

**BOARD OF VOCATIONAL REHABILITATION
DECEMBER 6-7, 2005
BEST WESTERN RAMKOTA - SIOUX FALLS**

MEMBERS PRESENT: Lynne Boettcher Fjellanger, Dr. Jessie Easton, Brady Kerkman, Grady Kickul, Thomas Kober, Ron Ronshaugen, Dan Rounds, Larry Tolzin and Monte Tschetter. MEMBERS ABSENT: Julie Carpenter, Travis Hamilton, Beth Haug, Mary l'atala, Shelly Schock and Kati Seymour. OTHERS PRESENT: Bernie Grimme, Colette Wagoner and Lorie Jirschele. Interpreters were Marlee Deis, Christa Gunderson and DeAnna Sweeney.

WELCOME AND INTRODUCTIONS: Chairperson Tom Kober brought the meeting to order at 1:30 p.m. and asked everyone present to introduce him/herself. MEETING PROTOCOL - Staff distributed a meeting protocol handout first developed by the Statewide Independent Living Council (see attached). Tom explained that adopting the meeting protocol would ease the use of interpreters, thus meetings would run more smoothly. Grady added that it was basically designed as a reminder to curb distractions, and he recommended that the protocol be reviewed at the start of each meeting day. Consensus of members was to adopt the use of the meeting protocol. HOUSEKEEPING ITEMS - Staff explained that because of accessibility issues, the Board was relocated at the last minute and because of time constraints, the meeting had to conclude by 4:30 p.m. Additionally, staff was unsure as to what meeting room they would be assigned in the morning. Tom asked staff to write a letter to the hotel and address their concerns regarding accessibility issues i.e., elevator located in the kitchen, inaccessible restrooms, and inaccessibility of parking spaces due to lack of snow removal. OPENING ACTIONS - APPROVAL OF AGENDA - A revised agenda was distributed to members before the start of the meeting. MOTION MADE (M) TO APPROVE THE REVISED AGENDA, SECONDED (S) AND CARRIED (C). APPROVAL OF MINUTES - MOTION TO APPROVE THE SEPTEMBER 7-8, 2005 MEETING MINUTES - MSC. Next, staff read an October 17th Executive Committee action item regarding the Client

Assistance Program (CAP) video that had previously been mailed to members. **MOTION TO ACCEPT EXECUTIVE COMMITTEE ACTION ITEM - MSC. MOTION TO APPROVE NOVEMBER 22, 2005 EXECUTIVE COMMITTEE MINUTES - MSC.**

PUBLIC COMMENT: Staff read a note from Jeanne Vogel thanking the Board for the plaque honoring Dave for his service on the Board.

DIVISION DIRECTOR'S REPORT: DIRECTOR'S COMMENTS - Grady stated that accessible accommodations were becoming more difficult to find even in a city the size of Sioux Falls, and that staff would continue to try to identify accessible meeting locations. He then announced that Joel Niemeyer, Chairperson of the Freedom to Work Steering Committee (FTW SC), would join the meeting tomorrow to speak about what has been accomplished with the Medicaid Infrastructure Grant (MIG). Grady indicated that South Dakota (SD) had received word from the Center of Medicare and Medicaid Services (CMS) that MIG had been awarded funding in the amount of \$500,000 for the next four years; with the stipulation that certain benchmarks be attained and reapplications be submitted every year. As Director, Grady said that times it has felt like the FTW Project has been losing steam. They have initiated personal assistance services (PAS) in the workplace and were ready to push for a Medicaid Buyout, but the latter would not happen in 2006 due to budget constraints. Grady said that his goal was to work with other boards and councils to reinvigorate the project; do some brainstorming to further promote employment of Social Security recipients, and move in some new and creative directions. He added that the FTW Project would be asking for Board involvement. Grady stated that the Rehabilitation Services Administration (RSA) recently awarded an extensive contract to Development Associates to assess the needs of rehabilitation councils and agencies nationally. SD will be working with Development Associates on this project. Grady then passed out copies of a letter from Senator John Thune to FTW SC member Mark Arneson regarding federal funding of rehabilitation services (see attached). **WORKFORCE INVESTMENT ACT REAUTHORIZATION** - The reauthorization of the Workforce Investment Act (WIA) continues to be stalled in Congress. January 2006 begins the third year of its extension. Grady stated that the House passed its

version of the bill last spring, but the Senate has failed to bring its bill to the floor. An attempt was made a few weeks ago to pass a Senate bill by unanimous consent, but on November 18th, a hold was placed on the bill by one Senator who by Senate rule, was allowed to remain anonymous. As a result, both versions will continue as they are into the next session of Congress. The current House version of WIA does not contain WIA Plus (blockgranting of nine employment programs including vocational rehabilitation). Grady explained the negative impact WIA could have on SD in the form of Federal funding cuts, it were to pass.

DRS BUDGET UPDATE - Grady indicated that the Governor's budget address was being held later that afternoon. Division of Rehabilitation Services (DRS) budget was approved with inflationary increases for Assistive Daily Living Services (ADLS) and Personal Attendant Services (PAS). The proposed 2007 budget is the same as last year's with an addition of a slight inflationary increase. Grady concluded by saying that almost one-half of FY2006 has gone by and DRS will continue to monitor case services expenditures. They should know by the March meeting as to likelihood of the necessity to implement an Order of Selection.

YEAR END RESULTS - A handout outlining year-end results of FY2005 was distributed (see attached). Bernie reviewed the results and stated that indicators and performance standards had been met. The question was raised as to who set the indicators and Bernie answered that it was RSA.

DRAFT/FINAL POLICIES - There were no draft/final policies to bring forth at this time.

POSSIBLE LEGISLATION - Grady announced that the State of the State address and the start of the legislative session would be on January 10th. He was not aware of any legislation from the administration or Executive Branch that would effect vocational rehabilitation services. However, there had been some talk about legislation concerning interpreter certification. Currently, the National Association of the Deaf (NAD) is no longer offering training and testing materials. SD is looking for new materials to use in the certification process, which could necessitate the need for legislative changes.

RSA STATUS UPDATE - DEFINING THE BOARD'S ROLE: Grady stated that as of October 1st, 10 regional RSA offices were closed and 75 positions eliminated, including that of our regional representative

Marion Fuller. RSA is still filling positions in DC and they have named the six-person technical assistance/monitoring teams responsible for each state. We have not figured out the connection between the eleven states in our monitoring group, but we are encouraged by the selection of Sue Rankin-White as our state liaison. Grady said that he and Gaye Mattke (Director of SBVI) have spoken to her on several occasions, and she came with good recommendations. The first formal call with Rankin-White is scheduled for December 8th. The final monitoring report for 2004 will be discussed. He added that SD had passed all areas with no corrective actions; copies of the report will be sent out to members via staff. Other topics for discussion include implementation of an Order of Selection and her first trip to SD. She will probably want to meet with representatives of various RSA funded programs. After the initial visit, the six-person teams should start visiting once a year to review many of the programs at one time. Grady indicated that the Board and the Division would be responsible for preparing the state plan including goals and objectives. This would include utilizing the results of the recently completed statewide needs assessment. If WIA is not reauthorized next spring, only six State Plan attachments will require updating. On the other hand, if WIA does pass, we will have to develop an entire state plan in a relatively short period of time. In any event, the Board and Division can begin to look at the progress made in completing the goals outlined in 1997, to identify new goals and objectives, and to discuss them at the next meeting.

ORDER OF SELECTION: Bernie passed around a handout outlining what would happen if SD had to implement an Order of Selection (see attached). He said that during the past three months, the Division has been doing a lot of data analysis to come up with this information. Bernie then reviewed the contents of the handout. He explained that in the case of priority category IV, the role of VR has been decreasing. One of the reasons for this is that many of the people in this category can and do access outside services on their own. Due to a shortage of resources/cost factors, SD might have to consider putting persons in category VI on an Order of Selection. In other words, the Division might only be able to serve those with the most significant disabilities. Bernie emphasized that the Order of Selection would not impact those already

deemed eligible for services and who already have employment plans in place. These individuals would continue to be served. In response to a question, the point was made that an Order of Selection does not take into account geography i.e., the town where the person resides. Bernie indicated that if SD was forced to implement an Order of Selection, persons in priority category IV would be the first affected. Grady presented a scenario in which persons in categories III and IV were placed on an Order of Selection. After a few months, when funds were again available, VR could begin serving the first 100 persons on the category III waiting list. After a few more months, the next 100 persons could be served, etc. Tom stressed that the deaf community considers an Order of Selection a threat to their vocational rehabilitation services because in many cases, they have only one disability. He asked how a deaf person's disability would be measured. Bernie answered that VR looks at how the disability impacts functional limitations i.e., mobility, communication, self-direction and learning ability. He added that a high percentage of people who are deaf are on Social Security, putting them in priority categories I or II. The capacity for independent work skills would also be considered. Grady stated that Congress, through the Rehab Act, has redirected state VR agencies to serve those with the most significant disabilities, thus making for some tough decisions. He added that the sooner we plan ahead, the better it would be. Dan indicated that people VR serves would be making some tough decisions too. He questioned how we could utilize services other than VR. He stated that perhaps a needs/financial assessment should be completed for each consumer, and it was only fair that consumers be told that VR might not be able to serve them. Discussion ensued on various work incentive programs that could also come into play i.e., Plan for Achieving Self-Support (PASS) and veterans benefits. Dan said that VR counselors would have to explore as many options as they possibly could. Grady indicated that this had been a good discussion and that consumers must be challenged to seek other resources. Bernie explained the VR criterion for providing services; is it appropriate; is it necessary; and is it cost efficient? He added that while other states list themselves as on an Order of Selection, they continue to serve everyone. In conclusion, Grady stated that we have to find a balance where everyone is treated fairly. In the past, VR has always had

enough resources, but this is not the case going into the future. We need to develop a contingency plan in case it was decided to send RSA an amended attachment implementing an Order of Selection. Grady asked that this discussion become part of next year's public meeting process for the state plan.

WORKFORCE DEVELOPMENT COUNCIL UPDATE: Larry indicated that the Workforce Development Council had last met on October 5th in Pierre. A new carpentry trainee program for the inmates at the Springfield prison had been implemented. Also in Springfield, a bearing plant had closed leaving 200 people out of work. A \$500,000 grant has been issued for hurricane Katrina victims, and immigrants are being allowed to extend their work visas. Larry stated that SD has alternative schools for those students having difficulty completing regular high school. One of these programs, the Box Elder Job Corp provides training in nine vocational trades and has had a 90% graduation rate. Brady added that this program would also pay up to \$250 per person to get their GED.

STATEWIDE INDEPENDENT LIVING COUNCIL UPDATE: Grady stated that the Statewide Independent Living Council (SILC) met yesterday and this morning at the Sioux Falls Holiday Inn City Centre. A volunteer from the SHIINE Program gave a presentation on Medicare Part D. The public is finally becoming aware that if they are on Medicare, they must sign up for a prescription drug program before May 15th to avoid a penalty fee. Grady added that there would be more in depth discussion of Medicare Part D tomorrow morning. The SILC has been granting strategic planning funds to aid consumers in attending events and trainings. This has been an effective policy. The SILC has had discussions regarding training needs for members on the role and function of the SILC and for joint training of different boards and councils. During the SILC meeting, Gaye Mattke went into detail about next year's Vietnam War Memorial celebration to be held in Pierre. Grady said that the State is seeking to locate veterans who would be interested in attending. He asked that anyone knowing a Vietnam Veteran please let them know about the September 15-16 celebration. There is an information and registration link on the State website.

STATEWIDE NEEDS ASSESSMENT UPDATE: Grady asked if this item could be postponed until tomorrow during the “Preliminary Dialogue on State Plan Public Meetings” agenda item and there was consensus to do so.

The meeting was adjourned for the day at 4:10 p.m.

The meeting reconvened at 8:30 a.m., December 7th. After welcomes and introductions of Board members, Tom introduced Joel Niemeyer from the North Central Chapter of Paralyzed Veterans of America (PVA) and Chairperson of the FTW SC.

FREEDOM TO WORK (FTW) PROJECT UPDATE: Joel began by stating that the FTW Project initially pushed to establish Personal Attendant Services (PAS) in the workplace, which has been accomplished. One individual is currently utilizing PAS in SD. The project’s second goal was to introduce legislation providing for a Medicaid Buy-in, the ability of persons with disabilities to buy into Medicaid and continue working. Dan said that it was important to note that CMS required the establishment of PAS for continuation of MIG, and SD has made an effort to reach out to people who might benefit from it. Grady indicated that the process had been somewhat frustrating. The State Plan has been amended to implement this, with minimal response. He added that many people have figured out their own ways to cope at work, however there are still South Dakotans out there who need PAS to be employed. Joel stated that quite a few others are on waiver programs like ADLS, and that non-traditional needs like driver services and medication reminders are not covered. Discussion then centered around two different scenarios; South Dakotans are independent and figuring it out in their own way, or there are people out there that because of a lack of assistance in the workplace, they are prevented from employment. Joel deferred to Grady to review the FTW Project. Grady explained that the BVR solicits nominations of people to serve on the FTW SC. The first four years of the grant have been completed, and SD has been awarded \$500,000 for the next four years. DRS will again contract with Black Hills Special Services and South Dakota Coalition of Citizens with Disabilities to

provide staff support to the project. Grady said that he would like to see the formation of focus groups, have input from communities throughout the State and to generate new ideas, support and optimism. Joel said that it was exciting to think about re-energizing the project. To date, over 1300 people have benefited from the Mike Walling Benefits and Employment trainings, the "Tips Newsletter" is published and distributed on a regular basis, and many employers statewide have received training on diversity and employing persons with disabilities. Dan reiterated that employers are getting involved. Some human resource managers have expressed an interest in serving on various committees/councils, which focus on employment issues. Grady added that there had not been enough focus on employers in the past, so it was exciting to see how receptive they were. He shared that one half of every job placement is an employer. Joel stated that another positive accomplishment was the customization and distribution of the WorkWorld software. Over 200 people have been provided this software at no charge. SD has also expanded its network of benefits specialists from two to six, and these have proved invaluable to consumers. Currently, the project is in the process of developing a career development team consisting of: a person with a disability who has been successful in employment, a human resource manager, a VR counselor, an employee of Social Services and a representative from a career center. This team will make themselves available to help an individual who is having difficulty becoming employed (or maintaining employment). This concept could materialize into exciting opportunities, which would place responsibility for success on individuals themselves. The question was raised as to how many teams would be formed. Joel stated that initially, Sioux Falls would be the prototype, but that in the future teams could look different as we go from metro to rural areas. Joel indicated that another important goal had been reached, that of a Medicaid Buy-In draft. Unfortunately, budget constraints prohibit the FTW SC from bringing the buy-in forward in the form of proposed legislation at this time. Grady interjected that this had been the biggest frustration of the SC. A great deal of work had gone into development of the buy-in model. He stressed that they would keep on fine-tuning and hopefully bring forth legislation in the next FY. Joel thanked the Board for their support and said he appreciated the opportunity to work

together. Staff was asked to bring the FTW and Department of Labor (DOL) videos to the next meeting. A member asked if copies of the FTW video were available. Staff will either mail out copies or bring them to the next meeting. Dan explained that the FTW video was geared toward people who want to go to work and the DOL video was geared toward employers. Together they work very well. He also shared that staff was busy producing a tri-fold brochure outlining VR and PAS as a resource for those who want to find employment, and that it should be ready within the next two weeks. The question was raised as to income restrictions for PAS in the workplace. Dan said that if a person is Medicaid eligible and working a certain number of hours, he/she could be qualified to receive up to 120 of PAS per quarter. Grady described the Medicaid Buy-In as a health insurance program for those who have had difficulty finding health insurance. He added that another important aspect under the Ticket to Work guidelines, has been the improving relationship with Social Security offices. He said that we have been all working together to help people become employed. Joel thanked the Board for their time.

BVR COMMITTEE REPORTS: EXECUTIVE COMMITTEE - Staff reviewed a draft of the annual report that had been previously mailed to members. It was explained that the BVR was required to send a report outlining activities of the Board annually to the Governor and the RSA Commissioner. The draft report was presented to the Executive Committee on the last conference call. It was approved as presented and then brought forward to the full Board for their consideration. The next step would be to ask members to submit comments before finalization. **MOTION TO ALLOW SUBMITTED COMMENTS ON THE ANNUAL REPORT THROUGH DECEMBER 21ST - MS.** One member questioned what would/could be changed. It was explained that Board members might find errors i.e., missing dates, information on public meetings, etc. The motion was reviewed and a vote was called. **MOTION CARRIED.** CONSUMER SERVICES COMMITTEE - DRAFT POLICY - BVR STRATEGIC PLANNING FUNDING - A handout entitled "Board of Vocational Rehabilitation Application to Request Training Funds (Individual Application)" was distributed (see attached).

Revisions were then discussed. Grady stated that the Consumer Services Committee had been working on this for several months and that the Division fully supports the document. Staff would be responsible for getting consumer applications for funding to Board members. **MOTION TO ADOPT THE BVR INDIVIDUAL APPLICATION TO REQUEST TRAINING FUNDS - MSC.** Staff asked for conversation on the dissemination of information on the availability of funds, now that both funding policies had been adopted. Brady asked if information could be supplied on the BVR link to the State website. Grady said that for a period of time, it could be placed on the front page. He stated that the SILC had decided not to over publicize the training funds so as to not give a wrong impression of the amount of dollars available. Tom added that the SILC provided information when people asked. It was decided to put information about the funding on the BVR homepage and to share it with various consumer organizations.

PUBLIC AWARENESS COMMITTEE - Larry reported that 400 nomination packets had been disseminated for the Governor's Awards. The date, meal choice and photographer have been confirmed, and so far five nominations have been received. Tom expressed concern that only five had been received when the deadline was December 16th. Staff said they were anticipating more and that the NDEAM community recognitions were usually sent in for the Governor's Awards also. Larry then gave a summary of National Disability Employment Awareness Month (NDEAM) activities. He attended activities in Aberdeen and Yankton, and said that award recipients were well deserved and very appreciative. Grady spoke of his intention to invite the Governor to present the awards. The Lieutenant Governor would be asked as a backup in the event the Governor could not attend. Tom asked for volunteers to review the Governor's Awards nominations. Monte, Jessie and Lynn stated that they would be willing to take on the task with Bernie offering technical assistance. Grady added that staff was in the process of compiling a compendium of NDEAM events for 2005, a booklet similar to last year's.

PRELIMINARY DIALOGUE ON STATE PLAN PUBLIC MEETINGS:

Staff explained that during the last two years, public meetings had been held in conjunction with Mike Walling trainings, with support from SILC,

FTW and the Board of Service to the Blind and Visually Impaired (BSBVI). We have been waiting to start next year's public meeting planning process until word was received on renewal of MIG. Grady announced that Mike Walling would be coming to SD again in 2006, but they were unsure about in which capacity. He said that they were open to ideas on other possible venues. Dan suggested utilizing transition forums around the State; perhaps seek out a younger population. There has been a very large attendance at these events. Staff stated that there were a lot of providers and teachers at these forums, but the trick was to get the students themselves interested. Lynn mentioned the Dare to Dream Conference being held in Pierre in June 2006. She said the event focused on families, self-advocates and parents. Grady stated that in the past, BVR has hosted informational booths at such events as the Learning Disabilities Association Conference, the Native American Disability Summit and Dare to Dream. Bernie reminded members of their attendance at the Youth Leadership Forum (YLF) last year in Vermillion. Next year it will be held at the University of Sioux Falls. Brady asked when public meetings had to be completed by. Grady answered that two public meetings must be completed by the submission of the State Plan on May 1st. Another suggestion was to host a social hour during a conference. Dan asked if one of the committees could discuss the planning process via conference call and report the outcome to the Executive Committee. Consensus was that this was a good idea. Staff asked which committee would be responsible, and Dan said that the Public Awareness Committee could take on this task. **MOTION FOR PUBLIC AWARENESS COMMITTEE TO REVIEW PUBLIC MEETING POSSIBILITIES AND TO REPORT BACK TO THE EXECUTIVE COMMITTEE - MS.** Grady asked if a staff person was assigned to the Public Awareness Committee, and he was told that it was Janet Ball. A vote was called on the motion. **MOTION CARRIED.** Grady reminded members that as of yet, they do not know if they would be updating six attachments, or in the case of WIA being reauthorized, they would have to write an entire new plan. Grady asked that State Plan preparation goals and priorities be placed on the agenda for the next meeting.

OTHER BUSINESS: Brady stated that until recently he was unaware of the letter sent by the Board to Robert Kean of South Dakota Advocacy Services regarding the content of the Client Assistance Program (CAP) video. He spoke to Robert about the letter yesterday and it was never received. Brady made it clear that this was why the Board had not received a response. Staff assured members that another copy of the letter would be hand delivered to Mr. Kean.

MEDICARE PART D UPDATE: Kirsten Westra from the Senior Health Information and Insurance Education (SHIINE) Program was introduced. Kirsten stated that SHIINE had a staff of five in their main office in Sioux Falls and two satellite offices in Huron and Spearfish. They serve every county in SD, and the program is available in every state. Two brochures on Medicare Prescription Drug coverage were distributed (see attached). Kirsten explained that there would be 17 drug companies offering over 42 different plans in SD. Their office receives over 150 calls a day from consumers who need help in sorting things out. In addition to many volunteers across the State, the Department of Social Services, Indian Health Services, Cooperative Extension offices and more are working together to help. A handout on the Medicare Prescription Drug Plans available in SD was distributed (see attached). Discussion ensued on subjects like co-payments, premiums, VA benefits, penalties for late enrollment and dual eligibility. Members had many concerns including: how do people know if their prescriptions are covered; when can people change plans; and what do people do to figure all this out if they do not have access to the Internet? Kirsten then passed around copies of the "Medicare Prescription Drug Plan Finder" and a sheet outlining plan information from the official Medicare website (see attached). Kirsten underlined that the Plan Finder was a tool developed by Medicare and found at www.medicare.gov to help people find the plan that was best for them. She emphasized that those people who do not have access to the Internet could call 1-800-MEDICARE 24 hours a day, and someone would help them through the Plan Finder right over the phone. Kirsten added that it was very important for persons using the Plan Finder to know what prescription coverage they have now, in order to choose the right option. Grady stated that VR had sent out approximately 1000

letters to all their open cases telling them they had to do something. He asked staff to send out copies of that letter to all Board members. Monte shared that the Huron Social Security office fields approximately 100 calls a day from people who do not understand the resource/asset portion of this program, and unfortunately they are not trained to help people choose their plans. The Board thanked Kirsten for her thorough presentation. Grady asked Kirsten to thank Tom Hoy of SHIINE on behalf of BVR for the good work they are doing on Medicare Part D.

CLOSING ACTIONS: FUTURE AGENDA ITEMS - Revisiting order of selection, FTW video, TIE/DOL video, and continued dialogue on State Plan Public Meetings were all requested for the next meeting agenda. SCHEDULING NEXT MEETING - Members requested March 13-14, 2006 as their next meeting dates, to be held in Pierre/Ft. Pierre.

ADJOURNMENT: **MOTION TO ADJOURN AT 11:20 A.M. - MSC.**