



**STATE OF NEW MEXICO
COMMISSION FOR DEAF AND HARD OF HEARING PERSONS**

Saturday, November 5, 2011

Albuquerque Marriott
2101 Louisiana Blvd. NE
Albuquerque, NM 87110
10:00 a.m.

DRAFT – These minutes will be subject to another possible revision and approval by commissioners at the next commission meeting scheduled Saturday, February 11, 2012.

I. CALL TO ORDER AND ROLL CALL

Chairman Mark Apodaca called the meeting to order at 10:02 a.m. He explained that the meeting was using remote CART for captioning and therefore all speakers should identify themselves. Chair Apodaca introduced new members of the board, James DeBee, president of NMAD and Deb Hambel from DVR. He also announced that he was reappointed by Governor Martinez to serve five more years.

Present: Mark Apodaca, Chair
Raul Rodriguez, Vice-Chair
James DeBee
David Romine, Secretary
Deb Hambel
Kimberly Silva

Absent: Ron Stern

II. APPROVAL OF AGENDA

12-1

Commissioner Kimberly Silva moved to approve agenda as presented.
Vice-Chair Rodriguez seconded.
Motion passed unanimously.

III. APPROVAL OF MINUTES

Chair Apodaca asked if there were any revisions to the minutes.

12-2

Commissioner Deb Hambel made a motion to approve the minutes as presented.
Commissioner James DeBee seconded.
Motion passed unanimously.

IV. BOARD REPORTS

Chair Apodaca stated that no committees met since the last meeting. There are two committees: Finance and Policies and Procedures.

Chair Apodaca stated that it was his understanding that the Commission's former Executive Director, B. J. Wood, was working on policies with the current Interim Executive Director, Shannon Smith. He asked Ms. Smith how close they were to being finished. Ms. Smith responded that she was actively working with the State Personnel Office (SPO) on the Policies and Procedures. The next step would be to make sure our internal agency procedures are in line with SPO, after which they would be submitted to SPO for review and approval. At that point, Policies and Procedures would be presented to the Board for the final review. Ms. Smith added that it should be finished around the first of the year. Mr. Apodaca asked if we would have the Policies and Procedures by the next Board Meeting, and Ms. Smith answered that it would depend on how quickly SPO reviewed them. She added that the State is seeing a lot of interpreted memos being issued about changing policies, so the Commission has to keep making changes to its policies to be in line with those changes.

Chair Apodaca said the Finance Committee had not yet met, but asked Ms. Smith when the next time the Commission would be meeting with the Legislative Finance Committee (LFC.) Ms. Smith said that there was a hearing in October and she had a report on that for later in the meeting. Chair Apodaca stated that the next Board Meeting would be February 11th, and that the Finance Committee would need to meet during the month of January to get ready for the meeting with both houses on the budget. He added that they needed two more people on the committee as he was the only one left, and to let him know if anyone was interested.

V. AGENCY REPORTS

Executive Summary

Interim Director Shannon Smith announced that since Executive Director B. J. Wood left, the management team and staff have really pulled together to continue running on the high level that Ms. Wood established in her tenure with the agency.

Ms. Smith stated that currently we are in preparation for the FY11 audit. Debbie Romero, the Budget Director for CDHH, is working to finalize the contract and have all of the required documents compiled for the auditors.

CDHH continues to improve coordination of professional development with multiple agencies, including New Mexico Registry of Interpreters for the Deaf (NMRID), Community Outreach Program for the Deaf (COPD), We Interpret.Net (WIN), New Mexico School for the Deaf (NMSD), the Administrative Office of the Courts (AOC), and Sorenson Video Relay Service (SVRS.)

Ms. Smith stated that New Mexico Mentoring had a slow fall session with five mentees and mentors, however there was at least sixteen signed up for the next session.

In the Public Policy and Advocacy Department, Ms. Smith announced that Nathan Gomme has taken over as Interim Director. Suzanne Ruble was the previous director until her resignation in July. Mr. Gomme will continue as Interim Director until CDHH is allowed an exemption to the

hiring freeze and staff are grateful he is filling those shoes. He is working on increasing service coordination among agencies, utilizing local services, overseeing the FY12 Mini-Grant contracts as well as the Deaf/Blind Contract with COPD. He is also exploring communication access funds for small business through the Chamber of Commerce. A lot more small businesses want to comply with the ADA and provide accommodations, but they truly cannot afford it. Therefore, CDHH is trying to assist them in finding funds from the community to supplement their own funding to provide accommodations.

In Telecommunications and Technical Assistance Ms. Smith and staff are continuing to plan the 2012 Conference on Hearing Loss to be held in April. Lou Ferrigno from "The Incredible Hulk" is a confirmed keynote speaker for the conference. Tentatively planned for day two of the conference is Katie ~~Leclerk~~ LeClerc from the ABC Family show "Switched at Birth."

Ms. Smith announced that CDHH continues to work on the website and social media. More and more people are accessing the up-to-date information about CDHH's programs and services through Facebook. It has been very active and very successful.

CDHH is currently working on the FY11 Annual Report for the 2012 Legislative Session. In the upcoming week the Commission will be working with the FCC on text to 911 which is a provision of the 21st Century Communications Act. Ms. Smith relayed that everyone is excited about providing text to 911 services, but there is still a question as to where the funding will come from. The Telecommunications and Technical Assistance Department is also examining the feasibility of the National Deaf-Blind Equipment Distribution Program.

A proposal was sent to the State Purchasing agent to release an RFP for the Training and Development Coordinator position. The position has been vacant since February of this year, and an exemption to the hiring freeze is still pending. CDHH is falling behind in legislative performance measures for providing training, and that position is very intricate to the success of the upcoming conference. By having a contractor, CDHH can accomplish goals and insure the conference will be a success.

Vacancies within the agency are currently: The Executive Director, Chief Financial Officer, the Director of Public Policy and Advocacy, and the Training and Development Coordinator. SPO will not allow CDHH to move forward with posting any positions other than Executive Director until there is a full-time Executive Director, as they want that person to have time to analyze the agency's programs and structure to see if he or she wants to move forward with the posting of those positions.

Ms. Smith stated that CDHH continues to experience a number of websites being blocked by the State's Department of Information Technology (DoIT.) There was a successful meeting with DoIT's cabinet secretary regarding the communication access needs of CDHH. He is working to resolve the issues that prevent CDHH from having greater access to websites while maintaining state government network security.

Ms. Smith reported that recently there has been discussion coming from the administration on reducing flex time and comp time. There has also been discussion on having most agencies mandated to be open Monday through Friday from 8:00 A.M. to noon and 1:00 P.M. to 5:00 P.M. with all business being conducted within those hours. Often CDHH staff are on the road early in the morning or late at night. There might be a chance to apply for an exemption or else staff from CDHH will need to find a way to alter the provision of services to fall within the dedicated hours. Ms. Smith stated that nothing is official yet, but an interpretive memo should be released in the next 60 days and she will make sure the Board is informed.

Legislative Finance Committee

In October, CDHH had a hearing in front of the Legislative Finance Committee. Ms. Smith stated that many topics were covered in the testimony: statistics on hearing loss, performance measures, and CDHH's working relationship with other agencies, i.e. E911 or AOC, how the 21st Century Communications Act is impacting programs and services, the needs of communication access in rural areas, issues surrounding the relay surcharge, and the upswing in equipment distribution numbers. Ms. Smith also reported that CDHH was the only agency that the LFC had questions for. They asked if CDHH worked with NMSD and the Albuquerque Sign Language Academy, and the answer was yes. They asked if CDHH keeps the community informed of new technologies in hearing aids and cochlear implants; also a yes. There was much discussion on whether or not hearing aids were covered by insurance. The LFC would like to see CDHH start working towards universal coverage of hearing aids and expand on the already passed legislation covering children's hearing aids. Additionally, the LFC Chair asked that we relay to NMSD that they are eligible for capital outlay funds as a public school.

New Staff

Ms. Smith announced that there are four new team members at CDHH. Jason Siergey is the Communications Specialist who started in August and Ms. Smith wanted to publicly recognize his work: For FY11, only 252 phones were distributed for the entire year; however in the two months of the first quarter of FY12 that Jason was here, he distributed 285 phones. Thomas Sena is the new Outreach Coordinator for Hamilton Relay. In the Las Cruces office there are two contractors: Tim Farr is the Hard of Hearing Specialist and Alexis Zarret returned to be the Administrative Assistant/Interpreter.

Questions from the Board

Chair Apodaca asked if there were any questions for Interim Director Smith. Vice-Chair Raul Rodriguez asked if issues with the Mini-Grants in Las Cruces had been resolved. Ms. Smith said that the issues were resolved and that CDHH learned from FY11's Mini-Grant process. For FY12, all contracts were signed by July 1st and the first round of invoices will be received December 31st. The Commission shifted the way invoices are accepted from the awardees and it will be done just twice a year as opposed to monthly or quarterly. Vice-Chair Rodriguez asked if we had contacted the previous awardees to inform them of the changes. Ms. Smith replied that they were informed and one of the previous awardees, The Ability Center is one of the FY12 awardees. Also Nathan Gomme touches base with them at least bi-weekly.

Chair Apodaca asked about the tax surcharge that Ms. Wood was working on with Tax and Revenue, and if that surcharge is set to be increased or changed in any way. Ms. Smith responded that she has a meeting scheduled with Tom Dillon and two representatives of Tax and Revenue on November 15th to bring the surcharge conversation back to the table. Secretary Padilla of Tax and Revenue assigned Tom Dillon to the project because he had the most knowledge of the surcharge. Mr. Dillon has already started multiple conversations at Tax and Revenue regarding the surcharge and has kept us posted that he's not getting the desired results. Many people at Tax and Revenue do not see the surcharge as a priority. Ms. Smith stated that she will have more information after the November 15th meeting.

Chair Apodaca asked if the Board could be of assistance in this area. Ms. Smith commented that when she attended the National Association of State Relay Administrators Conference that she learned other states have the exact same issue. On the federal level, voice over internet protocol service providers and pre-paid wireless are now required to submit their surcharge to the interstate TRS fund. Most states that have attempted to add these services within the intrastate funds have been denied repeatedly. Ms. Smith went on to say that if the time comes to write a bill, she will need the assistance of the commissioners.

Ms. Smith also brought up that TRS numbers have stabilized for the last year and a half. With the cost of high-speed internet consistently rising, many individuals who moved from traditional relay to internet are now returning to traditional relay. Users will continue to increase because it is not for just traditional relay, but captioned telephone service. Commissioner James DeBee commented that the hard of hearing community does rely on traditional relay because they do not sign. VP is preferred by those who sign, but hard of hearing people rely on traditional relay services. Ms. Smith stated that traditional relay use and captioned telephone use are tracked separately, but the hard of hearing community predominantly uses captioned telephone service, and those numbers continue to grow.

Chair Apodaca asked Ms. Smith if the revenues decline, will it make it more difficult to fill vacant positions. She responded that it would and that CDHH hasn't felt the full impact yet, but with the decline in revenue, it will make it difficult to seek individuals who are the most qualified. Currently there are funds reserved in the budget, however if the Commission continues to run with those vacancies, those funds could be cut from the budget. Vice-Chair Rodriguez asked, with Shannon Smith as Interim Director, why the positions couldn't be filled. He stated that the business of the Commission does not stop because we don't have a full-time director. Chair Apodaca said that discussion would be saved for the Executive Session.

Chair Apodaca mentioned that at the NMAD Conference, CDHH staff member, Corina Gutierrez, gave a workshop and discussed how difficult it is to explain to government agencies about the ADA. He asked, with only three people in the Public Policy and Advocacy Department, how they can take on all the requests regarding violations of the ADA, and what the time frame was for a complaint to make it to the federal level.

Ms. Smith said that this is just one area where the vacancies hurt CDHH. Nathan Gomme plays a double role as Interim Director of Public Policy and Advocacy, and Service Coordinator. Corina Gutierrez is a full-time Service Coordinator. Cheryl Padilla does Service Coordination and also handles all of CDHH's internal communication access requests; so that part of her workload will be given to the contract Staff Interpreter which will give Ms. Padilla more time to focus on her clients. In the Las Cruces Office, Sandy Williams and Tim Farr also provide advocacy services. So Ms. Smith said it is anywhere from nine to eighteen months from the time they open a case to filing with the Department of Justice. She added that the Service Coordinators are finding that the larger state government agencies are some of the worst offenders. Service Coordinators not only have to meet with the front line staff, they meet with management and also sit down with the financial staff to discuss cost and how to build it into their future budget to ensure they continue to provide communication access.

Commissioner Kimberly Silva said she had first-hand experience when she tried to get a sign language interpreter for a deaf board member of the American Sign Language Academy who was attending a conference. It was a huge conference and they stated they did not pay for interpreters. It was a very frustrating experience. She was amazed that this was still happening in 2011.

NASRA and TEDPA Conferences

Chair Apodaca commented that Shannon Smith was away at a conference and was interested to know how this helped the Commission. Ms. Smith explained that she had attended two conferences back-to-back. The first one was the National Association of State Relay Administrators (NASRA) which was four days, and then the Telecommunications Equipment Distribution Program Administrators (TEDPA) was another four days. At the conferences there was a presentation from the FCC updating them on the 21st Century Act and the way it impacts state relay. Starting around the middle of November, relay providers will be required to accept interoperability of calls, which means a TTY user can now contact a VRS user through relay.

Before those calls were rejected because the calls were considered double-dipping of relay funds.

Another presentation from FCC, the Helen Keller National Center and Perkins School for the Blind was on the [National Deaf-Blind Equipment Distribution Program \(NDCEDP\) Deaf/Blind Equipment Program](#). The program is a federal initiative coming out of the 21st century act where the FCC set aside \$50,000 per state and additional funds base of the incidence of deaf-blindness per state. Ms. Smith stated that in theory it is an amazing program, but in practice it will be a challenge. The way the FCC has written the rules, it will be a reimbursement program. Government and non-profit agencies that participate will be responsible for the application process, database tracking, and the purchase of equipment which averages about \$9,000 per piece of equipment. Every six months the agency would submit specific reports and reimbursement from the FCC. The challenge is that CDHH is non-revenue generating, which means there is no way of accepting that reimbursement. Also, because the program was rolled out so quickly, CDHH was not able to budget additional funding to pay for the equipment initially. Ms. Smith added that CDHH will work with COPD and UNM's project for children who are deaf-blind to figure out how we can make the program happen.

Ms. Smith reported that the FCC is still working diligently on correcting the fraud that has occurred with Video Relay Service. Because of the fraud, the FCC is not comfortable with handing VRS to the states yet.

Another big focus at the conferences this year was fire alarms. CDHH will be adding smoke detectors and visual fire alarms to the equipment distribution program January 1st. CDHH will start a campaign and work with fire marshals in different cities across the state to get the equipment distributed.

Lastly, Ms. Smith noted that in the years she has attended NASRA and TEPA conferences, she has seen many positive changes, including standardization of amplified phones. This directly impacts the Commission's constituents because we can adequately match equipment to each individual's hearing loss.

VI. PUBLIC COMMENTS

Chair Apodaca opened the floor for public comments. Charles Grote introduced himself and asked what progress CDHH was making on the search for an Executive Director. Chair Apodaca stated that there were some good candidates interviewed and names were submitted to the Governor's office. However they withdrew before the interviews with the Governor took place. The Commission will repost the position.

Mr. Grote also asked who made the decisions to have a hiring freeze when internal agencies are in need of people. Mr. Apodaca referred the question to Interim Director Smith who replied that initially the hiring freeze started with Governor Richardson in an effort to balance the budget. It has continued with Governor Martinez to decrease the size of government. The protocol established by the Governor's office is if there are any reclassifications (changing duties), increasing or decreasing salary, or any exemption to the hiring freeze, they are first sent from the agency to the state personnel office where they review and then approve or deny. If approved, the request goes to the [Department of Finance Administration to review for budget approval. If approved, the request goes to the Governor's Chief of Staff](#), who does the final approval or denies it. Additionally, there is discussion happening regarding streamlining government services, e.g. the Department of Finance & Administration (DFA) is looking at taking over finance duties from agencies with less than 25 employees and SPO is looking at taking over Human Resources of agencies of that size as well. Ms. Smith said that in her opinion, they are hesitant to post and hire and then have to lay off personnel.

VII. UNFINISHED BUSINESS

There was no unfinished business.

VIII. NEW BUSINESS

Election of Officers

Commissioner Silva nominated Mark Apodaca to continue as Chair. Chair Apodaca accepted.

Vice-Chair Rodriguez nominated David Romine to replace him as Vice-Chair. Commissioner Romine accepted.

Chair Apodaca nominated Kimberly Silva as Secretary. Commissioner Silva accepted.

IX. EXECUTIVE SESSION

12-3

Commissioner DeBee made a motion to go into Executive Session.
Commissioner Deb Hambel seconded.

Roll Call Vote:

Chair Apodaca:	yes	Commissioner Romine:	yes
Commissioner Silva	yes	Commissioner Rodriguez:	yes

Board went into closed Executive Session at 11:00 a.m.

12-4

Commissioner Rodriguez made a motion to exit Executive Session.
Commissioner Romine seconded.

Chair Apodaca:	yes	Commissioner DeBee:	yes
Commissioner Silva:	yes	Commissioner Hambel:	yes

Public Board Meeting reconvened at 11:45 a.m. No action was taken during the Executive Session. Chair Apodaca did announce that Raul Rodriguez was resigning from the Board after many years of service and there was now an opening for a Southern New Mexico representative.

12-5

Commissioner Rodriguez made a motion to adjourn.
Commissioner Silva seconded.
Motion passed unanimously.

Meeting adjourned at 11:48 a.m.