



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

Wednesday, April 17, 2013
Albuquerque NMCDHH Conference Room
2500 Louisiana Blvd. NE, Suite 400
Albuquerque, NM 87110
4:00 p.m.

I. CALL TO ORDER AND ROLL CALL

Chairman Mark Apodaca called the meeting to order at 4:03 p.m.

Present:	Mark Apodaca, Chair	James DeBee
	Deb Hambel	Dr. Ronald Stern
	John Johnson	Luis Quinonez
	Austin Welborn	

Eight staff members from NMCDHH were present: Executive Director Ellen Roth, Sam Martinez, Deborah Romero, Nathan Gomme, Lori Neubauer, Joyce Croker, Roger Robb and Lisa Dignan. Four interpreters were present: Rhiannon Sykes-Chavez, Julayne Feilbach, Barb Shaffer, and Kim Corwin. Eleven members of the community were in the audience.

II. APPROVAL OF AGENDA

Chair Apodaca asked for approval of the agenda.

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Commissioner James DeBee moved to approve agenda as presented.
Commissioner Ron Stern seconded.
Motion passed unanimously.

III. Comments from the Public

Mr. Dom Bonura asked if the CDHH encouraged or supported Deaf groups or individuals to set up non-profit businesses and organizations. Commissioner Ron Stern stated that it was not the role of the board to encourage, but it was something that they support. To clarify, Chair Mark Apodaca asked if Mr. Bonura meant if the Commission encourages staff to work with profit and non-profit businesses. Mr. Bonura said no, that he was referring to a non-profit business that was set up and a Deaf individual was hired, and presumably the Commission was not happy about that. Mr. Bonura wanted to know if all of the commissioners were in favor of the concept of a Deaf individual or group starting a non-profit business. All commissioners gave their support.

Mr. Bonura also stated that the Commission is failing in regards to communication access available in most of the service providers in the State of New Mexico. As compared to the states of Pennsylvania, Vermont and New Hampshire, the deaf people have no problem with communication access with service providers, and it was done by a small number of people compared to the staff at NMCDHH.

Mr. Bonura wanted to know if any of the NMCDHH staff participate in the DVR state plan which includes services for the Deaf and Hard of Hearing. The money from NMCDHH (\$456,000) goes to DVR. Mr. Bonura asked if that money is going to support individuals who are Deaf or Hard of Hearing. Commissioner Deb Hambel asked if she could answer, but Chair Apodaca asked her to hold that for now and to continue with Public Comments.

Mr. Bonura stated that he wrote a long letter to Acting Director Ralph Vigil. Mr. Vigil did respond and explained the three different levels in the order of service. Mr. Bonura went on to say that DVR does not have a Deaf counselor. Ms. Roth stated she will include requirements for the counselors to be able to sign when dealing with deaf clients. She will work with Ms. Hambel to include all new requests in the MOU.

Mr. Bonura stated that he wrote a letter to Executive Director Roth about CDHH contracting out of state. He said that a few years ago CDHH cancelled the contract with New Mexico Relay Network costing about 40 to 60 New Mexicans their jobs. He would like to see people in New Mexico be employed with this work. He also asked that a contract or RFP be set up for \$5,000 to \$6,000 so that Deaf individuals have communication access during the next Legislative Session.

Marianne Jodie Grote asked to talk about the new interpreting services called NIS. She asked, with the understanding that CDHH is on neutral ground in regards to the various interpreting agencies, for the support of the commissioners. This is a new agency, established and run by the Deaf to provide services for the Deaf. Ms. Grote wanted to let Executive Director Roth and the Board know that there would be a meeting the following Wednesday at 10:00 a.m. in Santa Fe and would appreciate their support.

Chris Kemp from Roswell introduced himself to the Board. He wanted the Board to know that he struggled with COPD providing an SSP for a person going to the hospital and having surgery. There were several calls made, but no one called back. At one time there was a missed call, but no message was left. Mr. Kemp said there are issues with interpreting services in Roswell, because Roswell is far from Albuquerque and Santa Fe and it is difficult to get interpreters from COPD. He also commented that the new interpreting service, NIS, was good to have in New Mexico.

The NMAD Conference which Mr. Kemp chairs has noticed a drop in attendance since the Commission has had its Conference on Hearing Loss. He suggested the possibility of combining the two conferences.

Chair Apodaca thanked the people that had comments and that the board would look into their concerns.

IV. INTRODUCTION OF NEW BOARD MEMBERS

Chair Apodaca wanted to give the new board members an opportunity to introduce themselves starting with Commissioner John Johnson.

Commissioner Johnson introduced himself and talked about his hearing loss. While in the military in 1971 and he got very close to some bombs and has had a profound hearing loss since. Mr. Johnson stated that his sign language was improving, but he was not yet proficient. He also

explained his frustrations in the business world. The hearing world thinks because he can speak that he can also understand what they are saying, even though he isn't able to in actuality. Sometimes he has a speaking person sitting close to him to interpret what is being said. He found himself feeling more isolated. His wife told him to learn to sign, so two years ago he began learning sign and got involved with the Deaf community. He was amazed at how wonderful and accepting the people were and it opened his eyes to many things. Commissioner Johnson said he was excited about being part of the Commission and to represent the hard of hearing and the concerns of the Deaf community.

Commissioner Johnson works with Community Action Agency of Southern New Mexico (CAASNМ). Before that he was the General Manager for Southwest Ambulance and worked on a grant to connect the hospital and the clinics together, and won the grant. Then he took over the project for CAASNМ and is director over what is called "Healthy Communities" which is software that connects the clinics and hospitals together. They also find medical insurance for people that cannot afford it. He is also the Director of "Covering Kids" which advocates for children to get Medicaid, and Director of IT for CAASNМ.

Commissioner Austin Welborn introduced himself and stated he has only lived in New Mexico the last 2 ½ years, but he loves the community. He explained that the Deaf community in Utah was more like a several really small and separate groups. Here in New Mexico, Mr. Welborn finds that the Deaf community is striving for one large group of Deaf and Hard of Hearing people to be together. He started "Deaf Night Out" which he feels will improve the strength of the Deaf community and help people become more aware of Deaf Culture and what Deaf people are all about. They have been meeting for two years and averaging 70-80 people coming to each event. Commissioner Welborn also became involved with NMAD and is now President of the Albuquerque chapter. He enjoys seeing Deaf and Hearing people interact and he's hoping for a stronger Deaf community.

Mr. Welborn just started a job with a new company as a mechanical engineer. He had majored in Mechanical Engineering at the University of Utah for his BS and graduate degree.

Commissioner Luis Quinonez greeted those present. He and his family moved from Las Cruces to Santa Fe so that his 6-year-old daughter could attend the New Mexico School for the Deaf. He also has a two-year-old hearing son. Mr. Quinonez worked in law enforcement for the past six years and is waiting to join the police department in Santa Fe as well.

V. ACTION ITEMS

a. Election of Officers for 2013 Calendar Year

Chair Apodaca called for the election of officers for the 2013 calendar year, which was postponed from the December meeting so that a full board could vote.

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Commissioner James DeBee nominated Mark Apodaca to remain Chair of the Board. Mr. Apodaca accepted and there were no other nominations. The Board voted unanimously in favor.

13-8

Commissioner Ron Stern nominated Commissioner Deb Hambel for the position of Vice-Chair. Ms. Hambel accepted and there were no other nominations. The Board voted unanimously in favor.

13-9

Chair Apodaca nominated Commissioner Ron Stern for Secretary. Dr. Stern accepted after clarifying that he could as an ex-officio member. There were no other nominations. The Board voted unanimously in favor.

b. Approval of Minutes

Chair Apodaca noticed some grammatical errors on page nine. First line of paragraph three should be "there are legislative issues" rather than "they are" and the words "to address" should be added. It was also stated that it was not clear what was meant by the auditing in the next sentence. Executive Director Roth clarified that it was the auditing of the telephone companies to see if CDHH is receiving the correct amount.

Commissioner DeBee also wanted the last sentence of the fourth paragraph of page nine to be corrected to say that he wanted to remove the low income requirement so all deaf individuals could have access without question.

13-10

Commissioner DeBee made a motion to approve the minute with the aforementioned corrections. Commissioner Hambel seconded. Motion passed unanimously.

VI. AGENCY REPORTS

a. Executive Director

Chair Apodaca asked Executive Director Ellen Roth to share some of what happened at the 60-day legislative session. Ms. Roth said that she had gone to Santa Fe for the budget review and hearing. The CDHH budget for FY14 was approved with a cut of \$200,000 in contracts only. The operating budget would stay the same. CDHH is funded by revenue from TRS which is dwindling due to a decrease in landline subscribers. Commissioner Apodaca said he hoped they could change the phone revenue during this legislative session and Ellen replied that she did speak with a few representatives this year but they said it needs to wait until next year. Ms. Roth said that CDHH will submit a bill to make changes to the Telecommunication Access Act, and Senator Michael Padilla of Albuquerque is interested in picking up that bill and sponsoring it for the next legislative session in January 2014.

Ms. Roth also announced that two positions have been filled at the Albuquerque Office. Nathan Gomme is the new Director of Public Policy and Advocacy. Mr. Gomme was previously a Service Coordinator, so that position is now vacant. The new Training and Development Coordinator is

Roger Robb. Ms. Roth stated that Mr. Robb was originally from Albuquerque, had moved away and now is back.

There is also an accounting position open. Ms. Roth explained that the interview process is finished and they are waiting to see if the person recruited will accept the offer. That person will work on the budget with Deborah Romero.

Director Roth also mentioned that work has begun on a five-year strategic plan for CDHH. She had her first meeting with representatives from different groups including NMAD, HLAA, COPD, NMRID and all, including herself, had contributions for the strategic plan. Many different perspectives are involved. CDHH must meet the needs of Deaf and Hard of Hearing issues such as domestic violence, advocacy, and issues with hearing aids. Children are covered for hearing aids, but most residents do not have coverage. After this first meeting, Ms. Roth realized there is much the Commission needs to do, and it will require three or four more meetings to finalize the strategic plan.

Chair Apodaca asked if there is a new TRS provider for New Mexico. Director Roth explained that CDHH went through the RFP process, but it is not yet public information. A contract needs to be signed and go through different departments of the State before it can be announced. An audience member asked if the board approves those contracts. Chair Apodaca responded that anything over \$50,000 the board will approve.

Commissioner Stern brought it to attention that, although he is for open communication, he also respects meeting protocol and the time for public comment had passed.

b. Department Reports

Finance and Administration

Commissioner Ron Stern asked if it would be possible to have data that we could compare from last year as well as the current year so that the Board could see a comparison. Commissioner Stern asked Chair Apodaca what his thoughts were as a finance person, and Chair Apodaca agreed he would like to compare FY12 to FY13 to be able to see trends. Dr. Stern asked Deborah Romero if that was doable, and she replied that it was. Commissioner DeBee also asked for clarification on the percentages in the budget breakdown so that it was clear where the money was going.

Communication Access and Development

Chair Apodaca asked Lisa Dignan for clarification on the section of the report that stated that "nearly 200 interpreters from 16 states represented in 12 different languages." Ms. Dignan explained that that was the 2012 New Mexico Interpreters' Conference which included spoken and signed language interpreters. Commissioner DeBee asked if the Commission's budget was used for that conference or was it supported through registration fees, etc. Ms. Dignan explained that the lead agency that handled the Conference was the New Mexico Administrative Office of the Courts (AOC), but that she was co-chair. It was fully funded through the registration fees and sponsorships. In terms of money, CDHH only helped a little in providing sign language interpreters so that all Deaf and Hard of Hearing persons could attend.

Chair Apodaca asked about the two new Board Members on the Signed Language Interpreting Practice Board (SLIPB) and wanted to know about their backgrounds. Ms. Dignan replied that both Cara Balestreri and Paula McCluskey were certified signed language interpreters from New Mexico. One works primarily in the community and the other works primarily with APS. Commissioner DeBee asked how many people were on the board, and how many were Deaf.

Ms. Dignan replied that there were seven board members and three were Deaf: Johnny Robertson, Phyllis Wilcox and Sandra Williams.

Chair Apodaca wanted to know the procedure to stop people from interpreting without a license. Ms. Dignan stated that it was a misdemeanor for someone to interpret when their license has lapsed or if they didn't have a license. CDHH is working hard to educate the Deaf Community to ask if they could see the license to make sure it is current and valid when they find themselves in a situation requiring an interpreter. If the interpreter does not have a valid license, a complaint needs to be filed with the licensure board.

Commissioner Luis Quinonez asked what is in place to help interpreters to proceed with certifications. Ms. Dignan said there are lots of opportunities, many of which are funded by CDHH, such as: mentoring opportunities, internship opportunities, and workshops, to name a few. Most of these are low cost or free; all have the goal of getting the interpreters certified before the five year provisional license lapses.

Commissioner Stern asked about statistics of the number of interpreter requests and wondered how many requests CDHH was not able to meet. Ms. Dignan explained that it was very rare that CDHH is not able to meet the internal needs for an interpreter, and that, although it isn't her primary role, she could be pulled in as an interpreter if necessary.

Commissioner DeBee expressed concern about the lack of interpreters in Southern New Mexico. He asked if interpreters in El Paso could be licensed in New Mexico. He noticed that Southwest Interpreting Services was on the interpreter referral list, and if their interpreters had licenses to work in New Mexico. Ms. Dignan informed the board that interpreters from Texas can absolutely be licensed in New Mexico if they meet the requirements. She explained that there Texas has their own certification that New Mexico doesn't recognize, but if the interpreter has national certification, then they can get a license to work in New Mexico. Ms. Dignan also clarified that Southwest Interpreting Services agency is located in Southern New Mexico, not El Paso.

Commissioner DeBee also was wondering what the status of SLIPB after it was approved by the court. Ms. Dignan responded that she was happy to say that the sunset requirement for SLIPB was removed and now it is a permanent board and will no long have to go through reviews every four years. That happened in the current quarter and that is why it was not reflected in the Board Report for the second quarter.

Commissioner Hambel asked for a brief update on the timeline for the next interpreting price agreement. Ms. Dignan answered that the current agreement will expire in November, but can be renewed up to two more times.

Public Policy and Advocacy

Commissioner DeBee said there are people calling and asking him for help that he continually refers to the Commission. These are people that could lose their children and they need legal help. He added that perhaps they could be referred to New Mexico Disability Services. Nathan Gomme stated he was working with Howard Rosenblum, the CEO of NAD relating to legal issues. He has concerns and he spoke with Ellen who shares those concerns. CDHH is looking at different states and their policies and how to provide legal support. Hiring someone with legal experience or a legal background to handle the complicated legal issues is hard to find. Most don't want to work on a limited salary; they want the money that they have a right to earn. Service Coordinators must clarify what can and can't be done. Mr. Gomme went on to say that the staff are working very hard and have answered the calls referred to CDHH by Mr. DeBee. The staff responds as soon as possible, but they are not in the office all the time.

Chair Apodaca asked if there are law centers for the disadvantaged and if CDHH could work with those places. Mr. Gomme said that UNM Law Center provides services for the indigent, but they are maxed-out. It's hard to meet all the needs. NAD provides services, but they can't cover everything and they don't cover all law. He stated that CDHH does their best at explaining about how pro-bono works and they can get access through different agencies that provide that. The AOC is working with CDHH to make sure that the rules of law are followed within the courts. CDHH has also made contact with the New Mexico Bar Association, but have not yet had a meeting with them. Summing the topic up, Mr. Gomme stated he himself has used lawyers in New Mexico and struggled with the same issues. Commissioner DeBee agreed that is hard to find good lawyers and furthermore some judges were very oppressive as well, one person was told pen and paper would suffice as accessible communication. Since there are these problems with the system he suggested that should be part of the five-year plan.

Commissioner Austin Welborn suggested using social media to reach the Deaf and Hard of Hearing to help them understand Deaf Rights. Director Roth agreed and stated that the Commission already is involved with social media and trying to improve it. CDHH has a temporary contract in which to promote and provide more social media and it is definitely part of the five-year strategic plan.

Commissioner John Johnson asked if CDHH was working with the New Mexico Center of Law and Poverty and if they were providing interpreting service and legal assistance to the Deaf and Hard of Hearing. Mr. Gomme replied that CDHH was working with them and not all of the groups were providing equal services. For example, Legal Aid in Santa Fe provides interpreting services, but in Albuquerque it seems to be a struggle, so it is not consistent.

There was also discussion about getting word to all who may be involved in a legal case: lawyers, police officers, incarceration units, etc. and they have to be notified again and again of how to provide services to the Deaf and Hard of Hearing. CDHH will be tracking these incidents and so that they can provide statistics to show the Legislature that these needs are not being met. Mr. Gomme also clarified that only two of Commissioner DeBee's referrals have actually called for services.

Telecommunications and Technical Assistance

Chair Apodaca was interested in an update regarding Text-to-911. Shannon Smith, Director of Telecommunications and Technical Assistance replied that Text-to-911 is still in pilot phase. The active pilot test is being conducted in Baltimore and Washington D.C. with Gallaudet University, the Maryland School for the Deaf and the surrounding area. New Mexico is aware of the requirement of Text-to-911, but is struggling to figure out how to launch it when there are current 911 call centers that are not up to speed. They are in semi-crisis mode because it will cost a lot of money to launch and they have a limited budget. CDHH is continuing to work with the 911 coordinator and has also done proactive training at the 911 call centers on communication access for the Deaf and Hard of Hearing. Commissioner Johnson asked if it would be possible for Text-to-911 to be in a central location. Ms. Smith suggested that would defeat the purpose of enhanced 911 service which provides location-based service. A central center would create time delay in responding to 911 calls.

Chair Apodaca stated he was aware that VRS had 911 built in, but asked about smart phones. Ms. Smith responded that there is emergency calling features built in to smart phones. However GPS services are automatic with some carriers and with others you have to set it up to participate. Ms. Smith also stated that she had set up her Purple account with her home address, and while sitting in the 911 center she did a test that showed that she was at her home. There are continuing struggles.

Commissioner DeBee noticed on the report stated that email messages will not be included. Ms. Smith stated that the 21st Century Communications and Video Accessibility Act determines what type of messages would be required to participate in Text-to-911 and FCC made the rule that it is only text messages, not email or instant messages.

Commissioner DeBee stated that he would like to do some research on potentially removing the income requirement on the distribution programs for New Mexico, making it easier to track. Instead of tracking by income, it could be tracked by Deaf and Hard of Hearing individuals. Ms. Smith responded that on page 31 of the quarterly report, she outlined a potential solution. Because the income guidelines of the distribution programs are designed by rules and not statute, the Board of Commissioners can actually change and alter the income requirement. To completely remove the income requirement, however, would require a statute change. Because of that, Ms. Smith said, she and Ms. Roth were informed that the current administration would not be in support of completely removing the income guidelines for the distribution programs. However, if the Board chose to set the income requirement at 400% of the federal poverty level, CDHH would probably increase the distribution by 45% minimum and probably closer to 70%, because that would allow them to have a max income of \$72,200 a year. Mr. DeBee asked if Ms. Smith had researched other states, because it would be good to show the legislature how New Mexico compares with other states based on what statistics were gathered. Ms. Smith told him that out of 33 equipment distribution programs across the country, 27 have established income eligibility guidelines. The average for the programs is set at 200% of the poverty level.

Las Cruces Office

Commissioner Johnson expressed that there were many problems in Las Cruces including interpreter availability, movies without captions, and frustrations about jobs and not being able to find work. He stated he is aware that these are the same frustration that people all over the state, but the Deaf and Hard of Hearing in Las Cruces feel isolated, even though it is the second largest city in the state. The services seem to mostly be in Albuquerque and Santa Fe. So there is a lot of frustration in Las Cruces.

There was discussion regarding the growth of the Las Cruces office. It started off as a one person office with a limited budget and now they have two contractors working with Sandy Williams now. Ms. Roth stated that CDHH was hoping to add one FTE there. Soon they will be moving and everyone will have their own office. Commissioner Johnson commended Ms. Williams for the excellent job she was doing in Las Cruces.

Commissioner Welborn wanted to know how many interpreting agencies were in the Las Cruces area. Ms. Dignan stated there was one in the area, but a few others do serve that area as well, although not as consistently as everyone would like. The new interpreting service that is there is run by a trilingual interpreter, Lorena Ramirez. She has been interpreting for a long time and has many contacts. That agency was set up recently and will be great for the Las Cruces area.

VII. NEW BUSINESS

Before going into Executive Session, Chair Apodaca asked Commissioner Hambel about meeting with DVR Acting Executive Director Ralph Vigil. Commissioner Hambel said she did meet with Mr. Vigil who is diligently working on a number of issues. The most important focus that they have is expanding resources for accessing appropriate staff to provide services at DVR. She said that generally they use the State Personnel website for sending out notifications of vacancies, but they are looking at other avenues such as the DCC listserv. She would also like to get together with Executive Director Roth to discuss other possible resources to advertise for adequate personnel to have on staff for the DVR in the Santa Fe area. Ms. Hambel did say DVR contracts out the majority of services for employment, the reason being that they do not have the

staff resources to provide services directly. Also DVR is talking about working with the Transition Coalition. Mr. Vigil wanted Commissioner Hambel to let the Commission and audience know that he is taking concerns of the Deaf and Hard of Hearing Community very seriously. There is good communication through the Coalition and DVR also has better contact with the New Mexico School for the Deaf.

As mentioned during the Public Comments portion of the meeting, the order of selection is still a concern. Commissioner Hambel explained that there are the three categories in the order of selection, but right now all are open and everyone is receiving services. DVR will continue to address any concerns brought to their attention. The request to all present was to contact Ms. Hambel so she would be able to address them. Chair Apodaca asked what the goals and objectives would be in FY14. Ms. Hambel said she would be working with Ms. Roth on renewing the MOU with CDHH and that would be the perfect place to outline goals and objectives for the next fiscal year and then present them at the next Board Meeting.

VIII. EXECUTIVE SESSION

13-11

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

Roll Call Vote:

Chair Apodaca	yes	Commissioner Hambel	yes
Commissioner Stern	yes	Commissioner DeBee	yes
Commissioner Johnson	yes	Commissioner Welborn	yes
Commissioner Quinonez	yes		

The Board reconvened after Executive Session at 6:15 p.m.

13-12

Commissioner John Johnson made a motion to exit Executive Session.
Commissioner Austin Welborn seconded.

Roll Call Vote:

Chair Apodaca	yes	Commissioner Hambel	yes
Commissioner Stern	yes	Commissioner DeBee	yes
Commissioner Johnson	yes	Commissioner Welborn	yes
Commissioner Quinonez	yes		

IX. ADJOURNMENT

Chair Apodaca called for a motion to adjourn.

13-13

Commissioner John Johnson made a motion to adjourn.
Commissioner Ron Stern seconded.
Motion passed unanimously.

Meeting adjourned at 6:17 p.m.

Respectfully submitted,


Lori G. Neubauer, Administrative Assistant


Mark Apodaca, Board Chair