**Opportunities for Ohioans with Disabilities Council**

**VR Policy Subcommittee Meeting Minutes**

**February 10, 2021**

**Welcome and Introductions**

The VR Policy Subcommittee meeting was held via Microsoft Teams Live. Lisa Hickman, VR Policy Subcommittee Co-chair and Alison McKay, VR Policy Subcommittee Co-chair welcomed everyone to the meeting.

OOD Council members in attendance: Lisa Hickman, OOD Council VR Policy Subcommittee Co-chair, Alison McKay, OOD Council VR Policy Subcommittee Co-chair, Matt Sauer, OOD Council Vice-chair, Jo Hannah Ward, OOD Council member, Dr. Carolyn Peters, OOD Council Chair, John Moore, OOD Council member, jw Smith, OOD Council member, Jo Hanna Ward, OOD Council member, and Jane Gerhardt, OOD Council member

OOD staff in attendance: BSVI Deputy Director Greg Dormer, BVR Deputy Director Susan Pugh, VR Policy and Training Unit Supervisor Alana Evans, Chief Legal Counsel Matt Lampke, Chief of Communications Kim Jump, Employer and Innovation Services Deputy Director Kristen Ballinger, OOD Council Liaison Shirley Marchi, OOD Communications Fern Miele

Interpreters: Greer Davidson, Marlena Smith, Jane Allinder

VR Policy Subcommittee Co-chair Alison McKay stated the OOD Council’s VR Policy subcommittee was created last year. The VR Policy subcommittee meets twice per year in addition to the regular Council meetings. She reviewed the agenda items.

**Written Public Comments**

A written public comment was received from Emily Turner, Executive Director, Ohio Association of Goodwill Industries and Geoff Collver, Associate Director, The Ohio Council of Behavioral Health Providers, regarding four OOD Administrative Rules: 3304-2-54, Eligibility determination; 3304-2-56, The individualized plan for employment; 3304-2-58, Training; and 3304-2-59, Scope of services. Council member Lisa Hickman read the public comments. (The written comment is attached to these minutes.)

OOD Chief Legal Counsel Matt Lampke stated OOD held a public hearing on the rules about one week ago, time for additional public comment was due by the public hearing.

The next step is for JCARR to review the rules. OOD is anticipating amending the rules

Next step is for JCARR to review the rules on March 8, 2021. OOD is anticipating amending the rules. JCARR meeting is March 8, 2021.

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Mr. Lampke stated the OOD Council was given the notice of the public hearing to weigh in as a group or individually. OOD values the Council’s input. OOD has a subscriber list that is sent to individuals who represent organizations to get their feedback. OOD gets

as much notice out as possible. OOD did receive two substantive comments that is being evaluated.

Ms. Pugh stated, her team is working on updates based on public comment that was submitted, including Ms. Turner’s comment. She and Ms. Turner met yesterday, from a high level, they are trying to simplify and reorganize. There is a lot of repeating of the Code of Federal Regulations in rules. We are going to put information back into the rule to make it easier for the public to read the rule.

Ms. Pugh stated VR has been benchmarking itself with other state agencies - ODJFS with their WIOA program, and DODD to learn how they do stakeholder engagements, write their rules, how they are handling the Code of Federal Regulations. These conversations have been helpful.

Council member Sauer stated, Does OOD have a specific way to reduce. Is there a cultural gap? Maybe there is a more consistent opportunity for the Council to be that cultural voice.

Mr. Lampke responded this is not a cultural issue. It is an understanding of the Administrative Rule, which is law. We are under pressure from the state legislature to reduce the number of rules. If we can combine two rules into one, then they ask us to reduce language in the paperwork. Rules are not designed to be a public policy document and they are not designed to be the first resources for individuals to go to, to understand if they are eligible for services.

Council member Ward said she has the same requirements in her agency, to not duplicate and reduce where they can. In some cases, they put in some federal language in their rules, but many cases, they point to other documentation.

Council member McKay stated if language is being taken out of rules and if there is other language that would beneficial, the Council can provide good feedback on language and type of information. We can think about ways to incorporate it.

Dr. Smith stated the Council can maximize its role with the consumer and OOD. t.

Dr. Peters stated she has concerns that the rules are transparent as possible because we do not want individuals going to two or three different places to understand services, or whatever a particular rule pertains to.

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Council member Gerhardt stated the information should be accessible. However, the OOD Council should leave the Administrative Code to the attorneys. For example, if you do not understand something, this is who you should call.

Council member Hickman stated she is not sure about OOD’s website, but the Administrative Code does link to other portions of Ohio code, not necessarily federal code. It is hard to navigate between two different things – the Ohio Administrative Code and then go to another document, then figure out on own how to read across the two.

Council member Moore stated, thinking about accessibility, a lot of our consumers have limited English, some use braille. We may have to clarify policies that are rather complicated. Also, we may want to think about developing a video to expand upon the rule’s intent. We could have voice over for people who are blind or visually impaired to listen in.

**OOD Council’s Role with VR Policies and Procedures**

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. He also stated it is the OOD Director’s role to make policy decisions as a cabinet director.

Council member McKay asked, how can the Council be involved with VR, when they only meet twice per year. These meetings can be overloaded with all policies OOD is revising. We want to continue to have that voice for people with disabilities.

Ms. Pugh stated it has only been a couple of years that OOD has put its policies out for public comment. This is relatively new for us. Policies have been online for people to see. We recognize there is room for improvement. There are two main areas we are looking for opportunity for feedback: 1. how to get more public feedback: OOD Council can provide good suggestions to us on how to expand; and 2. Participant Focus Groups. We are not convening these, but we are doing a lot of surveys of participants and calling them.

Ms. Pugh stated we need the Council’s help on how can we get to more people; How to get more input into the process; How do we make sure this complicated process is

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understandable for people with disabilities and their families. VR worked with the former Consumer Advisory Council and they created a handbook for VR, then a Fact sheet VR

about informed choice and how to select a provider. They also helped VR to come up with questions like, when a person goes to visit a provider, here are questions for the provider. We would then incorporate into Provider Search tool on website. VR would love to have the OOD Council fulfill that role that the CAC done.

Ms. Pugh further stated there is a Common Sense Initiative that goes with the rules, especially if they impact a business. We do this with some of our rules, not all of them. We do a lot of meetings around the state, gain consensus on how we move forward.

However, we do not do this with our rules because it is not necessarily business impact. We can model a stakeholder process in a similar way.

**VR Policies:**

Current Policies Under Review

Alana Evans, Supervisor, VR Policy and Training Unit reported on the following current policies under review with a public comment period of January 15, 2021 through January 25, 2021:

Comprehensive Assessment: Revisions include the restriction in employment outcomes in the medical marijuana industry (prohibition in the use of federal funds). This changes restrictions on employment outcomes. OOD did not receive any public comment.

Confidentiality in the Vocational Rehabilitation Program: Revisions included aligning language to match updates to the consent forms.

Custody, Guardianship, Power of Attorney: Revisions were minor minor/technical. This was updated in response from staff to adapt to current needs. No public comment was received.

Residency/Immigration: Revisions included clarifying that demonstrating a presence in Ohio includes students attending a postsecondary institution in Ohio. OOD did not receive any public comments.

Dr. Peters asked if it was unusual to not receive many public comments. Ms. Evans responded, OOD does not receive a lot of feedback, but would like the Council members to engage with the public about these policies.

Ms. Pugh stated one of the things the OOD Communications team is working on is a separate list serve, where people can go online for updates about our rules and policies. We would have a more targeted list specific to sign up for policies and rules.

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Dr. Sauer asked if international students are pursuing vocational rehabilitation services Ms. Evans responded, there are additional criteria, but that would not preclude them from receiving services.

Upcoming Policies for Review

Alana Evans, Supervisor, VR Policy and Training Unit presented on the following policies that are coming up for review with a public comment period of March 1, 2021 through March 12, 2021.

Informed Choice: Participant focus groups indicated that provider scorecards were not consistently reviewed. Ms. Pugh stated OOD has contacted over 100 participants via a survey. These participants are currently receiving services. OOD asks questions about their services and informed choice There was good feedback. Participants stated they had an opportunity to exercise informed choice and the provider scorecard is a good tool. Ms. Pugh asked, how can we make that tool more user friendly and how can we increase usage. She also stated the Council’s input today will help formulate informed choice.

Selection of a provider sheet: Council member McKay stated the provider sheet provides questions that the individual can be asking the provider to see if they would be a good fit. She recommends that information about where they can find providers, links, how the counselor can help them with making a decision, and what ways the counselor can help, be included on the form.

Council member Hickman stated regarding the Scorecard, is OOD looking at how many items people are clicking on it, how long they are staying there, etc.

Ms. Pugh responded, we do watch the hits on some of those, but not familiar with data, Staff uses it constantly as well. Not able to tell if it was internal or public use.

Dr. Sauer asked, can it be modified to break those two apart. Is there a way to make the forms being used internally versus public? Ms. Pugh said she will look into it.

Council member McKay asked does OOD have other forms or are you developing new forms about how individuals can make an informed decision about the employment goal they select? If, so what are the factors you would consider in deciding whether they can support an employment outcome. This could be another aspect to think about with informed choice.

Ms. Pugh stated she and Alana were talking about this recently. We used to have a Fact sheet for every step of the process, which was developed with the Consumer VR

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Advisory Council (CAC0). Examples of the fact sheet include, after you were made eligible, key factors about going into the plan writing process were included. All these fact sheets were overwhelming. We ended up streamlining. We currently do not have anything like this now. These are things we would like to consider without burdening people. How do you balance giving people enough but not too much?

Ms. Evans stated, individuals receive their rights and duties. But it does not give them questions and concerns during the way they are in the process. Ms. Pugh stated the counselor explains the information to them, but Fact sheets can insure consistency. In addition, counselors document what they shared with the participant.

Dr. Sauer stated if we could render to a set of videos and take these Fact sheets and do one-minute videos, because people are seeing it, not reading it. This also gets passed literacy issues when English is not their first language.

Council member Moore stated he agrees with Dr. Sauer. We need to look at where there are gaps, look at video that is in sign language, need something in audio, take a look at where those gaps are, and see where people’s needs are in another form. Also do the same thing with the Scorecards. Many consumers do not understand the meaning of the Scorecards.

Council member McKay stated the Informed Choice policy is rather short, and there is a separate procedure that has a lot more information. Is the procedure goingng to be revised?

Ms. Pugh responded, that VR looks at procedure because its more how to. VR looks at both in tandem. Policy is put out for public comment. VR looks at various procedures because there are some things in there that might be more appropriate at policy level. VR is open to this feedback.

Ms. McKay stated the information that the individuals is to receive to make an informed choice, for example, costs, consumer satisfactions, types of services offered by providers, etc., this information should be provided to individuals. This is not in the policy and is not sure if it is in procedure. But this should be in policy. She saw a lot of gaps in the policy.

Dr. Sauer stated the guidance to individual’s counselor, is that written someplace so that if a consumer wants to say, I never received this. What is guidance to counselor? Is this procedural?

Ms. Evans responded yes, it is procedural. It is written in a way, as you are approaching a service, a provider - they document it, and those factors that played into whatever the outcome happens to be.

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Dr. Sauer asked, in those conversations with a provider, how much is talked about how the language matches the culture and language of consumers.

Ms. Evans responded, as we look through revisions, we try to enhance more awareness to make sure we are addressing or are speaking appropriate cultural language in regards to disability. This is not specifically mentioned in policy or procedure but in it is mentioned in training.

Ms. McKay stated, VR may need to look at this language: Individual has the right to select any individual to represent them in the process.

Case Handling: Council member Hickman stated there is no reference to conflict of interest or ethics law.

Ms. Pugh responded that VR looks at this through a licensing lense and own counselor ethics. We do trainings all the time on ethics, i.e., counseling relationship, etc. There is a lot of training and discussion about this.

Ms. Evans stated we do reference in policy that they do comply with code of professional ethics of rehabilitation counselors.

OOD Council members stated they would like to have ideas for agenda items before the meeting.

Council member Hickman stated this was a good conversation and liked Ms. Pugh’s recommendations about how to get public feedback, Fact sheets, etc.

Ms. Pugh stated Alana’s team has a detailed project planned about policy update. VR e looks at our policies every two years. She has a schedule when they are looked at, but there are times, where we may need to look at it before two-year schedule. We will make sure we are looking ahead.

Council member McKay asked how many policies are going to be cycling and how many would be on the agenda for next meeting? Ms. Pugh responded, VR groups them into things that are conceptually together as much as possible. Some quarters have more than others.

Ms. Evans stated, this was a heavy quarter. On average, there are one to three policies that may be reviewed. April 30 is public comment and August 2 is public comment.

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The subcommittee members agreed that if needed, policies can be reviewed at the next full Council meeting which is scheduled on April 21, 2021 with the next VR Policy subcommittee scheduled July 14, 2021 at 9:30 a.m.

Council member McKay asked, how will the Council be notified of administrative rules? Ms. Pugh responded administrative rules are reviewed every five years. These rules have been reviewed recently due to WIOA.

Mr. Lampke stated there is no consistent review time.

Ms. Pugh stated OOD will continue to make the Council aware of when things are out for public comment. If you brought something forward because you heard something is of concern, we welcome feedback, we would not say wait six months.

Council member McKay stated the next VR Policy subcommittee meeting will be held in July. This subcommittee will continue to have two subcommittees per year. However, policies can be discussed during the general OOD Council meetings if needed.

Dr. Peters will bring this up at the next full Council meeting.

**Next Meeting**

The next VR Policy Subcommittee meeting is scheduled on July 14, 2021 at 9:30 a.m.

Subcommittee members agreed to have the materials sent one week prior to the meeting. Ms. Pugh noted that the policies are on the OOD website. Also, subcommittee members appreciated Ms. Pugh putting information on the agenda.

**Public Comment**:

None.

Ms. Jump stated for the general public to comment during a Microsoft Teams Live event, OOD will provide a link and the public will need to use the Question and Answer function to have their comments shared during the meeting.

**Other Business**

Dr. Carolyn Peters stated the National Coalition of State Rehabilitation Councils is having a meeting today. Ms. McKay thanked Dr. Carolyn Peters for participating on behalf of the Council.

**Adjourn**

VR Policy Subcommittee members adjourned the meeting.