



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

Making government work better

Official Audit Report – Issued December 16, 2022

Massachusetts Commission for the Blind

For the period January 1, 2020 through December 31, 2021





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

Making government work better

December 16, 2022

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

Dear Mr. D'Arcangelo:

I am pleased to provide this performance audit of the Massachusetts Commission for the Blind. This report details the audit objectives, scope, methodology, findings, and recommendations for the audit period, January 1, 2020 through December 31, 2021. 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

TABLE OF CONTENTS

| | |
|--|----------|
| EXECUTIVE SUMMARY | 1 |
| OVERVIEW OF AUDITED ENTITY | 2 |
| AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY | 5 |
| DETAILED AUDIT FINDINGS WITH AUDITEE’S RESPONSE..... | 7 |
| 1. The Massachusetts Commission for the Blind was missing documentation from some of its vendor files. . | 7 |
| 2. MCB did not perform biannual performance evaluations of all of its vendors and their facilities and did not issue warning letters to those vendors that did not pass. | 8 |

LIST OF ABBREVIATIONS

| | |
|----------|--|
| CMR | Code of Massachusetts Regulations |
| COVID-19 | 2019 coronavirus |
| MCB | Massachusetts Commission for the Blind |
| VFP | Vending Facility Program |

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 January 1, 2020 through December 31, 2021. The purpose of this audit was to determine whether MCB trains and then licenses vendor applicants for the Vending Facilities Program (VFP) and performs biannual evaluations of licensed operating vendors in VFP. We expanded the scope of our review to include evaluations performed in calendar year 2019 (before the audit period and the 2019 coronavirus pandemic).

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

| | |
|---|---|
| Finding 1 Page 7 | MCB was missing documentation from some of its vendor files. |
| Recommendation Page 8 | MCB should develop documentation requirements and related policies and procedures for its VFP. It should also develop monitoring controls to ensure that its staff members adhere to these policies and procedures. |
| Finding 2 Page 8 | MCB did not perform biannual performance evaluations of all of its vendors and their facilities and did not issue warning letters to those vendors that did not pass. |
| Recommendations Page 9 | <ol style="list-style-type: none">1. MCB should complete vendor facility performance evaluations, send warning letters, and conduct reinspections.2. MCB should develop written policies and procedures, including a monitoring component, regarding completing performance evaluations of its vendors' facilities, sending warning letters, and conducting reinspections. |

OVERVIEW OF AUDITED ENTITY

The Massachusetts Commission for the Blind (MCB) was established under Sections 129–149 of Chapter 6 of the Massachusetts General Laws. According to MCB’s website, “MCB provides the highest quality rehabilitation and social services to Massachusetts residents who are blind, leading to their independence and full community participation.” MCB also partners with local agencies, healthcare providers, and employers to provide services, including rehabilitation, social services, and vocational assistance, to people in Massachusetts who are legally blind.¹ People who have low vision and have been diagnosed with progressive visual impairments leading to legal blindness are also eligible to receive vocational / rehabilitation services through MCB’s partner agencies.

MCB has offices in two locations to support its six service regions in the Commonwealth. MCB’s offices are at 600 Washington Street in Boston and 436 Dwight Street in Springfield.

As of December 31, 2021, MCB had approximately 129 employees. The commissioner of MCB oversees agency operations and meets monthly with a five-member advisory board described in Section 129 of Chapter 6 of the General Laws as follows:

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 \$25,747,578 and \$26,552,598 for fiscal years 2020 and 2021, respectively. It received federal appropriations of \$8,452,576 in each of these fiscal years as well. The table below shows its allocation of state and federal funding.

| Appropriation Number | Appropriation Name | Fiscal Year 2020 Budget | Fiscal Year 2021 Budget |
|----------------------|--|-------------------------|-------------------------|
| State | | | |
| 41100001 | Administration and Program Operations | \$ 1,513,345 | \$ 1,513,379 |
| 41101000 | Community Services for the Blind | 7,174,905 | 7,799,905 |
| 41102000 | Turning 22 Program and Services | 13,900,808 | 14,080,794 |
| 41103010 | Vocational Rehabilitation Services for the Blind | 3,158,520 | 3,158,520 |
| Subtotal | | <u>\$ 25,747,578</u> | <u>\$ 26,552,598</u> |

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.”

| Appropriation Number | Appropriation Name | Fiscal Year 2020 Budget | Fiscal Year 2021 Budget |
|----------------------|---|-------------------------|-------------------------|
| Federal | | | |
| 41103021 | Vocational Rehabilitation Services Program | \$ 7,750,000 | \$ 7,750,000 |
| 41103026 | Independent Living Services for Older Blind Individuals | 650,000 | 650,000 |
| 41103028 | Supported Employment for Individuals with Disabilities | 52,576 | 52,576 |
| Subtotal | | <u>\$ 8,452,576</u> | <u>\$ 8,452,576</u> |
| Total | | <u>\$ 34,200,154</u> | <u>\$ 35,005,174</u> |

Section 136 of Chapter 6 of the General Laws requires vision professionals, such as optometrists, to provide a report of Commonwealth residents who, after examination, are diagnosed as legally blind 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 with MCB. A copy of the certificate may be 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 purposes. As of December 31, 2021, there were 24,177 people registered as legally blind with MCB.

Randolph-Sheppard Act

The federal Randolph-Sheppard Act, Chapter 6A of Title 20 of the United States Code, gives priority to trained and licensed legally blind individuals to operate vending facilities, such as cafeterias, snack bars, and vending machines, on federal and certain other property.

Massachusetts has adopted a similar law called the Mini-Randolph-Sheppard Act, which is codified in Sections 133–133F of Chapter 6 of the General Laws and Section 3 of Title 111 of the Code of Massachusetts Regulations (CMR). This broadened the federal act to include state, county, and municipal locations.

Vending Facilities Program

According to MCB’s website,

The MCB Vending Facilities Program, which operates under the federal Randolph-Sheppard Act, prepares individuals who are legally blind for a . . . career in concession management.

Vending Facilities are located in federal and state buildings. Currently, the majority are in Boston and the surrounding area.

Through its Vending Facilities Program (VFP), MCB recruits, trains, licenses, and places people who are legally blind to work at vending facilities on federal, state, and certain other properties. Vending facilities include newsstands, snack bars / coffee shops, and cafeterias.

MCB is required to conduct performance evaluations of vendors participating in VFP and their facilities. These performance evaluations serve as a mechanism to assess vendors and their facilities in accordance with 111 CMR 3. MCB uses a Vending Facility Evaluation Form that was created by MCB's VFP director. A staff member for MCB's VFP conducts these performance evaluations in person. Evaluations are based on 100 points and are scored in five categories: stand cleanliness, food handling and sanitary procedures, products and merchandise, management efficiency, and business practices. Evaluation scores are calculated by adding together the scores received in these five categories. MCB hand delivers a copy of the performance evaluation to the vendor within 30 days of completion. Vendors that receive a score of at least 75 out of 100 receive a passing grade and require no further action. If a vendor receives a failing grade of 74 or less, MCB issues a warning letter that specifies the violation/s and a date by which corrections or improvements must be made. If vendors have not corrected identified violations and/or obtained a passing reevaluation by the specified date, or if MCB issues three or more warning letters to the vendor during any 12-month period, MCB reserves the right to suspend or revoke the vendor's license.

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 certain activities of Massachusetts Commission for the Blind (MCB) for the period January 1, 2020 through December 31, 2021. We expanded the scope of our review to include evaluations performed in calendar year 2019 (before the audit period and the 2019 coronavirus [COVID-19] pandemic).

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 a list of our audit objectives, indicating each question we intended our audit to answer; the conclusion we reached regarding each objective; and, if applicable, where each objective is discussed in the audit findings.

| Objective | Conclusion |
|---|---------------------------------|
| 1. Does MCB license and train applicants to the Vending Facilities Program (VFP) in accordance with Sections 3.04, 3.05, and 3.06(6) of Title 111 of the Code of Massachusetts Regulations (CMR)? | No; see Finding <u>1</u> |
| 2. Does MCB perform routine evaluations of the vendors and their facilities in VFP as required by 111 CMR 3.11 and 3.12(2)? | No; see Finding <u>2</u> |

To achieve our objectives, we gained an understanding of the internal controls we determined to be relevant to the objectives by reviewing MCB's policies and procedures, as well as conducting interviews with MCB staff members and management.

To determine whether MCB licenses and trains VFP applicants in accordance with 111 CMR 3.04 and 3.05, and whether each vendor provided a signed agreement to MCB in accordance with 111 CMR 3.06(6), we reviewed all 28 (100%) of the hardcopy vendor files of vendors that were active during the audit period. We determined whether there was written documentation that each vendor had successfully completed

VFP's initial training course; and whether there was a written, dated license issued for each vendor during the audit period.

To determine whether MCB performs routine evaluations of the vendors and their facilities biannually, as required by 111 CMR 3.11, and follows up with evaluation scores of less than 75, as required by 111 CMR 3.12(2), we reviewed all 28 of the hardcopy vendor files. During our review of the files, we noted that MCB completed only one evaluation during the audit period. We expanded the scope of our review to include evaluations performed in calendar year 2019 (before the audit period and the COVID-19 pandemic) that were included in the vendors' files to determine whether MCB performed evaluations twice a year. We reviewed these evaluations and vendor files to determine whether each vendor received a passing score of 75 or more and, if not, whether there was written evidence of follow-up for corrective action taken by MCB VFP staff members in the vendor files.

DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE

1. The Massachusetts Commission for the Blind was missing documentation from some of its vendor files.

The Massachusetts Commission for the Blind (MCB) was missing documentation from some of its vendor files that was necessary to determine whether vendors were eligible to participate in MCB's Vending Facilities Program (VFP). We determined that 4 of the 28 hardcopy vendor files, for vendors that were active during our audit period, did not have documentation supporting the vendors' completion of required training and licensing. Additionally, 3 vendor files did not have formal written vendor agreements with MCB, and 2 vendor files did not have the documentation regarding required training and licensing or formal written vendor agreements.

Without this documentation, there is a higher-than-acceptable risk that the nine vendors associated with these files were ineligible to participate in VFP.

Authoritative Guidance

According to Section 3.04(1) of Title 111 of the Code of Massachusetts Regulations (CMR),

The Commission shall issue a license for an indefinite period of time but subject to suspension or revocation to each qualified applicant who has successfully completed the appropriate training program as required by the Director, which license shall specify whether the licensee is authorized to operate a vending machine stand and/or . . . dry stand and/or cafeteria.

Additionally, according to 111 CMR 3.06(6), "Acceptance [into VFP] shall be indicated by delivering a signed vendor's agreement to the Commission."

Reasons for Noncompliance

MCB officials offered various reasons that this documentation might be missing from these vendor files, such as the documents may not have been filed or were misfiled and the person responsible for performing the evaluations left MCB employment in February 2020. In addition, MCB does not have policies and procedures, including a monitoring component, regarding documentation of its VFP process.

Recommendation

MCB should develop documentation requirements and related policies and procedures for its VFP. It should also develop monitoring controls to ensure that its staff members adhere to these policies and procedures.

Auditee's Response

The MCB agrees with this recommendation. The MCB VFP has begun the process of updating and developing policies, and procedures to include monitoring governing the operation of the VFP.

Specific to this finding, the program is redesigning the vendor files, going forward to include sections on Eligibility, Training and Licensure, Evaluations, and Correspondence. The file will contain all required documentation in each section and will be reviewed for accuracy and completeness by the VFP Director before the proposed vendor is deemed eligible when entering the program and/or after license suspension as a result of failure to correct issues raised in warning letters or complaints of the site-grantor or public. After review, if satisfied, the Director of the VFP will issue a written notice that the proposed participant meets all program requirements to run a vending facility. The Director will review with all program staff all files at a minimum of biannually for compliance. Throughout the process, major policy decisions and procedures, per the regulations will be shared with the Elected Committee of Blind Vendors for comment and/or recommendation and changes.

The Director's Manager will monitor the VFP staff compliance with policies and procedures on a quarterly basis.

Auditor's Reply

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

2. MCB did not perform biannual performance evaluations of all of its vendors and their facilities and did not issue warning letters to those vendors that did not pass.

During our test period (calendar years 2019, 2020, and 2021), MCB did not perform 51 (73%) of the required 70 biannual performance evaluations of its vendors and their facilities. In fact, MCB had not conducted a single performance evaluation of eight vendors and their facilities for the three calendar years under review. Further, MCB did not send warning letters to any of the three vendors that, during our test period, had not passed their performance evaluations, nor did MCB reinspect these three vendors' facilities to determine whether the violations MCB identified had been corrected.

As a result, MCB cannot ensure that these vendors' facilities are maintained in accordance with MCB's health and safety quality standards.

Authoritative Guidance

According to 111 CMR 3.11(2), "Each facility shall be evaluated at least twice per calendar year, and on such occasions as the Commission may deem appropriate."

A vendor without a passing score should be informed, according to 111 CMR 3.12(2), in the following way:

Without a passing score on his or her performance evaluation, [MCB] shall issue a letter of warning to the vendor specifying the violation and/or the performance score, setting a date by which same must be corrected or improved, and informing the vendor of his or her rights. . . . The Commission may suspend or revoke the vendor's license if the violations have not been corrected and/or the performance evaluation score made adequate by the specified date, or if three or more warning letters are issued to the vendor during any 12 month period.

Reasons for Noncompliance

MCB senior management told us that performance evaluations and, if required, warning letters were not sent and reinspections were not conducted, during the audit period because of the 2019 coronavirus (COVID-19) pandemic. However, as our audit testing indicated, MCB did not complete these performance evaluations, or send these warning letters, before the COVID-19 pandemic. MCB did not have policies and procedures, including a monitoring component, to ensure that it completes performance evaluations of its vendors and their facilities and, when applicable, sends warning letters and conducts reinspections of the facilities, in accordance with state regulations.

Recommendations

1. MCB should complete vendor facility performance evaluations, send warning letters, and conduct reinspections.
2. MCB should develop written policies and procedures, including a monitoring component, regarding completing performance evaluations of its vendors' facilities, sending warning letters, and conducting reinspections.

Auditee's Response

MCB agrees with this recommendation. The MCB VFP Director joined MCB at the end of December 2021. He is in the process of updating and developing policies and procedures for the operation of the program to include vending facility evaluations. The VFP Director has updated and redesigned the facility performance evaluation form and has been conducting ongoing, onsite inspections. The

27 Vending facility stands in the program closed due to COVID-19 in March 2020. Three stands opened during 2020. Eight more stands have reopened since late 2021, most in the last couple of months. The program director and VFP staff member have conducted at least 8 inspections of open stands. All vendors passed inspection. Remaining stands will be inspected by the end of the year. The MCB VFP will determine [the] dates [on which] the second . . . inspections of those stands that have passed will be conducted to ensure biannual inspections occur per the regulation.

In the event that a facility receives a score below the accepted minimum on evaluation, the MCB VFP will send a warning letter per the regulations to the vendor describing the issues and identifying the required time period to make the corrections. A date will be set for the follow-up re-inspection and a written report will be added to the vendors file and copied to the vendor with adherence to the regulation until the issue is resolved or determinations regarding actions of suspension or revocation are examined. The MCB Director will alert his Manager and the Elected Committee of Blind Vendors.

The Manager of the VFP will monitor compliance with the VFP policies and procedures including evaluations and any actions taken as a result on a quarterly basis.

Auditor's Reply

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