

Approved 2018.05.03

Minutes - March 1, 2018

SRC Policy and Procedures Committee

| SRC Policy and Procedure Committee | | |
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| Thursday, March 1, 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, Jessica Brennan, Amanda Kohle, Sam Liss, Michelle Paya, Marlena Hughes | |
| Members Absent | Courtney Blasius | |
| SRC Liaison | James Smith, DVR Budget and Policy Manager | |
| SRC Coordinator | Debra Kobus | |
| Interpreters | n/a | |
| Speakers/Pre senters | n/a | |
| Guests | | |
| 1) Introductions (Sherrie Brunelle) | | |
| Discussion | Those in attendance went around the table and introduced themselves. | |
| Conclusions | Thanks to everyone! | |
| Action Items | Person Responsible | Deadline |
| None | n/a | n/a |
| 2) Approval of Agenda (Sherrie Brunelle) | | |
| Discussion | Sherrie asked if there were any proposed changes or additions to the agenda. There were none. Sam moved to approve the agenda as proposed. Amanda 2nd. There was no discussion. All approved - Vote unanimous 6-0-0. | |
| Conclusions | Motion passes - today's agenda accepted. | |
| Action Items | Person | Deadline |

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| | Responsible | |
| None | n/a | n/a |
| 3) Open for Public Comment (Sherrie Brunelle) | | |
| Discussion | There was no public comment. | |
| Conclusions | n/a | |
| Action Items | Person Responsible | Deadline |
| None | n/a | n/a |
| 4) Approval of Minutes – January 3, 2018 (Sherrie Brunelle) | | |
| Discussion | <p>Sherrie asked the group to review the January 3, 2018 minutes and proposed some minor changes (see below). After the group reviewed the minutes, Sherrie asked if there were any other proposed amendments or if there was a motion to approve. Sam moved to approve with the edits proposed. Michelle 2nd. All approved with edits. Vote 5-0-1 with Marlana Hughes abstaining.</p> <p>Edits for January 3, 2018 minutes:</p> <ul style="list-style-type: none"> • On page two 4.a. delete “nine” • On page four, delete “nine” • On page eight, first paragraph, delete “consultant” and replace with “hearing aid dispenser or audiologist”. | |
| Conclusions | January 3, 2017 minutes approved with amendments. | |
| Action Items | Person Responsible | Deadline |
| Upload approved minutes to http://vtsrc.org/members/meeting-minutes/procedures-policy-committee/ | Debra Kobus | 3/6/2018 |
| 5) Update on Vote - P & P Manual Guidance – When to open a post-employment case versus a new VR case (James Smith) | | |
| Discussion | James informed the committee that the majority voted in favor of approving the new guidance. The public hearing for this policy change will be incorporated with other | |

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| | forthcoming new policies. | |
| Conclusions | <ul style="list-style-type: none">• P & P Manual guidance – when to open a post-employment case versus a new VR case was approved.• James will schedule a public hearing on this guidance with other policy changes at a future date, | |
| Action Items | Person Responsible | Deadline |
| James will schedule a public hearing on P & P Manual Guidance – When to open a post-employment case versus a new VR case with other policy changes at a future date (to Parking Lot for reminder). | James Smith | tbd |
| 6) Update on Questions Related to the P & P Committee 2018 Priorities (Sherrie Brunelle) | | |
| Discussion | <p>a. <u>Update on research on Means Testing for Single Service (Sherrie Brunelle)</u></p> <p>Regarding means testing, Sherrie found in the regulations (361.54(b)(2)(i)(B)) there is no requirement for states to do a financial needs test. They do have to specify the types of vocational rehabilitation services they determine require a financial means test. In summary, we can identify a service that we can require a financial needs test. There must be a written policy that has to be applied consistently across the board but there are some exceptions – no financial means tests for those that are already receiving SSI or SSDI and it can't be so high to effectively deny services from VR. If we get to a point financially where we would need to reduce services, it appears that there is authorization to do so in the regulations.</p> <p>James asked what VR counselors may think about having to collect financial information from clients. Amanda suggested that some of our admin staff may be able to collect this information. Amanda also stated that it is always helpful in circumstances such as this to be able to revert to VR policy.</p> | |

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James asked if this subcommittee wants to make any recommendations to VR related to financial means testing.

Marlena brought up the issues of the:

- cost of implementing such a system and;
- how cumbersome it would be to the individual.

Jessie was wondering if it could be as simple as requesting their bank statements or we could create a questionnaire related to a consumer's ability to pay.

James said that VR could:

- 1) find out what percentage of the population we think means testing would impact;
- 2) and look at what other VR agencies are doing with a similar demographic.

Sherrie said that some of the factors we look at is whether the individual can do a loan agreement (for example, an Assistive Technology Revolving Loan Fund). Sherrie asked if VR ever provided loans to clients? James said no VR does not provide loans.

James doesn't believe that VR's historical data has financial information, but we could look at getting some rough numbers to determine who this might impact.

Sam proposed a motion that the P&P committee request that VR look at the programmatic implications of applying financial means testing both for consumers and VR operations. Amanda 2nd. All were in favor **Vote unanimous 6.0.0.**

b. Update research on FAFSA as a comparable benefit (Sherrie Brunelle)

Sherrie informed the committee that the comparable

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| | <p>benefits only exclude grants and awards that are based on merit and that consumers need to maximize their efforts to secure any grants or other funding that may be available. The conclusion is that any grant based upon financial need would be within that comparable benefits services category.</p> <p>The RSA policy directive also speaks to what happens when one defaults on a loan so when we get to the Post-Secondary Chapter we will need to talk about that piece and make sure it is clearly reflected in our policy.</p> <p>Michelle asked if VR requests to see invoices along with what FAFSA has paid when they are making payments related to tuition? James said its very unusual that we pay tuition as we find that any contribution that VR provides is taken away in a dollar to dollar reduction in financial aid funding. Amanda said typically we only pay for books and supplies, which FAFSA does not pay for. However, this is a process that VR should look at when we get to Post-Secondary Education.</p> | |
| Conclusions | VR is directed by the P & P Committee to look at the programmatic implications of applying a means test as related to both consumers and VR operations. | |
| Action Items | Person Responsible | Deadline |
| VR is directed by the P & P Committee to look at the programmatic implications of applying a means tests both for consumers and VR operations (to Parking Lot for follow up) | James Smith and Debra Kobus | tbd |
| The RSA policy directive speaks to what happens when one defaults on a loan so when we get to the Post-Secondary Education Chapter we will need to talk about that piece and make sure it is clearly reflected in our policy (to Parking Lot for follow up). | Debra Kobus | n/a |

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| Flesh out VR's policy on what VR will pay for related to college expenses including College Steps when we get to the Post-Secondary Education Chapter (to Parking Lot for follow up) | Debra Kobus | n/a |
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7) Discussion on 1st Draft of Consumer Rights Chapter (Full Committee)

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| Discussion | <p>Sherrie said that at the last meeting the 1st Draft of Consumer Rights was distributed for everyone to review in preparation for discussion at this meeting.</p> <p>Michelle had a question about what was meant by the bullet on page 1, 3rd from the bottom "To receive advance notice of changes to your IPE." Sherrie stated that since she did not draft this up she did not know. Amanda thought it had to do with any changes to an IPE. Sherrie will follow up on this.</p> <p>Under Appeal Rights on page two, Sherrie said there is confusing information coming from 361.57(a) of the Federal regulations that individuals dissatisfied with any VR determination must receive written notification and be able to appeal the determination. Yet when you read down to paragraph b of this, it doesn't read that way. Sherrie said that as far as due process goes, that whenever there is an unfavorable decision there should be written notification sent to the client and they must be given a right to appeal the decision. Amanda said that she always lets a consumer now, however, it may not always be in written unless they have requested it. In addition, there may be instances that a counselor may not know to provide them information. Jessie agreed and said for example when medical records or other behind the scenes scenarios where a notification may not be sent to the consumer and the consumer would be confused if they received such notice. Amanda said that sending notices too often could also be inflammatory. Marlana said that there are clear guidelines on when to do this and consumers need to be informed and why.</p> |
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James said the gray areas are more difficult. Too many notices come across as defensive. Jessie said she has noticed that open communication is beneficial. Sherrie said that directing the client to contact CAP is also very helpful.

Since James had to leave the meeting early, he wanted to make sure he added the following suggested edits:

- Add an introductory paragraph (i.e. we want to work with you).
- More clarification is needed related to the fourth bullet from the bottom on the first page, “To have an IPE developed within (90) days of being found eligible for Vocational Rehabilitation Services”.
- Add bullet for Order of Selection – right to know what category they are in and the right to appeal that category.

Sherrie suggested that we restructure the chapter around processes and the consumers rights and responsibilities, for example, a consumer’s rights and responsibilities in terms of applying for services; developing a plan for employment; denying services.

Sherrie noted that on page 2, first bullet, the regulations listed do not apply. Sherrie said it would be best to reference it back to Chapter 101 which is the chapter on confidentiality. Marlana said that she agreed that the document should be easy to read but a client should also be able to find the specific reference to ADA guidelines. She also suggested visuals may be helpful as well (i.e. when it refers to time – a clock). Amanda said that since most of our items are online we can put a link to the specific references. She also would not feel comfortable handing this out to a consumer as a reference because of its length. Sam agreed. Sherrie said separating this out according to process into a one pager might be helpful.

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| | <p>Sherrie will take the edits received today and provide a 2nd draft looking at grouping the chapter into processes. We should then cull one-pagers based on each process. Marlena volunteered to look at the language of the one pagers and put them in accessible formats.</p> <p>Sam made a motion for the committee to proceed on developing the Consumer Rights Chapter for the Policy and Procedures Manual and to develop a one pager per process. Amanda 2nd. Some additional discussion occurred. All approved Vote unanimous 6-0-0.</p> | | | | | | | | |
|---|---|---------------------------|-----------------|-------------------------|-----------------------|--------------|--------------------|-----------------------|------------|
| Conclusions | <ul style="list-style-type: none">• Sherrie will draft up suggested revisions prior to the next meeting and send it out to committee members by April 26.• Processes will be distilled from the chapter and be put into one-page documents for handing out to the consumer.• Marlena Hughes will put the one-page documents into an accessible format. | | | | | | | | |
| Action Items | <table border="1"><thead><tr><th>Person Responsible</th><th>Deadline</th></tr></thead><tbody><tr><td>Sherrie Brunelle</td><td>April 26, 2018</td></tr><tr><td>Group</td><td>May 3, 2018</td></tr><tr><td>Marlena Hughes</td><td>tbd</td></tr></tbody></table> | Person Responsible | Deadline | Sherrie Brunelle | April 26, 2018 | Group | May 3, 2018 | Marlena Hughes | tbd |
| Person Responsible | Deadline | | | | | | | | |
| Sherrie Brunelle | April 26, 2018 | | | | | | | | |
| Group | May 3, 2018 | | | | | | | | |
| Marlena Hughes | tbd | | | | | | | | |
| 8) Discussion on Updated Draft of Chapter 313: Audiology Services and Hearing Aid Purchases (Full Committee) | | | | | | | | | |
| Discussion | <p>Sherrie brought to the attention of the committee a discrepancy in language in the document. The problem is the second paragraph on page three conflicts with the</p> | | | | | | | | |

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| | language in item 6 on page 2. The committee agreed to remove the second paragraph on page three. Sherrie said that she would follow up on the changes with Karen Blake-Orne. | |
| | Marlena made a motion that Chapter 313 be approved with the edit discussed. Michelle 2 nd . No additional discussion. All approved Vote unanimous 6-0-0 . | |
| Conclusions | <ul style="list-style-type: none">• Sherrie Brunelle will contact Karen Blake-Orne to incorporate the edit into a final document.• Chapter 313 can be scheduled for a Public hearing. | |
| Action Items | Person Responsible | Deadline |
| Chapter 313 can be scheduled for a Public hearing - to Parking Lot for reminder. | James Smith | tbd |
| 9) Discussion on Updated Draft Chapter 102: Informed Choice (Full Committee) | | |
| Discussion | No changes were recommended. Amanda moved to approve Chapter 102: Informed Choice. Marlena 2 nd . No further discussion. All approved Vote unanimous 6-0-0 . | |
| Conclusions | Chapter 102 can now go out for a Public Hearing. | |
| Action Items | Person Responsible | Deadline |
| Chapter 102 can now be scheduled for a Public Hearing - to Parking Lot for reminder. | James Smith | tbd |
| 10) Other Business (Sherrie Brunelle) | | |
| Discussion | Public Meetings Discussion Related to Changed Policies and Procedures - added to agenda It was not clear whether James was referring to Public Hearings or Public Meetings where it would be open for public comment and VR counselors. Because James had to leave the meeting early, it was decided by consensus to move the item to P & P's May 3 agenda. | |
| Conclusions | Move discussion item to May 3 committee meeting. | |
| Action Items | Person Responsible | Deadline |

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| Add item to May 3 P & P agenda | Debra Kobus | 4/23/18 |
| 10) Adjournment (Sherrie Brunelle) | | |
| Discussion | Sherrie asked if there was a motion to adjourn. Sam moved to adjourn. Michelle 2 nd . All approved. Vote unanimous 6-0-0. | |
| Conclusions | Motion passes. Adjourned at 11:51 pm | |
| Action Items | Person Responsible | Deadline |
| Statutorily Required Draft Minutes uploaded to http://vtsrc.org/members/draft-minutes/ | Debra Kobus | 3/6/3018 |
| Draft minutes emailed to Committee Members | Debra Kobus | 3/6/2018 |
| Minutes approved by Committee | Committee Members | 5/3/2018 |
| Approved minutes uploaded to http://vtsrc.org/about/meeting-minutes/ | Debra Kobus | 5/8/2018 |
| <u>Parking Lot:</u> | | |
| <p>Draft Policy on Post-Secondary Training and Education after planning meetings are completed related to WIOA's new requirements.</p> <p>This should include discussion about:</p> <ul style="list-style-type: none"> • The RSA policy directive speaks to what happens when one defaults on a loan so when we get to the Post-Secondary Education Chapter we will need to talk about that piece and make sure it is clearly reflected in our policy; • We also need to flesh out VR's policy on what VR will pay for related college expenses including College Steps. | James Smith | tbd |

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| Chapter 310 - Supported Employment – ideas where improvements could be made | Michelle Paya | tbd |
| Schedule Public Hearing regarding approved P & P Manual guidance: 1) When to open a post-employment case versus a new VR case (APPROVED 3/1); 2) Chapter 102: Informed Choice (APPROVED 3/1); 3) Chapter 313: Audiology Services and Hearing Aid Purchases (APPROVED 3/1); | James Smith | tbd |
| VR is directed to look at the programmatic implications of applying a means tests both for consumers and VR operation | James Smith | tbd |

FOR REFERENCE only - 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

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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 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

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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 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.