

Kentucky Commission on the Deaf and Hard of Hearing
138th Quarterly Commission Meeting
August 2nd, 2013
Transportation Cabinet, Frankfort KY

- MEMBERS PRESENT:** Mr. David Bayersdorfer, Ms. Becky Crawford, Ms. Susan Brown, Ms. Amy Hatzel, Ms. Edie Ryan, Mr. David Beach, Ms. Becky Bush, Ms. Liz Agro, Mr. John Horsley, and proxy for Ms. Michelle Niehaus (Ms. Janine Dewey)
- MEMBERS ABSENT:** Proxy for Ms. Sharon White (Arlen Finke), Ms. Nina Coyer, Ms. Marilyn Fenwick, and Ms. Barbie Harris
- STAFF PRESENT:** Ms. Virginia Moore, Mr. Blake Noland, Ms. Natasha May, Ms. Jessica Endler, and Ms. Anita Dowd
- COMMUNICATION FACILITATORS:** Ms. Rita Zirnheld, Ms. Rachel Rodgers, and Ms. Tracy Lundergan
- VISITORS:** Mr. Ron Haynes, Ms. Jean Haynes, Ms. Rebecca Horsley, and Ms. Glenna Goins

Ms. Amy Hatzel, Chair, called the meeting to order at 1:00 pm. Mr. Bayersdorfer, Vice Chair called roll and welcomed everyone to the 138th Quarterly Commission Meeting. As a quorum was present, the meeting continued. Ms. Hatzel asked the Board members to introduce themselves for the benefit of the new Commissioners, Ms. Liz Agro and Mr. David Beach. The Board approved the designated proxy for Ms. Sharon White although he had not arrived at the meeting. Ms. Michelle Niehaus is on maternity leave and her proxy was present. Mr. Bayersdorfer was asked and agreed to serve as the Parliamentarian for this and future meetings, to ensure that procedures are correctly followed.

MS. SUSAN BROWN (Ms. Becky Bush) MOVED TO ACCEPT THE MINUTES FROM THE 137TH QUARTERLY COMMISSION MEETING. THE MOTION CARRIED.

REPORTS

Agency:

Ms. Moore reviewed her meeting with the new Secretary of the Education and Workforce Development Cabinet, Mr. Thomas Zawacki, and how she provided him with the mission of KCDHH and our legislative goals for 2014. Those goals are; to require audiologist, hearing instrument specialists and speech pathologist, or any professional providing hearing aid equipment to an individual, to also refer them to KCDHH to obtain information on advocacy and education. Second is to attempt to get backing and file legislation that would require insurance companies to cover hearing aids for adults. Currently children under 18 years old are covered by most insurance companies, but

adults are not. We realize this will be a huge uphill battle because of the huge insurance company lobby, but we want to start the process as this has become the number one request to our agency, "how can I get assistance to purchase hearing aids". A loan agency is available as a resource, but some consumers cannot afford or qualify for the loan. Third is to have hearing exams provided to individuals in a nursing home as part of their plan of care, and to have the facility provide assistive technology for those with a hearing loss. The fourth legislative goal is to require that school children to have an audiological exam, not just a hearing screening, before entering school. Currently dental and vision exams are required to be done by professionals and forms completed. Secretary Zawacki took our goals to the Governor, and connected us to the Commissioner of the Kentucky Department of Education (KDE), who was surprised professional hearing exams were not already required for school children and indicated he would support such a change and asked that we meet with Ms. Felicia Smith, Associate Commissioner of the Office of Next Generation Learners, to pursue the change together. Ms. Brown stressed the importance of using the correct terminology in drafting legislation or regulatory changes, so that we get the kind of "testing" we want implemented, and agreed to be a resource as we work on this legislation in 2014, although her term as KCDHH Commissioner has come to an end.

KCDHH's 30th Anniversary celebration was a huge success, and we were pleased to see an entirely different segment of the community come out for this event. Many individuals asked that we continue the event annually and KCDHH likes that idea, but will have to work with other organizations to assist and perhaps make it a bi-annual event to offset DeaFestival. The celebration was a much more relaxed event that just seemed to bring the community together for fun and relaxation. Several individuals also came to the KCDHH office afterwards for a tour.

The Hearing Loss Association of America, Kentucky Chapter (HLAK) first regional conference was held July 18-20, and a lot of positive feedback was provided both during and after the conference. Several individuals indicated that they had finally found their niche' in the hard of hearing community and the workshops provided were very informational. Ms. Kathy Buckley performed, and served as keynote speaker, and did a fantastic job connecting with the audience with humorous tactics about how she dealt with her hearing loss. She also took time and did a filming with us for a public service announcement, which talked about isolation and how people with a hearing loss need to find resources and become more involved.

The Kentucky Association of the Deaf (KAD) and the Kentucky Registry of the Interpreter for the Deaf (KyRID) will hold their fall conference, entitled "*We Rise with Collaboration*" in September. The planning team is working on bringing in individuals as presenters and panelists. This partnership should allow us to work together to provide the best services to both the deaf and interpreting community, and is a first time conference collaboration between the two groups.

The Agency is fully staffed with the hiring of the Document Processing Specialist I for the Telecommunications Access Program (TAP) and the Interpreter II.

The TAP public relations push includes; billboards in western and eastern Kentucky, a public service announcement (PSA) on the radio and in newspapers. Ms. Ryan mentioned she has a connection with a TV station in western Kentucky and could possibly get the PSA broadcasted there. KCDHH PR staff will work with her to see if this can be accomplished.

The Registry of Interpreters for the Deaf (RID) are closing their testing supersites in December and will switch to video computer generated testing, performed by a company they are contracting with. Computer sites for testing may still be located at KCDHH however we will have to work out details with RID and the contracting company to continue providing the test at KCDHH. The agency has worked out an agreement with the Kentucky School for the Deaf (KSD) to provide up to 50 test slots for the Sign Language Proficiency Interview (SLPI). Criteria for qualifying to take the test are being worked out.

Volunteers are still needed to the KCDHH portion of the State Fair booth later in August. This event always provides us with a wonderful opportunity to reach out to the public about the services we provide and the specialized equipment available through TAP.

For the spotlight portion of the agenda, Ms. Moore introduced Ms. Jessica Endler, Document Processing Specialist I, and Ms. Natasha May, Interpreter II. Ms. Endler grew up in Louisville and was mainstreamed. She attended Jefferson Community College and majored in Billing and worked as a medical coding assistant at the Robley Rex Veteran Administration Hospital. She is working closely with the TAP and learning to maneuver the database to assume other job responsibilities as well as TAP. Ms. May graduated from Eastern Kentucky University's Interpreter Training Program and interned in Baton Rouge, completing a wide range of interpreting from educational to government. She then worked as an interpreter at Bluegrass Community and Technical College and freelanced, before applying for the job here at KCDHH. Both are welcome additions to the KCDHH staff.

THE AGENCY REPORT WAS ACCEPTED AS READ

Finance:

June 30th is the end of the fiscal year for state government and the agency's books have been closed successfully, with all funds down to zero. Ms. Moore advised that restricted funds (TAP) have been reduced a bit for the upcoming fiscal year (13-14) due to the previous budget cycle estimations. If additional funds are required, an allotment increase could be sought toward the end of FY 14.

THE FINANCE REPORT WAS ACCEPTED AS READ.

Telecommunication Access Program:

The annual TAP report was sent to legislators on July 1st as required by law. The report indicates how many individuals TAP has served, what type of equipment was provided, the cost of the equipment and any plans TAP has that would or would not require

legislative action. Also the TAP Advisory Board met during the last quarter and discussed the introduction of new equipment, the Bellman Paging system. The system is a pager that vibrates when the telephone or videophone rings and comes with a smoke detector which also vibrates the pager to notify of a fire. A bed-shaker and charging device are also included. Individuals may apply for this package as new technology, even if they have received equipment in the past four years. TAP is also considering adding iPads to the program and is researching pilots conducted in New Mexico and Kansas and hopes to add the device by the end of the year.

THE TELECOMMUNICATIONS ACCESS PROGRAM REPORT WAS ACCEPTED AS READ.

The K-12 Educational Study Group:

The Executive Staff Advisor, as liaison, gave an update on the group's activities. She and the Executive Director met with Mr. Johnny Collett, of the Kentucky Department of Education (KDE), to discuss the possibility of First Steps using outreach staff from the Kentucky School for the Deaf (KSD) as providers for language mentoring for families. He was very open to the idea and states that he will meet with First Steps staff and see what can be done to promote this endeavor. First Steps providers will be given deaf awareness training, if this is approved, to assist them in identifying children with a cultural need as well as a hearing loss and assist the families in providing a better language environment for the child. Additional updates will be provided as meetings continue with KDE.

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

The Nursing Home Study Group:

Ms. Edie Ryan has taken on the Chair of this study group, and stated that she has recently visited nursing homes in her area to get an idea of what is provided and what is needed for residents. The attendees discussed the Civil Monetary Penalty (CMP) grant that the study group is working on with the Ombudsman's Office to apply for funds to assist with the needs of nursing home residents with a hearing loss and Ms. Moore updated them on the meetings held in June and July to clarify how to proceed on the grant application. If the needs of the resident can be documented in the patient's plan of care (POC) then assistance from Medicare and Medicaid can be obtained to pay for assistive technology and hearing aids for that resident. A meeting is to be held with the Office of Inspector General to evaluate how to enforce procedures put in place and ensure that each nursing home follows the same requirements for documentation and provision of assistive technology. The study group is developing a campaign to educate nursing homes on simple things they can do to improve the quality of life for a hard of hearing resident, such as turning on the captions on the TV. The group is also researching other states, such as Nebraska and Rhode Island to see what is in their mandates for nursing homes and how they are able to enforce the mandates, to see if legislation would be beneficial. KCDHH is seeking a sponsor for legislation that would require nursing homes to do professional hearing exams as part of the admission

criteria, so services needed can be identified and addressed immediately and prevent a lot of the bad behavior or misdiagnosis that is prevalent now with seniors in transition.

THE NURSING HOME STUDY GROUP REPORT WAS ACCEPTED AS READ.

The Access to Videophones in Public Libraries Study Group:

Members of the group, and the Executive Director, met with the Director of Kentucky Department for Libraries and Archives in regards to providing videophone accessibility in libraries throughout the state. High speed internet access is a necessity for videoconferencing, but almost all libraries are so equipped. Videoconferencing access is even more critical now that the Affordable Healthcare Act has gone into effect, requiring all citizens to have health insurance and providing a means of communication for deaf consumers to make phone calls to set up insurance plans. Space issues were discussed, as some libraries are very small and have limitations, but laptops could be utilized in these instances. The next step for the study group is for the Chair to recruit committee members and begin researching interest within the libraries in their areas.

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

Open Forum:

Ms. Ryan brought up a concern about videophones being put in correctional facilities; mentioning a situation where an inmate was given a Telecommunications Device for the Deaf (TDD) and the inmate had no idea how to use it as he/she was accustomed to videoconferencing. The Executive Director commented that we have had requests from inmates in the past regarding communication and we are researching how other states such as New Jersey provide videophones. A meeting will be held with the State Correctional facility staff to initiate a conversation on how this can be accomplished. The prison's concerns continue to be that they must be aware of what the inmates are talking about to ensure no inappropriate messages are being conveyed.

Ms. Brown shared her experience with her Speech Pathology Graduate Students and the four week course on communication strategies held in Murray. Many of the individual's they met were unaware of KCDHH and the TAP and she advised them to utilize us as a resource regarding the needs of their consumers.

Ms. Hatzel took the remaining time to recognize the four outgoing Commissioners; Ms. Fenwick, representing the Hearing Loss Association of America (HLAA) for three years; Ms. Coyer, the Chair and representing the Kentucky Association of the Deaf (KAD) for nine years; Mr. Scott, the Service Provider representative for three years; and Ms. Brown the Kentucky Speech-Language and Hearing Loss Association (KSHA) representative for nine years. As Ms. Brown was the only one present, she was given a framed Certificate of Appreciation signed by the Governor and a Kentucky handmade Amish maple ink pen in appreciation for her service.

Mr. Horsley advised attendees of the early bird registration for the Kentucky Association of the Deaf and the Kentucky Registry of Interpreters for the Deaf (KAD/KyRID) join conference and encouraged everyone to attend. Mr. Horsley also mentioned a lawsuit against E-bay for equal access, but since it is not an establishment, there are not grounds for suing based on ADA. Ms. Moore emphasized the importance of individuals to pursue their rights and explained about a staff member's lawsuit against a local movie theater for failure to provide captioning, and a hearing is scheduled for January.

Mr. Bayersdorfer asked if there had been cuts in the Department of Education in Jefferson County, especially the Special Education Division, due to the sequestration within federal trickled down to state government. Discuss was held between several members within the school systems across the state, and the consensus was that if the child meets the requirements for needing deaf and hard of hearing services they are getting those needs met. If the child falls in the mild to moderate hearing loss range and it is determined they can be served in a regular special education classroom, some of their needs may be overlooked. The eligibility form completed by the audiologist typically justifies the need for more instruction and accommodations, however; audiologists are being asked to document that the hearing loss causes problems with language in the classroom, and that can be a judgmental decision by that individual, not always in the best interest of the child. It seems that per the current requirements a child must be struggling to succeed before the needed accommodations are written into the Individualized Education Plan.

UNFINISHED BUSINESS

The three Commissioner vacancies have yet to be appointed by the Governor's office. However the selection for Service Provider was recently completed by the Board and Ms. Liz Agro from Bowling Green is now the Service Provider representative.

NEW BUSINESS

None

ANNOUNCEMENTS

- The next Executive Board meeting is scheduled for Thursday, September 12, 10:00 am - 12:00 pm at KCDHH;
- The next Town Hall Meeting is scheduled for Friday October, 25, 5:00 pm - 8:00 pm at the Community Technology Center in Pikeville; and
- The 139th Commission meeting is scheduled for Saturday, October 26, 10:00 am – 1:00 pm at the Community Technology Center in Pikeville.

Commissioner Ryan (Commissioner Brown) MOVED TO ADJOURN. The meeting was adjourned at 4:12 p.m.