

STATE OF COLORADO



Colorado Department of Human Services

people who help people

EMPLOYMENT AND REGULATORY AFFAIRS
Jenise May, Deputy Executive Director

BOARDS AND COMMISSIONS DIVISION
Mary V. McGhee, Director

COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING

Cliff Moers, Director
1575 Sherman Street, 2nd Floor
Denver, Colorado 80203-1714
Phone 303-866-4824
TTY 303-866-4734
FAX 303-866-4831
Email Deaf.Commission@state.co.us
www.cdhs.state.co.us/DeafCommission



Bill Ritter, Jr.
Governor

Karen L. Beye
Executive Director

**COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING
COLORADO DEPARTMENT OF HUMAN SERVICES
MINUTES OF REGULAR MEETING
June 4, 2009**

1. CALL TO ORDER

The Chair called the Regular Meeting to order at 2:02pm.

2. ROLL CALL

MEMBERS PRESENT:

Commissioners Joe Benedetto (Chair), Debbie Mohny (Vice Chair), Shelley Strickfaden (Secretary), Nancy Jean Eubanks, Leslie Ralphe, Nancy Jean Eubanks, Jennifer Peterson.

MEMBERS ABSENT:

Barbara Jenkins - *Commissioner Jenkins notified the Commission of illness and was excused by the Chairman*

CCDHH STAFF PRESENT:

Cliff Moers, Director, Cheri Davis, Legal Auxiliary Services Program Manager, Tricia Frank, Staff Interpreter, Rob Loveless, TEDP Coordinator

INTERPRETERS/CART REPORTER:

Kirk Neuroth, Jo Linda Greenfield and Tricia Frank, Interpreters
Claudette Mondragon, CART Reporter

3. APPROVAL OF THE AGENDA

The agenda was approved.

4. APPROVAL OF THE MINUTES

March 5, 2009 were approved without correction.

5. REPORTS

Commission Chair's Report, Commissioner Benedetto

- Chair Benedetto extended his thanks to the interpreters and the CART reporter for their services. Commissioner Benedetto also gave thanks to Commissioner Mohney and Mark Valkonen for the demonstration of the assistive listening devices again at this meeting.
- Thanks were also offered to DHS Director Karen Beye, Director of Boards and Commissions Mary McGhee, and to Director Cliff Moers and the CCDHH staff.
- Chair Benedetto celebrated the passage and signature of Senate Bill 09-144 and its goals:
 - to update the statutory language with regard to the TEDP
 - to clarify the responsibility and role of the Legal Auxiliary Services Program
 - the creation of a LAS Coordinator position
 - the community grant program
- Chair Benedetto also shared gratitude to those supporters who worked hard to make SB 09-144 a reality – the CDHS, the Legislature, the Governor, the Commission and ordinary citizens of Colorado. The Chair said that SB 09-144 will improve the quality of life for the citizens of Colorado.
- The following progress has occurred since the CCDHH was created 9 years ago on July 1, 2000: new legislation strengthened the Commission, staff has been increased, new programs implemented, and services have been provided
- Chair Benedetto also reminded everyone that we must remain steadfast in these challenging economic times and that the citizens of Colorado need and deserve the services of the CCDHH.

Commission Director's Report, Director Moers

It was noted that the CCDHH now has an FM system that has been purchased.

A. SB 09-144

- Director Moers reported that the Senate Bill 09-14 will be effective August 5th.
- Sunset Review – Ellen Graham is here from DORA to explain the process of the Sunset review.

B. Website

- Services:
 - i. Director Moers began with the Services – currently we have the Telecommunication Equipment Distribution Program (TEDP) and Legal Auxiliary Services (LAS); two more programs will start in the fall for a total of four. The two new positions will be part time positions – one for the deaf

- ii. community and one for the hard of hearing community. Additionally, the grant program will be back.
 - iii. The Disabled Telephone Users Fund will fund the grant program – we will need to establish a committee to create and address the creation of this program, the criteria, how one would apply and the amount of money one can receive.
 - iv. Because of the new programs, we will need to establish criteria – this will need to go back through the process again. We will develop descriptions, regulations and guidelines for all the new positions and, at the same time, clean up the rules for the LAS and the TEDP.
 - v. Technical Assistance Program – CCDHH currently has many information sheets that contain a breadth of information, from being Deaf, Hard of Hearing to Assistive Technology. These sheets, as well as other/new information sheets, will be included on the website and will be moved from Information and Referral to Services.
 - vi. The Legal Auxiliary Services will also include a new Program Coordinator – the Legal Auxiliary Services Coordinator who will be responsible for coordinating the Legal Auxiliary Services for the court system in Colorado.
- Contact Us
 - i. We have changed the Commission contact email address – the old address will stay in place for about another month at which time it will forward to the new address: email@CCDHH.state.co.us. The CCDHH website will also have a new address, but it has not yet been established.
 - ii. By fall, the CCDHH hopes to have the three new positions created and this will start by the approval of the Department of Human Services, advertising the positions, conducting interviews and hiring.
 - System Level Advocacy
 - i. Currently focused on Mental Health and Substance Abuse. CCDHH may focus on adding another/new system level advocacy program – we will review our strategic plan and see what the potential next steps might be in regards to a new program.
 - Information and Referral
 - i. A Community Resource Directory will be located on the website under Information and Referral.

C. Community Resource Directory

- Rebecca Herr is working on the Community Resource Directory.
- We will follow Idaho's format for our directory.
- The electronic community resource directory will put under Information and Referral on the CCDHH website; we will also have a printed version available.

D. Strategic Plan

- Director Moers handed out a draft strategic plan to take home and review in preparation for discussion at the September regular meeting.
- The goals and objectives are clear and self-explanatory.

- The first part is public information – the CCDHH has been doing this – we have changed some of the goals and have been sharing information with the community.
 - i. One of the CCDHH goals is to create an Electronic Community Resource Directory.
 - ii. Rebecca Herr has been working on this and Director Moers included a report from Ms. Herr. More information about the directory can be found above, under item C.

E. Budget

- The CCDHH is in good shape financially overall.
- Indirect costs within the Colorado Department of Human Services (shared costs for accountant and legal services, etc.) will be a challenge going forward.
- The formula used to calculate indirect costs caused this year's costs to jump up. Moving forward we will need to be prepared for a larger percentage of CCDHH costs to be paid to indirect costs.
- Director Moers will be able to provide example of these indirect costs, if desired, to have a better idea of what these costs are.
- Legal Auxiliary Services is on target, but there is an increase based on those indirect costs.

F. Telecommunications Equipment Distribution Program

- Rob Loveless reported on the TEDP Program.
- New for TEDP is vlogs being prepared to advertise the TEDP and to make sure consumers are informed and have updated technology available to them.
- The TEDP is looking to have this information available in ASL, voiced by an interpreter and make it accessible to all; CCDHH hopes to have this complete by the end of the year. The long-term goal is to have this available in Spanish as well.
- TEDP is thinking of hiring a temporary person to handle outreach. The hope is that the hiring freeze will not prevent the CCDHH from hiring this person. The goal is to have two outreach specialists; one to serve the hard of hearing community and one to serve the deaf community.
- TEDP is also looking to update the booth to have a more up-to-date and modern look and feel.
- For the last two months, the CCDHH has been receiving more applications for TEDP, which is a good indication that outreach is successful.
- The passage of SB 09-144 allows CCDHH to provide updated technology and wireless devices to the community – hopefully by the fall of this year.
- TEDP will have an online application available under Our Services/TEDP on the CCDHH website so that applications can be sent electronically. The need will still be for clients to provide some documentation to make sure that they qualify for the technology – the details of how this will occur and how approval will take place are still in process.
- Chair Benedetto voiced concern about rules and guidelines about the type of technology clients may receive and if they will have the correct account or setup to utilize said technology.

G. Legal Auxiliary Services

- Will be discussed under Committee Reports.

Director Moers shared his gratitude with Mary McGhee, the Legislators, the Commission, community support and the Governor – he also shared a photo of the Governor signing the bill.

Sunset Review of the CCDHH

- Analyst Ellen Graham with the Department of Regulatory Agencies (DORA), the Office of Policy, Research and Regulatory Reform is here with us.
- Colorado's Sunset Law requires DORA to periodically review government programs to make sure they are still applicable and they are meeting their legislative intent.
- Sunset Reviews are created pursuant to certain statutory criteria and will modernize the statute – as well as to eliminate obsolete language.
- The purpose of the Sunset Law is to ensure that regulation in Colorado is the least restrictive consistent with the public interest, meaning: the CCDHH should protect the public without causing undue burden on business and private enterprise.
- Ms. Graham's job is to learn as much as possible about the CCDHH. She will be reading all of the laws, studying the website and she will contact all of the staff and commissioners.
- Based on her research and review of the CCDHH, Ms. Graham will make recommendations regarding the CCDHH. If her recommendation is to continue the CCDHH, her report may have additional recommendations for changes to the statute that may be large policy changes or small updates or tweaks in technical language.
- Ms. Graham emphasized that she has an open door policy – and that everyone should feel free to contact her at any time.
- Ms. Graham shared her contact information as follows:
ellen.graham@dora.state.co.us and the website: www.dora.state.co.us/opr
- Ms. Graham gave some examples of the type of restrictions and statute language that needed to be changed in a nursing situation.
- Ms. McGhee asked for examples of where programs are repealed. Ms. Graham shared different factors or drivers where statutes were repealed, such as programs created by law that were never funded or implemented.

Presentation of the Susan J. Elliott Award for Outstanding Service

- Susan J. Elliott, the first recipient of the Susan J. Elliott award for Outstanding Service, was awarded with a plaque, as one was not presented last year with her original award.
- For 2009, the Susan J. Elliott Award for Outstanding Service was awarded to Mary McGhee. Ms. McGhee was honored to receive the award!

Committee Chair Reports

Executive Committee, Commissioner Benedetto

- There is no new business to report for the Executive Committee.

Interpreter Committee, Commissioner Eubanks

- Commissioner Eubanks reported on several items. The first is that the Colorado Quality Standard for Interpreters Title Protection Bill was passed; this ensures that interpreters are qualified and protects consumers by ensuring that they have quality services.
- Commissioner Eubanks also reported that there was a medical interpreting forum that was held in Colorado on the first of May. Most of the attendee interpreters were spoken language interpreters, but Commissioner Eubanks' interest was in the potential impact for sign language interpreting. The concept of a medical interpreting standard/credential was discussed but there is no immediate action plan in place.
- Commissioner Eubanks did some research regarding Educational Interpreting. In viewing the CDE (Colorado Department of Education) website, she found that it is strongly encouraged for educational interpreters to be EIPA endorsed. EIPA stands for Educational Interpreter Performance Assessment. This is important so that children can receive appropriate skilled services in the language they need to learn.
- CDE is anticipating requiring interpreters to hold a Bachelor's Degree to become eligible for the EIPA test. It is anticipated that this would pass in 2015.
- Finally, Commissioner Eubanks reported that there is still a vacancy for a Deaf Representative on the Legal Auxiliary Services Advisory Council.

Legal Auxiliary Services Advisory Council (LASAC), Chair Valkonen

- There is still a vacancy for a Deaf Representative – Chair Valkonen is continuing to advertise for this position and encourages applications.
- The Council is working on rules and regulations to reflect the changes from SB 09-144. Ms. Cheri Davis will report on these in her report.
- The Council will be working on CART policies and procedures.
- The Council positions are two-year positions. Several of these positions will expire at the end of October – 4 total – two interpreters, 1 CART provider and 1 hard of hearing member.
- The overall configuration of the LASAC is 2 deaf, 2 hard of hearing, 3 interpreters, 1 CART provider and 1 person with disability law background. If anyone knows of someone willing to serve, let Chair Valkonen know. Our government allows us a voice; for people who wish to have an influence, it is a great way to get involved.

Bylaws Committee, Commissioner Ralphe

- The Bylaws Committee met again and they are almost done with the Handbook portion of the manual.
- The Commission needs a policy regarding commissioners' unexcused absences. This would give the Chair recourse in the event of several unexcused absences.

- Chair Benedetto explained that there is a difference between excused and unexcused absences. Several options were discussed - potentially 2 or 3 consecutive absences.
- It was informally decided that two consecutive unexcused absences or three total unexcused absences in a term would give the Chair cause to notify the Governor.
- Commissioner Ralphe discussed the Executive Committee. After discussion, it was decided that the Executive Committee would be abolished. In the event of an emergency, a special meeting will be called.
- Commissioner Ralphe opened discussion about the name of the Interpreter Committee changing to reflect the inclusion of Legal Auxiliary Services and/or CART. It was also discussed that Legal Auxiliary Services could be its own Committee. It was decided that Commissioner Eubanks would attend the Bylaws Committee meeting. Discussions of the pros and cons regarding renaming of the Committee will continue.

Legislative Committee, Commissioner Strickfaden

- Commissioner Strickfaden referenced Director Moers report regarding the passage of SB 09-144. She also discussed some new legislative ideas: The first is to increase the Disabled Telephone Users Fund by expanding the funding stream by including wireless surcharges. The other option is to pursue hearing aid coverage for adults (age 18+) by insurance companies in Colorado.
- The current landline surcharge is 12 cents and the maximum, before legislative authorization is required, is 15 cents.
- Commissioner Peterson mentioned another idea – which is reducing costs for internet services for deaf consumers so that they can use their video phones or other technology that best meets their needs. Chair Benedetto suggested we contact LEAP, a discount program for gas and electric in consumer homes. Director Moers did note that there is a reduced telephone program within the LEAP office.

Nominations Committee, Commissioner Mohny

- Commissioner Mohny reported no new business.

TEDP Committee, Commissioner Mohny

- Commissioner Mohny reported that Mr. Loveless did a great job reporting on the TEDP Committee. TEDP is working on building the program through outreach.
- Commissioner Mohny also suggested that the TEDP committee should invite Commissioner Strickfaden to the next TEDP meeting.

Media Access Committee, Commissioner Jenkins

- Commissioner Jenkins was absent. Chair Benedetto noted that we need to assign a staff member to the Media Access Committee.

Mental Health and Substance Abuse Committee, Commissioner Peterson

- The committee has been applying to various grants from the Colorado Health Foundation and the Statewide Strategic Use Fund (SSUF), a general use fund that has money available that could be used for the creation of a coordinator position.

- The committee has set up subcommittees and identified members from different key groups and agencies in Colorado:
 - Advocacy Work Group
 - Standard of Care Work Group
- They are looking for consumer reps on the committee – this is an important part – and that they will publicize this on Colorado Deaf News.
- Commissioner Peterson and Director Moers attended the ADARA Conference in April in Texas – a biannual conference for professionals who work with vocational rehabilitation, social work and mental health. This conference was important to see what other states are doing and shared our plan with other states – we have been getting great feedback.
- The committee needs good consumer representation including deaf, hard of hearing, youth, senior citizens and deaf-blind. Commissioner Peterson noted that she has a personal interest in deaf-blindness and the deaf and visually impaired community and will be meeting at the Helen Keller Center shortly.
- Director Moers reported on the Colorado Health Foundation. CCDHH requested \$145,000, also requested \$530,000 through SSUF to help implement the Mental Health and Substance Abuse Services.
- This funding, if secured, would cover 22 months of work and include hiring a person, having a project coordinator and someone who could be a self-starter and implement the action plan. This person would be hired in the fall. Both grants rely heavily upon developing standards.

6. PUBLIC COMMENT

Ody Allen spoke about the CAD, Colorado Association of the Deaf. We were notified of a Special Statewide Meeting – there are concerns about the organization and this meeting serves to address these issues. She was also curious to see what CCDHH would like from CAD and invited the CCDHH membership to the meeting.

7. UNFINISHED BUSINESS

None

8. NEW BUSINESS

A. Approval of the Legal Auxiliary Services Policies

- Ms. Davis reported for the LASAC – she reviewed the table of contents approved at the retreat. An item of note – any policies related to money has been put on hold – at this time all items will go back to the initial amounts.
- Ms. Davis noted that the overview is an outline – we will work on updates as they come through.
- A group of 9 new policies was sent out in the Directors report as well as the additional 10th policy related to Grievance Procedures. Part of this, specifically related to video, will need to be put on hold at this time.
- Auxiliary Services Provider (ASP) Dispute Resolution – the flowchart provided a visual overview of the dispute and resolution procedures.

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- The current rules do have a Dispute Resolution so the chart is based on this information. The dispute resolution should have a minimum of two levels of review.
- A motion was made by Commissioner Eubanks, and seconded, to approve the 9 updated Policies as reviewed. The motion carried with no opposition.

9. ANNOUNCEMENTS

- Commissioner Mohny noted that the Hearing Loss Association of America, HLAA, had a nice fundraising walk in May with \$15,000 raised.
- Commissioner Peterson noted that Deaf Awareness Month is coming up and that events for this month can be publicized.

10. ADJOURNMENT

Meeting adjourned at 5:02pm.

Respectfully submitted,

Shelley Strickfaden, Secretary