

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

HOUSE COMMITTEE ON HUMAN RESOURCES

March 25, 1991Hearing Room D 1:00 p.m.Tapes 89 - 92

MEMBERS PRESENT:Rep. Mary Alice Ford, Chair Rep. Beverly Stein, Vice-Chair Rep. Jerry Barnes Rep. John Meek Rep. Hedy Rijken (arrived 1:20) Rep. Jackie Taylor

MEMBER ABSENT: Rep. Cedric Hayden

STAFF PRESENT: Melanie Zermer, Committee Administrator Pamela Berger, Committee Assistant

MEASURE CONSIDERED: HB 2955 - Transfers Vocational Rehabilitation Division from the Department of Human Resources to the Oregon Disabilities Commission - PH

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE 89, SIDE A

010 CHAIR FORD: Calls the meeting to order at 1:02 p.m. - Submits and discusses policy statement information draft (EXHIBIT A) for committee to review and comment by 2/29/91. - General announcements regarding special needs for disabled citizens at hearing.

PUBLIC HEARING: HB 2599 - Transfers vocations Rehabilitation Division from the Department of Human Resources to the Oregon Disabilities Commission Witnesses: Senator Lynn Hannon, District 26 Cindy Carrell, Representative Bill Dwyer's Office Representative Eldon Johnson, District Senator Grattan Kerans, District 20 Kevin Concannon, Department of Human Resources Joil Southwell, Vocational Rehabilitation Division Bill Brown, Vocational Rehabilitation Division Lynnae Ruttledge, Vocational Rehabilitation Division Bob Pogorelec, Results Consultants, Inc. Dave Hulse, Disabled Oregonians Effective Services Jean Teets, Oregon Association of the Deaf Lori Sitton, City and County Rehabilitation Committee Representative Margaret Carter, District 18 Dave Hyde, National Federation of the Blind Jack Thorton, National

Rehabilitation Association Dr. Andy Halpern, Rehabilitation Advisory Committee Daryl Ackerman, Rehabilitation Advisory Committee James Toews, Mental Health Division Scott Lay, Oregon Disabilities Commission Jim Hovey, Oregon Disabilities Commission Eugene Oregon, Oregon Disabilities Commission Mike Bullis, Oregon Disabilities Commission W.W. Hodowonic, Citizen Meg Hodowonic, Citizen Kathryn Weit, Association of Retarded Citizens Tim Kral, Oregon Rehabilitation Association Ellen Doody, VRD Client

051 MELANIE ZERMER: Submits and explains a packet of materials pertaining to HB 2955 which includes statutes, a summary of HB 2955, HB 2955-1 proposed amendments, fiscal impact, two letters from the U.S. Department of Education - Rehabilitation Services Administration, Vocational Rehabilitations Division's (VRD) percentage of the Department of Human Resources (DHR) budget by biennium, and budget information of general fund by DHRagency (EXHIBIT B).

015 SENATOR LENN HANNON, DISTRICT 26: Submits and reads written testimony in favor of HB 2955 (EXHIBIT D). - People with disabilities are asking to take charge of their own services. - This has proved to be successful when the Blind Commission transferred into the Oregon Disabilities Commission. - If you give people the opportunity to be in charge of a program, that means something to them, they will succeed.

125 CINDY CARRELL, REP. BILL DWYER OFFICE: Submits and reads written testimony in favor of HB 2955 (EXHIBIT C).

152 REPRESENTATIVE ELDON JOHNSON, DISTRICT 51: Testifies in opposition to HB 2955. - Taking VRD out of DHR would cause difficulties because of the interfacing with other agencies. - Because of that interfacing better services can be provided. - DHR has done a good job. - Probably services would even be better if that agency were part of DHR. - I believe that services for the blind would even be better if blind services were offered through VRD. - Coordination between AFS, CSD, VRD, SDS, the Mental Health Division, the

Oregon State Hospital and community programs, probably would not happen if this transfer occurs. Grants would not be obtained and community programs would not be managed or occur.

202 CHAIR FORD: Would like to know monies brought into VRD to leverage federal funds.

JOHNSON: They have been able to leverage an additional \$2.1 million by moving funds within the divisions to allow people from the various divisions to get services from VRD.

CHAIR FORD: Could they have received that money without being under DHR?

JOHNSON: That is not to say that could not have happened. Don't want to mislead you, but don't think that would have happened if it weren't for the current leadership at DHR.

REPRESENTATIVE TAYLOR: What funds would not be available if vocational rehabilitation were not under DHR?

JOHNSON: Not able to answer that.

236 SENATOR GRATTAN KERANS, DISTRICT 20: Testifies in support of HB

2955. - We need to listen to the constituents served by the agencies. - Don't know if it is better or worse, fiscally, to move these services. - Your decision should be based on organizational structure in view of the clients' needs. - You are aware of current wait list problems and that VRD is a small appendage in DHR. - If you find that those served are better off in DHR you must make a decision because of those facts. - If you find that better services could be obtained by moving VRD into the Oregon Disabilities Commission, then you should choose to adopt HB 2955. - Base your decision on the effects of those who are served. - Just because a person is disabled, doesn't mean they are incapable of speaking out.

311 REPRESENTATIVE STEIN: Is this just a first step to empowerment --- children running children division, seniors running senior division etc.

SENATOR KERANS: Not the children. Do feel more disabled should work in disabled division and more seniors in the seniors division. - Have no objection to empowering people when it come to shaping state government.

262 KEVIN CONCANNON, DEPARTMENT OF HUMAN RESOURCES: Testifies on HB 2955. - Discusses work done by CHAIR FORD, SENATOR KERANS and other members of the Disabilities Task Force. - Through them, I became aware that the disabled felt poorly attended to and services effecting their lives were fractured. - There is a resource problems all over U.S.

TAPE 90, SIDE A

- Discusses progress made in the area of disabilities. - DHR has set the tone of relating to values. - Submits and explains creative ways DHR has used to match federal funds (EXHIBIT F). - 73% severely disabled clients are VRD clients. - Need to look at entire range of needs with the disabled. - Discusses general funds matches. - DHR supported the transfer of the disabled services to the Senior Service Division.

099 CHAIR FORD: That transfer cost a tremendous amount, much more than projected.

CONCANNON: Feels that transfer is successful. - That was not a DHR bill. - The debate today should not be funds, but values and success of DHR administering VRD.

CHAIR FORD: Will Exhibit F show leverage of funds?

CONCANNON: It will show you the additional amount of money leveraged from beyond VRD's base budget. - It does not show the base budget of the division. - Explains that funding (See: Exhibit F) goes through VRD and is targeted at disabled population groups. Gives examples. - Clarifies totals of matching funds. - We will be proposing a special workers fund.

220 REPRESENTATIVE STEIN: What is the number of clients served by VRD and also other agencies?

BILL BROWN, VRD: Estimates at least 50% - Will provide that information.

CONCANNON: Points out that the Medicaid program cuts across many agency lines.

233 JOIL SOUTHWELL, VOCATIONAL REHABILITATION DIVISION (VRD): Submits and summarizes written testimony in opposition to HB 2955 (EXHIBIT E).

290 LYNNAE RUTTLEDGE, VRD: Testifies in opposition to HB 2955. - We have several mechanisms to ensure consumer involvement (i.e. state advisory committee with many disabled members 60%, 100% disabled citizens involved in the independent living advisory committee). - 13% VRD employees are disabled. - Send out client and consumer forms for feedback on budget. - Need to do more. - Need counselors who as disabled understand the needs. - Severe disabled become successfully rehabilitated when they are successfully served by our agencies. - Challenge we see ahead is how we can provide quality services to the disabled. - I am disabled and a consumer of VRD services and I am an assistant director at VRD - That shows commitment from VRD.

410 SOUTHWELL: Refers to page 3 Exhibit E.

CHAIR FORD: The federal government has found problems with VRD.

SOUTHWELL: Yes, we share those same concerns. - They don't think we are moving fastest enough in resolving some issues.

TAPE 89, SIDE B

CHAIR FORD: Wants Southwell to provide a copy of the federal government recommendations and a copy of the letter praising the quality of services in VRD.

SOUTHWELL: Will provide that.

025 REPRESENTATIVE STEIN: What is the relationship between VRD and JTPA (administered through the Employment Division).

SOUTHWELL: We have a close working relationship - sharing resources.

060 CHAIR FORD: Recesses the meeting at 2:10 p.m. - Re-convenes the meeting at 2: 20 p.m.

DR. ANDY HALPERN, CHAIR, STATE ADVISORY COMMITTEE: Testifies on HB 2955. - Not sure if this transfer would be better or worse as far as coordination. - Answers will not be totally clear to which situation is best for accessibility and funding. - You must consider which administrative arrangement is underlying support. - Wonder if the Oregon Disabilities Commission will be in the best position to represent all needs of the disabled. - Concerned that some advocacy clout, if the transfer occurs, will be lost - including the client assistance program.

CHAIR FORD: Has the advisory committee voted on this bill?

HALPERN: No.

CHAIR FORD: What policies have you voted on in the past year?

HALPERN: Budget recommendations for next biennium.

125 CHAIR FORD: Did you advise VRD on the federal wait list issue?

HALPERN: Most recommendations are in limbo because of Measure 5.

CHAIR FORD: Are you disabled member?

HALPERN: No.

CHAIR FORD: Are you involved as a citizen?

HALPERN: For the past 25 years I have been working at the U. of O. in research rehabilitation training.

146 REPRESENTATIVE MEEK: Who does your committee offer advice to?

HALPERN: To VRD.

REPRESENTATIVE MEEK: Are you in favor or against the bill?

HALPERN: We are cautious not to recommend the bill. If it is not broken, don't fix it.

150 DARYL ACKERMAN, STATE ADVISORY COMMITTEE: Testifies on HB 2955. - VRD has used us for indirect policy making. - Am also a member of the accessibility subcommittee for the Oregon Disabilities Commission ODC. - See these two organizations as two separate and distinct organizations with two different activities. - Hate to see merging of the two without careful consideration because of the potential of losing the benefits of the two separate and distinct activities. - The commission is an advisor to every department in the state. - Don't see in the bill how that could not change - as soon as they become a service provider they are no longer an information provider. Don't want to see the role of ODC diminish. - VRD has been doing a good job and is well represented. - ODC has had a firm hand in the implementation of policies. - Submits for record, testimony from Lynne Ackerman (EXHIBIT G). - Never saw a transfer that did not cost a lot; in view of Measure 5, not sure if this would be a good time to do a transfer.

211 CHAIR FORD: Discusses closure of the Salem Rehabilitation Facility.

ACKERMAN: The advisory committee had many discussions regarding that closure. We felt that it has a value. We have no problem with it being a self-sufficient entity.

CHAIR FORD: Have you voted on closure of the facility?

ACKERMAN: Have not yet seen a proposal asking that specific question. - Do not see a reason to close it. There is a pending report on that issue.

CHAIR FORD: VRD already announced to close it.

270 MIKE BULLIS, OREGON DISABILITIES COMMISSION: Testifies in support of HB 2955. - My name is not Bill W. - He was a man in the 1930. - He was an alcoholic. - His idea was to have other alcoholics and/or recovering alcoholics counsel alcoholics. - He created AA. They printed their own brochures, pay the bills, etc. Everybody said it would not work. It worked. - He did not say the non-alcoholics could not be involved but felt the only way progress was going to be made was to have alcoholics involved. - The question before us is how do you construct a proper rehabilitation agency. - We feel it should be done through

consumer involvement - from the top down. - The client then would have the confidence and sense that those making decisions are from the same boat. - That even makes it O.K. to swallow a bitter pill. - Employees and consumers alike should have faith in the agency. - The National Federation of Businesses support HB 2955 - they will send testimony. - Today we keep hearing if there is going to be a funding problem - is it going to go up or down if this move happens. - No match changes would take place under this transfer. There would be an addition \$200,000 matchable funds available from ODC. - We will be hearing about federal scrutiny and discontinued care services for rest of the biennium. We will be hearing about VRD consumers and employees with low morale. - DHR has had 20 years to solve these problems, should we give them another 10 years? - We will be building an agency for future generations. - See a vision that 5 years from now of having a museum of progress, we see staff involvement with clients- at all levels. - This changes the entire feel of the agency. - The right structure solves future problems.

TAPE 90, SIDE B

- The Oregon Disabilities Commission will focus on those with all disabilities . - We have 50% of our clients in the assistance program who are MR/DD. - The real issue is empowerment.

020 REPRESENTATIVE MEEK: Why isn't your vision being taken on?

BULLIS: It is. - Discusses employment as the ultimate form of advocacy. - Discusses present statuses. (SEE: Exhibit B).

040 REPRESENTATIVE STEIN: The real issue of empowerment is at the local level. - Describe how this would work at the local level.

050 BULLIS: Now one goes to VRD - at times wait 6 months (which is a drain on other state benefits). - Currently a counselor and you write an individual plan. The counselor signs plan - there is pressure to agree. - Foresee local advisory committee to look, every couple of months, at top ten complaints and resolve those issues.

077 BOB POGORELEC, RESULTS CONSULTANTS, INC: Submits and reads written testimony in support of HB 2955 (EXHIBIT H). - Conducted a management study on service to disabled people. - The findings resulted in drafting of bill similar to HB 2955. The bill died. - We analyzed services from the client's point of view. - We identified 17 key elements (i.e. flexibility, advocacy, responsiveness, simplicity) these do not happen within a large bureaucracy. - Spent 20 years with Vocational Rehabilitation agencies throughout the country and found those most effective to be either independent agencies or located within larger agencies with autonomy ability. - Discusses the success of the flexible structure in the Department of Defense.

170 CHAIR FORD: Were employees interviewed for your study?

POGORELEC: Yes, administration and supervisors. Was not able to get an appointment with the director.

CHAIR FORD: What were VRD employees' feelings about delivery of services?

POGORELEC: They were disillusioned and disappointed. Decisions were

made from DHR instead of the client point of view. - The study was made at the request of a private disabled group in Oregon.

194 REPRESENTATIVE TAYLOR: VRD is involved with federal funds. Do you think you achieve autonomy with federal mandates?

POGORELEC: Despite all programs DHR has implemented, still hear that they are short 20% of available federal funds. Part of this requirement is there is no money to serve clients on a timely basis. The longer wait the more likely it will be unsuccessful. Federal dollars are there, we just aren't taking advantage of them.

260 DAVE HULSE, DISABLED OREGONIANS FOR EFFECTIVE SERVICES, INC: Submits and summarizes written testimony in support of HB 2955 (EXHIBIT I). - Praises advocacy work done by the late Charlie Cannifax.

340 JACK THORTON, OREGON CHAPTER NATIONAL REHABILITATION ASSOCIATION: Submits and reads written testimony on HB 2955, with statistics of polls supporting the transfer (EXHIBIT J).

TAPE 91, SIDE A

010 LORI SITTON, CITY AND COUNTY ADVISORY COMMITTEE FOR THE DISABLED: Testifies in support of HB 2955. - The move to a consumer directive council would improve the sensitivity to consumer needs. - The transfer would create the opportunity for additional funds to match federal dollars. - Over the past eight years VRD has appeared to become lost within DHR and is not getting the budgetary program advocacy it deserves.

030 REPRESENTATIVE MARGARET CARTER, DISTRICT 18: Submits and reads written testimony in favor of HB 2955 (EXHIBIT K).

080 JEAN TEETS, CITIZEN: Submits, and through an interpreter, reads written testimony in support of HB 2955 (EXHIBIT L).

125 DAVE HYDE, NATIONAL FEDERATION OF THE BLIND OF OREGON: Submits and reads written testimony in favor of HB 2955 (EXHIBIT M). - We try to have the hearings before administrative rules pass. All meetings are open to the public and we let people know they should attend.

CHAIR FORD: Will you send the list commencing services?

HYDE: Yes.

300 JAMES TOEWS, MENTAL HEALTH AND DEVELOPMENTAL DISABILITY SERVICES DIVISION: Submits and reads written testimony in opposition to HB 2955 (EXHIBIT N).

370 CHAIR FORD: If the transfer occurred are you saying that funds for long term support through MHDDSD would not be available?

TOEWS: Not saying that.

CHAIR FORD: You are already working with Department of Education and Economic Development and others who are not within DHR.

TOEWS: Correct. Am suggesting that it is by close leveraging between close DHR agencies that people with severe disabilities have been best

served.

CHAIR FORD: Do you work with the Commission for the Blind?

TOEWS: Yes we do. - It is not as easy to work across agency lines, but it is done.

430 EUGENE ORGAN, OREGON DISABILITIES COMMISSION: Submits and reads written testimony in favor of HB 2955 (EXHIBIT O). - In response to CHAIR FORD, yes developmentally disabled representatives are on the ODC. - We have one person who specifically represents the mentally ill; the late Charlie Cannifax provided that function.

TAPE 92, SIDE A

100 REPRESENTATIVE TAYLOR: Impressed with testimony from both sides. - Could you address your role for long term and short term rehabilitation support.

ORGAN: Part of our statute is coordination of effort, mandated among agencies. - Don't believe that services will stop the moment DHR loses control. - Service providers within DHR agencies are committed to providing those services. - Within VRD there is a wealth of talent. We will not assume administration for that agency. VRD staff is not in jeopardy of losing their jobs if this transfer occurs.

141 JIM HOVEY, OREGON DISABILITIES COMMISSION: Testifies in favor of HB 2955. - Tells background with VRD. - ODC offers good representation. - Discusses budget transfers. - Discusses hardships in receiving services from VRD.

200 SCOTT LAY, CHAIR, OREGON DISABILITIES COMMISSION: Submits and reads written testimony in support of HB 2955 (EXHIBIT P). - Explains how VRD would fit into the structure of ODC.

REPRESENTATIVE TAYLOR: Isn't disability determination a scientific activity?

LAY: There are specific regulations but there is always interpretation to those regulations. - Discusses conflict/management resolution component.

365 MEG HODOWONIC, CITIZEN: Submits and discusses written testimony in favor of HB 2955 (EXHIBIT Q).

TAPE 91, SIDE B

015 W.W. HODOWONIC, RESIGNED VRD EMPLOYEE/CITIZEN: Testifies in favor of HB

2955. - Before hearing testimony today, I opposed this bill. - Not pleased with VRD, in an attempt to meet regulations in having 56% of the State Advisory Committee members as disabled citizens, handed those inexperienced people the budget. - Challenges VRD to substantiate if they have ever had a disabled consumer quorum, since the September budget meeting. - Discusses inter-agency agreements. - Discusses

"satisfactory" rehabilitation to satisfy legislative members in order to request additional funding. - In response to CHAIR FORD, that information should be available from CAP and VRD.

CHAIR FORD: We would like that information.

160 ELLEN DOODY, VRD CLIENT: Submits and reads written testimony in opposition of HB 295 5 (EXHIBIT R).

TIM KRAL, OREGON REHABILITATION ASSOCIATION: Submits and reads written testimony in opposition to HB 2955 (EXHIBIT S).

233 CHAIR FORD: Do you have suggestions to make VRD more responsive to their clients?

KRAL: New members are not under-represented. They need to nurture members and also listen.

270 KATHRYN WEIT, ARC: Submits and reads written testimony on HB 2955 (EXHIBIT T).

CHAIR FORD: What do you feel would cause the lack of coordination within VRD?

WEIT: We would like to see a broader representation and see an agency that would listen to the clients. Our involvement with Oregon Disabilities Commission has just begun. From an advocacy point of view, we see ODC as a strong advocate. Feels that it is difficult for advocates to be providers.

CHAIR FORD: Has your board voted on this bill?

WEIT: We have not taken a position, only raising concerns.

Submitted for the record, testimony from Stockey (EXHIBIT U) and testimony from Altig (EXHIBIT V).

CHAIR FORD: Adjourns the meeting at 4:33 p.m.

Submitted by,

Reviewed by,

Pamela Berger

Melanie Zermer

EXHIBIT LOG: A - Policy guidelines - staff - 2 pp. B - HB 2955 - bill information/amendments - staff - 26 pp. C - HB 2955 - testimony - Carrell - 1 p. D - HB 2955 - testimony - Hannon - 2 pp. E - HB 2955 - testimony - Southwell - 4 pp. F - HB 2955 - testimony - Concannon - 4 pp. G - HB 2955 - testimony - Ackerman - 1 p. H - HB 2955 - testimony - Pogorelec - 3 pp. I - HB 2955 - testimony - Hulse - 1 p. J - HB 2955 - testimony - Thornton - 3 pp. K - HB 2955 - testimony - Carter - 1 p. L - HB 2955 - testimony - Teets - 1 p. M - HB 2955 - testimony - Hyde - 2 pp. N - HB 2955 - testimony - Toews - 3 pp. O - HB 2955 - testimony - Organ - 4 pp. P - HB 2955 - testimony - Lay - 2 pp. Q - HB 2955 - testimony - Hodowonic - 30 pp. R - HB 2955 - testimony - Doody - 2 pp. S - HB 2955 - testimony - Kral - 3 pp. T - HB 2955 - testimony - Weit - 1

p. U - HB 2955 - testimony from Stockey - staff - 2 pp. V - HB 2955 -
testimony from Altig - staff - 1 p.