

**NEVADA STATE REHABILITATION COUNCIL (N.S.R.C.)
MEETING MINUTES**

Video Teleconference, Tuesday, May 4, 2021 at 9a.m.

COUNCIL MEMBERS PRESENT:

Marshal Hernandez
Alex Goff
David Nuestro
Mary Brabant
Judy Swain
Rebecca Rogers
Raquel O'Neill

COUNCIL MEMBERS ABSENT:

Shelley Hendren
C.J. Fields
Allison Stephens

GUESTS/PUBLIC:

Steven Cohen
Larry Dailey
Jean Peyton
Dawn Lyons, Executive Director of SILC
Dora Martinez, Nevada Disability Peer Action Coalition

STAFF:

Justin Taruc, Deputy Attorney General
Mechelle Merrill, Rehab. Div. Deputy Administrator
Javier Fernandez, VR Liaison to N.S.R.C.
Trina Bourke, VR District Manager
Mat Dorangricchia, VR District Manager
Sheena Childers, VR Bureau Chief
Marla Robinson, Administrative Assistant

1. **CALL TO ORDER, INTRODUCTIONS, AND VERIFY TIMELY POSTING OF AGENDA**

David Nuestro, Vice-Chair called the meeting to order at 9:04 a.m. Javier Fernandez NSRC Liaison called the role.

Mr. Fernandez determined a quorum was present and verified that the posting was completed on time in accordance with Open Meeting Law.

2. **FIRST PUBLIC COMMENT**

Mr. Larry Dailey expressed his concern regarding the current Individual Plan of Employment (IPE) document indicating that if the plan is not signed by the client it expires and services stop. At the bottom of each IPE are these words:

"By signing this form, I understand and agree that this IPE is only valid through the end date outlined above."

Those words are in direct conflict with Federal Regulations which state the following:

"The [Bureau's] written policies may not establish any arbitrary limits on the nature and scope of vocational rehabilitation services to be provided to the individual," (34 CFR § 361.50(a));

and,

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"The State unit may establish reasonable time periods for the provision of services provided that the time periods are ... [n]ot absolute and permit exceptions so that individual needs can be addressed." (34 CFR § 361.50(d), et. seq.);

When challenged, the Bureau insists that the deadline that it told its clients to sign is absolute and no exceptions can be made.

Federal Regulations, Bureau Policy, and each IPE that a Client Signs also state that Clients my author, by themselves, their own IPE document, as long as the document "is a written document prepared on forms provided by the State unit," (see, for example, 34 CFR § 361.45 (d)(1)).

When Clients request the form, they receive from counselors the following messages:

" The Bureau of Vocational Rehabilitation (BVR) doesn't have a blank form."

"There are no external forms that we offer or require."

And

"even if a client may choose to submit their IPE draft in a unique format, we will still have to translate that."

The Commission is now aware of these apparent issues of noncompliance and I ask that the Counsel addresses them immediately.

Ms. Kacy Curry provided a written public comment below:

Dear Members of the Nevada State Rehabilitation Council,

Commends for the great work and achievement combinations of the Nevada State Rehabilitation Council (NSRC) during these recent years and particularly from the 2020 March to the present.

Those now existing extensive adjustments effectively benefit the Nevada State Rehabilitation community. It has been my pleasure and pride as a member of the Council to note the numerous and essential adjustments having been visualized and coupled with extensive essential efforts. Those many efforts continue through enhanced networking and communication.

A future hope specifically becomes effective Council communication. Recent audio Council meetings might similarly progress, although hopes are to never reach a point of strictly virtual Council members.

Thank you, each Council member, that the Council's to date efforts will progress; so, employment barriers are minimized, restricted and normalized yielding renewed agility and able employment. With appreciation of the Council's work, I am pleased to have been involved during my now concluding Council term. Again, I express my admiration of the Council that the matters at hand have been effectively surmounted into triumphs.

Mr. Steven Cohen provided a written public comment below:

Part 1: Thank you, Mister Interim Chair. While certainly far from an unbiased opinion, I offer the highest level of endorsement for Raquel to be elected as permanent Chair. While I had hoped to have common sense bylaw suggestions, specific to terms of office and other things, within the constraints set forth in Federal law, be part of my prepared remarks that make it into this quarter's packets, fortunately and unfortunately, life has taken a turn, both personally and profession-ally, since we were last together as a group. Recently, I concluded the initial modified interview phase of a Neurodiversity Hiring Initiative, where the ultimate employer would be in the technology industry, and I should find out any day whether or not I will advance to the next phase of the Program, an all-Summer Internship, being facilitated by The ARC local to the ultimate employer Company's Corporate Headquarters, as well as other Partner organizations.

Parts 2 & 3: No substantive change to Part 2. Welcome to the last month of Session. Stay safe, be healthy, and don't forget to practice self-care, as things get super goofy, beginning with yesterdays outdated

Economic Forum Report release. The Governor allocated \$75 million in his proposed Budget for economic development. With that level of proposed investment, even if it were only for 1 year, PWD should be more of a priority, as they represent approximately 1/5 of the population of the country. It's a sticky wicket, but, based upon the Administration's pre-stated priorities, I would strongly encourage the Council to contemplate a resolution endorsing the transmittal to both Congress and the Legislature to immediately end 14 (c) in Nevada, as soon as legally feasible. I tried during the last Legislative Interim, and the simple proposal became a letter writing campaign to the Delegation, with LCB Staff accidentally skipping our biggest ally, Senator Cortez-Masto, Nevada's former Attorney General, the State's Chief Legal Officer, during the copy and paste process. As I have learned during my young career, legal and moral are 2 different things.

Currently, 14 (c) relationships are exempted from minimum wage statutes in Nevada (see NRS 608.255 sub 1), and 82+ years of PWD being treated as 2nd class citizens is enough. Waiting another either 4 or 6 years for the Federal phase-out continues to insult the intelligence and skills of PWD, when compared to their peers w/o. I commend the Administration for their proposed FY22 investments in not only Vocational Rehabilitation programs, but, also, Home and Community-Based Services. I'm just a poor schlemiel from New Jersey, and I'll date myself some with this sentence, but, with supports, academics have volumes of research demonstrating that HCBS is a lot less expensive than 14 (c), specific to employment. PWD can do anything they put their mind to, and getting rid of 14 (c) in Nevada, despite the strong influence that exists to the contrary, is only the first policy change that must occur, before people start leaving, for states with much more friendly statutory schemes. Of note is that Washington State and California, our geographic neighbors, are currently in the process of joining the list of jurisdictions who would outlaw 14 (c).

Knowing them if I do, I imagine Management has the Budget and bills flagged as part of their report, and I happily defer to them to do their thing. If selected for the internship phase, to-day will be my last easily facilitated meeting for a bit. With that said, if I can be a resource, I won't simply disappear off the face of the Earth and would continue submitting remarks in ab-sentia quarterly, including, but not limited to, July's State Plan meeting. May I empower others to stand up against societal injustices and stigmas, and, with that, Mister Interim Chair, thank you, and I yield to other kvetches.

I would like to endorse Raquel O'Neill to be elected as Chair of the council. We have worked together for at least a decade and I am fully confident in her abilities.

Ms. Dora Martinez representing the Nevada Disability Action Coalition indicated she has worked with Alicia Parada, direct of Vocational Rehabilitation along with Scott Young at Nevada Assistive Technology Resource Center at (UNR) University of Nevada Reno. They have discussed this issue in different settings regarding the Vocational Rehabilitation website as it is not accessible. There is no grievance form available to submit. She also watched the budget presentation at the recent legislative session.

3. **APPROVAL OF THE FEBRUARY 9, 2021 MEETING MINUTES**

Mr. Nuestro began the discussion by asking the council if there were any corrections, modifications, or changes to the February 9, 2021 meeting minutes. Raquel O'Neill asked that the next time the minutes are completed. To ensure they are accessible using (OCR) Optical Character Recognition for screen reader accessibility. Alex Goff made a motion to approve the minutes as written. Rebecca Rogers seconded the motion. All in favor, none opposed, Raquel O'Neill abstained, motion carried, minutes approved.

4. **ELECTION OF THE NSRC CHAIR AND VICE-CHAIR FOR TERM JULY 1, 2021 THROUGH JUNE 30, 2022.**

Mechelle Merrill, Rehabilitation Division began the discussion on elections for Chair and Vice-Chair positions on the council for terms July 1, 2021 through June 30, 2022 by reading the NSRC Bylaws that govern the council. Article II, sections 3 and 4 indicate the following:

Section 3. Elections. Elections shall be held at the last regularly scheduled meeting of the State fiscal year. Council members will nominate and elect officers to the offices of Chair and Vice-Chair from its members eligible to vote. Voting members of the Council may serve as Chair or Vice-Chair. If Co-Chairs

are elected, the Council will define and publish in its minutes the duties of each of the officers as are differentiated from Chair and Vice-Chair. The new officers shall take office on the first day of the succeeding State fiscal year. New members shall be required to attend and participate in the Council, New Member Orientation and Training.

Section 4. Duties of Officers. The Chair shall direct all Council business. In addition, the Chair shall be responsible for communication with Division Liaison regarding Agendas, Training and Meeting minutes. The Vice-Chair shall act in the stead of the Chair when the Chairman is not available to fulfill his/her duties. The Vice-Chair shall Chair the State Plan/Needs Assessment Committee.

Raquel O'Neill made a motion to nominate herself as Chair and to nominate David Nuestro as Vice-Chair. Mary Brabant seconded the motion. A vote was taken, all in favor, none opposed, non-abstained, motion carried. Raquel indicated that she is a product of VR services and served shortly as a VR counselor and worked in higher education with individuals with disabilities and she is completely blind. She is honored to accept this position and is looking forward to building relationships with the council and cultivating more relationships to the empty council seats and collaborating with VR in making positive changes moving forward.

5. **VOLUNTEERS FOR THE STATE PLAN SUBCOMMITTEE MEETING TO REVIEW THE CURRENT NSRC STATE PLAN GOALS, STRATEGIES AND PERFORMANCE MEASURES.**

Mr. Nuestro began the discussion by asking for volunteers. Mary Brabant, Dawn Lyons, Sheena Childers, Judy Swain, Allison Stephens (only available virtually), Alex Goff (only available virtually), Trina Bourke. Justin Taruc, Deputy Attorney generally indicated that beginning June 1, 2021, councils may now have both in person and virtual meetings as long as there is a physical meeting location that the public be able to attend. A motion was made by Raquel O'Neill, Judy Swain seconded the motion, all in favor, non-opposed, non-abstained. Motion carried.

6. **COUNCIL DISCUSSION ON THE TOPIC OF COMPETATIVE, INTEGRATED EMPLOYMENT IN MORE DEPTH AND POTENTIALLY MAKE RECOMMENDATINS TO FEDERAL ENTITIES TASKED WITH REAUTHORIZATION OF THE REHABILITATION ACT.**

The council agreed to move this agenda item to the September 14, 2021 council meeting agenda. A motion was made by Alex Goff, Rebecca Rogers seconded the motion. All in favor, non-opposed, non-abstained. Motion carried.

7. **OTHER REPORTS**

Mr. Nuestro asked if Jack Mayes, the Executive Director of the Nevada Disability Advocacy and Law Center was present. Mr. Mayes had notified Javier Fernandez, NSRC Liaison that he would not be in attendance. So, there is no one available currently to provide an update on the Client Assistance Program (CAP).

Dee Dee Foremaster, representing the Nevada State Independent Living Council (SILC) was not present at the meeting. Ms. Foremaster submitted a written report to the Liaison to read at the council meeting:

SILC just hired a part time Youth Leader to head our Youth Action Council (we need youth recruits)!

Our next meeting will be our Annual Meeting: July 7th and 8th at 1pm both days. The reports will include: SILCS, Independent Living Program, VR's Pre-Employment Transition Program (Pre-ETS). Notice of Funding Opportunity for the living council coming out in May. Updating their data hub on their website to streamline the survey and simplify. SILC Legislative Subcommittee: have worked with legislators on Assembly Bill AB430 and AJR1 regarding person-first disability language and have provided testimony/public comment for AB121 (NV EASE digital voting option). Transition Workgroup: PCA problems/solutions and high medical needs of consumers transitioned to home are two things they are

focusing on now. State Plan for Independent Living (SPIL) workgroup just met last week and are on track with our objectives. Integrated Workforce Development Subcommittee: working on a strategic plan, access to community benefit agreements, competitive integrated employment are the next steps, and entrepreneurship for people with disabilities.

8. **CONSUMER SATISFACTION QUARTERLY RESULTS FROM MARKET DECISIONS RESEARCH (MDR).**

The council agreed to move this agenda item to the September 14, 2021 council meeting agenda. Raquel O'Neill commented that she would like to look into more of the lower trends of satisfaction, in particular the Older Blind Program, she wanted to ask about solutions to be brought to the meeting to discuss.

Alison Stephens indicated she needed to leave the meeting at 10a.m. Quorum is maintained.

9. **VR ONLINE APPLICATION SYSTEM**

Mechelle Merrill, Rehabilitation Division, Deputy Administrator presented the following outline. In response to the COVID-19 pandemic, on March 16, 2020 DETR was closed to the public and all employees were sent home. Vocational Rehabilitation remained open virtually, provided needed services to its client. Unfortunately, we could no longer process paper applications, so we had to develop a new way.

Vocational Rehabilitation went virtual. www.detr.nv.gov which is the umbrella DETR website. The Rehabilitation Page and select the VR application. Once this interest form is completed with some minimal information and received by VR's global scheduler. They can determine which VR counselor this case would be assigned to. The global scheduler will send to the potential client (via DocuSign) a smaller application which has less content to complete and sign electronically.

Once the case is assigned to the counselor. The global schedule established a client case in VR's case management system and adds the applicant to the counselor's schedule. The applicant will receive emails and electronic reminders of their upcoming virtual intake appointment. The virtual platforms VR is using is Zoom, GoTo Meeting and On-Demand Interview Network (ODIN). All 3 platforms are accessible on a smart phone, tablet or computer and multiple invitees may join. If an applicant did not have one of these tools, we could always use a traditional telephone. All releases of information and disclosures are done in the first meeting with the counselor. If meeting virtually, all documents will be delivered and signed using DocuSign, if not available then they will be delivered by regular mail.

The big questions is when will things to back to normal? This is the new normal. Even when the pandemic ends, we will continue to accept applications in this manner. We hope to return to our offices before summer, although it won't be exactly like before. We will have staff rotating in the office and working from home. We will still "see" our clients virtually when necessary and especially until it is safe to resume fact to face work.

Raquel O'Neill asked about accessibility. What happens if an individual is not able to use virtual accessibility? How can someone access the application? Ms. Merrill indicated; they can call one of our local offices for available options.

10. **ADMINISTRATORS REPORT**

Agenda item to be moved to the September 14, 2021 meeting.

11. **COMMENTS BY THE COUNCIL**

Mr. Nuestro asked if there were comment by the council or suggestions for the September 14, 2021 meeting. Raquel O'Neill requested to add an agenda item to explore and assist in policy development regarding Individual Plans of Employment (IPE's) to align with the federal regulations.

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12. PUBLIC COMMENT

Mr. Larry Dailey applaud the new application process being simplified, but not simplified. He would like for Zoom to be used more deeply. Regarding the consumer satisfaction report which was not discussed today. It's not viable and reliable in people don't know what to look for. He is a human factors expert and does research. If people are not notified that services are being removed, they cannot appeal that. Look into expiration date on DocuSign emails. Steven Cohen, he will also look at this renewal document and it has expired and outside the agencies control. Order of selection scares him. Looks forward to the 700-hour program in July.

13. ADJOURNMENT

Meeting adjourned at 10:33 a.m.

Edited By:

Javier Fernandez

Javier Fernandez, N.S.R.C. Liaison

Approved By:



David Nuestro, Vice-Chair