



**NEVADA LEGISLATURE
LEGISLATIVE COMMITTEE ON SENIOR CITIZENS,
VETERANS AND ADULTS WITH SPECIAL NEEDS**

(Nevada Revised Statutes [NRS] 218E.750)

SUMMARY MINUTES AND ACTION REPORT

The second meeting of the Nevada Legislature's Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs was held on Wednesday, May 21, 2014, at 9 a.m. in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/77th2013/committee/>. In addition, copies of the audio or video record are available through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Assemblywoman Teresa Benitez-Thompson, Chair
Assemblyman Jim Wheeler

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Patricia (Pat) Spearman, Vice Chair
Senator Mark A. Manendo
Assemblywoman Ellen B. Spiegel

COMMITTEE MEMBER ABSENT:

Senator Mark A. Hutchison

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Kirsten Coulombe, Senior Research Analyst, Research Division
Heidi A. Chlarson, Principal Deputy Legislative Counsel, Legal Division
Tarron L. Collins, Senior Research Secretary, Research Division
Janet Coons, Senior Research Secretary, Research Division

OPENING REMARKS

- Chair Benitez-Thompson called the meeting to order and welcomed members and the public to the second meeting of the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs. She announced that sign language interpreters were available in Carson City and Las Vegas to provide necessary services for presenters and members of the public.

PUBLIC COMMENT

- Chair Benitez-Thompson called for public comment.
- David Daviton, resident of Nevada, shared his opinion that Nevada's government is failing the deaf and hard of hearing (HOH) populations, seniors, and veterans by not providing adequate services. Presuming that none of Nevada's legislators are deaf or HOH, he questioned how they can make decisions for these populations without having expert representation in State government.
- Lisa Foster, Foster Consulting, provided written testimony on behalf of disability service providers who need assistance with their Medicaid reimbursement levels, and she submitted a schedule of legislatively approved provider rates for jobs and day training services. (Please see [Exhibit B.](#)) Ms. Foster stated that rates have not increased since 2006, while nonemployee costs have continued to increase. She asked the Committee to provide a letter of support for a rate increase in the 2015 Legislative Session.
- Chair Benitez-Thompson said a letter of support for rate increases would be placed on the Committee's next agenda as possible action to consider.
- Anne Urasky, resident of Nevada, offered to answer any questions the Committee may have from her perspective as a consumer who uses and accesses the services provided for adults who are deaf or HOH.
- Kimberlee Holloway, Interpreter Specialist, Student Services Division, Clark County School District, presented written testimony regarding interpreting services. (Please see [Exhibit C.](#)) Testifying on behalf of a stakeholders group that included members of the deaf, HOH, and interpreting communities, she pointed out that while NRS Chapter 656A, "Interpreters and Realtime Captioning Providers," governs interpreting services, there is no funding and no board to regulate the law. She asked the Committee to sponsor a bill that would establish and fund a regulatory board to oversee NRS 656A and advocate for programs at the postsecondary level to train and graduate interpreters. Ms. Holloway requested that the board include members of the deaf, HOH, and interpreting communities, as well as clients who provide interpreting services.

- Chair Benitez-Thompson said staff would follow up with Ms. Holloway regarding a possible bill draft request (BDR).
- Robin Renshaw, resident of Las Vegas, Nevada, shared his written testimony that compared the employment statistics of people with disabilities to people without disabilities. (Please see [Exhibit D.](#)) He discussed a national program called Employment First and requested that Nevada commit to the program. Mr. Renshaw voiced his opinion that the State should create community programs and opportunities that include people with developmental disabilities, such as himself.

APPROVAL OF MINUTES OF THE JANUARY 15, 2014, MEETING IN CARSON CITY, NEVADA

- The Committee **APPROVED THE FOLLOWING ACTION:**

VICE CHAIR SPEARMAN MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE JANUARY 15, 2014, MEETING HELD IN CARSON CITY, NEVADA. THE MOTION WAS SECONDED BY SENATOR MANENDO AND PASSED. (ASSEMBLYMAN WHEELER ABSTAINED.)

PRESENTATION ON SERVICES OFFERED TO ADULTS WITH SPECIAL NEEDS BY THE REHABILITATION DIVISION OF THE DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION

- Mechelle Merrill, Rehabilitation Chief II, Bureau of Vocational Rehabilitation (BVR), Rehabilitation Division, Department Of Employment, Training and Rehabilitation (DETR), and Shelley Hendren, Administrator, BVR, Rehabilitation Division (Division), DETR, jointly shared a Microsoft PowerPoint presentation regarding the BVR and the Bureau of Services to Persons Who Are Blind or Visually Impaired (BSBVI). (Please see [Exhibit E.](#)) Ms. Merrill said the goal of the BVR and BSBVI is to bridge the gap between disability and self-sufficiency by helping people gain employment. Their presentation highlighted the following:
 - Federal regulations;
 - Funding;
 - Staffing costs;
 - Eligibility criteria;
 - Customary services provided;
 - Process to receive services; and
 - Field offices.

Chair Benitez-Thompson asked whether the BVR has staff interpreters or whether it contracts them out, to which Ms. Merrill replied the BVR has no interpreters on staff and it uses case service funds to provide the service to clients.

- Ms. Hendren submitted the *Nevada State Rehabilitation Council Annual Report 2013*. (Please see [Exhibit E-1](#).) As of April 2014, she said approximately 3,300 individuals have participated in the State's vocational rehabilitation system, with 335 in employment status and 446 in job-ready status. Ms. Hendren cited statistics regarding case closures, average hourly wages, revenue sources from State and federal funds, and the average cost per case.

Assemblyman Wheeler asked what percentage of the total number of employees at DETR accounts for the employees in the Division. He also asked what percentage of the total number of people who require DETR services accounts for the people who need Division services, to which Ms. Hendren answered she would provide those numbers to the Committee after the meeting. She added that the Division is comprised of four different bureaus and has approximately 240 employees.

Discussion ensued regarding the ratio of employees to clients. Ms. Hendren stated that caseloads currently average 76 to 80, reaching as high as 90 in the rural areas. Ms. Merrill added that rates were higher during the recession. She explained there is one technician for every counselor, and often there will be two counselors to one technician to serve approximately 200 people. Vice Chair Spearman questioned whether these numbers are manageable, to which Ms. Merrill answered the rate is manageable but acknowledged that caseloads surpassing 100 compromise quality service.

Further discussion followed regarding whether additional staff would increase employment services for adults with special needs. Ms. Merrill suggested the number of job placements could be higher with more staff. Vice Chair Spearman inquired as to the annual cost for three additional staff members. Ms. Hendren shared that a rehabilitation counselor position, which requires a master's degree, would cost about \$55,000, including benefits.

Responding to Vice Chair Spearman's question regarding how adults with special needs learn about the Division, Ms. Merrill replied the Division is integrated with other agencies, provides public service announcements on the radio, has been identified in various publications, provides outreach to disability groups, holds town hall meetings in the rural counties, and maintains a website at www.willingandabletowork.com.

- Vice Chair Spearman wondered whether the Division works with faith-based organizations and what the State could do to provide more user-friendly computer services for adults with special needs.
- Ms. Hendren remarked that plans are underway to make DETR's website more accessible.
- Stating his opinion that a caseload of 80 is too high and unacceptable, Assemblyman Wheeler asked whether DETR could move people from other sections of the agency, now that unemployment is declining, to the Division in order to reduce caseload numbers.

- Ms. Hendren indicated that she has discussed this idea with Dennis Perea, Interim Director, DETR, but the Department has received pushback from its federal oversight agency, the Rehabilitation Services Administration (RSA) of the United States Department of Education, regarding the usage of federal funds. She added that the Division would like its own job development team.

Chair Benitez-Thompson questioned the amount of federal dollars the State has relinquished over the last few years by not maximizing the federal match, which Ms. Hendren clarified has been approximately \$4.5 million. She discussed a third-party cooperative arrangement the Division has with the Washoe County School District, which the RSA has approved; the budget is approximately \$1 million a year, with a four-to-one match from federal funds.

- Assemblywoman Spiegel asked whether there are wait lists for services and whether caseloads are stretched too thin, given the gap between available money and money actually used.
- Ms. Merrill verified there are no wait lists for services. She clarified that Nevada does not categorize the levels of disabilities presented, known as “order of selection.” Stating that caseloads are growing, Ms. Merrill reiterated that the Division could provide more services with additional staff.
- Ms. Merrill and Ms. Hendren provided three pamphlets: *Vocational Rehabilitation, Our Job is to Help You Get a Job; Bureau of Services to the Blind & Visually Impaired;* and *From School to Work, Vocational Rehabilitation Transition Services for High School Students with Disabilities*. (Please see [Exhibit E-2](#).)

ISSUES RELATED TO PERSONS WHO ARE DEAF OR HARD OF HEARING

Access to Government Services

- Gary W. Olsen, President, Nevada Association of the Deaf (NVAD), requested the Committee propose legislation for services needed by the deaf population. He pointed out that many people do not understand the culture and upbringing of deaf children, and the school systems do not have a deaf language or the ability to provide one. Mr. Olsen suggested the government is not actively involved because there are no culturally deaf people in State government to help make the needs of the State’s deaf community known. He suggested the State government should promote dignity and respect within the deaf and HOH populations by talking with the communities and asking questions before making decisions for them. Mr. Olsen expressed frustration with the accessibility of the legislators and that many of the agencies have no real background or understanding of the deaf culture and its needs.
- Chair Benitez-Thompson asked Tina Gerber-Winn, Deputy Administrator, Aging and Disability Services Division (ADSD), Department of Health and Human

Services (DHHS), and Julie Balderson, Social Services Program Specialist II, Disability Services, ADSD, DHHS, to come forward and discuss interpreter services.

Discussion of Interpreter Services

(This agenda item was taken out of order at the request of the Chair.)

- Mr. Olsen asked the Committee to find the ways and means to help the deaf and HOH populations by training effective interpreters.
- Ms. Gerber-Winn introduced Ms. Balderson, the specialist for the interpreter registry and the Communication Access Service program for ADSD. They jointly shared a Microsoft PowerPoint presentation ([Exhibit F](#)) which highlighted the following regarding interpreter services:
 - Purpose of the Communication Access Service program;
 - Legislative authority of NRS 656A to oversee the interpreter and Communication Access Realtime Translation (CART) registry;
 - Funding sources for access services;
 - ADSD's obligation for oversight of the interpreter registry;
 - Types of interpreters on the registry;
 - Skill levels for educational and community interpreters and the number of mentoring hours required; and
 - Definitions of registered, certified, and qualified interpreters.
- Ms. Balderson pointed out that the law allows for people who are not fully certified or skilled to engage in the practice of interpreting because there are not enough interpreters in the State.
- Ms. Gerber-Winn stressed that an interpreter may not fit the needs of every client.
- Continuing with the PowerPoint presentation, Mr. Olsen identified interpreter concerns from the perspective of the deaf and HOH communities in Nevada:
 - Fear of not having the correct interpreter;
 - Not enough qualified interpreters to meet educational and vocational needs;
 - Few opportunities for skill development of the interpreters;
 - No incentives to work in Nevada;
 - Cultural differences that make communication difficult; and
 - No collaboration among the interpreters.

- Mr. Olsen also provided interpreter solutions from the perspective of the State's deaf and HOH communities:
 - Provide a long-term college program for interpreter training and video remote interpreting;
 - Include the deaf population in training and cultural awareness events;
 - Establish a State training program that includes on-site experts;
 - Create attractive opportunities for employment;
 - Create a pool of interpreters who work for Nevada to address service access and structural improvements; and
 - Consider a statewide deaf and HOH commission.
- Ms. Gerber-Winn presented solutions proposed by the ADSD regarding interpreter services:
 - Create a user-friendly web-based registry;
 - Add two professional staff members and one administrative support staff;
 - Create an advisory board to regulate interpreters; and
 - Create a policy office to oversee all State services offered to Nevadans who are deaf, HOH, or speech disabled.
- Assemblywoman Spiegel asked how many Nevadans have hearing impairment issues and how many who need interpreter services are unable to receive them.
- Ms. Gerber-Winn said she has data illustrating the need for oversight of the registry and additional staff to document the ongoing education of the interpreters. She declared that much of the public comment heard today reflects the distress felt when clients go to institutions, such as hospitals that do not offer services to the deaf or HOH, who in turn cannot understand the health care offered to them. Ms. Gerber-Winn shared the frustration of educators who cannot assist deaf children with the level of care needed because the schools lack the proper resources. She suggested these informal statements clarify how little the State really knows about the unmet needs of its deaf and HOH populations and how challenging it is to quantify their needs.
- Ms. Balderson discussed the difficulty of gathering adequate information because someone with a hearing loss may not require an interpreter. She explained that needs might not always be met if interpreters are not qualified for the appointments.

A conversation took place regarding the number of interpreters Nevada needs. Mr. Olsen indicated the State could use an additional 150 to 200 interpreters, with southern Nevada requiring more. Ms. Balderson reminded the Committee that increasing the number of interpreters would not necessarily meet all needs. She emphasized the importance of improving the skill level and quality of the current interpreters.

Discussion about a rating process for interpreters followed. Mr. Olsen suggested a rating process would help improve the quality of the interpreters' work. Vice Chair Spearman wondered how difficult it would be to implement a rating process via an electronic link that would be easy to fill out and deliver. Ms. Balderson agreed the rating process was a great idea; however, she commented that third-party interpreter agencies normally provide the service. Ms. Balderson conceded there are not many referral agencies in the State, but suggested they should be able to provide a rating process.

Responding to an inquiry by Vice Chair Spearman regarding quality control for licensure of interpreters, Ms. Balderson replied the interpreter registry tracks the professional development, mentoring, and national certifications of interpreters. She noted that one person completes the tracking and additional staff would be helpful. Vice Chair Spearman requested Ms. Balderson to provide a written solution to the Committee.

Discussion ensued regarding the cost of establishing a statewide commission for the deaf and HOH. Because a BDR establishing a commission would require a fiscal note, Vice Chair Spearman suggested it would be prudent to figure out the cost. Ms. Gerber-Winn said the ADSD would work on this over the summer in preparation for the 2015 Session.

Vice Chair Spearman asked whether there has been any collaboration to train a person with physical mobility challenges as an interpreter, to which Ms. Gerber-Winn replied the ADSD has worked in the past to train deaf individuals in the practice of interpreting but has not worked specifically with vocational rehabilitation. She will consider the Vice Chair's suggestion.

- Vice Chair Spearman reported the military has an occupational specialty dealing with audiology. She suggested the ADSD consider this resource for veterans returning from active duty who need jobs and that collaboration with the Nevada Veterans Services Commission may help alleviate the lack of interpreters. Disclosing that she has suffered extreme hearing loss because of her military service, Vice Chair Spearman acknowledged that the Legislative Counsel Bureau (LCB) staff has worked diligently to implement her suggestions for meetings, particularly with the volume and sound for those listening via computer. She stated the Nevada Legislature is aware of the many problems and encouraged the ADSD and the public to remain positive.

Use of Closed-Captioning Technology in Nevada

- Mr. Olsen mentioned that a bill in Nebraska has established closed-captioning for all legislative activities. He suggested Nevada consider similar legislation and offered to provide a copy of the bill. Mr. Olsen voiced his concern that not all news on television is captioned, and deaf people do not always know when there is

an emergency. Suggesting that captions should be available on all stations at all times, Mr. Olsen encouraged the use of CART.

A discussion took place regarding what Nevada needs to do to have closed-captioning for news programs for people who participate via computer. Mr. Olsen explained that closed-captioning allows the viewer the option to open or close the captions. He advocates open captioning, which means captions are used for anything on the screen and cannot be turned off. To make this happen, Mr. Olsen said Nevada would need to work with the Federal Communications Commission (FCC), local network news stations, and CART, which could connect the State to the right sources. Chair Benitez-Thompson said she will ask staff to research the regulations and guidelines governed by the FCC, but indicated there might be some State discretion. Mr. Olsen advised the Committee that captioning is not accessible on all websites on the Internet, which requires research since the Internet is the future.

Discussion of the Program to Provide Devices for Telecommunication to Persons with Impaired Speech or Hearing (NRS 427A.797)

- Ms. Gerber-Winn shared a Microsoft PowerPoint presentation regarding communication access services for Nevadans who are deaf, HOH, or speech disabled. (Please see [Exhibit G](#).) She discussed the following:
 - Purpose of the Communication Access Service program;
 - Legislative authority to provide services for communication access and telecommunication devices;
 - Target population;
 - History of the surcharge;
 - Funding sources;
 - Service expectations of deaf and HOH advocacy centers regarding equipment distribution, advocacy, and assistance;
 - Current funding issues; and
 - Funding solutions.

Chair Benitez-Thompson asked whether the identification of people as deaf or HOH could be quantified statewide, to which Ms. Gerber-Winn replied that in addition to self-identification, the ADSD uses census data as its primary method of identification.

Chair Benitez-Thompson and Ms. Gerber-Winn discussed the elimination of services and staff assignments at the advocacy centers. Mr. Gerber-Winn stated that the refinement of services has reduced the budget, resulting in less staff needed for services delivered.

- Samuel S. Crano, Esq., Assistant Staff Counsel, Public Utilities Commission of Nevada (PUCN), furnished a Microsoft PowerPoint presentation regarding the program that provides devices for telecommunication to persons with impaired

speech or hearing. (Please see [Exhibit H.](#)) He explained the PUCN's process of approving the ADSD's yearly budgets and directed the Committee's attention to a chart illustrating the requested budgets, approved budgets, approved rates, and actual collections for State Fiscal Year (FY) 2002 through 2014. Mr. Crano announced that the approved budget for FY 2015 has been set at \$1,989,646; the approved rate has been set at 3 cents, with the actual collection yet to be determined. He noted that during FY 2013, the PUCN raised the approved rate to cover increased relay costs from Sprint and other telecommunication companies. Mr. Crano concluded his presentation by identifying legislation applicable to the program.

Discussion ensued between Assemblywoman Spiegel and Mr. Crano regarding surcharges for Voice over Internet Protocol (VoIP) telephone services, such as Unlicensed Mobile Access or magicJack. Mr. Crano stated there is no surcharge in place or mechanism to collect one. He explained there are two classifications of VoIP providers in Nevada: (1) those having direct interconnection agreements with a local telephone company, that are required to obtain a certificate of public convenience, which the PUCN assesses; and (2) those not directly interconnected, such as Vonage and magicJack, of which the PUCN has no jurisdiction. Assemblywoman Spiegel asked whether the first classification would include phone lines supplied by cable providers, to which Mr. Crano replied they are assessable.

- J. Farrell Cafferata-Jenkins, President, Board of Directors, Deaf and Hard of Hearing Advocacy Resource Center (DHHARC), submitted documents that provided background information on the DHHARC and an overview of its request for proposals for the new grant cycle. (Please see [Exhibit I.](#)) She said the DHHARC is awaiting a determination from the ADSD regarding the grantee. Ms. Cafferata-Jenkins discussed her concerns with the PUCN's recent judicial review, which decided the DHHARC could no longer provide advocacy and assistance for communication services when nongovernment entities, such as hospitals and doctors, do not provide an interpreter, as they should per federal requirement. Therefore, she said the new grant application is limited to equipment distribution, training, and the repair of devices. Due to the elimination of three positions for client support specialists, Ms. Cafferata-Jenkins indicated the DHHARC has limited staff to seek additional funding and that typical grants for nonprofits only pay for direct services, not overhead.
- Chair Benitez-Thompson asked Ms. Cafferata-Jenkins to identify the number of persons served by the DHHARC programs, such as camp activities or assistance in the schools.
- Ms. Cafferata-Jenkins replied the DHHARC files monthly and quarterly reports with the ADSD that provide the numbers of persons served by the DHHARC according to the demographics required by the PUCN. She discussed Camp SignShine in detail, one of the oldest running camps for deaf and HOH

children and their families in the U.S. Ms. Cafferata-Jenkins said the ratio of campers to siblings is difficult to predict, commenting that the camp could have about 80 people on site, which determines staff requirements. She explained that the DHHARC does not actively run or participate in the camp because it is not part of its budget with the ADSD, but the Board of Directors does run the camp as a volunteer project.

Chair Benitez-Thompson and Ms. Cafferata-Jenkins discussed the cost for equipment and repair. Ms. Cafferata-Jenkins explained that the DHHARC does not keep expensive devices in stock. She remarked that some of the traditional devices are not as efficient, and their use has decreased because of new and changing technology. Ms. Cafferata-Jenkins offered to provide a report indicating the cost information requested by the Chair.

- Anne Urasky, Chief Executive Officer, DHHARC, shared that 362 devices were distributed statewide as of April 30, 2014. She discussed the difficulty of identifying the average cost per unit because the clients' choices of equipment, which match their needs, determine the cost. She stated that since April 2014, the DHHARC has provided 24 outreach efforts related to equipment distribution throughout the State. Ms. Urasky acknowledged a higher need for services in the rural areas related to Native Americans and veterans, resulting in an increase of equipment applications. She added that she would be presenting an annual report of services provided on June 12, 2014, and offered to e-mail the report to Committee members.

ISSUES RELATED TO PERSONS WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES

Presentation on the Employment First Approach to Include in the Workplace Persons With Intellectual or Developmental Disabilities

- Sherry Manning, Executive Director, Nevada Governor's Council on Developmental Disabilities (NGCDD), DHHS, and Scott W. Harrington, Ph.D., Youth Transition Director, Nevada Center for Excellence in Disabilities (NCED), University of Nevada, Reno (UNR), jointly presented the following information on Employment First in Nevada ([Exhibit J](#)):
 - A definition of the program;
 - Employment and unemployment data for people with disabilities and those without disabilities for January 2013 and January 2014;
 - Reasons why Employment First is good for Nevada;
 - Community collaborators involved with Employment First;
 - A Kent State University study comparing costs and the return on investment (ROI) between sheltered work (SW) and supported employment (SE);
 - Success stories that illustrate quality of life outcomes;

- Actions taken by the NGCDD; and
- Business benefits from individuals with intellectual and developmental disabilities (I/DD) working in SE.

Chair Benitez-Thompson asked whether the study from Kent State University discussed the factors that make SW more expensive, to which Dr. Harrington replied administrative and staffing expenses for the facilities increase the costs.

Responding to a second question by Chair Benitez-Thompson regarding a comparison of Nevadans who work in a SW environment versus SE, Dr. Harrington said he would collect and provide the data requested. He added that only 19 percent of Nevada residents with I/DD are receiving community-based services compared to 80 percent of the same population receiving services in the State of Washington.

- Referring to the NGCDD's Position Statement on Integrated Employment ([Exhibit K](#)), Ms. Manning said that even though individuals with I/DD in the labor force have a positive financial impact on the economy by generating income, they have the lowest workforce participation rates of any minority group in the country. She discussed the NGCDD's budget and identified various programs it has funded.

Ms. Manning disclosed that the U.S. Department of Justice (DOJ) has filed several lawsuits regarding Employment First, which the NGCDD's Position Statement addresses. She offered to provide further documentation regarding the landmark agreement for Rhode Island. Ms. Manning suggested Nevada is vulnerable to a possible lawsuit by the DOJ, which is why the NGCDD's Employment First Ad Hoc Committee created the Position Statement on Integrated Employment.

- Concluding their presentation, Dr. Harrington presented characteristics of success for people with disabilities who are employed. Ms. Manning discussed a future action plan of Employment First, which includes: (1) developing an Employment First Task Force; (2) committing to an Employment First philosophy; (3) designing an Employment First State position; and (4) supporting the State Employment Leadership Network, the Association of People Supporting Employment First, and other national communities of practice support networks. She offered to provide any additional documentation the Committee would like to review. Ms. Manning urged Nevada to move Employment First forward at a faster pace.
- Because the federal government favors SE over SW, Chair Benitez-Thompson asked whether the NGCDD would increase its percentage of people in SE as opposed to the number in SW.
- Ms. Manning replied that the NGCDD favors people with disabilities having more opportunities and choices when they graduate from high school other than just transferring to a sheltered workshop. She said Employment First provides that option up front.

Conversation ensued regarding the cost advantages of SE. Chair Benitez-Thompson suggested it makes sense to increase SE opportunities knowing that SW costs more and is not favored by the federal government. Agreeing with the Chair, Dr. Harrington voiced his preference for Nevada being proactive and designing its own SE program rather than having one designed by the federal government. He opined that sheltered workshops are valuable transitional programs and should not close. Ms. Manning echoed Dr. Harrington's comments regarding sheltered programs and Nevada having control of its programs. She requested that the NGCDD present an expansion of its call to action during the Committee's work session.

- Vice Chair Spearman endorsed the term "differently abled," which she suggested is more affirming than "disabled person." She asked whether Nevada's differently abled population has increased because of veterans returning with traumatic brain injuries and whether the NGCDD is integrating services or undergirding the lack of services from the U.S. Department of Veterans Affairs (VA).

A discussion took place regarding returning veterans. Dr. Harrington offered to research the current data for the Committee. Ms. Manning confirmed that caseloads in the system have increased due to veterans returning with developmental disabilities. She mentioned that Lisa Antram, Chair, NGCDD, has informed Nevada's congressional leaders that the State's disability community is growing because of veterans with developmental disabilities.

- Dr. Harrington thanked Vice Chair Spearman for using the phrase "differently abled," which he said resonates well with customized employment (CE), a strength-based model for determining employment positions.

Vice Chair Spearman asked whether the State provides training for people who leave the K through 12 system and move to higher education, to which Dr. Harrington explained the system changes from one of entitlement to one of eligibility.

- Mechelle Merrill, previously identified, affirmed that the BVR provides transition for individuals with different abilities who leave the public education system and are looking for employment. She said the BVR has collaborated with the VA to provide services and is working with Caleb Cage, Director of Military and Veterans Policy, Office of the Governor, to help returning veterans find work.

Presentation on the Customized Employment Approach to Include in the Workplace Persons With Intellectual or Developmental Disabilities

- Shelley Hendren, previously identified, stated that Employment First mandates employment opportunities in fully integrated work situations that pay minimum wage or higher and are commensurate with earnings in the same or similar jobs; individuals with disabilities are able to interact with others in the workplace to the same degree as those without disabilities. She said the Rehabilitation Act of 1973

addresses these issues by stating, “Congress recognizes that individuals with disabilities including individuals with the most significant disabilities have demonstrated their ability to achieve gainful employment in integrated settings if appropriate services and supports are provided.”

Ms. Hendren confirmed the State’s vocational rehabilitation program already provides integrated employment placements at competitive wages. She acknowledged that if Nevada adopts Employment First, the Division would serve more people with severe disabilities, which could affect resources, staffing, and funding. She identified the characteristics of severely disabled people and the services and resources they require.

- Dr. Harrington and Ms. Merrill jointly presented the following information regarding CE ([Exhibit L](#)):
 - The political and national climate;
 - Data from the Kent State University study comparing the costs and ROI for SW versus SE;
 - Collaborators of Nevada’s CE pilot program;
 - A definition of CE;
 - Examples of successful CE placements;
 - Community-based alternatives that offer CE;
 - People served by CE;
 - Numerous examples of successful outcomes; and
 - Funding and measurable outcomes.

Discussion ensued regarding social security benefits. Chair Benitez-Thompson questioned whether making too much money affects disability benefits. Dr. Harrington explained that when individuals earn over a certain amount, their benefits are reduced but their eligibility is not lost. Ms. Merrill added that individuals have nine months to make as much as they can with no impediment to their social security income, at which time there is a reduction in benefits based upon earnings. She stated that recent changes in the system allow for a quick reinstatement of benefits if jobs are lost. Ms. Merrill opined the fear is unfounded.

Assemblyman Wheeler and Ms. Merrill discussed training provided by the BVR for supervisors who hire I/DD employees. She said the counselor can work with the employer directly or through the job coach.

- In conclusion, Dr. Harrington stressed that collaboration among State agencies for integrated employment is at a historical high, with several pilot projects based on CE philosophies and practices. He suggested that Nevada would benefit greatly from the four-to-one federal match, pointing out that ten positions at \$500,000 in State funds would result in a federal match of approximately \$2.5 million to expand integrated employment across the State.

Responding to a question by Assemblyman Wheeler regarding the limit of the federal match, Ms. Merrill replied the maximum amount allotted by the federal government to Nevada is \$20 million.

Discussion of Guardianship Issues

- Mary Bryant, Project Coordinator, Self-Determination, Advocacy and Families, NCED, UNR, shared a PowerPoint presentation that illustrated there is no current Nevada legislation for guardianship or power of attorney related to people with I/DD. (Please see [Exhibit M.](#)) Ms. Bryant identified: (1) the differences in decision-making issues between seniors and people with I/DD; (2) past reasons for seeking guardianship; and (3) reasons to avoid guardianship. She discussed the intentions of families when they become guardians, the reality of guardianship to the family, and unintended outcomes. Ms. Bryant suggested alternatives that encourage supported decision-making, and she recognized that the current power of attorney forms are challenging for persons with I/DD. Concluding her presentation, Ms. Bryant proposed the following possible legislative or policy remedies:
 - Appoint an attorney and a trained court-appointed special advocate to represent people with I/DD being considered for guardianship;
 - Mandate annual reviews of people with I/DD who have guardians to see whether they want to and are able to have their rights restored;
 - Allow and encourage the use of microboards as service providers for supported decision-making; and
 - Add sections to guardianship and power of attorney statutes that address people with I/DD.
- Chair Benitez-Thompson favored the idea of simpler language and forms. She said Kirsten Coulombe, Senior Research Analyst, Research Division, LCB, would follow up with Ms. Bryant regarding the examples presented.
- Chair Benitez-Thompson called for public comment on Agenda Items No. V. and No. VI.
- Ms. Merrill clarified that according to Jane Gruner, Administrator, ADSD, DHHS, people using the home- and community-based waiver programs will lose their funding if they make more than the welfare rate. Ms. Merrill also clarified that she was speaking earlier about health care benefits related to employment.
- Ed Guthrie, Executive Director, Opportunity Village (Village), stated that the Village, a community training center in southern Nevada, provided vocational training and employment services last year to approximately 1,990 youths and adults with I/DD. He shared the Village's opinion that people with I/DD have a right to participate in their community by experiencing the sense of pride and

purpose that comes from earning a paycheck. Mr. Guthrie agreed that persons with I/DD should receive assessment for CE as their first option, but he stressed that the informed choices of individuals and/or their parents or guardians to not work must also be honored.

Mr. Guthrie suggested that even though Nevada has a higher percentage of people involved with integrated employment than the national average, the State could improve by increasing the rates paid to job developers and job coaches, noting the last increase in this rate was in 2005. He added the Village was able to place 17 people in CE during the first few months of 2014 because it raised enough money to pay the difference between the rates paid by the State and the actual cost to provide the services. Mr. Guthrie opined the State should not expect outcomes for a service it does not adequately fund.

- Assemblywoman Spiegel asked whether individuals who work in programs, such as the shredding program offered by Opportunity Village, go on to work for private shredding companies and whether the Village offers transitional services to a supported work environment.
- Mr. Guthrie explained that people with I/DD cannot move to private shredding companies because they have truck-based shredding with only one driver, and the Village's clients cannot drive. He discussed various partnerships the Village has with the BVR and local casinos to establish job programs that pay minimum wage and place individuals with I/DD in jobs at hotels, casinos, and food service operations throughout the area.
- Libby Hathaway, representative of the Nevada Association of the Deaf, resident of Las Vegas, Nevada, expressed disappointment in the interpreting services offered in Nevada. She stated that when she was in the hospital for a heart attack, no social worker or administrator visited her to explain what had happened. Ms. Hathaway opined there is no excuse for the hospitals in Las Vegas not providing interpreting services for their patients. Stressing the need for Nevada to improve its services, she commented that the deaf and HOH community should have a choice of interpreting services that provide comfort and a clear language.

ISSUES RELATED TO PERSONS WHO ARE BLIND OR VISUALLY IMPAIRED

Presentation on Services That Support Independent Living

- Brian Patchett, Chair, Nevada Commission on Services for Persons With Disabilities, ADSD, DHHS, presented written testimony regarding issues related to persons who are blind or visually impaired. Legally blind since he was seven years old, Mr. Patchett shared background information about his education and services he has received as a disabled person. He cited statistics of the number and ages of blind and visually impaired people living in Nevada. Mr. Patchett

discussed independent living issues as they relate to the needs of the blind and visually impaired and advocated keeping services separate from vocational rehabilitation. (Please see [Exhibit N.](#))

- Tina Gerber-Winn, previously identified, shared a Microsoft PowerPoint presentation regarding the Independent Living Program. (Please see [Exhibit O.](#)) She discussed the following:
 - History and mission of the program;
 - Legislative authority;
 - Funding sources;
 - Current eligibility of consumers;
 - Program details, data, and challenges;
 - The State Independent Living Council;
 - The appropriate use of Part B funds; and
 - Potential services for Part B funding.

Questioning the State's ability to either develop new programs or enhance its current programs that provide services for people who are deaf, HOH, blind, or visually impaired, Ms. Gerber-Winn stated the ADSD would need the authority, workforce, and funding to modify its current services.

- Vice Chair Spearman asked whether Ms. Gerber-Winn knew the cost of extra staff to enhance current programs, to which she replied the estimate determined after the 2013 Legislative Session needs to be updated.

Discussion of Assistive Technology

- Mechelle Merrill, previously identified, furnished a PowerPoint presentation regarding assistive technology. (Please see [Exhibit P.](#)) She cited 2010 statistics from the U.S. Census Bureau, stressing that nearly one in five people have a disability. Ms. Merrill discussed the power of work, reasonable accommodations, and the services vocational rehabilitation provides. While presenting numerous examples of successful cases of work, she identified the types and costs of equipment used. Ms. Merrill concluded her presentation by sharing a list of available resources for people with disabilities.

Discussion ensued regarding Apple and Microsoft devices. Vice Chair Spearman requested that Ms. Merrill provide the cost differential for the equipment and questioned whether cross-training is provided for the products. Ms. Merrill stated that a technologist traditionally discusses clients' past usage and offers them a preference of which platform they would like to use. Ms. Merrill suggested the self-contained Apple device might be cheaper, compared to multiple Microsoft devices.

- Mr. Patchett added that a person's work environment helps determine the type of assistive technology needed. Sharing his personal experiences, he remarked that nothing has changed his life regarding work and education more than assistive technology. Mr. Patchett encouraged the State to help with better access to person-centered evaluations. Stressing the importance of qualified counselors who understand the needs of the blind and visually impaired, Mr. Patchett surmised a lack of funding accounts for the low number of counselors in Nevada. Sharing that access to transportation and information are the biggest challenges he faces as a visually impaired person, Mr. Patchett suggested the State draw down all federal funds possible to hire more staff in order to help people gain greater independent living and assistive technology skills.

Vice Chair Spearman asked whether there are collaborative efforts with other agencies regarding transportation, to which Mr. Patchett replied there have been discussions with the Regional Transportation Commission of Southern Nevada and other transportation organizations, but funding sources are an issue.

PUBLIC COMMENT

- Vice Chair Spearman called for public comment.
- Patricia Gorman, private citizen, Las Vegas, Nevada, stated that members of the deaf and HOH communities can work and have the ability to be trained in various programs, but many are hiding because they do not have advocacy services or they are not being recognized as a group. Suggesting they might continue to use social security as their main means of living, she emphasized that members of the deaf community need a voice of advocacy to be independent.
- Vice Chair Spearman pointed out that Gary W. Olsen presented information on behalf of the Nevada Association of the Deaf, and J. Farrell Cafferata-Jenkins testified on behalf of the Deaf and Hard of Hearing Advocacy Resource Center.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 2:21 p.m.

Respectfully submitted,

Janet Coons for Tarron L. Collins
Senior Research Secretary

Kirsten Coulombe
Senior Research Analyst

APPROVED BY:

Assemblywoman Teresa Benitez-Thompson, Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Kirsten Coulombe, Senior Research Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit B](#) is the written testimony of Lisa Foster, Foster Consulting, regarding Medicaid reimbursement levels for disability service providers.

[Exhibit C](#) is the written testimony of Kimberlee Holloway, Interpreter Specialist, Student Services Division, Clark County School District, regarding interpreting services for the deaf and hard of hearing populations.

[Exhibit D](#) is the written testimony of Robin Renshaw, resident of Las Vegas, Nevada, dated May 21, 2014, regarding employment opportunities for people with developmental disabilities.

[Exhibit E](#) is a Microsoft PowerPoint presentation titled “The Bureau of Vocational Rehabilitation and The Bureau of Services to the Blind and Visually Impaired, Helping People Work,” furnished by Mechelle Merrill, Rehabilitation Chief II, Bureau of Vocational Rehabilitation (BVR), Rehabilitation Division, Department of Employment, Training and Rehabilitation (DETR), and Shelley Hendren, Administrator, BVR, Rehabilitation Division, DETR.

[Exhibit E-1](#) is the *Nevada State Rehabilitation Council Annual Report 2013*, submitted by Shelley Hendren, Administrator, BVR, Rehabilitation Division, DETR.

[Exhibit E-2](#) is three pamphlets titled *Vocational Rehabilitation, Our Job is to Help You Get a Job*; *Bureau of Services to the Blind & Visually Impaired*; and *From School to Work, Vocational Rehabilitation Transition Services for High School Students with Disabilities*, furnished by Mechelle Merrill, Rehabilitation Chief II, BVR, Rehabilitation Division, DETR, and Shelley Hendren, Administrator, BVR, Rehabilitation Division, DETR.

[Exhibit F](#) is a Microsoft PowerPoint presentation titled “Review of Interpreter Services and Opportunities to Improve,” dated May 2014, submitted by Tina Gerber-Winn, Deputy Administrator, Aging and Disability Services Division (ADSD), Department of Health and Human Services (DHHS), and Julie Balderson, Social Services Program Specialist II, Disability Services, ADSD, DHHS.

[Exhibit G](#) is a Microsoft PowerPoint presentation titled “Communication Access Services For Nevadans who are Deaf, Hard of Hearing, and/or Speech Disabled,” dated May 2014, submitted by Tina Gerber-Winn, Deputy Administrator, ADSD, DHHS.

[Exhibit H](#) is a Microsoft PowerPoint presentation titled “Program to Provide Devices for Telecommunication to Persons with Impaired Speech or Hearing,” furnished by Samuel S. Crano, Esq., Assistant Staff Counsel, Public Utilities Commission of Nevada.

[Exhibit I](#) is a compilation of three documents submitted by J. Farrell Cafferata-Jenkins, President, Board of Directors, Deaf and Hard of Hearing Advocacy Resource Center (DHHARC), which includes:

- An overview of grant information from 2002 to the present;
- Background information on the DHHARC; and
- A copy of a Request for Proposals, dated November 1, 2014, to the Office of Disability Services, Department of Human Resources.

[Exhibit J](#) is a document titled “Employment First in Nevada,” presented by Scott W. Harrington, Ph.D., Youth Transition Director, Nevada Center for Excellence in Disabilities (NCED), University of Nevada, Reno (UNR), and Sherry Manning, Executive Director, Nevada Governor’s Council on Developmental Disabilities (NGCDD), DHHS.

[Exhibit K](#) is a Position Statement on Integrated Employment from the NGCDD, furnished by Sherry Manning, Executive Director, NGCDD, DHHS.

[Exhibit L](#) is a document titled “Customized Employment, Time to Pick the Fruit—It’s Ripe,” presented by Scott W. Harrington, Ph.D., Youth Transition Director, NCED, UNR.

[Exhibit M](#) is a Microsoft PowerPoint presentation titled “Rethinking Guardianship for People With I/DD,” dated May 21, 2014, submitted by Mary Bryant, Project Coordinator, Self-Determination, Advocacy and Families, NCED, UNR.

[Exhibit N](#) is comprised of the written testimony of Brian Patchett, Chair, Nevada Commission on Services for Persons With Disabilities, ADSD, DHHS, regarding independent living and assistive technology for the blind and visually impaired, and statistics from the American Foundation for the Blind regarding the blind and visually impaired population in Nevada for the years 2008 through 2012.

[Exhibit O](#) is a Microsoft PowerPoint presentation titled “Presentation on Services that Support Independent Living,” dated May 2014, furnished by Tina Gerber-Winn, Deputy Administrator, ADSD, DHHS.

[Exhibit P](#) is a Microsoft PowerPoint presentation titled “Assistive Technology, Helping People Work,” dated May 19, 2014, submitted by Mechelle Merrill, Rehabilitation Chief II, BVR, Rehabilitation Division, DETR.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits and other materials distributed at the meeting are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.