

## **Responses to 2014 Statewide Town Hall Meeting**

Disability Employment and Transitions Division (DET) is one of the 12 divisions of the Montana Department of Public Health and Human Services (DPHHS). DET includes Vocational Rehabilitation and Blind Services (VRBS) and the Independent Living (IL) program, which were the programs focused on in the statewide town hall meeting. Other programs within DET include Disability Determination Services, the Montana Telecommunications Access Program, Achieving Success in Promoting Readiness for Education and Employment (ASPIRE) and DPHHS Public Transportation Coordination. DET also provides and administers a variety of services through contractual arrangements. The Administrator of Disability Employment and Transitions serves as the state director of Montana's vocational rehabilitation and independent living programs.

The State Rehabilitation Council (SRC) and the Statewide Independent Living Council (SILC) assisted with the meeting. The 2014 statewide town hall meeting was held on March 28, 2014. The meeting was held statewide, at SummitNet Video Network sites in Billings, Bozeman, Butte, Great Falls, Havre, Helena, Kalispell, Miles City, and Missoula. About 50 individuals attended the meeting in person, 2 people participated on the phone line and 7 people responded by email or regular mail.

The comments help both programs evaluate their service delivery systems and help develop the IL and VRBS state plans.

The following narrative summarizes the comments received from members of the public. VRBS and IL staff have studied the issues and developed responses to those comments, and the responses are reported following the summary of the issue. While the reported comments are not verbatim, we believe that they capture the essence and intent of the persons making the comments.

VRBS and IL would like to express their appreciation to those who took the time to provide comment, either in person or in writing.

The issues responded to in this document were received during the comment period related to the meeting. The comment period for this meeting ended April 4, 2014. Input that may come in through mail, email, or the Division website ([Montana Vocational Rehabilitation](#)) after this cutoff date will be responded to in the summary for the next statewide town hall meeting.

Note: The approximate count of comments made on each issue follows the summary of the comments. All counts noted below are approximate. However, it is believed that the counts reflect the volume of comments.

Making accurate counts in many cases is difficult as many comments are imbedded within other issues and indications of support for previous issues were sometimes too vague to specify which issues were involved. If the same person made comments through multiple methods (i.e. live comment at the hearing and email) both comments were included in the count provided.

## **VRBS – General Program**

**Montana Vocational Rehabilitation needs to be aware that multiple chemical sensitivity (MCS) is a disability and there are a variety of impacts related to this disability in the work place. VRBS should include MCS among their list of physical disabilities and advocate for workplace accommodations for this disability. Advocacy needs to be done to ensure that MCS is recognized as a disability, that appropriate policies and procedures are adopted that relate to chemical use in the workplace, and that employers be held responsible for harming employees through exposure to conditions that exacerbate or create MCS.**

One written comment

### **RESPONSE:**

VRBS serves all individuals with disabilities, including those who have been diagnosed with MCS. The eligibility requirement for VRBS is: 1) The individual has a physical or mental impairment which results in a substantial impediment to employment and 2) The individual can benefit in terms of an employment outcome from VRBS.

VRBS agrees that MCS is often misunderstood by employers. VRBS can advocate and educate specific employers when working with an individual who has been diagnosed with MCS. In addition, the Centers for Independent Living (CIL) in Montana provide advocacy for issues such as these. CIL's are consumer-controlled, community-based, non-profit organizations that provide individual and systems advocacy services by and for persons with all types of disabilities. For more information related to CIL's, you can access the following website:

<http://www.dphhs.mt.gov/detd/independentliving/centers.shtml>.

**The Montana Vocational Rehabilitation Program does not understand deaf culture.**

One comment at the statewide meeting

One written comment

**RESPONSE:**

It has been difficult to recruit qualified VR counselors who have the background and skills for working with the deaf and hard of hearing populations. To fill this gap, DETD hired a Program Manager for the Deaf (Shawn Tulloch) in May, 2012 to work closely with the VRBS counselors that have been assigned to work with the Deaf and Hard of Hearing. Shawn is deaf and a fluent signer. Due to her involvement in local deaf communities for many years, she has the deep appreciation, understanding and respect of the Deaf Culture. Shawn's responsibilities include quarterly meetings with VRBS counselors that have a deaf caseload, as well as providing staff training on the use of an UbiDuo, TTY, sign language interpreters, and Video Remote Interpreting. Shawn visits each regional office at least annually and attends local staff meetings.

Additionally, Shawn promotes public awareness and support of VRBS and represents the agency at various statewide meetings. Shawn coordinates with other agencies, families, advocates, and legal representatives to ensure that effective services are available. This position provides technical assistance to public schools and the Montana University System to ensure effective transition services and access to post-secondary training opportunities. Shawn also advises on a variety of topics such as hearing aid costs, transition issues, accessible issues, etc.

All VRBS counselors with hard of hearing cases are encouraged to contact Shawn as needed. The deaf clients are welcome to contact Shawn with any questions or concerns. Her contact info: 406-564-4864 or stulloch@mt.gov.

**VRBS forces a person to make decisions too quickly.**

One comment at the statewide meeting

One written comment

**RESPONSE:**

Once an individual is deemed eligible for VRBS, the counselor has 120-days to develop the Individualized Plan of Employment. There are times when 120-days are not adequate, and at that juncture, the counselor and consumer agree that an extension of the 120-days will be required in order for the consumer to fully develop his/her vocational goal.

If the consumer believes that he/she is not being treated fairly, please contact the Client Assistance Program through Disability Rights Montana Program. The Client Assistant Program (CAP) is available to consumers who need assistance resolving problems or disagreements that they may have with VRBS. CAP's goal is to "identify, explain and resolve any problems you may be having with your rehabilitation program as quickly as possible." Their contact information is: Disability Rights Montana Program, 1022 Chestnut Street, Helena, MT 59624, 406-449-2344 or toll-free 1-800-245-4743.

**VRBS asks the consumer to look into the future and predict what is going to happen. This isn't possible. An additional commenter added that sometimes VRBS makes a person go through evaluations and assessments to try to predict the future. These methods really aren't successful. Sometimes the person has better information about themselves.**

Two comments at the public hearing

One written comment

**RESPONSE:**

The VRBS counselor must assess whether a goal chosen by an eligible individual is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, career interests and informed choice. On occasion, the counselor may determine that the chosen goal is not feasible. The purpose of additional assessment is to make a determination of the feasibility of the proposed employment outcome as well as to determine the scope of vocational rehabilitation services to be included in the Individualized Plan of Employment (IPE).

The IPE must contain a specific vocational goal. If the individual has not selected a vocational goal, the counselor can assist with career/vocational assessments to help that individual determine their vocational direction.

VRBS has made a concerted effort in the past two-years to decrease the number of assessments being conducted state-wide, as well as to move an individual into plan status in a more timely fashion. That being said, the individual must have a vocational goal in mind prior to the development of the IPE.

**Deaf people need interpreters on the job, but who is going to pay for that.**

One comment at the statewide meeting

**RESPONSE:**

VRBS can pay for interpreters in a variety of settings, but cannot pay for interpreters once the VRBS case is closed. VRBS can pay the interpreter's fees for meetings in the VRBS office, for assessments, job readiness training, on-the-job training, placement services or anytime an interpreter is required throughout the VR process. Alternative modes of communication are addressed throughout this process. Once an individual is placed in a job, the case would not be closed successfully until alternate sources of communication have been identified and are in place at the work site.

The accommodations, such as sign language interpreters, UbiDuo, CART, etc., must be reasonable for an employer. The deaf client needs to learn how to communicate with other employees without the heavy dependence on a sign language interpreter. Other options are paper/pen, text messages, and communication apps for iPads/tablets. The deaf client will need to learn advocacy skills such as requesting interpreter for staff meeting at their job (this would be the employer's responsibility to pay the interpreter's fees). Please refer to the link for more information: <http://askjan.org/media/Hearing.html>.

As stated above, the deaf individual needs to be able to advocate his/her communication needs in his/her work environment. VRBS counselors can assist clients with self-advocacy. Additionally, the Montana Independent Living Centers are an excellent resource for individuals who need assistance with advocacy: CIL's assist clients with self-determination, self-help, equal access, and advocacy in order to maximize independence and integration into the community: <http://www.dphhs.mt.gov/detd/independentliving/centers.shtml>.

**There were concerns that the order of selection process may impact persons with learning disabilities by keeping them from getting the services they need. It may also have a similar impact on persons with mental health disabilities. There was an additional comment that it was hoped that Vocational Rehabilitation will come out of order of selection as soon as possible.**

Two comments at the statewide meeting

**RESPONSE:**

VRBS called order of selection (OOS) on March 17, 2014. Priority category 3 was closed, and remains closed at this time. VRBS recognizes that OOS will

impact services for some individuals, including those with learning/mental health disabilities.

Federal regulations describe OOS as a mechanism to continue to operate a vocational rehabilitation program when there are not sufficient resources to serve everyone who requires services. When a vocational rehabilitation program determines that there are not enough resources, it must establish a waiting list by priority category. Those with the most significant disabilities will be served first. When sufficient resources are available, individuals on the waiting list will be contacted and served in chronological order based on their application date.

The priority categories are:

- **Priority Category One:** Eligible individual(s) with a most significant disability that results in serious functional imitations in three or more functional capacities, and who will require multiple services over an extended period of time (12 months or more),
- **Priority Category Two:** Eligible individual(s) with a significant disability that results in serious functional limitations in two functional capacities, and who will require multiple services over an extended period of time (12 months or more),

OR

The individual is a recipient of Social Security Disability Benefits (SSDI) or Supplemental Security Income (SSI) as a result of disability or blindness who is presumed to be eligible for VR services and an individual with a significant disability.

- **Priority Category Three:** All other eligible Individuals with disabilities.

VRBS is seeking additional funding and is waiting for Governor/Legislative approval. If additional funding is secured, VRBS anticipates that we will be able to come out of OOS. If additional funding is not secured, VRBS will come out of OOS when additional resources become available.

**It was noted that the Independent Living Centers are again receiving funding from the Social Security Administration to provide benefits planning services and referrals for those services are encouraged.**

One comment at the statewide meeting

**RESPONSE:**

VRBS counselors are encouraged to make referrals for benefits planning when individuals are receiving Social Security benefits (either Social Security Disabilities Benefits or Supplemental Security Income) when a person is considering employment, particularly when the consumer has concerns of how work will affect their Social Security benefits.

VRBS is pleased that funding from the Social Security Administration was reinstated for these critical services. This program provides an essential service and ensures that the staff involved have up to date accurate information on how work impacts Social Security benefits.

**VRB refers deaf persons to community rehabilitation services that receive reimbursement, but no services are provided.**

1 written comment

**RESPONSE:**

VRBS does refer individuals to community rehabilitation providers (CRP's) as well as reimburse CRP's for services rendered. The VRBS counselor does not pay for the service until they receive documentation from the CRP that the service was provided. Please contact your VRBS counselor if you are unhappy with the CRP services you are receiving.

**VRB uses interpreters that are not certified.**

One written comment

**RESPONSE:**

VRBS makes every attempt to secure certified interpreters for their meetings with Deaf individuals. When a certified interpreter is not available, VRBS has the ability to communicate with Deaf clients via an Ubi Duo (communication device). There have been occasions when VRBS has secured a non-certified interpreter, but only after determining that a certified interpreter is not available.

Registry of Interpreters for the Deaf (RID) has recently updated its website (<https://www.rid.org/acct-app/index.cfm?action=search.members>) so there may be some difficulties accessing the information on this site. To find a specific interpreter, type the first and last names in the appropriate boxes. It should pull up the interpreter's credential(s). You can also choose only Montana and Certified which would result a list of interpreters living in

Montana with their credentials. However, the interpreters can choose how much information (name, phone number, & email only vs. all contact information) to display on RID website. If you cannot find the interpreter under the Montana listing, try typing the first and last names only. The certifications listed on RID website are recognized by RID – however, the National Interpreter Certification is the only current credential offering exams. In the State of Montana, we have a list of Qualified Sign Language Interpreters on the DPHHS website (<http://www.dphhs.mt.gov/>). On the top portion of the page there is an A to Z index with all letters of the alphabet listed. Click on I, Q, or S and this takes you to a link that lists the qualified interpreters in the state.

**VRB does not accept consumer input into plan development, particularly choice of services. Supporting a consumer going to college was a particular issue.**

One comment at the statewide meeting

One written comment

**RESPONSE:**

The consumer does have a voice as well as input regarding the development of the Individualized Plan of Employment (IPE). The VRBS counselor must assess whether a goal chosen by an eligible individual is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, career interests and informed choice. On occasion, the counselor may determine that the goal is not feasible.

If the consumer believes that he/she is not being treated fairly, please contact the Disability Rights Montana advocacy program. They will refer the consumer to an independent advocate who will review his/her situation and give ideas of what options might be available. Their contact information is: Disability Rights Montana Program, 1022 Chestnut Street, Helena, MT 59624, 406-449-2344 or toll-free 1-800-245-4743.

## **VRBS - BLIND AND LOW VISION SERVICES (BLVS) ISSUES**

**We request funding for National Federation of the Blind (NFB) Newline to enhance employability and to provide easy access to Career Builder job listings. The cost would be \$35,000 to \$45,000 a year. In addition, it would be recommended that two additional newspapers be added to the services. The additional newspapers would be in the Kalispell and Bozeman areas as they are both increasing in population significantly. Also, marketing the program was recommended in order to increase awareness.**

Five comments at the statewide meeting

Two written comments

### **Response:**

DETD will fund the bulk of NFB Newline starting July 1, 2014. We will seek partners to help fund, administer, and market the service as well.

The members of the NFB Montana may want to check with the national organization to see if Public Service Announcements (PSA) exist and provide the PSA to local television, radio and cable companies in Montana.

**Work with us (Montana Federation of the Blind of Montana (NFB of Montana)) to develop more effective assistive technology training and support for BLVS consumers. There was a specific suggestion that the current position of technology specialist be evaluated and services provided be reviewed. The review should include projections for the next 3 to 5 years. A report of this review should be provided to the NFB of Montana. Following the review of the report NFB of Montana could assist with planning for needs in this area.**

Four comments at the statewide meeting

Two written comments

### **RESPONSE:**

Last year BLVS had a public forum in Missoula about technology needs and services. The plan this year is to conduct a statewide forum via telephone where blind individuals can voice technology needs as well as suggest ways to meet those needs. Once the overall need is identified, we will develop short-term and long-term goals to better meet the consumer needs. Throughout the process we will consult with members of the consumer organizations (NFB and MAB). Members of those organizations will be informed of the results of the planning can be presented at the conventions and if requested the information can be posted on their websites or the VRBS website.

**The NFB of Montana strongly supports DET's request for an additional \$100,000 in funding for the Older Blind program.**

Five comments at the statewide meeting

Two written comments

**RESPONSE:**

Thank you for your support. VRBS has requested \$100,000 through the process of developing the Governor's budget for the legislature next year. We will know the result of this request when the Governor's budget is released in November or December.

**Seniors are having difficulties getting services from BLVS.**

One comment at statewide meeting

**RESPONSE:**

BLVS would like to address this issue, but needs further information on the circumstances of why individuals are not getting services. Without more information we cannot determine if it is statewide or not and if the services requested can be provided through our programs. If individuals believe appropriate services are being denied, they can contact the VRBS office at 406 444-2590 or 877 296-1197 and speak with Beverly Berg. The mailing address is VRBS, PO Box 4210, Helena MT 59604 or e-mail is [bberg@mt.gov](mailto:bberg@mt.gov).

Individuals can also contact the Client Assistance Program at 406 449-2344 or 800 245-4743 if they have concerns about difficulties getting services.

**It should not be difficult for a person to get services renewed when they have increased difficulties in their independence that set them back again.**

There was one comment at the public hearing. (This comment focused on the Older Blind Program)

One written comment:

**RESPONSE:**

The process of re-applying for Services through the Older Blind Program is fairly simple with the completion of the application which requires minimal information. Some of the BLVS offices have larger caseloads and it may take a while before an appointment is available. If all you need is stronger magnification, you may be able to get in sooner by making an appointment to meet with the Vision Rehabilitation Therapist or Orientation and Mobility Specialist at the office.

**It was noted that there is a special program in Utah that provides support services for persons who are deaf and blind. It may not be practical in Montana, but VRBS should be aware of the challenges for persons with this combination of disabilities and what is provided in other states.**

One written comment:

**RESPONSE:**

VRBS is aware of the Support Person Provider programs in other states that provide the additional services individuals who are deaf-blind need. The programs in those states are run by grants from entities like Medicaid or municipal grants. The programs are usually set up in communities where several individuals with deaf/blindness reside so the assistant/interpreter can work with several individuals.

Some counties in Montana have a Senior Companion Program through Rocky Mountain Development Council, Action for Eastern Montana, or Missoula Aging Services that can provide assistance with independent living issues like shopping, helping with mail, some transportation, etc. However, the companion usually does not have sign language skills. BLVS may be able to provide training on skills to be more independent and/or assist the individual with employment related services. This might include the individual attending a training program like what is available through Helen Keller or learning skills in the home community through the Vision Rehabilitation Therapist and Orientation and Mobility Specialist.

**A concern was expressed that current guidelines for priority of service in BLVS focuses on vision lost. However, in conditions involving retina issues often there is not significant loss of vision in the early stages, but it is in the early stages that treatment may be most effective. Therefore, not providing services until there is significant loss of vision should be reconsidered.**

One written comment:

**RESPONSE:**

This is an unfortunate result of going into order of selection. Federal regulations require that when VRBS does not have sufficient resources to meet all the needs of eligible individuals, that we must provide services first to the most severely disabled and then to individuals with less severe disabilities. If individuals do not meet the criteria for the categories VRBS is serving when they apply, they will be placed on a waiting list. If resources come available, individuals will be served based on application date. The counselors provide information on other resources which may benefit the individuals who are placed on the waiting list. VRBS has requested

increased funding in the upcoming Governor's budget in order to serve more individuals and possibly exit order of selection. The result of these requests will be known when the Governor's budget is released in November or December.

## **INDEPENDENT LIVING ISSUES**

**There is a need for additional funding for the four independent living centers. The funding is necessary due to past funding cuts.**

Four comments at the statewide meeting

### **RESPONSE:**

The Montana Independent Living Centers assist people with disabilities to live independently in their own communities. The Centers work with people on an individual and community system advocacy to promote independence and accessible environments. VRBS has requested additional funding to build capacity of the CILs through the process of budget requests of the legislature during the upcoming session. The result of these requests will be known when the Governor's budget is released in November or December.

## **ISSUES COVERING MORE THAN ONE AGENCY**

**The NFB of Montana strongly supports DET's efforts to increase Extended Employment closures that are integrated and pay at least minimum wage. However, we renew our call to end contracts with entities holding 14 (c) Certificate.**

Six comments at the statewide meeting

Two written comments

### **RESPONSE:**

For many years the vocational rehabilitation program has not recognized placement that involves less than minimum wage as a successful closure. Also, each eligible VR applicant is presumed to be able to achieve employment at a competitive wage unless there is clear and convincing evidence that the person cannot achieve that level of employment. In the rare cases that this occurs, the case is closed and no VR services are provided. The exception to the preceding is self-employment, as there are times when a self-employment situation may generate earnings that would equate to below minimum wage.

In the Extended Employment program, which is administered by DET, many of the consumers served by the program are in sheltered employment placements. It is likely that many of those consumers are employed at their

placement site for less than minimum wage. About three years ago, the DET made a commitment to work towards ending the sheltered employment services within the Extended Employment program. Over that time, the expenditures related to sheltered employment have decreased and some sheltered employment slots within the program have been converted to competitive employment positions. DET is making programmatic changes that will create more workable competitive employment options for consumers traditionally referred to sheltered employment. Changes in this regard are difficult because there needs to be an adequate infrastructure for supporting competitive community employment. The Division will continue to explore and implement procedures that lead towards increased opportunities in competitive community employment for those with the most severe disabilities.

It must be noted that employing persons with disabilities at below minimum wage is legal under the guidelines of 14(c) of the Fair Labor Standards Act. Therefore, the DET's efforts are focused on developing and encouraging reasonable alternatives to this practice rather than a total ban or punitive actions.

Also, in developing the State Plan for Independent Living there is an activity indicating the IL centers will host meetings to facilitate discussions related to exploring and implementing alternative services for consumers who have been traditionally served in sheltered workshops. This follows the model of Vermont IL centers activities when Vermont transitioned from sheltered employment services to competitive employment in the community.

**There is a need for additional funding for the Montana Youth Leadership Program (MYLF) and Montana Youth Transitions Program (MY Transitions). Specific mention was made of some individuals who have benefited from the Montana Youth Leadership Forum. Appreciation was also expressed for past support for these programs in the past and recent VRB activities in support of these programs.**

Six responses at the statewide meeting

**RESPONSE:**

Transition Services are a priority for vocational rehabilitation nationally and in Montana. MYLF and MY Transitions are important partners in assisting VRBS in developing strong transition services in Montana.

Additional funding for these programs has also been requested in the process that has been described in previous issues. As mentioned in previous comments, the results of the request for additional funds will not be known until November or December.

In addition, DETD will seek Reallotment funding from the Rehabilitation Services Administration of the US Department of Education for vocational rehabilitation funding for MY Transitions. This means we can, if approved, leverage the \$50,000 per year of state general funding for MY Transitions for another \$200,000 per year in federal funding. The additional funding is determined annually, which means DETD can commit only to matching MY Transitions funding with federal funding on a year-to-year basis. DETD is currently working out the details of this improved funding and how it will be used with our independent living partners.

**There should be more support for homemakers in both vocational rehabilitation and blind services.**

One comment at the statewide meeting

**RESPONSE:**

VRBS supports the homemaker goal as it is allowed through the Vocational Rehabilitation Act of 1998. Last year in an effort to define the difference between a homemaker goal and independent living goal, a procedural guideline was developed. The guide line can be found at the following link: (<http://www.dphhs.mt.gov/detd/vocrehab/counselormanual/chapter8.pdf#p roc1>) This Procedure supports assisting the individual in achieving the goal of homemaker while helping counselors differentiate between homemaker and independent living activities.

**COMMENTS THAT WERE APPRECIATION ONLY**

For comments that were appreciation only, the agencies do not provide a response to each set of comments. However, the agency is appreciative that the public does provide positive feedback and helps us to recognize facets of the program that are having the intended impact of assisting persons with disabilities to achieve independence and employment. We also wish to acknowledge that the accomplishments of the agency are the results of our dedicated staff and the public's recognition of their ongoing work to achieve the agency's mission is appreciated.

**Thank you for continued support of the blind vendor's program in Montana.**

Four comments at the public hearing

Two written comments

**Thank you for the assistance to keep the Social Security Benefits Planning services viable when Social Security funding for the program was discontinued.**

Two comments at the statewide meeting

**Appreciation was expressed for the independent living services provided to a consumer that have allowed him to continue to live independently in Montana and actively participate in a variety of advocacy activities.**

One written comment