

## Responses to 2013 Public Hearing

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 (VRB) and the Independent Living (IL) program, which were the programs focused on in the public hearing. Other programs within DET include Disability Determination Services, the Montana Telecommunications Access Program, 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 hearing. The 2013 public hearing was held on March 22, 2013. The public hearing was held statewide, at SummitNet Video Network sites in Billings, Bozeman, Butte, Great Falls, Havre, Helena, Kalispell, Miles City, and Missoula. About 60 individuals attended the hearing, and 9 people responded by email or regular mail.

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

The following paragraphs summarize the comments received from members of the public. VRB 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. VRB 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 hearing. The comment period for this hearing ended April 10, 2013. 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 public hearing. There

were local public hearings held on reservations during the months preceding this year's statewide hearing. Summaries were posted separately on the Division website. If there are local hearings held in the upcoming year separate summaries will be completed and distributed to those attending and the summaries will be posted on the Division website.

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.

### **VRB Related Comments**

**DET should address the issue of paying subminimum wages to workers with disabilities. Montana's tax dollars should not support this practice. The agency should completely phase out contractual relationships over the next three years with any and all entities which hold certification under 14(c) of the Fair Labor Standards Act. This comment came from 10 persons.**

**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 two years ago, the Division 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 considering 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 in place in order to optimize the consumers' opportunity to having a successful experience. The Division will continue to explore and implement procedures that assist toward that end.

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 that conducted similar activities when Vermont transitioned from sheltered employment services to competitive employment in the community.

**VRB should address issues related to the waiting lists for accessing supported employment services. This comment focused on the issues impacting youth transitioning from high school and their families.**

**This comment came from 4 persons.**

**Response:** The supported employment waiting lists occur primarily because of inadequate funding to support all persons who need ongoing long term supports. VRB cannot fund long term supports because of federal rule for vocational rehabilitation services. In general, VRB services end after a person has been employed for 90 days. It is possible for VR to provide post employment services after the 90 days of employment, however post employment services are only provided for very specific short term services needed to maintain employment.

However, the supported employment waiting lists do impact VRB services. VRB cannot provide ongoing supports and therefore must identify and obtain a commitment from the provider and funder of the ongoing supports prior to initiating services necessary to obtain the employment goal. The reason is that if a person needs ongoing supports and receives VRB services and is closed after 90 days of employment without the supports being available, it is likely that the consumer will have a negative employment experience and possibly lose employment. Therefore, knowing that the long-term support services are in place prior to initiation of VRB services is necessary in planning for a successful closure.

There are a variety of long-term support services that VRB utilizes. The most used resources are the Developmental Disabilities Program, The Addictive and Mental Disorders Division and the Extended Employment Program. Each has different guidelines for the long-term support services. The Developmental Disabilities Program and Extended Employment Program have significant waiting lists due to a lack of funding to serve all that are eligible for those services.

VRB is working with many stakeholders in the State Employment Leadership Network in order to develop strategies to increase the number of persons with intellectual disabilities who obtain competitive community placement. Through these efforts it is hoped that Medicaid Waiver resources may be able to support more long term employment supports for individuals eligible for Waiver services, and this could reduce the number of persons on waiting lists.

With regard to the Extended Employment Program, when possible the Division seeks to gain funds to expand the number of persons who can be served by the program. These efforts must go through the administrative approval and legislative process. During the last legislative session there were no funds approved to expand services in the Extended Employment program. Funds were provided to increase the rates paid for the program services. On an ongoing basis the Division seeks to move persons through the waiting lists as efficiently as possible. At times, there are notable successes in reducing the waiting list due to increases in funding or increased efficiency. However, successes are usually short term as persons continue to move on to the waiting list and soon the waiting lists are as long

as they were before the various initiatives. Efforts will continue to identify ways to reduce the Extended Employment waiting list.

With regard to transition age youth and the Extended Employment Program waiting list, for state FY 2011 the wait time for persons coming off waiting list was a month shorter for transition age (14-24) consumers compared to all consumers. There have been some specific strategies that have been identified to place students on the waiting list while in school to expedite the consumer coming off the waiting list as close to leaving high school as possible.

**VRB should start working with youth with disabilities at a younger age. There is a need for teaching job skills in junior high. Also, youth with disabilities at this age need mentoring.**

**This comment came from 1 person.**

**Response:** Through the VRB transition initiative print materials and in-person presentations, the focus has been to educate teachers and parents that VRB can and will be available for consultation whenever asked. A VRB counselor, for example, can attend an IEP meeting of a student in junior high to educate the team about what VRB can do when the person is eligible to apply (currently spring preceding exit year or sooner if the person is no longer in school.) The Transition Specialist advocates that VRB counselors begin taking applications before the spring preceding the exit year. The practice of taking an application before the spring preceding the exit year is a guideline and not a mandate. The Rehabilitation Act expects Individual Plans for Employment (IEP) to be in place prior to high school graduation/exit. VRB has included completing IEPs prior to graduation as a measure of progress in the area of transition in the new strategic plan. VRB will be taking steps to increase the number of IEPs completed with students before graduation/exit from high school.

With regard to mentoring, VRB will explore additional outreach activities related to Montana Youth Transitions' Disability Mentoring Day, including the possibility of transitions counselors promoting Disability Mentoring Day at their respective schools and assisting students in completing applications.

**There needs to be a task force of Mental Health administrators, VRB staff, community rehabilitation providers, and other stakeholders involved with long term supports for persons with severe mental**

**health disabilities. The primary issue that needs to be addressed is getting the long-term employment supports they need.**

**This comment came from 1 person.**

**Response:** VRB has been serving more persons served by mental health system in recent years and recognizes that collaborating with the mental health providers is an important activity. As mentioned in a previous response, obtaining adequate long term supports in general is also recognized by VRB as an important issue. At the present time, the focus of collaboration related to mental health long term supports is primarily at the local level. These efforts have generated a variety of successful local initiatives. Those efforts will continue to be encouraged.

With regard to statewide efforts, a few years ago there was an effort to gather stakeholders involved with the employment and consumers with psychological disabilities. The attendance and results of the meeting were less than anticipated and discouraging. The results from this initiative seem to indicate that a significant amount of time and effort may be necessary to achieve statewide collaboration that has an impact. VRB does not have the administrative staff time available to lead such an effort. The SELN initiative mentioned in a previous response may serve as an appropriate model. SELN was an initiative lead and staffed by the Developmental Disabilities Program. With the strong leadership of Developmental Disabilities, VRB has been an active participant and collaborator on several issues. If another agency or entity were to take the lead and provide leadership, VRB would participate actively.

**We request that VRB explore additional fee for service opportunities with the IL centers. Specifically, the following were mentioned: VRB should utilize Living Well with a Disability and Working Well with a Disability programs more often.**

**This comment came from 10 persons.**

**Response:** It is VRB's understanding that Living Well/Working Well with a Disability is offered free by most of the ILCs. It does appear that all VRB regions are utilizing Living Well with a Disability and/or Working Well with a disability. However, the degree of use of the programs seems to vary between regions.

In addition to the Living Well With a Disability and Working Well With a Disability programs, VRB and the IL Centers have developed a significant amount of collaboration related to Social Security benefits planning services. When the Social Security funding for this service ended VRB worked with the Centers and other providers of the service to develop a workable fee schedule for the service. The fee schedule and fee for service process allowed most of the IL Centers to maintain the service for VRB consumers who required the service as part of their plan for employment.

VRB is open to exploring additional fee-for-service opportunities with the ILCs, and we encourage the local ILCs to contact the local VRB offices to set up a meeting to discuss the types of services they can provide, and the proposed fee, if any.

### **BLVS Specific Comments**

**BLVS should assess the effectiveness of the current Assistive Technology (AT) delivery strategy, including the appropriateness of the position description for the AT Specialist, for the next 3 to 5 years. We suggest the agency work with consumers to find ways to improve access to high-quality AT training and support for BLVS consumers. It may be helpful if BLVS staff went to conferences such as CSUN. It may also be helpful if BLVS staff interacted with companies that sell AT and arrange for these companies to do training remotely or locally.**

**This comment came from 11 persons.**

**Response:** BLVS recognizes the important role of AT for persons who are blind or visually impaired achieving successful independence and employment. BLVS also recognizes that staying current and competent as consultants in the field of AT is a daunting task. Given this important challenge BLVS conducts a variety of activities, including the following, to address the issue:

- 1) Maintaining awareness of the overall AT services and resources.
- 2) Exploring and implementing additional ways to better address changes in AT.
- 3) Attending conferences like CSUN and Closing the Gap.

- 4) Maintaining contacts with AT companies, including inviting vendors to show products at bi-annual staff meetings.
- 5) Continuous research and exploration of resources and resource reference materials for consumers.
- 6) When appropriate, sending people out of state for intensive training.
- 7) Collaboration with MonTECH on equipment and training.
- 8) Conducting training programs around state on different AT devices and techniques.

**VRB should fund access to the National Federation of the Blind (NFB) Newsline under the service to groups category. NFB Newsline is a newspaper/magazine delivery system that gives daily accessible formats of five Montana dailies, as well as important national papers and magazines. Blind and other users with print-disabilities use this service daily. NFB Newsline also has the option of providing job listings. In short, it is a vital means of access to our state's newspapers and much more.**

**This comment came from 13 persons.**

**Response:** VRB recognizes the value the Newsline has for a wide variety of consumers and is in the process of exploring the following information to make a decision on how to proceed.

- 1) Analyze the potential outcomes of obtaining the service and determine priority related to other issues.
- 2) Analyze potential funding sources within DET.
- 3) Look at collaborating with other agencies, i.e. Talking Book Library and Montana Association of the Blind, NFB of Montana, Talking Books Library and other possible partners in funding
- 4) Evaluate issues related to maintaining funding on a long term basis.

**BLVS needs to further expand the blind vendor's program. Some part-time routes should be increased to full-time and another route should be added in the state.**

**This comment came from 1 person.**

**Response:** BLVS recognizes the importance of the blind vendor's program and has taken a variety of actions to increase support of the program. For the contract covering October 1, 2012 through September 30, 2013 BLVS increased the amount for the management services through Montana Business Enterprise Inc. (MBEI) by \$40,000. This doubled the amount MBEI had been receiving. In addition to these funds, MBEI has income from unassigned vending to use towards the vending program. The increased funding included funding to purchase additional machines so existing routes could be expanded to full time and to create new routes. To date, these funds have been used to purchase vending machines for routes, and for replacing old equipment that is now obsolete. The plan is to continue funding the BEP at the level of \$80,000 per year.

In addition, BLVS is considering the following factors for possible action in the future:

- 1) Find ways to increase unassigned vending income.
  
- 2) Look at feasibility of starting new route in a major Montana city, based on the following factors: existing contracts with vendors, interest of individuals becoming involved with BEP, and availability of funds.

Persons interested in participating in the Business Enterprise Program are encouraged to talk with their local BLVS counselor.

**BLVS needs more services in Gallatin and Lewis and Clark counties. This comment came from 1 person.**

**Response:** Office placement is a difficult and complex issue. Staffing needs and office placement are reviewed on a periodic basis. Decisions are not based solely on population or voter distribution. Factors considered are:

- 1) the number of consumers in various areas and service waiting lists
  
- 2) efficiency of staff travel, to reach consumers
  
- 3) ability to recruit and maintain qualified staff at various locations

- 4) ability to obtain new FTE for new positions
- 5) existing office leases
- 6) costs related to starting a new office

The primary emphasis of major decisions such as office placement or increasing staff resources is the impact that can be expected by such a change. What will be the positive increase in desirable outcomes for the expense and effort invested in such changes?

**There are a number of consumers of BLVS that have multiple disabilities, and there are national programs that address some of the issues of multiple disabilities. The Perkins Institute is one example. VRB should explore more of these resources.**

**This comment came from 1 person.**

**Response:** BLVS works with national programs that address the needs of individuals with multiple disabilities like Perkins Institute, Helen Keller and others. Consumers are referred to these programs based on their needs and goals. BLVS also works with several rehabilitation centers outside of Montana when appropriate for an individual to receive intensive training. These centers also work with individuals with multiple disabilities.

**VRB should consider persons who are experiencing depression in addition to being blind or experiencing low vision as an unserved/underserved population. More needs to be done in the identification of this population.**

**This comment came from 1 person.**

**Response:** BLVS will consider this issue in the process of developing ongoing staff training. The need for such training will be weighed against the needs in other areas to determine if this is a priority for limited staff development resources.

While the co-occurrence of blindness and low vision with a wide variety of other disabilities is not unusual, it is felt that the assumption that particular psychological conditions coexist with blindness and low vision or other disabilities needs to be considered carefully. Historically, disabilities such as blindness and low vision were often associated with depression based on the negative perceptions of disability that existed in the past. However, the present view of disability focuses on empowerment. The past views of relating depression with disability are now seen as a reflection of obstacles

created by the environment that need to be dealt with rather than a natural reaction to disability.

**BLVS should establish an advisory council to address the unique elements of the program.**

**This comment came from 6 persons.**

**Response:** BLVS and DET also see a need for an advisory group specifically for BLVS to address issues such as the Older Blind Program, Business Enterprise Program, Visual Medical and other issues specific to blindness rehabilitation and independent living. The request for an advisory council is not new. Previously lack of funding for another advisory group or the political atmosphere hindered the development of a council. BLVS and DET commit to renewing efforts to establish a BLVS advisory council and to develop a workable solution on this issue.

### **IL Comments**

**The Missoula independent living center only knows how to serve people with physical disabilities and personal care needs. Their classes are inadequate. They may need training from other centers around the country to get new ideas.**

**This comment came from 1 person.**

**Response:** While Summit Independent Living Center does contract with DET/DPHHS to support a portion of the services Summit provides, they are an independent organization. In order to respect their independence, DET asked Summit to respond to the issue. The following is the response provided by Mike Mayer the Director of Summit:

Summit respectfully disagrees with this comment. Throughout our organization we have staff and peer advocates who have physical disabilities of varying types, mental illness, intellectual & developmental disabilities, hearing loss, deafness, visual impairment, brain injury, and other disabilities. Summit serves people across the disability spectrum as evidenced in our annual 704 performance report. In 2012, the report reveals that of the total 818 individuals with disabilities served, 286 people described their disabilities as physical, 115 mental/emotional, 93 cognitive, 8 hearing, 23 vision, 245 multiple disabilities, and 48 other. Summit offers Living Well and Working Well with a Disability workshops, classes on self-advocacy, assertiveness, self-esteem, and other topics. We also teach Building Advocacy & Learning Leadership Skills courses for high school

students with disabilities in western Montana, provide peer mentoring services, advocacy assistance, social activities, senior companion services, self-directed personal assistance, and information and referral services. Staff and peer advocates regularly participate in national training in the core services of independent living through the IL Net and other appropriate training resources.

**DET should provide support for IL Centers and the SILC in the future. This comment came from 9 persons.**

**Response:** DET has provided support for the IL Centers and SILC for many years. In general, the support for the IL Centers comes from General Funds and a portion of the IL Part B funding. The SILC has received funds to support administrative costs from the IL Part B funding. Also, vocational rehabilitation (110 funds) has provided for the meeting and travel expenses of the SILC. Recently, the federal sequestration has negatively impacted a variety of federal funding sources for the IL Centers and to a lesser degree the SILC. DET has committed additional funding this year to offset some of this lost funding. DET intends to review the needs of the IL Centers and SILC on an ongoing basis and continue support in the future. However, the exact amount and source of funding will be dependent on a variety of factors.

**There needs to be services to assist people with disabilities to access Money Follows the Person and Community First initiatives.**

**This comment came from 1 person.**

**Response:** The IL Program Manager has been assigned as the DET point person for the Money Follows the Person and Community First initiatives. She will follow developments in these initiatives and provide appropriate information to the IL Centers and VRB staff that will assist them in making sure they have information to provide to the consumers of the programs. It is also anticipated that the IL Centers may be involved with outreach efforts to inform the disability community of the options and services available under these initiatives. It should be noted that the IL Centers have been major contributors to the success of the Medicaid for Workers with Disabilities initiative. It is anticipated that their efforts will also have a positive impact on the success of Money Follows the Person and Community First initiatives.

In addition, DET has a specific role in the Money Follows the Person initiative. The Division will develop public awareness videos describing the issues and solutions for persons who have visual impairments and persons who have hearing impairments to maintain independence in their community.

All of the programs in DET will be kept informed of these activities and have access to appropriately develop the materials developed.

**The State Plan for Independent Living needs to provide specific direction in how to address the problems of persons with disabilities. This comment came from 1 person.**

**Response:** The SILC is working to develop a plan for the next three years that addresses specific independent living issues. One of the specific initiatives was previously discussed in the discussion of minimum wage. The IL Centers will coordinate stakeholder discussions on how to transition sheltered employment to competitive community employment.

#### **Joint IL and VRB Comments**

**VRB and IL should explore collaboration in the area of youth in transition.**

**This comment came from 2 persons.**

**Response:** Part of the activities of the Transitions Coordinator when she was developing the Adopt a School program that is now a statewide initiative of VRB was to frequently refer youth to IL for peer advocacy and IL skills training. IL services were seen as a rich source of instruction for a variety of skills necessary to transition into the adult world. IL is one of the major resources noted in the transitions GPS which is a key component of the Adopt a School model. The Transitions Coordinator is considering surveying the transition counselors to determine the amount of interaction with IL centers and the use of the GPS system as a referral mechanism to IL services. After conducting the survey, strategies to increase coordination could be developed if necessary.

The IL Program Manager conducted an email survey of IL Centers on the issue and found that the Center's involvement with VRB related to transition and the Adopt a School model varied between the Centers. Some Centers were not familiar with the model and had little coordination on transition

issues and others were aware of the model and had some specific coordination activities initiated.

In addition, both the VRB Transitions Coordinator and various IL representatives actively work together in the collaborative efforts of the Montana Youth Transitions Program and the Montana Youth Leadership Forum Program.

**VRB should collaborate with IL to develop strategies to address potential gaps in services created by changes in Medicaid and Medicaid waiver services.**

**This comment came from 2 persons.**

**Response:** Medicaid and Medicaid waiver services are large service programs and completely filling gaps that may develop as a result of cut backs in these programs will be difficult. As mentioned previously the IL Program Manager has the responsibility of keeping DET programs informed on these issues and distributing information as appropriate. Any negative impact on Medicaid or Medicaid waiver services has a significant impact on the persons served by VRB and IL and whenever such impacts are identified, the programs will work to assist their consumers who are affected.

### **Comments of Appreciation**

Thank you for the increased support for the blind vendors program in Montana. This support has been increased to a more realistic and sustainable level, and will be instrumental in developing the program further.

Thank you to BLVS for adding services to the Kalispell area.

Thank you to Jim Marks for what he has done at VR.

Thank you for the financial support of IL Centers this year.

Thank you for the fee for service opportunities with the IL centers, such as the accessibility studies.

Thank you for the IL/VRB partnership in the area of benefits planning.

Thank you to VRB for providing leadership in supporting Montana in applying for Money Follows the Person program.

Thank you for the collaboration with the SILC.

Thank you to Peggy Williams for revitalizing the SILC.

Thank you for the collaborating with Montana Youth Transitions to build a sustainable service for youth with disabilities and their families.

It was noted that consumers are speaking more positively about VR services than in the past.

Thanks to the IL Centers in counseling with persons with disabilities to alleviate their fears and helping them to achieve independence.

There were comments that in an individual case in Bozeman VRB and IL worked well together and it was beneficial to the consumer.

Thank you to Tammy Hogan in the VRB Great Falls office for leadership and support in the regional youth transition group.