

**Council for the Deaf and Hard of Hearing**  
**Thursday, March 14, 2002**  
**Department of Workforce Development**  
**GEF-1**  
**201 East Washington, Madison, Wisconsin 53703**

**MINUTES**

- Council Members Present:** Alex Slappey, Chair; Sarah Benton, Vice Chair; Eve Dicker-Eiseman, Secretary; John Boyer; Linda Jennison; Deborah Stamm; Twyla Niedfeldt; Brian Fruits, BDHH Director
- BDHH Staff:** Bette Mentz-Powell (Southern Region); Ron Sanders (Southeastern Region I); Alice Sykora (BDHH Central Office and Council Liaison); Michelle Thurmaier (Northern Region)
- Visitors:** Todd Behanna (Wisconsin Relay Service); David Brody (CSD Wisconsin); Kim Bruno (Division of Vocational Rehabilitation); Carol Burns (Department of Workforce Development); Linda Huffer (Assistant to Administrator of Division of Supportive Living, DHFS); Linda Preysz (Department of Workforce Development); Carol Schweitzer (Department of Public Instruction)
- Interpreters:** Mary Lynn Rose; Sandi Peplinski; Stephanie Kerkvliet; Anne Eaton; Lisa Heglund
- Real-Time Captioner:** Pat Nelson

The meeting was called to order at 8:30 a.m.

**Welcome/Approval of Minutes/Housekeeping:**

Eric Baker, Deputy Administrator at the Department of Workforce Development (DWD) gave welcome remarks to the Council on behalf of Secretary Jennifer Reinart. She was originally scheduled to give the remarks but because of a pressing engagement she was unable to do so.

Mr. Baker talked about three main innovations at DWD: the new, permanently installed assistive listening systems and devices in the DWD conference and training rooms (one in which the Council meeting was taking place), the NEXTalk TTY system for personal computer networks, and an effort to have emergency notification systems in place for deaf and hard of hearing employees through text pager announcements. DWD staff members Carol Burns and Russ Heilman did demonstrations of the assistive listening systems and the NEXTalk TTY systems to the Council. DWD welcomes input from the Council and the community in general about these innovations.

The minutes from the December 13, 2001 meeting were approved as written.

## **Council Reports:**

### **Chair's Report (Alex Slappey):**

- Eve Dicker Eiseman contacted the Chair about her role in the Blue Ribbon Implementation Committee (BRIC), on which she has represented the Council for over a year. She attended only two meetings out of several meetings that were held during the year. She did not feel her participation was effective, nor was the committee expressing an active interest in addressing the needs of deaf and hard of hearing people. Eve wants to devote her time to a more meaningful endeavor—such as the Governor's Committee on Mental Health or domestic violence. This issue of participating in the BRIC would be brought up during the lunch visit with Phyllis Dubé, Secretary of the Department of Health and Family Services, and as a New Business item in the afternoon.
- The Council needs to think of replacing the current Chair by the September 2002 meeting. A motion was passed in the last meeting to keep the Superintendent of the Wisconsin School for the Deaf as a member of the Council, but not necessarily retained as a permanent Chair. Alex would not mind continuing as a member but wants to offer other individuals this leadership opportunity.
- Alex reported that the Governor's Committee for People with Disabilities had a meeting recently which included a heated discussion on budget cuts that will affect meeting activities of the committee.
- The Youth Leadership Forum, an auspice of the Governor's Committee, will have its third annual forum in August at the University of Wisconsin—Whitewater. Thirty campers are expected, and at least one deaf student will be in attendance.

### **Vice Chair Report (Sarah Benton):**

- The Council finally received a draft of the Interpreter Licensure bill from Representative Scott Walker's (R-Wauwatosa) office. At this time, feedback is being gathered; it will be delivered to his aide. Since the legislative session is over, we will wait until the next session before proceeding toward action. Some key points in the draft include:
  - Certification from the Registry of Interpreters for the Deaf (RID) or National Association of the Deaf (NAD) or both would be required to work for compensation. This would nullify the Wisconsin Interpreting and Transliterating Assessment (WITA). K-12 interpreters will be excluded since they are already covered by the Department of Public Instruction educational interpreter license.
  - There is a 37-month phase-in period specified once the licensure goes into effect giving people three years to get the necessary credentials.
  - Currently, the draft states the state Supreme Court covers court interpreters. This is incorrect as the Governor deleted this language from his budget. Sarah met with Marcia Vandercook from the Office of Court Operations of the State Supreme Court, to discuss its support of the draft. Its current efforts, which include an orientation program for all court interpreters, would coincide with the draft requirements. Even though the preferred goal for court interpreters is RID's SC:L (Specialist Certificate: Legal), the draft establishes a baseline for all interpreters.

- Feedback that Sarah received so far includes concerns about religious and post-secondary interpreters; the need to specify NAD Level 4 or 5; the need to educate those who hire interpreters; and the lack of mention of consumer choice. In addition, RID and NAD are working diligently to develop a new testing system that will cover members of both organizations. The licensure would accept this, as well as the current certifications.

**Nominations Committee (Linda Jennison):**

- The issue on term expirations of some Council members has been resolved with Linda Huffer, Assistant to the Administrator of the Division of Supportive Living. Twyla Niedfeldt and Rick Postl will serve until July 2005.
- A lot of activity occurred during February. Linda Jennison sent Council information to ten interested individuals—including three deaf and three hard of hearing. Three completed applications were returned. She hopes that in a week or so she will receive more completed applications. She asked the Council members to review the applications she brought to the meeting; and would send additional applications from other interested persons as they come. The goal is to complete the process by April 8 so that the members can vote electronically for nominees; then the nominations would be submitted to the Governor by mid-April for appointment.
- Linda Jennison credits the WADNet, WI-SHHH, and BDHHNet for their efforts in recruiting an excellent pool of deaf, hard of hearing and hearing applicants.

Deb Stamm announced that she may be moving to Illinois by June and resign as a Council member.

**UNHS Report (Linda Jennison):**

- The Universal Newborn Hearing Screening Implementation workgroup meeting was held on Monday, March 11. At that meeting, a new brochure for providers statewide was distributed.
- Also discussed was the draft that would record hearing screening results on birth certificates as opposed to blood screenings routinely done by the state hygiene lab. The birth record revision, should it occur, will take place in 2004 or 2005; the Legislature will need to consider and pass this in 2003.
- The group discussed strategies to reduce the wait time between the initial hearing screening and referral on a newborn and an audiological evaluation.
- A binder for parents is being considered for development that may be useful to parents as they go to various appointments. The binder could include information, information on interpreting test results, appointment dates, and business cards.

**Mental Health Committee Report (Ron Sanders):**

- The first Mental Health and AODA Committee meeting of 2002 was on January 25. The committee has decided to schedule its meetings on the third Friday of every odd-numbered month. There will be five more meetings for 2002, with the next one on March 15<sup>th</sup>.
- The committee has established three categories to work on: Prevention, Treatment and After-Care, and the first focus group would be youth. The current main focus is

on the Prevention and After-Care areas, as there are only few programs and services for deaf and hard of hearing individuals.

- The committee is concerned about the two vacant positions in the Bureau of Community Health (BCMh). The committee requests that the Council send a letter to BCMh about its plan for these two positions.
- On another note, Mr. Sanders relayed a message to the Council from a deaf-blind constituent not to overlook the need for a Deaf-Blind coordination statewide.

### **Other Reports:**

The SILC Report by Rick Postl and the Library Access Report by Helen Rizzi were distributed.

### **BDHH Director's Report (Brian Fruits):**

- Budget Updates: All the divisions in the Department of Human and Family Services have been affected by 2.5% and 3% budget cuts. It remains unclear which part and how much each division will have to cut. The instructions will come from the Department of Administration. The cuts will come from the general program revenues and will be permanent.
- CSA Contract: There remains \$38,000 to fulfill the contract. However, there are two vacancies—Green Bay and Waukesha—which are making up for the deficit. Brian does not foresee any problem completing this year with the staff that BDHH has and the money that it has currently there will suffice for the staff BDHH has now.
- Service Fund Administrative Rules: This was a rough process. Part of this required the involvement of an attorney from the Office of Legal Counsel at DHFS who put this under scrutiny. A lot of terminology and definitions had to be inserted. Many aspects in these rules had to be redefined. The language for enforcing organizations to pay for interpreter services has been made stronger. There will be at least one more public hearing before this becomes official.
- TAP Administrative Rules: A statement of scope has been written up and will shortly be submitted to the Office of Legal Counsel and the Secretary of DHFS. The proposed changes include increasing applicants from one per household to more than one and changing the time limit of application from four years to three years, in line with the three-year limit requirement in TEPP. The changes should be relatively simple.
- TEPP Administrator Position: Everything is in the Public Service Commission (PSC) and waiting approval from the PSC Administrator to proceed. A Memorandum of Understanding (MOU) has been developed and there are some agreements within the MOU. Brian hopes that this and TAP Administrative Rules changes will be done by the time the Council meets again in May.
- Department of Corrections: After some cancellations and postponements, a meeting with the Department of Corrections (DOC) to discuss basic access rights of deaf and hard of hearing inmates in the Wisconsin correctional system is scheduled for March 15<sup>th</sup>, a day after the Council meeting. Six people will be at the meeting: from DHFS, Brian, George Watson of the Division of Supportive Living, and Regina Cowell from the Office of Civil Rights; and Sharon Zunker and several other DOC staff. Brian prepared and sent the DOC an agenda and materials a few days in advance so they would have time to read and review. Agenda items include accessibility needs and rights for medical treatments and psychological services, classes, and training needs

and guidelines. Brian will send an electronic summary of the meeting to the Council so they will be updated on this matter.

- Council Website: March 25 is the date this website will be up and running. This will be separate from the BDHH website; the Council can put any information as it pleases. Any previous Council information on the BDHH website will be cut and paste onto the Council website. The new Council website address will be announced to the public in various ways.
- Bioterrorism Special Populations Workgroup: Alice Sykora has been asked to serve on the DHFS Bioterrorism Special Populations workgroup. The Division of Public Health is coordinating this effort. Alice was recently invited and is just starting to read the materials. She will give the Council an update in its May meeting.
- Legislative Initiatives: Brian is asking the Council to consider hearing aids in its Legislative Initiative plan, for next spring. It could be insurance coverage or a program to provide financial assistance (similar to the Telecommunication Assistance Program). At present, state employees get 80% insurance coverage for hearing aids; as well, Medicaid or Medicare covers hearing aids. A \$500,000 grant was awarded to set up a low interest program to help people with low incomes to purchase hearing aids. Yet, there remains a huge gap of people who need hearing aids but are not financially able to get them. Brian also wants the Council to be innovative in identifying different issues to bring up on the Legislative Initiative table.
- CDHH: BDHH has been pressured to define its role in the situation involving the Center of the Deaf and Hard of Hearing (CDHH). BDHH maintains a neutral position; however, because it has a contract with CDHH, BDHH is investigating the hiring practices within CDHH. The Southeastern Region Coordinators, Ron Sanders and Cassie Schellfeffer, are doing whatever they can to assist deaf people in these communities with interpreter services and self-advocacy needs due to the void left at CDHH of Communication Link, an interpreter service agency, and other services.
- BDHH Goals: BDHH had its staff meeting in February, and the staff brainstormed ideas for the BDHH Strategic Plan. After gathering and organizing the information, Brian set up a ranking system for staff to determine BDHH priorities. This is ongoing and Brian will have more information for the Council at the May meeting.
- Staff Travel Restrictions: Out-of-state funds have been eliminated for out-of-state travel for staff. Regional Coordinators will continue traveling in their regions as part of their outreach duties.
- Surveys: The 2000 Survey is complete, and plans are underway for other topic-specific surveys, both website- and print-based.

#### **Southern Region Report (Bette Mentz-Powell):**

- DOC: This continues to be a major focus for Bette, to work with deaf and hard of hearing inmates in the correctional system, and to educate and work with staff in the correctional system and legal professionals on access issues.
- Despite training and numerous explanations and instructions on how to use a TTY, the Governor's Office continues not to respond to TTY calls. Linda Huffer from the Division of Supportive Living will address this with the Governor's Office.
- The HIV/AIDS education and outreach remains a big project for Bette.
  - She attempted successfully for a second term to serve on the State HIV Prevention Council.
  - She trains and advocates for communication access in various HIV/AIDS services and prevention efforts aimed for deaf and hard of hearing people.

- For the first time, the state HIV prevention plan has formally identified deaf people as “a group at risk”.
- The Southern Region Office will be co-sponsoring a workshop in Madison on March 30<sup>th</sup>.
- The Southern Region office has been re-located once again to the International Lane area.

**Presentation: Division of Vocational Rehabilitation (DVR) Update : Suzanne Lee**

- DVR has had a new leadership since last July: her name is Charlene Dwyer. She is the former director of the Center of the Deaf and Hard of Hearing in Brookfield and had served on the Wisconsin Rehabilitation Council.
- The Department of Workforce Development (DWD) has been making tremendous strides the past few years to make its services accessible to individuals with disabilities. In the past, if DWD had a person with disability or an issue related to disabilities, they would go to DVR. Jenifer Reinart’s leadership at DWD has brought in futuristic and innovative thinking and ways of doing things at DWD.
- There no longer is a DVR waiting list of people to receive services, after the situation of money mismanagement a couple of years ago. Emergency appropriations from the Joint Finance Committee and efforts by the Department of Administration and the Governor’s Office made it possible for the DVR to re-open its doors to new clients.
- DVR and the Wisconsin Rehabilitation council will hold several public hearings in April in order to prepare and submit a state plan and an update to the federal government. One thing that is in the proposed state plan, effective July 1 this year, is a criteria for establishing agreements and cooperative arrangements with any entity. These contracts will be outcome-based.
- Also in this state plan, DVR will not assume ADA responsibilities of another entity, in this instance, post-secondary institutions DVR consumers attend. DVR counselors will work with consumers to outline their access and support needs and to develop self-advocacy strategies and understanding of their rights.
- There are four deaf specialists in the DVR in the state, and work mostly in the southern part. They each have a caseload of at least 100; the rest of the counselors have deaf consumers among their general caseload.
- An update was given on the Ticket to Work Program.

**Remarks from Phyllis Dubé, Secretary of the Department of Human and Family Services:**

- The Secretary thanked the Council for its dedication to work with DHFS that are important to deaf and hard of hearing people.
- The vision statement of DHFS is “make wellness and safety happen.” These are the very key functions of the DHFS. This is the agency that oversees provisions of health services, inspections of restaurants to make sure that they are safe and programs and services that ensure the safety and wellbeing of families and children.
- Secretary Dubé briefed the Council about the budget. Despite the reality of budget cuts, she was delighted that the Governor kept 5% operational cut out of all the agencies including DHFS, and that all the programs and services in the Division of Supportive Living, where BDHH is housed, were left intact. The budget is now in the hands of the Legislature and it will be a long process.

- In response to the question of the Council's continued involvement in the Blue Ribbon Implementation Committee, Secretary Dubé appreciated this feedback of discontentment and suggested that Brian meet with Sinikka McCabe, Director of Supportive Living, to come up with ways in which the Council can be effective in pushing mental health and domestic violence services for deaf and hard of hearing people in the forefront in DHFS.
- Secretary Dubé acknowledged the Council's concerns about the situation involving deaf and hard of hearing inmates in the Wisconsin correctional system and would be happy to discuss these matters with her counterpart in the Department of Corrections.
- Secretary Dubé mentioned that there are several preventive initiatives in the next budget. She gave examples of "preventive activities" such as the Universal Newborn Hearing Screening, provision of community mental health services, and domestic violence prevention services. She encouraged the Council to communicate with and update their legislators and elected officials on a continuing basis so they are well versed on the issues of concern to the deaf and hard of hearing community.

**Presentation: Client Assistance Program and State Councils (Linda Vegoe):**

- The Client Assistance Program (CAP) is a federally mandated program, and in Wisconsin it is housed in the Wisconsin Department of Agriculture, Trade and Consumer Protection. It investigates complaints about the Division of Vocational Rehabilitation and the Independent Living Centers, which are private, non-profit facilities in the state. It also does system advocacy. The CAP staff consists of two people, including Linda.
- CAP, as required by federal law, serves and advocates for people who are funded by anything in the Rehabilitation Act. This means consumers who receive DVR or independent living services or both and individuals in the American Indian Vocational Rehabilitation projects, to name a few.
- CAP gives information and advice to consumers on how they can work with service providers that they receive services from or find solutions. Consumers do not need to fear retribution from the service providers because CAP does not inform service providers or acknowledge services are being provided. However, if a consumer wants CAP involvement, that can be negotiated. If there is a deadlock, mediation may be used, but this rarely happens.
- CAP does not do legal representation and cannot do class action suits. Law does not allow them to do that. Its scope is limited to DVR and a dispute over a service.
- A lot of CAP contacts have relate to funding for hearing aids. DVR is not always the funding source for hearing aids unless the need is employment-related but consumers get referred to DVR by audiologists or other agencies. Often, the need for hearing aids is not employment-related and consumers get confused. The systems need to be improved to help minimize the runarounds and confusions.
- Linda asks the Council to write a letter to audiologist associations or federations in Wisconsin and advise them that when audiologists give information about DVR as a possible funding source for hearing aids and it is not employment-related, it causes a ripple of problems.
- In Wisconsin there are some federally mandated Councils, such as the Wisconsin Council on Developmental Disabilities (WCDD). They receive federal funds for advocacy purposes and cannot be dictated by the state government. The State

Independent Living Council, funded under the same law as WCDD, does advocacy on independent living matters. Linda, as CAP Director, serves as chair of the Wisconsin Rehabilitation Council (WRC). This is the stance she is speaking from as she addresses on state councils.

- The WRC and the State Independent Living Council (SILC) are federally mandated to network and work with state councils to work on issues. A by-product of that is the Disability Council Summits. Councils are sources of information and resources.
- There are grants available for councils to pursue advocacy and awareness endeavors, such as WCDD and Disability Advocates: Wisconsin Network (DAWN). She encourages the Council to maximize these resources.

### **Old Business:**

- Genetics: Linda Jennison had a chance to discuss with the chair of the Universal Newborn Hearing Screening Committee the letter correspondence that occurred in November and December 2001 between the Council and the workgroup. It is Linda's feeling that there is a misunderstanding on the workgroup's part on the Council's stance on the timing of genetics counseling on newborns. The workgroup believes the Council is trying to withhold and repress information from parents by not offering genetics services. Linda reiterated that this is not the Council's stance and that services be offered later, and that compassion be shown to parents in the meantime as they process their grief and information that comes in all directions. The chair had a letter draft in response but Linda is not sure if it will be sent to the Council. If it does get sent, Linda feels it is appropriate for the Council to reply back with clarification on the Council's stance.
- There was a Champion's Conference on February 7<sup>th</sup> and 8<sup>th</sup> in Kohler. Because Linda did not attend, she called in Carol Schweitzer, from the Department of Instruction, to give the Council her insights. The conference, sponsored by Sound Beginnings, a federal project, was to gather together professionals from different agencies in the state to present best practice standards in early intervention of deaf and hard of hearing children. She reported that after a very informative first day, the second day resulted with parents and some professionals very disturbed or devastated by remarks made by a genetics specialist about the ability of deaf parents to make decisions about their deaf children, and that it is immoral not to implant deaf children. As a result some people left the room.
- The Council feels that it has made many strides to work positively with professionals in the genetics, UNHS and Birth-to-3 fields. Yet, it realizes it is a long road. Linda will continue to serve as the Council representative in those committees and BDHH will work from its perspective within DHFS.

### **New Business:**

- After some discussion on content and logo ideas for the Council website, the members decided that John Boyer would coordinate this effort of collecting members' ideas and make a presentation at the next meeting.
- About the Blue Ribbon Implementation Committee representation status, the Council determined that this be placed as an item on the Old Business agenda of the next meeting. The Council wants to see, after Secretary Dubé's remarks, if there would be any development in the interim.

- Alex Slappey asked that a discussion on the hard of hearing community's perspective of the Council be tabled to the Old Business agenda the next meeting.
- Eve Dicker-Eiseman motioned that the Council writes a follow-up letter to Joyce Allen at the Bureau of Community Mental Health to inquire about the status of the vacant Deaf Specialist position. Carried.
- Eve Dicker-Eiseman motioned that the Council supports the idea of having a Telecommunications Equipment Purchase Program Administrator housed in BDHH Central Office. Passed.
- The Council agreed that meeting minutes would be sent electronically to Council members for corrections and vote for approval before the next meeting.
- Brian Fruits asked the Council to start thinking about legislative initiatives to discuss at the next meeting.
- Sarah Benton motioned that the Council write a letter to the Department of Workforce Development to commend it for equipping its meeting and training rooms with all the terrific technology and equipment, and for its effort to establish NexTalk, the software to get it distributed within the department. Carried.
- Sarah Benton wants the Council to improve its collaboration with DAWN and the Wisconsin Council on Developmental Disabilities (WCDD), not just use them for grants but to liaise with them on various projects, such as addressing deaf and hard of hearing issues on their websites. Twyla Niedfeldt reported that she would attend a DAWN legislative training in April; she is willing to make a report at the next Council meeting. The Council's Legislative Initiative Subcommittee will consider ways to work with WCDD.

#### **Public Comments:**

- Todd Behanna from the Wisconsin Relay System (WRS) made a brief presentation to the Council. He appreciates the opportunity to attend a meeting like this as a way to exchange information.
  - The FasTran trial, which started last fall, will come to a stop in the spring. FasTran is a fast transcription technology, which allows the relay service's communication assistants to facilitate communication faster, and more accurately and greatly minimizes errors in transmission.
  - WRS has been hosting town hall meetings statewide; and the next one is on March 22 in Green Bay, just before the Wisconsin Telecommunicators, Inc. Convention. Other town hall meetings are being set up in Eau Claire on April 25<sup>th</sup> and in Wausau on May 11<sup>th</sup>.
  - The WRS annual picnic will be on Sunday, July 28<sup>th</sup> at Warner Park in Madison.
- Sarah Benton announced information about the Wisconsin School for the Deaf's (WSD) 150<sup>th</sup> anniversary celebration festivities. On Friday, April 19<sup>th</sup>, there will be a horse and carriage parade down Main Street in Delavan and all students, teachers and staff will be attired according to that period. Then there will be proclamations from the mayor of Delavan and other important guests. On Thursday, hopefully, will have a display of fireworks and a panel of WSD alumni who will regale their experiences as students during particular decades. There will be a trailer on campus that will be used as a temporary museum to display WSD's artifacts.

The meeting was adjourned at 4:30 pm.

Mr. Alex Slappey  
Chair of Council for Deaf  
Department of Health and  
Division of Support Living  
1 West Wilson Street  
PO Box 2659  
Madison, WI 53701-2659



5/2/02

Dear Mr. Slappey,

Ms. Ann Conway, Executive Director of the Wisconsin Association for Perinatal Care has provided me with your name and suggested that I contact you regarding a statement which I made at a UNHS conference in Kohler, Wisconsin on 2/7 and 2/8. I would like to clarify my position, as I do believe my statement was misrepresented in the meeting minutes.

The film "Sound and Fury" was shown on Thursday evening, February 7<sup>th</sup>. Following the film an open and informal discussion was invited from the audience. The film explored the decisions faced by families with a deaf child in deciding whether their child should have a cochlear implant or not. As I remember, one family consisting of deaf parents and a deaf child did not want their child to have a cochlear implant. Their reasons seemed to stem from their concern that their child would then lose identity with the deaf culture. I do realize this issue is difficult, and there is no one correct answer.

My concern was whether the parents identity with the deaf culture should be placed ahead of the child's needs to have a cochlear implant which would have the potential to improve that child's ability to communicate. I questioned whether the needs and rights of the child were taken into consideration by the parents. I wondered if the parents were placing their own views above their child's immediate needs. In this particular instance as outlined in the film, I did question the morality of the parent's decision. I wondered if a committee of health professionals and social worker sat at a table to discuss these issues. Was the parent's decision not to allow their child to have a cochlear implant in the best interest of their child. I think the purpose of the movie was to bring out different issues which impact on the decision of families with a hearing impaired child to have cochlear implantation for their child.

However, I definitely did not state that it is immoral not to implant deaf children. I do remember that I re-iterated my position to the discussion leader the following day.

Moreover, in my formal presentation, "The Physical Exam of the Child with Hearing Impairment" I did not discuss issues regarding cochlear implants.

I respectfully request that the minutes be appended to also include my viewpoint.

Thank you again for bringing this matter to my attention.

Sincerely,

A handwritten signature in black ink that reads "Philip F. Giampietro" followed by a horizontal line.

Philip F. Giampietro M.D. Ph.D.  
Clinical Geneticist