



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

**Saturday, May 15, 2010**

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

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**I. CALL TO ORDER AND ROLL CALL**

Chair Mark Apodaca called the meeting to order at 10:07 a.m. on Saturday, May 15, 2010 at the Albuquerque Marriott in Albuquerque, New Mexico.

Present: Mark Apodaca, Chair  
Dr. Ronald Stern  
Judy LeJeune  
Raul Rodriguez, Vice Chair  
Christine "CB" Buchholz

Absent: Kimberly Silva  
David Romine, Secretary

**II. APPROVAL OF AGENDA**

**10-26**

Commissioner Ron Stern moved to approve agenda as presented. Commissioner Judy LeJeune seconded. Motion passed unanimously.

**III. APPROVAL OF MINUTES**

Commissioner Christine Buchholz had one correction relating to the Open Meetings Act. On page 8 under public comment the Open Meetings Act was discussed. It was clarified at that meeting that the Open Meetings Act requires that the draft of the minutes must be posted within 10 business days after any commission meeting and that needs to be added to the minutes.

**10-27a**

Vice Chair Raul Rodriguez moved to accept the minutes with the aforementioned change. Commissioner LeJeune seconded.

Commissioner Ron Stern made the comment that there were different ways minutes could be done; some people prefer details while others prefer general points. Commissioner Buchholz stated that the Open Meetings Act requires a comprehensive summary and a verbatim transcript was not required. Vice Chair Rodriguez stated that it was important to summarize key points but it was not necessary to have it too detailed. It would be too difficult to have a verbatim transcript because often several conversations are happening simultaneously and it would be a challenge to catch everything. Commissioner LeJeune remarked that the quality of the minutes have improved since Commissioner Buchholz lead the way and set a standard for Commission Staff member Lori Neubauer to follow; it's a good system and once the draft in posted there is opportunity to make changes.

**10-27b**

Commissioner LeJeune moved to accept the minutes with the correction. Commissioner Buchholz seconded. Motion passed unanimously.

**IV. BOARD REPORTS**

**a. Finance Committee**

Commissioner Buchholz reported on the Finance Committee meeting held the previous Monday. Although FY10 and FY11 look ok, FY12 is still up in the air. It would help to get the telephone surcharge, but that money hasn't been seen. Commissioners and staff including Executive Director B. J. Wood are talking with the Department of Finance and Administration (DFA) and the Legislative Finance Committee (LFC) but so far neither agency has the staff to research which companies are not paying. There is discussion about them hiring a full-time person to go after phone companies to pay the surcharges owed.

Commissioner Buchholz stated that another issue is the state budget deficits. Due to declining revenues, it is necessary to think outside the box. The committee is trying to stop the transfer of monies to other agencies, but no decisions were made on Monday.

**b. Policies and Procedures**

Commissioner Buchholz reported that the policies and procedures have been put on hold for a good reason. Secretary David Romine, who serves on this committee with Commissioner Buchholz and Chair Apodaca, has been very busy with final papers and is graduating with a Bachelor of Business Administration degree today. However, Commissioner Buchholz has been researching and collecting all of the policies and all of the new laws passed this year, so the committee will make sure current law is reflected in the policies.

**V. AGENCY REPORTS**

**a. Telecommunications and Technical Assistance**

Shannon Smith brought attention to the marketing materials given to each board member: mugs with the NMCDHH logo and water bottles with the Relay New Mexico logo. The marketing materials will be used at the exhibit booths to get the commission's name out to the public.

Ms. Smith reflected on the last ten months of positive change and improved partnerships. The organizational change had helped the commission improve in many ways. One of the most important changes has been the move of Deborah Romero, CDHH's Management Analyst, from the Santa Fe office to the Albuquerque office. Ms. Romero is a tremendous help to all staff and is

teaching staff everything from financial controls to procedures, how to spend money and sometimes how not spend money.

Ms. Smith mentioned some of the partnerships that have improved in the last ten months. The quality of CDHH's working relationship with State Purchasing has improved in how CDHH does procurement. Also the Department of Information Technology (DoIT) has a better understanding of the technological needs of the community. A new partnership with the state 911 team and CDHH staff were keynote speakers at the National Emergency Numbering Association Conference last month. In return, they will have a great presence at our Conference on Hearing Loss in the coming week.

Additionally Ms. Smith mentioned that CDHH is participating on the ADA Council, which has learned their responsibility of hiring interpreters. The Alternative Dispute Resolution Council looks to CDHH to provide training and education as part of mediations. CDHH also has a great partnership with Research in Motion, the parent company of BlackBerry.

Some of the highlights in the last 10 months were: saving \$25,000 a month with the new relay contract, a new brochure, and a new website. The 2010 Conference on Hearing Loss will have the most vendors to date. There will be 175 attendees, 32 workshops in two days, and 20 vendors. Attendees are deaf, hard of hearing, deaf-blind and hearing. A team of 21 interpreters and a team of three captioners will be there in addition to assistive listening devices. This would be the one of the most fully accessible conferences in the southwest.

#### **b. Public Policy & Advocacy**

Suzanne Ruble introduced concerns regarding President Obama's Healthcare Plan and its impact on the cost of hearing aids. When first rolled out, the Healthcare Plan included a tax on hearing aids, but the Hearing Loss Association of America (HLAA) and other national organizations advocated against the taxes. Currently the status of the new health insurance bill is that hearing aids will not be taxed. Ms. Ruble is advocating for insurance to cover hearing aids for adults as well as children.

Also, as Ms. Ruble has mentioned in the past, there are still problems with the Hearing Aids for Children. Although the New Mexico law was passed a few years ago that insurance would cover hearing aids for children, there is still a problem when parents are self-insured. Those who are self-insured are often not aware their insurance is not under the State of New Mexico statutes but are under the Employee Retirement Income Security Act (ERISA). ERISA is insurance on the national level, and they will not pay for hearing aids. ERISA statute was passed in the 70's and the Obama Healthcare Plan will replace ERISA and is addressing the issue. In the mean time, CDHH is still working with the New Mexico Public Regulation Commission and Attorney General to assist parents to effectively file complaints through the United States Department of Labor.

The Mini-Grant Program has been very positive and CDHH has had many compliments on the program. Ms. Ruble complimented Ms. Wood on the program which inspires people to be more involved with the deaf and hard of hearing community. Because of the Mini-Grant, Sign Language classes are now offered in southern New Mexico, through the Ability Independent Living Program, all of their Sign Language courses were full. They had a waiting list for their Sign Language classes. They are now providing more Sign Language courses to meet the community needs. Ms. Ruble works in partnership with Sandy Williams and the staff in Las Cruces and it is wonderful to see many of the ideas come to fruition in that part of the state.

CDHH also received positive feedback on the Mini-Grant Program from HLAAbq. They are able to continue the CART services, providing that important visual aid in their meetings. Ms. Ruble stated that she has been involved with State Independent Living Council (SILC) and is currently the chairperson. It has been interesting because in the past independent living agencies have

not really provided for the deaf, hard of hearing, and deaf-blind members of the community. For example, deaf-blind people in rural areas need direct services such as Support Services Persons (SSP) and qualified interpreting services for Deaf-Blind. There are no such services at this time for rural areas. The good news, however, is that Community Outreach Program for the Deaf (COPD) has just been granted funds to cover the deaf-blind program statewide. It is just a matter of time for rural communities to become more aware of COPD's services. CDHH can help COPD and rural communities become connected.

As was mentioned in a previous meeting, the death of Maria Perea had a huge impact on deaf-blind community in Albuquerque. There are other rural areas that have had the same impact as Albuquerque. Center of Independent Living agencies, the deaf-blind and deaf community, the Commission for the Blind, COPD and CDHH are in the process of working in partnership to address the needs in rural areas statewide. This is a team effort so it does not leave the responsibility on one person or one agency.

Commissioner Buchholz had a question as to why the number of car rentals was reported on page 41 of the Ability Center's Quarterly Report. Chair Apodaca also requested clarification as to why we were funding for car rentals. Vice Chair Rodriguez explained that the Ability Center rented cars for outreach purposes. Ms. Wood also explained that it was important to have staff get out into the community as well as bring the community in to get involved.

### **c. Communication Access & Development**

Lisa Dignan wanted to first mention that Shannon Smith deserved credit for getting CDHH on Facebook and Twitter, utilizing social media tools to get our name out there to the public. Ms. Dignan also wanted to thank B. J. Wood for all the work she had done; making tremendous strides as the leader of CDHH.

Ms. Dignan fully agreed with Ms. Smith that having Deborah Romero in the Albuquerque office has made a significant difference. Ms. Dignan stated that Ms. Romero has learned a great deal of how the agency operates and in return, management has learned much about the financial aspect of the agency. The result is much more effective policies and practices. Ms. Dignan also mentioned that Joyce Croker, who still works up in Santa Fe, has also worked in collaboration with the staff in Albuquerque which has resulted in bills getting paid in a timely manner.

Ms. Dignan stated that the long-term lease of three cars in Albuquerque contributes to a huge improvement in the way CDHH operates, and that it has led to a tremendous savings and convenience.

Ms. Dignan mentioned that all the changes the agency has undergone were very positive, but now it was time for stability and things are now starting to smooth out. The Communication Access and Development Department has accomplished, through the RFP process, setting up price agreements for two state-wide interpreter referral agencies in New Mexico. As a part of the RFP and the two contracts, there is now 24/7 emergency interpreter referral in Las Cruces. We Interpret.Net (WIN) have done great work in southern New Mexico. Ms. Dignan also stated that although the emergency referral isn't where it should be yet, services in southern New Mexico are continually improving.

Through the invitation to bid process, the two statewide price agreements assure that all state agencies have access to COPD and WIN for any interpreting needs, which makes advocacy work go smoother. With the price agreements, there is no need for state agencies to worry about getting three quotes or figuring out how to purchase interpreting services.

Ms. Dignan announced that Interpreter Licensure has moved along incredibly well. There are now over 225 licensed interpreters in the state of New Mexico. We now have quality control that we have never had previously.

The mentoring program also continues to move forward. The second session for this fiscal year was just completed, and out of 15 pairs of mentors and mentees, 14 teams successfully completed the program. The team that did not successfully complete the program still gained tremendous benefit from their involvement. Ms. Dignan announced that she was now recruiting for the fall of 2010 and even though applications were not due for another month, she has already received 10 mentor and 10 mentee applications. She was also pleased to tell Vice Chair Rodriguez that six of the mentee applications are from rural New Mexico including five from southern New Mexico.

Ms. Dignan said there was a lot of collaboration going on with her department and different state agencies. She complimented Dr. Stern on the NMSD Outreach Department, who partner well with CDHH on projects, and she appreciates their hard work. Ms. Dignan said her department was working hard with State Purchasing and continually working on developing a positive relationship with Regulation & Licensing Department (RLD) for the licensure component. Another agency she is working with is Aging and Long Term Services. Ms. Dignan stated that she is enjoying the collaborative relationship with both interpreter referral agencies. She meets with COPD regularly and also We Interpret to make sure they're all headed in the same direction and share common goals.

Ms. Dignan relayed that CDHH is an integral part of the CDI training that COPD is doing this summer, and commented that they didn't expect the amazing response to the program. So far 21 people are interested in participating in the training.

Ms. Dignan said that the individuals within her department were experiencing opportunities for growth. Personally, she had the opportunity to serve as interim director for CDHH for four months, although she wouldn't want to repeat that role, she did feel proud of what was accomplished during that time period and appreciated the confidence placed in her to allow her to fill that role.

She also had the opportunity to do a presentation at the RID Conference in Philadelphia, increasing NMCDHH's visibility. She was involved in a panel presentation that received questions from people all over the country and it was exciting to see that New Mexico is leading the way in some areas; interpreter mentoring in particular.

The three service coordinators at CDHH are under Ms. Dignan's supervision which has given her the opportunity to get back into advocacy work which she has been involved in since 1991 when the ADA was rolled out. Currently she is working on legal interpreting and serving on the Court Interpreter Advisory Committee with the Administrative Office of the Courts.

Ms. Dignan announced that among Sandra Williams in Las Cruces and the three service coordinators in Albuquerque, 700 clients have been served this year.

Ms. Dignan also wanted the Board to be aware of the accomplishments of her staff. Cheryl Padilla has been flexible with many responsibilities including running the library, interpreter coordinator, front desk backup, and is a licensed interpreter. CDHH is using Ms. Padilla more and more as a staff deaf interpreter and is working toward becoming a CDI. Because of her involvement in the area of domestic violence and sexual assault, Ms. Padilla was invited by Advocacy in Action to present at their conference. She also attended the National Council of Hispano Deaf and Hard of Hearing in Chicago. On her own time, Ms. Padilla recently completed the 12 week Albuquerque Police Department (APD) Citizens' Police Academy. She gained a tremendous amount of insight, but also CDHH gained an ally within the APD. APD learned a great deal about working with deaf and hard of hearing individuals regarding providing interpreters. Currently Ms. Padilla is being transitioned into more service coordination work and has taken on her first advocacy case this month.

Corina Gutierrez is doing work a lot of work in Roswell and one of her clients there has no language whatsoever. Ms. Gutierrez has hooked the client up with a network of service so he can continue to be a productive citizen and she has enjoyed pulling in creative resources for that. Furthermore, Ms. Gutierrez serves on a couple of committees with NMSD and is working with the Department of Corrections and the Human Services Department. Ms. Gutierrez was able to go to Gallaudet and participate in the advocacy training. From what she learned in that training, Ms. Gutierrez is doing presentations here in New Mexico to educate our deaf and hard of hearing community on how to advocate for themselves. Along with Ms. Padilla, Ms. Gutierrez was able to attend the National Council of Hispano Deaf and Hard of Hearing in Chicago.

Nathan Gomme has taken the lead in transition work and is currently the chair of a statewide transition council. He works in collaboration with DVR, COPD, Albuquerque Public Schools (APS) and Ms. Dignan stressed that the amount of collaboration Mr. Gomme does is phenomenal. Mr. Gomme did a presentation at CASA on transition issues, and he is another person who works closely with Outreach at NMSD. Mr. Gomme also had an exciting collaborative effort that resulted in positive work coming out of the American Red Cross. They had previously said that they did not provide interpreters, but thanks to some creative tapping into resources, that situation has completely changed and they actually now offer first aid courses in ASL. Mr. Gomme is excited to be attending the NAD Conference in Philadelphia this July. This will be his first attendance as member of the CDHH staff.

Following Ms. Dignan's presentation there was some discussion as to why the bar graph in her report was not printed in color for clarity. The consensus was that it was not cost effective and that the Xerox machine will either do all color or all black and white.

Commissioner LeJeune noticed that the report from WIN showed no emergency requests filled. She questioned whether the needs of southern New Mexico were being met. Ms. Dignan agreed that was an excellent question. The service is set up and available and interpreters are scheduled to be on call, but the next step is making sure all entities such as police and hospitals are aware the service is available and getting them to utilize it. Ms. Dignan stated that WIN knows the issues and they are working on addressing them. Also, one of the hospitals in Las Cruces has VRI, but it is not the preference of the deaf consumer in a medical setting. Corina Gutierrez is actually going to Las Cruces on May 22<sup>nd</sup> and doing a presentation on that. Ms. Dignan said that her goal was that by the next report, there will be some requests.

Commissioner LeJeune also pointed out that the report said WIN had 74 requests filled for the quarter and asked if that was correct. Ms. Dignan replied that the number was correct but now that there is a statewide price agreement in place, state agencies can utilize services through WIN as well as COPD, and the numbers will go up. Chair Apodaca suggested developing signage for emergency rooms and other facilities so that it is clear to everyone that interpreting services are available and should be used. Ms. Dignan agreed that would help and said her husband noticed a sign in his doctor's office for other spoken languages, but not for sign language. So that idea had been on her mind to have signage for medical facilities to make sure they know how they get interpreters when requested.

Vice Chair Rodriguez wanted to thank CDHH staff for their hard work and it was great to hear that services are developing in other parts of New Mexico and in the rural areas as well. He understood the challenges of providing services in rural areas, especially with financial restraints. Rodriguez stated that many of his comments in the past were because of a lack of trust in the commission in the population of rural areas. The next challenge is to change that mindset and have them utilize the services that are now provided so that they can be maintained.

### **Ten Minute Break**

#### **d. Administration & Finance**

Deborah Romero began by talking about the beginning of FY10; Joyce Croker and Ms. Romero made a commitment to clean-up everything that was from the prior years and to make sure they gave quality and professional services to staff and vendors. Ms. Romero was happy to announce that they were right on track with those goals. They paid off prior year to RLD from FY08, and another big accomplishment was the audit: there was only one finding for FY09. The goal for next fiscal year is to have zero findings. There has been a lot of teamwork with CDHH managers and Executive Director Wood, and everyone is learning from each other. Ms. Romero said that they had just closed out FY11 and turned it into DFA, and will be working on FY12 preparation to stay ahead. Ms. Croker and Ms. Romero are already gathering information for the FY10 audit and keeping up with invoices to ensure that CDHH will not have any prior years for the next fiscal year.

Ms. Romero stated that Ms. Croker has been wonderfully committed to working with her and other staff on getting things taken care of on the Santa Fe end, running documents to DFA and working with GSD, and she can always count on Ms. Croker to get the job done.

#### **e. Additional Comments**

Director Wood stated that the reason that education was not listed on the Agenda is because she has not made successful contact via email with the contact person at the Public Education Department (PED). However, now she has the phone number and it will be part of her fourth quarter efforts to find out what PED and CDHH can do together.

Other areas that Ms. Wood is working on are researching federal funding for Native Americans with disabilities and improving services to adults who are deaf and hard of hearing.

In her Executive Summary, Ms. Wood proposed that CDHH discontinue or reduce the transfer of funds to other agencies because of concerns for FY12. There are other options to be investigated, such as sitting down with Tax and Revenue to discuss how to collect surcharges from all telephone service providers. Currently Tax and Revenue do not have enough staff to enforce the surcharges. Another possibility is to have a memorandum of understanding (MOU) between DVR and CDHH to provide vocational rehabilitation to deaf and hard of hearing and also telecommunications equipment distribution for clients who are financed out of vocational rehabilitation at the time. However, Commissioner LeJeune was unable to come to the Finance Committee Meeting to help brainstorm other potential possibilities. Ms. Wood also explained that there is \$466,000 that, put together with the federal supplementary funds, could start the wireless equipment distribution which has already been postponed for two years. CDHH needs enough money to get it started and it will take half a million dollars to accomplish that. Ms. Wood said she would be meeting with Ralph Vigil and hopefully can investigate that as soon as possible.

Chair Apodaca expressed concern that the MOU would be for FY11 and the budget was already set, and we might have to take it up with the Legislature. Commissioner LeJeune agreed that it might be difficult for FY11 because DVR's FY11 budget is set and in DVR's budget meeting they were directed to cut their budget. Commissioner LeJeune suggested that Ms. Wood meet with Mr. Vigil as soon as possible, but she believed it is too late for the next fiscal year. Ms. Wood said the MOU has been started and she will be meeting with Mr. Vigil to come to an agreement on the terms of the MOU. Ms. Romero added that there would actually be two transfers in FY11, one in July and one in December or January, due to the new Governor coming into office. After some discussion it was decided that Ms. Wood would work with Mr. Vigil to see what could be done.

Ms. Wood went on to announce that the Las Cruces office had been able to creatively find some contract dollars to hire two staff members to work in the area. There has been a lot of outreach going on in southern New Mexico. Sandra Williams said people are walking in all the time seeking help. Medical interpreting is a very hot issue there, as well as mental health interpreting and greater access for Senior Citizens. However, CDHH is making progress there. COPD and

WIN are facing the problem of hospitals contracting with out-of-state interpreter services. CDHH needs to convince them to use local providers.

Ms. Wood stated that she wanted to bring forward the four staff members who presented because there had been so much growth and improvement among the staff. She reiterated that CDHH staff had to be creative for FY12 and would be able to give the Board a better picture of both FY11 and 12 later this year.

Chair Apodaca said he had learned that for FY12 there would be a five hundred million dollar gap from the funding. That is the prediction from this point, and a concern for the commission. Ms. Wood responded that another area of concern is the potential consolidation of three agencies as part of a restructuring act. Ms. Wood said that there would be a public meeting May 24<sup>th</sup> and 25<sup>th</sup> and she was planning to attend. She was also currently working on a cost and benefit analysis of keeping the commission separate versus merging.

## **VI. PUBLIC COMMENTS**

Mr. Dom Bonura said he would like to thank Executive Director B. J. Wood and her staff for making it possible for New Mexico Aging and Long Term Services to have a conference that was made accessible for the first time in 32 years.

Commissioner LeJeune introduced Nancy Schneider, one of DVR's area managers. She manages the office that houses specialized case loads in DVR including deaf and hard of hearing. Commissioner LeJeune said Ms. Schneider would be mentoring with her as well as attending commission meetings because she planned to retire and Ms. Schneider may be the person replacing her as the agency's representative on the commission.

Stefan Esterley introduced himself as the appointed outreach and education specialist for WIN. Mr. Esterley wanted to personally thank the commission and all the board members for the hard work that they have done to get the funding we need for our program to get things up and running. He commented that there are now more options for the community to provide interpreting services, and opportunities for interpreters to gain more work.

Commissioner Buchholz stated that Dr. Norman Dawson, president of HLAAbq was not in attendance due to conflict because HLAAbq was meeting as well. Commissioner Buchholz went on to say that there would be an election for a new president for the Albuquerque chapter, and she would like the record to reflect our appreciation for all of his work with the commission during the time he was president.

Director Wood responded to a question from Chair Apodaca about the funding for deaf-blind services. She explained that there is funding from the Governor's Commission on Disability to provide statewide Support Service Providers (SSP's) for deaf-blind individuals. The money will be available for the next three years up to a total of one million dollars. There was another topic, however, were \$100,000 was on hold for the Deaf Culture Center (DCC) and Ms. Wood was planning to talk to Senator Nancy Rodriguez about the expansion and funding for the DCC.

## **VII. UNFINISHED BUSINESS**

Chair Apodaca asked if there was any unfinished business. It was determined there was not and he moved on to new business.



**VIII. NEW BUSINESS**

Ms. Wood brought up that we need to look at our law again to amend the Communication Act because the relay surcharge is in the law and it should be in the rules and regulations. It is a much more difficult process to change the law than the rules and regulations. Ms. Wood stated that her concern was that if VRS services become the state's responsibility that the funds to provide VRS services, the way it is written in the law, it would take a year or two to get that going. It would be better to be actively looking into this ahead of time.

Ms. Wood also said the other area of policy and procedures for CDHH to be looking at is the TRS funds. The two gentlemen, one from LFC, the other from DFA, want all of the TRS funds to be swept and brought into the general fund and then we would take it from there in the amount that was given. Ms. Wood said CDHH needs to think about the benefits of doing that, but she prefers the TRS funds to come directly to the commission because when monies are all put together in the general fund, they tend to cut monies from there. Discussion followed on if the funds could be transferred without the Board's permission. Chair Apodaca said the board does have the authority to have a say on the transfer of funds.

Chair Apodaca suggested the Finance Committee and Policy Committee meet together to address those issues. Ms. Wood also found it interesting that one of the gentlemen seems to feel consolidation would happen, but the other said that if we have a strong deaf and hard of hearing community turn out that won't happen. Ms. Wood was not sure we would have a strong turnout but if the New Mexico Association of the Deaf got involved it was possible. Chair Apodaca said that he was already discussing some ideas and that they would have a meeting June 5<sup>th</sup>.

**IX. EXECUTIVE SESSION**

**10-28**

Chair Apodaca called for a vote to go into Executive Session.

Vice Chair Rodriguez: yes

Commissioner Buchholz: yes

Commissioner LeJeune: yes

Commissioner Stern: yes

Board went into closed Executive Session at 12:01 p.m. and reconvened at 12:35 p.m. No action was taken during the Executive Session.

**10-29**

Chair Apodaca called for the meeting to reconvene after the Executive Session.

Vice Chair Rodriguez: yes

Commissioner Buchholz: yes

Commissioner LeJeune: yes

Commissioner Stern: yes

**X. ADJOURNMENT**

**10-30**

Commissioner LeJeune made a motion to adjourn. Commissioner Rodriguez seconded. The motion passed unanimously.

The meeting adjourned at 12:36 p.m.