

**STATE OF NEW MEXICO
COMMISSION FOR DEAF & HARD OF HEARING**

*Quarterly Board Meeting
Thursday, December 10, 2020
3:00 p.m.*

*The meeting was held remotely via Zoom and the public could view the meeting
livestream on YouTube with interpreting and captioning at
<https://youtu.be/g5TLyYXCKYA>*

***DRAFT – These minutes will be subject to another possible revision and approval by the
commissioners at the next board meeting on March 11, 2021.***

I. CALL TO ORDER AND ROLL CALL

Chair Concha Dunwell called the meeting to order at 3:04 p.m. Lori Neubauer, Administrative Operations Specialist, called roll call.

Present: Mrs. Concha Dunwell
Dr. Rosemary Gallegos
Dr. Michael O'Brien
Mr. Francis Vigil
Dr. Ronald Stern
Mr. John Hooper

Quorum was met.

Six staff members from NMCDHH were present via Zoom: Executive Director Nathan Gomme, Deborah Romero, Lisa Dignan, Corina Gutiérrez, Lori Neubauer, and Jessica Eubank. Jessica Eubank interpreted the meeting along with Andrea Ginn, Gabriella Cravens, and Rachele Clifford. Assistant Attorney General Delilah Tenorio was also present. Lenore Schatz provided CART transcription.

II. APPROVAL OF AGENDA

Chair Concha Dunwell asked for a motion to approve the agenda.

21.4

Commissioner John Hooper made a motion to approve the agenda.
Commissioner Francis Vigil seconded.
Ms. Neubauer took a roll call vote:

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|----------------------------|-----------------------------|
| Commissioner Dunwell – Yes | Commissioner Gallegos – Yes |
| Commissioner O'Brien – Yes | Commissioner Vigil – Yes |
| Commissioner Stern – Yes | Commissioner Hooper – Yes |

Motion passed unanimously.

III. APPROVAL OF SEPTEMBER 10, 2020 MINUTES

Chair Dunwell asked if there were any changes to the minutes from September 10, 2020.

21.5

Commissioner Michael O'Brien made the motion to accept the minutes as written.

Commissioner Francis Vigil seconded.

Ms. Neubauer took a roll call vote:

Commissioner Dunwell – Yes

Commissioner Gallegos – Yes

Commissioner O'Brien – Yes

Commissioner Vigil -Yes

Commissioner Hooper – Yes

Commissioner Stern abstained from voting since he was not present at the September meeting.

Motion passed with majority vote.

IV. REPORTS

a. Executive Director Report

Executive Director Nathan Gomme let the board members know that he was currently recovering from the coronavirus. It is not an insignificant illness and made a great impact on him and also made him think more about the Deaf and Hard of Hearing community and their needs during this pandemic. The Commission has addressed many different issues including access to medical services, vaccinations, access to information from the governor's office, the Department of Health, Health and Human Services, etc. with a focus on those in rural New Mexico. Broadband is still very limited in the State's rural areas. Some areas are very lucky to have hot spots and satellite options, but there is not complete coverage in those areas. Those rural areas that do have some form of coverage may have limits on internet speed and may have to choose a very specific mobile carrier. The lack of, or limited coverage has had a big impact on education, medical services, access to information and access to food. Some communities in New Mexico have done a fantastic job of developing local resources. Albuquerque, for example, has a hot spot busses that travels around the city. There still is a serious lack of resources, and that needs to be addressed.

Executive Director Gomme stated that the Commission has had conversations with AARP and a variety of stakeholders to see what we can do to promote 100% broadband access across the state. There will be a meeting with some of the stakeholders in December to discuss those concerns and what we can do to provide internet access in those rural areas. Even though New Mexico has many rural areas, this is not a unique situation to New Mexico. Executive Director Gomme has been in meeting with people from other states that are experiencing similar barriers.

Other issues the Commission needs to address is web access so people can use different platforms such as Zoom, WebEx, and Microsoft Teams. Not all platforms have equal access for the Deaf, Hard of Hearing, or Deaf-Blind consumers. Some do not allow the consumer to have good access to the interpreter and others have inferior captioning. For the State of New Mexico, there have been some effective changes. More and more organizations use Zoom and in January there will be a legislative session held using Zoom. That platform will allow Deaf, Deaf-Blind, Hard of Hearing, and those with visual disabilities to access the legislative session more effectively. They will have captioning for all of the streamed the legislative hearings, and the Commission has requested that there be a process to request interpreters as well. Recently on the home page of the legislative website they added an option to request and interpreters or other accommodations for the legislative session.

The Commission has been in touch with the Department of Health regarding vaccinations for interpreters and Support Service Providers (SSPs). The vaccine process is a multi-step process. On the priority list

are first responders and health care workers, but we have encouraged them to add interpreters and SSPs who provide services to Deaf-Blind individuals or Deaf individuals in the hospital who are have COVID, so that they are kept safe. Personal care providers who work for those who have a vision loss or developmental disabilities also should be prioritized. This is not a simple process especially since it was originally thought that we would have over 50,000 doses, but there has been a reduction in that number for New Mexico. How to allocate those vaccines is an ongoing discussion and something the Commission will continue to work on.

Commissioner Stern complimented the CDHH website and the Vlogs done regarding COVID, and with the vaccination situation he was wondering if we would post something on vaccines and what they can and cannot do. Executive Director Gomme responded that the Commission was working on it. He was in a meeting with a company called Ready Op who is developing an online registration form on websites of places that will be distributing the vaccines. The conversation was to make sure that there is an ASL interpretation of the questions on the form. Also discussed was access for the Blind and Deaf-Blind that use a Braille reader. Websites often use Captcha for security which shows a series of letters and numbers or pictures that distinguish between a bot and a human, but this is an issue for Braille readers. We want the vaccination form, the process, and all information to be accessible. Roger Robb, who makes the Vlogs Dr. Stern referred to, is also involved in this project as well. He will be making Vlogs about the vaccination process, differences between the Pfizer and Moderna vaccines, and more.

Commissioner Stern asked if there was any truth to the rumor that Zoom would provide interpreter services for meetings if requested. Executive Director Gomme said that Video Relay Service (VRS) companies that are traditionally used for interpreter services for the Deaf on video phones, are now being used for video meetings on platforms such as Zoom or WebEx. The FCC does permit using VRS for these meetings, but there are concerns about how they are being utilized. We have been encouraging agencies and companies to not allow the use of VRS for video meetings on Zoom and other similar platforms; they need to hire interpreters for these meetings who have the necessary background which is best practices. Recently a court used a VRS interpreter for their proceedings. This was not successful or appropriate. A VRS interpreter should not be used in those situations and we did report it to the National Association for the Deaf (NAD) and plan to pursue this with the FCC. CDHH has found out that they have also been used for education, legal proceedings, mental health appointments, and meetings that are three or four hours long, which limits the availability of VRS interpreters. Executive Director Gomme added that traditional relay services are also overwhelmed and have been used in similar ways. Numbers have increased by 36% in New Mexico for CTS and 16% for other types of relay provided in by our state and our TRS fund pays for that.

Commissioner Gallegos asked if there was any discussion about interpreter access being provided for the governor's press conferences. Executive Director Gomme said that since the governor transitioned the press conferences to a remote location, there has been a challenge in showing the governor, an interpreter, and the PowerPoint presentation simultaneously via Zoom and then streaming that view live to Facebook. There have been various barriers and problems with many ideas suggested. There is a process that would allow for a video on Facebook to be added so that an interpreter could be in the video through a third-party system. We are pushing that method and we do expect that there will be an interpreter provided on the governor's press conferences soon. Since the press conferences are shown on TV live, we need an interpreter there in real time so that the Deaf Community will not be forced to find out that information later.

Chair Dunwell mentioned that for Hard of Hearing individuals the captioning services are often abysmal. Some captioning services are wonderful, but not all captioning services are equal. Deaf and Hard of Hearing individuals who depend on that service are missing large chunks of what is being communicated. Executive Director Gomme responded that television captioning is an FCC issue. We need to encourage the FCC to take steps to improve captioning in more areas. For meetings not on television the issue is

internet-based captioning, which there many different versions of and they each use different software. And each version of the software does not have the same reliability. For captioning our meetings, CDHH uses CART and we encourage other state agencies to use CART services because they are best for captioning. He added that on December 21st he will be presenting with three other agencies about best practices for web access.

Commissioner Vigil commented that historically disenfranchised and marginalized groups such as the Deaf community have difficulty in school-based education communication, and this is paramount right now. He asked how we could meet with different agencies such as the Public Education Department to bring this digital divide to the forefront in the next legislative session. He mentioned that it is a utility issue as well. Executive Director Gomme agreed and stated he had already started discussions with a variety of entities. The Disability Access and Functional Needs group has frequent discussion about the need for access and the different issues that we see in rural communities that are not acceptable. He added that the previous day, the National Association of State Agencies for Deaf and Hard of Hearing (NASADHH) had this discussion. NASADHH will draft a letter to the FCC on the reality of rural communities not receiving internet services and how during this pandemic it is essential to have access.

Commissioner O'Brien added that this issue of communication in rural communities affects students and people with disabilities at a higher level, and as a result we have inequitable services, education, and opportunity for those individuals. These are long-term losses.

Commissioner Stern asked if NAD was on board with the letter to the FCC to make internet services a utility. Executive Director Gomme said the NAD, Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI) and the Hearing Loss Association of America (HLAA) were onboard. The National Rehabilitation Association and other agencies were suggested, and Executive Director Gomme said that they were working to build a coalition on national and local levels to address this issue.

There was also discussion regarding DVR's Order of Selection which is still in place. Commissioner O'Brien said that there will be two public meetings, December 18th at 10:00 a.m. and December 22nd at 2:00 p.m. that will be captioned and have interpreters. The purpose of the meetings is to review the Order of Selection plan and then to review changes in their manual of operating procedures following a federal evaluation. There were several changes that they required DVR to make, and some changes they made on their own. Commissioner O'Brien stated that historically, the Order of Selection is due to a financial issue, but recently has also been a staffing issue since they don't have enough staff. They will be hiring more staff and they have already taken more than 1400 off the wait list in the last year. However, another 860 individuals remain on the wait list.

b. Department Reports Q & A

There were no questions on the Community Advocacy or Community Engagement reports. On the Administrative Services Department, Commissioner Hooper noted that the TRS revenue was around \$339,000 and asked if that was less than last year. Deborah Romero, CFO, said that it was about \$100,000 less and we are continuing to see a decline in the TRS revenue. Executive Director Gomme added that we have given the Legislative Finance Committee information and stated that this issue needs to be addressed. We have shown them the continuous decline, and despite changes in the language, this remains an issue. He said CDHH needs a larger amount of money collected or they must do a deep audit to determine where this money is being submitted to. The E911 service saw an increase in funding that correlates with the increase of funding we anticipated. Senator Rodriguez is aware of this issue and that it must be urgently addressed. There will already be a 5% reduction in the State's general funds in January.

V. ACTION ITEMS

a. Adoption of Revised OMA Resolution

The CDHH attorney, Delilah Tenorio, stated that she was available during the meeting in case there were questions regarding the OMA Resolution. She explained that the biggest change was language changes in paragraphs nine and ten for clarification on when a meeting is closed to the public and regarding emergency meetings. The changes made the language more fluid and eliminated redundancy. Other than that, there were no substantive changes.

21.6

Commissioner Ronald Stern made a motion to adopt the OMA as revised.
Commissioner John Hooper seconded.
Ms. Neubauer took a roll call vote:

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|----------------------------|-----------------------------|
| Commissioner Dunwell – Yes | Commissioner Gallegos – Yes |
| Commissioner O’Brien – Yes | Commissioner Vigil – Yes |
| Commissioner Stern – Yes | Commissioner Hooper – Yes |

Motion passed unanimously.

b. Election of Officers

For the election of Chair, Vice-Chair Francis Vigil took over for Chair Concha Dunwell. Vice-Chair Vigil asked for nominations for the position of Chair. Commissioner Hooper nominated Commissioner Dunwell to continue as Chair. Commissioner Dunwell accepted. There were no other nominations.

21.7

Commissioner Michael O’Brien moved to elect Commissioner Dunwell as Chair
Commissioner John Hooper seconded.
Ms. Neubauer took a roll call vote:

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|----------------------------|-----------------------------|
| Commissioner Dunwell – Yes | Commissioner Gallegos – Yes |
| Commissioner O’Brien – Yes | Commissioner Vigil – Yes |
| Commissioner Stern – Yes | Commissioner Hooper – Yes |

Motion passed unanimously.

For the position of Vice-Chair, Chair Dunwell asked for nominations. Chair Dunwell said she would like to nominate Commissioner Michael O’Brien. Commissioner O’Brien accepted. There were no other nominations.

21.8

Commissioner John Hooper made a motion to elect Commissioner O’Brien as Vice-Chair
Commissioner Francis Vigil seconded.
Ms. Neubauer took a roll call vote:

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|----------------------------|-----------------------------|
| Commissioner Dunwell – Yes | Commissioner Gallegos – Yes |
| Commissioner O’Brien – Yes | Commissioner Vigil – Yes |
| Commissioner Stern – Yes | Commissioner Hooper – Yes |

Motion passed unanimously.

For the position of Secretary, Chair Dunwell asked for nominations. Commissioner Rosemary Gallegos nominated Commissioner Francis Vigil. Commissioner Vigil accepted. There were no other nominations.

21.9

Commissioner John Hooper made a motion to elect Commissioner Vigil as Secretary
Commissioner Michael O’Brien seconded.
Ms. Neubauer took a roll call vote:

Commissioner Dunwell – Yes
Commissioner O’Brien – Yes
Commissioner Stern – Yes

Commissioner Gallegos – Yes
Commissioner Vigil – Yes
Commissioner Hooper – Yes

Motion passed unanimously.

c. Dates for 2021 Board Meetings

The following dates were set by the board for meetings in the coming year:

Thursday, March 11, 2021
Thursday, June 10, 2021
Thursday, September 9, 2021
Thursday, December 9, 2021

All meetings will start at 3:00 p.m.

VI. ADJOURNMENT

21.10

Commissioner John Hooper made a motion to adjourn.
Commissioner Francis Vigil seconded.
Ms. Neubauer took a roll call vote:

Commissioner Dunwell – Yes
Commissioner O’Brien – Yes
Commissioner Stern – Yes

Commissioner Gallegos – Yes
Commissioner Vigil - Yes
Commissioner Hooper - Yes

Motion passed unanimously.

The meeting was adjourned at 4:41 p.m.