

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON HUMAN RESOURCES AND FACILITIES

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 8, 1981

The Senate Committee on Human Resources and Facilities was called to order by Vice Chairman James N. Kosinski at 8:11 a.m., Friday, May 8, 1981 in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Joe Neal, Chairman
Senator James N. Kosinski, Vice Chairman
Senator Richard E. Blakemore
Senator Wilbur Faiss
Senator Virgil M. Getto
Senator James H. Bilbray

STAFF MEMBERS PRESENT:

Connie S. Richards, Committee Secretary

SENATE BILL NUMBER 631

Mr. Rick Kuhlmeiy, Nevada Council of the Blind spoke in support of Senate Bill No. 631. He told the committee the bill was drafted at the request of the Nevada Council of the Blind as a result of the blind and deaf community for the State of Nevada. He said Senate Bill No. 631 is a viable alternative to the governor's proposal to place the bureau of visual services under the Rehabilitation Division (Senate Bill No. 575).

Mr. Kuhlmeiy pointed out Senate Bill No. 631 will preserve the unique and special services for the blind and also provide special services for the deaf; services which are currently lacking in the State of Nevada. He said the bill is the result of polling consumers of those services to determine how those people may best be served by such a division.

Mr. Kuhlmeiy noted the new definition of blind on page 1, lines 15 through 17 of the bill which has been expanded to include senior citizens, who it is feared will be institutionalized in their later years if they cannot be taught to deal with the problems facing blind and visually handicapped

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persons.

Mr. Kuhlmeier told the committee the governor's legislation (Senate Bill No. 575) was drafted solely for the purpose of economy; Senate Bill No. 631 also considers the saving of monies over the coming years as such concerns were kept in mind in creation of the bill.

Mr. Kuhlmeier briefly explained the bill as follows:

Page 2, lines 2 through 4: basic definition of deaf and hearing impaired.

The remainder of page 2 speaks to the structure of and gives division status to the deliverer of specialized counseling to the blind and deaf.

Section 4: amends NRS 426.555 to include deaf persons and gives the administration of the division certain authorities including the development and necessity for provision of a state plan.

Page 14, lines 11 through 14 removes those duties from the administrator of the division of rehabilitation given to the administrator of the division of blind and aural services in section 4.

Page 3, lines 6 through 8, subsection 5, provides an advocacy clause for the administrator to advocate the programs and services necessary to meet the unique special needs of blind persons and deaf persons.

Page 3, lines 9 through 11: self explanatory. Advice from individuals and groups representing blind persons and deaf persons and their interests preferred over an advisory board which is too expensive and does not necessarily provide information relative to those person's needs.

Page 4, lines 42 through 49, section 10 allows volunteers used by the division to be subject to confidentiality laws of the state (NRS 426.573).

Page 4, line 50 and page 5, lines 1 through 10, section 11: clean-up language relative to blind persons who are eligible to receive blind advance maintenance.

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Page 5, lines 37 through 49 and page 6, lines 1 and 2, subsection 3, section 12: repeals section of NRS related to clients and individuals who have grievances against the division for non receipt of services to take the case to court. Gives judicial review to the division.

Remainder of the bill: basically clean-up language including slight strengthening of the vending program giving the division priority right to operate vendor services.

Senator Getto said Mr. Kuhlmeier seemed to stress the bill's minimum cost and pointed out that this will probably result in limiting activities and functions.

Mr. Kuhlmeier replied that much of the language is derived from federal statutes and does broaden the definition of those individuals included in the program to cover senior citizens. He said this will allow many more people to the division who need aid and services from a division that is designed to serve them. He remarked that money spent on rehabilitation is an investment in people to get them back to work and turn current tax burdens into tax payers or at least help them become independent persons.

Senator Kosinski asked Mr. Kuhlmeier whether consumers in the deaf community were also consulted in the creation of the bill.

Mr. Kuhlmeier replied that they were not consulted during the first phases of the bill as it was difficult to do so due to the nature of the disability. However, much input was received from the National Association of the Deaf and other persons and groups who have worked with the deaf.

Senator Kosinski commented that the emphasis of the bill seems greater for persons with visual handicaps than those with aural handicaps, particularly in the preference of an administrator who is a qualified blind person (section 3, page 2, lines 11 through 14).

Mr. Kuhlmeier replied that in the drafting of the bill, it was thought that Mr. Flanders, the current administrator of the bureau of services to the blind, could be transferred to the new division (Mr. Flanders, is himself blind). He added no deaf persons have come forward against the section.

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Senator Kosinski noted that the quality of the services of any government agency depend as much on the dedication, goals, etc. of the administration as it does on the statutes which provide the kinds of services and how those services will be provided. He said he feels that Mr. Kuhlmeier, through Senate Bill No. 631, is placing more emphasis on the characteristics and attitudes, characters and personalities of those who may be managing the new division than on the content of the statutory changes themselves. He asked Mr. Kuhlmeier what language (in Senate Bill No. 631) will make such critical differences in the quality and or quantity of services that may be provided under a new division.

Mr. Kuhlmeier replied that the Nevada Council of the Blind believes that the statutes are the guidelines under which the administrator must work. He said it is the belief of the Nevada Council of the Blind that an administrator who has the authority to seek assistance and speak for programs and services that he administers to the deaf and blind persons is in a stronger position than one who is required to advocate against another bureau to his boss.

Senator Kosinski asked Mr. Kuhlmeier if, in his personal opinion, the present bureau chief has been stifled by the division administrator in his advocacy efforts.

Mr. Kuhlmeier replied that in his personal opinion this has been the case.

Senator Kosinski asked Mr. Kuhlmeier whether, under the proposed budget, the administrative funds that are presently transferred to the division for administrative services are being withdrawn or retained.

Mr. Kuhlmeier replied that those funds have been withdrawn from the budget as part of the savings they are attempting to attain.

Senator Kosinski asked Mr. Kuhlmeier how those administrative services will be provided under the proposed plan.

Mr. Kuhlmeier said those services will be provided by assigning positions currently handled by one person as duty positions to the staff of the new division.

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Mr. Kuhlmeier mentioned the use of volunteers within the division.

Mr. Robert R. Humphreys spoke in support of Senate Bill No. 631 (see Exhibit C).

Mr. Paul McComb spoke in support of Senate Bill No. 631. He told the committee qualified persons with hearing impairments should also be given preference for the administrative position (Section 3, page 2).

Mr. McComb provided copies of letters to the committee from Jackie Drake, President, Las Vegas Club of the Deaf and Mr. Albert T. Pimentel, Executive Director, National Association of the Deaf. Both letters support Senate Bill No. 631. (See Exhibit D and E).

Mr. Clayton Valley, Sparks, Nevada spoke in support of Senate Bill No. 631. He told the committee he tried to get support from the Vocational Rehabilitation Division to attend college. He was approved and became a vocational rehabilitation client, at the same time, he had a job teaching deaf children in Carson City. His employer gave him a deadline for his notification of intent to continue teaching in Carson City the following fall. While he was waiting to hear from Vocational Rehabilitation as to whether or not he was to be approved for aid to attend school he was told there was a 70% chance that he would be approved. He told his employer that he would not teach the following fall in the hopes that the approval would come through. Subsequently, his case was turned down. He said he has had no full time job since but has been working part time as a sign language instructor at Truckee Meadows Community College.

Mr. Valley referred to a booklet, "Regional Directory of Services for the Deaf" for Arizona, California, Hawaii, Nevada, Region 9. California offers many different services for the deaf; the listing under Nevada says, "no special rehabilitation services for the deaf". He urged the committee's support for Senate Bill No. 631.

Mr. Del Frost, Administrator, Rehabilitation Division spoke in opposition to Senate Bill No. 631 (see Exhibit F).

Mr. David Krause, Member, Board of Directors, Nevada Council

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of the blind, spoke in support of Senate Bill No. 631
(see Exhibit G).


There being no further business, the meeting adjourned at
10:25 a.m.

Respectfully submitted:



Connie S. Richards, Committee Secretary

APPROVED BY:



Senator Joe Neal, Chairman

DATE: May 11, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

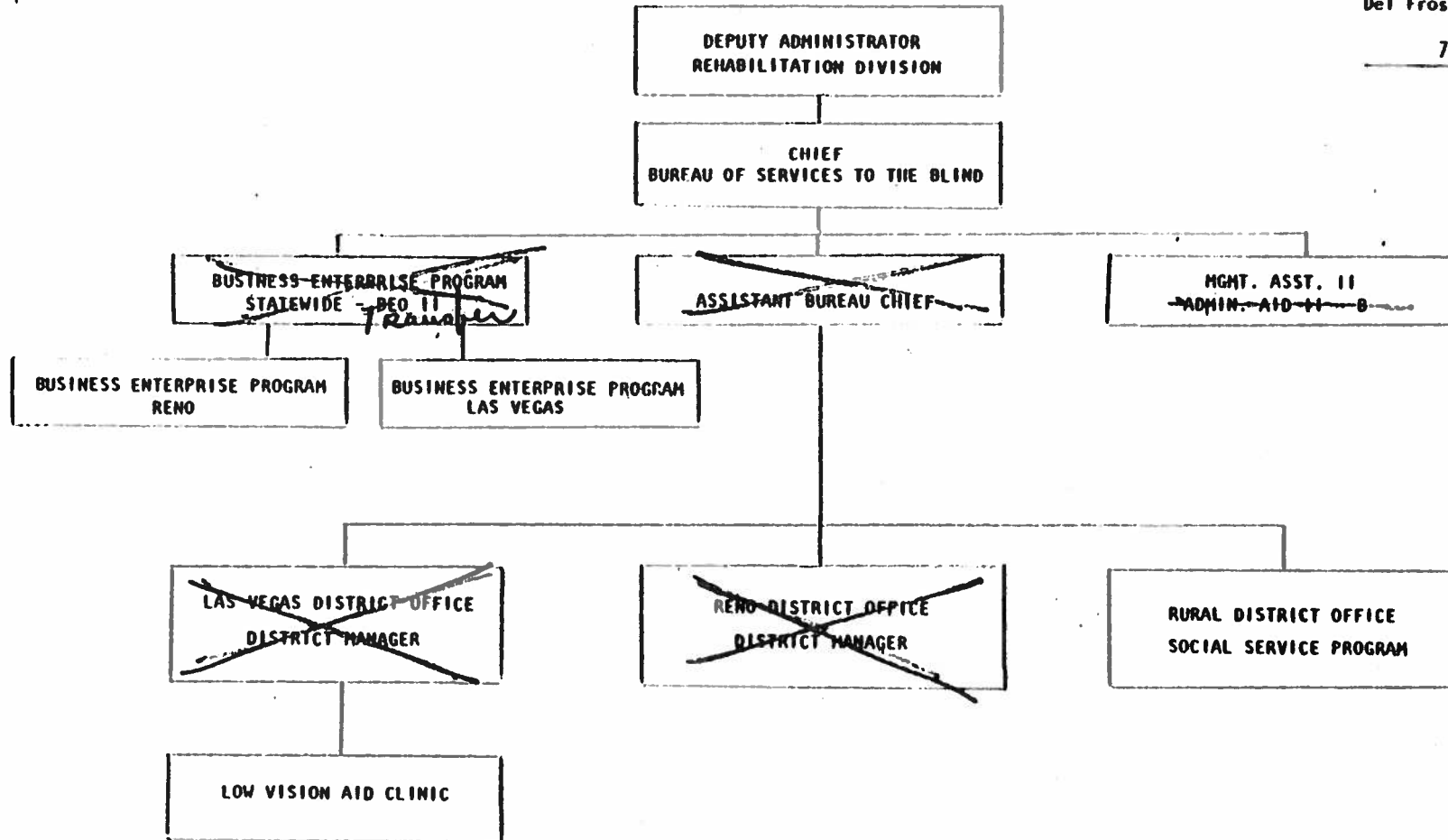
Committee on Human Resources and Facilities, Room 323

Day Friday, Date May 8, Time 8:00 a.m.

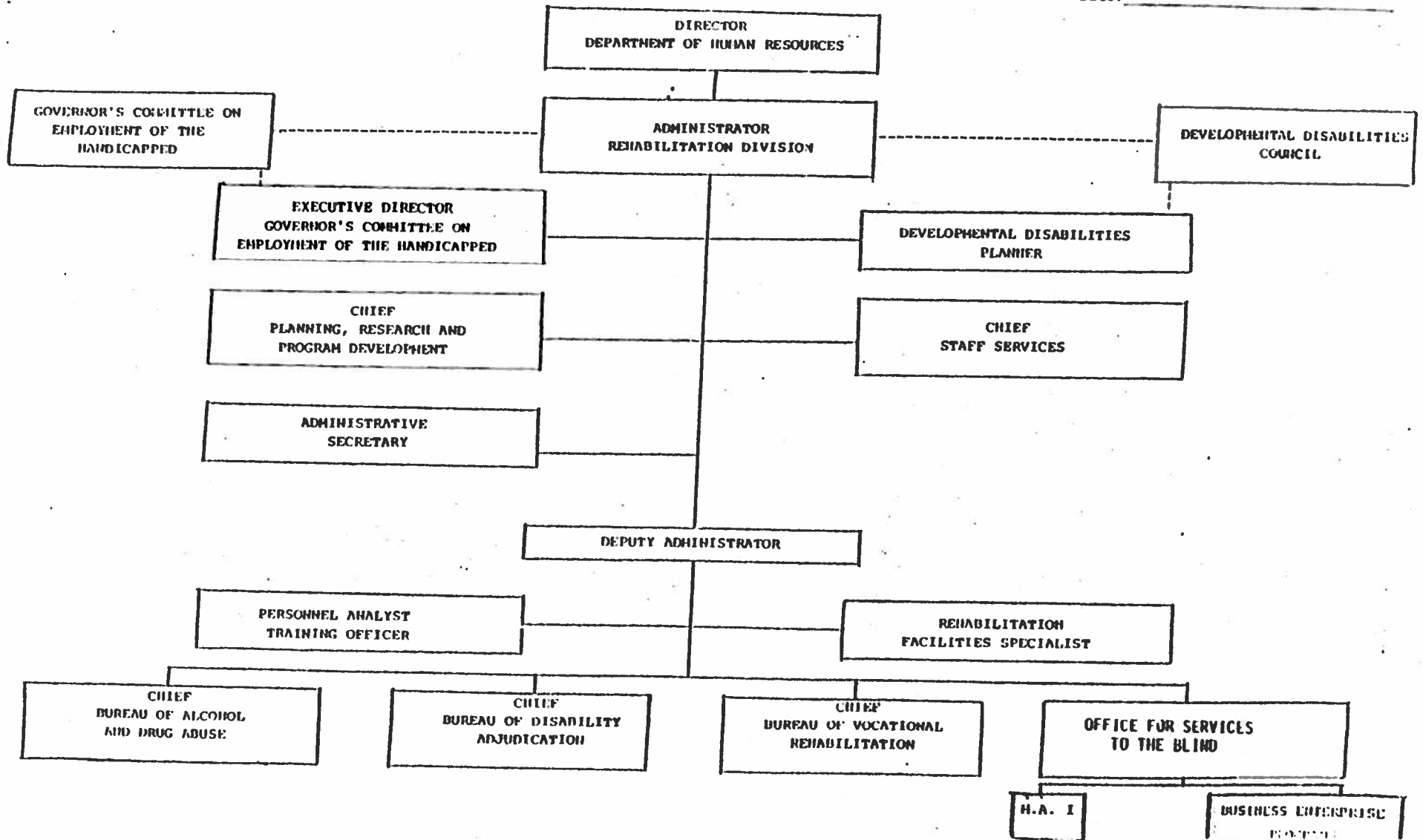
S. B. No. 631--Creates division of visual and aural services
in department of human resources.

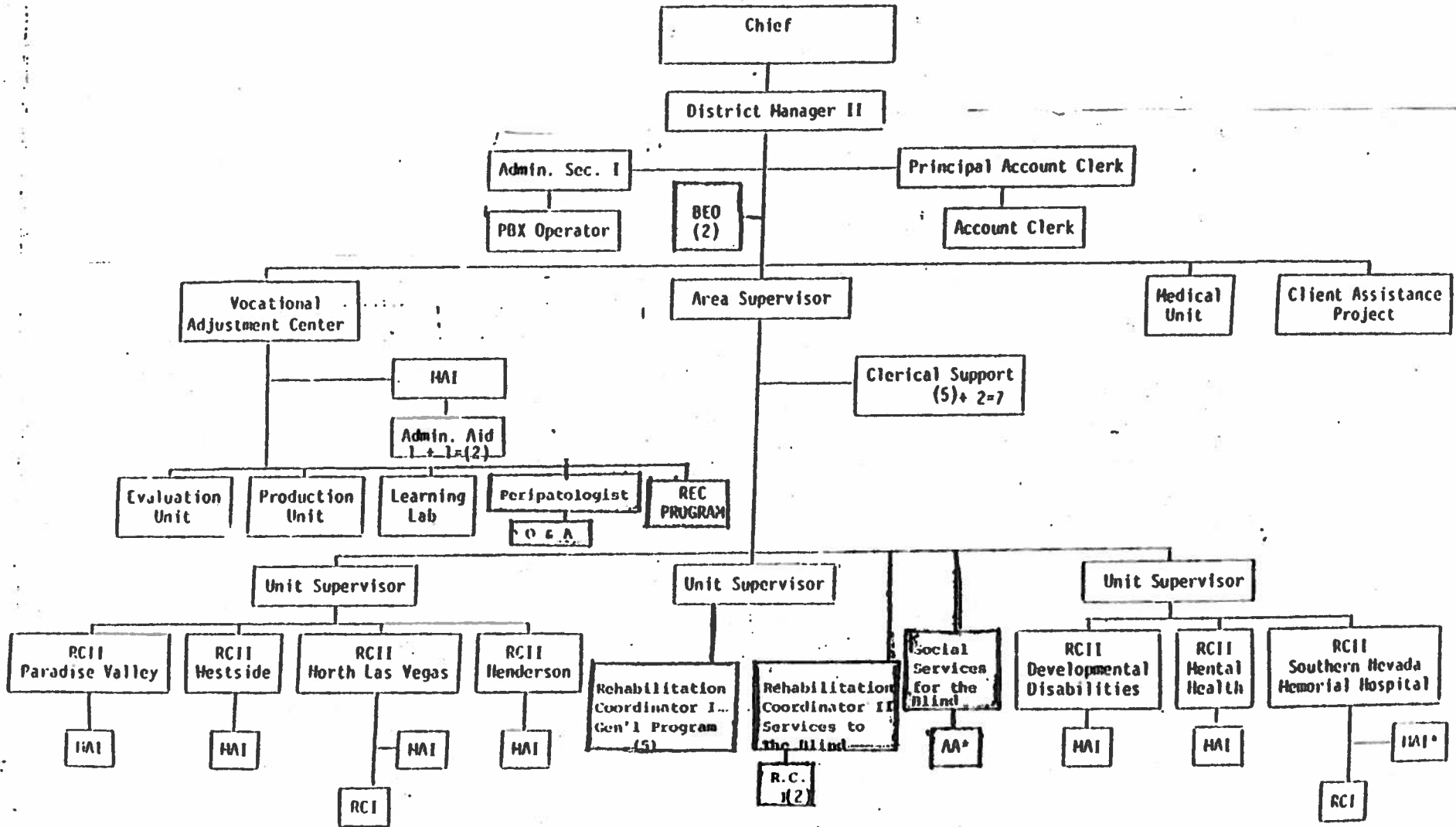
Approved: *Del Frost*
Del Frost, Administrator

7/01/80



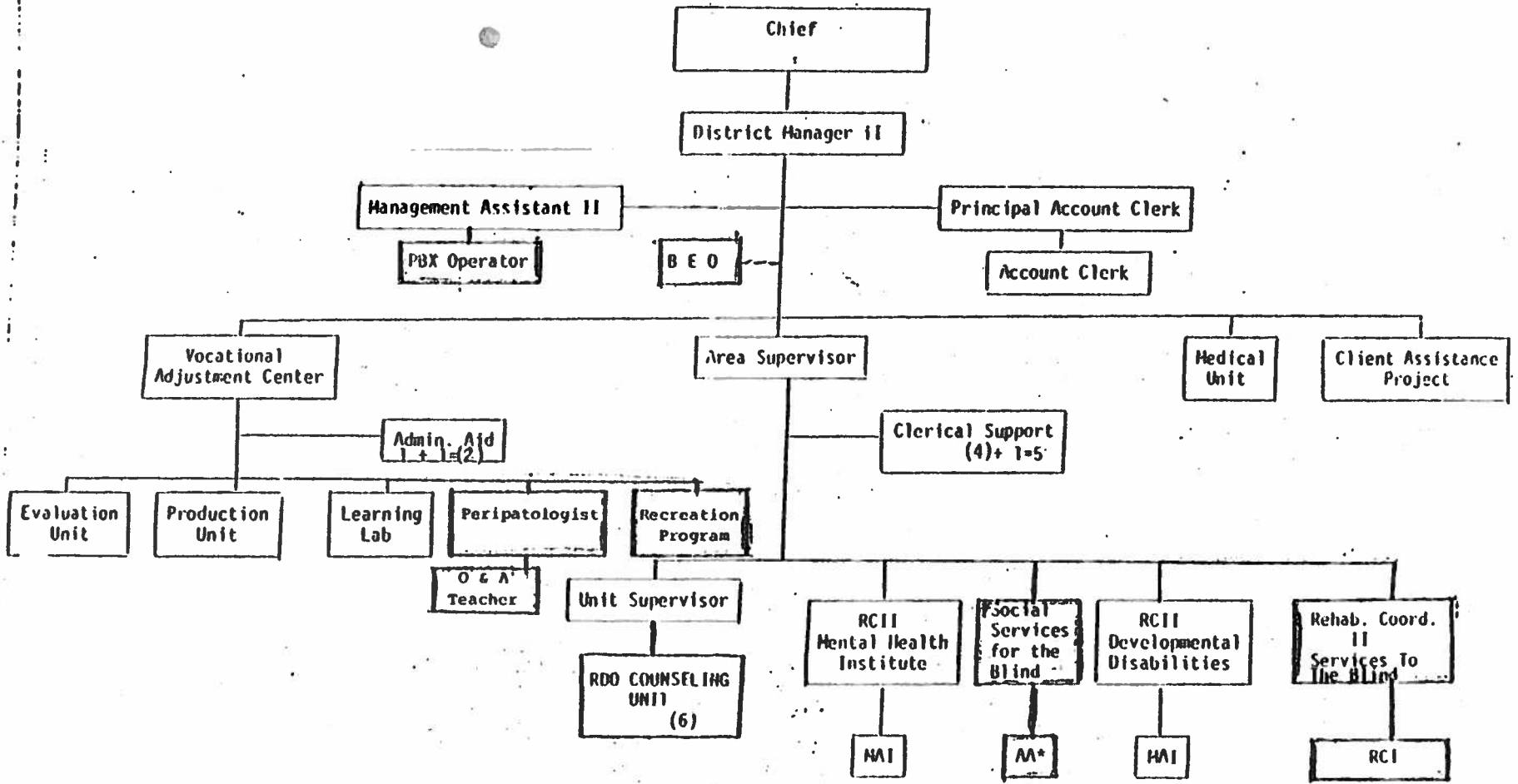
Date: _____





1914

Approved: *[Signature]*
C. J. [Name], District Administrator



*Provided by Host Agency

OFFICE OF SERVICES FOR THE BLIND, PROPOSED BUDGET
February 2, 1981

	<u>1981-82</u>	<u>1982-83</u>
<u>Salaries:</u>		
Chief, Services to the Blind	\$ 29,267	\$ 29,267
Management Assistant II	16,181	16,181
Business Enterprise Officer I (3)	58,852	59,626
Fringe Benefits	<u>16,262</u>	<u>17,094</u>
TOTAL CATEGORY 01	<u>\$120,562</u>	<u>\$122,168</u>
<u>Out-of-State Travel:</u>		
Governor's Travel Account		
<u>In-State Travel:</u>		
1. Chief to Las Vegas, 6 times per yr.	\$ 1,869	\$ 1,869
2. Chief to Reno, monthly	454	454
3. Chief to Rural, 2 times per yr.	892	892
4. Business Enterprise Officers	<u>4,000</u>	<u>4,000</u>
TOTAL CATEGORY 03	<u>\$ 7,215</u>	<u>\$ 7,215</u>
<u>Operating:</u>		
Office Supplies	\$ 720	\$ 756
Operating Supplies	311	327
Postage	600	630
Telephone Equipment	2,000	2,100
Telephone Tolls	3,500	3,675
Printing	1,000	1,050
Copying	500	525
Insurance	1,500	1,575
Equipment Repair	100	105
State-Owned Building Rent *	5,352	5,099
Other Building Rent **	288	288
Advertising/Public Relations	300	315
Dues and Registrations	<u>550</u>	<u>578</u>
TOTAL CATEGORY 04	<u>\$ 16,721</u>	<u>\$ 17,023</u>
<u>Administrative Assessment:</u>		
	<u>\$ 25,523</u>	<u>\$ 25,167</u>
TOTAL AGENCY EXPENDITURES	<u>\$170,021</u>	<u>\$171,573</u>
Regular Appropriation	\$ 59,507	\$ 60,051
Federal Funds - Sect. 2	\$110,514	\$111,522
Total Funds Available ***	\$170,021	\$171,573

* Carson City, 540 sq.ft. at \$6.39 for 1982 and \$6.09 for 1983.

** Reno, 300 sq.ft. at same rates as above.

*** The funds for these expenses are included in the Executive Budget within Budget Account 3254.

PROPOSED SUBSTITUTE LANGUAGE FOR
SECTIONS OF S.B. 575

- 1) Section 1. 232.360, subsection 4
page 1; line 7
Change: "Bureau of benefits" to "Bureau of Disability Adjudication"

REASON: The Bureau determines whether a disability exists and the extent of disability. It does not determine actual benefits eligibility, nor the amount of benefits. It does not award benefits.
- 2) Section 2. 232.370, subsection 2
page 1; line 18
Remove: "and sections 2 to 15, inclusive of this act,"

REASON: These sections include State Buildings and Property, Property Tax, etc., for which the Rehabilitation Division Administrator is not responsible. (They were addressed in this Act only because of minor references to the Division.)
- 3) Section 2. 232.370, subsection 3
page 2; line 3
Add: "for" following "alcohol and drug abuse,"

REASON: Alcohol and Drug Abuse has a separate state plan that is not submitted to RSA (see line 6). "For" separates Alcohol and Drug Abuse state plan from the rehabilitation program plan.
- 4) Section 2. 232.370, subsection 3
page 2; lines 6-7
Change: "the United States Department of Health, Education, and Welfare." to "federal government."

REASON: "HEW" is antiquated language. Placement of RSA is uncertain. "federal government" is applicable.
- 5) Section 10. subsection 1
page 6; line 29
Change: "bureau of benefits" to "bureau of disability adjudication"

REASON: For the reasons stated above; the bureau does not award benefits.
- 6) Section 10. subsection 2
page 6; lines 39-42
Change To Read: "The governor may enter into agreements with the United States Social Security Administration allowing the department through the division, to make determinations of disability and to receive and expend federal money for making these determinations."

REASON: This wording, placing the governor responsible for agreements is in accordance with P.L. 96-265 enacted in the last Congressional session.
- 7) Section 12. subsection 1
page 6; line 43
Change: "bureau of benefits" to "bureau of disability adjudication"

REASON: Same as above.
- 8) Section 12. subsection 2(c)
page 6; lines 49-50
Change: "the determination of benefits for disabled persons and in related matters," to "disability adjudication and related matters,"

REASON: The Bureau does not determine benefits.

- 9) Section 13. subsection 1
page 7; lines 19-21
Change To Read: "Act expeditiously upon all applications submitted to it for social security disability insurance determinations and supplemental security income disability determinations made pursuant to the Social Security Act."

REASON: SSDI and SSI benefits are not determined by the bureau. We determine the disability, only.
- 10) Section 13. subsection 2
page 7; lines 22-23
Remove: "and eligibility of applicants for such benefits and income."

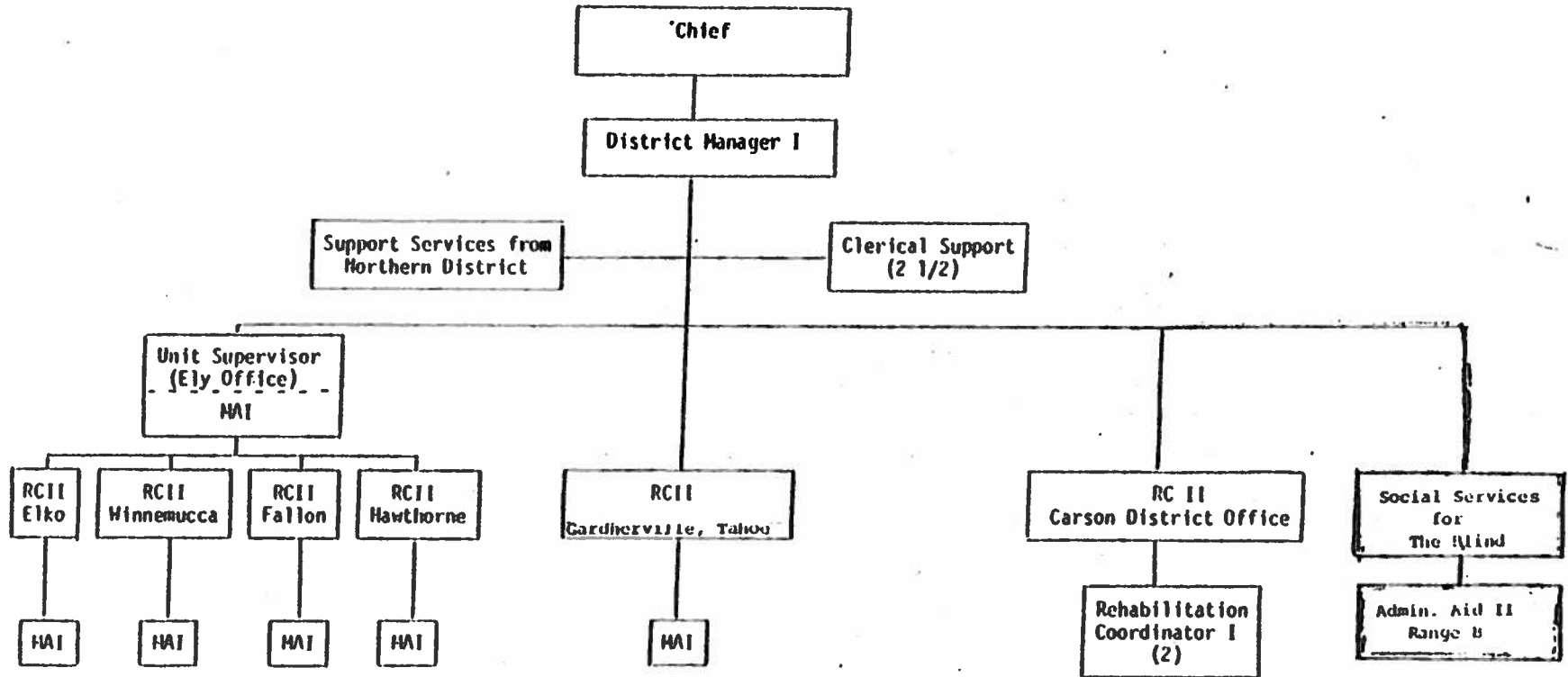
REASON: The bureau does not make these determinations.
- 11) Section 18
page 8; line 48
Change: "Randolf-Sheppard" to "Randolph-Sheppard"
page 9; line 2
Remove: "as a condition of receiving benefits under that act."

REASON: The preparation of reports is not related to receipt of "benefits."
- 12) Section 35. subsection 1
page 14; lines 40-42
Remove: "to receive state and federal money for participation in programs concerned with alcohol or drug abuse."

REASON: Certification is not for purposes of receiving government money. It is to assure quality treatment whether public monies are involved or not.
- 13) Section 36. subsection 5
page 15; line 27
Add: "chapter 615 of NRS" after "inclusive"

REASON: Chapter 615 contains the provisions for the Bureau of Vocational Rehabilitation. Direct services to the blind, under this Act, will be rendered by this Bureau.
- 14) Section 45
page 18; lines 36-37
Change: Make this Section 46.
Add: "Sec. 45. Upon the effective date of this act, funds in the amount of \$25,000 previously made available under NRS 426.575, as amended by Statutes of 1979, Chapter 211, will be transferred to the vocational rehabilitation revolving fund, authorized by NRS 615.255, as amended by Section 41 of this act."

REASON: This addition was requested by the Legislative Audit Office to clarify the transfer of funds from the BSB revolving fund to the BVR revolving fund.



STATEMENT

OF

EXHIBIT C

ROBERT R. HUMPHREYS

before the

SENATE COMMITTEE ON HUMAN RESOURCES AND FACILITIES

STATE OF NEVADA

with respect to

SENATE BILL 631 and SENATE BILL 575

May 8, 1981

Mr. Chairman and Members of this Committee, I deeply appreciate this opportunity to appear before your committee and to offer testimony on two bills, S.B. 631 and S.B. 575. I am appearing today on behalf of the Nevada Council of the Blind and the American Council of the Blind. The American Council of the Blind is the national membership organization, of which the Nevada Council is a State affiliate, whose purposes include improvement of educational and vocational opportunities for blind persons, and encouraging such persons to develop their potentialities and elevate their social, economic and cultural level.

By way of introduction, I am currently a member of a Washington law firm, Hoffheimer, Johnson and Peterson; I am the immediate past U.S. Commissioner of the Rehabilitation Services Administration, a post in which I served at the pleasure of the President for a period of three years. RSA is the Federal administering agency through which formula

grants to States as well as a variety of discretionary grants are provided for vocational rehabilitation and independent living services to physically and mentally handicapped persons, with federal funds of more than \$1 billion annually. Prior to my service as Commissioner, I was for six and one half years Special Counsel to the U.S. Senate Committee on Labor and Human Resources. In that capacity I was chief Senate draftsman of the Rehabilitation Act of 1973, the Randolph-Sheppard Act for the Blind Amendments of 1974, and other measures.

I believe I am in a unique position to provide insight to this Committee based on my experience and knowledge in both the Executive Branch and the legislative branch of the Federal Government, on the two measures now under consideration. I have traveled to Nevada for two reasons: first, the action this Committee and the State's legislature takes on S.B.631 and S.B. 575 will have national implications for service programs to aid blind persons, and second, I feel very strongly that the needs of blind persons are best met through a system of specialized services.

I have had an opportunity to review both of the Bills that are the subject of this hearing. The Administration's bill, S.B. 575, would submerge within the Rehabilitation Division of the Department of Human Resources the existing Bureau of

Services to the Blind and would greatly reduce the authority of the chief of that Bureau. The bill supported by blind consumers and their organizations, as well as by organizations of deaf persons, S.B. 631, takes an approach that is diametrically opposed to that of the Administration. It would establish a Visual and Aural Services Division in the Department of Human Resources that is equivalent, in organizational level, to the Rehabilitation Division and other major components of the Department.

Although I was unable to attend this Committee's hearing held last week on the Administration's bill, and thus cannot comment on the specifics of testimony by the Administration's representatives, I assume that the Committee was assured that savings, both in terms of service dollars and personnel, would accrue to the State of Nevada should S.B. 575 be enacted. I assume further that you were told that the organizational structure for providing rehabilitation services would be improved, along with overall program accountability. One of the bases for such assurances is a study performed under contract to the State by the consulting firm of Warren King and Associates, Inc.

The arguments in favor of the changes proposed by S.B. 575 have a superficial appeal. No one can be against cost savings and organizational improvements, particularly in a time of

severe financial constraints that are affecting every State and community in the country. I submit, however, that these appealing arguments are based on premises that are fatally flawed, and that further, good policy dictates that the bill advocated by the blind and deaf citizens of Nevada should be the measure enacted rather than the one supported by the Administration.

A national study evaluating programs for blind and visually handicapped persons was published in December, 1980. The findings and recommendations of that study are directly applicable to the issues before this Committee, and I believe you will find them enlightening. The study concluded that blind clients are served better in specialized caseloads. The corollary recommendation was that blind and visually handicapped vocational rehabilitation clients should be served in specialized caseloads of only blind and visually handicapped clients.

Another conclusion of the study was that the type of administrative structure of state rehabilitation agencies has only a slight relationship to program outcomes, and that there is no evidence to indicate that any one type of agency is more cost effective than another. The study stated that "the assumption that combined agencies are more cost effective (than separate blind agencies) should be seriously questioned."

The study, entitled "Evaluation of RSA Program for Blind and Visually Handicapped Persons" was developed under contract to the Rehabilitation Services Administration by the JWK International Corporation, a well known consulting organization of good reputation. Should this Committee wish to review the study in depth, I expect either RSA or the JWK Corporation would be happy to provide you a copy.

Senate Bill 575 in my opinion would do substantial, perhaps permanent, damage to programs serving blind persons in Nevada. The specific and visible authorities for the provision of services to blind persons contained in current State law would be eliminated. Such services very possibly could be reduced and deemphasized as a result. Further, the proposed legislation compounds the danger by designating the chief of the Office of Services for the Blind as an advocate for blind persons in the State, while at the same time placing that former program office head in a position subordinate to -- and reporting to -- the Rehabilitation Division director. It is most unlikely that free and unfettered advocacy for blind persons would be possible under such conditions. In any case the submergence of the Chief of Blind Services represents a major step backward, and I respectfully urge this committee to consider carefully the implications of such a result.

With your permission, Mr. Chairman, I would like to turn now to the other measure before this Committee, S.B. 631, to establish in the Department of Human Resources a separate Visual and Aural Services Division. This bill represents a new and exciting organizational and service delivery concept which, if enacted, would unquestionably enhance services to both blind and hearing impaired persons, while in no way diluting or reducing services to other handicapped populations. It is a proposal that is worthy of your support, and I endorse it with great enthusiasm.

The bill supported by organizations of and for blind and deaf persons represents a departure from the usual organizational structure of State agencies delivering rehabilitation services. In many States there are two agencies, a general agency providing services to physically and mentally handicapped persons, and a separate agency providing services to blind and visually handicapped individuals. In other States there is only one rehabilitation agency, which serves all categories of disabilities.

Because of the uniqueness of the structure proposed in S.B. 631, concerns have been raised by the State Administration and by the regional office of the Rehabilitation Services Administration that the creation of a Visual and Aural Services

Division in the Department of Human Resources would not be in conformity with the requirements of section 101 (a) (1) of the Rehabilitation Act of 1973, as amended.

As a former Commissioner of the Rehabilitation Services Administration and chief Senate draftsman of the Rehabilitation Act, let me put those concerns to rest. It is my expert opinion that enactment of S.B. 631 would not violate section 101 (a) (1) or any other provision of the Rehabilitation Act.

The Federal statute requires each State to designate a sole State agency to administer the State plan for vocational rehabilitation except where State law authorizes rehabilitation services to be provided to blind persons through a separate agency. A State agency may share funding and administrative responsibility with another State or local agency to carry out a joint program of services to handicapped individuals.

The law is sufficiently flexible to permit the creation of the proposed Division, since there would be, under the terms of S.B. 631, a separate State agency for the blind and one, as section 101 (a) (1) provides, for "the rest of the State plan." I can assure you further that no lawmaker who developed the 1973 Rehabilitation Act contemplated either the exclusion or inclusion of a State unit such as that described in S.B. 631. Neither the Federal law, nor

legislative history, nor enabling regulations specifically prohibit the inclusion of services to aurally impaired persons by a State agency serving blind persons.

The 1978 amendments to the Rehabilitation Act distinguish between a "designated State unit" and a "State agency." The latter may be, and often is, an umbrella agency that includes a designated State unit for vocational rehabilitation. In the case of Nevada, for example, the State agency is the Department of Human Resources. As long as that State agency includes a unit primarily concerned with vocational rehabilitation, such as the Rehabilitation Division, the State agency could also house a Visual and Aural Services Division.

The principal, overriding purpose for the rather unusual and strict requirements of section 101 (a) (1) was the perceived need to insure that the vocational rehabilitation program in a State is not scattered or diluted by intermingling its activities with other kinds of human or social service programs, to the detriment of disabled persons and their needs. Clearly, the proposed Division is not of the kind that the Federal statute was designed to prevent.

Section 101 of the Rehabilitation Act undertakes to do much more than limit the authority of States in creating their organizational structures. That same section also requires States to be innovative and creative in striving

to provide better services for their handicapped residents. The proposed Visual and Aural Services Division would be the very kind of innovative activity contemplated in section 101 (a) (4), (5) and other paragraphs of that section; an activity that would enhance service delivery to a substantial segment of the population that is severely disabled: those who are blind and those who are deaf.

It has been suggested that the creation of a Visual and Aural Services Division pursuant to S.B. 631 would cause problems and be so cumbersome and expensive that such disadvantages would outweigh any possible benefit. The Director of the Department of Human Resources has stated that "a separate state plan for the aurally impaired may be disallowed." No such plan would be required. Rather, plans for services to deaf and hearing impaired persons would be folded into the overall plan -- one for the State agency serving the blind. Should the Regional Commissioner of Rehabilitation Services disapprove such a plan, and I do not believe that after careful research of the law such would be the case, the State would have recourse to the Commissioner in Washington. I feel certain that departmental General Counsel would agree that my interpretation of the provisions of section 101 is reasonable, and that there would be no legal basis for disapproval of the plan due to lack of organizational conformity.

The Director of the Department of Human Resources has raised another spectre: that allocation of funds would be difficult, and fiscal accounting would be costly. In my opinion this argument has no validity. State rehabilitation agencies now separate cost of service and client demographic and service data according to disability. It would be a simple matter to identify the appropriate ratio of service dollars for the client population that would be served through the new Division:

A final argument against the establishment of a Visual and Aural Services Division states that it would be required to undertake a host of activities beyond the mere provision of rehabilitation services to clients, including research, training, interagency agreements, studies and evaluations, technical assistance, accounting and computer programming. The suggestion seems to be that these would be duplicative, new, and expensive. Such activities are routinely provided by any service agency of substance.

There is no reason why these ancillary activities could not be performed in conjunction with the Rehabilitation Division, or under the direction of the Department, under whose aegis all such activities dealing with disability might be conducted, thus avoiding duplication and excess costs.

In conclusion, Mr. Chairman and members of the Committee, the Governor's bill, S.B. 575, would have a negative impact on services to blind persons in the State of Nevada. In contrast, S.B. 631 would enhance those services and would in addition improve the State's attention to the needs of another underserved population, those who are deaf and hearing impaired. Nothing will be lost by the enactment of S.B. 631, and there is much to be gained. I urge your approval of this important measure.

It has been an honor and pleasure to have the opportunity to testify before the Senate Human Resources and Facilities Committee, and I will be happy to answer any questions you may have.

EXHIBIT D

M

DEAR ME MCCOMB

I AM JACKIE DRAKE PRESIDENT OF LAS VEGAS CLUB OF THE DEAF OUR CLUB FULLY
SUPPORTS SB 631 WE FEEL THAT A NEW DIVISION OF VU VISUAL
AND AURAL SERVICES IS TI IN THE BEST INTERESTS OF THE DEAF COMMUNITY
IN NEVADA AND WE URGE THAT THE BILL BE VOTED FOR PASSAGE
SINCERLY

JACKIE DRAKE

PRESIDENT

LAS VEA VEGAS CLUB OF THE DEAF

1433

DEAR PAUL

THIS LETTER SERVES TO ADD THE SUPPORT OF THE NATIONAL ASSOCIATION OF THE DEAF TO THAT OF THE NEVADA ASSOCIATION OF THE DEAF IN BEHALF OF THE BILL IN THE NEVADA STATE LEGISLATURE TO ESTABLISH THE VISUAL AND AURAL SERVICES DIVISION.

AS YOU KNOW, CENSUS DATA MAINTAINED BY OUR ASSOCIATION INDICATES THAT IN EXCESS OF 35,000 HEARING IMPAIRED CITIZENS LIVE IN THE STATE OF NEVADA. THIS IS A STATISTIC THAT SURPRISES A LOT OF PEOPLE, BUT IS NO SURPRISE TO THE NATIONAL ASSOCIATION OF THE DEAF. HEARING IMPAIREDXXXX HEARING IMPAIRMENT IS THE MOST PREVALENT PHYSICAL DISABILITY IN THE NATION, AND YET IS THE MOST NEGLECTED IN THE WAY OF SPECIFIC STATE SERVICES. THIS IS UNFORTUNATE BECAUSE WITH APPROPRIATE AND TIMELY ASSISTANCE MOST HEARING IMPAIRED PEOPLE ARE ABLE TO ACHEIVE AND MAINTAIN SELF-SUPPORTING STATUS AS CONTRIBUTING CITIZENS. REGRETFULLY WITHOUT PROPER SERVICES MANY DEAF PERSONS END UP UNNECESSARILY AS UNEMPLOYED/ UNDEREMPLOYED AND BURDENS TO THE STATE INSTEAD OF BEING PERSONS WHO CONTRIBUTE TO OUR SOCIETY IN A POSITIVE WAY.

THE SENSORY PROBLEMS, NEEDS AND SERVICES FOR THE VISUAL AND HEARING IMPAIRED ARE SIMILAR IN THE SENSE THAT BOTH DISABILITIES REQUIRE SPECIALLY TRAINED PERSONNEL IN THE AREA OF VOCATIONAL TRAINING AND SOCIAL SERVICES. BLIND PEOPLE OFTEN NEED MOBILITY TRAINING AND READING SERVICE DEAF PEOPLE OFTEN NEED TELECOMMUNICATION DEVICES AND INTERPRETING SERVICE

THESE KINDS OF SIMILARITIES MAKE IT LOGICAL TO ORGANIZE A SERVICE DELIVERY PROGRAM TOGETHER ON THE STATE LEVEL. BECAUSE THE NEEDS OF DEAF PEOPLE GO BEYOND REHABILITATION SERVICES AND EXTEND TO ONGOING SOCIAL AND INTERPRETING SERVICES, IT NO LONGER IS APPROPRIATE TO EXPECT A GENERAL REHABILITATION AGENCY TO BEND AND/OR BREAK REHABILITATION RULES IN ORDER TO MEET THE NEEDS OF THE DEAF AND THE BLIND.

~~AS YOU KNOW, DEAF PEOPLE IN NORTHERN NEVADA HAVE BEEN INDICATING FOR YEARS THAT THEY HAVE HAD INADEQUATE PROFESSIONAL SERVICES FROM THE REHABILITATION AGENCY. THIS IS BECAUSE THE AGENCY WAS NOT STAFFED WITH A COUNSELOR ADEQUATELY SKILLED IN COMMUNICATING WITH DEAF PERSONS. LACK OF PROPER COMMUNICATION SKILLS IN COUNSELORS RESULTS IN EVERY OTHER SERVICE BEING INADEQUATE BECAUSE WITHOUT COMMUNICATION THERE CAN BE NO APPROPRIATE COUNSELING, MUTUAL UNDERSTANDING OR THE PROVISION OF OTHER BADLY NEEDED SERVICES.~~

A SPECIALIZED OFFICE FOR THE DEAF WOULD ALLEVIATE THESE PROBLEMS AND DEAF CITIZENS WITH FULL ACCESS TO THE SERVICES TO WHICH THEY ARE ENTITLED FURTHER, MANY HEARING IMPAIRED PERSONS HAVE NOT BEEN SEEKING THESE SERVICES BECAUSE THEY HAVE KNOWN THAT THERE IS NO STAFF PERSON/COUNSELOR WHO IS CAPABLE OF COMFORTABLY COMMUNICATING WITH THEM, AND WHEN NECESSARY, SERVE IN AN OMBUDSMAN ROLE TO SEE THAT DEAF PERSONS RECEIVE EQUAL TREATMENT WITHOUT DISCRIMINATION.

IN MANY NEARBY WESTERN STATES SUCH AS CALIFORNIA, WASHINGTON, ARIZONA, AND UTAH, THERE ARE EITHER STATE COMMISSIONS FOR THE DEAF, SPECIFIC STATE OFFICES IN OTHER AGENCIES OTHER THAN THE REHABILITATION AGENCY, OR SPECIFIC COMPONENTS WITHIN THE REHABILITATION AGENCY THAT ADDRESS THE NEEDS OF DEAF PERSONS FAR BEYOND THAT WHICH NEVADA IS CURRENTLY DOING.

EXHIBIT E

THE APPROACH OF JOINING FORCES WITH THE VISUALLY IMPAIRED TO SUPPORT THE ESTABLISHMENT OF A VISUAL AND AURAL SERVICES DIVISION SEEMS JUSTIFIED, LOGICAL, AND COST EFFECTIVE IN TERMS OF IMPROVED SERVICES FOR THE MONEY EXPENDED. IT IS ALSO LEGALLY CORRECT IN TERMS OF ENSURING ACCESS TO A CLASSIFICATION OF INDIVIDUALS WHO HERETOFOR HAVE BEEN UNDERSERVED AND INADVERTENTKXX INADVERTENTLY DISCRIMINATED AGAINST.

I WISH YOU THE BEST OF LUCK IN ACHIEVING A PROGRAM OF EQUITABLE STATE SERVICES FOR THE DEAF CITIZENS OF NEVADA.

SINCERELY YOURS

ALBERT T PIMENTEL

EXECUTIVE DIRECTOR

NATIONAL ASSOCIATION OF TE THE DEAF

DELBERT E. FROST:

I HAVE many concerns regarding the creation of a Visual and Aural Services Division.

FOR PURPOSES of brevity, I will categorize problems with the Bill as follows:

1. THE EFFECT on services delivery
2. LEGAL RAMIFICATIONS
3. COST-EFFECTIVENESS
4. TECHNICAL PROBLEMS.

BEFORE GETTING into the first concern regarding the effect on services to the hearing impaired population, I believe we should address the legality of having such a division, and the ramifications should this Bill pass:

FEDERAL AND State personnel have reviewed the question of the legality of separating the aurally impaired population from the general VR population in terms of administration and provision of services. I will quote from their responses:

"FIRST, IN response to Mr. Kuhlmeys previous testimony that cited 'precedence' in establishing a separate state unit for the visually and aurally impaired, as his bill proposes, we checked with the states he quoted plus other states to whom we were referred. In 3-part summary,

the states either (1) have nothing separating the aurally impaired; (2) have the equivalent of a bureau or office within the Rehabilitation Division; or (3) have an agency for the deaf, unrelated to the vocational rehabilitation program and not receiving federal RSA funds.

"ACCORDING TO Mr. Fred Sachs, Acting Deputy Commissioner of Rehabilitation Services (national level), it is 'definitely not true' that other states have been allowed the inclusion of the aurally impaired in a separate RSA funded 'state unit'."

IT IS important that this Committee understand the meaning of "state unit." In Nevada, the Department of Human Resources is the "Sole State Agency" and the Rehabilitation Division is the designated State unit. Again, quoting from federal and state reviewers:

"WE FIND no reference in the Federal Register, Volume 44, N. 231 rules, nor in the latest Federal Register, Volume 46, No. 12, January 19, 1981, (since enacted) to such allowance.

ALLOWANCES ARE made for a separate State agency for the blind, given that agency's ability to meet myriad responsibilities within a new State plan.

"(e) RESPONSIBILITY FOR administration. The State plan must assure that all decisions affecting eligibility for the nature and scope of available vocational rehabilitation services, and the provision of these services are made by the State agency through its designated State unit
The responsibility may not be delegated to any other agency or individual."

- c. THE AURALLY impaired population is included in the general vocational rehabilitation population by virtue of the lack of exclusion. In fact, several references are made in the Federal Register of Volume 46, No. 12, regarding the need to disregard the separation of disabilities in federal regulations. For example:

"SINCE THE Rehabilitation Act of 1973 does not require special processes for individual with any specific disability, there does not appear to be a basis for these regulations to do so . . . It similarly does not appear to be equitable to identify certain disabilities for special discussion in these regulations and not others."

RAMIFICATIONS if this Bill is passed are as follows:

1. WITHHOLDING OF federal funds.

THE LAW clearly requires that there be a state plan to be eligible for RSA monies. The form and content is lengthy and complex.

FUNDS MAY be "withheld, suspended, or limited" when "in the administration of the State Plan, there is failure to comply substantially with any provision of such plan" (Section 361.4 of the above quoted Register).

SECTION 361.5 "State agency for administration" requires that "The State plan must designate . . . the sole State agency to administer the State plan . . ." and further that all decisions regarding eligibility, services, etc., described earlier in this testimony, be "made by the State agency through its designated State unit."

THERE ARE other major areas of concern regarding this Bill - the effect on services delivery; cost-effectiveness; and technical problems.

THE EFFECT ON SERVICES DELIVERY

ASIDE FROM the possible loss of federal funds described above, this proposed division would cost \$117,743 per annum more than our proposed merger, and would provide fewer services.

1. WE HAVE specialist counselors for the aurally impaired, in Reno and Las Vegas.

IN ADDITION, all of our other counselors have the training and skills necessary to work with the deaf, using the specialists as communication consultants.

THE THREE proposed counselors for the aurally impaired in this Bill, would have to each rehabilitate 62 clients with a primary disability of aurally impaired to equal our performance. The average rehabilitation expectation per counselor is 35 clients.

EVEN IF the counselors for the visually impaired assisted the three counselors for the aurally impaired,

- a) WHAT HAPPENS to the client who has, for example, a severe back injury and hearing impairment.

WILL HE be shifted from division to division?

EXHIBIT F

WILL THIS proposed division serve persons whose secondary disability is hearing impairment?

- b) WHAT HAPPENS to the hearing impaired clients in rural Nevada? This proposal asks for \$5,571 total in-state travel.

OUR RURAL travel budget is \$15,250 to provide services to clients in the 95,848 square miles of rural Nevada.

2. JUST HOW many persons will be served by this proposed division? The information I've just given you indicates either fewer clients or less quality of services.
3. WHY IS the division to be "headed by an administrator experienced in work for the blind"?
- a) ARE THE hearing impaired second priority?
- b) WHERE IS the statewide specialist for the hearing impaired?

BVR HAS a Special Programs Coordinator trained in education and service provision for hearing impaired to administer and promote programs for hearing impaired clients in the community.

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ACTIVITIES INCLUDE:

- (1) COORDINATION OF state and federal programs influencing service delivery to hearing impaired Nevadans.
- (2) COORDINATION AND development of services statewide to expand rehabilitation opportunities.
- (3) PROVISION OF training and awareness programs to schools, hospitals, police departments, government agencies, and service organizations on the ramifications of hearing impairments.

THERE IS just no way that counselor services for the hearing impaired can match the caliber of existing division services.

I HAVEN'T even addressed the ancillary services for clients in the Rehabilitation Division, at no case service cost (work assessment; situational work adjustment; general medical exams; recreation program, etc.). And this bill proposes to cut out the recreation program.

4. THIS BILL proposes to separate services developed for the same goal - vocational rehabilitation of mentally and physically disabled persons - and therefore, needed by all disabilities. To separate these services between two divisions - again, both of whom have the same goal - is simply contrary to good management and honest concern for disabled persons.

I WANT to remind you of my previous testimony regarding the improved program of services for the blind since the old Division of Service for

the Blind was placed under the Rehabilitation Division:

Program Performance

<u>July, 1973</u>		<u>July, 1980</u>	<u>Change</u>
Clients served	293	642	119%
Clients rehabed	71	153	115%
Served per counselor	59	128	116%
Rehabed per counselor	14	31	121%

THIS BILL looks like a "turf protection" exercise at the expense of the clients and the taxpayers.

COST EFFECTIVENESS

1. I HAVE already stated that this division could cost us:
 - a) THE POSSIBLE loss of federal support
 - b) \$117,743, AT minimum, more than our proposed merger (S.B. 575).
2. IF THE two divisions would have to enter into purchase of service agreements for ancillary services, administrative and case service costs would increase.

RIGHT NOW, the visually impaired population is benefiting from a large allotment of federal funds. The allotment is disproportionate to the percent of blind as compared with other disability groups.

UNDER THE Governor's recommended budget, we will serve approximately 20% of the visually handicapped population as compared to 10-12% of other disability populations eligible for our services.

SPLITTING THE divisions out would force them to compete for funds rather than continuing the favorable allotment that the blind have enjoyed.

4. AGAIN, I must remind you, we are talking about state agencies created primarily for the purpose of providing vocational rehabilitation services to handicapped persons. The agencies do not have as a primary charge, the provision of social welfare services. Our charge is to remove people from the welfare roles and put them back to work.

S.B. 575, our merger bill, will allow us to continue to fulfill this responsibility, at less cost to the taxpayers.

TECHNICAL PROBLEMS

THROUGHOUT MY testimony I have mentioned many "technical problems" that are major concerns.

FISCAL NOTE:

1. THE BUDGET calls for transfer of a non-existing position (Senior Accountant in Rehabilitation Administration).

2. THE BUDGET "transfers" positions at entry level salaries (virtually making "transfer" impossible.

THIS COMPLETES my testimony on S.B. 631, but because this Committee still has S.B. 575, and because you apparently have some reservations about dilution of services under S.B. 575, I want to offer two suggestions for improvement of the Bill:

FIRST, an amendment to 575, to provide "Sunset-type" wording, that we report back to the next Legislative Session, on the level and quality of services based on four (4) criteria: That, (1) the organizational structure remains as the Bill proposes and there are not plans for reduction; (2) the number of staff remains the same and there are not plans to reduce; (3) specialized services for the blind have been utilized and will continue to exist; (4) discrete data on the blind will continue to be available, including the number of clients served and rehabilitated.

SECOND, provision for an advisory subcommittee on the Governor's Committee on Employment of the Handicapped. Here are the specifics of this suggestion.

AS A person who has spent the last twelve (12) years administering programs for handicapped persons, I am convinced that under S.B. 575 we can preserve the services which we have fought so hard to develop, while still reducing costs to the taxpayers.

I ASK that you give S.B. 575 a "Do Pass" so that we can move the Bill prior to closure of this Session.

IN CLOSING, I must remind you that the division that would be created in S.B. 631 is not allowed under federal law.

Good Morning, Mr. Chairman and Members of the Committee. My name is David Krause. I reside at 1500 E. Karen here in Las Vegas. I am presently a member of the Board of Directors of the Nevada Council of the Blind; and at the time my wife and I left Washington, DC to move to Nevada a little more than a year ago, I was President of the District of Columbia Association of Workers for the Blind which, like the Nevada Council of the Blind, is an affiliate of the American Council of the Blind. I am a charter member of the American Council of the Blind and have served as an officer and director of that organization. These organizational activities have afforded me an opportunity, over many years, to observe the effectiveness of rehabilitation agencies responsible for providing services to blind and visually impaired persons, in a great many states throughout the country.

I am here today to speak in opposition to Governor List's proposal to abolish the Bureau of Services to the Blind and merge its functions with those of the Bureau of Vocational Rehabilitation.

I guess you might say that I am here today in the capacity of what the courts sometimes refer to as an "expert witness".

I say that because I have been totally blind since the age of five as the result of a rollerskating accident, and I am a product of services received from the Missouri Bureau for the Blind, which is an agency that is separate and apart from the general vocational rehabilitation agency which provides services to Missourians with other handicaps.

The Missouri Bureau for the Blind made it possible for me to obtain a college education and employment after graduation from Northwestern University. These were the building blocks and the steppingstones to a career with the District of Columbia Government, which lasted for some twenty-two years and culminated with my retirement at the end of 1979. At the time of my retirement, I was in charge of a licensing agency which was responsible for licensing persons engaged in one of twenty-two occupations and professions, in the District of Columbia.

In short, Members of the Committee, I have and am leading a full and active life as a taxpayer rather than as a tax burden, primarily because of the services I received from the Missouri Bureau for the Blind many years ago. Unfortunately, I am sorry to say, many other blind and visually impaired persons have not fared as well. This is particularly true of blind persons living in states where a general rehabilitation agency is responsible for providing services to the blind and visually impaired.

There is no question but that it costs more and requires more time and effort to provide the necessary rehabilitation services for a blind person than it does for a person with some other handicap. This is a fact of life because of an attitude prevalent among the general public--but certainly not prevalent among the blind and visually impaired--that blindness is the worse possible handicap.

With this false but harmful attitude standing as an initial roadblock, simply takes more of everything to properly rehabilitate a blind person.

It is also a fact of life that rehabilitation of the handicapped, per se, is a numbers game. Funds are allocated and effectiveness of programs evaluated on the basis of the total number of persons rehabilitated with the total number of state and federal dollars available. This being the case, blind and visually impaired persons receive inadequate and inferior rehabilitation and employment placement services when such services are administered by a general rehabilitation agency which services handicapped persons other than blind persons.

I saw a perfect example of this when I was working and living in Washington, DC. You have there the situation which Governor List is now proposing to inflict upon the blind and visually impaired of Nevada: A general rehabilitation agency responsible for providing services to the blind. While the blind in Washington, DC were receiving little or nothing in the way of rehabilitation and employment placement services, the District of Columbia Department of Vocational Rehabilitation was receiving national recognition as being the number one jurisdiction in the country based on its statistical record of total cases closed as rehabilitated. I know of no jurisdiction in the United States where the blind have not suffered a similar fate when their separate rehabilitation agency has been abolished and they have been placed at the mercy of a general rehabilitation agency.

I, therefore, urge this Committee to do everything possible to defeat Governor List's proposal and, instead, to support the creation of a separate and independent Division of Services to the Blind and Deaf, as provided for in SB631. SB631, Members of the Committee, will save the State of Nevada even more than Governor List's destructive proposal. We ask for your help in obtaining passage of this much-needed proposed legislation. By so doing, you will have the satisfaction of knowing that you are doing what is right and best for the blind and deaf people of Nevada, as well as for all of the taxpayers of Nevada, for Governor List's proposal can only result in more tax consumers and fewer taxpayers among the blind and visually impaired population of this State.

Thank you very much..