

Approved 2018.03.01

Minutes - January 3, 2018

SRC Policy and Procedures Committee

SRC Policy and Procedure Committee		
Wednesday, January 3, 2018	10:00am – 12:00pm	Waterbury State Complex Room Cherry C HC 2 South 280 State Drive, Waterbury, VT 05671
Meeting called by	Sherrie Brunelle, Chair, called the meeting to order at 10:00 am	
Members Present	Sherrie Brunelle, Courtney Blasius, Jessica Brennan, Amanda Kohle, Sam Liss, Michelle Paya	
Members Absent		
SRC Liaison	James Smith, DVR Budget and Policy Manager	
SRC Coordinator	Debra Kobus	
Interpreters	n/a	
Speakers/Presenters	n/a	
Guests	Karen Blake-Orne	
1) Approval of Today's Agenda		
2 minutes	Sherrie Brunelle	
Discussion	Sherrie asked that everyone review the agenda to see if there was anything they wanted to change or add. James asked if there could be discussion about whether we wanted to proceed with a public meeting for some of these Policy and Procedures changes that we are considering implementing. Item added to the agenda under Other Business. Sam made motion to accept. Amanda 2 nd . There was no further discussion. All approved.	
Conclusions	Motion passes - today's agenda accepted with addition - see under 9) Other Business.	
Action Items	Person Responsible	Deadline
Add agenda item to 9) Other Business	Debra	n/a

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2) Approval of Minutes – November 2, 2017 Committee Meeting		
3 minutes	Sherrie Brunelle	
Discussion	The November 2, 2017 minutes were reviewed. Sam Liss moved to approve. Amanda Kohle 2 nd . There was no further discussion. All approved.	
Conclusions	Motion passes - minutes approved.	
Action Items	Person Responsible	Deadline
Upload approved minutes to http://vtsrc.org/members/meeting-minutes/procedures-policy-committee/	Debra Kobus	1/8/2018
3) Update – December 4 Public Hearing on Pre-ETS Chapter		
2 minutes	James Smith	
Discussion	James said there was low/no turnout from the public at the hearing. The Pre-ETS Chapter has been finalized and has been posted on the web. James has also distributed this information to VR Transition Counselors.	
Conclusions	Pre-ETS Chapter Finalized and Distributed	
Action Items	Person Responsible	Deadline
None	n/a	n/a
4) Update on Policy and Procedures Committee Priorities		
18 minutes		
Discussion	<p>a. <u>Update on research on Means Testing for Single Service (Sherrie Brunelle)</u></p> <p>Sherrie sent out a query to her counterparts in other states and has only received one or two responses back yet. Sherrie will follow up and report back next time we meet.</p> <p>b. <u>Update on Client Assistance Program (CAP) draft of a Denial of Benefits letter (Sherrie Brunelle)</u></p> <p>At the last meeting it was agreed that Sherrie would ask the Client Assistance Program (CAP) if they would be willing to draft up a letter on Denial of Benefits</p>	

under Consumer Rights and report back.

Sherrie distributed a draft on Consumer Rights and Responsibilities. No one has had a chance to review this chapter yet. We need to discuss what the best way is to get this information out to people. Sherrie would like this document to be at a lower reading level.

There was some discussion about this guidance being provided just as a handout and James advocated for it to still be a chapter as counselors would like everything they must refer to all in one place. Karen said that counselors would still be able to hand this out to consumers as needed too.

Sherrie said this is a good start, but additional work needs to be done on the document. For example, we should look at developing an introduction. Everyone should review this draft and be prepared to make suggestions to improve it at the next meeting. Sam confirmed that David Leonard would be providing the technical assistance on this chapter.

c. Draft Policy on Post-Secondary Training and Education (James Smith)

James said that no action has been taken on this yet as VR will be having a series of planning meetings on how VR will be handling the new Workforce Innovations and Opportunity Act (WIOA) requirements and VR wants to have those strategic decisions made before VR make changes to policy.

Item will be put in the **Parking Lot** for a future discussion after James' planning meetings are completed

d. Update research on FAFSA as a comparable benefit

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	<u>(Sherrie Brunelle)</u>	
	Sherrie received some differing responses on this. The regulations are very clear about the need to look at possible loans, Pell Grants, etc., whether FAFSA is supposed to be treated as a loan still needs to be determined. Sherrie will continue to work on the means testing issue and FAFSA as a comparable benefit issue. James said we could email WINTECH, a technical assistance organization, which could assist us here. James will follow up.	
Conclusions	See Action Items Below	
Action Items	Person Responsible	Deadline
Follow Up - Research on Means Testing for a Single Service with counterparts in other states	Sherrie Brunelle	3/1/2018
Review first draft of Consumer Rights and Responsibilities Chapter and be prepared to discuss changes needed at the next meeting	All Committee Members	3/1/2018
Continued research on determining whether FAFSA is supposed to be treated as a loan (comparable benefit issue)	Sherrie Brunelle	3/1/2018
Email WINTECH, a technical assistance organization, related to the means testing issue and FAFSA as a comparable benefit	James Smith	3/1/2018
<u>To Parking Lot:</u> Draft Policy on Post-Secondary Training and Education - Item will be put in the Parking Lot for a future discussion after James' planning meetings are completed related to WIOA's new requirements.	Debra Kobus and James Smith	3/1/2018 tbd
Chapter 310 - Supported Employment - ideas where improvements could be made	Michelle Paya	tbd
5) P & P Manual Guidance - When to open a post-employment case		

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versus a new VR case	
5 minutes	James Smith
Discussion	<p>a. <u>Update on email vote on revised guidance</u></p> <p>James has not taken any action yet but will get this out to everyone for a vote. This item will be added to the agenda for our next meeting. James provided an overview of the guidance to Jessie and Courtney who were not at the previous meeting.</p> <p>Sherrie said that she has encountered instances where consumers are not understanding what post-employment services are and, in some instances, have been approved by VR Counselors. Sherrie suggested that in looking at the Guidance we may want to clarify what post-employment services are. Michelle said that this overlaps with means testing. Sherrie said that we don't have means testing yet, but it appears that VR may be paying for items that they should not. Amanda thinks we should also look at hearing aids as some consumers have obtained some very good jobs, but they come back to VR for hearing aids. James said that if someone comes back just for a hearing aid, they would not qualify as they do not have a need for substantial services.</p> <p>James said we need more guidance, but since we require our staff to have master's degrees we expect them to make decisions based on their best judgment and we want to continue with this ability. Michelle asked what kind of liability does this open? Sherrie said that to the extent of having clear guidance, VR would have leeway/flexibility related to their decisions.</p> <p>Amanda said that quality documentation from counselors is important as to back up their decision-making.</p> <p>Sam said that as stated in the minutes from the prior meeting, the fuzziness in guidance need to be fleshed out.</p>

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	Amanda reiterated the need for this guidance with the upcoming changes required by WIOA regulations,		
Conclusions	Documentation is the key – counselors need to document why they are allowing a service or not approving it. Guidance is needed but it should leave flexibility for a counselor to use his/her best judgement.		
Action Items		Person Responsible	Deadline
James will send an updated draft out to members for an email vote		James Smith	2/1/2018
Add result of vote to next meeting's agenda		Debra Kobus	2/15/2018
6) Review Client Assistance Program (CAP) first draft of Consumer Rights Chapter			
20 minutes	Sherrie Brunelle		
Discussion	Sherrie said that we have already discussed this above in the Denial of Benefits agenda item. Our directive is to review the previously drafted handed out and come back at the next meeting with suggestions for improvement.		
Conclusions	See Agenda Item 4.b. above		
Action Items		Person Responsible	Deadline
See Agenda Item 4.b. above			
7) Review Updated Draft: Hearing Aid Spending Guidelines			
30 minutes			
Discussion	a. <u>Suggested edits from 9/7/17 meeting incorporated into language (Karen Blake-Orne)</u> Karen handed out the updated draft of Chapter 313 and went over the edits. The specific changes were: 1. VR may provide up to \$750 toward the cost of one hearing aid and up to \$1,000 toward the cost of two hearing aids. VR supports audiology services and hearing aid services provided through a certified clinical		

audiologist, or, if no certified clinical audiologist is located within 25 miles of the consumer’s home, a licensed hearing aid dispenser in good standing with the State of Vermont with a minimum of five (5) years as a VT licensed Hearing Aid Dispenser.

Sam, Sherrie, and Amanda said that additional clarification is needed related to:

- where consumers should go to obtain these hearing aids;
- the requirement that a recommendation is needed by a certified clinical audiologist;
- and it should also be clear that VR does not pay for this audiological service. Keep it clear and short to one sentence.

Sherrie said at the last meeting a discussion came up related to a consumer going to Costco. Sherrie did not see that Costco’s prices were that much better and you must pay for the service up front.

Discussion occurred about identifying in the guidelines that VR uses “contracted providers” that have agreed to provide services at reduced expense.

- 2. VR Counselors must ensure that the consumer understands the hearing aid options available. These options can be discussed directly between the VR Counselor and consumer or between the consumer and the provider if the VR Counselor is confident that the consumer has a good understanding of available options.**

Sherrie asked what are you ensuring the consumer understands with respect to hearing aid options? Karen suggested changing the first sentence to:

“VR Counselors must ensure that the consumer understands the hearing aid options available based upon the recommendations of the hearing examiner.”

Sam asked that hearing aid options also be more clearly

defined as to the options available.

Karen said that when consumers come in with their audiograms, they are provided a range of options of most expensive to least expensive. Sherrie suggested adding “if there are questions, VR counselors should be contacting the hearing aid dispenser or audiologist.”

3. If VR is contributing to the cost of the hearing aid(s), the consumer is expected to obtain loss or damage coverage for the hearing aid(s). Information about coverage is available through hearing aid manufacturers, hearing aid providers and audiology practices.

4. First time hearing aid users must provide verification that he/she has been evaluated by his/her primary care physician or an Ear, Nose and Throat Specialist to ensure the hearing loss is not caused by an injury or is secondary to an underlying medical condition.

Sherrie and Sam said that further clarification is required and that it should be added after injury or is secondary to an underlying medical condition:

“is not temporary or reversible.”

5. VR will not provide replacements within five years for hearing aids.

It was suggested to take # 5 and combine it with #4 as follows:

“VR will not provide replacements and/or for loss or damage within five years of purchase thus consumers are strongly encouraged to obtain insurance.”

6. As a way of minimizing the cost of hearing aids, VR uses specific vendors on contract with the

	<p>State of Vermont for the purchase of hearing aids. VR provides contractor information in the consumer decision-making process or at any other time the information is requested.</p> <p>Discussion of the group centered on how much written guidance should be provided related to what vendors are recommended and it was decided to keep wording in 6 minimal or as is.</p> <p>The next section are the exceptions that have been discussed:</p> <p>Standards for Exception for Hearing Aid Purchase Guidelines:</p> <p>The Division Director or designee may grant exceptions to the spending and duration guidelines of this Chapter if:</p> <ol style="list-style-type: none">1. Comparable services and benefits have been exhausted;2. The consumer's resources have been used to the maximum extent possible given the consumer's anticipated income and expenditures;3. A monthly payment schedule for the unmet need would be unrealistic in view of costs related to the disability and projected earning capacity; and4. The cost of making the exception remains reasonable—i.e., delivering the service by exception and enabling the consumer to continue or enter a vocation will be less costly to the public than not delivering it.5. The consumer is a recipient of SSI or SSDI.6. VR may purchase replacement hearing aids in less than five years if the consumer experiences significant additional hearing loss as verified in writing by a certified clinical audiologist or licensed hearing aid dispenser in good standing
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	<p>with the State of Vermont. Prior to granting the exception, the VR Counselor must consult with the Division Director or designee and must document the exception in the case record.</p> <p>7. The VR Counselor may waive the expectation of loss or damage coverage if, after a review of anticipated income and resources, it is determined that purchasing coverage is unrealistic. The VR Counselor must consult with the Division Director or designee prior to waiving the exception and must document the exception in the case record.</p> <p>Sherrie suggested moving #5 in exceptions up to the beginning of the document and incorporate it into #1.</p> <p>Amanda suggested removing the verbiage in the numbered exceptions about the need for the VR Counselor to consult with the Division Director, etc., and adding at the very beginning of the exceptions “The VR Counselor must consult with the Division Director or designee.” Then what follows is “The Division Director or designee may grant ...”</p> <p>Karen asked if bullets should be used instead of numbers and members agreed as numbered items appear hierarchical.</p> <p>b. <u>Review of final draft of Chapter 313: Audiology Services and Hearing Aid Purchases (Full Committee)</u></p> <p>Karen will incorporate the additional edits described above and will provide a final draft of Chapter 313 at the next meeting.</p>				
<p>Conclusions</p>	<p>Karen will incorporate the additional edits described above and will provide a final draft of Chapter 313 at the next meeting.</p>				
<p>Action Items</p>	<table border="1"> <thead> <tr> <th data-bbox="937 1883 1198 1923">Person</th> <th data-bbox="1198 1883 1391 1923">Deadline</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Person	Deadline		
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		Responsible	
Combine edits into a final draft of Chapter 313		_Karen Blake-Orne	3/1/2018
8) Review Draft Chapter 102: Informed Choice			
35 minutes	Karen Blake-Orne		
Discussion	a. Review edits made to chapter Karen handed out the draft of Chapter 102 and went over it briefly. In depth discussion will occur at the next P&P Committee meeting. Karen said this chapter is being revised to flesh out information as well as make it easier to read and change the tone of the document. Karen said originally there was a lot of guidance in the chapter as well as many examples. Much of this has now been removed and wants to know if she removed too much. James suggested that members communicate directly with Karen on changes or questions and that would help facilitate discussion at the next meeting. Debra will compile questions or feedback sent to Karen and provide it to members for discussion at the next meeting.		
Conclusions	Members should review draft Chapter 102: Informed Choice and send changes or questions to Karen AND Debra by email		
Action Items		Person Responsible	Deadline
Members should email Karen and Debra with questions or suggested changes on the Draft of Chapter 102 – Informed Choice		All Members	2/15/18
Compile questions and suggested changes and send to Karen for inclusion into the document		Debra Kobus	2/20/18
Incorporate changes into the document for the committee to review at the next meeting 3/1/18		Karen Blake-Orne	3/1/18

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9) Other Business		
5 minutes	Public Meetings Discussion Related to Changed Policies and Procedures – added to agenda	
Discussion	The committee ran out of time, so this agenda item will be added to the March 1, 2018 meeting agenda.	
Conclusions	Add item to 3/1/18 agenda	
Action Items	Person Responsible	Deadline
Add Public Meeting Discussion to 3/1/18 Meeting	Debra Kobus	2/15/18
10) Adjournment		
0 minutes	Sherrie Brunelle	
Discussion	Sam moved to adjourn. Sherrie 2 nd . All approved.	
Conclusions	Motion passes. Adjourned at 12:07 pm	
Action Items	Person Responsible	Deadline
Full Draft minutes emailed to Committee Members	Debra Kobus	2/2/2018
Full Draft minutes uploaded to http://vtsrc.org/members/draft-minutes/	Debra Kobus	2/2/2018
Minutes approved by Committee	Committee Members	3/1/2018
Approved minutes uploaded to http://vtsrc.org/about/meeting-minutes/	Debra Kobus	3/6/2018
<u>Parking Lot:</u>		
Draft Policy on Post-Secondary Training and Education - Item will be put in the Parking Lot for a future discussion after James' planning meetings are completed related to WIOA's new requirements.	James Smith	tbd
Chapter 310 - Supported Employment – ideas where improvements could be made	Michelle Paya	tbd

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FOR REFERENCE - 2018 PRIORITIES taken from November 2, 2017 P & P Minutes

1. Priority: Develop chapter on Career Pathways.

Discussion occurred about the most reliable ways to assist individuals in this endeavor. James stated that post-secondary education and Career Pathways are combined in VR's new performance measures. This requires supporting people in careers and career development and the most reliable way to do that, outside of helping people find employment, is to support them in obtaining access to and pay for post-secondary training and sometimes education. James expects VR will be investing more into credential attainment through mid-skill technical training as it is a reliable way to get people in higher wage positions and helps to stop individuals from not progressing out of entry level work. Sherrie concurred and said that obtaining employment is not the end goal for VR – advancing in employment is also a significant emphasis of WIOA. According to her counterparts in different states, a discussion about whether the Free Application for Federal Student Aid (FAFSA) grants and funding should be considered a comparable benefit or not. Discussion also centered on renaming this priority to Credential Attainment.

2. Priority: Develop clearer guidelines around self-employment to include discussions around post-secondary education and training policy as it relates to self-employment; when VR is to get involved; and how VR is to get involved, i.e. assistive technology or tuition support.

James said the Self-Employment Chapter is not clear as to when to approve and when not to. We appear to have a high failure rate when it comes to self-employment and what equals work. There is a lot of interest in having more structure to this chapter. Sherrie agreed that this committee should make it a priority as it is one of the areas that she sees in the Client Assistance Program that has a lack of clarity and people come to them because they do not agree with the decision that was made. There are also questions surrounding the amount of money allocated to start your own business as it is low as compared to what it is, and we don't have any clear guidance on whether the consumer should be required to demonstrate they can secure funding elsewhere.

3. Priority: In-depth discussion on car repair guidelines to make the guidelines

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clearer.

Sherrie said the Client Assistance Program (CAP) of Vermont Legal Aid's Disability Law Project gets a lot of inquiries about denials or problems accessing funding for vehicle repairs rather than vehicle purchases. The current policy is that someone who needs vehicle repairs can access up to \$1000 over their time working with VR. VR also uses Car Coach but there is nothing in the Policy and Procedure Manual about how that works. Vehicle repairs need to be tied to employment.

4. Priority: Develop a chapter on Consumer Rights and Denial of Benefits.

Sherrie will consult with the Client Assistance Program (CAP) in drafting a first chapter of Consumer Rights and will report back. Sam would like to have discussions to include financial means testing around some of these priorities. The discussion could begin in this committee and then go out to the Full SRC. Sherrie agreed.

James wondered if there could be means testing for a single service. Sherrie said that having a financial means test is generally something that is not mandated but can be initiated by VR at the State level. Sherrie will research the single (individual) service question.

Sherrie asked if there should be a **priority listing for working on these policies:**

Sam said that Self Employment would be the next important chapter after Consumer Rights.

James stated post-secondary training and education would impact more people than Self Employment and the guidance surrounding Self Employment was not particularly good

Michelle stated that Consumer Rights and Self-Employment would be her choice for priorities. Michelle added that VR counselors need to be guided on the post-secondary training and education requirements because they need to be doing this now.

James will be responsible for coming up with a first draft for a self-employment/post-secondary training and education policy since VR must start reporting on this metric. James will draft up guidance for the January meeting.

In addition, a letter is needed for VR counselors to use when they are denying benefits. Sherrie will find out if the Client Assistance Program (CAP) would be willing to draft up a letter on Denial of Benefits under Consumer Rights. The guidance on this chapter

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would take some time.

Sherrie reminded the committee that Informed Choice/Hearing Aid Chapter is on the agenda for the January meeting, so we may need to adjust January's agenda somewhat. James said the Hearing Aid Chapter is important as it is one of those areas where means testing may be applicable.

Motion by Sam - the committee's 1st priority should be credential attainment and the other post-secondary options in Career Pathways; 2nd Self-Employment and 3rd Car Repair, Michelle seconded. No further discussion. Calla abstained. All committee members approved.