



Commonwealth of Massachusetts
Office of the State Auditor
Suzanne M. Bump

Making government work better

Official Audit Report – Issued March 28, 2019

Massachusetts Commission for the Blind

For the period July 1, 2016 through December 31, 2017





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Making government work better

March 28, 2019

Mr. David D'Arcangelo, Commissioner
Massachusetts Commission for the Blind
600 Washington Street
Boston, MA 02111

Dear Commissioner D'Arcangelo:

I am pleased to provide this performance audit of the Massachusetts Commission for the Blind. This report details the audit objective, scope, methodology, findings, and recommendations for the audit period, July 1, 2016 through December 31, 2017. My audit staff discussed the contents of this report with management of the agency, whose comments are reflected in this report.

I would also like to express my appreciation to the Massachusetts Commission for the Blind for the cooperation and assistance provided to my staff during the audit.

Sincerely,

A handwritten signature in blue ink, appearing to read "SMB", written over a light blue circular watermark.

Suzanne M. Bump
Auditor of the Commonwealth

cc: Ms. Marylou Sudders, Secretary, Executive Office of Health and Human Services

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LIST OF ABBREVIATIONS

AWARE	Accessible Web-Based Activity and Reporting Environment
CAP	Client Assistance Program
CMR	Code of Massachusetts Regulations
IPE	individualized plan for employment
MCB	Massachusetts Commission for the Blind
RSA	Rehabilitation Services Administration
VR	vocational rehabilitation

EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of the Massachusetts Commission for the Blind (MCB) for the period July 1, 2016 through December 31, 2017. In this performance audit, we examined MCB's administration of its vocational rehabilitation (VR) program.

Below is a summary of our findings and recommendations, with links to each page listed.

Finding 1 Page 11	MCB did not ensure that the information in its Accessible Web-Based Activity and Reporting Environment database was complete.
Recommendations Page 12	<ol style="list-style-type: none">1. MCB should enhance its case-management system to identify VR client case-service records that do not include race.2. MCB should identify and correct all instances where race is not indicated on VR application records.
Finding 2 Page 12	MCB does not have a standard method of tracking certain aspects of its complaint-resolution process.
Recommendations Page 13	<ol style="list-style-type: none">1. MCB should ensure that its staff members properly record all complaints, including informal ones, that it receives as well as the actions taken to address these complaints.2. MCB should establish a way to centrally monitor this information to keep management aware of the nature of the complaints received and ensure that they have been sufficiently addressed in a timely manner.

OVERVIEW OF AUDITED ENTITY

The Massachusetts Commission for the Blind (MCB) was established under Section 129 of Chapter 6 of the Massachusetts General Laws. According to its website, “MCB provides the highest quality rehabilitation and social services to Massachusetts residents who are blind, leading to their independence and full community participation.” People who have low vision and have been diagnosed with progressive visual impairments leading to legal blindness are also eligible to receive vocational rehabilitation (VR) services. MCB partners with local agencies, healthcare providers, employers, and clients’ relatives to provide services, including rehabilitation and social services and vocational assistance, to people in Massachusetts who are legally blind.

MCB has offices in four locations supporting its six service regions in the Commonwealth. MCB’s main office, located at 600 Washington Street in Boston, serves its Greater Boston, Northeast, and Metrowest Regions; its office at 436 Dwight Street in Springfield serves its Western Region; its office at 390 Main Street in Worcester serves its Central Region; and its office at 888 Purchase Street in New Bedford serves its Southeast Region.

As of December 31, 2017, MCB had approximately 137 employees. Its operations are overseen by a commissioner and a five-member advisory board. According to Section 129 of Chapter 6 of the General Laws,

The advisory board shall consist of five persons, qualified by training, experience, or demonstrated interest in the amelioration of the condition of the blind to be appointed by the secretary of health and human services, with the approval of the governor, for a term of five years.

MCB received state appropriations of \$22,243,811 and \$22,419,621 for fiscal years 2017 and 2018, respectively. It received federal appropriations of \$11,445,038 and \$9,553,040 for fiscal years 2017 and 2018, respectively. The table below shows its allocation of state and federal funding.

MCB Appropriations

Appropriation Number	Appropriation Name	Fiscal Year 2017 Budget	Fiscal Year 2018 Budget
State			
41100001	Administration and Program Operations	\$ 1,368,934	\$ 1,327,646
41101000	Community Services for the Blind	4,350,682	4,175,682
41102000	Turning 22 Program and Services	13,183,460	13,575,558
41103010	Vocational Rehabilitation for the Blind	3,340,735	3,340,735
Subtotal		<u>\$22,243,811</u>	<u>\$22,419,621</u>
Federal			
41103021	Vocational Rehabilitation Services Program	\$10,503,238	\$ 8,760,000
41103025	Federal Independent Living Grant—Adaptive Housing	50,000	51,656
41103026	Independent Living Services for Older Blind Individuals	856,800	669,384
41103028	Supported Employment for Individuals with Disabilities	35,000	72,000
Subtotal		<u>\$11,445,038</u>	<u>\$ 9,553,040</u>
Total		<u>\$33,688,849</u>	<u>\$31,972,661</u>

Section 136 of Chapter 6 of the General Laws requires vision professionals to report people who are diagnosed as legally blind¹ to MCB within 30 days of their diagnoses. A person who is diagnosed as legally blind may request a Certificate of Legal Blindness from MCB to verify that they are registered. A copy of the certificate is necessary to apply for state and federal tax exemptions, automobile excise tax exemptions, and disabled license plates and parking placards, as well as for other identification purposes. As of December 31, 2017, there were 26,976 people who were legally blind registered with MCB.

VR Program

VR programs are designed to give people who have disabilities the rehabilitation and social services they need to find and retain employment. Applicants for MCB’s VR services must be referred to MCB by optometrists or ophthalmologists, since eligibility is determined in part by their examinations. If a submitted report of a person’s legal blindness is accurate and complete, MCB registers the person and

1. MCB’s website defines legal blindness as “vision with correction of 20/200 or less in the better eye; or peripheral field of ten degrees (10°) or less, regardless of visual acuity.”

refers them to the appropriate VR regional director, who assigns a VR counselor to introduce the person to the VR program and conduct an initial screening.

After the initial screening, the person may apply for services. According to MCB's website,

To be eligible for MCB VR services, a person must meet the following criteria: the person must have a disability of legal blindness which for that person constitutes or results in a substantial impediment to employment; the person must require VR services to prepare for, secure, retain, or regain employment; and there must be a determination that the person can benefit in terms of an employment outcome from VR services.

A VR counselor is required to determine a person's eligibility for VR services within 60 days after they apply. If eligibility is denied, the applicant has the right to appeal the decision (see the "Complaint-Resolution Process" subsection of this report).

Eligible people may receive a wide range of services based on their individualized plans for employment (IPEs), which must be developed as soon as possible after the eligibility determination and no later than 90 days after. The IPE is a collaborative effort that involves the consumer and MCB counselor. It is intended to establish an appropriate employment objective that takes into consideration physical and mental limitations and to identify the nature and scope of services required to attain the objective. The IPE is used throughout the person's involvement with the VR program to periodically monitor their progress toward the established goals and may be amended at any time as situations warrant.

VR services are available to eligible candidates; services include VR counseling and guidance, independent living skills education, job exploration, workplace readiness training, self-advocacy education, and assistive-technology training (e.g., training on keyboarding skills, screen-reading software, and computerized speech systems). Other available training services include college or university, occupational/vocational, on-the-job, job readiness, and disability-related skill training, as well as career services such as job-search assistance and on-the-job support. Transportation services and reimbursement of reader and interpreter fees may be provided under certain circumstances.

Pre-employment transition services are available to any student age 14–21 (up to their 22nd birthday) who has a documented disability. People who are not legally blind and are not registered with MCB can receive pre-employment transition services if MCB considers them potentially eligible for VR services. Pre-employment transition services include job exploration counseling, work readiness training, work-

based learning experiences, counseling in post-secondary education, and self-advocacy. They are primarily provided by vendors under contract with MCB.

Once the VR participant is ready for job placement, they must be actively involved in the process. Consumers work with MCB employment specialists to find job placement opportunities in both the private and public sectors. Employers have included banks, hospitals, and schools. In addition, consumers who need ongoing assistance can access MCB's consumer-supported employment services. After employment, MCB monitors the consumer's progression and satisfaction for a period of 90 days before finalizing the case.

Accessible Web-Based Activity and Reporting Environment Case-Management System and Database

MCB maintains a case-management system called Accessible Web-Based Activity and Reporting Environment (AWARE), which has a central database of information on the population of people in Massachusetts who are legally blind. The information maintained in AWARE is essential to statistical research at the state and national levels. As of December 4, 2017, all VR case-service records were transferred from the MCB legacy case-management system (System 7) to AWARE. AWARE retains a comprehensive history of clients involved with the VR program from registration through exit, whether or not it obtained employment for them. AWARE automates all Rehabilitation Services Administration² (RSA)–mandated reports.³

Case Service Report

MCB is required by the federal Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act, to submit quarterly and annual Case Service Reports to RSA. The reports collect data regarding VR participants from their VR service records. The data elements collected from the Case Service Report are necessary to evaluate the state's VR program performance. There are 393 data elements, each representing a specific reporting requirement, such as the participant's sex, race, veteran status, date of application, date of birth, training services, credential attainment, employment status, or income earnings.

2. RSA is an agency within the US Department of Education's Office of Special Education and Rehabilitative Services. It is the federal oversight agency for the VR program.

3. VR agencies are required to periodically report to RSA on matters including caseload, finances, appeals, and other program performance measures.

Before submitting its Case Service Reports, MCB uses an edit check application provided by RSA to ensure the accuracy of the data reported. According to RSA's Policy Directive 16-04,

RSA maintains and provides a comprehensive edit check table to agencies. . . . The table details, by data element, the edit checks required to ensure the integrity of data submissions. . . . Each data submission is analyzed to determine whether the data is consistent with the edit checks. Data submissions that fail to pass the edit check are returned to the VR agency for correction and resubmission. . . .

VR agencies are responsible for ensuring that any data submitted conforms to edit check and data submission requirements.

Complaint-Resolution Process

Informal Complaint-Resolution Process

Consumers have the right to file complaints if they are dissatisfied with their services or disagree with any decision made by MCB staff members that affects VR services. MCB uses case conferences and administrative reviews to resolve complaints informally. The goal of the case conference, which is the first step of the informal complaint-resolution process, is to identify, clarify, and resolve a consumer's dissatisfaction without conducting a formal hearing. The second step, administrative review, is a meeting organized by MCB's deputy commissioner within 15 days of the case conference. This review includes a panel made up of three people who have had no direct involvement with the issue under consideration. The panel is appointed by the deputy commissioner, who, whenever possible, is one of the three members. The consumer, their representative, and the involved MCB employee also participate in the review. The panel is charged with examining the relevant information of the case and making a decision on the matter. MCB's deputy commissioner must issue the panel's decision letter to the consumer within 10 days after completion of the administrative review.

Formal Complaint-Resolution Process

If the consumer is not satisfied with the decisions made during the case conference and administrative review, they may appeal within 30 days to request mediation, a fair hearing, or judicial review. Mediation, which is the first step of the formal complaint-resolution process, is conducted by a trained, impartial, and qualified mediator chosen and paid for by MCB. All agreements reached during mediation must be in written form. If the parties do not reach an agreement, the consumer can pursue the second step: a fair hearing. A fair hearing is held before an

impartial hearing officer and includes the consumer and/or their representative. According to Section 1.10(2) of Title 111 of the Code of Massachusetts Regulations, MCB employees may “appear and present relevant information orally or in writing, examine witnesses and present arguments relevant to” the hearing. Decisions are made solely by the impartial hearing officer. MCB’s commissioner may not overturn or modify any decision that supports the consumer’s position, unless that decision is contrary to state law, federal law, or agency policy and procedure. If the consumer is not satisfied with the decisions made through the fair hearing, they can pursue the final step, judicial review, by filing a complaint with the Superior Court in the county where the consumer or their principal business is located or in Suffolk County.

Client Assistance Program

Additionally, the Massachusetts Office on Disability maintains and administers a Client Assistance Program (CAP) to independently advocate for VR-service consumers. If a consumer disagrees with a decision made by MCB, is not satisfied with the delivery of VR services, or has questions regarding their rights, they may contact CAP to evaluate the issue. CAP works independently but may reach out to VR representatives to negotiate and communicate on behalf of the consumer or to represent the consumer during an informal and/or formal dispute resolution.

AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of the Massachusetts Commission for the Blind (MCB) for the period July 1, 2016 through December 31, 2017.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Below is our audit objective, indicating the question we intended our audit to answer, the conclusion we reached regarding the objective, and where it is discussed in the audit findings.

Objective	Conclusion
1. Does MCB ensure that vocational rehabilitation (VR) program information in its client case management system, Accessible Web-Based Activity and Reporting Environment (AWARE), is complete and accurate?	Partially; see Findings <u>1</u> and <u>2</u>

To achieve our audit objective, we gained an understanding of the internal control environment by reviewing MCB's internal control plan and applicable laws, regulations, and agency policies and procedures, as well as conducting interviews with MCB staff members and managers. We tested the design and effectiveness of controls we determined to be relevant to our audit objective over the annual review of the standards, performance indicators, and edit check of the Rehabilitation Services Administration (RSA). Additionally, we performed the following procedures.

To obtain an understanding of MCB's process for tracking consumer satisfaction with its VR program, we interviewed MCB management to determine how MCB tracks consumer complaints. We also sent surveys to the six MCB regional directors to determine how VR consumers' complaints about VR service delivery are recorded in each case-service record.

RSA requires that VR eligibility determinations that take more than 60 days from the time of application be explained in the case files and include evidence that consumers have agreed to the delay. To determine whether MCB complied with this requirement, we selected a judgmental sample of 7 of 13

consumers whose eligibility determinations took more than 60 days and reviewed their case files to determine whether the causes for, and consumers' agreement to, the delays were appropriately documented.

We determined the reliability of controls in AWARE by performing interviews with MCB's AWARE database administrator and policy consultant and testing certain general information technology controls over account management, security training and identification, and authentication policies and procedures. Further, we verified the functionality of various application controls in AWARE, including signature requirements and completion of required fields.

We extracted and reviewed consumer demographic data from AWARE. In reviewing the data, we noted that the information on how citizens were referred to the VR program indicated that most were "self-referrals" rather than the expected "physician referrals." We brought this matter to the attention of MCB management, who told us that when information on MCB cases was imported from MCB's legacy system (System 7) to AWARE, AWARE defaulted to indicating that all consumers were self-referred even when the referrals had come from their physicians. Additionally, in reviewing the data, we noted many instances where a required data field indicating the consumer's race was missing (null values⁴), which raised concerns about the integrity of the information in AWARE.

To determine the number of null value errors that may have occurred when MCB transferred its case information from System 7 to AWARE, we obtained from MCB a copy of a Case Service Report dated December 1, 2017 (before the data transfer on December 4, 2017), compared the information on this report to a Case Service Report generated by MCB on December 31, 2017 (after the transfer), and identified any changes in null values.

To further assess the integrity of the data, we selected a nonstatistical random sample of 40 of the 416 VR cases in AWARE with application dates that were within our audit period and before the data import from System 7 on December 4, 2017. We then identified five RSA-required fields within our sample that we expected would be the same both before and after AWARE was implemented (application date, birth date, gender, race, and referral source) and compared the information in these data fields in AWARE to the corresponding information in System 7.

4. Null values are data fields that are blank, are not completed, or do not have information available.

We also traced federal fiscal year 2017 applicant data from AWARE to the federal fiscal year 2017 applicant data reported by MCB (as part of its mandated reporting to RSA) and to the federal fiscal year 2017 applicant data in System 7.

Whenever sampling was used, we applied a nonstatistical sampling approach, and as a result, we could not project our results to the entire population.

DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE

1. The Massachusetts Commission for the Blind did not ensure that the information in its Accessible Web-Based Activity and Reporting Environment database was complete.

For 103 of 1,048 open case-service records in the Massachusetts Commission for the Blind's (MCB's) Accessible Web-Based Activity and Reporting Environment (AWARE) database as of the end of our audit period, the client's race was not indicated. The information in this database, including each person's race, is used by MCB to produce its Case Service Report. The Case Service Report is used by the Rehabilitation Services Administration (RSA), an agency within the US Department of Education's Office of Special Education and Rehabilitative Services, to describe vocational rehabilitation (VR) program performance in the *Report on Federal Activities under the Rehabilitation Act of 1973, as Amended* that it provides to Congress and the President. According to RSA, states that do not meet a minimum minority service ratio of 0.80,⁵ or that provide VR services to fewer than 100 consumers from minority backgrounds with disabilities, are required to develop procedures to improve equal access. Inaccurate race information can affect the accuracy of MCB's calculated minority service rate ratio and affect its ability to administer this program properly.

Authoritative Guidance

According to Section 1 of the *Reporting Manual for the Case Service Report (RSA-911)* issued by RSA,

It is incumbent on VR agencies to establish policies and procedures that ensure the accurate collection, retention, and timely reporting of all data.

Section IV of the *Reporting Manual for the Case Service Report* states,

The data elements contained in this section are to be reported for each individual who has submitted an application to receive services under the VR program during the quarter. . . . Race information should be recorded for all individuals whose service records were opened in the quarter being reported.

5. According to the *Rehabilitation Services Administration Report for Fiscal Years 2014–15, Report on Federal Activities under the Rehabilitation Act of 1973, as Amended*, dated April 2018, the "minority service rate ratio is the ratio of the percentage of individuals from minority backgrounds exiting the [VR] program who received services to the percentage of nonminorities exiting the program who received services."

Reasons for Noncompliance

The RSA system edit checks used by MCB are not designed to report an error when a person's race is not indicated; therefore, these errors went undetected. Further, MCB does not have any policies and procedures that require its staff members to monitor and periodically assess the accuracy of the information in AWARE and to take measures to correct inaccurate or incomplete information.

Recommendations

1. MCB should enhance its case-management system to identify VR client case-service records that do not include race.
2. MCB should identify and correct all instances where race is not indicated on VR application records.

Auditee's Response

The migration to the new Case Management System AWARE from the old legacy database caused discrepancies in data fields. Because of this finding, MCB's internal data team has made a fix to ensure that blank race fields are not an option going forward and is correcting all instances where race is not indicated on VR application records.

Auditor's Reply

Based on its response, MCB is taking measures to address our concerns in this area.

2. MCB does not have a standard method of tracking certain aspects of its complaint-resolution process.

MCB does not track any complaints it receives from constituents, regarding dissatisfaction with its services or disagreements with decisions made by MCB staff members, that are resolved through MCB's informal complaint-resolution process. MCB only tracks complaints that reach the RSA-mandated reporting level.⁶ Five of the six regional directors with whom we inquired stated that they documented informal complaints in the case notes in each consumer's file. However, there is no formalized process to ensure that all complaints of this nature are properly recorded and addressed. Additionally, there is no central system to aggregate and monitor these complaints, so process deficiencies could go undetected. As a result, there is inadequate assurance that all complaints received by MCB regarding VR program dissatisfaction are tracked, reviewed, and properly addressed.

6. MCB must report requests for mediation and fair hearings, as well as judicial review filings, to RSA.

Authoritative Guidance

According to Section 1.01 of Title 111 of the Code of Massachusetts Regulations (CMR), the purpose of 111 CMR 1 is “to provide an orderly system for review of [MCB] action where applicants for or recipients of services are dissatisfied with delivery or denial of such services.” To meet the requirements of this regulation, MCB should have policies and procedures in place to ensure that all complaints received by the commission are properly addressed and documented.

Reasons for Noncompliance

According to MCB management, MCB does not maintain this information because it is only required to report complaints that reach the RSA-mandated reportable level. MCB management stated that the decision of how to record and resolve any complaints below that level rests with the caseworkers.

Recommendations

1. MCB should ensure that its staff members properly record all complaints, including informal ones, that it receives as well as the actions taken to address these complaints.
2. MCB should establish a way to centrally monitor this information to keep management aware of the nature of the complaints received and ensure that they have been sufficiently addressed in a timely manner.

Auditee's Response

MCB agrees that although many of the complaints were solved and noted in the case notes, there was no formal tallying. MCB has built a spreadsheet with pertinent fields to track complaints and has issued a memo to VR staff on how to track service complaints using this central service complaints spreadsheet.

Auditor's Reply

Based on its response, MCB is taking measures to address our concerns in this area.