# Massachusetts Commission for the Blind

# Rehabilitation Council Minutes

# For June 6, 2018

The quarterly Meeting of the Massachusetts Commission for the Blind Rehabilitation Council was called to order by Chair Bruce Howell at 10:00 a.m.

## Attendance

In person: Bruce Howell; Commissioner Paul Saner; Deputy Commissioner John Oliveira; Joe Buizon (MCB); Mary Otiato (MCB); DeAnn Elliott: Darren Black (MCB); Naomi Goldberg; Richard Curtis (arrived at 10:20 AM); Jill Weinberg; Jerry Barrier; Cory Kadlik; Lydia Green; Nora Nagle (acting as secretary)

By Phone: Nancy Mader; Chuck Curti

Absent: Karen McCormack

## Minutes Approval

Acting Chair, Bruce Howell asked if anyone had any changes to the April 18 RC Minutes. No changes were raised and the April 18 minutes were unanimously accepted.

## Commissioner’s Report

### State FY 2019 budget

The State Budget is in its third and final phase, Joint Conference Committee. MCB’s Community Services account 4010-1000-line item will be part of Conference Committee deliberations.

In April, Ways and Means had no incremental funding for the community services account. VR has been subsidizing social rehab.

An Amendment was filed by Reps. Donato and Scibak, along with 50 other co-sponsors to add 1.55m which would make up operating deficit. Despite house support, it did not pass.

In May the Senate Ways and Means added 1.85 m to MCB which included 300K for Assistive Technology training services. An additional $350K earmark for the Talking Information Center was added via an amendment.

That is why it is a Conference Committee this month. They will work out the differences between the two budgets.

The legislature usually concludes its work by end of June. The FY 19 budget is usually finalized just after July 4.

The MCB Executive team continues to look for savings opportunities. There have been cuts that impact consumers, but the agency continues to look for incremental ways to save. Some vacant positions in SR and VR have been left open. Budget forecasting has been refined. An FY 19 budget has been created. If the assistive technology provision is carefully managed, and 1.55m gets funded by the legislature, an Order of Selection (OOS) plan could be avoided for 3 years or longer. If not, MCB will run out of cash during FY 20. MCB Executive staff continues working with the OOS subcommittee of the Rehabilitation Council very closely, just in case an Order of Selection plan needs to be recommended for FY20.

### RSA Monitoring Report

The 2017 Monitoring report draft came in, and MCB’s response is due to RSA by June 14. The draft was over 100 pages. After the report is finalized, it will be posted to the RSA website.

MCB had no observations. There were anticipated fiscal findings, with the most significant being Labor Distribution. Mary Otiato has been watching the other state units’ reports and their responses. There are some states that were very emotional in their responses, pushing back on RSA findings and observations. MCB’s instincts are to turn the other cheek when as an example RSA referenced "numerous fiscal policy not being current when in fact that was for only, 6 of 86 plans.

Based on the 2017 report, MCB did far better than other state units on the program side. The only program finding which was RSA mandating that MCB and MRC have the same age of entry, which should be rolled back to MCB’s original age of 14. MCB already went back to 14 in the fall, so this is all set.

The labor distribution finding was not a surprise. This was a finding going back to 2009 when MCB was last monitored. MCB has been lining up for the past 3 years to do a time-based labor distribution system, which couldn’t be implemented until the Agency had reduced its staff being paid out of the VR accounts. MCB sent an internal control plan draft last October just after the monitoring, which RSA has approved. MCB is now training staff and is in a position to implement this system in first pay period of FY 19.

RSA also requires MCB to cease using VR funds for social rehab. MCB uses state, not federal VR funds currently. MCB has been asked to restate the agency’s financial filings for the years FY 14-16, which is the period covered by the monitoring report. There is no practical or accurate way for MCB to go back an restate these filings. MCB would need retroactive data to show how people would have been time allocated. MCB has therefor concluded that this is not a viable path and it is the Commissioner’s intent to indicate in the MCB response that MCB can’t comply with this request.

There was also a finding regarding the requirement to seek prior approval for certain expenditures. Guidance from RSA is still evolving on this matter. Some guidance was released at conferences earlier in the year. MCB has already successfully sought prior approvals for some purchases. MCB administration is confident that MCB will be able to continue to comply with these requirements going forward.

No other significant issues remain, other than getting revised internal control plans approved by RSA. The revised policies were sent to RSA last October and MCB is still waiting for approval. Hoping to get response on this prior to submitting MCB’s response to the RSA draft on June 14.

RSA also expressed concern about funds being sent to the One-Stop Career Centers. Each center is to use MCB funds to update their equipment to improve accessibility. RSA did not like MCB “losing control of the funds” but it was determined that current process is not illegal and both MCB and MRC can continue. RSA said that MCB wasn’t adequately involved in the negotiations of the amounts given to each career center. Currently each One Stop gets $4,100. As a result, MCB is now encouraging their Regional Directors to speak to each career center; look at utilization of the AT and services during the 2nd year of the agreement. They will look at which centers got traffic, how much, etc. They will use those figures and other factors to determine how much funding will be allocated in the future. Directors will help to determine the amount that each One Stop will receive. The first year we focused on AT, but now funding will be based on utilization data. MCB will be urging its partners and counselors to encourage use of those One Stop facilities. Continuing the current funding transfer system saves a lot of paperwork and time.

Commissioner Saner expressed that he is extremely proud of his Fiscal and Program Executive Team. He specifically mentioned the “Visions of collaboration” conference, at which he asked attendees to give John Oliveira, Mary Otiato and Tricia Hart who were present a round of applause.

RC Chair, Bruce Howell, thanked Commissioner Saner for the updates and echoed gratitude for executive staff and their hard work. He expressed appreciation for the factual approach being taken in response to the RSA draft report and an appreciation for MCB demonstrating a desire and willingness to use and help the one stops.

Naomi Goldberg asked:

What are the types of expenditures where prior approval is required?

Commissioner Saner replied that certain expenditures in excess of 5K requires such prior approval. Examples of previously approved expenditures was $223K for annual cost to maintain the new case management system. RSA also wanted to know how the expenditure would be funded by each grant. It was approved. Another case where prior approval was successfully sought was a braille note taker for a client. Payment for Carroll Center services or tuition assistance do not require such prior approval.

Naomi Goldberg also asked:

If MCB tells RSA that financial reports for the last three years cannot be restated, is there a chance there will be any adverse repercussions?

Commissioner Saner ran this by the national Council of state agencies for the blind (NCSAB), but we are still unsure. RSA has already given technical assistance. They may decide to give more. They may require MCB to hire an auditor. The Commissioners has already me with the CFO and General Counsel to start anticipating this. It is important to note that State VR not Federal VR is now being used to pay for SR salaries, a change since 2013.

## OOS Subcommittee

Bruce Howell indicated that the OOS subcommittee has met twice; once in April and once in May. John Oliveira, Paul Saner, Mary Otiato and Trisha Hart were helpful in researching RSA requirements on this subject, as well as what other states are doing.

Massachusetts still has great uncertainty about the FY 19 budget. It will have a huge impact on whether, or when, an OOS will be implemented. No one felt that it would be prudent to wait to create a policy. The subcommittee members wanted to understand available choices, such as the use of functional limitations and how many priority categories would work best. Some states have up to five categories instead of three. The research has been a real process.

At first, the committee thought we could create a plan and submit to RSA in order to get it pre-approved. Now the committee believes that we cannot submit a proposal until implementation is necessary. While we hope we never have to put an OOS policy in place, preparing is the prudent thing to do. We can’t cut or ration services to any VR client being served. The agency needs to provide all of the services that an eligible consumer needs. The people in the highest category should get everything they need to succeed rather than limiting what all clients get to reduce overall costs.

One policy that was examined belongs to the Commonwealth of VA. They have 3 categories. They found that their VR caseworkers put about 50% in category 1.

MCB is going to look at current VR caseloads, to get an idea of what categorizing clients would look like. John Oliveira set up a mock run to have case mgrs. categorize clients in order to see what it would look like. What would the cost of services look like? What savings would this provide? Would it keep MCB within budget? The agency is trying to be prepared and realistic. Additional funding in the budget will hopefully let us table this for the next few years. If the budget funding does not come through, the target date to implement is the beginning of 2020, or Oct. of 2019.

Darren Black asked: How do we create objective standards for categorization?

Commissioner Saner replied that Mary Otiato identified a tool used by MN. The tool has been provided to VR team. It gives examples to help case managers assess the seven functional categories. Case managers are asked to score clients in each of the 7 functional areas. In the case of trial categorization, this is for consumers with open cases. Case managers may be able to score based on their measurable skill gains since their cases were opened. These consumers will be grandfathered, so keep in mind that this assessment will happen on the front end when cases are newly opened. Case managers will not know the clients as well and there will not be the same level of skills gained.

MRC is seriously considering an OOS. They have similar financial issues to MCB. Unlike MCB. However, MRC was possibly less prepared. Their operating deficit is very large and only recently have savings been sought. As a result, MRC is looking at implementing an OOS by the end of this calendar year.

Mary Otiato and Tricia Hart have been drafting the OOS policy. The OOS committee has not asked for a review at this early stage. They have come up with FAQs. There was an entire VR meeting around OOS where the FAQs based on the policy were reviewed. They got some great feedback from counselors that caused some tweaking of the FAQ document. There is a lot of material in place at this point. There will be no more OOS meetings until July. There will not be and immediate need if there is success on the funding side.

Lydia Green asked:

Understanding that open cases are grandfathered, how many new cases are opened each year?

Commissioner Saner indicated that we have been operating at about 1,000open cases. He indicated 200 to 300 new cases are opened per year. Now that we have the ability to analyze the new Aware case management data, MCB will run a new registration report to get updated numbers and it will be provided in the future.

Mary Otiato also indicated that only new clients will be affected by VR OOS. Also, consumers who need post-employment job retention services will be prioritized above all categories.

Clients needing O and M for safety or other safety services will also be prioritized. This will be addressed in the FAQs.

Richard Curtis: are we assuming that most clients have blindness or low vision as their only need, or do they have multiple needs?

Commissioner Saner responded that only about 20 percent of the registered 14-year old’s are following a VR track. As they get older, more are interested in come back later.

The 1st category means client has 5, or more, functional limitations identified. If MCB had inadequate financial resources, 90 percent of new cases in category 1, does little to produce any financial savings for MCB.

Bruce Howell: FAQs is an excellent document

## State plan

Mary Otiato indicated that MCB’s state plan was submitted to RSA on March 9. It is a continuation of the 2016 prior plan. It is a four-year plan that is updated every two years. The plan was accepted by RSA and they were very complimentary. We are set until 2020.

## Creating a Vice-Chair of the RC

Bruce Howell indicated that he would like to nominate Deanne Elliot to be the Vice Chair of the RC. This position has not been filled in several years, but will be very helpful for continuity. It will also bring a valuable second perspective. It would be helpful to Bruce and to the Council. His suggestion was unanimously approved.

## Deputy Commissioner Report

### Visions of Collaboration Conference

This conference is funded by Pre ETS funding. Training is an authorized vice that can be provided using pre ETS funding.

The conference brought TVIs, educators, parents and MCB staff together to discuss issues that impact the transition age consumers and their services systems. 180 people attended. It had to be rescheduled due to weather, which ended up generating greater attendance. The conference got 40 new attendees on new date.

Pre ETS vendors had a panel to present their programs and services. TVIs were asking the providers how to use / refer to these programs.

There was a panel for parents of blind children talking about their children. They talked about how they obtained services. Some of their kids were in high school, one had a child already in college. There was also a panel of students. It was a mix of high school and college students talking about their experiences accessing services in high school and the changes they had to make to obtain similar services in college.

There was a lot of sharing, gathering and exchanging of information. There was also an opportunity to break into small groups in order to get questions answered by agency staff. At the end of the day, MCB staff responded to questions posed throughout the day and submitted in writing, along with some additional “live” questions.

There were great responses in the evaluations completed by the attendees. The feedback from last year indicated that people wanted more panels and fewer presentations. There was a presentation from Amanda Green from DOE on transition planning.

Richard Curtis asked: Is this an annual event?

Deputy Commissioner Oliveira indicated that it has been held annually and MCB is looking for other similar opportunities. Conferences are a good way to serve people locally. MCB was also considering doing videos about programs but found that they weren’t that popular. Cost may not be worth it.

The committee is already planning for next year’s conference. It will be in May.

The hope is to see consumers getting more and better jobs after going through pre ETS programming. MCB will continue to work with vendors to expand offerings under Pre ETS.

### Supported employment

MCB is currently working with DDS to provide services to our shared consumers. MCB has tried various ways to explore working with the clients over the last year. In most cases, it has not proven to be successful.

There are two major obstacles. First, families are very nervous about loss of benefits like SSI and Medicaid. The second factor is that many of these clients are in day programs. DDS or MassHealth are funding day programs. Reducing their attendance could cause them to lose their slot. John stated that MCB is being very cautious because we don’t want clients to lose their day placement services.

They did some field research. In one case they met a young man at his day program. He was proud of “work” that he was doing. The work consisted of the 2 hours a day that he volunteered at the reception desk. He was not being paid but he saw this as work. He wanted to work, but does not want to leave his current day program.

These clients also have transportation needs. Their cases are very complicated.

Joe Buizon indicated that their newest strategy involves young adults graduating from Perkins. They went to Perkins last week and got a tour to see the students in action. They met with Denise at Perkins who had a dozen names of students who are likely to be at Perkins until age 22. We want to try to integrate them into employment but want to be respectful of keeping their other services. MCB will be at the table to help supplement their adult day programs with valuable work experience.

Richard Curtis asked: What is the income threshold to maintain SSI and Medicaid?

John Oliveira indicated that it is very low.

Joe Buizon added that many of these clients have multiple disabilities, and need to maintain Medicaid so MCB is working with DDS on this

Jerry Berrier asked: What about supported employment at day programs? Similar to sheltered workshop.

Deputy Commissioner Oliveira answered that sheltered workshops are no longer allowed. DDS would not support any model that is not legal. Employees would have to be paid minimum wage. Also, the employment has to be integrated for VR coverage so employment in a segregated setting would not be covered for VR purposes. One work around is that someday program providers will create work crews who do things like office cleaning, but the rest of the time they are at the day program. This would not be a valid placement for VR.

Most are getting about $830 SSI per month. Need to be eligible for $1 of SSI to keep Medicaid/MassHealth. Maintaining eligibility can become a paperwork nightmare. Additionally, other medical issues can further complicate the situation.

The idea is to meet before entering day programs so that MCB may be able to do an assessment of whether they will be able to work in an integrated competitive setting. This is a “work in process.”

Many of these clients need jobs that have a lot of repetition. Clients often can’t manage without constant coaching.

One client had a lemonade stand (seasonal job) with a job coach through DSS. VR job coach was doing much of the work, including making change. This can’t be counted as a job placement. MCB is still trying to find a successful model.

The clients and their needs are so individual. We have to work with them and we will keep working at it. We are committed to working with DDS and our shared clients but we need to be respectful of the impact that MCB services can have on their lives in the long term. Transportation. We have supported employment funding. We have agreements with MRC and Deaf Blind units for continued support.

## Summer Internships

Joe Buizon indicated that the summer internship program is moving forward. The program has placed about 80 interns. This is the program’s 15th year. Placements include: Ernst & Young, MGH and BIDMC. Richard Curtis and State Street are hosting three MCB interns.

### Envision Works

Project Search is no longer, but Envision Works is now run in partnership with the POLUS Center. Five people have been placed at MEEI. The internship to work model has been condensed. The clients started last month and will continue until October or November. The program is still intended for the chronically unemployed. There have been some struggles. If a client drops out, there are some “backup” candidates who may be available to replace the original participant who drops out.

Also as part of pre ETS, 10 clients between 16-21 are signed up for a mentoring program. PYD has a surplus of men, looking for women to volunteer to act as mentors.

## MCB Job Fair

The upcoming annual job fair at Radcliffe will happen on Wednesday, October 17th from 8am -1pm.

## Membership Updates

Bruce Howell indicated that there are no status changes on membership approvals from the Governor’s Council. In March, member Subhashish Acherya declined to continue after his term expired. John Oliveira and Joe Buizon will look for another business person to fill a Business, Industry, & Labor seat on the RC. Anyone with suggestions should forward their suggestions to John, Paul and Joe.

## Advocacy to increase funding for MCB community services

After Commissioner Saner had departed from our meeting, Bruce Howell mentioned that the Bay State Council of the Blind, NFB Ma affiliate, MAB, Perkins, and The Carroll Center have pushed hard during this whole budget process. We are currently at a critical step. He encouraged any RC members who possess any connections with legislators, this would be a critical time to encourage their representatives to support the MCB funding. The Conference Committee starts tomorrow. He suggested using a strategic combination of asking and thanking when encouraging support of MCB funding.

## Next Meeting

The RC will meet again on September 5, 2018.

Meeting adjourned at 11:55.