

Approved October 22<sup>nd</sup>, 2021

**Nebraska Commission for the Deaf and Hard of Hearing  
Full Commission Board Meeting  
Holiday Inn, 110 2<sup>nd</sup> Ave, Kearney, NE**

**September 10<sup>th</sup>, 2021, Meeting Minutes**

**A. Opening**

Chairperson Candice Arteaga started the meeting of the Nebraska Commission for the Deaf and Hard of Hearing (NCDHH) full commission board meeting on September 10, 2021, 8:30 am at the Holiday Inn, 110 2nd Ave, Kearney, Nebraska.

**B. Notice of Open Meeting**

Chairperson Candice Arteaga 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 September 3, 2021, 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 NCDHH website. The materials generally used by the Board for this meeting today are on the table in a public folder that is available to the general public for the purpose of this meeting in accordance with the Open Meetings Act {Neb. Rev. Stat. §84-1412 (8)}. 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, Ms. Frances Beurivage, Mr. Robert Feit, Mr. Jeremy Fitzpatrick, Ms. Valerie Hitz, Mr. Jonathan Scherling, Ms. Diane Schutt, Dr. Josh Sevier, and Ms. Sandra Shaw were all present. NCDHH Staff members present were Mr. John Wyvill, Executive Director; Kelsey Cruz, Public Information Officer; Sharon Sinkler, Interpreter Program Coordinator and Aaron Rothenberger, Advocacy Specialist. Sign Language Interpreters present were Mr. Ben Sparks and Ms. Amber Tucker. Ms. Margaret "Mydge" Heaney with Inclusive Communication Access Nebraska provided CART services.

**D. Review of Agenda**

Executive Director John Wyvill reviewed the agenda with the Board Members.

**E. Acceptance of Agenda**

Mr. Robert Feit moved to accept the agenda as written. Ms. Diane Schutt seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Mr. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Dr. Sevier and Ms. Shaw all voting aye.

**F. Acceptance of Minutes**

Dr. Josh Sevier moved to accept June 11<sup>th</sup>, 2021, minutes with a change to the footer date. Mr. Robert Feit seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit,

Ms. Beurivage, Mr. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Dr. Sevier and Ms. Shaw all voting aye.

#### **G. Chairperson of the Board Report**

Chairperson Candice Arteaga thanked everyone for attending the meeting and asked for comments about the town hall meeting at the library on September 9th. There was discussion around the need for in-person interpreters in rural areas, especially for students. Mr. Fitzpatrick asked that NCDHH staff look at the issue and identify potential solutions.

##### **1. Public Comments**

No public comments.

##### **2. Appointment to Language Equality and Acquisition for Deaf Kids (LEAD-K) Advisory Committee**

Mr. Wyvill reported that Mike Brummer has decided to step down from LEAD-K and that there is a vacancy for a term running through the end of the year. Mr. Scherling made a motion to appoint Megan Shama to the LEAD-K advisory committee. Mr. Robert Feit seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Mr. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Dr. Sevier and Ms. Shaw all voting aye.

##### **3. Strategic Plan Update – next steps**

Mr. Wyvill explained that the stakeholder feedback collected from the town hall meetings and surveys was discussed at an all-staff meeting. The general consensus from the team was to simplify the goals, objective and agency mission and vision. To do this, NCDHH recommends a working meeting between now and December facilitated by Serenity Kinney of Administrative Services to create a final proposal for the mission, vision, goals and objectives.

##### **4. Licensure Complaint #2525 (closed session)**

Ms. Frances Beurivage made a motion to go into closed session. Mr. Jonathan Scherling seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Mr. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Dr. Sevier and Ms. Shaw all voting aye. Ms. Judy Jansen, Investigator, was connected by telephone. All NCDHH staff recused themselves from the discussion.

NCDHH Board entered closed session at 8:58 a.m. The proceedings were captioned but not transcribed.

The NCDHH Board came back to open session at 9:14 a.m.

The board decided to take no action in regards to Licensure complaint #2525.

##### **5. Possible Legislative Agenda Items for 2022 Legislative Session**

Mr. Wyvill discussed four areas of possible focus in the upcoming legislative session:

- 1) State law requiring all hospitals to have communication plans in place in their care plans for deaf and hard of hearing patients.
- 2) A requirement for all businesses or public areas to display captioning on TVs.
- 3) A requirement for any statewide or state offices that all political ads and videos be captioned for inclusion and access.
- 4) Letter to the appropriations committee regarding focus areas relating to the Deaf and Hard of Hearing and specifically areas of what the rescue plan money would be used for. Previously, a letter for broadband support was sent which would help deaf and hard of hearing individuals. Future letters could be for education challenges and their needs in terms of technology and also ensuring that hospitals have appropriate VRI equipment, for instance large screens, so that deaf patients can more properly see.

Mr. Feit asked for clarification on the captioning on TVs. Mr. Wyvill explained that it would be for any public venue that has a TV. This would include places like bars and malls and that the TVs would have the captioning on at all times. Mr. Wyvill shared that this concept is being modeled after Washington and New York where it has been at least partially implemented. Mr. Fitzpatrick mentioned that it may be helpful to do research on how people feel about captioning in bars and reach out to the Nebraska Restaurant Association as most people would probably like captioning as it is hard to hear in most places. Mr. Wyvill explained that there would be a lot of issues to work out with this legislation, like enforcement of the legislation and where the fine money would go to.

Mr. Scherling shared that Nebraska Association of the Deaf just passed three motions. The first is a task force for senior citizens and their needs and accessibility, particularly in nursing homes. Secondly, there was a motion to involve more deaf people to represent in state-level committees. Thirdly, to instill a philosophy that NeAD is available to help agencies or businesses make decisions regarding the Deaf or Hard of Hearing community.

Ms. Schutt asked if the communication plan requirement will only apply to the hospitals, rather than all medical providers. Mr. Wyvill explained that hospitals are a good first step as they already have care plans and it is especially important in the COVID environment. Mr. Fitzpatrick suggested another approach for a change would be through the medical board that regulates physicians in Nebraska as it is a standard of care issue. Mr. Wyvill explained that often doctors will say it is an ADA issue, but as an agency that are the experts in Deaf and Hard of Hearing, it can be said that they are not meeting the standard of care and that is it a licensure issue.

Mr. Wyvill explained that over the next couple of months he will be meeting with key stakeholders to get feedback on all the legislative focus topics and will have more information to present at the December board meeting.

The board took a break from 10:00 - 10:15 am.

**6. Annual Performance Evaluation of Executive Director (closed session)**

Dr. Josh Sevier made a motion to go into closed session. Ms. Frances Beurivage seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Mr. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Dr. Sevier and Ms. Shaw all voting aye.

NCDHH Board entered closed session at 10:17 a.m. The proceedings were captioned but not transcribed.

NCDHH Board came back to open session at 11:03 a.m. The board made no motions or recommendations. Chairperson Candice Arteaga made the statement that John Wyvill's annual performance evaluation will be finalized at the next Full Commission Board meeting.

**7. Election of Officers for 21 /22**

Mr. Robert Feit made a motion to elect Ms. Candice Arteaga as Chair, Mr. Robert Feit as Vice Chair and Ms. Frances Beurivage as Secretary/Treasurer for the 2021-2022 year. Ms. Diane Schutt seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Mr. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Dr. Sevier and Ms. Shaw all voting aye.

**H. Executive Director Report (John Wyvill)**

**1. Budget Report**

Mr. Wyvill shared that NCDHH has a new budget and finance person, Jackie Novak. The agency is under budget and tracking nicely. If there are any questions on the budget, both Jackie and John are available.

**2. Language Equality and Acquisition for Deaf Kids (LEAD-K) Update**

Mr. Wyvill reported that they hope to have the final wrap-up and report done by the end of the year and the board will probably be seeing the work of the advisory committee in the March meeting.

**3. Top Ten Report**

Mr. Wyvill commented that the board packet has the Top Ten report for the Advocacy Specialists. There are a lot of events this fall, most notably the Omaha Zoo event and the Scottsbluff Zoo event.

**4. Marketing Report**

Kelsey Cruz, Public Information Officer, shared that most of the big moments on social media we have had since the last board meeting were regarding Paul Ruff, the deaf wrestler who was competing in Scottsbluff. It was his update on his wrestling career so far that shattered previous records for likes and shares. He is trying out for the Deaf Olympics and is also in contact with some deaf wrestling coaches overseas.

Cody has been involved with training the NSAA and working and communicating with deaf and hard of hearing athletes. The agency has continued making VLOGs and also have the zoo events this fall. If anyone knows of any organization that would like to have a booth at the Omaha Zoo event, please have them contact Ms. Cruz. Also, the agency just wrapped up the Salt Dogs game where everyone had a great time.

Mr. Robert Feit made a motion to accept the Executive Director's report. Ms. Sandra Shaw seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Mr. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Dr. Sevier and Ms. Shaw all voting aye.

#### **I. Public Comments**

Mr. Fitzpatrick commented that the work that NCDHH did in including elective insurance coverage for hearing aids for children was really appreciated by his family as they recently had to get new hearing aids and the insurance helped considerably.

Ms. Candice Arteaga commented that board members have the opportunity at this time to join the legislative committee, educational committee or Interpreter Issues committee. If interested, talk to John Wyvill.

#### **J. Old Business**

No old business to report.

#### **K. New Business**

Mr. Scherling commented that it is very frustrating and time consuming for businesses to find interpreters when they use the list of interpreters on the NCDHH website. Currently, they have to call each one and wait for a response to schedule an interpreter. Using an agency to do this work would be easier and less frustrating. Mr. Scherling would like to keep only a list of licensees with their license information, but that their contact information be removed to encourage the use of agencies. Mr. Scherling moved to remove contact information on licensed interpreters on the NCDHH's website. Ms. Valerie Hitz seconded the motion.

Mr. Fitzpatrick asked what feedback interpreters would have about this change. Ms. Beurivage commented that not all interpreters have signed up with the agencies, but if the change is made they are probably going to migrate to the agencies. She commented that the additional cost may be a concern to those who are hiring the interpreter. Mr. Feit asked if the agencies are listed on the NCDHH website. Ms. Beurivage commented that they are. Ms. Sinkler commented that the other state's websites that she looked at only contain the list of licensed interpreters, they did not have their contact information. Ms. Arteaga suggested setting a deadline date in the future. Ms. Sinkler

suggested January 1, 2022. Mr. Fitzpatrick asked if the agencies could be moved to the top of the website now. Ms. Sinkler commented that there are three PDF files and they would need to change those. Mr. Jonathan Scherling made a motion to make an amendment to his motion stating an effective date of January 1, 2022. Ms. Valerie Hitz seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Mr. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Dr. Sevier and Ms. Shaw all voting aye. There was then a vote on the original motion as amended. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Mr. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Dr. Sevier and Ms. Shaw all voting aye.

**L. Adjourn**

Dr. Josh Sevier moved to adjourn at 11:38 a.m. Ms. Diane Schutt seconded the motion. With no further discussion, the motion carried with Ms. Arteaga, Mr. Feit, Ms. Beurivage, Mr. Fitzpatrick, Ms. Hitz, Mr. Scherling, Ms. Schutt, Dr. Sevier and Ms. Shaw all voting aye.

**Next Meeting Dates**

- December 10, 2021 – Country Inn and Suites, 5353 N. 27<sup>th</sup>, Lincoln, Nebraska