



State of Rhode Island and Providence Plantations

Department of Human Services

Office of Rehabilitation Services

STATE REHABILITATION COUNCIL

To work with ORS assuring that all Rhode Islanders with disabilities are able to obtain and keep meaningful and satisfying employment.



SRC Meeting March 6, 2018

New England Institute of Technology

Warwick, RI

4 PM – 6 PM

Present: Dr. Judith Drew, Chair; Margaret Benz, Vice-chair; Jack Ringland, Secretary

Community members/CRP members present: Rocco Bruno, Anne Fartura, Joan Fino, Elizabeth Graves, Paul Harden, Christine Yankee

ORS: Ronald Racine (Associate Director), Joseph Murphy (Administrator VR), Linda Deschenes (Assistant Administrator of Operations), Natalia Montoya (Vocational Rehabilitation Counselor)

Department of BHDDH: Christine Botts

Disability Law Center: Attorney Catherine Sansonetti

The RI Statewide Independent Living Council: Christina Battista (by phone),

Guests: Dan Pieroni (by phone), Nina Fiasconaro, Willa Truelove (by phone),

Absent: Lea Colardo, Cynthia Cote, Maryellen T. Hagerty, Dr. Gail Lawson, Vincent Rossi, Jane Slade

1. Establish Quorum/Introductions Guests, ORS, SRC - Dr. Judith Drew
2. Agenda Review/Additions or Deletions – Approved
3. Acceptance of Minutes from January 9, 2018

Motion— Jack Ringland made a motion seconded by Christine Yankee and unanimously approved to accept the January 9, 2018 (Vote - Christine Botts, Rocco Bruno, Peggy Benz, Dr. Judith Drew, Anne Fartura, Joan Fino, Elizabeth Graves, Paul Harden, Jack Ringland, Catherine Sansonetti, Christine Yankee)

4. State Rehabilitation Council Chair's Report – Dr. Judith Drew

- * State Plan Updates - The Policy Committee is working on changes to the State Plan to give ORS feedback in a timely way.
- * Review and Discussion on Conflict of Interest and Recusal Statements for SRC Members

The Chair presented the draft conflict of interest and recusal forms. These forms would be given to all incoming members for their signatures at the annual meeting or their time of appointment. A copy would go to the Chair and one to the Ethics Commission of the State. Thereafter, at any time during a member's tenure on the Council if they had a conflict arise, they would have to recuse themselves from that work on the Council and inform the Chair as well as the Ethics Commission.

A suggestion was made to add language that members only send recusals to the Ethics Commission and that the signed conflict of interest forms stay with the SRC.

A concern was brought up about members having to disclose some financial interests if the Council requires them to do the Ethics paperwork and that this might deter people from joining or staying on the Council.

It was unclear as to whether the SRC membership needs to sign a conflict of interest or recusal form since the Council had been previously excluded from signing such forms. However, appointment letters from the Governor's office for members are cc'd to the Ethics Commission. Given the uncertainty and the Council's desire to air on the side of caution, the chair asked Nancy Baker to research the matter and provide an update on what she learned at the May meeting.

* Governor's Commission on Disabilities (GCD) is now the partner for RI Livable Home Modification Grant. Dr. Drew advised the Council that the GCD [The RI Livable Home Modification Grant](#) assists homeowners and renters in retrofitting residences to nationally recognized accessibility standards. The Grant will reimburse 50% of the cost of retrofitting residences, up to \$5000. Packets were available for members to share.

5. [Office of Rehabilitation Services \(ORS\) Director's Report](#) – Ronald Racine

* Office of Rehabilitation Services Policy Manual Rulemaking Action: [Proposed Rulemaking](#)

The Rhode Island Department of Human Services/Office of Rehabilitation Services (ORS) is proposing amendments to the ORS Policy and Procedures Manual. The Manual is being repealed, and three new sections are to be adopted: Vocational Rehabilitation Program Regulations, Services for the Blind and Visually Impaired, Social Services/Independent Living Units, and Business Enterprises Program Regulations. This proposed rule is accessible through the RI Secretary of State's Proposed Rules and [Regulations Database Search](#), on the [DHS website](#) and on the [ORS website](#).

The [Office of Regulatory Reform \(ORR\)](#) is requiring ORS to revamp the policy manual changing it to regulations. Representatives from the SRC have met with them several times and are working to have it done before the RSA comes in June. ORS will send it to ORR this week and send it to the SRC at the same time. Ron advised that there might be changes made to it as ORR reviews the Manual.

The Council is concerned about how substantial the differences will be moving forward and their impact on consumers. The Council expressed concern about the regulations changing and their impact on ORS. Additionally, they voiced concern regarding the removal to references to federal regulations in the current state regulations and how consumers will be able to find the updates and be informed in a timely way. Based on these concerns voiced by ORS and the Council, ORR was asked to consider maintaining as much of the references to the original federal legislation as possible to ensure that the clients' rights are protected.

Ron Racine advised that ORS is comfortable with the revised version that ORR has presented recently. The most recent version is much more like the original language.

* The [Pre-Employment Transition Services \(Pre-ETS\)](#) information fact sheets were handed out for the Council's information and increased understanding of these services. Council members asked ORS to ensure that the required 15% of funding continue to be dedicated to Pre-ETS even though the state is experiencing significant budget cuts.

* The [Waitlist](#) is currently at four hundred twenty-seven (427), which is roughly 10% of the ORS' client totals. Of that number, twenty-seven (27) are covered under the Consent Decree, Twenty-five (25) are receiving services from BHDDH, and the remainder are in school and receiving Pre-ETS services.

* The Alliance Aware Computer System quote came back much higher than the original at 1.2 million dollars. Ron advised that ORS will be using the current system in an updated form since 1.2 million is not feasible financially at this time

* The State Plan Public Hearing this Thursday March 8, 2018 at 2 PM at the Warwick Public Library. The ORS is holding this hearing in response to the RSA requirements regarding Wait List changes. There are seven functional capacity areas and consumers have to have a disability effecting/impacting three of those seven areas. The ORS is planning to require that four functional life areas must be impacted to be on the Wait List. [Link to more detailed information on Order of Selection.](#)

6. Discussion on Wait List Issues and [Department of Justice Consent Decree](#)

The SRC is considering providing a letter of support for ORS being the determining body for how consumers are being served on the Wait List.

The Department of Justice is requiring that individuals covered under the Consent Decree be taken first on the Wait List, thereby giving priority over other consumers who have been on the Wait List for a longer period. The DOJ wants ORS to override the regulations.

Federal regulations state that individuals with the most significant disabilities are selected first to receive vocational rehabilitation services. The ORS does not want to discriminate and put one type of disability ahead of another, which is not allowed under the RSA regulations. Everyone on the Wait List are in Category 1 and are eligible individuals with the most significant disabilities.

Willa Truelove felt strongly that consumers covered by the Consent Decree should be served first because they have been waiting for a long time for services. However, she recognized they should be served not in conflict with the federal regulations.

Christine Yankee noted that 25 out of the 27 consumers covered by the Consent Decree are already receiving employment services through BHDDH.

Christine Botts questioned what the status was on the Wait List of consumers covered under the Consent Decree, what type of services they received and when they come off the list. In addition, she asked if there are any of the individuals covered by the Consent Decree who are included in the [Interim Settlement Agreement](#) (ISA)? Ron Racine replied that none are under the ISA.

The Chair explained that the main reasons for writing this letter was to support ORS' efforts to be the entity to manage the Wait List. She noted that at this time the RSA is advising one approach while the Court is requiring another.

Catherine Sansonetti suggested the Council monitor the legal discussion on this situation before taking a position. She advised that following federal regulations would be clear-cut, normally, but because there is a federal court ruling on this, it might be a good idea to table this suggestion until there is further information available. There may be some concern that the individuals who are represented by the Consent Decree might feel very strongly that the Council is taking a position, in their eyes, against them and the court ruling.

Liz Graves agreed and felt that given the case, it would be very important if the SRC does decide to write a letter it needs to be carefully worded expressing our concerns for all the consumers not just one group.

The Chair agreed that while ORS was waiting for new feedback from the RSA, it would be better for the Council to wait on their decision before writing a letter.

There was no further discussion offered from the members so a motion to table the letter was called.

***Motion**—Jack Ringland made a motion seconded by Liz Graves to table the letter until the Council gets further information from the court and the RSA. (Vote - Christina Battista, Christine Botts, Rocco Bruno, Peggy Benz, Lea Colardo, Dr. Judith Drew, Anne Fartura, Joan Fino, Elizabeth Graves, Paul Harden, Jack Ringland, Catherine Sansonetti, Willa Truelove, Christine Yankee)*

7. Old business

* Letter to Catherine Sansonetti - Nancy Baker has given a draft letter to the Chair honoring Catherine. The Chair asked the Council for permission to finalize this letter and present it to her. The Council agreed.

8. Sub-Committee Reports

* The Membership Training Committee reported it is setting up a training session for the new members for this summer,

* State Plan, Policy and Quality Assurance Committee reported there was a misunderstanding as to who was preparing the written presentation for the public hearing. Nancy Baker agreed to draft a letter for the Chair to revise and present at the formal comment period at the hearing.

* SRC Service Award Jack Ringland asked that members provide input for people to nominate for the Service Award. He asked that suggestions be sent to Nancy Baker.

9. New Business

* The National Coalition of State Rehabilitation Councils Spring meeting will not be attended by the SRC this year due to funding limits and travel restriction in the State. The Chair noted that if someone wanted to self-pay, they are certainly welcome to represent the RISRC. The Chair asked that they let Nancy Baker know if they wish to attend.

* The May Breakfast will be held at the Salve Regina Warwick Campus on May 8th at 8 AM as a cost saving measure. The University is providing the space. The Chair advised she would find a donor to cover the cost of the meeting.

* The Rehabilitation Services Administration (RSA) Site visit is happening in June. The Council will work collaboratively with ORS to get ready for this visit. The RSA will want several members from the Council to be on hand during their visit. As more information is known and is more specific, the Council will ask members to volunteer to the initial and exit meetings.

9. Adjournment – Council adjourned at 5:40 P.M.

***Motion**—Jack Ringland made a motion seconded by Liz Graves and unanimously approved to adjourn the meeting. (Vote - Christina Battista, Christine Botts, Rocco Bruno, Peggy Benz, Lea Colardo, Dr. Judith Drew, Anne Fartura, Joan Fino, Elizabeth Graves, Paul Harden, Jack Ringland, Catherine Sansonetti, Willa Truelove, Christine Yankee)*

Respectfully Submitted,

Nancy L. Baker

Nancy L. Baker, Facilitator
RI State Rehabilitation Council