

BOARD OF VOCATIONAL REHABILITATION (BVR)
MAY 24-25, 2004
HOLIDAY INN – MITCHELL

MEMBERS PRESENT: Dr. Jessie Easton, Pam Hericks, Travis Hamilton, Mary l'atala, Brady Kerkman, Grady Kickul, Thomas Kober, Michelle Powers, Ron Ronshaugen, Larry Tolzin, Monte Tschetter, and Dave Vogel (via telephone). MEMBERS ABSENT: Lynn Boettcher Fjellanger, Patty Mechling, Shelly Schock, and Kati Seymour. OTHERS PRESENT: Renee Standish, Jo Salestrom, Colette Wagoner and Lorie Jirschele.

WELCOME AND INTRODUCTIONS: Vice-Chair Tom Kober brought the meeting to order at 1:00 p.m. CDT. HOUSEKEEPING ITEMS – When voting on matters, Tom reminded members to raise their hands to signify their vote. Staff asked all in attendance to turn in their travel vouchers as soon as possible in order to process them before the end of the state fiscal year (SFY). OPENING ACTIONS – APPROVAL OF AGENDA – Changes were offered to the agenda including Dave Vogel's report on the Reauthorization of the Assistive Technology Act being moved to 8:30 a.m. Tuesday morning via telephone, and the addition of the Region VIII Continuing Education Program (RCEP) Native American Leadership Training to the Division Director's report. **MOTION MADE (M) TO APPROVE THE AGENDA WITH MENTIONED CHANGES, SECONDED (S), AND CARRIED (C).** APPROVAL OF MARCH MINUTES – A member proposed one edit to the March meeting minutes. Page four, long paragraph, next to last sentence should read, "Another issue raised by a member concerns persons currently housed within the corrections system, and whether the Division can take an application from an individual while incarcerated." **MOTION TO APPROVE THE MARCH MINUTES AS CORRECTED – MSC.** APPROVAL OF MAY 6 EXECUTIVE COMMITTEE MEETING MINUTES – **MOTION TO APPROVE MAY 6 EXECUTIVE COMMITTEE MEETING MINUTES – MSC.** A question was asked about the Division's Year End Report and if the figure noted paid to a

specific provider was correct. The response provided was that the figure is correct; it was not a misprint.

TIME FOR PUBLIC COMMENTS: There were no public comments at this time.

DIVISION OF REHABILITATION SERVICES (DRS) DIRECTOR'S REPORT: DIRECTOR'S COMMENTS – Grady reminded members that as DRS representatives, he and Ron serve in ex officio capacity and do not vote. He also commented that Bernie would not be attending due to a scheduling conflict. He is involved in the Rehabilitation Counseling Masters Degree Program along with 18 other counselors. Most of these persons will be finishing their degrees within the next six months. DRS plans on continuing this opportunity in the years to come, and they hope to make it available to other staff to include provider staff and section 121 American Indian Vocational Rehabilitation program staff. RCEP will be offering leadership training targeting Native Americans sometime in September or October. Planning of the one-day training is underway, but the issue of funding transportation, meals and lodging needs to be addressed. If an attendee is a consumer of VR services, their expenses can be paid for utilizing 110 dollars. We do not know at this time if the section 121 American Indian VR programs can afford to fund more than a couple of people. Grady asked the BVR to consider providing financial support (mileage, hotel and meals). If this support puts the Board over budget, Grady indicated that DRS would pay the overage within reason, and then asked for some discussion on this. He also indicated that staff manage the funds and that state travel guidelines be utilized. Dr. Easton asked that a maximum dollar amount per person be put in place and that attendees be responsible to find some resources on their own. Colette suggested patterning the registration form after that of Dare to Dream where persons registering check the appropriate areas where assistance is needed. State rates would be identified on the registration form i.e. lodging at \$41 plus tax. One member asked who was going to be invited and Grady indicated that all planning committee members would identify Native American youth from across

the state who might be interested in attending. Consensus was to revisit this topic during the meeting tomorrow. Grady conveyed that unspent funds were available within the Department of Human Services (DHS) as the State Fiscal Year wound down. Secretary Oldenkamp announced to the Divisions that one-time proposals for expenditures would be considered. DRS submitted a request for funding to support the Home Modification and Assistive Devices (HMAD) Program and was awarded \$430,000. The Centers for Independent Living (CIL) staff diligently worked to supply devices and modifications to almost all of the consumers on waiting lists. The Division also submitted a proposal to add inventory to the Neuromuscular Disease Program. Funds totaling \$100,000 were awarded to add and/or replace existing inventory. The Division received over ½ million one-time dollars to serve consumers. Rehabilitation Services Administration (RSA) will be in South Dakota for the annual review September 7th –10th. It was scheduled for last week, but was changed to not coincide with the SBVI review. The BVR Chairperson will be interviewed during this review. A council has been formed by Governor's Proclamation as a result of Leo Hallan's bill, which was introduced in the South Dakota Legislature regarding research for spinal cord injury and traumatic brain injury. For the next three years, \$188,000 in discretionary funds will be used for funding requiring a 50% match. The University of South Dakota (USD) School of Medicine in Vermillion will house the Council. Tom asked why the original bill did not pass. Grady explained that the original language contained controversial issues and the decision was made to create the project/council by proclamation. Another bill of interest was HB1280, which sought to spell out ADA requirements on all building permits. There was great opposition to this and it was stopped in committee, however, at the encouragement of legislators the proponents and opponents have agreed to meet and discuss issues. Joel Niemeyer will address this bill during tomorrow's portion of the meeting. DRS BUDGET UPDATE– DRS budget for FY05 is \$19,144,513. Grady explained additional funding was received in three areas: case services, provider inflation and the Activities of Daily Living Services program. This is an increase of \$604,907. The ADLS Program

received an increase of \$150,000 to serve an additional 4-6 individuals. Case services received a 3% increase in funding, which continues to see a growth in number of individuals applying for services. A question was asked if the increase was a result of all new cases. Grady answered that some cases are closed and reopened, but the largest areas of growth are transition age students and individuals with mental health issues. Grady added that funding looked good for the current year, but the Division is always looking for new funding sources.

BOARD/COUNCIL APPOINTMENTS – The due date for Board Nominations is today. Colette reported that two nominations were expected to arrive in the office today. The nominations will be routed to Grady, Secretary Oldenkamp, and the Governor’s Office for review and consideration.

DRAFT/FINAL POLICIES – Grady indicated that the draft program guide “Applicant for Vocational Rehabilitation Services and Availability for the Assessment Process” was presented to the Consumer Services Committee last week. The Division is asking to postpone discussion until the next full board meeting to allow the committee time to review it. The Division finalized a procedural document regarding drug/alcohol dependency or abuse, which was distributed (see attached).

REAUTHORIZATION OF THE REHABILITATION ACT – Grady stated there was little hope of the Rehabilitation Act being reauthorized this year. It did pass in the Senate, but they do not have a consensus bill yet. Reauthorization of IDEA has become a priority, but support for the Workforce Investment Act (WIA) is waning. Out of the four bills, three will probably not be reauthorized so Congress will have to start all over in 2005. One positive note is that if WIA is not reauthorized, programs will continue to be level funded under the Act.

KOREAN WAR MEMORIAL DEDICATION – Grady announced that on September 18th, the Korean War Memorial would be dedicated in Pierre. DRS and DHS staff are expected to have a large role in the planning due to the advanced age of the veterans and their families. They are expecting a high percentage of persons with mobility disabilities. As a result of experiences during the World War II Memorial Dedication in 2001, a closer look will be taken at disability/accessibility issues.

TICKET TO WORK & WORK INCENTIVES IMPROVEMENT ACT

UPDATE: Round three states continue to distribute the Tickets (see attached distribution sheet). Grady stated that nationally, there is great disappointment with the results so far of this program, generating much discussion on what or whom is to blame. Grady also handed out the cover sheet and table of contents from a report entitled "Advice Report to Congress and the Commissioner of the Social Security Administration-The Crisis in EN Participation-A Blueprint for Action," and asked members if they were interested in its contents, they could contact his office (see attached). Grady suggested inviting Dave Miller, a member of the Ticket to Work and Work Incentives Advisory Panel, to the next BVR meeting to discuss the program. A positive benefit of "The Ticket" Program is the extension of Medicare benefits out eight years after a person starts or returns to work. Grady emphasized that a primary fear of many consumers is losing their health care benefits. This reinforces the need of the Mike Walling Benefits and Employment Workshops and the future training of benefit advisors for South Dakotans.

WORKFORCE DEVELOPMENT COUNCIL UPDATE: Larry indicated the last meeting of the Workforce Development Council was April 7th in Pierre. President Bush has proposed changes to the Federal Job Training Program, balancing the roles of state and local government. There was some discussion on the numbers of homeless persons in South Dakota, and the fact that there is not an accurate count of this population. Governor Rounds has established the Dakotacorp Scholarship Program with the intention of keeping college graduates in South Dakota to work in critical need areas. Dislocated Worker Funds Program had a reduction in monies because the formula was reduced. With the exception of Gateway, there have been no major layoffs in the state. Brady spoke about a video produced by TIE, directed toward employers, that has been very well received. Grady asked that it be shown at the next BVR meeting.

STATEWIDE INDEPENDENT LIVING COUNCIL UPDATE: Grady reported that the SILC would meet tomorrow and Wednesday. They are very involved in rewriting the State Plan for Independent Living, and have held two public meetings to obtain public input. A federal request for proposals to create a new IL Center in northeast South Dakota has been filed. Opportunities for Independent Living (OIL) serves many individuals in that geographic area and as such has applied for the grant. If OIL is awarded the federal grant (Part C funds) this will free up Part B - state monies, which can be redirected to other areas of need. Independent living services in general in South Dakota are under funded. Other areas to be reported on at the meeting will include transportation and housing. Grady indicated that at some point in the future a strategic planning session should be planned with the SILC, BVR and BSBVI.

STATEWIDE NEEDS ASSESSMENT UPDATE: DRS has written a contract for the University of South Dakota (USD) Business Research Bureau to conduct the Statewide Needs Assessment. The Division is waiting for approval on the contract for SFY2005. DHS will notify him if and when the contract has been approved. Grady indicated that there is hope to change the federal requirement of conducting the assessment every three years to coincide with Reauthorization of the Rehabilitation Act, which is every 5 years.

FREEDOM TO WORK (FTW) PROJECT UPDATE: The Division received approval of an agreement with Virginia Commonwealth University to customize WorkWorld software for use in South Dakota at a cost of \$60,000. Through this effort, consumers and staff will be able to utilize benefits' analysis software as a tool to examine all types of benefits i.e. housing, healthcare on line. Grady stated that a person can earn over \$26,000 in South Dakota and still maintain full Medicaid benefits, and a program like WorkWorld will help convince consumers this can be done. Mike Walling will again be in South Dakota in June, and later in August and October, to provide Benefits and Employment Workshops. As a result of these trainings, a significant number of

persons have sought employment. Richard Pimentel will also be back to talk to employers and human resource managers. The State is also contracting with the Lewin Group to research the costs of a Medicaid Buy-In in South Dakota. The FTW Steering Committee will be focusing on marketing awareness on all the work incentives that are currently out there.

OVERVIEW OF THE APRIL 27TH SIOUX FALLS PUBLIC MEETING: Attendance at public meetings in the past had been bleak, but the meeting in Sioux Falls was a pleasant surprise. It was recommended using similar, less formal formats in the future because people felt very comfortable in sharing their viewpoints. Tom asked if scheduling public meetings in conjunction with the Mike Walling trainings or other events is the way to go in the future? It was shared that some of the participants reported they would not have attended the public meeting if it hadn't been for their attendance at the Walling workshop. It was agreed the more relaxed atmosphere and trying to schedule public input sessions during other planned events was more successful. Tom asked that the new public meeting process be added to future BVR guidelines if it continues to be successful. Drafts of the April public meeting notes were distributed (see attached).

OVERVIEW OF BVR EXHIBIT AT RAPID CITY NATIVE AMERICAN DISABILITY SUMMIT: Brady attended the Native American Disability Summit and spent some time hosting BVR's booth. He at first was concerned about their location, but traffic was steady and people did stop by for discussion and questions. He suggested in the future having packets of information ready to hand out for individuals to take with them. Grady referred to an email from Shelly Pfaff who also hosted the booth and she received comments about IL services, and provided contact and referral information.

GOVERNOR'S AWARDS LUNCHEON DISCUSSION: A letter from past Governor's Awards Winner Vicki Nisich was distributed to members (see attached). Larry stated that in his opinion the Governor's

Awards were a thing of the past, especially when the Governor has not been attending. Local Mayor's Committees are planning celebrations and giving awards, and he believes that it would be more beneficial to support these types of recognitions at the local level. Larry had the opportunity to talk to all the District Supervisors and they concurred that the regional meetings would be an alternative to the annual luncheon. Tom agreed with Larry that because they are called the Governor's Awards, people expect the Governor to be there and he suggested that a name change might be appropriate. Grady responded by stating that the Governor is bombarded with hundreds of requests for his attendance and it is mainly a scheduling matter. About 25 years ago, the President started a Committee on Employment of the "Handicapped". State committees were then formed. Five or six years ago the BVR took over planning of the Governor's Awards Luncheon. The Governor's Committee is still in statute, but its duties were transferred to the BVR. National Disability Employment Awareness Month (NDEAM) and Youth Leadership Forum (YLF) were also born out of the Presidents Committee. If the awards are not going to be presented by the Governor, perhaps they could be held as part of NDEAM during the month of October. Much discussion ensued including how the Governor's Office would feel about changing the format and name of the event. Consensus was to table the discussion and allow the Executive Committee to discuss it in more detail and return with recommendations for the full Board's consideration.

PROPOSED SLATE OF OFFICERS: Grady indicated that Lynn was willing to serve another term as Chairperson, Tom another term as Vice-Chairperson and Dave would serve again as Member-At-Large if no other nominations were made. **MOTION TO NOMINATE LYNN BOETTCHER FJELLANGER AS CHAIRPERSON – MS. MOTION THAT NOMINATIONS CEASE. MOTION CARRIED UNANIMOUSLY. MOTION TO NOMINATE TOM KOBER AS VICE-CHAIRPERSON – MS. MOTION THAT NOMINATIONS CEASE. MOTION CARRIED UNANIMOUSLY. MOTION TO NOMINATE DAVE VOGEL AS MEMBER-AT-LARGE – MS. MOTION THAT NOMINATIONS CEASE.**

MOTION CARRIED UNANIMOUSLY. Members were asked to consider Board officer roles for next year.

The meeting recessed for the day at 4:30 p.m.
The meeting reconvened at 8:30 a.m. on 5/25/04.

REAUTHORIZATION OF THE ASSISTIVE TECHNOLOGY ACT

UPDATE: A summary of H.R. Bill 4278 was distributed to the members (see attached). Dave, reporting via telephone, said that due to its bipartisan nature H.R. Bill 4278 has moved through committee quite quickly. It will be sent to the full House after Memorial Day. After passage of the bill, South Dakota would receive funding of \$350,000, 60% of which must be spent on state activities i.e. equipment loans, device reutilization and demonstration. The remaining funds can be used for public awareness and technical assistance. Dave stated that transferring the program to the control of RSA was a positive move. Jessie concurred that moving the program from a research facility to RSA would definitely be of benefit. Discussion ensued on alternative financing. Dave stated that \$50,000 had been set aside about eight years ago and is drawing interest. Both he and Grady agreed that the current program in South Dakota should see little change in operation. Grady asked if the Board would entertain writing to South Dakota's congressional delegation in support of H.R. Bill 4278 in its present form? The members decided that such a letter would be a positive thing the BVR could do, and staff agreed to work with Dave to draft the letter.

BVR COMMITTEE REPORTS: EXECUTIVE COMMITTEE – There was nothing further to report. CONSUMER SERVICES COMMITTEE – Brady reported the committee met six weeks ago and their major focus was the Consumer Satisfaction Survey. The committee recommended leaving the format and questions the same for the next two years so the process was consistent and data collected over the years could be compared. The committee will revisit it again in two years. A suggestion was made to include a section on the survey where

consumers could write comments. PUBLIC AWARENESS COMMITTEE – Larry handed out the final Income/Expense Report for this year’s Governor’s Awards Luncheon and reviewed the contents (see attached). Two hundred nineteen persons were in attendance.

STATE PLAN SUBMISSION PROCESS: The draft attachments for the State Plan were distributed (see attached) and discussion followed. Grady stated that every three to four years the Division submits a complete new State Plan, but because of the lack of reauthorization of the Rehabilitation Act, only six attachments were being updated. Grady asked the Board for acceptance of the revised attachments with the intention of rewriting the entire plan next year. A question was asked about the length of the public comment period and Grady answered it was 30 days. Brady asked that all references to One-Stop Career Centers be changed to Career Centers throughout the attachments.
MOTION TO APPROVE THE SUBMISSION OF THE STATE PLAN AND ATTACHMENTS WITH RECOMMENDED CHANGES – MSC.

RCEP - NATIVE AMERICAN LEADERSHIP TRAINING: Discussion continued on giving staff the responsibility of managing the stipends for mileage, lodging, and meals for participants of RCEP’s Native American Leadership Training planned for September. Staff suggested if the BVR and SILC both decided to donate stipend monies, a joint form could be utilized similar to what has been done for other conferences. Michelle stated that she would support SDCCD handling the stipend requests. Grady asked for a motion for the BVR to support individual attendance at the Native American Leadership Training up to a certain dollar amount. Jessie asked to limit the amount per person, and Grady recommended using state rates to accomplish that. **MOTION TO FINANCIALLY SUPPORT ATTENDANCE TO THE NATIVE AMERICAN LEADERSHIP TRAINING UP TO A MAXIMUM OF \$2000 WITH INDIVIDUAL APPLICATIONS SUBJECT TO APPROVAL AND USING STATE TRAVEL REIMBURSEMENT RATES – MSC.** Mary voiced concern that it might be difficult to financially support their

consumers in September because of the end of their fiscal year. She suggested holding the training in October.

OTHER BUSINESS: There was no additional business at this time.

CLOSING ACTIONS: SCHEDULE NEXT MEETING – Members asked to schedule the next meeting the week of September 20th, preferably the 20th and 21st in Pierre. The decision was made to alternate locations between Pierre and other areas of the state.

HOUSE BILL (HB) 1280: Joel Niemeyer, Executive Director of the North Central Chapter of Paralyzed Veterans of America (NCCPVA) came to speak on the background of HB1280, the legislative session and follow-up activities. The intent of the bill was to have builders, contractors and architects acknowledge their responsibilities under the Americans with Disabilities Act (ADA) with regards to accessibility by signing a statement that would appear on all building permits. The bill met with extreme resistance from SD Retailers, Association of General Contractors, Bureau of Administration and Pennington County officials among others. Although the bill was defeated, Legislators understood the importance of its content and expressed their desire for proponents and opponents to sit down together and talk about issues. Joel indicated that one meeting has taken place. The tone was cordial, but supporters still feel that a mechanism must be in place to force compliance. Although the ADA is a federal law, the problem lies in that South Dakota does not have a state building code. Smaller towns and municipalities often do not have the staff to do follow-ups and inspections. Jessie asked if builders and contractors understand that building with accessibility is not cost prohibitive. Joel replied that they do understand, but deny that there is a problem. Joel added his further frustration with South Dakota advertising itself nationally as a tourist state, with many of its attractions being inaccessible. Pam asked if persons from the Departments of Tourism and Economic Development have been approached? Joel said they had not, but indicated it would be beneficial to contact them. Brady indicated that many persons did

not know of all the tax incentives available for business to add accessibility features. Discussion continued on accessibility issues and how it helps to assure independent living for all persons. Jessie asked Joel what the Board could do to support this effort? Joel indicated that strong vocal support, and public support of any future legislation would be greatly appreciated.

CLOSING ACTIONS CONTINUED: FUTURE AGENDA ITEMS – Suggest topics for the next meeting were: Governor’s Awards Luncheon, Native American Leadership Seminar, Work Incentives Video, Consumer Services Committee follow-up on the draft policy and Dave Miller to speak on Ticket to Work. ADJOURNMENT – **MOTION TO ADJOURN AT 11:00 A.M. – MSC.**