

## State Rehabilitation Council

Quarterly Meeting

December 01 Meeting

Committee Meetings 9am

SRC Meeting 10 am

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

Meeting called to order at 10:05am

#### Members Present:

Sarah Michaud, Chair  
Tracy Agiovlasis, Vice Chair  
Bernadine Chavez  
Guy Surdi  
Keith Maes  
Paula Seanez  
Sandy Sandoval  
TJ Chester  
Yolanda Montoya-Cordova

#### Members Absent:

Rebecca Holland

#### DDS Staff:

Charles Hamlin- DDS Administrator

#### DVR Staff:

Diane Mourning Brown, DVR Executive Director  
Michael O'Brien, DVR Administrative Director

#### All Others:

Michelle Bowdon- DVR Attorney  
Jennifer Salazar- DVR Attorney  
Robert Cardon- DVR CFO

### II. Action Items

#### A. Approval of Agenda

Yolanda Montoya-Cordova moved to approve agenda  
TJ Chester seconds  
Unanimously approved

#### B. Approval of Minutes

TJ Chester moved to approve minutes  
Guy Surdi seconds  
Unanimously approved

#### C. DVR Directors Reports

- I. Agency Director- Diane Mourning Brown
- II. Chief Financial Officer-Robert Cardon
- III. RSU Administrator-Michael O'Brien
- IV. DDS Administrator- Charles Hamlin

#### D. SRC Chairpersons' report- Sarah Michaud

#### E. Committee Reports

- I. Legislative and Outreach Committee- Bernadine Chavez
- II. Membership, Training and Awards Committee- Tracy Agiovlasis
- III. Transition, State Plan and Outcomes-TJ Chester

## F. Old Business

## G. New Business

- I. DVR Public Hearings and SRC Involvement
- II. Update on RSA Monitoring Process
- III. Review and Approval of Annual Report for SRC
- IV. NCRC Update- Bernadine Chavez

## H. Comments from Audience

### I. Information on Next Meeting

### J. Adjournment

## III. 121 Report – Paula Seanez

Jemez, Laguna and Acoma Pueblos remain closed to the general public. Consumers and providers are recommended, to contact the office via email or otherwise get in touch with staff. Clients are making appointments by telephone. Tribal VR has been working with DVR to provide informative Tribal VR program (Jemez, Laguna, and Acoma Pueblo VR programs) presentation to State level DVR Field Operation Managers. The field operation directors requested additional presentations to the agencies areas that serve Farmington and Shiprock, etc. A presentation was held on October 13, 2020 and October 28, 2020. Tribal VR is pleased to see that DVR has counselors in the Farmington/Shiprock area. There are plans to schedule a follow-up, to our meetings and involve Tribal VR- Farmington/Shiprock staff to work more closely with DVR. Meetings have been happening with Jemez VR and DVR monthly. Tribal VR is happy with the efforts by DVR to understand the program, staff and public served in the designated areas/pueblos. On October 28, 2020- Federal RSA had a conference call that included all Tribal VR programs. They reviewed the annual reports and provided updates. Several tribal programs are still closed, due to COVID. South Dakota is 50% of the population, has tested positive because of the inactions of the governor. Many of the funded programs in that region, are still closed. They can't go to their offices. NM Tribal VR is looking out for requests for proposals for funding that should be released within the next few months; thus, would apply. Navajo, Jemez, Laguna and Acoma connections are up for grant renewal and are writing for the grant competitions this year. There is hope that the programs will be funded for a sixth year; voiding having to grant a new grant proposal and eliminating the process for FY 21. Federal RSA is celebrating 100 years of the Vocational Rehabilitation Act (100 VR). They featured Tribal VR programs on November 19, 2020, on a two-hour webinar. They showed a lot of success stories, across the country; however the rush to share success stories negatively impacted Tribal VR as they were closing due to the pandemic at the time of collection. Project Hope from Jemez VR was one of the featured success stories and did point out the collaboration with the DVR. An overview of Navajo VR Services was also provided. For the Navajo Nation- Native American Center for Disability Law that has been funded, since the 1990s, in Farmington. They're available for providing protection advocacy support, under the DD act. Most recently, they recruited attorneys on board, they also have hired advocates. They have two client assistant program representatives in the state of New Mexico. Tribal VR has worked well with over the years in giving clients information about Client Assistance Programs in the three states that represented; having worked well with New Mexico and Arizona Center for Disability Law, and haven't to work with consumers, but try to resolve things at the lowest level; to reduce the number of clients going to CAP agencies, although a informational brochure and 800-number is provided. The Native American Center for Disability Law is indicating that will be the Client Assistance Representative. To clarify, Tribal VR is continuing to provide information about Disability Rights New Mexico, as CAP for the Navajo Nation..

## IV. DVR Directors Reports

### A. Agency Director - Diane Mourning Brown

Welcome to New DVR Staff: Robert Cardon-CFO, Richard Martinez-Procurement Manager, Alexa Henry-PIO, Teresa Arias- Building and Vehicle Lease/Inventory Manager and Denise Duran-ASU Executive Secretary and Admin. Assistant. Eileen Marrujo has reassigned, effective October 16, 2020. FY 2021 Legislative Session update: Hearing was held November 16, 2020; DVR facing potential 5% budget cut. It was presented that RSU be held harmless as DVR budget was cut 4% in the previous legislative session, causing significant impact to services. It was suggested that is a 5% budget cut was necessary, a recommendation to cut the Independent Living budget was suggested as funds can always be added back into it via the Ticket-to-Work program revenues. The proposed cut equals roughly \$33,000. There is no expectation that contracts will be impacted negatively. DVR does not receive any general funding from the State of New Mexico, but funding is derived from Federal match. During legislative session, DVR was the last to present to the Human Services subcommittee. Senator Kernan had questions and made a statement regarding Pre-ETS services that are provided through contracts. A letter was submitted to Chairman John Arthur Smith in response to the proposed budget cuts to DVR.

RSA audit has been completed. DVR is currently working to resolve RSA audit findings. Completed RSA virtual monitoring (6 weeks long); concluded Oct 6, 2020. A draft of the audit findings may be available as soon as January 2021. Mike and his time have been working diligently in responding and providing additional data to the RSA Monitoring.

All office remain in a telework status. Shut down further in November to comply with governor's order November 16. Bernalillo and Santa Fe county, experiences COVID surges. COVID safe practices have fully been placed- sign-in/out, scheduling office time, temperature checks, questionnaire, contact tracing, etc.. Several staff have experienced a personal death to a relative within this time frame. HR and DVR have worked on a bereavement policy and designed cards to be issued to staff. DVR is trying to provide resources, counseling and grief support for staff and clients.

Vacancy rate has improved. FTE has increased to 328, partly because of DDS, that received hiring authority of 51 positions. Overall, vacancy rate is 24%; ASU is at 26%, RSU is at 22%, RSU is in the process of hiring more counselors and staff.

Order of Selection: In October the waitlist held 1444 potential clients. As of November 2020, the waitlist has dropped to 827. RSU pulled 200 clients off the waitlist in November and will pull another 200 off the waitlist come December or January.

SRC subcommittee Employment- member are apart of the WIOA partners and the Business Summit. The subcommittee has not come up with any recommendations as of yet. Encourage staff to attend the Business Summit engagement, training for business in terms of employing individuals with disabilities.

The COVID-19: Access and Functional Needs group-Mike is the appointed to this group. The group meets weekly; group is made up of agencies that are concerned with disabilities; and a very large membership. Weekly they discuss resources and how to provide accessibility to people with disabilities.

Question- Yolanda Montoya-Cordova

What is the total amount of General Fund is needed to maintain to be held harmless?

Answer: 21.3 % - \$3.3 million; A 200,000 for example is the loss of a million dollars. Plus, Maintenance of Effort payment. Plus, the loss of monies that DVR had been given to draw down, additional money from the states that turned backwards, the loss over the summer resulted in- is only \$200,000 from the state but it resulted in a \$1.7 million loss to the agency.

## B. Chief Financial Officer- Robert Cardon

New CFO to DVR, hired week before Thanksgiving. Background: was formally a financial consultant, working ion New Mexico and worked for companies out of New York doing trading and setting up trading platform. Was also an executive budget analyst for a few years; participated in legislative assignments/duties i.e. legislative budget. Transitioned to ROLD regulation licensing for the state, then ERB, as Interim CFO. 18 years of experience as CFO; going through training and reviewing all policies, trying to retain as much information as quickly as possible.

## C. RSU Administrator – Michael O'Brien

To highlight the CREC contract issue,(three or four years ago), due to the WIOA passage we had to initiate a contract with CREC to assist us in meeting our pre-ETS requirements and it was over time expect to be reduced and ultimately, DVR would provide independently. This year, the contract was reduced by \$1 million, from \$2 million (now \$1 million); and will be further reduced over time. Further, the issue that the legislative question was about was DVRs capacity to provide those services instead of having a contract (with CREC) to provide it. DVR has added six transition specialist as of actually as of December, and currently advertising for a seventh transition specialist. DVR has increase the requirements of all counselors, to reflect that 15% of their responsibilities are assigned to transition. The result is that with the increased number of FTP hours available to provide pre-ETS and transition services. DVR has been able to provide those services internally outside of the contract. The legislator was raising the issue as to whether or not we had the ability to do what CREC was doing and It is without DVRs belief that they do we have that ability: have hired qualified staff and have the ability to excel in that area. The legislator did not understand that DVR is mandated to provide these services but were not mandated by the contract. There is an expectation that DVR provide these services. When the law came out, DVR was not in the capacity to do this, thus had to contract the services out. DVR has since expanded services internally to provide these services, which their

responsibility to. DVR has been expanding across the board, resulting in more FTEs and staff committed to these services. This is all within compliance with RSA.

DVR did send 16 staff to the virtual CSAVR ( Council of State Administrators of Vocational Rehabilitation) training; because the training was virtual the cost was reduced allowing DVR to send more staff to participate, including VRCs, Field Operation Directors and Program Managers. Staff provided Mike with a list of substantial ideas and information, suggested DVR work on.

DVR has been authorized to hire 15 more VRC positions, while hiring staff DVR has experienced some turnover. DVR has been proactive in immediately processing paperwork to fill the positions of the staff leaving, to avoid a gap of a position being vacant.

DVR to be hosting a new cohorts (5 week) Career Counseling Training for staff on: providing basic counseling theory, career counseling theory, career assessment, theory and training ( all to enhance the ability for staff to provide better career services). The training was developed by Mike and the FODs.

DVR will be meeting with ABQ Public Schools, as a part of their transition conference, that includes the schoolteachers, transition specialists, DVR counselors and FODs. The meeting is to break up in groups according to school or district; with an emphasis of pre-ETS transition effort and a stronger partnership of APS and DVR working together, enhancing abilities to provide services.

Several issues come out of the RSA Monitoring. One of those was changes to the MOP (Manual of Operating Procedures). Mike, FODs and Alicia, have spent 2.5 months on completing changes and rewriting areas of the MOP. Another result of the monitoring, DVR is having to rewrite and update PPIs (Program Policy Instruction); which is guidance for staff on how to provide a service, based on policy and what is in the MOP. The team is working to get all PPIs current and updated over the year. DVR is working on rewriting and completing RFPs to attain providers for future services, while updating current contracts. December 18, 2020 at 10am and December 22, 2020 at 2pm, DVR will be holding a Public Forum, hosted By Commission for the Blind, regarding the proposed MOP changes. The Public Forum has been advertised publicly, in the ABQ Journal, Santa Fe New Mexican, El Paso Times; also on the DVR website.

The largest changes to the MOP can be found in section 2.14- referral. A self-referral is considered and application, and has a 60-day timeline, and should be expediated and not considered a referral. This is within compliance with federal law. Sections 4.6 and 4.7- Measurable skills; was rewritten to comply with RSA guidance. Section 1.5- Supportive Employment, was clarified to identify how supportive employment funding can be used for someone who is significantly disabled; how funding should be used, defining Supportive Employment. Section 5.6- RSA suggested that scenarios and examples of supportive employment and their categories be added. Section 7.2 -redefine post-employment: so, it clarifies whether a person should be placed in post-employment, and whether their services to produce a new application. Provided a new criteria about the decisions making process of whether it should be post-employment or a new application. Section 8.2 and 8.5, changed the definitions and terms associated to closing a case, other than rehabilitated and closing a case successfully rehabilitated for Supportive Employment. Section 9.2-Pre-ETS and Transition; needed a complete rewrite. The section covers, definitions, process, data entry, services, selection documentation, terms of general policy and under assistive technology. Computer purchasing policy has been updated to be more flexible changed to make it flexible for counselors to be able to purchase assistive technology, i.e. computers, for participants. The prior policy required written documentation from the university in order to purchase such equipment. The language of the policy now states that if a person is attending college, a computer will be needed.

When MOP revisions per RSA Monitoring is completed, this will be resubmitted to RSA for review, upon return, the SRC will vote on the implementation of these changes. Additionally, the MOP will be advertised and request public comment on the proposed changes. Currently there is no exact timeframe on when RSA will respond or make comment, it could be 90-120 days.

In November, DVR has removed 200 people off the Order of Selection waitlist. Another 200 people will be removed in December depending on staff availability.

RSU is working on creating an educational policy, and developing partnerships with local universities to provide core counseling courses, that would support the licensure of a counselor. Cohort would be 15 credit hours, self-paced over the course of 6 months. Course would be open to all unlicensed counselors who are not enrolled in a counseling program.

#### D. DDS Administrator- Charles Hamlin

DDS has increased FTE count, unable to get hiring authority from SSA. FTE count is now up to 120. Currently, there are 86 full-time staff, 1 part-time. DDS has 19 medical consultants. Consultants are not staff but are critical to the work DDS does. With current FTES and the addition of the newly created FTEs, DDS does have a higher vacancy rate than a few months ago. DDS is presently interviewing and working to fill the newly created positions; proactively advertising open positions as soon as they are vacant. DDS has created 15, out of 19 FTE that they are working with HR on; those additional four pending some clarification between state personnel office and DDS office in terms of getting the right position posted. DDS hopes to have those done before the end of December. DDS will fill all of 51 hiring allocations from SSA by the end of September 2021.

DDS is currently operating under a continuing resolution, which expires December 11. Have not heard anything on that from SSA; anticipating we will have another CR, probably won't know until December 11. DDS is currently budgeted through the first quarter of fiscal year 21. DDS has received a small overtime allocation from SSA that is currently being utilizing, giving staff resources that were not available during the first quarter of the first federal fiscal quarter. In April of 2020, DDS successfully transitioned, the majority of staff into a telework environment. DDS in the support of both DVR and SSA as funding source, they were able to make that transition relatively smoothly. SSA has providing the resources to be able to continue to provide the quality public service that is expected out of the agency. Staff have been given VPN and all have SSA workstations. DDS is in the process of obtaining laptops for staff, which should arrive in a couple of weeks. DDS has obtained cell phones and hotspots for staff as well. DDS is facilitating the telework environment to meet the needs of the agency as best as possible. Following the direction of SSA, they prioritize specific workloads through the summer months, SSA directed that DDS would only work on specific claims. They've since loosened that restriction. DDS is managing staffing resource to ensure that all disability applicants of all levels are receiving the service that they need, while working within the constraints that SSA provides the funding to work that specific workload.

DDS remains to be closed to the public. A small number of staff do continue to report to the DDS office daily; those reporting are those who cannot telework or to complete tasks that cannot be completed through telework. DDS is maintaining the printing, ensuring that they're continuing to get the mail services completed and that get any paper evidence associated into the electronic folders so that the staff who is teleworking are able to do their work. DDS has continued to adjust their schedules and report to the office to ensure that their partners are also getting paid. If DDS does not pay the providers, they're not sending in the evidence which delays the decision. DDS is continuing to work on its culture shift within the DDS; being that there is an opportunity to hire as many people as possible, it's time for DDS to look if hiring the right staff for the right position. DDS is working on the training and development of newly hired staff and has FTE- trainer position. This position has not yet been filled. This FTE will be dedicated to provide training solely for DDS. DDS is still transitioning from the current case processing system into the new system; currently living in a dual environment. The full transition should be completed by April 2021. This is an internal resources transition; so that when a person files an application, the application comes over in one of the two case processing systems. Thus, DDS is just mitigating them into one case processing system (done behind the scenes, with no effect on the constituents).

As of week eight, DDS is at 15% of the federal fiscal year completed. DDS has received 24% more claims. DDS is preparing to handle an increased workload. Total clearances (YDT), as of last week was just over 28,000. DDS has disposed a little over 18,000 initial claims, which is 40% of the quarterly goal to be completed. Reconsideration level claims or the appeal have been completed just under 24% of that workload. Beneficiaries who are on benefits being reviewed, 36% of that workload completed. This is a specific workload that SSA has asked DDS to prioritize before the end of the year. Regionally and nationally, this is getting a lot of focus by congressional parties. Pre-hearing dispositions is 298. This was impacted by telework ability. SSA is providing DDS the needs to be able to hold a hearing through a video conference or over the phone. SSA is rewriting policy to be able to do this. Hearings is at 205, again this was impacted by ability to telework. DDS is continuing to work with SSA to ensure that timely decisions. Production per workers essentially, essentially a metric for the efficiency at which DDS is working in the office; right now, is at 192. This is a low for DDS, the higher the number the better. DDS would like to be upwards of 300; impacting this is dedication 1005 of time to new trainees. These trainees are taking up FTEs and not producing anything yet because they're being trained. DDS processing time combined for initial title to title, 16 claims is 153 days, which is high and been affected by COVID. DDS highlights that 37% of all initial claims that are processing are an allowance. Meaning the first time that somebody has applied for benefits or the first

time that their claim is looked at, more than a third of the time DDS is making a favorable decision. NM DDS is above both the regional and national averages on these; meaning staff is making a quality high level decision allowing. DDS is currently in 93.8 percent accuracy rate. DDS has the second highest accuracy in the region; the regional averages 89%; national rate is 91%. To reflect on the past, DDS was requiring assistance from other sites; DDS has sense made significant strides and is now providing assistances to other sites.

## V. SRC Chairperson's Report – Sarah Michaud

Has had an extremely busy last quarter. Sarah has participated in several committee meetings over the last quarter. Including participating in DVRs public hearings regarding the proposed changes to the administrative code and the NMMAC- regarding fair hearing and mediation. Sarah has attended the LFC (Legislative finance committee) hearing on behalf on DVR; completed and mail letter to LFC in support of DVR, providing educational point in regard to the impacts of the proposed budget cuts. The letter was mailed to John Arthur Smith, who is the current chair of the LFC. John A. Smith resigned; Senator Bobby Rodriguez, is now acting chair. The letter was mailed before the elections and appropriately directed. Sarah has been working with DVR PIO on gathering data for annual report and success stories. The bult of the success stories provided was reflective of transition services, which coincided with the SRC terms of tracking those outcomes and ensuring those services were being provided. Draft of the annual report was issued.

## VI. Committee Reports

### A. Legislative and Outreach Committee – Bernadine Chavez

Committee is discussing printing and sending copies of the annual report out to legislators (once approved), accompanied with a letter explaining who the SRC is, what the SRC does and why this report may be important to them. There has been discussion about emailing it to the legislators; however, the idea of having it in hand may be more effective. Everything is up in the air regarding the legislative session. Committee stands ready for when DVR calls upon them during legislative session.

### B. Membership, Training and Awards Committee – Tracy Agiovlasitis

Highlighting business in Sept, turned out to be extremely successful. Failed to get local publicity timely. However, committee will make that a priority next opportunity. Committee has come up with a list of information that needs to be in the binders and virtual baseline orientation, for current and future SRC members. Discussion of adding membership and struggle of getting people appointed, and action from the governor's office. There are 2-3 people who have submitted applications and awaiting a response. Tracy to connect with Jeff Diamond, regarding this. Committee discussed joining the upcoming Business Summit, to prompt and prompt engagement or membership- Best Buddies online, Restoration Pizza. Seeking Businesses person to join SRC. Looking for additional businesses to highlight. Creating an orientation platform and getting in place, to provide to member, while providing ongoing training opportunities and connecting them to rehab academy. Letter of appointment sent out to member for reapplication of membership.

### C. Transition, State Plan and Outcomes Committee – TJ Chester

Committee discussed the annual report as it is due by the end of the year. Sarah has been proficient and has taken the lead on this, using last year's template. The annual report, is very well throughout, organized, colorful and grabs your attention Members of the committee, assisted by providing and gathering necessary information and imagery. There was some discussion the weaknesses and strengths mentioned in the annual report. The committee wanted to highlight the success and progress made by DVR over the last year, i.e. the order of selection coming down. Highlighting client success stories and business partners. Committee wanted to present this year's annual report in a more positive reflection of the good coming out of the agency and it's partners.

## VII. Old Business

None

## VIII. New Business

### A. DVR Public Hearings and SRC Involvement

Public Hearings scheduled for Dec 18 and 22, 2020; to discuss and present revisions to the MOP and Order of selection. Alexa is working on completing public notices, email notifications and advertisements. Diane to provide dates/times of public hearings to SRC members.

B. Update on RSA Monitoring Process

RSA monitoring is now completed. Draft of findings should be available in Jan 2021. RSU already submitted revisions prior to the completion of the monitoring.

C. Review and Approval of Annual Report for SRC

Make correction to Diane Mourning Brown's name to remove hyphen. Correct grammatical modifications. Include Tracy's quote.

TJ Chester Motion to approve SRC Annual Report  
Yolanda Montoya-Cordova seconds

D. NCSRC Update- Bernadine Chavez

December 9, 2020, 2:30-4:30pm EST on Zoom: Duties of chair and officers, planning and orientation. CSAVR did not have the fall annual conference. CSAVR is making a decision on conference in Bethesda. National Coalition of SRCs is looking to plan a conference in October 2021, in Savannah, Georgia. A couple of states that have found out through legal analysis, that they were not sanctioned on the Open Meetings Act, because they don't vote on budgets or contracts. Other states are looking into this analysis as well, as it would remove from of the constraints. In New Mexico, a committee is required to follow the Open Meetings act, if appointed by the governor's office; may need to read and review he law. If not, applicable this would allow it to be easier to have special meetings. Diane to speak with Michelle regarding this.

Michelle- Committees and commissions are required to work under the Open Meetings act; appointed publicly.

IX. Comments from Audience

None

X. Information on Next Meeting

March 18, 2020 at 9am committee & 10am SRC Meeting

XI. Adjournment

1:55pm

Tracy Agiovlasis motions to adjourn ; Paula Seanz, Seconds

*If you need a language translator or you are an individual with a disability who is in need of a reader, amplifier or any other form of auxiliary aid or service to participate in this meeting, please contact Diane Mourning Brown at the telephone number(s) listed below. Public documents, including the agenda or minutes can be provided in various accessible forms. For additional information, contact Diane Mourning Brown. Telephone numbers: 1-800-224-7005 or 505-954-8500.*

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(Note: the SRC attempts to follow the order of items listed on the agenda; however, it should be noted that the order of specific items is tentative and may vary from the date of the printed agenda.)