

## State Rehabilitation Council

Quarterly Meeting

Friday, January 13, 2012

NM Disability Determination Services Office

7421 Bartlett Street NE

Albuquerque, New Mexico 87109

Quarterly Meeting - 10:00 a.m. – 3:00 p.m.



### **Members present:**

Bernadine Chavez  
Jeffrey Diamond  
Ava Gutierrez  
Yvonne Hart  
Richard Dennis Jirón  
Alex Martinez  
Treva Roanhorse  
Louise Williams

### **Members absent:**

Rosemarie (Ortiz) Casados  
Sarah Michaud  
Marcia Prophet  
Gilberto Romero

### **DVR Staff present:**

Ralph Vigil  
Krista Martinez  
Richard Smith

## **I. Call to Order/Roll Call**

Ms. Bernadine Chavez, Chairperson called the meeting to order at 10:21 a.m. She welcomed everyone and asked Ms. Krista Martinez to call the roll. There were six voting members present out of eleven voting members on the council which represented a quorum.

## **II. Action Items**

### **A. Approval of Agenda**

Ms. Bernadine Chavez asked Council members to review the agenda. Mr. Alex Martinez motioned to accept the agenda as written, Mr. Jeff Diamond seconded the motion. The motion carried and the agenda was approved.

### **B. Approval of Minutes – September 23, 2011**

Ms. Bernadine Chavez asked members to review the minutes from September 23, 2011. Mr. Diamond motioned to accept the minutes as written, Ms. Treva Roanhorse seconded the motion. The motion carried and the minutes were approved.

### **III. Director's Report – Ralph Vigil**

Mr. Ralph Vigil, Acting Director of the New Mexico Division of Vocational Rehabilitation, welcomed everyone to the new Disability Determination Services (DDS) building. The DDS office employs adjudication staff whose job is to determine if participants meet qualifications for services.

#### **Order of Selection**

All individuals in Priority Group One have been removed from the waiting list. (504 participants were removed from the waiting list in November and 261 were removed in December.) This category (Most Significant Disability) will remain open. Order of Selection (OOS) has forced the agency to develop different strategies for budgeting case service activities and enabled more detailed analysis. The OOS has enabled staffing to keep pace with service delivery activity. With more people being released, it is hoped that more people will be encouraged to apply for services. Staff will review the expenditure level for the Priority 1 service delivery group – persons with most significant disabilities. The next goal is to open up services to participants in Priority Group 2.

Members discussed the waiting list and what steps are being taken to keep contact information current. Mr. Vigil stated that applicants are receiving information and referral services, and they are getting letters every six months. Ms. Ava Gutierrez stated that cases are being closed as applicants are not responding. Members suggested that instead of non-response, it could be non-contact. Ms. Gutierrez stated that two letters and phone calls to various numbers and personal contacts are made before the case is closed, and reminded the Council that the applicant has a responsibility to stay in contact.

#### **Legislative/Budget Update**

State revenue projections continue to be on an upward trend, so no additional budget cuts are anticipated this or next year, at least at this point. NMDVR has been given the approval to proceed with filling additional positions. The Division will be posting approximately 20 positions. This will bring some much needed relief to every unit. This is currently underway. The agency budget request includes a request for additional general fund dollars in order to staff positions that provide administrative support to non-VR activities including grants in the Program Development and Supports Unit and for Independent Living contracts. This is necessary based on the Rehabilitation Services Administration (federal oversight agency) findings that indicate that Title 1, VR funded staff cannot administer these programs using basic support grant dollars. Meetings with the agency's assigned DFA and LFC analysts have been conducting in the summer and fall months to facilitate this. DFA and LFC budget recommendations were received late last week. Both reduce the agency's budget in personnel as anticipated vacancy savings – LFC – 3%, DFA - 5%. The agency is obligated to go with the Executive recommendation (DFA).

The House Appropriations and Finance Committee hearing conducted on January 10<sup>th</sup> was a very engaged presentation. There was a great deal of discussion about the agency vacancy rate, about the losses in federal match, and a lot of concern was

expressed about Order of Selection and the agency's waiting list. No recommendation was adopted and the analysts were instructed to work with committee members to evaluate the agency's budget. Subsequent to that, a letter was provided to the subcommittee chair, Rhonda King and to the agency's DFA and LFC analysts. The letter outlines responses to various questions and describes the amount of general fund needed to match all available federal dollars, enabling the Division to fill positions and move off of Order of Selection.

Members discussed why some states get out of OOS as every state has a different dynamic, resources, population demographics, culture and environment.

### **Manual of Operating Procedures (MOP) Update**

MOP revisions have been completed and circulated for public comment. Public hearing and electronic submissions have been compiled and reviewed. Field managers and Rehabilitation Services Unit staff have reviewed these and made some revisions based on the comments. The draft revisions have been forwarded to the Rehabilitation Services Administration (RSA) for review. Upon review from RSA, additional revisions may or may not be necessary. The final version will then become an official part of the MOP and staff will receive training on substantive changes.

### **Benefits Advisors**

Currently, the agency has two grants that pay for the agency benefits advisement program. This is an important program that provides information to Social Security Disability/Supplemental Security Income (SSD/SSI) beneficiaries. Many beneficiaries are reluctant to enter into employment for fear of losing their SSD/SSI benefits, and the accompanying medical insurance that goes along with them. In many instances, there are incentive options available to beneficiaries. The benefits advisors provide this information to individuals applying for services.

One of the grant programs expired on 12/31/11. In order to retain this important service, the four benefits advisement staff will be absorbed into the Rehabilitation Services Unit, vocational rehabilitation program. For three of the benefits advisors, half of their time will be devoted to doing benefits advisement and the other half to doing rehabilitation technician work. The other staff person (in Albuquerque) will be doing benefits advisement full-time. One important distinction with this move is the fact that benefits advisement can only be done with vocational rehabilitation participants. Under the current grant, benefits advisement can also be done with persons not being served as VR participants.

### **Fair Hearing Requests**

For federal fiscal year 2011 (ending in September of 2011), there was one fair hearing carryover from the previous year. That request was withdrawn by the participant. The primary issues were case closure and counselor interaction with the participant. During federal fiscal year 2011, there were four fair hearing requests. Of those:

- One request was dismissed by the Impartial Hearing Officer for untimely filing (issue with case closure)

- One request was decided in favor of the applicant (issue was ineligibility determination)
- Two requests were withdrawn by the participants. The issues were closure and Order of Selection assignments.

The agency received two district court appeals.

- One of these was had been pending since 2008 and was dismissed without the merits decided.
- The other case is still pending review in district court

There has been one fair hearing request in the current federal fiscal year (since September 2011). The process is currently underway for that hearing to take place.

## **RSA Review**

The RSA review was completed in state fiscal year 2010. A draft report was received on March 31, 2011. NMDVR provided a comprehensive response on June 3, 2011. A final monitoring report was received from RSA on October 4, 2011. The RSA essentially maintained the findings brought forth in the draft report. There were no program findings, although there were a number of recommendations. The agency will be implementing some of these. In other instances they will not be implemented, and in some instances, they involved additional resources which the agency currently does not have. There were fiscal findings. These related to staff time/cost allocations, improving processes related to contracting, timely federal reporting, use of Independent Living dollars under Title 7, part B for lobbying, and implementing additional internal controls on participant expenditures. More specifically, obtaining receipts for the purchase of services or goods rendered with a direct authorization to the client. On the heels of this review, our state general audit is revealing some of the same findings. Agency staff has been very engaged in establishing processes to address these. An assurance has been provided to RSA along with a corrective action plan.

Mr. Vigil also reported that Ms. Lynnae Rutledge, the Commissioner of RSA, has retired.

ARRA stimulus dollars review has not been done yet. There will be a review and audit in the future.

The Technical Assistance Center for Education (TACE) through the University of Arkansas does not have an oversight role but they partner with RSA. Jeannie Miller and her office has been a phenomenal resource.

## **IV. SRC Chairperson's Report – Bernadine Chavez**

Ms. Bernadine Chavez reported on behalf of the Council. She reminded members about the Council's responsibilities and reiterated that the Rehabilitation Services Administration (RSA) does not want to see "rubberstamping". She reported that the SRC report has been completed. She also mentioned that the RSA website SRC training module has been revamped. Louise Williams and Marcia Prophet have

completed online training. She encouraged all members to take the training. It takes about 12 hours to complete the entire module.

Ms. Chavez reported on Membership, the Council has some vacant positions. Ron Garcia's appointment has been expired over a year and is eligible to reapply for the council. There are a couple of other positions that need to be filled. Mr. Jeremiah Ritchie, of the Office of the Governor advised that according to New Mexico state statute, a person can continue to serve until the Governor reappoints them. However, guidance received from RSA is that Council/Board members cannot be paid with federal funds unless the person is in an active (non-expired) position that has been appointed by the Governor.

Ms. Chavez stated that she would like for the Council to spend one day to do strategic planning and look at committee structure. She would like to focus on doing outreach for the agency and promote education for our partners and the legislative committee.

## **V. By-laws Review Update**

Ms. Louise Williams reported that that committee used Mr. Richard Jiron's changes and added direct language from the Rehabilitation Act. Ms. Bernadine Chavez asked members for comments by February 3<sup>rd</sup>. The committee will meet again at 9:30 a.m. on February 16<sup>th</sup> at NMDVR state office.

## **VI. Comments from Public/DVR Staff/Members**

There were no comments.

## **VII. Other Business**

### **A. SRC Webpage**

Rich Smith reported the SRC webpage is currently in staging phase. The Council needs to determine the content. Members discussed options and recommendations for content, members want to see if comments could be added or a way to communicate with the SRC. Members would also like to see the agenda and final minutes before the date of meeting, membership listing with no contact information except by choice (email addresses); information on the application process. Members asked if the SRC have its own email address.

Members also discussed the SRC's mission and being cautious that it does not take client complaints. Members also cautioned those who would be tempted to get involved inappropriately in Agency business and being careful about separating the SRC from DVR. Members also reminded the others that the Council needs to stay within the scope that is our charge and keep in mind that a website is a living document.

## **B. Awards Committee Update**

The members of the Awards Committee were not present to present an update of their work.

## **C. SRC Annual Report**

The SRC annual report has been completed and sent to the Rehabilitation Services Administration, New Mexico's Office of the Governor and the New Mexico Secretary of Education.

## **VIII. Adjournment**

There being no further business to discuss, the meeting was adjourned at 3:09 p.m.