

**Nebraska Commission for the Deaf and Hard of Hearing**  
**Full Commission Board Meeting**  
**4600 Valley Rd, Conference Room 1, Lincoln NE**  
**March 15, 2019 Meeting Minutes**

**A. Opening**

Chairperson Jeremy Fitzpatrick called to order the meeting of the Nebraska Commission for the Deaf and Hard of Hearing (NCDHH) full commission board meeting on March 15, 2019, at 8:35 a.m. at 4600 Valley Road, Conference Room 1 in Lincoln, Nebraska.

**B. Notice of Open Meeting**

Chairperson Fitzpatrick announced that the notice of the meeting was duly given, posted, published, and tendered in compliance with the Open Meetings Act, and all board members received notice simultaneously by email. Publication of official notice of the meeting appeared in the March 8, 2019 edition of the Omaha World Herald, a legal newspaper of general circulation in this state, as required by the Open Meetings Act. The agenda was kept current in the Nebraska Commission for the Deaf and Hard of Hearing's office and on the Board's website. Materials generally used by the Board for this meeting were available in the public folder for inspection by the public, and in accordance with the Open Meetings Act. A copy of the Open Meetings Act is available for the duration of the meeting.

**C. Roll Call**

For the record, Board Members Ms. Candice Arteaga, Dr. Marc Brennan, Mr. Jeremy Fitzpatrick, Ms. Margie Propp, Dr. Stacie Ray, Ms. Diane Schutt, Dr. Peter Seiler, and Mr. Norman Weverka all present. Dr. Frank Turk is absent. NCDHH Staff members Mr. John Wyvill, Executive Director was present. Interpreters present were Ms. Frances Beaurivage and Ms. Sharon Sinkler. Ms. Margaret "Mydge" Heaney of ERI was present to provide CART services.

**D. Review of Agenda**

Executive Director Wyvill reviewed the agenda with the Board Members.

Mr. Wyvill introduced Ms. Stephanie DeGroot, the new Business Manager for the Agency.

**E. Acceptance of Agenda**

Chairperson Fitzpatrick reminded those present for the meeting that the agenda cannot be altered 24 hours prior to the meeting except for emergency items according to the Open Meetings Act.

Board Member Ms. Propp moved to accept the agenda as written. Board Member Mr.

Weverka seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Dr. Brennan, Ms. Propp, Dr. Ray, Ms. Schutt, Dr. Seiler, Mr. Weverka all voting aye; Dr. Turk absent

**F. Acceptance of Minutes**

Chairperson Fitzpatrick asked for changes or corrections to the December 14, 2018 meeting minutes.

Board Member, Mr. Weverka, moved to accept the agenda as written. Board Member Dr. Ray seconded the motion. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Dr. Brennan, Ms. Propp, Dr. Ray, Ms. Schutt, Dr. Seiler, Mr. Weverka all voting aye; Dr Turk absent.

**G. Chairperson of the Board Report**

**1. Special Recognition Presentation**

Chairperson Fitzpatrick thanked Dr. Seiler for his service on the board, adding that he has been an influential member of the board. A plaque was presented to Dr. Seiler, in thanking him for his service. Chairperson Fitzpatrick further noted how appreciative that the board is for the work that he and his wife, Ms. Debie Seiler have done for the deaf and hard of hearing community in Nebraska. Members of the board thanked Dr. Seiler for his service. Dr. Seiler shared with the group how his parents taught him to use his skills and experience in making the world a better place.

**2. Legislative Update**

Chairperson Fitzpatrick thanked Director Wyvill and his staff for their excellent work in pushing and promoting the legislation. Mr. Fitzpatrick also gave credit to Josh Sevier with works with Dr. Ray at the University, without whom this bill would not have happened. Mr. Fitzpatrick noted that Ms. Kelsey Cruz, the NCDHH Public Information Officer has also been instrumental in getting the word out.

Mr. Fitzpatrick has asked that Mr. Lindsay Darnall Jr. share with the board at the next meeting an update on Language Equality and Acquisition for Deaf Kids (LEAD-K). Commenting that LEAD-K will be one of the board's next big push. Dr. Seiler added that Nebraska Association of the Deaf (NeAD) has had three meetings so far to establish the ground work in getting the schools ready and looking at legislation. Dr. Seiler shared that the NeAD is using the model bill that was based in California regarding LEAD-K. Dr. Seiler is working with Mr. Jonathan Scherling to complete the foundation for the legislation. Heath Focken, President for NeAD will be announcing a new chairperson. When NeAD is finished with LB248, the "hearing-impaired" bill, working on LEAD-K is next on

their legislative agenda.

### 3. **Public Comments**

Chairperson Fitzpatrick invited any of the public who attended if they would like to come forward and speak to the board.

Ms. Ronda Rankin, a free-lance community sign language interpreter, she shared that, due to the current shortage of interpreters, she would like to be more involved with what is going on at NCDHH. Ms. Rankin read to the members the goal of the Mentoring Interpreters Across Nebraska (MIAN) Program, a grant program offered previously by NCDHH.

*MIAN is to increase the pool of interpreters across the state. Qualified represents the ability of interpreters and transliterators to achieve an 86% accuracy rate on the current Quality Assurance Screening Test (QAST) administered by NCDHH. Those that are able to achieve such a level of accuracy qualify for permanent licensure allowing them to provide services for a wide variety of clients in a wide variety of settings.*

The MIAN was a program that was supported by NCDHH, with previous Executive Director, Ms. Tanya Wendel receiving a grant to fund the program. According to Ms. Rankin the reason that the program did not succeed initially was because there was an issue finding interpreters willing to be mentors. Ms. Rankin goes on to share that the number one concern now should be mentoring of new interpreters so that recent graduates can get up to skill level. In doing so, this would allow new graduates to get to a level where they could become community interpreters. Ms. Rankin stated that, on March 13, 2019, the University of Nebraska at Omaha (UNO) had an advisory meeting inviting members from the deaf community, interpreting community, stakeholders, and recent graduates of interpreter training program to brainstorm ideas for mentoring. Ms. Rankin shared about the testing tools that are in place for interpreting and what is needed in order to obtain a license in Nebraska. Ms. Rankin shared that Dr. Julie Delkamiller is planning to attend the Council on Services for Deaf and Hard of Hearing (COSDHH) that is in Omaha on March 16, 2019 to share more about getting a mentoring program established in Nebraska.

Conversation regarding the previous MIAN program, and the interpreter-training program at UNO ensued.

Mr. Fitzpatrick thanked Ms. Rankin for attending and sharing with the members about the need for a mentoring program in Nebraska to assist in getting new interpreters up to speed.

Ms. Crystal Pierce, the President of Nebraska Registry of Interpreters for the Deaf (neRID), came forward to ask if NCDHH can do anything to promote practicums through use of the referral program. Ms. Pierce gave scenarios regarding how this process could work. Ms. Pierce also talked about provisional licenses, and the status of this in Nebraska.

**4. Annual Report**

Ms. Kelsey Cruz, Public Information Officer, was invited by Chairperson Fitzpatrick to make a comment on the report. Mr. Fitzpatrick added that the report is well done, and thanked Ms. Cruz for her work on the document.

Board Member Dr. Seiler moved to approve the annual report for printing and publication. Board Member Mr. Weverka seconded. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Dr. Brennan, Ms. Propp, Dr. Ray, Ms. Schutt, Dr. Seiler, and Mr. Weverka all voting aye with Dr. Turk absent.

**5. Telecommunication Relay Services (TRS) Advisory Board Re-Appointments**

Mr. Norman Weverka and Mr. Robert Feit have both expressed a willingness to continue to serve on the TRS advisory board.

Board Member Ms. Propp moved approve the re-appointment of Mr. Norman Weverka and Mr. Robert Feit to the TRS Board. Board Member Ms. Arteaga seconded. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Dr. Brennan, Ms. Propp, Dr. Ray, Ms. Schutt, Dr. Seiler and Mr. Weverka all voting aye with Dr. Turk absent.

**6. Interpreter Review Board (IRB) applications / 2 candidates**

Chairperson Fitzpatrick shared that there is one vacant deaf position on the IRB. There are two candidates that have applied; Ms. Tami Richardson – Nelson and Ms. Carol Manning. Mr. Fitzpatrick added that he had consulted with John and the staff on this; being a difficult decision, they favor Ms. Richardson – Nelson as who should fill the vacant deaf position. Mr. Fitzpatrick shared that he is open to discussion on this, or the members can accept the staff's recommendation to appoint Ms. Richardson – Nelson.

The members of the board engaged in a discussion on who should be appointed to the IRB.

Board Member Ms. Arteaga moved to appoint Ms. Carol Manning to the IRB. Board Member, Dr. Brennan seconded. Mr. Fitzpatrick, Ms. Propp, Dr Ray and Mr. Weverka voted no. Ms. Arteaga, Dr. Brennan, Ms Schutt and Dr Seiler all voted aye with Dr. Turk was absent. The vote was tied.

The members took a break and re-convened.

Chairperson Fitzpatrick recommended that the members table the decision of who will be appointed to the IRB until the next board meeting. During the interim, Chairperson Fitzpatrick would like the Commission to invite other applicants for this position. Any new applicants in addition to the two currently under consideration are expected to attend the next board meeting and meet the Full Commission Board.

Board Member Dr Seiler made the motion that we delay filling the IRB position until the next meeting and invite all candidates who apply for the open position on the IRB to attend that meeting. At that meeting, the applicants would have the opportunity to share their opinion as to why they want to be on the board. Board Member Weverka seconded. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Dr. Brennan, Ms. Propp, Dr. Ray, Ms. Schutt, Dr. Seiler and Mr. Weverka all voting aye with Dr. Turk absent.

## **H. Executive Director Report**

### **1. Legislative Update**

The bill LB248, which is the bill regarding the removal of the term 'hearing impaired' from state statutes. Director Wyvill shared that Mr. Jonathan Scherling from the NeAD is taking the lead on this bill; and that the bill has moved out of committee. Director Wyvill also noted that the senate staff are anticipating having this bill on the consent calendar, which would mean it is a non-controversial bill.

The second bill is LB15, which is now out of committee on a seven-person vote with one person not voting. Currently at last check, there are 26 sponsors to the bill. Seventeen individuals testified in support of the bill. The insurance industry opposed it on the principle they do not like state law dictating who should be covered under insurance. Mr. Wyvill also noted that there were multiple letters of support, including the Nebraska Department of Education. Individuals are currently sharing this news with others including the Omaha World Herald and the Lincoln Journal Star.

Next item is LB550 which was filed by Senator Vargas which calls for the elimination of wireless surcharge. If passed this would result in loss of revenue for the relay board and for the assistive phone offers. Mr. Weverka testified and explained the impact that this bill would have.

In addition, LB 641 sponsored by Senator McDonald, attempts to tax the relay funds to help fund a 211 systems for the United Way. Mr. Wyvill contacted Senator McDonald who realized immediately that this was a problem and was

very apologetic that he did not reach out to a broader deaf community.

LB17 is pertains to insuring that disabled adults are not denied parenthood solely on the basis of having a disability. NCDHH offered its support for this bill. The status is unknown at the moment.

Mr. Weverka asked about the status of LB550. Director Wyvill added that the bill is in committee, and will most likely not get out. Mr. Wyvill shared that the Public Service Commission was grateful for Mr. Weverka's testimony, assisting them in sharing the unintended consequences.

Mr. Wyvill shared with members of the board that on March 7, 2019 that NCDHH had their budget hearing. The focus was on two things: making sure that, if we have any money remaining at the end of the year, the agency would be allowed to carry that over to the next biennium and requesting to add the funding HearU. Mr. Josh Sevier will have additional conversations with the appropriations chair about the HearU funding soon.

## **2. Bi-Weekly Reports**

Director Wyvill shared with the board that, due to the recent weather this past week, he has shared with his entire team that his standard principle is to be safe when venturing to come into work.

Mr. Wyvill also added that he is working with Nebraska Emergency Management Agency (NEMA) in making sure that they provide appropriate access for deaf and hard of hearing citizens of Nebraska.

The Council of Organizations Serving the Deaf and Hard of Hearing (COSDHH) is scheduled to meet on March 16, 2019 in Omaha at UNO from 10a – 12p. Items on the agenda included some excellent points made by the interpreters regarding the interpreter referral program and the status of the rules and regulations.

Mr. Wyvill shared with the members that, effective April 1, 2019; we are losing our Kearney office, due to the Nebraska Commission for the Blind and Visually Impaired (NCBVI) closing their Kearney office. We have shared office space with NCBVI since opening our Kearney office. Mr. Wyvill noted that closing our Kearney office will save NCDHH approximately \$9,000 a year.

The Salt Dogs game for this year will be on July 31, 2019. Mr. Cody McEvoy, Advocacy Specialist from our Omaha office, will be throwing out the first pitch. More updates will be forth coming as we get closer to this.

NCDHH has made a change in the direction for the interpreter referral program updates. We are in the process of updating the software to make the program more user friendly for interpreters. Director Wyvill shared that the agency has discontinued having Nebraska Interactive developing the revised program; we have decided to make a change to go with that state of Nebraska – Office of the Chief Information Officer (OCIO). The members were given an addendum that # 1 outlined the changes.

**3. Advocacy Specialist’s Monthly Report**

A hard copy of the report were given to the members in their board packet.

**4. NCDHH Out West Report**

A hard copy of the report were given to the members in their board packet.

**5. Behavioral Health Report**

A hard copy of the report were given to the members in their board packet.

**6. Interpreter Report**

**a. Rules and Regulations**

Director Wyvill shared that the Interpreters Rules and Regulations Committee is proceeding with reviewing the document page by page in assuring that all are comfortable with the revisions. The next meeting will be on March 18, 2019, in Lincoln.

**b. Licensure Action Update**

Mr. Wyvill shared that, after the previous board meeting, NCDHH referred two issues to the Attorney General’s office.

One of the referrals involve an interpreter practicing without a Nebraska license. Said interpreter apparently has complied with the NCDHH’s notice to cease and desist. As a result, the Attorney General’s office recommended that NCDHH take no action.

The second case involved a different interpreter with some alleged misconduct. The Attorney General’s office has had difficulty locating the witness involved in the case. Ms. Sharon Sinkler; Interpreter Program Coordinator is working to set up a meeting with the client. NCDHH will have additional information on this to follow.

The case involving an interpreter required to meet with Ms. Sinkler as a condition for disciplinary action is progressing very well and is slated to be completed on or before the deadline.

Ms. Annie McBride (who is in attendance today) voluntarily surrendered her license, with reinstatement in June, 2019. Ms. McBride can reapply for reinstatement in June; assuming that she meets the conditions that are in place.

**c. Board for Evaluation of Interpreters (BEI) Licensure Policy**

Ms. Sharon Sinkler, Interpreter Program Coordinator, shared with the board that the IRB had their meeting on March 1, 2019 where she brought the proposed policy to them about BEI certification for licensure. The policy that Ms. Sinkler is proposing states that NCDHH will accept BEI Basic for licensure temporarily until June 30, 2021. After June 30, 2021, the interpreter with a BEI Basic level will need to have something higher, for example Registry of Interpreters for the Deaf (RID), BEI Advanced or BEI Master, or something else that is deemed equivalent. Ms. Sinkler shared that the IRB accepted this proposal. Ms. Sinkler informed the Board that currently NCDHH has two interpreters that have presented with a BEI Basic and requested to be awarded a Nebraska license.

The Board members and Ms. Sinkler carried on a discussion regarding BEI.

Chairperson, Mr. Fitzpatrick invited any of the interpreters in attendance to share their thoughts on the BEI. Ms. Ronda Rankin shared that she understands that we need to increase our pool of interpreters. Ms. Rankin also stated that she would like for the Commission to track the interpreters that have a BEI, to see if they have an endorsement, i.e. healthcare, mental health, legal. Ms. Sinkler and Ms. Rankin agreed to continue this conversation.

Ms. Crystal Pierce, President of neRID, stated that the Rules and Regulations could possibly be submitted for legislative and executive approval in 2020. Ms. Pierce reminded the Board that this proposal places the BEI in action in 2021. She feels that the Board will have to reopen the Rules and Regulations again because there cannot be a rule or regulation with an end date.

**7. Education Report**

Director Wyvill shared that Board Member, Ms. Propp, has been meeting with the Education Task Force. The Task Force Committee and they will have another meeting on May 17, 2019. Mr. Wyvill added that at the next board meeting we will need to have a substantive conversation on where the agency is going with

the education task force.

## **8. Marketing Report**

Ms. Kelsey Cruz, Public Information Officer, shared with the members that Wednesday, June 26, 2019, would be the date for 40th Anniversary Celebration. Discussion among the members on what time to have the activity with many suggesting having this at the end of the day. Ms. Cruz shared that she has also had a few interviews with individuals who have worked at or with the Commission, in addition to some upcoming ones scheduled. Plans are to disperse these throughout the year. Ms. Cruz encouraged the members to share with her any pictures, or thoughts that they would like to display at the celebration. It is intended that this will be a low cost event as far as funds go. Ms. Cruz will be reaching out to stakeholders and agencies for possible donations.

## **9. Budget**

Director Wyvill asked the members to reference addendum 2, page 1 referencing the budget report. Since we are at the beginning of the fiscal year, we will be adding more categories to the report. Currently, we are \$21,000 under on the operating budget and we are \$55,000 under on the salary budget.

Board Member Ms. Propp made the motion to accept the Executive Director's report. Board Member Mr. Weverka seconded. With no further discussion, the motion carried with Mr. Fitzpatrick, Dr. Brennan, Ms. Propp, Dr. Ray, Ms. Schutt, Dr. Seiler, and Mr. Weverka all voting aye with Dr. Turk absent.

## **I. Public Comment**

No public comments were made

Chairperson, Mr. Fitzpatrick acknowledged that Director Wyvill has put a great group together and is working very hard to get matters done. "Our little agency is a mighty force in terms of getting things done". (Applause)

Director Wyvill stated that the group will take a five minute break so that Ms. Serenity Kinney can get set up.

**J. Strategic Planning**

**K. Adjourn**

Board Member Ms. Propp moved to adjourn the meeting at 12:31pm. Board Member Mr. Weverka seconded. With no further discussion, the motion carried with Mr. Fitzpatrick, Ms. Arteaga, Dr. Brennan, Ms. Propp, Dr. Ray, Ms. Schutt, Dr. Seiler, and Mr. Weverka all voting aye. Dr. Turk was absent.