

State Rehabilitation Council
Quarterly Meeting
September 16, 2021
Virtual Meeting-Minutes (**DRAFT**)
SRC Meeting 10 am



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
Chris Boston
Dolores Harden
Guy Surdi
Jennifer Gerhardt
Keith Maes
Paula Seanez
Sebeka Brooder
TJ Chester
Absent- Marlencia Chee
Absent- Yolanda Montoya-Cordova

DDS Staff:

Absent- Charles Hamlin- DDS Administrator

DVR Staff:

Dan Drury, Interim DVR Executive Director
Nash Sisneros, Interim DVR Administrative Director
Alicia DeVargas, RSU Executive Secretary & Admin Assist
Therese Trujillo, DVR Chief Financial Officer

All Others:

Jennifer Salazar- DVR Attorney (absent)
Leslie Garcia- DVR Paralegal

II. Action Items

A. Approval of Agenda

TJ Chester moved to approve agenda.
Paula Seanez seconds
Unanimously approved.

B. Approval of Minutes

TJ Chester moved to approve minutes.
Bernadine Chavez seconds
Unanimously approved.

C. 121 Report- Paula Seanez

D. DVR Directors Reports

- I. Interim Agency Director- Dan Drury
- II. Chief Financial Officer- Therese Trujillo
- III. RSU Administrator- Nash Sisneros
- IV. NMDVR Legal Counsel- Jennifer Salazar, Michelle Bowden, Leslie Garcia
- V. DDS Administrator- Charles Hamlin

E. SRC Chairpersons' report- Sarah Michaud

F. 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
- G. Old Business
- H. New Business
 - I. Client Satisfaction Survey Update
 - II. SRC Annual Report for 2021
 - III. Virtual Meetings
 - IV. Discussion -Impact of COVID on Employment.
- I. Comments from Audience
- J. Information on Next Meeting
- K. Adjournment

III. 121 Report – Paula Seanez

Still have not heard regarding the funding of their grants. Grant ends 09/30/2021; has been frustrating not knowing. Staff are concerned and wondering what will happen to currently active cases. Navajo Nation did receive a non-cost extension for the 2020 carry over of funding; did not include staff salary. Looking optimistic that Tribal VR will receive funding. Have been reaching out regularly to the Legislative Congregation, as they typically receive the news of funding first. Plan to reach out to Ben R Lujan, to ask if they have received news of the funding, as well. Not knowing is concerning, as Navajo Nations is approving IPEs, funding clients' education, etc and has posed a challenge to planning for future VR. Potentially closing doors if there is no funding by 09/30/2021

Currently have 2-VRC staff vacancies (due to retirements) coming up on 09/30/2021 out of the Shiprock office; will have 1-VRC out of the Window Rock area. Actively recruiting to fill vacancies. Have been able to fill 1-vacancy thus far.

Navajo and Jemez submitted no-cost extensions; did receive approval. Most of professional staff development training is provided Northern Arizona University, American Indian Rehab. Technical Asst & Training Center and Northwest Indian College. All who, also submitted a grant application and have not heard regarding their status or award.

Jemez Pueblo remain on executive order. All businesses remain closed to general public. All employees remain to work on site. It is anticipated business will open October 1, 2021. Tribal members are allowed leave if they are fully vaccinated; provide proof of vaccination status at check points. Unvaccinated tribal members are not allowed to leave; only once a week on Mondays/Tuesday/Wednesdays. Keeping a tight oversight on individuals coming and going from the pueblo. Navajo Nations is requiring all employees be fully vaccinated. Procedures in place for those unvaccinated such as regular COVID testing, every 45-days. Majority of staff is fully vaccinated.

Jemez Pueblo has reached out to the Santo Domingo Pueblo and Kewa Behavioral Health and has been receiving referrals. Kewa BH is providing meeting space for staff to meet with clients. Marcy is working with the directors of the CHR program and Health & Human Services Director to revise their policy regarding precautionary measures related to COVID-19. Schools are back in session, in-person instruction. Jemez VR is making contact with students in the program and working with the Rio Rancho Public Schools.

Laguna and Acoma Pueblos remain under executive order. Communities are closed. Laguna Pueblo offices are opened by appointment only. Consumers can contact Laguna-Acoma Connections for applications and services. Acoma remains closed to the public, as well as shuttle service remains closed.

Tribal VR plans to review MOAs with NMDVR and the Commission for the Blind, for improvements. MOAs expire on 09/30/2021. MOAs do not go into detail in reference if a VR program is not funding and what to do, or what can be done to support the program.

IV. DVR Directors Reports

A. Agency Director – Dan Drury (Interim. Exec. Director)

NMDVR finally has a full executive team, as this week. Nash Sisneros has been prompted to the RSU Deputy Director (RSU Administrator) and Terry (Therese) Trujillo hired as the ASU Deputy Director (CFO).

COVID is still impacting services provided. 64 staff members not vaccinated. Staff working in office have to be fully vaccinated and supply proof of vaccination. Unvaccinated staff must test weekly, supplying proof of testing. Offices are seeing clients in office by appointment only. Staff are working in a hybrid mode- three days in office, two days teleworking. Scheduling is staggered, so that the office is staffed and are not missing clients. Hobbs office is closed to the public; this is due to the capacity of the lee county hospital and outbreak of COVID. This group of staff will work from home.

NMDVR has submitted its RSA Corrective Action Plan, last week. RSA will be reviewing and responding withing 30-day. RSA will be providing deadlines and recommendations to NMDVR. NMDVR did supply RSA with timelines to implement the corrective action areas. Management Staff is prepared for implementation.

Vacancy with Public Relations Coordinator. Alexa Henry, no longer with NMDVR; has moved on to Los Alamos Labs. Preparing for interviews. NMDVR is still struggling to fill vacancies.

Interim Executive Director position remains unchanged. Dan will continue as interim and has no plans to leave. Dan has been able to visit with staff in offices.

B. Chief Financial Officer- Therese Trujillo

New to DVR but familiar with Federal Grants. ASU is in full swing. FY22 (state) budget started July 1. Proposed cuts to DVR were not as deep as expected. Staff are working hard on contracts. Per the RSA monitoring, ASU plans to tighten up process on contracts; making sure that they are performance based, contractors are monitored, providing technical assistance as needed, and provide on-site contract monitoring.

Submitted FY 23 budget, budget will remain flat and resemble FY 22; did budget for salary increases.

ASU is in the process of an external audit (starting in Aug 2021) through Nov 24, 2021. Internal controls and tracking are very strong. Over the last year, NMDVR-ASU has not been written up or had a finding on the tracking of its Federal Grants; will continue and work on improving monitoring as this will provide opportunity to gain more federal funding.

DFA has a new federal grant unit and has reached out to NMDVR. ASU plans to work with Nash, to find areas where funding is needed, such as Independent Living, etc. Plan to reach out to DFA, to find out if there is opportunity to get additional federal funding for Independent Living; potentially a great opportunity for DFA.

Questions:

- 1) Regarding realloiment. NMDVR did not have to return federal funds, but Commission for the Blind did. CFB offered the funds to NMDVR, however it was not accepted. Why?
- 2) If budget it flat for FY23, what are the plans to get out of Order of Selection?

Responses:

1) NMDVR did not have away to spend the funds at that time. NMDVR just had staff return to caseload from the Licensure Fast-Track Program and were working to catch up. At the time of the offer, NMDVR was not working with schools and had staggered staff in office. As far as staying flat, because of vacancies NMDVR still has that funding available. ASU and RSU have been in communication on how to strategize to spend current funding and increase number of employees, in a different manner considering COVID impacts.

2) To pull out of order of selection, NMDVR needs to have more staff available to do the work. The issue is personnel not funding. NMDVR need to fill positions first. Dan has met and discussed with the Governor's office to discuss the destabilization of staff and the "musical chairs" of staff moving from agency to agency to do the same job and get more pay. Have requested a pay band review. State personnel does not fully understand the scope of the VRC position. ASU & RSU are working with State personnel to provide better understanding and need for VRC positions, along with Pay review to help retain staff and maintain current staff.

NMDVR is on track to meet federal funding match.

C. RSU Administrator – Nash Sisneros

NMDVR had 14 staff successfully complete and pass the Rehab. Counselor Fast-Track Program. With the success of this group, they are being awarded temporary licensure from NMPED. This will allow staff to get back into the field and pre-ETS services. All field offices are open, with the exception of Hobbs due to the surge of COVID cases in Lee County. Counselors are attending significantly higher IEPs virtually and in-person. This will support the draw down of the federal match and draw down of the pre-ETS Budget.

Nash is working NMPED on a Transition Committee. FY 22 is the year of transition. NMDVR is focused on making Pre-ETS a primary. RSU is looking at adding 3 more 100% transition VRCs who will be located throughout the state. NMDVR has requested Request for Proposal for Pre-ETS services, hoping to find more qualified partners and build more partnerships and render more transition services throughout the state. Hope to serve every community within DVR.

NMDVR is hiring to fill vacancies. NMDVR does have the budget but struggling to find qualified candidates. Western NMU partnership was a big support to maintain current staff and meet licensure needed.

NMDVR is continuing to work and develop the MOP (Manual of Operating Procedures) and has submitted to RSA for review. The MOP will address and answer questions of procedures. NMDVR has made significant revisions to its 18 standing policies. Continuing to work and addressing further the RSA monitoring finding and reviewing Pre-ETS/Professional contracts and monitoring. Due to the virtual environment, NMDVR can contract for professional services throughout the state (i.e. VRCs) to support areas who are needing VRC support, due to vacancies.

Question:

What is going on with the Gibson office? Will NMDVR continue to be there?

Response:

Yes, NMDVR continues to be there. New lessors are working to make appropriate adjustments to meet ADA accommodations and make updates to suite. Lessor will be making a fully ADA accommodation ramp near entry for staff and consumers. Due to the construction, construction staff has been entering the office throughout the day. After communicating issues to the lessor, the traffic of construction staff entering the office has stopped.

D. NMDVR Legal Counsel- Jennifer Salazar, Michelle Bowden and Leslie Garcia

Fair Hearings update since January, last update in March. Since new year, there has been 6 -requests for hearing. One went to a fair hearing and five settled informally. SRC was sent copy of request and decision for case that did go to fair hearing; it was redacted to protect the confidentiality of the participant. This case concerned Post-Employment Plan; this individual has been a longtime participant of DVR. Post-employment plan started in May 2019. Closure was failure to cooperate with staff and unwillingness to complete the services that were being required according to the plan. The hearing officer found that the participant's behavior was hostile and abusive. The participant's failure in certain aspects such as providing receipt as requested and failure for examination for DVR to continue services proved the participant was unwilling and unable to cooperate to complete the services. The Hearing Officer determined the case was appropriately closed. The participant was provided an opportunity to appeal per the decision in order- 30 days to do so. The participant did not do so. It is believed this participant has reapplied for services; the status of this case is unknown at this time.

In reference to cases settled informally, is settled, and resolved by Rehabilitation Services Unit. 3 of the 5 cases were case closures in which the cases were reopened; 2 of the 5 cases were having issues with services and resolved. DVR does make every effort to resolve these cases informally according to the CFRs and the Rehabilitation Act.

Hearing officer updates- Legal Counseling put out a request for application. Solicitation for applicants to be Hearing Officer, to hear fair hearing cases. Released in Feb 2021 and closed Mid-March 2021; posted in the newspapers, Bar Bulletin Newsletter. Received 3 responses. SRC members were on review committee; SRC was provided CVs. Of the 3- applicants, it was found that one applicant was a viable candidate- Morgan Lyman. Mr. Lyman has extensive experience and is currently serving as a Hearing Officer for the Special Education Bureau and is very familiar with this area of Law. In addition to Morgan Lyman, there is still a need for one more Hearing Officer. The CFR requires a list of Hearing Officer, DVR needs to have a back-up. DVR reached out to current/prior contracted

Hearing Officers. Ronald Johnson was interested in continuing as a Hearing Officer; contracted for an additional 4-years.

E. DDS Administrator- Charles Hamlin

Absent

F. SRC Chairperson's Report – Sarah Michaud

Last quarter, the SRC has been put into helping and going through old records on the Consumer Satisfaction Survey. Kudos to Nash and Alicia for getting things going and underway; was facilitated on-time. Alicia was able to find the previous contracts and Nash monitoring and making sure things went through okay. We are looking forward to having the results in the next quarter to include in the annual report, which is due to the Governor and representatives of the Rehab Services Unit. Results should be in by November. Typically, the Client satisfaction Survey is combined with the Needs Assessment (DVRs responsibility). Collectively the SRC and DV work together to get this out. This is an opportunity to receive feedback and maximize satisfaction. Getting info on annual report and providing it to the Outcomes Committee, to begin working on this year's annual report.

VI. Committee Reports

A. Legislative and Outreach Committee – Bernadine Chavez

No updates. Legislative Finance hearing for DVR is at the same time as the Commission of the Blind. SRC is available to provide support as need. (Dan to send out Legislative Finance hearing to SRC members)

B. Membership, Training and Awards Committee – Tracy Agiovlasitis

Committee has been very busy. SRC Award last quarter was very successful and has received lots of publicity around the state. Tracy was able to do a TV interview on KOB. The Winners received nice frames, mailed to them; a great thank you for dedication and service to individuals with disability. Membership has been very challenging; however, 8 new members were recruited and went through the process. New Members have been able to attend the NCSRC. New Members: Marlencia Chee-121 program, Joseph Cruz- Former Participant & Veteran, Kara Spracklin-HR Bosque Brewing (restoration pizza), and **Metahersal (Please provide correct spelling and Last Name Not provided)**- Adelante Diverse IT. New Membership listing has been sent out, includes business addresses, and includes requirements, federal requirement and bylaw requirements; self-disclosure if member has a disability. Have one remaining opening for a business, seeking recommendations. (Send recommendations to Tracey or Keith). Recruitment is always on going. Terms are staggered. Governors' office is aware, that there is a month or two between terms and can be reappointed if they are meeting the terms and contributing. Training links have been provided to all new members for the NCSRC.

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

Annual report is Due December 31, of each year. Sarah has taking on the task of preparing the report for review by the committee prior to sending it in. The Majority of the time coming up will committed to formatting and preparing the report prior to the next quarterly meeting for approval. For new members- seek out information, statement or comments regarding expectation of SRC and DVR relationship and what it should look like, Goals for DVR/SRC, experience with DVR/SRC- Send comments to Sarah or TJ. Committees available are seeing members. Interested parties should email the committee lead with interest. Typically meet at 9am prior to the SRC quarterly meeting.

FY21 will not include a strategic plan due to the pandemic, it calls for new and revised strategic planning. Nov 15, is deadline for quotes and comments to the Annual Report.

Recommendations on the SRC Annual Report-

- 1) FY 21 that SRC recommends DVR Order of Selection waitlist be reduced to ensure VR services for New Mexicans with disabilities remain available on an ongoing basis. Additionally, the SRC recommends that DVR continue the current policy of providing regular updates to the council
 - KEEP
- 2) The SRC recommends that DVR explore and expand Pre-ETS as implemented and in partnership with Project Hope-the Jemez Vocational Rehab. Program and into other communities considering permanent funding options to support these innovative strategies.
 - No comment

- 3) The SRC recommends that a formal training process with new SRC members be implemented to increase the roles and understanding of the SRC as well as federal mandates.
 - No comment
- 4) The SRC recommends that NMDVR include the SRC in the process of developing, implementing, and reviewing the proposed impact study to determine the best placement of the agency within the New Mexico State Government.
 - Comments: If keeping, needs to be retooled. Unsure if this a priority for DVR. Change to monitor? Keep SRC informed and solicit feedback from SRC regarding what will happen with DVR? No impact study actively being completed. DVR-Not a priority right now. Workforce, NMPED and NMDVR are influx. Trying to figure out where NMDVR fits within NMPED
- 5) The SRC recommends that all NMDVR offices and/or colocations must be accessible to people with all disabilities. It is imperative to us that thought be given the needs of a large cross section of disabilities of considering space for NMDVR offices as it makes no sense to place a service dedicated to disability supports in a location that a consumer cannot access.
 - Not a high concern but keep recommendation. Concerns have been addressed at this point.
- 6) The SRC recommend that all NMDVR services must remain individualized based on the needs and abilities of the consumer. It is important to the SRC that NMDVR does not lose focus on career path development.
 - No Comment; Keep.
- 7) The SRC recommends that NMDVR needs to be funded at an appropriate level to allow the agency to move out of Order of Selection. The current status of Order of Selection for the agency has essentially created a situation where no new consumers are not receiving services due to lack of funding.
 - Make correction to included funded and staffed at an appropriate level
- 8) Assistance should be provided to NMDVR to streamline access to public school districts in order to assist the state with meeting the Transition services mandates as set forth by the Workforce Innovation and Opportunity Act (WIOA). The SRC further recommends that services be monitored routinely, to ensure youth engagement is occurring and services are being delivered across the state.
 - Keep and highlight accomplishments of meeting 15% FY 21. New Recommendation- tweak the DVR Transition guide.
- 9) All DVR Services should maintain a disability focus and all hires at NMDVR should participate in comprehensive training on topics on including disability awareness and sensitivity, vocational rehab services, assistive technology, and the needs of specific disability populations. With the change in federal and state requiring minimum qualifications for VR Counselors, the SRC has noted that new agency hires sometimes lack a foundation in vocational rehabilitation and the framework of rehabilitation delivery. It will be extremely important moving forward that a comprehensive professional development plan be implemented in order to reduce the challenges that are created by this lack of foundation, and which moves frequently to complaints and fair hearings request.
 - Comment: KEEP, first half of statement. DVR has made efforts on training with the VR bootcamp and work done with it. DVR has embraced this guidance. Keeping this statement supports Dan's statement that VR is a specialty and not just employment. NMDVR is still providing Rehab Academy, and partnerships with Highlands University and Western NMU to provider core 15 credit hours for counselors to obtain licensure.
- 10) NEW RECOMMENDATION: referencing NMDVR response to the COVID Pandemic and the plans going forward; future of NMDVR with ongoing Pandemic and future issues.
 - Recommendation: What should be recommend such as a Plan B considering the pandemic or a future emergency. Planning for future and ongoing as a result of what has learned from Pandemic- Disaster response plan should DVR be impacted by a natural disaster or pandemic. SRC monitoring DVR disaster response and disruption of services, working remotely/hybrid model and service delivery, etc. (Preparedness plan)

VII. Old Business

None

VIII. New Business

- A. Client Satisfaction and Needs Assessment Survey- Alicia DeVargas
Fully underway. Expect to have results by end of October 2021. Survey is being administered by hybrid communication- my email, follow-up by phone and mail if participant is not responsive. Contract has informed they are receiving feedback and trying to meet 15% response goal. Everything is running smoothly. (Alicia to send findings to the SRC upon receipt).

- B. SRC Annual Report 2021
Reference Transition, State Plan and Outcomes Committee reporting (above)
- C. Virtual Meeting
December meeting will remain virtual.
- D. Discussion on COVID Impacts on Employment
- What does inclusive employment mean given the pandemic-hybrid and telework options available?
 - With persons with disabilities are working from home, what impacts this has on community-based employment settings?
 - Isolation chosen or not has major impacts
 - Change in community; individuals are apart of changing or brand-new communities because of changing circumstances.
 - Grief- loss of loved ones, guardians, etc. due to COVID, impacting employment, changing guardians, etc.
 - Benefits those individuals with disabilities have shown more dedication and willingness to work
 - Should speak more about more employment opportunities.
 - Job Coaching has changed- Social motional and not just functional.
 - Training- Telework readiness in conjunction of employment readiness.
 - Not every candidate is equipped to be successful to work from home.
 - Seeing more Corporate Guardians; Out-state judges have been giving guardianship to 14/15yo. World of Guardianship is shifting right now.

Continued Conversation.

IX. Comments from Audience

New Vistas will be celebrating 50th anniversary in December. Will be doing an online celebration; an invitation will be sent out to partners.

ATC 21 Conference happening in Sept, virtually. Attendance has increased some. Virtual has allowed more people to be more focused and pay attention. Challenge inability to fully network. Hope to have a in-person conference in May.

X. Information on Next Meeting

December 9, 2021 10am SRC Meeting

XI. Adjournment

1:43PM

TJ Chester motions to adjourn ; Tracey Agiovlasitis 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 Dan Drury or Nash Sisneros 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 Dan Drury or Nash Sisneros. Telephone numbers: 1-800-224-7005 or 505-954-8500.

(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.)