



Pennsylvania Rehabilitation Council (PaRC)

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OVR Impartial Hearing Officers (IHO)/Mediators Ad hoc Committee Meeting Minutes for November 29, 2023 2:30 PM to 3:30 PM

Members Present (P)

Not Present (NP)

Andrew Pennington (P)
Lynn Heitz (P)

Jessica Keogh (NP)
Susan Tomasic (P)

Michelle Paonessa (NP)
Paul Fogle (P)

Office of Vocational Rehabilitation (OVR) Staff Present: Ralph Roach, Chris Harbert

PaRC Staff Present: Chris Todd

CALL TO ORDER

This meeting was conducted through Zoom. Mr. Andrew Pennington called the meeting to order at 2:30 PM after quorum was established.

ADDITIONS TO THE AGENDA

There were no additions to the agenda.

MOTION was made by Ms. Lynn Heitz for approval of the agenda and past meeting minutes. Ms. Susan Tomasic seconded the motion. All were in favor.

DISCUSSION AND POSSIBLE ACTION ITEMS:

Formalize PaRC's role regarding selection process of IHO/Mediators:

Language defining conflicts of interest

Confirm minimum qualifications / experience and preferred qualifications

Confirm if OVR's approval of a candidate requires a PaRC vote

Confirm PaRC involvement with screening process

Formalize process / agreement between PaRC and OVR in written policy or procedure

- Mr. Chris Harbert reported that he has met with Mr. Ralph Roach and Mr. Ryan Hyde on the previous questions posed by the Committee to formalize PaRC's role

regarding the selection process for OVR IHO/Mediators.

- Regarding impartiality and conflicts of interest, OVR follows the Code of Federal Regulations (CFR) which are used in both their materials provided and the training of IHO/Mediators. No new criteria or verbiage regarding impartiality/conflict of interest has been established. The following statement is also listed in the stakeholder recruitment letter:
 - Interested individuals must be knowledgeable about the federal laws and regulations governing the provision of vocational rehabilitation services including the federal Rehabilitation Act of 1973, as amended, 29 U.S.C. §701 et. seq. and governing regulations 35 CFR Part 361. They must also have experience presiding over or participating in administrative proceedings.
- Members explained the concern is providing details on conflicts of interest at the beginning of the application process so that individuals may disqualify themselves prior to applying. A recruitment flyer was sent out years ago which may not have included detailed information resulting in the receiving of applications from those who were later deemed ineligible due to conflicts of interest. Members are interested in having the conflicts of interest required by the CFR listed out within the recruitment letter.
- Mr. Harbert agreed that it would be easy to list out the requirements included in the CFR within the stakeholder recruitment letter.
- Members agreed that including further clarity on the minimum and preferred qualifications within the stakeholder letter would help to inform and narrow down qualified applicants. Many applicants may not take the time to look up the law or CFR listed on the letter. Including details would be very helpful in preventing any problems later in the screening process. The language used pertaining to qualifications is very broad and subjective. Including further clarification is necessary.
- Members inquired if there is confirmation that OVR's approval of an applicant for IHO/Mediator requires PaRC's vote. Inquired if approval from the Council is required for OVR to move forward with a candidate.
- Mr. Roach explained that the SRC's role is advisory and whether the Council decides to provide a vote or have a Committee decide on eligible candidates the Council's input is necessary.
- Mr. Harbert explained the Standard Operating Procedures (SOP) includes the following:
 - Step two: Responses are checked weekly, acknowledged and forward to PaRC VR Specialist and L&I OCC OVR attorney for vetting. All accepted candidates information is sent to PaRC for voting at their next full council mtg.
 - Step three: All PaRC and L&I OCC OVR attorney recommended candidates are then contacted to verify their continued interest, and provided with COFA instructions on how to register with the Commonwealth as a vender using their EIN number and business name
 - Mr. Harbert understands the weight of PaRC's vote for a candidate but will have to gain clarity on whether OVR moving forward with a candidate requires PaRC's approval.
 - Mr. Roach explained that you can see by practice of what has occurred with

recent candidates that PaRC's vote is taken very seriously and that PaRC's input is very important.

- Mr. Harbert reported that a PaRC representative can be involved in the recruitment, selection, screening, and placement process. They would have to work directly with the Office of Chief Counsel (OCC). There can be an observer of the curriculum and training. The PaRC member or members can work directly with OCC and OVR on recruitment, can advise directly on the fitness of the individual, the effectiveness of the screening process, and the opinion of impartiality.
- The selection of the PaRC member involved in that process will be reviewed by the Governance Committee. The Bylaws can include an addition under the work group representative section, that a volunteer is required to appoint a representative on this search committee. A vote for this addition can be included in the next Full Council meeting following it being discussed at the next Governance Committee meeting in January. Ms. Tomasic requested this topic be added to their next meeting agenda.
- Ms. Lynn Heitz explained that the volunteer should be a member that serves on this Ad hoc Committee and volunteered to be the PaRC representative on the search committee. This topic will be discussed at the next Executive Committee meeting.
- Mr. Fogle explained that as long as the appointment of that position is included within the Bylaws a vote would not be required to appoint the volunteer for the search committee/observer of the curriculum.
- Members inquired if PaRC's role in this process will be officially included in an OVR policy or procedure.
- Mr. Harbert explained that following the last Committee meeting from September 2023, OVR Leadership was informed that PaRC will be included in the process, this was not put into writing within any manual or legal policy. However, OVR understands PaRC's involvement and is incorporating that into the next recruitment.
- Mr. Pennington requested that this item be added to the next agenda regarding PaRC involvement being included in writing within a policy or procedure along with the beginning of determining and appointing a PaRC volunteer to the screening process.

Update/next steps for the development of a notice to identify IHO/Mediators unique skill set and requirements

- This topic was previously discussed.

Scope of IHO/Mediators trainings provided by OCC:

Require that an observer and/or Committee member is present during trainings

Ensure training curriculum meets the standards set by RSA

Ensure objectivity and impartiality is part of the Due Process during initial training and revisited during tenure as IHO/Mediator

- Mr. Roach explained that once a candidate is chosen the responsibility of training and curriculum shifts to the OCC.
- Members agreed that a discussion regarding the details of the curriculum and

training would be very valuable. Members would like to invite someone from OCC to attend the next Committee meeting to discuss training and curriculum.

- Mr. Harbert will inform OCC of member's interest for them to attend the next meeting and will provide correspondence to the Committee when more information is available regarding the questions and requests provided by members during today's meeting.

Adjourn

MOTION was made by Ms. Lynn Heitz to adjourn. Ms. Susan Tomasic seconded the motion. The meeting was adjourned.