



**Virginia Department for the Deaf and Hard of Hearing
1602 Rolling Hills Drive, Suite 203
Henrico, VA 23229-5012**

**Advisory Board Meeting Minutes
Wednesday, November 7, 2018**

Members Present:

Traci D. Branch
Shantell D. Lewis, Au.D.
Roy B. Martin, IV
Timothy R. Patterson
Susanne B. Wilbur, LCSW
Carrie N. H. Humphrey, NIC
Kathi A. Mestayer
Colin H. Wells

Members Absent:

Jason M. Zuccari

Staff Present:

J. Steven Burkarth, Program Specialist
Leslie G. Hutcheson, Interpreter Programs Manager
Eric H. Raff, Director
Christine C. Ruderson, Technology Assistance Program Manager
Paul E. Stuessy, Community Services Coordinator
Gary W. Talley, Community Services Manager

Guests:

Mary C. Broz-Vaughan, Department of Professional and Occupational Regulation
Rhonda S. Jeter, Virginia Statewide Independent Living Council

Members of the Public:

Jenny Witteborg
Karen Brim, Chesterfield County Public Schools; Adjunct Instructor, JSRCC
Maggie Drilling, interpreter for Chesterfield County Public Schools

ASL Interpreters / CART Providers:

Emily Haynes McGee
Elizabeth Leitch
Rhonda D. Tuck, Cavalier Reporting

I. Networking – Coffee & Refreshments

At 9:30 a.m., the members of the Advisory Board of the Virginia Department for the Deaf and Hard of Hearing (VDDHH) convened in the conference room.

II. Call to Order

Chairwoman Traci D. Branch called the meeting to order at 10:02 a.m. Mr. Raff welcomed two new staff members: Paul E. Stuessy, community services specialist, who has been employed since September 10 and Rhonda S. Jeter, business manager, who will begin work on November 26. Colin H. Wells, a new member of the board appointed by Governor Ralph S. Northam, M.D., introduced himself. A resident of Midlothian, VA, he is a teacher for the Deaf and hard of hearing in Chesterfield County and an adjunct instructor in the American Sign Language (ASL) / interpreting program at J. Sargeant Reynolds Community College in Henrico, VA.

The remaining members of the Advisory Board introduced themselves, followed by staff, guests, and members of the public.

The motion to approve the agenda was made by Mr. Martin and seconded by Ms. Humphrey. The vote was unanimous.

The motion to approve the minutes from August 1, 2018 was made by Ms. Wilbur and seconded by Dr. Lewis. The vote was unanimous.

III. Overview of Professional and Occupational Regulation in Virginia

Mary C. Broz-Vaughan, deputy director of communications and board operations at the Department of Professional and Occupational Regulation (DPOR), provided an overview of professional and occupational regulation in Virginia, which covered the following topics:

- The philosophical approach to regulation in Virginia
- The difference between certification and licensure
- The difference between criminal and administrative enforcement of unlicensed practice
- The increased anti-regulatory and anti-interventionist sentiment in the General Assembly within the past 3-5 years
- Most regulatory programs are requested by the subjects of such regulation
- In the 2018 legislative session, House Bill 883 was passed with bipartisan support, which required DPOR and the Virginia Department of Criminal Justice Services to reduce regulatory burden by 25 percent over the next three years.
- Under the act, any regulations in which DPOR boards exercise any discretion must be reduced by 25 percent.
- DPOR only regulates what is assigned to it by the General Assembly
- Examples of regulated occupations
- The role of private, trade, and industry certifications
- The role of the Board for Professional and Occupational Regulation at DPOR to study proposed legislation to regulate professionals or industry
- The role of DPOR and the civil court system in adjudicating complaints
- A regulatory body has authority over the licensee relationship only and cannot mediate disputes, refund monies, or provide personal remedies that make a consumer whole from loss.

At 10:45 a.m., the board recessed for 10 minutes.

IV. Interpreter Licensure Workgroup Report

The Chairwoman recognized Dr. Lewis, who provided a report on the VDDHH Interpreter Licensure Workgroup, which covered the following topics:

- The workgroup meeting schedule
- Composition of the workgroup
- Review of DPOR's criteria for licensure
- Should sign language interpreters have licensure
- Elements of the proposed petition to DPOR to study the question of interpreter licensure
- DPOR petition signature requirements
- The deadline to submit the petition to DPOR is December 1, 2018
- The results of the DPOR study will be released by November 1, 2019

V. Public Comment

Jenny Witteborg addressed the board. See Attachment A.

VI. Working Lunch: Meet and Greet with the Secretary of Health and Human Resources of Virginia

The planned meeting with Secretary of Health and Human Resources Daniel Carey, MD was canceled, as the secretary had an unforeseen scheduling conflict.

In lieu of Secretary Carey's presentation, the Chairwoman recognized Dr. Lewis who lead the board members in a discussion regarding the details of the proposed petition to DPOR regarding the licensing of sign language interpreters in Virginia.

Ms. Wilbur made a motion that the board continue the process of filing the petition with DPOR, including gathering the necessary signatures for submission. Ms. Humphrey seconded the motion. By a vote of 5-0-3, the motion passed.

VII. Accessibility of State Buildings Presentation

W. Michael Coppa, RA, director of the Division of Engineering and Buildings at the Department of General Services, gave a presentation on the accessibility of state government office buildings, which covered the following topics:

- Under the Code of Virginia § 36-98.1, the director of the Division of Engineering and Buildings (DEB) is the state building official of Virginia with jurisdiction for all state-owned property buildings and all state-owned property.
- The division oversees \$1 billion worth of construction every year.
- Within the requirements of the building code, DEB applies the standards of the *Americans with Disabilities Act* (ADA), specifically accessibility standards.
- Code of Virginia § 2.2-1159 gives the DEB the authority to establish accessibility standards for state buildings and the building code has such requirements.
- Under the ADA, the federal government requires states to adopt procedures and accessibility criteria and the DEB has elected to use the federal standards.
- ADA, Title II
- The Virginia Department of Housing and Community Development maintains the Virginia Uniform Statewide Building Code, which has chapter 11 accessibility standards.
- The DEB uses ADA standards, which are written and formatted by the Accessibility Board and enforced by the U.S. Department of Justice (DOJ).
- Anyone can make a complaint to the DOJ if a requirement is not met or if the person or agency is not providing an accommodation; the best approach is to first try and resolve the matter directly with the state government agency in question.
- Leased buildings by state government agencies fall under the jurisdiction of the locality's building official.

- The University of Virginia, Virginia Commonwealth University, the College of William & Mary, and Virginia Tech have a tier 3 higher education agreement, which permits them to have their own building official.
- ADA standards for accessible design
- Public right-of-way accessibility guidelines
- The *Construction and Professional Services Manual* (CPSM)
- The American National Standards Institute (ANSI) published *ANSI A117.1 Accessible and Usable Buildings and Facilities*, which provides standards used for the specification and construction of accessible facilities.
- The *Fast Uniform Accessibility Retrofit Manual*
- International building code and building construction code
- Scoping requirements for new buildings, existing buildings, alterations, historic structures and general exceptions
- Program accessibility
- Adaptable design versus accessible design
- Site accessibility
- There is a specific requirement in the CPSM regarding assistive listening devices
- Receivers
- Fire alarm systems
- The law is not meant to be punitive, it is meant to be cooperative
- Compliance assurance through building permit review, ensuring that buildings designed on state property
- Compliance with the building code and compliance with ADA standards
- Certificate of occupancy inspection
- The Virginia Department of General Services (VDGS) oversees leases for state government agencies that occupy tenant space in privately owned buildings.
- The VDGS is working to prevent substandard leasing markets—that is, markets that continue a lack of accessibility in public or private tenant spaces.
- Maintenance Building Code

At 2:00 p.m., the board recessed for 5 minutes.

VIII. Board Member Reports

No board member reports were presented.

IX. Staff Reports

The Chairwoman recognized the following members of the staff:

Director Eric H. Raff presented the director's report, which covered the following topics:

- Will be recruiting a relay manager probably after this winter.
- The legislative proposal to require all televisions in public spaces to have captions activated will not be considered during the 2019 General Assembly session.
- Statewide Interagency Team (SIT) planned town hall meeting in Abingdon, VA scheduled on September 15 was canceled, as a result of Hurricane Florence. The meeting has not yet been rescheduled.
- SIT town hall meeting with the Virginia Association of the DeafBlind was held on October 27 and we had great feedback from the participants.
- Next SIT town hall meeting will be held on December 1 at Tidewater Community College in Chesapeake, VA. Board members are encouraged to attend.

- In 2019, we will have about six or seven more town hall meetings around the Commonwealth in such places as Abingdon, Danville, Fredericksburg, Northern Virginia, Richmond, Roanoke, and Staunton.
- On January 12, we will be holding a town hall meeting for the hard of hearing in partnership with the Hearing Loss Association of America–Greater Richmond Chapter.
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Director Eric H. Raff presented a report on Virginia Relay, which covered the following topics:

- Recently attended the National Association of State Relay Administration (NASRA) conference in Minnesota. One topic of discussion concerned the Federal Communications Commission (FCC), which wants to shift responsibility to the states in two areas: financing the costs of internet protocol for captioned telephone services and screening hard-of-hearing people who apply to receive relay equipment. The FCC is currently taking public comment on these proposed changes.

Interpreter Programs Manager Leslie G. Hutcheson presented a report on the Interpreter Services Program (ISP) and the Virginia Quality Assurance Screening (VQAS), which covered the following topics:

- The Supreme Court of Virginia (SCV) is closely examining how often cases are continued due to the fact that no ASL interpreter is available on the date of the hearing.
- There has been an increase in requests for interpreter lodging. One reason is that many of our contracted interpreters now work for video relay service, which limits their availability to appear in court for last-minute requests such as arraignments. Timely court hearings are important so that defendants are not held in custody for an extended period of time.
- One way this problem is being addressed is for the courts to use qualified interpreters from private sign language interpreter agencies that have signed agreements with the SCV. In addition, the SCV now has a contract in place to provide video remote interpreting in magistrate's offices as a means of providing effective communication outside of normal business hours.
- We are polling all of the interpreters on our court list to ensure that they want to remain listed and notified about job assignments. Many of these interpreters have never taken a court assignment in the last 10 years.
- There are approximately 56 interpreters on our list. We will begin to recruit more freelance interpreters who will accept the terms and rates contained in the memorandum of understanding with the SCV.
- We have been working with our procurement staff to make sure the new interpreter service agreement is implemented very soon. The ISP has been short staffed of late, which has caused several delays in the process.
- The VQAS coordinator is collecting performance data on the new test materials that we launched earlier this year, which we hope to compare with the results from previous versions.

Community Services Manager Gary W. Talley presented a report on the Community Services Program, which covered the following topics:

- Community Services has been doing a lot of consultation work, which is more specialized now than ever before.

- The workshop topic prior to the SIT town hall meeting in Abingdon, VA is self-advocacy. Many people need basic training in the Americans with Disabilities Act in order to know what services or accommodations to ask for.
- We have organized trainings about how to interact with law enforcement officials. Those sessions have been held at the Criminal Justice Academy. Also presented at the ADA Mid-Atlantic conference and last month at Association of Late Deafened Adults Conference.
- We continue to collaborate with the Virginia Community College System (VCCS), the VCCS workforce centers, the Statewide Interagency Team, and the I Can Connect group.

Technology Assistance Program Manager Christine C. Ruderson presented a report on the Technology Assistance Program (TAP)

- She joined Mr. Raff at the recent Technology Equipment Distribution Program Association (TEDPA) Conference in Minnesota. Our TAP coordinator, Brittany Howard, was also in attendance. The theme of this year's conference was casting into the future.
- Discussion topics at the conference included program expansion, developing relationships with other entities that focus on equipment, looking beyond amplification and captioning, voice-over features, gaps in service delivery, and targeting outreach efforts to underserved populations.
- The most important topic concerned modernizing equipment distribution programs. Some states are looking at offering only multifunctional devices and safety devices such as fire alarms and smoke alarms. Some states are strongly considering offering accessories.
- We are interested in understanding if our consumers are using social media platforms and cultural brokers and if they have experienced any other language barriers in addition to ASL.
- The big question is can a state justify distributing mainstream devices such as tablets or iPhones, or would it be better off distributing accessories.
- We continue our work providing assistive technology to veterans of the U.S. Armed Forces.
- The vendors did not have a lot of new equipment to exhibit. However, for the first time, there was a deaf-owned company exhibiting equipment.
- We have been doing a lot of presentations lately and table exhibits at community events.
- We are undertaking a joint project with Resources for Independent Living, (a center for independent living) based in Richmond, VA to better understand how to target our outreach efforts to two groups of consumers: late-deafened adults and individuals aging in range from 20 to 50 year old.

X. New Business and Future Meeting Agenda

The Chairwoman recognized the following individuals:

Mr. Raff informed the board that the VDDHH is updating its strategic plan and invited the members to review the draft. Also, he intends to follow-up with the Virginia state fire marshal regarding the question of distributing assistive smoke detectors and alarms consistently across all Virginia localities.

Ms. Hutcheson asked the members if they have reached a decision on the contents of the cover letter for the petition to DPOR and the date that all signatures are due to be included in said petition. A discussion ensued among the members and a consensus was reached that Thursday, November 15 would be the deadline to return all materials in their original form to the VDDHH.

Mr. Raff reminded the members that advisory board meetings have been scheduled in 2019 on the following dates: February 6, May 1, August 7, and November 6.

XI. Adjournment

At 3:00 p.m., a motion to adjourn the meeting was made by Ms. Humphrey and seconded by Ms. Wilbur. The motion passed unanimously.