**Texas Governor’s Committee on People with Disabilities**

**Summary Minutes**

The Deaf and Hard of Hearing Center

5151 McArdle Road

Corpus Christi, Texas 78411

**June 11-12, 2019**

**Call to Order / Roll Call / Introductions / Welcome by Host**

Member Rafaty moved to call the meeting to order. His motion was seconded and passed unanimously. Chair Bangor called the meeting to order at 1:00 p.m. Linda Millstone had a prearranged travel commitment and could not be present. Mr. Rafaty moved acceptance of her absence as excused. The motion was seconded and passed unanimously.

Lesa Thomas, Executive Director, Deaf and Hard of Hearing Center of Corpus Christi welcomed the Committee and visitors. The Center has existed for forty years and has grown to serving 26 counties. They provide interpreter services, casework, youth and senior program services, and demonstrate a variety of assistive technologies.

**Committee Members Present**

Aaron Bangor, Ellen Bauman, Evelyn Cano, Andrew Cohen, Richard Martinez, Dylan Rafaty, Emma Faye Rudkin and Amy Scott

**Exofficio Representatives Present**

Norman Kieke, Texas Department of Licensing and Regulation; Tammy Pearcy, Texas Education Agency; Claudia Peden, Texas Workforce Commission; Colton Read, Texas State Independent Living Center; Dee Budgewater, Health and Human Services Commission; Robert Schuller, Department of Family and Protective Services

**Committee Staff Present**

Ron Lucey, Randi Turner, Nancy Van Loan and Lindsey Zischkale

**Committee Members Absent**

Elizabeth Dickey, Archer Hadley, Linda Millstone and Marco Trevino

**Visitors**

Lesa Thomas, Jaime Lugo, and Marla Martinez, The Deaf and Hard of Hearing Center of Corpus Christi; Judy Telge, Coastal Bend Center for Independent Living; Crystal Lyons, Disability Consultant; Billy Delgado and Christina Rodriguez, City of Corpus Christi Emergency Management Task Force; April Bassett, Corpus Christi Human Relations Commission; Richard Balli and Sylvia Wilson, Corpus Christi Committee for Persons with Disabilities; Matthew Lyon, Texas Academy of Audiology; Nicholas Gilby, Texas Young Democrats; Nancy Vera, Corpus Christi American Federation of Teachers; Jennifer Ledford, Workforce Solutions of the Coastal Bend; Ralph McFarland and Rachel A. Cox, TAMU-Corpus Christi’s Office of Disability Services; Doug Dittfurth, DeSign and Consulting Services; William Scott; Kaylee Lartigue, Deaf Dreams; Linda Lartigue; Linda Lugo; Eddie Martinez; Margareta Fratila; Rachel Aldrich and Aly Pena (ASL Interpreters); and Silvia Kerr (CART Provider)

**Approval of April 3, 2019 Meeting Minutes**

Member Rafaty moved approval of the draft meeting minutes as presented. The motion was seconded and passed unanimously.

**Public Comment – Personally Received**

**April Bassett** said the Corpus Christi Human Resources Commission supports the activities of the Governor’s Committee.

**Margareta Fratila** is a business owner and lives on Padre Island. Corpus Christi is a vacation destination yet accessibility is poor for people with disabilities. She described her family members’ need to walk in the street because many sidewalks are blocked or non-existent. She participates in city meetings and asks for GCPD’s pressure to correct deficient accessibility.

**Kaylee Lartigue** recommended to her local school district a list of software for auto captioning and companies that provide captioning services for purchase. She spoke with Texas Education Agency representatives about changing the Auditory Impairment teacher certification process. She voiced concern with the general manager at Century Theatres in San Antonio about open captioning for movies. New equipment arrived after a local news reporter covered the story. Deaf movie patrons can see captioning by a simple flip of a switch. Kaylee formed Deaf Dreams, a non-profit, to advocate for equal access and inclusion of the Texas deaf community. The law and the enforcement mechanism need changing.

**Linda Lugo** is concerned about interpreters at Corpus Christi ISD. As a mother who is deaf, she wants to celebrate the successes of her children but the school district does not secure interpreters. Deaf students want to participate in summer camp, sports, and after school clubs. Her daughter volunteers to interpret for a deaf classmate during class lectures. High school students say the interpreters are not qualified to interpret for advanced classes. She taught for 20 years but resigned due to struggles at the school so she can advocate for the students.

**John Woodley** (remotely via Zoom) said he did not receive the closed captioning accommodations he requested during this past legislative session and believes Texas is violating federal law by not allowing his full participation during legislative hearings. Disability rights laws need to be enforced. The governor should call a special session to address disability related issues. Dept. of Family and Protective Services does not enforce protection of elderly and people with disabilities from abuse, exploitation and negligence. The Administrative Code does not reference the Abuse Code.

**Public Comment - Summarized Written Statements Received**

**Taajwar T. Ali** claimed Texas Workforce Commission unfairly terminated his vocational rehabilitation services. He is dissatisfied with TWC’s vocational rehabilitation counselors and the agency as a whole.

**Liz Belile** requested the Committee reconsider its recommendation to close state supported living centers. Her sister, who is medically fragile and requires 24/7 support, lives in Austin State Supported Living Center (SSLC) where she is well cared for and thrives. Belile’s extensive research offers no comparable care in the community for Shanna. Residents often end up in jail, long term, or die upon transition out of intermediate care facilities.

**Jake Billingsley** lives independently as a rural farmer to pursue his own rehabilitation from a stroke-acquired brain injury, and blindness. He does not receive adequate support services and believes he is at risk due to society’s understanding of cognitive disability and the failures of government. The 86th Texas Legislature failed to address important disability issues. For people with cognitive disability, he suggested better legal protection and advocacy, improved HHSC coordination for support services, broader disability awareness, increased ADA compliance, providing assistive devices, internet and technology for communication inclusion, increased state business contracts and hiring Texans with disabilities, and providing sufficient housing.

**Deborah Cates** wrote on behalf of her son who has severe disabilities and lives in Denton SSLC, a brother at Lufkin SSLC, and the profoundly severe intellectually impaired population of Texas. Because of her son’s behavioral health needs, he does not qualify for many private communities. Other SSLC residents struggle with a dual diagnosis of intellectual and developmental disabilities and psychiatric diagnoses. HHSC should consider the needs and preferences of the residents, offer innovative approaches, and compose a committee of relevant stakeholders tasked to develop a responsible plan. The Committee included erroneous and dated resources in the report and should reassess its position on closing state supported living centers.

**Rebecca Covington** would like to attend Gallaudet University, however, she needs financial help. Vocational rehabilitation counselors did not approve funding for tuition. She would like more funding made available for students who are deaf and want to receive higher education outside of Texas.

**Connie Ferguson** is a retired administrator of a regional day school program for the deaf. An increasing number of audiologists are not accepting children with Medicaid. Audiologists are paid Medicaid rates that do not cover the expense of an office visit and programming the hearing aid. Deaf education programs do not receive sufficient funding. This major need would improve the outcomes of deaf and hard of hearing children.

**Joziah Garcia** shared that Gallaudet University accepted him as a student but he does not have funding. His VR counselors told him TWC would not cover out-of-state costs. He requests financial support for higher education.

**Jonah Hazelett** requested funding to attend Gallaudet. Attending a school of higher education designed for the deaf rather than a hearing school where interpreters are involved in course instruction would better address his needs. He does not want to attend a community college for free over what he believes would be a better school.

**Stephanie Hazelett** wrote on behalf of her son, Jonah. She would like VR to provide funding so Jonah could attend Gallaudet University.

**Rebecca Japko** asked the Committee rescind the recommendation to close Austin SSLC. Forty percent of people referred to live in SSLCs come from communities where providers cannot meet the needs. Community resources do not compare to the intensive supervision these individuals need to keep them safe. The Committee should have representation for SSLC residents, families or guardians.

**Nona Rogers** asked for support of SSLCs in Texas. Her brother receives 24/7 holistic, team care provided by Austin SSLC. She shared her brother’s story about how staff dealt with advancing challenges of his condition.

**Adrianna Sandoval** asked that TWC VR support her attendance at Gallaudet. She made a complaint about an interpreter she had at Austin Community College who did not understand how to translate math concepts into American Sign Language.

**Brian and Kara Thevenot** moved their family from Texas to Louisiana where they secured funding to send their daughter who is deaf to Rochester Institute of Technology. They ask that their story lend insight into the problems of Texas’ vocational rehabilitation program.

**Frank and Lynn Waddy** said home and community-based service (HCS) providers do not have the needed training and qualifications to serve patients with severe medical and behavioral issues. HCS providers do not have skills to de-escalate troublesome situations nor adequate job training knowledge for consumers. They ask HB 3080 (86R) not be supported.

**Debra Wallace** is a state coordinator for Voice of Reason and mother of Justin whom has a diagnosis of severe Autism. SSLCs should remain intact to serve the severely disabled population. SSLC residents are truly voiceless and only represented by families or guardians who speak for them. SSLCs are not declining in population or applicants; the need is actually increasing.

**Paula Watson** is a business owner who serves patients needing binaural hearing aids. Although she feels a professional responsibility, her business operates at a significant financial loss due to Medicaid cuts. Medicaid patients comprise the most vulnerable in our society. Lack of Medicaid coverage for hearing aids has caused a mass exodus of available providers.

**Patches Wilson** expressed frustration in obtaining adequate VR services for her daughter who has a visual impairment. She feels TWC gives consumers “the runaround” regarding information and services. As a social worker, Ms. Wilson feels she could not refer anyone to this program.

**Invited Presentations**

**Housing for People with Disabilities - Judy Telge, Coastal Bend Center for Independent Living (CBCIL)**

Executive Director Telge founded CBCIL in 2002 with a federal grant of $200,000. She later founded Housing Resources, Inc. to develop transitional units for the community. Affordable, accessible, quality housing and transportation are the biggest needs of people with disabilities. The rent-burdened population and desire to move to a least restrictive environment are other factors. The primary provider of housing in most communities is the public housing authority with a 4-10 year waiting list. Four years ago, Corpus Christi had 49,000 on the list seeking Section 8 vouchers.

Telge became a Texas Department of Housing and Community Affairs (TDHCA) Tenant-based Rental Assistance (TBRA) administrator as a bridge to Section 8 that allows her two years to find permanent subsidized housing. It takes a lot of administrative work to put together a TBRA voucher. TDHCA has Project Access, their Section 8 vouchers. Telge learned to use the TBRA vouchers to get people out of nursing homes and then the access vouchers to keep them out. Telge secured a Rebuild Texas grant after Hurricane Harvey which allowed two new staff. Telge’s priority concerns are to increase funds for HUD’s Home program; less restrictive rules for funding earmarked for people with disabilities; and support TDHCA’s HUD 11 program by monitoring and providing input to that process. Telge is a housing navigator with Aging Disability Resource Centers and could relocate people out of nursing facilities with funding other ADRCs don’t want. The National Low Income Housing Coalition has data on the shortage of affordable rental housing for renters with the lowest incomes.

**Access and Functional Needs in Response to Hurricane Harvey** **- Billy Delgado, City of Corpus Christi, and Crystal Lyons, Disability Consultant**

Delgado and Christina Rodriguez work for Corpus Christi’s Office for Emergency Management. Delgado also serves on the Task Force of Texas Division of Emergency Management regarding people with functional and access needs. They want to reach a diverse population and offer simple resolutions. Planning and communication are keys to a successful operation. A one-time federal grant to CBCIL allowed Crystal Lyons and Judy Telge to train volunteer city employees on approaching people, and remaining calm during evacuation. A full-scale evacuation exercise drill will be held June 21st using people driving school and local paratransit busses with ramps installed. They do a phased evacuation by zip code. Folks are encouraged to register with State of Texas Emergency Assistance Registry and with 211.

Crystal Lyons described a Tip Guide used during presentations in their community. Someone with relevant knowledge presents on each of the sections. The training includes stories such as people with mental illness can’t get on a bus with 40 others, problems accessing medications, Red Cross may have a shelter but resources are taken away. Families should put together an evacuation plan. As a financial partner is found, the guide will be reprinted adding disability topics like Autism, Alzheimers, behavioral health.

**Texas Academy of Audiology** - **Matthew Lyon** (remotely via ZOOM)

Lyon gave a historical overview leading to the current problem of reimbursement for hearing aids for those on Medicaid. Up until 2006, Medicaid provided hearing aids for adults as a direct benefit, children were managed independently by audiologists, and were reimbursed for office visits. Starting in 2006, HHSC discontinued benefits for adults. In 2008 HHSC and Texas Medicaid and Healthcare Partnership, the company that provides payment for services, collaborated to provide hearing aid benefits for adults and children. Texas Association of Audiology (TAA) and Hearing Aid Association reviewed the panel of providers. TAA reminded HHSC that there was a rule only allowing reimbursement for invoice cost of the device. TAA was concerned about fraud and abuse.

In 2009, adult benefits were restored and the children’s program rolled into the traditional Medicaid program. The program allowed up to two hearing aids every five years, with replacements if devices were lost or damaged. MSRP on hearing aids has been very high. In 2011, the Texas Attorney General’s Office identified cases of fraud and went after dispensers or audiologists who charged substantially more than the invoice cost – requesting recoupment of millions of dollars. HHSC published a policy and fee schedule. Most practices followed the rule requiring billing at lowest acquisition cost or invoice cost or up to the maximum published fee. The actual fees for fitting the hearing aid had not changed. In 2013, the rule was enforced and TMHP and HHSC were under scrutiny. TAA began seeing many denials and delayed reimbursement for allowed amounts. Services declined.

TAA requested a utilization review by HHSC that showed an alarming 75% drop in patients fit for devices and a significant drop in hearing aid evaluations from 2012-2014. Providers did not dis-enroll; they stopped providing services. A 2014 survey on status of hearing aid providers shows reduced number of Medicaid patients served. A 2017 survey shows 43% of providers no longer see Medicaid patients. Current issues include significant paperwork; long authorization process for providers; significant waiting time for patients; and limited access to adequate providers, especially critical for children. For every child seen, the provider sees a financial loss. Tremendous stats are available to demonstrate costs of an untreated hearing loss to a child. Lyon asked if the Committee could help change the reimbursement amount to allow more patients to be seen.

**Corpus Christi Committee for Persons with Disabilities - Richard Balli, Chair and Sylvia Wilson, Human Relations Commission**

This committee formed in 2001 to serve as an advisory board to the mayor. Nine members are appointed by the mayor. They assist partners with ADA compliance, advocate for the needs of the disability community, and address housing and job discrimination concerns. Balli worked on an accessibility improvement project with the Regional Transportation Authority for curb cuts and landings. He discussed the accomplishments in their 2018 annual report including an annual “Walk and Roll” celebration promoting National Disability Employment Awareness Month, “Catch a Special Thrill” fishing event, and “Life After Graduation” event for students. The Accessible Recreational Park subcommittee helped spearhead the city’s first inclusive park featuring a decompression dome for people with Autism. Future goal is to build a wheelchair softball field for the disabled community and wounded warriors. Corpus Christi is constructing a new bridge through the Port of Texas for residents living on the north side; many have disabilities and experience difficulty when relocating. Plans will include accessibility for residents and visitors. There is an ADA Transition Plan.

**Executive Director’s Report – Ron Lucey**

Administrative. Richard Costello is the governor’s new appointment manager serving the Committee. Members are encouraged to refer qualified, potential appointees. Lauren Shafford is serving as the Committee’s intern and will do interviews with disability organizations. Staff recognized the high dollar amount encumbered for Remote CART this fiscal year and will work with administration to develop a contract for these services. We provided third-quarter statistics to the Legislative Budget Board. Staff is discussing conducting a study in partnership with Texas A&M University Disability Studies. Mr. Lucey provided resource testimony during the legislative session on accessible transportation, minimum wage for people with intellectual and developmental disabilities, and the Samuel Allen Law (SB 976). We provided a list of bills that aligned with the GCPD policy recommendations to governor’s policy team for their assistance, and they were receptive to bills with potential problems for Texans with disabilities.

Emergency Management. Lucey attended the Texas Emergency Management Advisory Committee conference, the Extreme Weather Expo and the State of Texas Emergency Assistance Registry (STEAR) meeting. He suggested Texas Division of Emergency Management send email messages to encourage greater participation. Communities must publish how STEAR data is used. Advocates can petition counties to make the plan transparent. FEMA plans to train all workers on interacting with people with communication barriers in disasters. U.S. General Accounting Office interviewed Lucey about the aftermath of Hurricane Harvey; a report was recently released.

Staff Conferences and Training. Lucey presented during Knowbility’s Access U on promoting accessible digital curriculum. Lindsey Zischkale attended this training. Three staff will attend the National ADA Symposium. Zischkale participated in an accessible housing workgroup teleconference.

Key Activities for Quarter #3. The Committee and TWC’s HireAbility initiative are building a partnership targeting up to 100 employers to apply to receive decals for substantial things to hire and promote Texans with disabilities. A disability symposium is being planned for October, in El Paso. We are soliciting artwork for the NDEAM poster design.

Randi Turner’s Accomplishments. Conducted five webinars with 369 participants. Topics included employment, braille, transition, and digital accessibility. We archive all webinars on Youtube. She created a resource, “Systemic approach to effective communication” for Deaf Access Specialists to help court entities make accommodations.

Lindsey Zischkale’s Accomplishments. Attended a resource fair for Tarrant County. Drafted gubernatorial, disability proclamations and tried to bring language more person-centered. Created a mental health resource guide for people who are in crisis. Suggested improvements on Texas Department of Housing and Community Affairs website. Tracked legislation and served as a resource witness for parking and sub-minimum wage bills. Attended meetings of the Intellectual and Developmental Disability System Redesign Advisory Committee on strategic plans for behavioral health. Interviewed Hidalgo County Precinct 2 Commissioner about designing a new accessible park with partners Valley View ISD and Capable Kids Foundation. Working with the Institute on Military and Family Wellness around PTSD treatment.

**Reports from Invited Exofficio Agency Representatives**

**Department of Family and Protective Services (DFPS)**

Robert Schuller said several meetings have occurred about serving children in conservatorship who are deaf. The agency will provide a detailed report to the Committee in October 2019. Many revisions to agency processes will be implemented by October. Members requested data from the internal Impact and TER databases be included. Commissioner Hank Whitman announced his resignation; the governor has not named a replacement.

**Department of Licensing and Regulation** **(TDLR)**

Norman Kieke is a program manager in the Architectural Barriers area. They try to ensure compliance with Texas Accessibility Standards. The paperless management system allows registration of 2,000 construction projects each month. U.S. Access Board handles complaints. Legislation authored by Rep. Springer affects access aisles and parking signage tied to new construction projects. This new rule will be disseminated to local jurisdictions. Texas Department of Motor Vehicles will issue instructions relating to accessible plates or hanging placards. TDLR would like to ensure transportation providers don’t have a barrier to offering fixed-frame transportation. Only seven Transportation Network Companies have submitted reports. There are no sanctions about not submitting reports so follow up is difficult.

**Health and Human Services Commission** **(HHSC)**

Dee Budgewater discussed highlights from her agency’s report, including impactful legislation and disability program updates. HHSC received $66.4 billion for the Texas Medicaid program, almost $260 million to provide new community-based waiver slots geared to reduce the interest list, $1.5 million in supplemental funding for early childhood intervention, and $3.4 million for transition support and coordination to the community. A two-year pilot, beginning in 2023, will provide services and support in managed care to individuals who have developmental disability or traumatic brain injury. The agency will hire a program specialist to review audiology services under the school health and related services program. Budgewater’s team requested guidance on making documents accessible. HHSC provided copies of Medically Dependent Children’s program denial letters families receive but the denial letters for IDD waivers are being reviewed. Federal code of regulations dictates language. For accountability purposes, who is available to discuss the appeal process? Rate changes were approved for the Comprehensive Resource Services program. She stated funding from Medicaid goes into general revenue. TEA does not have any stipulations on how revenue is utilized. Auditing occurs in each district.

**Texas Education Agency (TEA)**

Tammy Pearcy noted TEA tracked over 150 bills regarding special education and special populations, including about 106 bills that had potential rule or last minute language changes as Committee Substitutes. She discussed follow up items from the previous meetings. Justin Porter is determining the best way to launch an Accessibility Curriculum Advisory Committee. TAC 230, Chapter C defines ASL training and Audiologic Impairment Certification. This rule becomes available for public review this December. Rider 8 captures braille and other instructional materials for school districts. TEA is launching a support network for the 2019-2020 school year and captioning could be included as discretionary. TEA is drafting quality resources for districts and families highlighting students with mental or behavioral disabilities regarding school safety.

**Texas State Independent Living Council (TxSILC)**

Colton Read gave the report. State Plan for Independent Living (SPIL) sets the parameters and establishes the goals for the provision of independent living services in Texas. During the process of drafting a new three-year SPIL, Administration for Community Living requested the current plan be extended for one year, due July 31. There were difficulties approving the SPIL without a quorum, along with staff changes. The Governor’s Office is working on new appointments to ensure the composition be 51 percent of people with disabilities. Brian White now serves as general counsel and handles legislative and advocacy issues. They discussed funding streams with HHSC and moving Part B funds into base funding. They got a grant to provide virtual services to customers with paralysis in a location of their choice. The majority of unserved population is from northeast Texas. In February, a very successful accessible transportation conference was held in McAllen complete with local participation, including the mayor. SILC is planning their fourth conference for this winter in Galveston.

**Texas Workforce Commission (TWC)**

Claudia Peden discussed the agency’s report and legislation passed during the 86th Session that relates to vocational rehabilitation. TWC is working on improvements to service delivery processes, including a proposed redesign of Brain Injury Services and revisions to support Unemployment Services. The report summarized program initiatives. Pathways to Career, Advise Texas program and HireAbility Navigators provide pre-employment transition services to students with disabilities. Near Peer advisors monitor students in self-advocacy, researching colleges or technical schools and completing applications. TWC hopes to have 2,500 students participate in the Summer Earn and Learn program through competitive integrated employment. Ten colleges and universities are participating in the Explore STEM program. Charting the Course consists of educational and career exploration. All 19 education service centers will offer events in 2019-2020 school year. TWC is expanding the Texas HireAbility campaign to include implementation of an employer recognition strategy.

TWC held an open enrollment to increase the provider base and awareness of services offered in the Older Individuals who are Blind (OIB) program and continue to work on outreach in the community. TWC is reviewing contracts and rates paid for services. OIB is a smaller program ($2 million budget), with 14 workers statewide who may travel to serve the needs of individuals older than 55. It will take greater congressional appropriation to grow the number of caseworkers.

**Discussion of Future Meetings**

MOTION: Member Cano moved to explore Lubbock as the first suggestion for the Committee’s next meeting in the third week of August. The motion was seconded and passed unanimously.

**Adjournment**

Member Rafaty moved to adjourn. The motion was seconded and passed unanimously. Chair Bangor adjourned the meeting at 12:39 p.m.

Submitted by Nancy Van Loan, Recorder

**Follow Up Items**

Judy Telge will provide a copy of the powerpoint she used; staff will forward it to Members and Exofficios.

Dee Budgewater, HHS: requested a copy of Texas Academy of Audiology’s powerpoint and data sources.

Dee Budgewater, HHS: working on rewriting agency Emergency Management protocols and policies and wants to incorporate the lessons from Corpus Christi (Billy Delgado)

Claudia Peden, TWC: Breakdown of board area showing customers participating in Summer Earn and Learn program; List of high schools participating in Advise Texas; and Explore STEM Camps 2019

Tammy Pearcy, TEA: information on SHARS use of funds

Staff to share the Hurricane Harvey After-Action report

Staff provided Corpus Christi Deaf and Hard of Hearing Center a copy of the registration sign in logs.