



**STATE OF NEW MEXICO
COMMISSION FOR DEAF AND HARD OF HEARING PERSONS**

Saturday, February 6th, 2010

Hyatt Place
6901 Arvada Pl. NE
Albuquerque, NM 87110
10:00 a.m.

I. CALL TO ORDER AND ROLL CALL

Chair Mark Apodaca called the meeting to order at 10:08 a.m. on Saturday, February 6, 2010 at the Hyatt Place in Albuquerque, New Mexico.

Present: Mark Apodaca, Chair
Judy LeJeune
Kimberly Silva
Raul Rodriguez, Vice Chair
Christine "CB" Buchholz

Absent: Dr. Ronald Stern
David Romine, Secretary

II. APPROVAL OF AGENDA

A revised agenda was presented at the meeting.

10-19

Vice Chair Raul Rodriguez moved to approve the revised agenda. Commissioner Judy LeJeune seconded. Motion passed unanimously.

III. APPROVAL OF MINUTES

There was some discussion about which minutes needed to be approved. Chair Mark Apodaca clarified that all previous minutes had been approved with the exception of the minutes from the last meeting held on December 5th, 2009. Chair Apodaca asked if there were any corrections to the minutes of December 5th. Commissioner LeJeune commented that she had read the minutes and they were accurate.

10-20

Commissioner LeJeune made a motion to accept the minutes. Vice Chair Rodriguez seconded. The motion passed unanimously.

Commissioner LeJeune commented that the CDHH staff had now taken the responsibility of preparing the minutes and expressed her appreciation.

IV. BOARD REPORTS

a. Policies and Procedures

Commissioner Buchholz reported that the policies and procedures for the commission was still a work in progress. She had only three copies of the handbook for the committee, Chair Apodaca, Commissioner Romine and herself, however she brought them to give the board an idea of what the committee was working on. Chair Apodaca mentioned that we are apparently the only Commission in the state with a handbook.

Executive Director B. J. Wood mentioned that she would need help with the procurement policy and is looking to other state agencies to see what they use as a procurement policy. Ms. Wood said the board had the authority to purchase from \$20K to \$50K, but there is nothing in writing to that effect. Ms. Wood stated that she would like to make sure that is included in the handbook. She also stated that the handbook would be useful to future commissioners as well and would help new commissioners understand their authority, their responsibilities, and so forth.

Commissioner Buchholz stated that there would be another meeting of the committee soon.

b. Education Committee

Vice Chair Rodriguez stated that the board should discuss the need for an Educational Consultant to look at deaf education in New Mexico. In spite of hard economic times, Vice Chair Rodriguez stated it was still important to accomplish this. Rodriguez explained that the rural areas are still a major concern and when budget cuts happen, it usually affects the rural areas hardest as the major metropolitan areas are closer to the legislature. It would be important to find the funding to make this happen and we do not have the data to approach legislators for more money.

Commissioner Buchholz asked how much we had budgeted for an Educational Consultant in the past. Rodriguez explained that \$50K was allocated for the first consultant who met with the state Department of Education, DVR and several other agencies. That consultant had already laid the groundwork, but because he had not been paid he may not want to come back. Commissioner Buchholz stated she recalled that he had been paid part of the sum before the funds were swept. Commissioner LeJeune concurred that he had received payment and that he should be contacted again to continue that work.

Chair Apodaca asked Ms. Wood if she had any comments regarding the budget and Ms. Wood replied that CDHH definitely didn't have the money in the plan for next year's budget. However, if CDHH could perhaps approach the Department of Education as a co-sponsor, they could assist in covering the cost. Ms. Wood agreed it would make sense to hire the same person who started the groundwork. Ms. Wood added that she would need to research the feasibility of a partnership or find the funds to cover the cost. Vice Chair Rodriguez suggested that Ms. Wood go ahead and research and see if we could salvage anything from the first consultation, and then CDHH could determine what money is needed to go forward.

Commissioner Buchholz stated that we must see if we have the money first before trying to salvage anything to prevent another black eye. Commissioner LeJeune agreed with Ms. Wood's idea that other agencies could collaborate and have some cost sharing. It was discussed that Ms. Wood would need the help of the Education Committee consisting of Judy LeJeune, Kim Silva and Raul Rodriguez to gather information. LeJeune suggested Ms. Wood could do the

preliminary work of determining how much has been spent and check into the budget, and then together they could discuss what agencies could be approach for partnership, such as the Department of Education.

Commissioner Silva agreed that she would be more than willing to help and that it was a great idea to bring all the critical stakeholders together. Although the consultant would be neutral, nonbiased and objective, Silva stated that this would be an opportunity for interested parties to start a new partnership, all working to improve deaf education together, regardless of where the students attend school.

Ms. Wood also commented that she would like to know if the study focused primarily on deaf children, and clarified that in order to do a good job we should make sure we are looking at all children regardless of their hearing loss and include deaf-blind children. Ms. Wood continued that we need to lead the way in showing the State the educational situation and needs. And we could also partner with the Department of Health. Last year CDHH received \$80K from the Department of Health to supply listening systems for children in schools across the state, so we could approach them about using those funds for that purpose. It was a little confusing when they partnered with CDHH last year, but we could go back to working with them on how to use those funds.

Chair Apodaca stated that he will leave this in the hands of Ms. Wood and the commission and discuss what direction to take at the next meeting.

V. AGENCY REPORTS

2nd Quarter Report

Executive Director B. J. Wood stated she hoped everyone has an opportunity to review the quarterly report. She was proud that her staff learned new skills and improved on gathering statistics and data, going beyond the expectations of the legislature.

Ms. Wood stated that she went to the public hearing hosted by the Governor's Commission on Disability the previous Monday and learned that there was a good deal of confusion about our agency. Many persons thought we provide vocational rehabilitation and independent services similar to the Commission for the Blind. She realized that many state agencies do not understand what CDHH actually does. Ms. Wood stated she was thinking of using that topic for her presentation to the Hearing Loss Association of Albuquerque (HLAAbq) next month, and from there work with our sister agencies to educate them on what we actually do.

Ms. Wood also brought up the topic of Senate Bill 143 sponsored by Senator Rodriguez. Sen. Rodriguez wants to establish a deaf liaison in every state agency to improve effective communication. Ms. Wood met with the senator the previous week and explained that this is actually the responsibility of the ADA coordinators, and therefore the question becomes whether each state agency has an ADA coordinator. Ms. Wood also recently learned that there is a council of ADA coordinators that meets regularly. Ms. Wood has asked Shannon Smith to participate in that council so they can improve their access for all state agencies. After talking with the Sen. Rodriguez, Ms. Wood believed the bill would probably not pass this year, but possibly could next year. Additional research will be done to see if this is a duplicate effort. Ms. Wood handed out a summary of the radio program in which Jim Parker was interviewed regarding consolidation of the GCD with the Commission for the Blind (CFB) and CDHH. Chair Apodaca allowed 5 minutes to read the summary after which more discussion ensued regarding the consolidation issue which was tabled until the New Business portion of the agenda.

Budget Update

Ms. Wood asked the commissioners to review the revenue information and they would be able to see the big picture of where the dollars are going. Also she asked them to notice that next year's budget is reduced to \$434K and the licensing board has been reduced from \$160K to \$110K. Ms. Wood stated we would be able to handle the budget reduction for FY11. The wireless program has been put off for a few years but it would need to be suspended again. The web design is already paid, so next year we will only need to pay the hosting fees. All other contracts can be maintained at their present level including the Mini-Grant Program and new applications for that program will be available at the end of April. The CFO position would remain on hold as Ms. Wood handles many of those responsibilities.

Chair Apodaca asked about the plan to work with the Tax and Revenue Department. Ms. Wood stated that she and Ms. Smith met with Tax and Revenue after the Public Hearing on Monday. They were asked to do more work in finding and collecting information. In 2006, instructions were sent to the 149 telephone carriers on how to collect surcharges and report back to Tax and Revenue, but only 91 companies replied. Ms. Smith and Ms. Wood would need to talk with the Public Regulations Committee (PRC) and get a listing of all the telephone carriers in the state, figure out which ones are not paying the surcharge, and report back to Tax and Revenue to begin an investigation. Chair Apodaca commented that it should be Tax and Rev's responsibility to do that. Ms. Smith added that we need to create a partnership with Tax and Rev because CDHH never had much of a relationship before Ms. Wood came on board. She added that New Mexico is a self reporting state, which means that it is up to land line and wireless carriers to report that they are doing business in New Mexico and submit the actual surcharge. Ms. Wood state that they have more work to do and will be continuing to work collaboratively with Tax and Revenue.

Department Updates

Ms. Wood stated that for the next six months, CDHH's department on Communication Access Development would be calling all interested stakeholders who interpret in courts, to come together to help CDHH create ideas on how to raise standards for interpreters in the courts system.

Public Policy and Advocacy is focusing on improving standards for hearing aids for children as well as adults. Suzanne Ruble had identified that there is not a place in the system where people can file complaints about hearing aids, so she is working on that. CDHH is also lucky to have Steve Frazier on the Hearing Aid Licensing Board. He is also pursuing the improvement of standards for licensure for hearing aid dispensers.

Telecommunications and Training, Shannon Smith's department, is waiting for approval from the Department of Finance and Administration (DFA) to make their selection for the Telephone Equipment Distribution Program (TEDP). Once that contract is in finalized, CDHH will have \$150K to provide telephones for the customers on the TEDP waiting list.

Ms. Wood continued that Ms. Smith's department has given other departments access to the training materials so that trainings won't be limited to the people in that department alone. They have done quite a number of trainings, but there are many more to do. This department will also host a two-day conference in May, which will include a wide variety of topics pertaining to hearing loss and they have great speakers lined up. Ms. Wood asked that everyone promote this event.

Ms. Wood pointed out that the Las Cruces office has its own separate section in the quarterly report in response to Vice Chair Raul Rodriguez's request to have more details about what is happening in that particular office. Ms. Wood stated that she was currently working on two contracts to hire two individuals to work out of the Las Cruces office. The first contract should be completed within the next week. The second contract is for an individual who has some

audiology background and Ms. Wood would like to see her work with the hard of hearing individuals in the Las Cruces area.

Ms. Wood explained that a small amount of money was set aside for two additional projects: \$1,500 to hire someone to put together the annual report for 2009 and \$5,000 to hire a consultant to help the state agencies to work together on a long-range plan serving deaf-blind individuals statewide.

Vice Chair Rodriguez mentioned that he was unable to access the website for some information. Ms. Smith stated that the new website was up and running after several issues with the Department of Information Technology (DoIT), however there is still the issue of DoIT assigning the website two separate IP addresses on a round-robin basis. Therefore one time it could be accessed without issue and the next time, if the IP address was switched, it might not work. After several requests to fix this issue, Ms. Smith will take it to the secretary's office at this point to discuss this and the other challenges of working with DoIT. They do not completely understand how we must reach out to our constituents who depend on a visual language.

Chair Apodaca asked how the new relay program was going. Ms. Smith reported that the relay system was working very well. There have been only two escalated complaints. These individuals had not been aware that the contractor had changed and they submitted a complaint to the wrong provider and then were upset that they didn't receive an answer back. Both complaints were resolved.

Ms. Smith added that CDHH continues to see a cost savings of approximately \$10K monthly on the new relay billing even with an increase in minutes. Abbi Sanchez, the Relay New Mexico outreach person, is doing an excellent job traveling and educating people on CapTel which is a growing service.

Chair Apodaca also asked if the community was accepting the two providers of interpreting services. Ms. Wood explained that she would be doing a mid-year evaluation as CDHH prepares to renew their contracts for next year, but actually the only complaints she has heard have to do with businesses not providing interpreters and some agencies are refusing to pay. Ms. Wood explained that she was an ongoing issue that she has experienced herself. Recently she was invited to a long-term elderly care committee and they wouldn't pay for interpreter. She asked Lisa Dignan to handle the problem and got their lawyer and an ADA coordinator involved and the problem was resolved. This agency hosts a yearly conference for approximately 1400 seniors with great workshops. Last year, Dom Bonura attended and it was frustrating because they only provided interpreters for the opening session, but not for the break out sessions. Ms. Wood stated that CDHH would be working closely with them to make their conference accessible, not only for deaf individuals, but for hard of hearing individuals as well.

Chair Apodaca asked if Ms. Wood has had time to think about future strategic planning. Ms. Wood said it was time to come together and work on the next five years, but the staff will first put together a draft and then involve the board.

Commissioner LeJeune had a comment about the role of CDHH to educate state agencies on their responsibilities to provide communication access. Knowing that it was a difficult task to take on, she wondered if the state Human Resources should actually have that responsibility. Ms. Wood responded that she did talk with Reese Fullerton, Deputy Director of the State Personnel Office, about being part of their workshops, especially for new state employees to understand ADA requirements and the unique needs of people with different disabilities. Once we take a look at what the ADA Coordinators are doing, CDHH may be providing a workshop as part of their orientation series.

Ms. Wood said that although she doesn't know ultimately who is responsible for providing technical assistance, it was originally given to Community Outreach Program for the Deaf

(COPD) and CDHH needed to take that back from them. It can appear self-serving if COPD is trying to convince a company to pay for interpreters when they are providing the service. CDHH needs to take that piece out of the service provider's realm and provide the advocacy themselves.

Vice Chair Rodriguez asked if the CDHH website included links to service providers if someone was looking for interpreter services or other kinds of support. Ms. Smith reported that the website will include information on community-based organizations that provide services and does currently have links to COPD and We Interpret.Net (WIN.)

VI. PUBLIC COMMENTS

Dr. Norm Dawson, President of HLAAbq, asked if the board kept accurate minutes and complete minutes; if they were summaries or complete transcriptions. Commission Buchholz explained that CDHH must have a detailed summary of any discussion and any motion to be in compliance with the Open Meetings Act (OMA), but did not require a verbatim transcript. Dr. Dawson pointed out that we were paying for transcribers at the meeting. Ms. Wood clarified that the Communication Access Realtime Translation (CART) is for communication access purposes only, and not intended for documentation of verbatim words used in a meeting.

Commissioner LeJeune at Commissioner Buchholz's request read the section of the OMA pertaining to this issue. Ms. Wood added that in our commitment to accuracy, a copy of draft minutes is reviewed at the following meeting where any one could clarify what they said at the previous meeting before the draft was approved. Commissioner Buchholz explained that CDHH is also required by the OMA to publicly post a draft of the minutes within 10 business days after any commission meeting.

Roy DeHaven wanted to state that the Deaf Culture Center was also against consolidation because many Deaf persons feel they would lose quality of services. Dom Bonura expressed his concern that he has worked with CDHH yet still needs more information about what they do in general. Many deaf and hard of hearing persons probably don't know and aren't aware of what is happening. The new website would be a way to get more information out to the Deaf Community. Furthermore, he was concerned that if a super agency was created, decisions would no longer be made by deaf and hard of hearing persons who could draw on their own experiences.

Johnny Robertson took a moment to introduce Steve Quillan, a Deaf Native American who recently moved back to New Mexico.

VII. UNFINISHED BUSINESS

(Update and Approval of Contracts listed under item IX)

VIII. NEW BUSINESS

(Letter to LFC Regarding Agency Consolidation listed under item X)

IX. UPDATE AND APPROVAL OF CONTRACTS

Shannon Smith announced that the contract for the Telecommunications Equipment Distribution Program (TEDP) is finished. At this point CDHH was waiting for the DFA to announce who won the bid.

X. LETTER TO LFC REGARDING AGENCY CONSOLIDATION

Chair Apodaca readdressed the issue of writing a letter to LFC regarding consolidation.

10-21a

Commissioner Buchholz made a motion that a letter be drafted to LFC. Commissioner Silva seconded. Chair Apodaca called for discussion.

Commissioner Buchholz stated that many of the public comments made were excellent and should be included in the letter. Steve Frazier mentioned that the Hard of Hearing Community does not want a super-agency lumping all disabled individuals together. Roy DeHaven, speaking on behalf of the Deaf Culture Center stated that they feel consolidation would have a negative effect on the quality of service for Deaf individuals. Vice Chair Rodriguez added that a large organization would have too much on their plate and is pleased that CDHH is heading in the right direction and making progress in reaching the southern part of the state. Consolidation would create too much competition for funds. Commissioner Silva agreed that putting these agencies under one umbrella would not benefit anyone. Commissioner Buchholz made the point that a stronger collaboration would be necessary, but not consolidation. Each commission was set up to meet specific needs of constituents. Commissioner LeJeune agreed that in a super agency the needs for deaf and hard of hearing individuals would be diluted and they would not receive the necessary services. As long as there will be a need for communication access, there would be a need for CDHH. Chair Apodaca summed up the feelings of those present by stating that consolidation would be like having a basketball coach becoming the new football coach.

10-21b

Chair Apodaca called for the vote on the motion on the table to draft a letter to the LFC against consolidation. The motion passed unanimously.

XI. ADDITIONAL COMMISSIONERS FOR THE BOARD

Chair Apodaca opened the discussion stating that a strong representation of HLAA was needed on the board, but an odd number was needed, so perhaps representation of the Deaf-Blind Community should be added as well.

Johnny Robertson suggested that a Native American should be represented on the board as well. Chair Apodaca suggest that they have a committee of 3 members to decide on this before the next legislative session. Commissioner Buchholz suggested a Memorial but Ms. Wood stated it would actually be an amendment since there was a law that stated who should be on the board.

10-22

Chair Apodaca called for a motion to develop a committee of three individuals to decide what changes should be on the board. Commissioner LeJeune so moved. Commissioner Silva seconded. Motion passed unanimously.

XII. EXECUTIVE SESSION

10-23

Chair Apodaca called for a vote to go into Executive Session.

Vice Chair Rodriguez: yes

Commissioner Buchholz: yes

Commissioner LeJeune: yes

Commissioner Silva: yes

Board went into closed Executive Session at 12:18 p.m. and reconvened at 12:39 p.m. No action was taken during the Executive Session.

10-24

Chair Apodaca called for the meeting to reconvene after the Executive Session.

Vice Chair Rodriguez: yes

Commissioner Buchholz: yes

Commissioner LeJeune: yes

Commissioner Silva: yes

Vice Chair Rodriguez asked where the next meeting would be. Discussion followed about moving the meeting outside of Albuquerque with Rodriguez advocating for meeting in Farmington or a more rural part of the state. Ms. Wood stated that the conference room in the Las Cruces office would be large enough for the meeting. Chair Apodaca suggested we have the May 15th meeting in Las Cruces. Ms. Wood and her assistant, Lori Neubauer, would look into state rates at hotels in the area.

Commissioner Buchholz announced that there was an organization in New Mexico that deals with sexual assault and domestic violence for deaf people. Buchholz is now Chair of that organization New Mexico Abused Deaf and Hard of Hearing and they are voting to change the name, possibly "Signs of Hope." The organization has become more collaborative with hearing sister organizations and will now be focusing on education and training and will soon be providing workshops. The organization is still in the very early stages and is not ready to provide services.

XIII. ADJOURNMENT

10-25

Commissioner LeJeune made a motion to adjourn. Commissioner Buchholz seconded. The motion passed unanimously.

The meeting adjourned at 1:00 p.m.