



# Pennsylvania Rehabilitation Council (PaRC)

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## Full Council Quarterly Meeting Minutes October 18, 2023

### Council Members: Present (P) Not Present (NP)

|                        |                              |                         |
|------------------------|------------------------------|-------------------------|
| Jeanette Alexander (P) | Julia Barol (NP)             | Lorie Brew (P)          |
| Paul Fogle (P)         | Joan Goodman (P)             | Lynn Heitz (P)          |
| Jessica Keogh (P)      | Michele Leahy (P)            | Michelle Mitchell (P)   |
| Michelle Paonessa (P)  | Andrew Pennington (P)        | Kara Donatucci Pham (P) |
| Susan Tomasic (P)      | William Del Toro Vargas (NP) |                         |

**Office of Vocational Rehabilitation (OVR) Present:** Ryan Hyde, Cheryl Novak, James Whitonis, Marci Katona, Chris Harbert, Cassandra Falkenhagen, Jack Hewitt, Audrey O'Connor, Tammy Burke, Mark Maurer, Jim France, Mike Kirby, Kim Robinson, Jessica Crum-Lasko, Chris Cowan, Russ Goddard, Susan Storm

**Stakeholders Present:** Dale Verchick, Disability Rights PA, Matthew Seeley, Esq., Pennsylvania Statewide Independent Living Council (SILC), Steve Pennington, Esq., Client Assistance Program (CAP), Jeff Iseman, Pennsylvania Statewide Independent Living Council (SILC), Melissa Hawkins, Office of Deaf and Hard of Hearing (ODHH), Deborah Schwartz, PA Department of Labor and Industry (L&I), Office of Chief Counsel (OCC)

**Guest Speakers:** Joyce Bender, Founder and CEO of Bender Consulting Services, Inc., Michael Gamel-McCormick, Senate Special Committee on Aging, Disability Policy Director for U.S. Senator Bob Casey, Ms. Kristin Ahrens, Deputy Secretary for Pennsylvania's Office of Developmental Programs (ODP)

**Project Staff Present:** Michelle Gerrick, Christopher Todd

**Moderator of Zoom:** Nichole Wade

**CART:** Tori Holland

**Interpreters:** Jill Buracker and Sharon Costa

**Guests:** Leanne Thomas, Chief of Staff for the CEO and Account Director for Bender Consulting Services, Inc., Kelly Kuczinski, Chief Financial Officer for Bender Consulting Services, Inc., Sylenthia Dent

## **WELCOME & OPENING REMARKS**

- Mr. Paul Fogle proposed an addition to the agenda for Mr. Russ Goddard to provide an update regarding the Audiological Services policy.

***MOTION was made by Ms. Lynn Heitz to approve the meeting agenda with additions. Ms. Joan Goodman seconded the motion. All were in favor.***

***MOTION was made by Ms. Jeanette Alexander to approve the previous meeting minutes. Mr. Andrew Pennington seconded the motion. All were in favor.***

**PaRC FISCAL REPORT (1st QUARTER): Ms. Michelle Mitchell, Member at Large**  
**ACTION: Approval of PaRC 1st quarter Fiscal Report**

- Ms. Michelle Mitchell reported the 2023-2024 Fiscal Year 1<sup>st</sup> Quarter spending which includes the July total of \$2267.96, the August total of \$16,089.96, and the September total of \$750. This includes a grand total for the first quarter of \$19,107.92 with August having the highest amount because of meeting in person and the associated travel reimbursements.

***MOTION was made by Ms. Mitchell to approve the 2023-2024 PaRC 1st quarter Fiscal Report. Ms. Lorie Brew seconded the motion. All were in favor***

**CHAIR REPORT: Mr. Paul Fogle, Chair**

**Welcome new PaRC member, Ms. Twana Jones**

**Introduction of Ms. Joyce Bender, Founder and CEO of Bender Consulting Services**

- Mr. Fogle informed members that the application for Ms. Twana Jones for the category of Business/Labor/Industry has been approved by the Governor and welcomed Ms. Jones to the PaRC.
- Ms. Michelle Gerrick (PaRC staff) reported that Ms. Joyce Bender is the owner and founder of Bender Consulting Services which is a Small Diverse Business (SDB) and has been committed to the PaRC contract for this Fiscal Year. Working with SDBs was a new state requirement that had to be abided in order for their

proposal to be considered to do business with the Commonwealth. Ms. Gerrick is happy to have found Ms. Bender and explained that she is at the meeting today to describe the services they can provide to the Council.

- Mr. Fogle inquired what kind of services Ms. Bender's agency provides and how they may partner together.
- Ms. Joyce Bender wished attendees a happy Disability Mentoring Day (DMD) which began in the White House in 1999 and today Pittsburgh has 600 students going to different schools participating in DMD. Ms. Bender is the CEO of Bender Consulting Services and Chair of the Board for the Bender Leadership Academy that she launched in 2018 which provides training to students about the world of work and how to fight bullying. Ms. Bender explained that she came to realize she had epilepsy and was hard of hearing after experiencing an accident in 1995. Bender Consulting was founded that same year to focus on improving competitive employment of people with disabilities and focuses on employment in the Science, Technology, Engineering, and Mathematics (STEM) area, finance, and accounting not just to assist those with attaining a job but with moving up in their careers. Bender works Nationally on an Executive level with the public sector including the National Security Agency who has hired 200 people a year as computer engineers, mathematicians, etc. In addition, they provide services to companies across the U.S. to ensure accessibility of website and internal applications. They also have a software product that is composed of 47 modules that train companies how to work with and communicate with people with disabilities. Bender provides management consulting with Procter and Gamble, Dick's Corporation, and others. Ms. Bender also has a show called Disability Matters with Joyce Bender and has interviewed many advocates such as Ms. Judy Heumann, works with the U.S. State Department as the expert on employment of people with disabilities, was Chair of the Board of American Association of People with Disabilities, the Epilepsy Foundation, the Epilepsy Association, is on the Board of the World Institute on Disability, and is working closely with Mr. Austin Davis, PA Lieutenant Governor.
- Members thanked Ms. Bender and explained that they look forward to working with her in forwarding the PaRC mission. The Executive Committee will be meeting to discuss opportunities that the PaRC may partake with Bender during the current Fiscal Year.

## **NEW BUSINESS: PaRC Committee Chairs**

### **Executive Committee: Mr. Paul Fogle, Chair**

- Members agreed to feature Ms. Julia Barol in the Annual Report for the Member Story. Ms. Barol previously agreed to volunteer and provide her story.

- Members reviewed the draft of the Annual Report Front and Back Cover. The Descriptions of the covers include Front Cover Description: Dark blue background with vector illustration composed of dark and light teal color triangles of person using a wheelchair creating the motion of breaking through or shattering triangles behind the person. At the top is a photo of an employee wearing a green apron using a credit card device beside the text, Pennsylvania Rehabilitation Council (PaRC) Annual Report Fiscal Year 2022-2023. Photos below that include an employee that is smiling, wearing safety glasses, using a tablet and a person with a physical disability in a garden picking tomatoes and smiling. The PaRC logo is at the bottom beside the PaRC Mission, "The Mission of the Council is to inform and advise the Office of Vocational Rehabilitation, the State Board of Vocational Rehabilitation, the Legislature and the Governor on the diverse issues affecting employment of people with disabilities."
- Back Cover Description: Dark blue background with continuation of light and dark teal colored triangles streaming from the front cover illustration. There are four photos from the top, a construction worker with a physical disability, server wearing black tie and holding a tray of pastries, person using sign language during a meeting on their laptop, and person using a wheelchair smiling and holding their cell phone. Text at the top reads, "Submitted To: The Citizens of Pennsylvania, The Pennsylvania Legislature, The Rehabilitation Services Administration, Josh Shapiro, Governor of Pennsylvania, The State Board of Vocational Rehabilitation, The Pennsylvania Workforce Development Board, The Pennsylvania Department of Education, In compliance with the Rehabilitation Act of 1973 as amended by WIOA 2014. Production of the Annual Report is supported by the Pennsylvania Department of Labor & Industry, Office of Vocational Rehabilitation, Contract #4000021640." At the bottom is the PaRC office address, phone number, TTY number, email address, website address, and the Facebook logo with the text, "Like us on Facebook."
- Members agreed that they liked the cover presentations and that a photo depicting someone using a white cane should be included on one of the covers for this year's report. Members suggested looking into including a Relay number in addition to TTY number listed on the back cover along with considering use of a Video Phone at the PaRC Office to ensure accessibility. Members agreed to have the report translated into Spanish.
- Ms. Michelle Paonessa suggested having the report translated into ASL. This would require a video where the report is verbally read, an interpreter would translate that into ASL, and the video would include captioning. Suggested that we be mindful of Deafblind people in the community, so they have different ways of accessing information.

- Ms. Lynn Heitz requested that the report be printed in braille and that she be provided a few copies to distribute.
- Members and attendees agreed that these are great suggestions and to include the Office of Deaf and Hard of Hearing for further development of different formats of the report to ensure accessibility.

***MOTION was made by Ms. Susan Tomasic for approval of the 2024 Full Council meeting dates of Virtual Full Council meetings on February 14, 2024, and November 13, 2024 and Hybrid Full Council meetings on May 15, 2024 and August 14, 2024.***

**CareerLink Committee: Mr. Andrew Pennington, Chair**

- Mr. Pennington reported that the Committee is meeting on November 21<sup>st</sup> to discuss various initiatives including the Commonwealth Transformation Grant, DEIA Grant, accessibility toolkits, and accessibility checks on CareerLink locations.

**Governance Committee: Ms. Susan Tomasic, Chair**

***MOTION was made by Ms. Lorie Brew for the approval of forwarding Ms. Sylenthia Dent-Siebenlist's application, resume, and letters of reference to the Governor for consideration of appointment to the PaRC representing the category of General Advocacy. Ms. Tomasic seconded the motion. All were in favor.***

**Legislative Committee: Mr. William Del Toro Vargas, Chair**

***MOTION was made by Ms. Mitchell for approval of supporting SB746 An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law. Ms. Heitz seconded the motion. All were in favor.***

**Policy Committee:**

- Ms. Heitz informed members that the next Policy Committee meeting will be focused on the accessibility of the civil service applications for individuals with disabilities.

**Social Media Committee: Ms. Lorie Brew**

- Ms. Brew informed attendees that the Council has launched its own social media pages on Instagram and LinkedIn. The PaRC is also on Facebook and asked attendees to like and follow those pages. Asked members to provide success stories. The Committee is working to create and share engaging content to attract more followers, cross posting with stakeholders and other organizations, and has begun collaboration with a Veteran Owned, Veteran Business Enterprise, SDB for web maintenance and digital media services that have provided great ideas, vision, and discussion regarding outreach, engagement, awareness, outcomes. Welcomed members to attend the next meeting scheduled for November 1<sup>st</sup>. The newsletter will be featuring information about benefits counseling and its many nuances. Encouraged attendees to provide positive success stories regarding employment, transition from high school to work, and overcoming barriers.
- Ms. Paonessa explained that social media should be inclusive, videos should be captioned and if they are in-depth should include ASL. Stories should be inclusive to various disabilities.
- Mr. Ryan Hyde informed members that the next edition of success stories is being reviewed and should be made available to the Council in approximately 4 to 6 weeks.

**Ad Hoc Committee - OVR Hearing Officers / Mediators: Mr. Andrew Pennington, Chair**

- Mr. Pennington reported that the Committee is working to confirm further details in language defining conflicts of interest for Impartial Hearing Officers (IHO) and Mediators, confirming minimum requirements or qualifications, what level of weight to the consideration for the PaRC's vote would have for a candidate, if a PaRC member is able to be involved in the screening of the IHO/Mediator applicants, and formalizing these policies into writing.

**OVR QUARTERLY PROGRESS REPORT STATE PLAN**

**Mr. Jim Whitonis, Vocational Rehabilitation Specialist**

- Mr. James Whitonis reported that revisions to the draft of the State Plan are about 90 to 95 percent complete. OVR will be meeting next week and looking to ask the PaRC Executive Committee for a vote on the draft next month. The draft is scheduled to go to Workforce Development for review next week followed by a Public Comment period scheduled for November including two Public Comment Zoom meetings scheduled for November 15<sup>th</sup> and 16<sup>th</sup>.
- Mr. Fogle explained that there have been recent changes required by RSA and that the timeline described should be workable for the Council.

## **OVR ERIE DISTRICT OFFICE**

**Mr. Jack Hewitt, District Administrator, Bureau of Vocational Rehabilitation Services (BVRs) and Ms. Cassandra Falkenhagen, District Administrator, Bureau of Blind and Visual Services (BBVS)**

- Mr. Jack Hewitt shared that he is very passionate about the work OVR is doing as it has positively impacted his life and his family's life since the 1970s and 1980s. Uniquely Aabled Academy (UAA) is the first in Pennsylvania and is an adaptive training program for people with disabilities to learn Computer Mechanical Control (CNC) machinist. OVR is working with school districts, technical schools, community colleges, and employers. The Cyber Youth Apprenticeship Institute is similar to UAA but is cyber and IT related with the goal to develop a pre-apprenticeship that will include a partnership with the CareerLinks.
- There are 2 Project Search sites one located at the UPMC Hammett with a 100 percent employment outcome rate and one at St. Vincent's with an 80 percent employment outcome rate. They are also working with students for a Project Search site located in Mercer County as this will be a hybrid location for both students and adults.
- OVR Staff has been assigned to partner with the Centers for Independent Living (CILs) with the goal to be a part of their trainings and services.
- OVR Staff is also involved with statewide activities including the Bureau of Juvenile Justice, Office of Deaf and Hard of Hearing, Summer Academies, Drug and Alcohol services, and the Citizen Advisory Committees (CACs). CACs provide insight and advice which is used to develop action items that are reviewed at the beginning of each of their meetings.
- Ms. Cassandra Falkenhagen reported her office is focused on different programs for Pre-Employment Transition Services (Pre ETS) population to try to involve students in as many activities as possible. Social workers, counselors, and the vision rehab therapists all work together with students between the ages of 6 and 14 to educate and inform students about spoken communication, visualization, eye contact, active listening, independence, self-advocacy, problem solving, career and volunteer opportunities. Students also participated in the Summer Academy located at the Penn State Campus which focuses on orientation, mobility assistive technology, vision rehab therapy, low-vision, vocational development, and recreational activities.
- Paid work experiences included one student attending college work over the summer at FEED Media Art which is dedicated to the production and preservation of all media art. The student participated in networking, set up service, set up of

security cameras, media playback. Another student participated in a paid internship through Voices for Independence that was closely related to their vocational goal.

- The MyWork program had 2 students work at the Erie City Hall Mayor's Office in contracts and grants department and the citizens response department. They also attended a press conference with the Mayor.
- Other programs provided students the opportunity to participate in blindness skills developers, assistive technology, career development, employability, college prep, and the Envision Blind Sports Camp located at Penn State University on Behrens Campus.
- A new project is the Bioptic driving program. Bureau of Blindness and Visual Services (BBVS) has started providing this service to remove the barrier of transportation for customers to get to and from locations for employment and training activities. The program involves working with an ophthalmologist which prescribes optic devices, then a low vision rehab specialist to participate in 10 hours of front seat passenger car instruction, learners permit test and telescopic driving permit training. This is followed up with up to 65 hours of additional training with PennDOT.
- Mr. Pennington inquired if the BBVS MyWork Program will be ongoing and what it entails.
- Ms. Falkenhagen explained that the BBVS program will continue next year as the Mayor and job coaching agency used are both committed. One student worked in contracts and grants and participated in a lot of administrative paperwork, learned about how contracts are awarded and written, and may participate next summer. The other student worked in citizen response and observed different types of calls, learned about the different departments to forward calls to, transitioned into answering calls, responding to requests, learned about customer service, visited locations that citizens were concerned about, and learned more about IT and computer work. Mr. Hewitt explained that Bureau of Vocational Rehabilitation Services (BVRs) participated in municipality partnerships for the MyWork program along with Community Park Beautification Project in Forest County. Their district office is composed of 7 counties and has multiple partnerships with municipalities for the MyWork program.

## **OVR AUDIOLOGICAL POLICY UPDATE**

### **Mr. Russ Goddard, VR Specialist**

- Mr. Russ Goddard reported that he has submitted the first draft of the Audiological Services policy to Mr. Ryan Hyde and OVR Executive Team for feedback. They are



working to have the policy approved in June 2024 and hope to hold Public Comment in January 2024.

## **OVR DIRECTOR'S REPORT**

### **Mr. Ryan Hyde, OVR Executive Director**

- Mr. Paul Fogle shared that during the last PaRC Executive Committee meeting members provided suggestions to make the OVR report more interactive, provide an opportunity for members to ask more questions, provide more input, and improve the follow up process.
- Mr. Ryan Hyde reported that he is happy to accommodate any style of report that will work for members in future meetings, is happy to have more dialogue, answer questions, and suggested sending questions in advance of the meetings so that he may include more staff to provide specific information. Many of today's updates will be similar to those provided during the August FC meeting.
- Staffing Update: Staffing remains a big priority as there continues to be about 120 vacant positions throughout the agency. OVR is working to hold hiring events with the Office of Administration (OA) in the Philadelphia and Norristown areas which continue to struggle with hiring counselors. An OVR Culture and Staff Development Liaison has been hired, will return from maternity leave at the end of the year, and will be working with the Leadership Team on staff retention, staff development, labor relations, and other key projects.
- Financial update: OVR estimates to be carrying over approximately \$100 million into the Federal Fiscal Year 2024. They have not received any grant awarded notifications for the continuing resolution that was just passed but would expect to get them in the coming weeks. All Federal Fiscal Year 2022 funds have been expensed and the 2023 Federal Fiscal Year 2023 grant will be carried over in the amount of approximately \$100 million. Total spending for June 2023 was \$15 million and July, August, and September were over \$20 million. Approximately \$13 million was spent on college tuition or post-secondary tuition reimbursements overall.
- For Pre ETS the Rehabilitation Services Administration (RSA) is focused on states meeting the reserve requirement so OVR will have spent all of its Federal Fiscal Year 2022 Pre ETS reserve which was approximately \$21 million. \$17 million will be available for carryover into the 2023 Fiscal Year reserve and new reserve requirement in October is estimated to be another \$21 million. Carryover amounts are expected to shrink over the coming years based on the current trends and expected new hires. There is concern over the National trend of VR programs returning funds, 21 states have returned over \$346 million. Only 13 states requested re-allotment at \$96 million and there was a balance of \$250 million

returned to RSA or that went unused that will go to the Disability Innovation Fund, stay within the disability community, but it is preferable to see less states returning money.

- OVR is currently supporting 20 Project Search sites across the state that are student focused and 3 adult sites with about 4 or 5 additional programs being developed.
- OVR is focused on RSA Key Performance Indicators. Their quarterly dashboard shows they are doing well in employment after exit, credential attainment is on the bubble, and measurable skills gains is also on the bubble with a 34 percent improvement. RSA is focused nationally on measurable skill gains and rapid engagement. OVR continues to work to improve on those efforts and has recently conducted a review process for inactive cases, contacted customers or closed their case. Additional training was held for all staff to reaffirm the statewide position to interact with customers as quickly as possible, determine eligibility, write a plan, and begin services to keep customers motivated and improve outcomes. Eligibility should be determined for services within 60 days and a plan should be written within 90 days after that.
- PA OVR applied for and received another disability innovation fund grant for the Pathways to Partnership grant. This is a collaboration between OVR, local education entities, Bureau of Special Education (BSE), Office of Developmental Programs (ODP), and the Centers for Independent Living (CILs). The grant award is for \$9.9 million. Sub-Minimum Wage to Competitive Integrated Employment (SWTCIE) grant will have several employment partners, procurement has just secured a vendor and will help implement the project. Announcements haven't been made regarding vendors.
- There were over 151 locations for this Summer's MyWork programs. The number of students served increased from 400 students to 851. The programs were located in 50 counties with approximately 18 new locations. Programs that focused on students who are blind or visually impaired opened several new locations with York Fresh Food Farms, Longwood Gardens, and the Humane Society of Reading. Internships served approximately 30 students located throughout the Commonwealth. Preliminary discussions are being held to provide internships with state agencies for Commonwealth Technical Institute (CTI) at Hiram G Andrews Center (HGAC) students in automotive, construction, and IT programs. Expenditures for Pre ETS summer employment programs exceeded \$15 million this year equaling that of pre-pandemic levels.
- The Rapid Hire and additional Pre ETS programs remain in the procurement process. Upcoming meetings and community involvement include CTI at HGAC Career Fair, Council of State Administrators of Vocational Rehabilitation (CSAVR) Fall Conference Leadership Forum presentation, and stakeholder meetings.

- The State Board of VR approved the Driving and Vehicle Services policy which was a multi-year development process and will now be implemented. Employment Supports policy is under review with further consultation required.
- CTI at HGAC referrals have been increasing but are not yet at pre-pandemic levels. CTI at HGAC's \$10 million roof project is completed and OVR is looking into dorm renovations. This will include one dorm wing renovated per year, painting projects, and a beautification project. New marketing material is now being distributed by staff delivering Pre ETS services. CTI at HGAC is working in partnership with the BSE to purchase driving simulators and place them at IUs as a pilot project for driver's training.
- The OVR Annual Report was finalized and distributed. OVR staff are working on the next report to be completed by December or January and will include more information than past reports.
- Mr. Fogle inquired about vendor retention. Explained that there would be benefits to exploring cross training or a collaborative between the Council and State Board in 2024 to help new members understand the nuances between the 2 entities.
- Mr. Hyde explained that they do not track vendor retention, but offices keep them informed if they are struggling to retain enough vendors to provide services. Many vendors have one or two less job coaches. OVR is always happy to work with vendors and provide the guidance they may require. OVR is happy to participate with planning a collaborative meeting with the Council and State Board. Mr. Chris Harbert can help coordinate logistics, an agenda, goals, and other accomplishments for that learning session.
- Mr. Andrew Pennington inquired if the driving simulators would be utilized for assessments, if they would be used as a preliminary denial of potential driver services, and what policy development would need to be created.
- Mr. Hyde explained that the driving simulators would be used to determine student abilities and that staff from CTI at HGAC could explain more about that process at the next meeting.
- Ms. Michelle Paonessa inquired about delays in contractor and vendor services.
- Mr. Hyde explained that in some areas of the state there may be a vendor with less job coaches and they are having to delay services for customers until a counselor is available. This is especially true in rural areas. OVR continues to provide outreach to expand the vendor pool.
- Ms. Michelle Mitchell inquired if rate increases are being considered for vendor service providers.
- Mr. Hyde explained that supported employment vendors have been increased to \$72 an hour. Rates are compared to fair labor rate, Medicare rate, and other state agencies. As OVR receives feedback they will continue to increase rates as needed.

- Ms. Lorie Brew thanked Mr. Hyde for his presentation from the recent Transition Conference in which he addressed presuming competence, perceptions of people that have disabilities, and about the Cookie Cookie Ice Cream business. The presentation was insightful, funny, and made people think.
- Mr. Hyde explained that he can't take any credit for that. Cookie Cookie Ice Cream and the 2 ladies behind that business stole the show. They provide a wonderful opportunity in Pittsburgh and have a great story and great family.
- Mr. Fogle explained that Ms. Julia Barol will be attending the CSAVR Conference and has been appointed to the National Coalition of State Rehabilitation Councils (NCSRC).

## **PUBLIC COMMENT**

- Mr. Fogle read the Public Comment submitted by Ms. Sylenthia Dent, "I am a parent who lives in Beaver Falls. My 17 year old son received his first job this summer with OVR's help through the MyWork program. This was a great experience for him to gain soft skills he will need throughout his life. However, I was concerned of the lack of opportunities in Beaver falls area. Pittsburgh area had a large list of opportunities for students in the program but when I inquired, I was told by his counselor that it was only for Pittsburgh residents. As disheartening as this was to hear we were thankful for the opportunity at YMCA in Beaver county. My main three questions: 1) Why is there a resident only limitation in the MyWork programs? 2) How will the program increase employer participant in these programs. How will this be measured? 3) How will transportation in rural areas be addressed? Can a parent be paid as an option if this is a barrier?"
- Mr. Hyde explained that District Offices run their own MyWork programs for the counties they cover. OVR is looking into expanding into other areas to cover all counties in 2024. Transportation is a barrier and OVR has worked to pay a vendor to provide transportation. MyWork is a work-based learning experience program with the intent to expose students and youth to the world of work, build soft skills, and continuing to engage with OVR. Asked to be provided contact information of the family to follow up with more specifics.

## **STAKEHOLDER UPDATES**

### **PRESENTATION / Q & A - Mr. Michael Gamel - McCormick, Senate Special Committee on Aging, Disability Policy Director, Senator Bob Casey**

- Mr. Michael Gamel-McCormick explained that he provides Senator Casey report on the work of the Council and OVR on a quarterly basis. Senator Casey has about 40 active pieces of legislation that cut across health, education, employment,

transportation, international affairs, and civil rights. Mr. Gamel-McCormick reported that he will provide information today about policies where employment and healthcare intersect.

- The Disability Employment Incentive Act will be introduced to Congress today and is split into three sections. This includes tax credits for employers which has been expanded to now include the 22 percent of employers who are nonprofit employers. This legislation if enacted, would cover virtually every employer in the country providing \$5000 tax credit to any employer that hires a person with a disability for one year, for-profit or nonprofit.
- The Transforming Competitive Integrated Employment legislation is moving along and now has a Republican Cosponsor in Senator Steve Daines of Montana. The legislation would work with subminimum wage employers to help them transition their employment models to a competitive integrated employment model and over time would phase out the use of 14(c) Certificates. The Department of Labor announced that they are launching a comprehensive review of the Section 14(c) program and Senator Casey will be keeping a close eye on what that will entail and plans to come up with a set of recommendations for the acting Labor Secretary who has been informed of Senator Casey's opinion that he would like to see help for subminimum wage employers to transition to a competitive model and eventual phaseout of those certificates.
- Senator Casey is part of the Standard Occupational Category Bill introduced by Senator Hassan. The legislation specifically ensures there is an occupation category for direct service workers which is centered around the Home and Community-Based Services (HCBS). Billions of dollars are used for vocational rehabilitation (VR) programs from the Medicaid HCBS system and the Senator would like to see that funding continue.
- October 24<sup>th</sup> Senator Casey will be introducing new legislation called the Home and Community-Based Services (HCBS) Relief Act. Senator Casey spent the last three years trying to get a 10-year investment in HCBS by increasing the federal match for funds. That legislation did not pass last December so he is going to introduce a smaller, two-year bill that will help states get more money for HCBS, to stabilize the workforce, attract new workers, and make sure that the states have enough money to increase the rate structures for reimbursement of those services.
- Senator Casey was the Senate author for the ABLE Act. There is \$1.5 billion invested nationwide in ABLE accounts. The ABLE Match Act was introduced approximately two months ago and if enacted would provide a one to one match for every dollar invested in an ABLE account by those who make less than 200 percent of poverty. The match goes up to \$2000.

- In April Senator Casey introduced legislation called VITAL that would provide tax credits for builders to create more accessible and affordable housing.
- Mr. Gamel-McCormick reported that for people with disabilities that come into contact with law enforcement there is a far greater rate of injury and death. Senator Casey has introduced three pieces of legislation on that initiative if enacted one bill would better train and education law enforcement and first responders. The legislation called Human Services and Emergency Logistics Program (HELP) Act would ensure there are options other than law enforcement available when there is not criminal involvement in an emergency providing contact with family linked to a social worker, mental health crisis, or others that may assist in an emergency. The third piece of legislation on this initiative is Data on Interactions and Accountability for Law Enforcement with Individuals with Disabilities (DIALED) Act. This legislation would improve transparency by developing data collection to get an accurate representation of how people with disabilities are affected by interactions with law enforcement, including use-of-force and fatal interactions.
- Mr. Pennington inquired about announced review of subminimum wage 14(C) Certificates. Inquired about the climate for the discussed bills to pass.
- Mr. Gamel-McCormick reported that the Acting Secretary of Labor announced the comprehensive review on the 50<sup>th</sup> anniversary of the Rehab Act but did not provide specific information. Upon further discussion it remains unclear what their goal would be however Senator Casey will be keeping a close watch on this and making recommendations to the Acting Secretary.
- Without a Speaker of the House, it is very difficult to pass legislation. All legislation discussed today does have bipartisan support in the House and Senate, or in a few cases only bipartisan support in the House. There is real partnership across the two Chambers in terms of trying to move legislation discussed. At the member level and the staff level, they continue to work to find some common ground around these policies.
- Ms. Heitz inquired about recent proposal that would require entities such as employers and school districts to use a third party providers to make software accessible.
- Mr. Gamel-McCormick explained that the Department of Justice proposed regulations and standards for Title II of the ADA regarding the accessibility of things like websites, phone applications, healthcare kiosks and similar technology. Within those regulations and standards one exemption includes one that Senator Casey is concerned with that applies to school districts, colleges, and post-secondary programs that provide course content located behind a password protected wall that would not have to meet those standards. This would flip the

whole theory of the ADA on its head. The ADA has always come from the point of view that we assume that everything is accessible. There were 335 comments that were sent to the Department of Justice about this. Most of them were about the exceptions, and the Department will have to look at those exceptions and hopefully amend their proposed rule. Senator Casey and Senator Duckworth will be sending a letter to the Department shortly, hopefully by the end of next week, that says two things. One is that they support a clear set of standards to be put in place, and that the exceptions that the Department has proposed are just not acceptable. Because they will essentially put people with disabilities back three or four decades in terms of access. Particularly access to educational materials. The Department will review the Public Comments, come out with a revised set of regulations, then they will have to be approved or denied. That process is expected to take three or four months.

### **PRESENTATION / Q & A - Ms. Kristin Ahrens, Deputy Secretary for Pennsylvania's Office of Developmental Programs (ODP)**

- Ms. Kristin Ahrens reported that Pennsylvania's Office of Developmental Programs (ODP) has long put a huge focus on employment as it is one of the keys to community integration and belonging. One of ODP's key focus areas include community involvement for people with intellectual and developmental disabilities but there was not much accuracy on determining how many people had attained CIE. Data collection began in 2017 with a baseline of 12 percent of their working age population being employed. Today that percentage is 18 percent with thousands of people added to programs during that same time period which represents a tremendous increase in the number of individuals known to be employed. A good portion of this success can be attributed to the very effective collaboration with OVR. There are currently 3 Memorandums of Understanding (MOUs) in place between ODP and OVR which cover funding exchange and data exchange. Pennsylvania was recently awarded almost \$14 million toward the federal grants called the Subminimum Wage to Competitive Integrated Employment (SWTCIE) and Integrated Vocational Engagement & Support Team (InVEST) addressing the issue of subminimum wage workshops through contracts with family advisors, employment specialists, and other professionals overseeing the project which will be instrumental in helping to transition the 4800 people known within their system to CIE. Additional collaboration with OVR includes Pathways to Partnership federal grant to address professional capacity building and Charting the LifeCourse Training for systems partner professionals.
- ODP has proposed significant system changes to HCBS and the pay structures for providers of residential services and supports coordination. Proposed changes

include aligning payments with health and employment outcomes, fewer inpatient hospitalizations, and fewer restraint or restrictive procedures. This includes new performance standards related to CIE planned for 2025 and 2026. This will include providers to be expected to have supported a minimum number of people that have CIE or related employment services, benchmarks for CIE of working age individuals adjusted for acuity of individuals and includes pay for performance CIE outcomes.

- The Information Sharing and Advisory Committee (ISAC) has 36 stakeholder Committee members with at least 51% of members with lived experience and has provided 14 different recommendations each with its own strategies. One recommendation related to employment includes 14 strategies. Data has shown there are statewide racial disparities including transition age youth. There are also disparities at a County level, each County was provided a breakdown by a number of different measures for performance related to employment and broken down by race. Instructions were provided for each County to review the data and understand what is happening on a local level to look at what is actionable. These items will be put together for discussion.
- Ms. Mitchell inquired what role higher education would play in transitioning folks from subminimum wage to CIE. It was explained that a lot of funding is going to help providers understand how to use the Charting the LifeCourse services and inquired what data is used to demonstrate this particular system is one that helps bridge the gap from secondary to CIE. Inquired if Higher Education is part of the Charting the LifeCourse so that those with intellectual disabilities may go to college.
- Ms. Ahrens reported that they support transitioning youth to explore postsecondary education as data has shown their employment rates are much higher. PA has 7 comprehensive transition programs which are covered as a waiver service for on-campus support, is a great way to transition from high school and avoid any kind of subminimum wage. Many individuals not interested in postsecondary education may be involved with the SWTCIE Pathways to Partnership, HCBS wraparound services, benefits counseling, and helping with transportation issues. There isn't specific evidence based for employment for the Charting the LifeCourse. PA is a leader in this space, and they hope to provide that tool themselves. Charting the LifeCourse is endorsed by the World Health Organization for the strength of anticipatory planning and includes tools based on lifespan thinking. Higher Education is included in that planning as family advisors are well aware of those comprehensive transition programs. Up to \$40,000 will be paid per person for tuition in a lifetime.

## **ADJOURN**



***MOTION was made by Mr. Andrew Pennington to adjourn. Ms. Jeanette Alexander seconded the motion. The meeting was adjourned.***