

Draft
State Rehabilitation Council (SRC)
Program Review Committee Meeting Minutes

September 6, 2023

Attendance

Members Present

Lisa Livesay
Linda Fischer
Adam Robson
Paula Seanez

Members Absent

Staff Present

Lindsey Powers

Guests Present

Marisela

Minutes

Call to Order and Introductions

Lisa Livesay called the meeting to order at 9:32 am. Introductions were made, and a quorum was present.

Approval of July 26, 2023 Meeting Minutes

Adam Robson moved to approve the minutes of the July 26, 2023 SRC Program Review meeting. Lisa Livesay seconded the motion. The meeting minutes were approved by unanimous voice vote.

Hearing Decisions Review

Lisa Livesay stated the committee had discussed their findings at the previous SRC Full Council meeting and received feedback from Mathew

Nevarez and Kristen Mackey. Ms. Livesay noted that Mr. Nevarez indicated that Rehabilitation Services Administration (RSA) provided training to the ALJs in the past and was considering whether to offer training again. Lisa Livesay stated Mathew Nevarez reported that he checked for any regional trends in the Fair Hearing decisions and met with the Policy Unit regularly to discuss any suggestions for policy clarifications. Adam Robson stated his understanding that RSA did not have a lot of control over the ALJ training. Linda Fischer stated her recollection that the Inspector General oversaw the training for the ALJs. Adam Robson inquired whether the Fair Hearing cases were assigned to judges randomly, or whether some judges worked with certain cases. Linda Fischer stated that she was unsure, although the cases were likely appointed randomly. Lisa Livesay noted that Mathew Nevarez stated there had a high turnover rate of ALJs the previous year, although there had been more consistency lately. Adam Robson inquired whether RSA was able to appeal an ALJ's decision, or if the decisions were final. Linda Fischer stated she was unsure, although some appeals would go to the Department of Economic Security (DES) Director for review. Paula Seanez inquired whether Vocational Rehabilitation (VR) staff could be trained or refreshed on the Fair Hearing process and to try to resolve the issue at the lowest level. Lisa Livesay stated that only specific individuals could provide training to VR staff, although this could be an example of the need for further training. Lisa Livesay stated she would be interested to know how clients were informed about the Fair Hearing process and how VR staff were trained to have those conversations with clients. Linda Fischer stated that some cases might be complicated, or a VR policy clearly explained VR's decision. She noted a client might want to request a Fair Hearing so the case could be heard by an ALJ. Adam Robson stated the VR Policy Manual did have information regarding the Fair Hearing process, and that VR staff might benefit from being reminded of the information.

Lisa Livesay stated that Mathew Nevarez had indicated the SRC might need to make a formal public records request for future data and the committee could request an update on that. Linda Fischer stated the SRC was entitled to request data from RSA, and there might be confusion about the SRC's role. Lisa Livesay stated she was unsure whether the committee was ready to make recommendations to RSA regarding additional training for ALJ staff. She noted that RSA had mentioned potentially offering training to ALJs and suggested the council offer support to RSA if that occurred. Linda Fischer

suggested inviting Mathew Nevarez to the next committee meeting to inquire about some of the questions before making any recommendations. Lisa Livesay agreed and noted that Mathew Nevarez had indicated that he would provide a full report at the next Full Council meeting, so the committee could meet with him when that report was finalized. Lisa Livesay stated that Mathew Nevarez had also mentioned that Fair Hearings had been somewhat delayed due to a lack of ALJs and client postponements, which could be problematic depending on the services being postponed. Ms. Livesay noted that some clients would need to go through contractors and/or evaluations, which took time as well. Adam Robson stated the committee could request information from Mathew Nevarez at the next committee meeting. Mr. Robson inquired whether the committee would like to also request Fair Hearing decision data from RSA regularly. Linda Fischer stated the committee could request that data annually from the Ombudsman's office. Lisa Livesay agreed, and suggested the committee request the rest of the Fair Hearing decision data for the year, which would be March-December 2023.

Agenda and Date for Next Meeting

The next meeting of the Program Review Committee TBD.

- Ombudsman's Report/Discussion

Lisa Livesay stated at the next meeting, the committee could inquire about the Fair Hearing training process, how ALJs were trained, the public records request process, and about the client conversations with VR regarding the Fair Hearing process. Lisa Livesay stated that once the committee had finalized any recommendations regarding the Fair Hearing decisions, the committee could consider offering support for the Transition program. The committee members agreed that would be a great activity.

Announcements

Lisa Livesay stated the Arizona Department of Education (ADE) was supporting RSA's Transition program on utilizing the Pre-ETS funds. She stated the SRC could request an update from the Transition team at a future SRC meeting.

Public Comment

A call to the public was made with no comments forthcoming.

Adjournment of Meeting

Paula Seanez motioned to adjourn the meeting. Adam Robson seconded the motion. The meeting was adjourned at 10:45 am.