



State of Rhode Island and Providence Plantations

Department of Human Services

Office of Rehabilitation Services

STATE REHABILITATION COUNCIL

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



SRC Meeting January 9, 2018

New England Institute of Technology

Hall of Fame Room

2500 Post Rd, Warwick, RI 02886

4:00 P.M. – 6:00 PM.

Present: Dr. Judith Drew, Chair; Margaret Benz, Vice-chair; Dr. Gail Lawson, Past-Chair

Community members/CRP members present: Rocco Bruno, Lea Colardo, Cynthia Cote, Maryellen T. Hagerty, Christine Yankee

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

Department of Education: Jane Slade, Education Specialist, Secondary Transition

Department of BHDDH: Christine Botts

DLT: Vincent Rossi, Program Director, Disability Employment Initiative

Disability Law Center: Attorney Catherine Sansonetti

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

Guests: Sergio Lopez-Ruiz (by phone), Dan Pieroni (by phone), Willa Truelove (by phone), Melissa Brusso (Dorcas International Institute of RI)

Absent: Elizabeth Graves, Jack Ringland, Joan Fino

1. Establish Quorum/Introductions Guests, ORS, SRC - Dr. Judith Drew
2. Agenda Review/Additions or Deletions - Approved
3. Acceptance of Minutes from November 28, 2017

Motion— Gail Lawson made a motion seconded by Vincent Rossi and unanimously approved to accept the November 28, 2017 minutes with the clarification and addition of comments about the Wait List. (Vote - Christina Battista, Rocco Bruno, Christine Botts, Peggy Benz, Lea Colardo, Cynthia Cote, Dr. Judith Drew, Maryellen T. Hagerty, Gail Lawson PhD, Vincent Rossi, Catherine Sansonetti, Jane Slade, Christine Yankee)

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

Over the holiday season, the Council's work has been slow.

* We will be working on finishing the changes in the By-laws around conflict of interest. We will do teleconference with the ad hoc members and have some recommendations for the March or May meeting.

* The Consent Decree, PayGO, policy revisions and how ORS will be managing them are all on our watch list. Ron Racine will give us an update on this today.

*The Council acknowledged Gail Lawson and the State Plan, Policy & Quality Assurance committee's work.

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

New ORS Council Member

ORS Counselor, Natalia Montoya was seated and welcomed as the new ORS representative to the SRC. Council members introduced themselves to her and shared who they represent on the Council and where they work, as applicable. Ron Racine thanked her for taking the seat.

* Updates on the [ORS Website and Wait List Information Pages](#) – In response to concerns from the last SRC meeting and the public hearing regarding updates of the Wait List, ORS is tracking weekly the number on the Wait List. ORS advised they will update the website as needed. This page has the number of people currently on the Wait List with the date they were added; Order of Selection; Wait List FAQs; a link to the [Client Assistance Program](#) (CAP) information page; and a link to the [Pre-Employment Transition Services](#) (Pre-ETS) page. ORS advised they can add information moving forward such as when it is anticipated people will be coming off the Wait List, and what number they are serving currently by application date.

Discussion on Wait List Issues

SRC members expressed concerns about keeping clients better informed regarding their status on the Wait List to facilitate better communication and to keep them regularly informed regarding their status.

The Council asked if it were possible for clients to receive a confidential number when placed on the Wait List that would allow them to go to the web site or call in to an automated system or their counselor to check their status? The model would be designed so that a client's number would not change. ORS would show/advise how many people were on the Wait List, and clients would be able to check where their number is on the list as clients get served

ORS responded that clients can call in to their counselor to get their status at any time. The number on-line is a running number. Questions raised would be how they could update client statuses without showing their name and how to accomplish this without the technology staff to support it. Ron advised that their current technology support person is retiring and they may not have the staff going forward to manage this project. ORS suggested that counselors will reach out to their clients on the Wait List. They advised that the agency sends out a letter every six months to clients to determine if they are still interested in services. They suggested they could let advise them at that time what their status is on the Wait List.

The SRC expressed concern that changing numbers constantly may not be the best way to accomplish this process. The Council recommended that they give a client a number when they begin with ORS that remains the same number until they move into an active status to eliminate confusion and administrative burdens. Concerns were expressed by the Council that clients and counselors may become confused, and it increases the possibility of the support staff might making clerical errors while trying to remain current with numbers.

The main concern is how frequently ORS will be communicating with clients regarding their Wait List status. The Council expressed concern that six months seemed like a long time in-between contact, but agreed that keeping the website updated may be a problem due to lack of support staff.

Fiscal Projections

The 1st quarter of the Federal Fiscal Year just ended on December 30th. ORS is currently determining what the agency's Federal and State expenditures were for prior quarter, which will provide a picture of the pace of spending moving forward for the rest of the year. Since the Agency did not start the Order of Selection until December, it does not anticipate savings for this quarter, but going forward will be able to track decreases in expenditures and monitor the trends toward managing the budget to sustain operations through the fiscal year.

PAYGO

Ron discussed the impact of the federal budget and recent tax cuts on ORS funding. He advised that the cuts in mandatory spending could lead to further reductions in VR services. These cuts were to be implemented under the Continuing Resolution in Congress, but was not enacted. The agency is hopeful it will not happen in the new budget; however, all are wary that Congress or the current Administration will reduce the VR Program.

Action Step

The Council asked ORS to examine how they track clients on the Wait List, and the time in-between contacts for updating clients on their status. The goal would be to explore if there is a way to update more frequently than six months or even on-demand with an application. The SRC is aware that ORS is customer-service oriented, and wants people to receive information more frequently. The Council advised it wants to support ORS to improve this process. A request was made to update the Council for the March or May meeting with options that might provide better communication but are reasonable given their limited resources.

ORS advised they would explore options, but could not make a commitment to change the current process of updates at this time due to a lack of technology resources, as previously noted. They advised it they can determine

a process that is feasible to achieve given the current IT staffing issues and is user-friendly while more readily available to clients, then they will advise the Council and make it available to clients. They agreed to update the Council by the May meeting once the system is running, and the effects of making a change on our service delivery, staff and fiscal obligations are known.

6. Sub-Committee reports

State Plan, Policy and Quality Assurance

Gail Lawson provided a summary of the work the Committee did on the State Plan and the *RI Administrative Procedure Act Overview* in the following summary.

In August 2016 the Rhode Island General Assembly passed the Rhode Island Administrative Procedures Act (APA, RIGL §42-35-1, et seq.) This act governs all RI governmental agency rulemaking, including how state agencies propose and promulgate regulations.

The stated purposes of the APA include:

- *keeping the public informed of agency rulemaking activities,*
- *providing the opportunity for public participation in the development of regulations,*
- *establishing uniform standards for the conduct of formal rulemaking statewide*
- *improving the quality of state regulations.*
- *promoting public participation and transparency in rule and policy making*

Because of this law, all state agencies have been required to review and revise their existing policies and procedures and complete this process by December 31, 2018. The Office of Regulatory Reform, which is an office within the Department of Administrative Services, is overseeing this work.

ORS has for the past year been involved in a review and rewrite of the ORS Policy and Procedure Manual to bring it into compliance with the Rhode Island Administrative Procedures Act. Since a primary function of the SRC, according to the federal regulations, governing the activities of the SRC is to review and provide comment on all proposed policies and changes to proposed policies it is important the members of the SRC understand this ongoing APA process.

Over the course of the upcoming year, the SRC policy committee will need to review the proposed changes to ORS policies both through our regular review and comment policies as well as through the public hearing and comment period.

At this point, the SRC policy committee is not in receipt of any of the revised ORS documents that ORS has been required to complete as a result of the Rhode Island Administrative Procedures Act committee. We should be prepared to review any of the proposed changes that will need to be completed before December 31, 2018.

As the acting Chair of the SRC Policy Committee, I am encouraging all Policy Committee members to review the manual Rhode Island Administrative Procedures Act. The Office of Regulatory Reform has prepared a manual to assist agencies in this review process. A copy of this manual is attached to this report; please review this manual so we are all informed of the process.

Ron Racine commented on the following paragraph, 'At this point, the SRC policy committee is not in receipt of any of the revised ORS documents that ORS has required to complete as a result of the Rhode Island Administrative Procedures Act committee. We should be prepared to review any of the proposed changes that will need to be completed before December 31, 2018.'

Ron advised that ORS did provide revisions that the agency planned on submitting, which was presented to the Council. He expressed concerns that this comment inferred that ORS had not been transparent with the Council, However, he noted the revisions were given to the Council when Nancy Baker distributed them by email. Since then the Agency has been working with the Office of Regulatory Reform (ORR) legal team to review all the documents. He advised that the Agency did not have their final comments at this time.

Ron stated that once the Agency has the final document, ORS will again distribute it to the Council. Rather than sending changes as they occurred, he wants to have the final approval by the Legal department before sending them out again to the SRC for review and comment. He stated he met with Gail Lawson about this process. The Agency staff expressed some concerns resulting in a meeting with ORR, the Disability Law Center, the SRC and ORS' leadership to review the process.

Gail Lawson shared that there was confusion regarding what the final document was and that there is not a final document yet in place for the Council to review. The Council is concerned that there is enough time for a thorough review of the document and to respond to any proposed changes.

Catherine Sansonetti reiterated the committee's concern that the initial document received was very truncated, and did not cite to or incorporate Federal regulations. She advised there were broad citations as opposed to hyperlinks and more

explanation. She stated that the Council should take note that she took issue with removing the Federal laws that guide ORS' work, advising that she believes this is prohibited under the Administrative Procedure Act (APA).

Catherine advised there was discussion at the meeting with ORR as to what a guidance document is. She reported to the Council that as she understood the law, a guidance document is not a law; it is an internal procedural document or a way that the Agency might interpret a policy that they have leeway or discretion with. Catherine stated that much of VR law is Federal with no discretions; it is an entitlement issue as well because people are eligible for all the services with VR in order to get to their goal. Catherine reported that the Committee made the SRC's perspective clear on this issue during the meeting with ORR.

Catherine advised the SRC that the attorneys from the State that were at the meeting were not familiar with VR law. She explained that is why the Agency asked for technical assistance from their Legal Counsel and wanted to get people involved that were familiar with the workings of the Agency.

Catherine stated that she agreed with Gail Lawson that this is probably not a 30-day turn around response because there are many Federal laws to consider and many aspects of the changes that the SRC and the Disability Law Center would be concerned about. She stated that transparency is key in this process. She reported that the ORR people referenced guidance documents and advised the SRC and ORS that they would have guidance documents to refer to.

She expressed concern because at the federal level the DOJ is removing and archiving guidance documents, which could also happen in RI. Since guidance documents are not law, there would be nothing that could be done in that situation. She encouraged ORS and the SRC, "to stay as close to the law as possible, keeping more into the law as a binding legal document with rights that are not easily removed".

Action Plan

ORS agreed to provide a broad timeline for the review of the documents at the next meeting in March.

Membership Training

Maryellen Hagerty reported that the committee is looking forward to identifying the best way to train new members. She advised they want to build upon the success of their first training last year. She advised they want to keep the activities highly rated by members and create additional opportunities to develop both current and new members.

The SRC members who were present agreed that new members would benefit from serving for at least one year on the State Plan, Policy & Quality Assurance committee in accordance with the By-laws. This would enable them to understand the importance of the work of the SRC and the processes/laws that guide ORS's work.

7. New Business

Three new members were announced at the meeting: Natalia Montoya, Sergio Lopez-Ruiz and Christine Yankee. Natalia Montoya has been at ORS as a Counselor for three years. Before that, she worked at Goodwill Industries for 17 years. Natalia is a graduate of the Salve Regina University Rehabilitation Counseling program. Natalia stated one of her goals it to bring more diversity to the Council. Christine Yankee is the Vice-President of Goodwill Industries of Rhode Island where she oversees all the programs. Goodwill's major funder is ORS. Christine wants to bring her knowledge of not only ORS and DHS but of other funders in the State to the Council to form additional partnerships and new members. Sergio was unable to attend and will be introduced as a new public member at the March meeting.

One guest, Melissa Brusso, from Dorcas International Institute of RI is interested in getting back involved in advocacy. She spoke with the Council and stated that in her work she has noticed that people with language barriers, learning disabilities or other disabilities are often falling behind. In addition, she stated she is interested in policy. The SRC welcomed Melissa to the meeting and invited her to attend again and consider joining the Council.

Judi suggested to the Council that the break is removed from the schedule of monthly meetings so that the Council can proceed with its business in a timely fashion, allowing members to get home earlier.

Willa Truelove asked about the CHIP program, which has not been permanently reinstated by Congress. RI had enough State funding in case the Federal funding did not come through but only until March. Chip is run by the OHSS Medicaid program.

The Advocacy Ad Hoc committee

At a recent meeting, members expressed concern that the SRC needed to be kept up to date on weekly events and public hearings at the State House. Ideas for rapid response included having sample letters in advance so that the SRC could quickly respond to issues that needed legislative advocacy. The Council would like to have people participate. Members

interested in serving on this committee could meet by phone when issues at the State House arise. Nancy suggested setting up a phone tree or Facebook tree, and asked interested members to let Nancy Baker know if they are interested.

SRC Annual Award Ad Hoc Committee

Jack Ringland was nominated by Gail Lawson to head this committee again this year. The SRC members who were present agreed Jack and his committee did an excellent job in identifying and choosing a person to receive this annual award. This motion was seconded by Peggy Benz and was unanimously approved. Nancy Baker agreed to contact Jack about chairing the committee and advised she will send award information to the members to enable them to nominate potential candidates.

* May Breakfast Meeting

Nancy Baker and the SRC discussed the need to scale back on the annual May breakfast in light of the significant cuts in funding to ORS this year to provide services for clients. The SRC agreed that funds should be spent for client services and not on the annual breakfast. She advised that the State may not provide funding to host this event and that no bids have been put out until the SRC had the conversation about the meeting. Members agreed to find another way to hold the breakfast since it is the only time each year that the Council and ORS celebrates the work being done and honors SRC members. Judi stated she thought she could offer Salve Regina University as a site for the breakfast and may be able to find a sponsor for the food.

The Council supported writing a letter to the Governor's Workforce Board to recruit a new member to the SRC. Also, they agreed unanimously to write a thank you letter to Catherine Sansonetti for her years of support to the Council and her advocacy on behalf of individuals with disabilities. Judi agreed to craft these letters and send them to Nancy for her to send and cc the council.

9. Adjournment – Council adjourned at 5:30 P.M.

Motion—*Jane Slade* made a motion seconded by *Maryellen Hagerty* and unanimously approved to adjourn the meeting. (Vote - *Christina Battista, Rocco Bruno, Christine Botts, Peggy Benz, Lea Colardo, Cynthia Cote, Dr. Judith Drew, Maryellen T. Hagerty, Gail Lawson PhD, Vincent Rossi, Catherine Sansonetti, Jane Slade, Christine Yankee*)

Respectfully Submitted,



Nancy L. Baker, Staff
RI State Rehabilitation Council