

Kentucky Commission on the Deaf and Hard of Hearing
164th Quarterly Commission Meeting
January 24, 2020
Transportation Cabinet – Frankfort, KY

MEMBERS PRESENT: Ms. Jeannie Taylor, Ms. Nancy Perry, Ms. Gerry Gordon-Brown, Ms. Amy Hatzel, Ms. Dodie Karr, Ms. Michelle Niehaus, Ms. Becky Cabe, Ms. Edie Ryan, Mr. Eddie Runyon, Mr. Thomas Evans, Mr. George Tunstall IV, Ms. Melissa Kelly, and Ms. Joy Kiser

MEMBERS ABSENT: Ms. Barbie Harris

STAFF PRESENT: Ms. Virginia Moore and Ms. Elise Kitchen

COMMUNICATION FACILITATORS: Ms. Rachel Rodgers, Ms. Audrey Ruiz-Lambert and Ms. Laura Kogut

VISITORS: None

Ms. Taylor, Chair, called the 164th Quarterly Commission Meeting to order, and welcomed everyone to the meeting. Ms. Gordon-Brown, Secretary, called the roll, confirming that there was a quorum. Ms. Taylor announced that there may not be time for the Open Forum but did not strike it from the agenda. She then requested that Commission members review the minutes from the 163rd Commission Meeting. Mr. Tunstall pointed out an error, which was duly noted for correction.

MS. GORDON-BROWN (Ms. Cabe) MOVED TO ACCEPT THE MINUTES OF THE 163rd QUARTERLY COMMISSION MEETING WITH CHANGES. THE MOTION PASSED.

Board members reviewed the Executive Board minutes from the December, 2019 meeting. Two revisions were brought to the attention of the Board and a correction was made to the Agency Report.

MS. HATZEL (Ms. Karr) MOVED TO ACCEPT THE EXECUTIVE BOARD MINUTES WITH CHANGES. THE MOTION PASSED.

REPORTS

Executive Board:

Ms. Taylor updated the Board on several administrative issues that are pending and reminded the Board that three members' terms will expire June 30, 2020. Those terms include the American Association of Retired Persons (AARP) Representative, Mr. Runyon, Parent Representative, Mr. Tunstall, and the Kentucky Association of the Deaf (KAD) Representative, Ms. Harris. She also reminded the Board that it is time for the Executive Director's annual evaluation and stated that she will send the evaluation forms via email. She added that the forms are fillable and can be submitted electronically to her or Ms. Kitchen.

Agency:

Ms. Moore reported that, prior to the election, the Education and Workforce Development Cabinet (EWDC) under Secretary Ramsey completed their four-year strategic plan, and during the development process, they noted that KCDHH is on a two-year cycle. Ms. Moore inquired of the Board whether or not the Commission should consider migrating to a four-year cycle in keeping with the Cabinet. In response to Ms. Taylor's inquiry regarding whether or not this change was required by the Cabinet, Ms. Moore assured the Board that it was not; it was simply brought forward for consideration.

Ms. Moore stated that she and the Executive Advisor met with the Governor's Transition Team in November and presented them with a binder of information detailing the duties and responsibilities of the agency, highlighting our mandates and legislative goals. The team was very receptive, and follow-up remarks were very positive.

In reference to Personnel, Ms. Moore informed the Board that the agency is still waiting for the Personnel Cabinet to fill the Policy Specialist position (previously titled Policy Analyst III) as well as the Program Coordinator position.

Ms. Moore reported that she had the opportunity to meet with the Lt. Governor/ Secretary of the EWDC. Ms. Moore and the Lt. Governor discussed issues concerning the Kentucky School for the Deaf (KSD), and she will continue to monitor the situation. The Lt. Governor also requested that Ms. Moore represent her in a meeting with the lobbyist for the Kentucky Speech-Language-Hearing Association (KSHA) regarding equal pay for Speech Language Pathologists employed by the school system. She stated that she did so and submitted her recommendations shortly thereafter. Ms. Moore expressed her appreciation for the Lt. Governor's confidence in the agency and said she would keep the Board apprised of any further developments.

Ms. Moore announced that KCDHH has been accepted as a Center for the Assessment of Sign Language Interpretation, LLC (CASLI) testing site for the National Interpreter Certification (NIC) performance exam and will begin providing testing opportunities shortly. In addition, the testing room will be named in honor of the World War II veteran and interpreting icon, Norma Lewis, who recently passed away at the age of 97.

With regard to the Kentucky Board of Interpreters (KBI) regulations, Ms. Moore indicated that their Board is working to update their regulations, paying particular attention to the rule allowing out of state interpreters who are certified by RID to interpret in Kentucky for 20 days without a Kentucky license. She stated that, on the advice of counsel, they are now considering opening up the statutes for the purpose of addressing that and other issues. Ms. Moore informed the Board that she testified against that option on behalf of the Commission due to concerns that opening the statutes would open the door for other entities to remove the licensure requirement. She assured the Board that staff will continue to monitor and report any regulation changes put forth by KBI.

Ms. Moore stated that the agency has been in conversation with the Office of Vocational Rehabilitation (OVR) regarding interpreting fees, as they are in the process of updating their fee schedule. She indicated that there are concerns regarding the lack of standardization, and she is investigating the possibility of establishing a standardized fee schedule for interpreting services coordinated for state agencies through KCDHH. Ms. Moore stated that she plans to meet with the owners of Kentucky interpreting agencies to discuss the

situation. Ms. Niehaus suggested that it may be helpful to have something to offer them and recommended working with KYRID and KBI to provide a centralized location where interpreters could go to get the vaccinations and medical tests necessary to be authorized to provide services in hospitals and other medical facilities. After a brief discussion regarding this issue as well as the ongoing struggle with facilities that will only use one specific agency, Ms. Moore indicated she would take their suggestions under advisement as she moves forward.

Ms. Moore informed the Board that staff met with representatives of the mayor's office in both Louisville and Lexington regarding developing a city ordinance requiring captioning on all public televisions. She indicated that the Americans with Disabilities Act (ADA) Councils in both cities have expressed interest in that project, and she will keep the Board apprised of any new developments.

Regarding the national law enforcement training curriculum, Ms. Moore stated that she met with Commissioner Payne of the Kentucky Department of Criminal Justice Training (DOCJT) to discuss partnering with them to produce the training vignettes. She said that Gallaudet was supposed to do it, but after multiple delays, Ms. Moore and the Commission's counterpart in North Carolina decided to meet with their own state DOCJT Commissioners to move the project forward. Ms. Moore confirmed that the Commissioner is very interested in taking on the project, and she anticipates moving forward with that in the near future.

Ms. Moore announced that KCDHH is partnering with the Kentucky Department of Library and Archives (KDLA) and anticipates becoming a member, which will allow the agency to distribute library resources using KDLA's distribution system. In addition, Ms. Moore shared that KDLA is equipped to produce webinars, which is a resource the agency is looking forward to utilizing in the future.

Ms. Moore also informed the Board that she had a brief discussion with the Vice President of Health Policy Research for the Kentucky Hospital Association about their policies on Video Relay Interpreting (VRI) and live interpreter usage and will follow up with him on that conversation. Board members engaged in a brief discussion about some of the issues surrounding the use of VRI in hospitals before Ms. Taylor called for a brief recess.

THE AGENCY REPORT WAS ACCEPTED WITH CORRECTIONS.

Finance:

Ms. Moore reported that expenses are on target for the General Fund, and a request has been submitted for a one-time appropriation of funds from the Public Service Commission (PSC) to supplement the Restricted Fund. She added that there have been some issues with some of our vendors who get equipment from China, such as delayed and backordered shipments. The Telecommunications Access Program (TAP) will be sending letters to consumers who have not yet received their equipment to notify them of the delay. Ms. Moore stated that TAP is now following a prioritization protocol, meaning first-time applicants will be given priority, and re-applicants will be placed on a waiting list to receive equipment when funds are available.

THE FINANCE REPORT WAS ACCEPTED AS READ.

Early Childhood Language Access and Acquisition Study Group:

Ms. Hatzel informed the Board that all members of the Common Grounds group, except the Kentucky School for the Deaf (KSD), met to review the legislation, and members are in the process of identifying potential sponsors and developing next steps for lobbying. She stated that the group has made a few changes to the language acquisition legislation.

Ms. Hatzel reported that Ms. Moore and Ms. Dowd met with Senators Buford, Wise, Givens and Girdler to discuss language acquisition. She said they took the bill the Commission had drafted, added the comments and suggestions that were made during the meeting, and gave it to Senator Girdler's bill writer to redraft. Ms. Hatzel indicated that when they got it back, it included the full range of school-age children, preschool through 12th grade, as well as the hearing screening component. She stated that she met with Ms. Taylor, Ms. Moore, and Ms. Dowd on January 23 to make the revisions requested by the Common Grounds group, and the newly revised draft was approved by the Senator's writers the morning of the Commission meeting, January 24. Ms. Hatzel asked when the new draft of the bill can be distributed to the Board members for review, and Ms. Moore clarified that the redrafted bill actually belongs to Senator Girdler now; therefore, the study group is not authorized to share it until it becomes public record and is assigned a bill number. Ms. Moore added that she and Ms. Dowd also met with Representatives Riley, Tipton, and Frazier and have scheduled a meeting with Representative Huff the following week, so there is ample support in the House of Representatives as well as the Senate. Ms. Niehaus suggested adding an "Opt-out" clause as opposed to an "Opt-in" clause if an early childhood companion bill is submitted, in order to help increase the number of families that are reached. Ms. Hatzel indicated they would investigate that possibility when the time comes.

Ms. Hatzel stated that next steps include submitting the revised comprehensive bill, finalizing the companion bill, formally obtaining the necessary sponsorships, and meeting with the Common Grounds group again to update them. She indicated that they will then need to begin the data collection process in order to develop the fact sheet mentioned at the previous Commission meeting. Ms. Hatzel concluded her report with a reminder that it is important to begin campaigning for legislative support as well as support from the deaf and hard of hearing community and stakeholders, which will likely get a strong start at the Legislative Advocacy Day scheduled for February 10.

Ms. Perry suggested that having deaf language models available for deaf students could be very beneficial for language acquisition, which led to a discussion regarding feasibility and potential obstacles. Ms. Niehaus offered to connect Ms. Perry and Ms. Karr with the Kentucky Educators for the Deaf and Hard of Hearing (KYEDHH) to further investigate that option.

THE EARLY CHILDHOOD LANGUAGE ACCESS AND ACQUISITION STUDY GROUP REPORT WAS ACCEPTED AS READ.

Services for Seniors Study Group:

Ms. Niehaus reminded the Board that the group is preparing to wrap up, so the focus has been on sustainability pieces such as the Senior Resource Guide posted on the Seniors Landing Page on the KCDHH website. She indicated that they are continuing to discuss potential additions to the landing page to make it more comprehensive and more visually appealing.

Ms. Niehaus reported that one of the study group members was recently hired by the Heuser Hearing Institute as their Social Services Director, and she has offered to take on the educational events for the deaf community. They are discussing what kinds of events may be possible working in partnership with groups such as Elder Law and AARP among others.

Regarding long-term care and accessibility for people in nursing homes or assisted living facilities, Ms. Niehaus reported that they are still trying to get the grant done for the Nursing Home Ombudsman Agency. She said it has taken significantly longer than it should have due to extensive reorganization within the agency, but the revision is in process and they hope to have it submitted by the first week of February. Ms. Niehaus added that she recently discovered that they are doing long-term care town halls across the state, talking about how long-term care facilities should be improved or redesigned. She encouraged Board members to attend these meetings if possible and provided additional details about when and where those will take place.

THE SERVICES FOR SENIORS STUDY GROUP REPORT WAS ACCEPTED AS READ.

BOARD OPEN FORUM

Ms. Taylor announced that, due to time constraints, there would be no Open Forum.

UNFINISHED BUSINESS

Ms. Taylor stated that there have been no suggestions for revisions or additions to the Strategic Plan 2020-2022. That being the case, Ms. Taylor called for a motion to accept the Strategic Plan in its final form.

MS. GORDON-BROWN (Mr. Runyon) MOVED TO ACCEPT THE STRATEGIC PLAN 2020-2022 AS WRITTEN. THE MOTION PASSED.

Ms. Taylor announced that the plan will become effective July 1, 2020.

Regarding the Legislative Advocacy Training Workshop, Ms. Moore explained that the NAD's State Legislative Affairs Coordinator will provide a three hour training session on the morning of February 10, after which the group will meet in the Rotunda. Ms. Moore said that, following brief remarks by some of the senators and herself, the Commission will provide a handout containing the number of the bill the legislators are being asked to support and a brief synopsis of what the Commission is hoping to accomplish through that bill. She encouraged members to make appointments with their legislators ahead of time to be assured of a meeting time that afternoon. Ms. Niehaus suggested that a list of talking points should be developed and requested that those points include citing the source that published Kentucky's ranking of 51st in the nation in high school completion rates, as that statistic requires some clarification.

NEW BUSINESS

Ms. Taylor reminded the Board that there are three Board members whose terms will expire June 30, 2020: Mr. Runyon, representing the American Association of Retired Persons (AARP); Ms. Harris, representing the Kentucky Association of the Deaf (KAD), and Mr. Tunstall as the Parent Representative. Ms. Taylor requested that members continue to

recruit potential applicants and emphasized the March 1 deadline. She explained that, since the Parent Representative is selected by the Board, completed applications will be given to the Executive Board for review before submitting them to the full Commission in April for a vote. Ms. Taylor said that if any of the members whose terms are expiring choose not to reapply for their seat on the Board, she will send out a reminder to complete an Exit Interview, as their comments and feedback will be invaluable.

Ms. Taylor directed the attention of the Board to the “Study Group Functions and Guidelines” section of the KCDHH Operating Policies, which can be found in the Commissioner’s Handbook. She pointed out that the proposal form is under Appendix B of the Operating Policies and reminded members that proposals are due March 1, prior to the Executive Board meeting. She added that, because the agency is understaffed and one participant from each study group must be a staff member, the number of study groups will be limited to two.

ANNOUNCEMENTS

- The next Executive Board meeting will be held in the KCDHH Conference Room on Friday, March 6, 1:00 p.m. – 3:00 p.m.
- The 165th Quarterly Commission Meeting will be held on Friday, April 24, 1:00 p.m. – 4:00 p.m. at the Transportation Cabinet.
- The TAP Advisory Board meeting will be held in the KCDHH Conference Room on Thursday, April 23, 2:00 p.m. – 4:00 p.m.
- The Mental Health Advisory Committee will meet on February 19, 12:30 p.m. – 3:30 p.m.

MR. EVANS (Ms. Hatzel) MOVED TO ADJOURN THE MEETING. THE MOTION PASSED and the meeting was adjourned at 4:05 p.m.