr. Duran Sparkman

Ms. Amy Hatzel, Chair, called the meeting to order at 10:16 am. Ms. Sharon White, Secretary, called roll and welcomed everyone to the 139th Quarterly Commission Meeting. As a quorum was present, the meeting continued.

MS. AMY HATZEL (Ms. Becky Bush) MOVED TO ACCEPT THE MINUTES FROM THE 138TH QUARTERLY COMMISSION MEETING. THE MOTION CARRIED.

MS. AMY HATZEL (Ms. Sharon White) MOVED TO ACCEPT THE MINUTES FROM THE SEPTEMBER 13TH E-BOARD MEETING. THE MOTION CARRIED.

MS. EDIE RYAN (Ms. Becky Crawford) MOVED TO ACCEPT THE MINUTES FROM THE JUNE 13TH E-BOARD MEETING. THE MOTION CARRIED.

REPORTS

Agency:

Ms. Moore welcomed everyone to the meeting and asked if they noticed the Billboard promoting our Telecommunication Access Program (TAP) on their way into Pikeville, which some of the commissioners did. The TAP public relations campaign is being promoted with billboards and radio spots, and an assessment at the end of December will show statistics of where the public gets information about KCDHH.

The Agency Report, presented in a different format this quarter, went through several adjustments to the graphs, grids and pictures have been added to make it easily understood. Commissioners are encouraged to make recommendations for future improvements. One Commissioner suggested making the agency's strategic plan goals bolder to make it easier to point out the five goals. Ms. Moore noted that the agency reports goals listed are those of the strategic plan.

Ms. Moore summarized the legislation that KCDHH is pursuing during the 2014 General Assembly session that begins in January.

- Hearing screening for children in K-12. Working with the Kentucky Department of Education to ensure that hearing assessments are performed when a child enters school, to mirror what is being done for dental and vision testing. Proposed this to the Education Cabinet and they took it to the Governor's agenda. This should help in getting the legislation passed. A sponsor of the bill will be assigned by the Governor's office. Once we know the number of the prefiled legislation we will notify the community so they can support the bill. Ms. Niehaus reminded the group that the governor's office has an early childhood education task force and kindergarten readiness commission that they would be more likely to endorse the bill.
- Audiologist and hearing instrument specialists that distribute hearing aids to consumers will be asked to include KCDHH as a resource when consumers purchase hearing aids. This will give consumers a source of information should they need other assistance with coping with their hearing loss or need advocacy or referrals in the future. We are looking for a sponsor for this legislation now and will advise once a bill number is assigned.
- Hearing screening in Nursing Homes. We are working with the Ombudsman's Office and the Office of Inspector General to mandate hearing assessments be completed when a resident enters a nursing home. The Nursing Home study group has been working on this for two years and we are seeking sponsorship of this legislation now. We will announce the bill number once it's assigned.
- Hearing Aid coverage by insurance companies. We have been told that the insurance companies will put up a great lobby against this bill, but we are still seeking sponsorship to get it introduced so that insurance companies would be responsible for coverage of hearing aids, at least a minimum amount, for adults. This is our number one request and we will advise the community if we are able to get the bill introduced and assigned a number so it can be supported from the community. Mr. Beach ensured us that we can refer the clients to Vocational Rehabilitation (VR) for purchase of hearing aids if it's related to the client's job. The VR's policy is currently being reviewed for changes with new federal regulations regarding the Affordable Care Act so qualifications may vary.

The TAP Advisory Board has had difficulty getting members to show up for meetings and not have a quorum to vote on agenda items. Therefore the board proposed to change the in-house guidelines to allow members to vote electronically through e-mail or videophones. This proposal will be discussed further in New Business as a motion to be voted on by the full Commission.

Ms. Moore summarized the successful collaboration between the Kentucky Association of the Deaf (KAD) and the Kentucky Registry of Interpreter for the Deaf (KyRID) in planning and hosting their fall conference in September. Students were provided an opportunity to see what American Sign Language (ASL) is all about and the importance of communication and language. Austin Andrews presented a particularity descriptive performance and workshop regarding communication. During the KAD Board business meeting Ms. Moore made a motion that the next conference be joint with KYRID again. The motion passed. The benefit of

the joint conference is that interpreters need to understand the importance of working with the deaf community and the community needs to see the interpreters in a non-professional setting.

The Hearing Loss Association of America: Kentucky Chapter (HLAK) Conference in July was a great success as its first regional conference. As a closure to the conference, the Courier Journal published a nice article about hearing loss. The public service announcement (PSA) completed by Kathy Buckley during the conference is in the final editing stages. Once completed, it will be posted on the KCDHH's and HLAK's websites and we hope Fox 41 will air the PSA, with captions of course.

Louisville Association for the Deaf (LAD) had their 90th celebration in September and approximately 300 people attended the celebration, with many celebrated guests-of-honor in attendance including: Louisville Mayor, Greg Fischer, two Kentucky senators, John Yaramuth and Terry Clark and several other local personalities.

The National Black Deaf Advocates conference will be held in Louisville in 2015 as Kentucky won the bid thanks to the Kentucky Association of the Deaf President and coworkers.

The National Association of State Relay Administration (NASRA) conference was held in New Mexico in September and was reported on previously. However, renewed attention has come to the ruling discussed there from the Federal Communication Commission (FCC) regarding internet based captioned telephone services. Consumers that received devices given out by providers as an incentive will be contacted by that provider and asked to pay \$75 for the equipment. The FCC determined that too much fraud was occurring with distribution of the equipment free, and that individuals needed to invest in the equipment, be certified as deaf or hard of hearing and register with the company providing the service. The phones distributed through KCDHH's TAP program are exempt from the FCC ruling as we have paid for the devices before distribution. A vlog will be posted on the KCDHH website explaining the ruling so consumers will not be confused if contacted from a company other than KCDHH.

The Access Center at the Commission is doing well; interpreters who are not currently in KCDHH's database are being encouraged to obtain certification. Discussion was held regarding how the number of interpreters is declining, especially in rural areas, and how sometimes it is hard to find individuals who have the ability, desire, and willingness to be interpreters now that they have to be trained get licensure and become certified. The culture of interpreting is changing and students graduating from the Interpreter Training Programs (ITP) are more textbook-knowledgeable, and sometimes need more understanding of the culture and community to be better interpreters. KCDHH is working to assist interpreters that want to become certified and to mentor those that need more exposure to the community. Ms. Niehaus noted that mental health Center are working with deaf individuals across the state to gain input as to what the community wants and expects from interpreters and AmeriCorps members who have ITP degrees are working one on one with deaf clients to improve their skills and understanding of the needs of the community.

Ms. Moore reviewed the commission and town hall meeting dates for the next two years, and asked the board if they want to continue the town hall meetings with some kind of event. Ms.

Harris suggested that more emphasis be placed on advertising the gathering and including a social function, like the bunco event, and then do a meeting as an aside to the main event. That way the community comes out for the gathering and has an opportunity to express concerns but the focus is more on the social event. Ms. Niehaus suggested that we partner with deaf clubs and HLAA to host the events to show the full community partnership. We might also advertise that certain specialized professionals would be at the gathering to give consumers a chance to meet one on one with them to express concerns and needs. This will be voted on in New Business.

Ms. Moore asked the board about the possibility of having a holiday open house again at the Commission for the community to come see the office and meet all the staff of KCDHH. Ms. White asked that we continue to have a signing Santa Claus for the children. This event will also be discussed further in New Business.

THE AGENCY REPORT WAS ACCEPTED AS READ

Finance:

The agency's is on target financially for the first quarter of the new fiscal year, although we are being somewhat conservative with funds because of plans to expand the TAP to provide more updated and innovative equipment, especially for speech impaired individuals. In the new biennium budget request submitted in September, which will be discussed in the 2014 General Assembly, we asked for an increase in funds to expand TAP and to hire another staff position to cover the expansion. We are working closely with the Office of Management and Budget to provide justification for the additional requests. And will also be working with Finance to get new equipment added to TAP.

THE FINANCE REPORT WAS ACCEPTED AS READ.

The K-12 Educational Study Group:

Ms. Amy Hatzel, chair of the K-12 Educational study group, provided some background information regarding the evolution of the group, and an update is included in the packet for today's meeting. Ms. Hatzel and the staff liaison, the Executive Staff Advisor, met to discuss the ongoing goals of the group. Although meetings have been scheduled with staff from the Kentucky Department of Education (KDE), they have yet to be held. The group has realized that the entire K-12 focus is too large for the study group to tackle in one year, so the focus is going more toward the early childhood needs for this FY. To meet one of the needs, a smaller focus group will be formed to focus on developing a training packet/module for First Steps providers, so they are better skilled at working with young deaf and hard of hearing children. With a mockup of the packet ready, another meeting will be scheduled with KDE to see how to best work with First Steps to ensure the training is carried out. Another group meeting will be called during the next quarter to outline these goals and designate the smaller focus group tasks, and how the overall goals of the group can be broken down into pieces that can be accomplished one at a time. There is so much improvement needed in the school system regarding deaf and hard of hearing children that the group has to focus on small segments to make progress.

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

The Nursing Home Study Group:

Ms. Edie Ryan, the chair of the Nursing Home Study Group, recapped what the study group is about and how it is evolving also and an update is provided in the packet for today's meeting. The group is working with the Kentucky Office of Inspector General (OIG) and the Ombudsman's Office to ensure accessibility in nursing homes. At first the group took on a focus to work on writing a Civil Monetary Penalties (CMP) grant to fund accessible technology, but found that funds cannot be used for individuals as the technology is to be furnished per requirements of the Americans with Disabilities Act (ADA). Now the group is trying to focus on enforcing those requirements. However, most nursing homes are either unaware of a resident's hearing loss, unfamiliar with technology that can be used to accommodate the resident, or are unfamiliar with how to obtain the technology for the consumer. Therefore, the study group has met with OIG staff to determine what can be done to enforce ADA requirements in nursing homes. The study group agrees that education is a key factor in improving circumstances, and is working with various professionals, universities and organizations by providing presentations that educate those who work in the nursing homes (including the facilities' social service directors) on the need for accommodations and what technology meets those needs. A suggestion was made to include in-home care workers as well in this education, and that is a good recommendation since they see elderly people who are not yet in the nursing home but also need assistance with hearing loss.

THE NURSING HOME STUDY GROUP REPORT WAS ACCEPTED AS READ.

The Access to Videophones in Public Libraries Study Group:

Ms. Sharon White, chair of the study group, provided a verbal summary of what the study group is doing to date. Members of the study group have been recruited from the Office of Vocational Rehabilitation (OVR), as those counselors work with deaf individuals across the state. One meeting has been held with the Kentucky Department of Libraries and Archives (KDLA) and another is scheduled soon to discuss the next steps for establishing videophones in one or two libraries across the state, and then expanding as possible. Having access to a videophone will assist VR consumers in communicating with their counselors. Other members suggested adding a book club that meets at the libraries, that is geared to deaf and hard of hearing individuals, which would draw people in to see the videophones and expand their reading interests.

THE ACCESS TO VIDEOPHONES IN PUBLIC LIBRARIES STUDY GROUP REPORT WAS ACCEPTED AS READ.

Open Forum:

A concern was brought up about a teacher in a local school district that is beginning to lose his hearing and really needs accommodations to allow him to continue to function in the classroom, but he is afraid of the repercussions if he asks for assistive technology. Mr. David Beach stated that OVR can assist with equipment if it is directly related to the person keeping their job, and also recommended that the teacher contact Norb Ryan, the state's ADA

coordinator, to go to the school and educate them on the requirements of ADA. Ms. Moore agreed, but also noted that sometimes it is difficult for someone to take this action because it's not always as easy as it sounds to get results. For instance, one of KCDHH's staff members' filed an ADA lawsuit against a local movie theater for failure to provide captioning, and won compensation from the lawsuit. However the Frankfort newspaper branded her as the reason why the theater was closing. Although it wasn't true, the community 'went berserk' and sounded off in the newspaper comment section and targeted the staff member's personal Facebook. The editor was contacted and came to the office and met with Ms. Moore and the staff person to get the facts straight. The next day another article was written clarifying the importance of understanding why the access is necessary and that the compensation had nothing to do with the theater closing. ADA complaints can take several years to be resolved, but are the best way of making our needs known and making a point to the general public that accessibility is a civil right, not a choice.

Ms. Niehaus informed attendees about some upcoming changes in Medicaid that will be good for mental health services. For the first time, professionals working outside the mental health centers will be allowed to become mental health providers. The professionals must apply for a Medicaid number and then can do therapy, which will enhance the availability of services to deaf and hard of hearing, especially in rural areas. Each community mental health center is now required to have a point person for deaf services, which will hold them to higher standards. It will be a slow process, but over time will be a very positive thing for providing mental health services in the state.

Ms. Jean Haynes demonstrated an old fashioned idea, but new manual device for use to amplify hearing. A sort of tube and funnel device, it could be used as a bridge the gap for more sophisticated technology, and still help someone hear what another person is saying to them. The device was passed among attendees.

Ms. Niehaus remarked that her department will be sending one person to training, as the first deaf peer specialist, in January. Upon their return they will recruit and train more peer specialists who are deaf or hard of hearing to work with individuals with mental health issues.

UNFINISHED BUSINESS

The Commission recommended Ms. Edie Ryan to serve on the Executive Board and she has accepted this position for the duration of her term.

NEW BUSINESS

Per some scheduling suggestions by the Chair, the Executive Board meetings were moved to an earlier time of day and the proposed meeting dates for the next two years for both the Executive Board and the full Commission meeting were reviewed again.

Ms. White moved (Ms. Bush) to accept the proposed dates and time revisions for these meetings as presented, and the motion passed.

Per the Board's recommendation to continue having town hall meetings in conjunction with quarterly commission meetings, and to include a social activity to draw the community out to the meetings, proposed dates were reviewed. The Holiday Open House was also discussed.

Ms. Daniel moved (Mr. Beach) to continue with town hall meetings and social events, and the motion passed.

Mr. Beach moved (Ms. White) to continue with the holiday open house at KCDHH, with a signing Santa, and the motion passed.

Mr. Bayersdorfer proposed to establish a new study group to encourage large sports arenas to offer captioning services for all events. Ms. Hatzel explained that study groups are discussed at the April Commission meeting and voted on to set at the July Commission meeting with all groups beginning in July and ending in June of the next year. Mr. Bayersdorfer agreed to bring it up at the April 2014 meeting as a proposal.

Ms. Crawford reiterated the previous discussion about the Telecommunications Access Program (TAP) Advisory Board being allowed to vote electronically on items, as there has recently been a challenge at getting a quorum for the meetings. Face to face meetings will still be held as needed, and at least once a year, but voting electronically would allow revisions to be made timely to minor policy changes, etc.

Ms. Crawford moved (Ms. Harris) to permit electronic meeting and voting by the TAP Advisory Board and to include this revision in the in-house guidelines. The motion passed.

ANNOUNCEMENTS

- The next Executive Board meeting was originally scheduled for December 12, but to accommodate the Open House schedule has since been changed to Friday, December 13, 9:00 am to 11:30 am at KCDHH;
- The next Town Hall Meeting is scheduled for Friday January 24, 6:00 pm - 8:00 pm in Lexington; and
- The 140th Quarterly Commission meeting is scheduled for Saturday, January 25, 10:00 am – 1:00 pm in Lexington.

Ms. Sharon White (Ms. Barbie Harris) MOVED TO ADJOURN. The meeting was adjourned at 12:59 p.m.