

**Kentucky Commission on the Deaf and Hard of Hearing
140th Quarterly Commission Meeting
January 25th, 2014
Lexington, Kentucky**

MEMBERS PRESENT: Mr. David Bayersdorfer, Ms. Becky Crawford, Ms. Edie Ryan, Ms. Barbie Harris, Ms. Sharon White, Ms. Kelly Daniel, Ms. Jeannie Taylor, Ms. Liz Agro, Ms. Holly Evans-O'Mary and Ms. Michelle Niehaus

MEMBERS ABSENT: Ms. Amy Hatzel, Mr. David Beach, Ms. Becky Bush, and Mr. John Horsley

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

COMMUNICATION FACILITATORS: Ms. Rachel Morgan, Ms. Rachel Rodgers, and Ms. Laura Kogut

VISITORS: Mr. Archie Harris and Ms. Janet Scheeline

Mr. David Bayersdorfer, Vice-Chair, called the meeting to order at 10:15 am. Ms. Sharon White, Secretary, called roll and welcomed everyone to the 140th Quarterly Commission Meeting. As a quorum was present, the meeting continued. Ms. Amy Hatzel and Mr. John Horsley watched the meeting through live streaming of the captioning.

MS. WHITE (Ms. Barbie Harris) MOVED TO ACCEPT THE MINUTES FROM THE 139TH QUARTERLY COMMISSION MEETING WITH CORRECTIONS. THE MOTION PASSED.

REPORTS

Executive Board:

Mr. Bayersdorfer gave a brief summary of the Executive Board meeting and how they discussed the issue of the interpreter at the Nelson Mandela funeral. The study groups were discussed and reports reviewed. More details will be provided in the Agency Report.

Agency:

Ms. Virginia Moore welcomed everyone to the meeting and asked if they enjoyed the Town Hall meeting the previous night, especially since we had more visitors than the last meeting in Pikeville. Not as many from Lexington showed up as we expected, but one constituent told a profound story about his struggles growing up that hit a lot of issues showing weakness from the educational system, up to workforce and lack of hearing aids.

Ms. Moore reviewed legislation that KCDHH has been pursuing during the 2014 General Assembly session that began in January.

- Senate Bill (SB) 32, calling for a hearing screening mandate for children in the K-12 educational system, has been introduced by Senator Tom Buford. The bill would mandate screening of children as they enter school. We discussed with Senator Buford about adding another form to evaluate the child's hearing, rather than just a yes/no on the general physical form. He indicated this would be added to the bill once it hits the floor of the House as an amendment. The Kentucky Department of Education (KDE) maintains the screening is already being done during the general physical. There is some concern from KDE for the cost of implementing a new form. Ms. Edie Ryan asked that we continue to pursue this bill and that the language of the bill be expanded or an amendment be added to strengthen the assurance that a true hearing screening will be completed.
- We are working with several legislators to pursue some type of bill to require nursing homes to screen residents for hearing loss upon intake into the nursing homes.
- We have discussed with several legislators a proposed bill mandating insurance companies to cover hearing aids and have been told that the cost would be prohibitive during a budgetary session. Two legislators have suggested that we broaden the coverage from 18 to 26 to mirror Medicaid coverage rather than asking that all ages be covered at this stage. In future legislation, we could propose further extending the coverage age until we can cover any consumer needing hearing aids. One Senator mentioned that the bill will not pass due to the complexity with insurance companies and what will be covered under the Affordable Care Act, also known as Obamacare. The Legislative Research Commission is doing a cost analysis on the impact of these options before a bill can be introduced. One Senator shared a personal story about his daughter's hearing loss, the family's purchase of hearing aids, and her isolation as she made her way through high

school. Ms. Moore is trying to get his family in contact with Hands & Voices and also shared some information about the National Technical Institute for the Deaf (NTID) as his daughter is interested in art.

- Legislators have been approached about sponsoring a bill requiring audiologists and hearing instrument specialists to refer consumers to KCDHH for additional information when hearing aids are supplied. None have yet been willing to introduce this bill and have asked for more input from the Licensure Board, as this could possibly be accomplished through a regulation change instead of a statute change.

Ms. Moore reviewed the Cabinet's portion of the budget bill and the Governor's Budget Address. The Governor has proposed, for the first time in five years, that state employees receive a salary increase, with the percentage increase based on the employee's current salary. The Governor is also proposing to sweep restricted fund accounts to balance the budget and prevent deeper cuts for some agencies, although there will be cuts. Restricted funds collected by the Public Service Commission (PSC) for the Telecommunications Relay Service (TRS) will be part of the funds swept. However, as of this date the Telecommunications Access Program (TAP) funds have not been included. From discussions with several legislators they say that although the state is in dire straits that the Governor's budget bill is one of the best submitted and shouldn't change too much as it proceeds through the House and on to the Senate.

Ms. Moore discussed how one of KCDHH's staff members' filed a complaint through the Human Rights Commission against a Frankfort movie theater for failure to provide captioning, and reached a settlement before the Human Rights Commission could issue a ruling. Several newspaper articles were published and the Frankfort newspaper's reporting of the settlement incorrectly branded her as the reason why the local theater was closing. The Franklin County community sounded off in the newspaper comment section and other online forums and bombarded the staff member's personal Facebook page with negative comments. The editor was contacted and came to our office and met with staff in order to get a more accurate accounting of the sequence of events that led to the staff member's complaint and how the settlement was unrelated to the theater's closing. 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. Now the movie theater, under a new management, offers captioning, but only on Wednesday at noon. Individuals need to go to the theater and ask for captioning at other times to test the accessibility.

Negotiation with Kentucky School for the Deaf (KSD) regarding the criteria for providing stipends to individuals taking the Sign Language Proficiency Interview (SLPI) has been completed. Notification will be advertised on the KCDHH website to inform the community to take advantage of both the National Interpreter Certification (NIC) interview and the SLPI. KCDHH anticipates this opportunity will lead to an increase number of certified interpreters in the state.

Ms. Moore discussed some requests the agency has recently processed regarding prisoners who do not have access to communication within the prison system, and two lawsuits filed by deaf inmates in Kentucky. Staff has met with the Commissioner of the Department of Corrections and the wardens of the prisons to discuss how to improve accessibility. They seemed very willing to improve their services and meet the requirements of the American's with Disabilities Act (ADA). Presentations may be provided to educate staff in the prison system of the civil rights of prisoners and the accessibility requirements.

Staff has been working with the Big Brothers and Big Sisters (BB/BS) organization to see how KCDHH can partner with them. The Executive Staff Advisor and the Information Coordinator met with the Lexington BB/BS Chapter to discuss their criteria and how to incorporate deaf and hard of hearing programs into the Kentucky Chapter. The Information Coordinator is participating in the BB/BS program and has two boys he is mentoring. We continue to expand this partnership and educate BB/BS on the possibilities of matching deaf adults with deaf children in the program to provide role models. Hands & Voices might also get involved in this project and some of the advantageous experiences we have heard from BB/BS participants will be featured in the newsletter and website, to bring in more candidates for the program.

Ms. Moore discussed fallout resulting from the fake interpreter at the Nelson Mandela Memorial. She emphasized the importance of bringing awareness to people about the necessity of having licensure for interpreters in order to maintain the integrity of the profession. She also spoke about proper vetting of interpreters for the safety of the community and the speakers. The news department of Louisville television station WAVE 3 contacted Ms. Moore requesting input regarding this incident and she and the Information Coordinator went to Louisville to be interviewed. Ms. White also provided input although she could not attend the interview and Mr. Tim Owens, a Professor in the Interpreter Training Program at the University of Louisville, participated in the interview as well.

The theme of DeaFestival-Kentucky 2014 is “*Pure Imagination*” inspired by the song of the same name in the movie “Willy Wonka and the Chocolate Factory.” After discussion with staff, DeaFestival scheduling will change this year and performances will not overlap. The Children’s Program will be held in the morning, the Spotlights program in the afternoon and the Jam Tent in the evening. The Cookie Williams Visual Artist Studio will be open all day. We will be partnering with WorldFest this year, to once again open the avenue between the deaf and hard of hearing community and the international hearing community. Information is being placed on the website, along with video highlighting events that will take place, and the website will be updated as programming is confirmed.

THE AGENCY REPORT WAS ACCEPTED AS READ

Finance:

Ms. Moore discussed the agency’s finance report. The agency’s allotment balance shows that the Telecommunication Access Program (TAP) is a little underspent which is normal for this time of year. Otherwise the agency is on target for overall financial expenditures.

THE FINANCE REPORT WAS ACCEPTED AS READ.

The K-12 Educational Study Group:

In absence of Ms. Hatzel, Ms. Moore provided an update. The staff liaison and some of the group’s members will be training First Steps providers to make sure they understand how to identify the needs of a deaf or hard of hearing child. The approval from KDE to utilize KSD’s regional outreach staff as First Steps providers is still pending. Therefore the group continues to focus on developing the training moderm to utilize once approval is received.

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

The Nursing Home Study Group:

Ms. Ryan, chair of the Nursing Home Study Group, recapped the goals of the group for the new Commissioners and explained that they are working with the Office of the Inspector General (OIG) and the Ombudsmen to ensure accessibility in nursing homes and to enforce penalties for facilities that are not meeting the

requirements of the Americans with Disabilities Act (ADA). The group is working to develop a partnership with the Kentucky Academy of Audiology to provide hearing screenings or evaluations as part of a practicum student's training for licensure. Ms. Kelly Daniel stated she would research how we might proceed with that possibility, but that we also need to have resources for those identified with a hearing loss that cannot afford to purchase the technology needed. The staff liaison is working with OIG's Civil Monetary Penalties (CMP) grant consultant regarding the possibility of approaching the grant application in a different manner, focusing on improving a person's quality of life rather than being an accessibility issue. We are also pursuing some kind of hearing aid bank possibility in Kentucky, in partnership with several other organizations and will report on that once meetings have been held. Ms. Ryan suggested that Commissioners visit nursing homes in their respective areas and introduce themselves and explain that KCDHH is a resource they can contact if they have questions or need information on hearing loss.

THE NURSING HOME STUDY GROUP REPORT WAS ACCEPTED AS READ.

Access to Videophones in Public Libraries Study Group:

Ms. White, chair of the study group, provided a verbal summary of the study group's activities to date. She and Ms. Moore met with the Director of the Kentucky Libraries and Archives (KDLA) to discuss the possibility of setting up videophones in several locations. Some of the urban areas have more room and privacy and an actual booth might be possible, but in the more rural areas laptops would most likely be used to videoconference. Contacts have been made with three of the top Video Relay Service (VRS) providers to see if they are willing to provide equipment for this purpose. Some libraries may have equipment that can be utilized to download VRS applications and the equipment would be left at the front desk to be checked out by the person wanting to utilize it for a VRS call. One of the VRS providers mentioned that with the recent Federal Communications Commission (FCC) ruling regarding the use of VRS that the libraries themselves would have to apply for the equipment. This would be cumbersome for some libraries, so the group members are going to fill out the applications for two libraries in Lexington and Louisville and work with KDLA to start a pilot project and expand from there. Once available, KCDHH will advertise the locations of the libraries with VRS equipment available and training vlogs will be posted. Library staff will also be trained on how to work with the equipment and assist consumers with a hearing loss.

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

The Telecommunications Access Program Advisory Board Meeting:

The TAP Advisory Board met in October and the meeting minutes are included in the agency report packet. However, Ms. Moore did advise members that negotiations are continuing with the Finance Department to determine how to include new equipment in the program to meet new demands for mobile usage and technological advances.

THE TELECOMMUNICATIONS ACCESS PROGRAM ADVISORY BOARD REPORT WAS ACCEPTED AS READ.

Open Forum:

The Vice-Chair made an exception and allowed a constituent to make a statement during the meeting. The constituent brought up a concern about hiring/recruiting teachers to work at Kentucky School for the Deaf (KSD). Some teachers are not familiar with deaf education, and were given three years to learn sign language. During that time an interpreter was assigned to the teacher, which in turn caused the students to suffer. The constituent wants signing experience to be a requirement for hiring teachers at KSD and states that it was school policy years ago. Ms. Moore indicated that she would like to see a copy of that policy and, upon reviewing it, she would see what she could do to get it reintroduced.

OLD BUSINESS

Ms. Moore briefly reviewed legislation again and indicated that for the next four months it will be the main focus for the agency. We will stay in touch with board members and send out information to the community if we need a push to move a bill through the legislative process.

The Town Hall meeting was successful with 40 people in attendance, despite the inclement weather. One constituent asked how we advertised and some discussion was held with recommendations made to reach out to local churches, senior citizen centers, fitness centers, deaf clubs and social events to increase the turnout. Ms. Niehaus indicated that AmeriCorps volunteers could be utilized to do research on

successful advertising mechanisms and where low cost or free advertisements could be placed.

NEW BUSINESS

The Board members discussed the possibility of getting business cards made, to show that they are representatives of KCDHH, for outreach in their communities or for identification in meetings or contacts with partner agencies/entities. Ms. Ryan made a proposal that KCDHH design simple business cards for use by the Commissioners.

Ms. Ryan made a proposal to pursue the expansion of Senate Bill 32 to include more of a definition on how the testing is to be done and what professional does the testing, including a specific form to be completed by the qualified professional performing the test, similar to how the dental or vision screening is done.

Both motions passed.

ANNOUNCEMENTS

- The next Executive Board meeting is scheduled for Friday March 14, 1:00 pm to 3:00 pm at KCDHH in Frankfort
- The next Town Hall Meeting is scheduled for Friday April 25, 6:00 pm - 8:00 pm CST in Bowling Green (location to be announced); and
- The 141st Quarterly Commission meeting is scheduled for Saturday, April 26, 10:00 am – 1:00 pm CST in Bowling Green.

Ms. Rebecca Crawford (Ms. Jeannie Taylor) MOVED TO ADJOURN. The meeting was adjourned at 1:14 p.m.