



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

**Thursday, December 6, 2012**  
Albuquerque NMCDHH Conference Room  
2500 Louisiana Blvd. NE, Suite 400  
Albuquerque, NM 87110  
10:00 a.m.

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**I. CALL TO ORDER AND ROLL CALL**

Chairman Mark Apodaca called the meeting to order at 10:01 a.m.

Present: Mark Apodaca, Chair James DeBee  
Deb Hambel Dr. Ronald Stern

Chair Apodaca announced that Vice-President David Romine would not be attending, however quorum was met.

Seven staff members from NMCDHH were present: Executive Director Ellen Roth, Sam Martinez, Deborah Romero, Nathan Gomme, Lori Neubauer, Joyce Croker and Lisa Dignan. Four interpreters were present: Rhiannon Sykes-Chavez, Lena Stavely, Jillian Klenck, and Cathy Shemash. Five members of the community were in the audience.

**II. APPROVAL OF AGENDA**

Chair Apodaca asked for approval of the agenda which was posted November 26<sup>th</sup>, 2012, not the previous one.

**13-1**

Commissioner Ronald Stern moved to approve agenda as presented.  
Commissioner Deb Hambel seconded.  
Motion passed unanimously.

**III. Comments from the Public**

There were no comments from the public.

#### **IV. ACTION ITEMS**

##### **a. Approval of Minutes**

###### **13-2**

Commissioner Ronald Stern made a motion to approve the minutes as presented.  
Commissioner Deb Hambel seconded.  
Motion passed unanimously.

##### **b. Election of Officers for 2013 Calendar Year**

There was discussion as to whether officers should be elected at the current meeting when Vice-Chair David Romine was not present. Also, there were vacant seats that perhaps might be filled after the first of the year.

###### **13-3**

Commissioner Deb Hambel made a motion to keep the current officers for now and to hold off on the election of officers until the next meeting to be held after the legislative session ends.  
Commissioner James DeBee seconded.  
Motion passed unanimously.

##### **c. Board Meetings for 2013 Calendar Year**

Chair Apodaca suggested the quarterly meetings be held in March, June, September and December. Commissioner Stern mentioned that March might be too soon due to the long legislative session, so April might be better. Commissioner Hambel also suggested that the June meeting be moved to July, because state employees would be busy closing out the fiscal year.

Commissioner James DeBee wanted to make sure the meetings were accessible to the Deaf community around the state. Executive Director Ellen Roth recommended that Town Hall Meetings could be held in different locations around the state. Commissioner Stern clarified that the Board Meetings were for making policy and Town Hall meetings could be held for the Deaf community to voice concerns. Chair Apodaca mentioned that previous Town Halls in Roswell particularly, did have good attendance.

The board also discussed days and times when they should meet and it was decided that meetings should be held on Wednesdays from 4:00 to 6:00 p.m. for consistency. The dates the board agreed upon for the 2013 calendar year were:

April 17<sup>th</sup>  
July 17<sup>th</sup>  
September 18<sup>th</sup>  
December 11<sup>th</sup>

13-4

Commissioner Stern made a motion to accept the dates and times.  
Motion passed unanimously.

## **V. AGENCY REPORTS**

### **a. Executive Director**

Executive Director Ellen Roth announced that interviews would begin the following week for the three approved positions. The positions are: Financial Assistant, Training and Development Coordinator, and Director of Public Policy and Advocacy. Ms. Roth went on to say that the applicants were required to apply online and some applicants were automatically screened out. However, she was pleased that several deaf individuals made through the system.

Commissioner Stern asked if fluent American Sign Language was a requirement for the positions, and Ms. Roth said yes, for two positions, but it was not a requirement for the Financial Assistant position.

Ms. Roth also mentioned that there are legislative issues that she would like to address within the coming year. She would like to increase funding by looking over the auditing of phone companies and creating more revenue. She added that she went to Santa Fe in October to discuss CDHH's flat budget. Ms. Roth let the senators know that the staff are working very hard in spite of a salary freeze, and that their caseloads are full. She discussed with them her concerns about the telecommunications equipment program, interpreter licensure and training, concerns about the Deaf and Hard of Hearing high unemployment rate. CDHH has concerns about issues like AIDS and domestic violence, but the staff is overwhelmed. Ms. Roth stated that she tried to show them the big picture.

Commissioner DeBee asked, in regards to the Telecommunications Equipment Distribution Program (TEDP), would there be the ability to change the policy for income level. Ms. Roth stated that we did have requirements such as income guidelines and proof of hearing loss. She asked Shannon Smith, Director of Telecommunications and Technical Assistance Department (TTAD) to clarify. Ms. Smith stated that in New Mexico, CDHH was required by statute to have income guidelines, and that the actual guideline is set by rules and that the current guideline is less than \$50,000 annually. She also stated that in the 33 states that have distribution programs, 5 do not have guidelines, and the rest of the states do anywhere from 200 to 250% of the poverty level. If CDHH would switch to that system, fewer consumers would be served. Executive Director Roth stated that the legislation could be changed. Commissioner DeBee that it's not just about amplified telephones. The income requirement needs to be removed so there is equal access for everyone.

### **b. Department Reports**

#### **Finance and Administration**

Commissioner DeBee asked if there were plans for FY14. Chair Apodaca stated that CDHH would hopefully get a legislative change in funding so more services could be offered.

#### **Communication Access and Development**

Commissioner DeBee mentioned that he heard something about cut-backs to interpreter mentorship programs. Lisa Dignan, Director of Communication Access and Development clarified that she runs New Mexico Mentoring program, and there have been no changes to that program or the funding. There are also two contracts with other agencies to provide a variety of services, including mentoring/internship programs. At the end of the past two fiscal years, there was money left over that was not used by those agencies. When reviewing the contracts for FY13, a decision was made to reduce each of those contracts slightly, and bring that money back into the Commission to be used for small contracts for interpreter professional development. Neither agency's mentoring/internship programs were affected. Ms. Dignan added that a new RFP will go out to the entire community that will specifically be for interpreter development and new, innovative ways to have a greater impact on interpreting.

### **Telecommunications and Technical Assistance**

Executive Director Roth announced that the iPad Pilot Project would start in January. Ms. Roth stated that Shannon Smith is coordinating the pilot project, and that the pilot project would consist of 25 people: 8 Deaf, 8 hard-of-hearing, 8 speech-disabled and one Deaf-Blind. Each of those groups would be testing different types of apps for their group. Once the program is launched, consumers will be issued an iPad, but only with the specific apps. Commissioner DeBee asked what happens if the iPad is broken. Ms. Roth replied that the iPad would be replaced if it was old or broken

## **VI. NEW BUSINESS**

Commissioner DeBee asked if the Board members would be having a retreat. Chair Apodaca replied that there would be a retreat focusing on strategic planning.

Mr. Dom Bonura asked if a meeting was held to discuss VR services with Acting Director Ralph Vigil. Commissioner Hambel stated that she had attended a meeting in June, but clarified for the record that she attended only as a DVR staff member in her role as coordinator only. The meeting with Acting Director Ralph Vigil was to discuss Order of Selection and the impact. Mr. Vigil stated that DVR would be working to get people off the waiting list ASAP, and currently there is no one on the waiting list.

Commissioner Hambel said there was still a vacancy in the Santa Fe office. The position must be filled with someone with ASL skills and knowledge of Deaf Culture and Deaf and Hard of Hearing issues. The applicants so far have not met the criteria. The opening will be reposted as DVR wants to insure that the position is filled appropriately.

Mr. Bonura asked about the students that were not getting financial help from DVR to attend college or trade schools. Commissioner Hambel stated that if those situations were not brought to her attention, she can't respond. In the absence of the Santa Fe VR counselor, other general caseload counselors were handling the clients and all clients are being served at this time. Mr. Bonura stated that while working at Southwest Collegiate Institute for the Deaf, there were seven students that were not supported and could only attend one or two semesters. Commissioner Hambel stated that at the meeting in June there were discussions in regard to gaps for students to go to quality schools. DVR does want to help students, but it costs much more to send students out-of-state, and DVR is the payer of last resort.

Commissioner Stern asked about the order of selection. Commissioner Hambel clarified that currently all clients are being served so the "Order of Selection" only exists on paper and nobody is being denied services at this time. Current order of selection is based on disability and functional limitations. There are those that are disabled so they meet DVR criteria. Then there are individuals that are not significantly disabled but have functional limitations that need to be

addressed in terms of employment, and they are in the second priority status. The highest priority status is individuals who are significantly disabled. So, when DVR is under order of selection, those with the most significant disabilities are served first. That is mandated by federal law.

Ms. Hambel was asked if a person receives SSI, are they automatically eligible. She responded that persons receiving SSI or SSDI are determined eligible for services. That is called presumptive eligibility. They have already demonstrated through the Social Security Administration that they have met eligibility. After DVR receives documentation of disabling conditions, it's possible they may be bumped to a higher category of most significant disability.

Commissioner DeBee asked if Director Roth could explain her experience in other states. Ms. Roth responded that it depends on how each state interprets the law. Deafness is considered severe in other states because of communication barriers, and it is very important to place them and help them get jobs. Some people might think that someone in a wheelchair is a more severe disability because that person is immobilized. How long is input and how quickly is outcome depends on the state.

Ms. Hambel again wanted to make it clear that currently there is no selection of applicants. All categories are open. It is true that counselors may make decisions on what they know about the individual and records they receive, and sometimes those decisions are subjective. In response to education, as an agency, Ms. Hambel said she could not say unequivocally that everyone who wants to go to college will be able to go. If the individual meets requirements and can substantiate the need for out-of-state college services, they should be able to do so; however Ms. Hambel said she would not be able to guarantee that everyone who is Deaf or Hard of Hearing would be able to go. Commissioner Hambel stated that she understands the concerns, and that it falls on all state providers to address those concerns. Now agencies are working on building a consortium to address all the concerns out there and eliminate some barriers for Deaf and Hard of Hearing individuals across the state.

Commissioner Stern brought up concern over DVR counselors that did not have skills in the area of Deaf and Hard of Hearing individuals and were not willing to provide interpreters for sessions with Deaf consumers. Commissioner Hambel stated that if this happens again, she needs to be made aware of it. DVR should be providing interpreters, and not having them is unacceptable. Chair Apodaca suggested that Ellen Roth and Ms. Hambel attend a meeting in January with Mr. Vigil and bring the findings to the next board meeting.

Commissioner DeBee asked if Ralph Vigil was a temporary director, and Ms. Hambel replied that he was technically, but he has been "Acting Director" for a few years and will remain until Governor Martinez appoints a director.

## **VII. EXECUTIVE SESSION**

*There were no items to be discussed in Executive Session.*

## **VIII. ADJOURNMENT**

Chair Apodaca called for a motion to adjourn.

**13-5**

Commissioner Deb Hamel made a motion to adjourn.  
Commissioner Ron Stern seconded.  
Motion passed unanimously.

Meeting adjourned at 11:33 a.m.

Respectfully Submitted,



Lori G. Neubauer, Administrative Assistant



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Mark Apodaca, Board Chair