Opportunities for Ohioans with Disabilities (OOD)

OOD Council VR Policy Subcommittee Meeting Minutes

July 8, 2020

Welcome and Introductions

Dr. Carolyn Peters, Chair, welcomed everyone. Council members, OOD staff and guests introduced themselves.

In attendance: Dr. Carolyn Peters, OOD Council Chair; Shirley Marchi, Liaison to OOD Council; Christal Garrison, Counselor, OOD’s Lakewood office; Matt Lampke, Chief Legal Counsel; Matt Sauer, Ph.D., Vice-Chair; Alison McKay, OOD Council member; Andrea Kramer, OOD Council member; Dave Baker, OOD Council member; Lisa Hickman, OOD Council member; Susan Pugh, BVR Deputy Director; Brian Baumgartner, BVR Assistant Deputy Director; Alana Evans, VR Policy and Training Unit Supervisor; Greg Dormer, BSVI Deputy Director

Guests: Don Warneke, Employment Network; Emily Turner, Executive Director, Ohio Goodwill; Kelly Manns, Manager, Ohio Valley Goodwill Industries; Joyce Weddle, Director of Greater Cincinnati Behavioral Health Services in Clermont County

Election of Chair of VR Policy Subcommittee

Subcommittee members elected Alison McKay and Lisa Hickman as co-chairs of the VR Policy Subcommittee.

VR Policy Subcommittee Responsibility with VR Policies

OOD Chief Legal Counsel Matt Lampke provided information about the duties of the OOD Council as noted in Ohio state law and federal regulations. The subcommittee is performing duties of the OOD VR policy development process. The duties cannot be delegated outside of VR per federal regulations.

Mr. Lampke further stated OOD is to take advice on VR policy development from the OOD Council’s VR Policy subcommittee, the public to make sure policies are consistent with one another, and to comply with case law. Mr. Lampke provides counsel to the OOD Director and BVR Deputy Director

OOD Council VR Policy Subcommittee

Minutes Page 2

Susan Pugh. It is the OOD Director’s role to make policy decisions as a cabinet director.

Co-chair Alison McKay stated the policy overview document is a list of VR policies. She asked if OOD will provide VR procedures as they are developed. BVR Deputy Director Pugh responded that procedures are more day-to-day operations. There is a lot of detail about data reporting, how to name a case note, how to complete an authorization, and how to work in the case management system. The procedures are those day-to-day direction for staff in performing their work.

VR Policies Structure

BVR Deputy Director Susan Pugh referred council members to the VR Policy Overview document. She stated OOD has 17 VR policies. VR policies include federal requirements under the Workforce Innovation and Opportunities Act (WIOA) (congress has to make changes to actual law), state requirements under Ohio Revised Code (ORC) or Ohio Administrative Code (OAC), and OOD Director expectations and fiscal responsibilities that rise to the level of agency policy. OOD also has VR procedures that instruct staff on how to implement the policies in completing their day-to-day operations.

WIOA is authorized by the United States Congress. Congress has to make any changes to the actual law. The Rehabilitation Services Administration (RSA) implements changes to the Code of Federal Regulations (CFR). The Ohio General Assembly authorizes the Ohio Revised Code and the Governor signs off on any bills from the General Assembly. This defines the agency and scope. There is also the Ohio Administrative Code where OOD’s legal team helps clarify administrative rules along with the Joint Committee on Agency Rule Review (JCARR) and public hearings. Once these become policies, the rules go to the Director who approves and signs the policies.

Ms. Pugh stated OOD has a public comment period for policy but not for procedures because procedures are more day-to-day for staff. OOD also has other policies that are more general like records retention, etc., and are outside the scope of the VR Policy subcommittee discussion.

OOD Council VR Policy Subcommittee

Minutes Page 3

OOD policies are updated on a regular basis. Policies are reviewed every quarter. If no changes are needed, then none are made, but the policies are still reviewed. When necessary to meet the needs of participants, VR policies may be updated in-between review date cycles to implement programmatic changes.

With the implementation of WIOA and new regulations that were published, OOD just completed several policies to be compliant with those federal regulations.

OOD is required to get public comment. About one year ago, OOD implemented the public comment process. Whenever OOD updates a policy it goes out through Granicus so people can weigh-in on those discussions. The VR policies can be reviewed on the OOD website for 10 calendar days to obtain feedback. In addition to the official process, OOD offers public comment through the Participant Focus Groups, which have been in place for three to four years. The OOD VR Policy subcommittee can be another avenue to get feedback.

Ms. Pugh stated Alana Evans, VR Training and Policy Unit Supervisor and her team works on policy and gets input from field supervisors and staff. OOD’s Legal team looks at the policy and then an agency policy coordinator looks at the policy. Bargaining unit staff also look at the policy. Then after everyone reviews the policy, the Director signs it and then training is provided for staff.

Council member Dr. Sauer asked if the kinds of feedback OOD receives from public comment and focus groups are of different quality, and how can the subcommittee supplement or fit in the mix for the feedback? Ms. Pugh stated all of this is work is in process. OOD’s public review and the participant focus groups are new. When policies are sent out for public comment and for administrative rules, OOD does not receive a lot of responses. Sometimes OOD doesn’t receive any comments and sometimes OOD gets four comments. Participant focus groups are something where we get better quality feedback. Staff put a tremendous amount of time in recruiting participants to be involved in the focus groups. Participation varies. The OOD Council can help facilitate great public

OOD Council VR Policy Subcommittee

Minutes Page 4

feedback into our policies from the voice of individuals with disabilities themselves.

Dr. Peters asked if policy reviews are biannual. Ms. Pugh responded policy reviews are every quarter. Not ever policy is done at one point in time.

Dr. Sauer asked about the impact of COVID-19 and if it is causing VR to rethink its policies and if there was anything the Council could help with. Ms. Pugh responded, since March OOD has been implementing a lot of flexibilities at the procedural level, for example, getting signatures, how providers deliver services, and not being too quick to close cases. Guidance has been issued for staff.

Council member McKay asked, if reviewing polices every quarter, where can the Council have feedback in that process? Ms. Pugh responded, OOD proposes to keep the Council updated and then look to the future as to what we see coming and get your feedback on those things as much as we can before it goes out to the public for comment. A public meeting would be difficult and time intensive for Council members. OOD will continue informing the Council of the public process and continue to welcome in the Participant Focus groups as another method of hearing feedback and being engaged in that process.

Council member McKay stated it would be helpful for this subcommittee to consider the procedures aspect. The Council is supposed to look at procedures and policies. And procedures do have substance of what is governing services. There are several procedures like Pre-ETS, Transition and Post-Secondary. When those are up for review, is there a way for the Council to provide feedback on larger service categories? BVR Deputy Director Pugh responded, the VR services policies as an example, is in procedures right now and we pay for transportation services for people to participate in our various services. When someone becomes employed our procedures states we will pay for that until they get their first paycheck. This is more appropriate for procedure than policy. There is an enormous amount of procedures. A good place to start is with the policies because of the voluminous nature of procedures.

OOD Council VR Policy Subcommittee

Minutes Page 5

Chief Legal Counsel Lampke stated the federal regulations speak to policies, not procedures, to make sure policy is effective and addresses the individual’s needs that VR is supporting. The Code does use the term procedure. However, when looking at the regulations, there are specific items that has policies and procedures. The focus should be on policy.

Council member McKay asked if the procedures are reviewed in a similar manner that the policies are reviewed and if so, is it possible to alert the Council when those procedures are being reviewed so that the subcommittee can discuss? BVR Deputy Director Pugh stated 98% of the time the procedures are happening concurrently. There are times a procedure is being updated but not a policy. Ms. Pugh stated she would like to keep the dialogue open and look at the briefing document, to see the contributions the subcommittee is making to ensure VR is providing the best services to people with disabilities.

Council member McKay stated if OOD is revising its policies on Pre-ETS, that is in a procedure. It would be helpful for the subcommittee to know that there is a procedure. Also, under services for post-secondary training, if the subcommittee wanted to provide feedback, it is in procedure not in policy. Ms. McKay stated she wanted to make sure the subcommittee is able to provide feedback to those. Ms. Pugh stated a lot of those services are in the Ohio Administrative Code. This may be something to think about as we consider some of those other processes. The bulk of that information is in OOD’s VR Fee Schedule.

Council member Dave Baker stated the window of time for public feedback is 10 days. He asked, is the window of time lengthy enough? What is OOD’s process for responding to public feedback? Does OOD respond that feedback has been accepted, etc.? Ms. Pugh stated the 10-day public comment is required for the Ohio Administrative Rules. OOD has not received feedback from the public stating the 10-days is not adequate. We have not discussed changing it.

Chief Legal Counsel Lampke stated, OOD follows the OAC provisions and takes extra steps for the public to get involved. Ms. Pugh stated we always give responses back for rules and for policy.

OOD Council VR Policy Subcommittee

Minutes Page 6

Co-chair Lisa Hickman asked about how OOD responds to the comments received and what is the oversight. Ms. Pugh stated she makes it a point to see all public feedback and that it is always considered. Then the team discusses the feedback and a response. After discussions, the team talks to the legal department and Director Miller about the feedback.

VR Policies Due for Review

Alana Evans, Supervisor, VR Policy and Training Unit, provided information on the VR Policy Updates document that was provided to the subcommittee. She stated the VR policy public comment period was April 1, 2020 through April 10, 2020 for the Individualized Plan for Employment and the Self-Employment policies. The public comment period was extended to allow the OOD Council subcommittee members to provide feedback. There were no substantive changes and one public comment was received for the Self-Employment policy. The anticipated implementation date is August 2020.

In addition, Ms. Evans stated the Rehabilitation Technology policy is coming up for review and the public comment period is July 13, 2020 through July 22, 2020 and the Vocational Rehabilitation Services policy is coming up for review and the public comment period is October 5, 2020 through October 15, 200.

Council member Dr. Sauer stated OOD already has an established process. Is OOD having trouble because of remote learning, work environments, do we need more providers in that area? Ms. Evans stated maybe a counselor got a plan back from a provider and are not given guidance of a training plan. We need to clarify who does what. What is the counselor’s role, for example?

Council member Dr. Sauer stated the counselor has a specific timetable, but the provider has a different timetable and protocols. For services, there may be a duration of time and dialogue of participants, counselor, and provider clarifying that there is that dialogue, and everyone is on same page with duration and the goals that need to be met.

OOD Council VR Policy Subcommittee

Minutes Page 7

Council member Baker stated we can increase the number of data plans and devices, but until we address statewide access to broadband and internet, the devices are pointless. We need to have a discussion. Cell towers don’t necessarily reach bottom of hills. How do we get signals down to kids that live in bottom of hills? BVR Deputy Director Pugh stated OOD was concerned about rural and city areas because libraries are closed. It is not appropriate to be engaged in a counseling role in a library room. OOD is looking at making sure there is a high-level vision. We have talked about assistive technology and rehabilitation technology and how more of this is becoming mainstream technology. Every person must understand how to use technology. If I am working at Giant Eagle as a bagger, or working for a fortune 500 company, I am going to use a computer at work - to report time, etc. We are wanting our counselors to make those investments. These investments are critical during COVID and after. This is a good way to invest in people with disabilities.

Council member Dr. Sauer stated the training component is huge. Our Ohio College2Careers counselor will be busy as we are sending a flyer to over 1,000 students. Ms. Pugh stated, please help those students connect with OOD.

Ms. Evans stated regarding rehabilitation technology related to feedback of quality of services, OOD increased rates for providers to provide certain services in rehabilitation technology. She asked if the Council members heard anything about those quality of services. Council member Dr. Sauer stated he has not heard anything new. He will solicit comments from his students.

BVR Deputy Director Pugh stated if the Council members have other questions, to please ask and not feel limited to the questions on the document. The questions on the document were created to start a dialogue.

Council member Dr. Sauer stated the virus has brought up the issue of a great number of students asking for technology from the university. It’s been the university’s policy that if technology is mandated by a student’s accommodation, it is the university’s job to provide it. As the student

OOD Council VR Policy Subcommittee

Minutes Page 8

transitions and if the student is looking forward to using technology in their work-related endeavor like an internship, then when they work with OOD, they are familiar with that technology. Again, the university is required to provide technology and willing to. However, there is an issue of ownership and knowledge to technology as the students move into their professional role. BVR Deputy Director Pugh stated we are looking at our polices in this area. If OOD buys it, it is the possession of OOD. However, if we purchased an iPad for the student with a disability, that device might not have value anymore because technology quickly gets outdated. OOD is purchasing iPads for students and they are keeping those devices. The question then becomes, how does that interface with the student if the school bought the iPad for them and then OOD buys it when the student transitions into their career. The other question to ask is the employer going to provide technology as part of their accommodation? It’s an important conversation.

Ms. Evans stated the Vocational Rehabilitation Services policy public comment period is October 5, 2020 through October 15, 2020. There are quite a few procedures with this policy.

Ms. Evans stated the anticipated revision to the VR Services policy is the restriction in providing services to work in the medical marijuana industry. This is prohibited due to OOD receiving federal funds.

Ms. Evans stated OOD sets aside 15% of federal funds to provide the Pre-employment Transitions Services (Pre-ETS). Council member McKay stated Disability Rights Ohio continues to get calls from high school students transitioning who have not received services yet. There is still a gap in knowledge about people not getting information about the availability of those services. Ms. Pugh stated VR provides information to schools so that we serve the full scope of individuals with disabilities. Council member Dr. Sauer stated the message is not filtering down in the University of Cincinnati.

Council member Baker stated OOD may want to reach out to the Ohio School Counselor Association to have dialogue. BVR Deputy Director Pugh

OOD Council VR Policy Subcommittee

Minutes Page 9

stated OOD has been working with the Ohio Department of Education to get more school participation in delivery of services. We will be talking to more associations. We use virtual and videoconferencing with students. We have seen an increase in authorizations. We can be part of the solution.

Council member Baker stated OSCA is planning a virtual conference for late summer, early fall. We may want to get on that agenda.

BVR Deputy Director Pugh stated one of the five services in Pre-ETS is counseling opportunities for post-secondary education. OOD has been talking to schools and colleges. Some schools and colleges already have programs for students. We need to beef up awareness of those services to attract students while they are still in high school.

Council member Dr. Sauer asked, what is OOD’s matrix for reaching out to parent organizations? Ms. Pugh stated Council member Lisa Hickman’s organization has been a great partner to us. They have a huge partnership with parents, and they have been putting out information.

Council member McKay stated the processes provided in the Pre-ETS service is a broad description. What mechanism does OOD use with providers to deliver service? BVR Deputy Director Pugh stated, we have added services to the VR Fee Schedule. We provide training to people who are interested in delivering the services and they are expected to have a curriculum prior to delivering services. The Code of Federal Regulations is very broad. OOD has a document that translates the information. OOD also has the VR Fee Schedule language in place.

Ms. Evans stated access to transportation to participate in services is an issue that has repeatedly come up at Participant Focus Groups and OOD is working with its sister state agencies to address these concerns. Does the subcommittee have any suggestions on improving the transportation we provide?

Council member Dr. Sauer stated in the rural county (Brown), there is a great deal of worry. They have started Uber lift and struggle with

OOD Council VR Policy Subcommittee

Minutes Page 10

transportation. Transportation is going to get harder in the short-term to figure out with COVID-19.

Council member McKay stated given the current struggle with modified vehicles, is it worthwhile for OOD to consider purchasing vehicles as OAC says we currently can’t do this. Maybe this is something to reconsider.

Council member Dr. Sauer stated some people are unable to travel in a van in some rural counties. Is this a policy or OAC issue that only one kind of vehicle can be adapted? BSVI Deputy Director Greg Dormer stated he oversaw vehicle modifications and the modifications were only for vans for a long period of time. The vans must meet certain specifications and be tested. Truck modifications are new. It depends on the brand and size of the truck. The truck needs to meet certain requirements. BVR Deputy Director Pugh stated OOD’s vehicle modification rules are in the final stages of development and are going out for public comment soon. The rules will be vetted with stakeholders first. OOD does have a lot of appeals because the rules are outdated. OOD has really great things coming so that modifications are timely. After that, we will look at procedures.

Council member McKay asked if the OAC rules governing vehicle modifications are being revised. Ms. Pugh responded, yes.

Council member Dr. Sauer stated students complained that there weren’t enough providers doing modifications to vehicles, the timetable stretched out, and they wanted their counselor to be more aggressive to pursue it. BSVI Deputy Director Dormer stated there are very few modifiers and OOD is actively working to bring other modifiers from other states along the border to help. There is not a lot of business to open-up a shop. There are a lot of different modification systems. The business in Columbus may do one modification and the one in Cleveland may only do another type of modification. The delay is because there are very few businesses that provide modifications. The timelines become what they are because of the providers workload. We are always looking for options. We are trying to find operators along the borders to help us move forward and solve some of the issues with things that have already been modified. Ms. Pugh stated OOD pays $10,000 for these modifications and we should be getting better

OOD Council VR Policy Subcommittee

Minutes Page 11

customer services for our participants. VR is working with Fiscal to add in service requirements.

Public Comment

Dr. Peters reminded the Council members that comments were to be submitted in written form and that it is discretionary to ask guests if they have public comments. No written public comments were received.

Future Subcommittee Meetings

Council member McKay stated, moving forward, the subcommittee will report out at the full Council’s meeting in August and then possibly again in January.

Council member Dr. Sauer asked how often should OOD interface with the subcommittee? Ms. Pugh stated it was up to the subcommittee and what time commitment they can give. Whatever the Council decides, OOD can make it work.

Council member McKay asked Council members if they had a preference. Council members agreed that at the regular Council meetings, OOD can provide policies that are up for review so that the Council can consider any feedback to provide. BVR Deputy Director Pugh agreed and will include information in her talking points for discussion.

Council member McKay stated the OOD Council can rethink this as we move forward and asked about having the subcommittee meet twice per year. Council members agreed. Dr. Peters will work with Ms. Marchi to schedule meetings and the subcommittee can report out at the full Council meetings.

Co-Chair McKay handed the gavel to Dr. Peters to resume her position as Chair. Dr. Peters thanked Council members, staff and guests for attending the meeting and providing input.

Adjourn

Subcommittee members adjourned the meeting.