



**Commission on People with Disabilities
Meeting Minutes
November 10, 2021**

****MEETING WAS HELD VIA ZOOM ****

Welcome and Approval of October 2021 Meeting Minutes

Seth Morgan, Chair, convened the meeting. A motion was made to approve the October 2021 Meeting Minutes. The motion was seconded. A vote was taken and the October 2021 Meeting Minutes were unanimously approved as written. Approved minutes are available online at www.montgomerycountymd.gov/cpwd.

MedStar Health Shift to Telemedicine to Enhance Access and Hospital Visitation Policies – Pegeen A. Townsend, Vice President, Government Affairs, MedStar Health

MedStar Health provides healthcare in Maryland, Virginia and Washington, D.C. via a ten hospital healthcare system which includes MedStar Georgetown University Hospital, MedStar Washington Hospital Center, and MedStar Montgomery Medical Center. MedStar also manages 250 ambulatory sites within their network including a large home health agency known as Visiting Nurses Association and 36 urgent care centers. MedStar recently purchased Righttime Medical Care and will be converting those to MedStar urgent care centers.

Pegeen gave an overview of telehealth services over the past 18 months. Between March 16, 2020 and May 1, 2020, MedStar went from 100 telehealth visits per week to approximately 5,000 within that six-week period of time. Telehealth services are provided in three different ways – 1) tele-triage helps emergency departments quickly triage patients and were utilized to provide support at urgent care centers; 2) rescheduling in-person appointments for telehealth appointments; and 3) telehealth urgent care visits on demand available 24 hours a day, 7 days a week for COVID-19 assessments and minor medical care. The age group that utilized telemedicine the most during this period of time were 50 to 70-year olds. Telehealth also reduced no show rates by one-third. In-person office visits are starting again, but telehealth will remain and continues to be utilized.

Pre-pandemic MedStar saw 103,000 visits for behavioral health per year. During 2020, those visits increased by almost 15% to approximately 118,000 behavioral health visits. 69% of visits are conducted via video, 27% via phone and 4% are in-person. Those numbers continue at those levels as individuals continue to seek out the telehealth option. Telehealth for behavioral health visits have expanded access, increased capacity and decreased no show rates from 18% to 9%.

Pegeen noted that there were a lot of unknowns during the beginning of the pandemic regarding how the virus is transmitted. MedStar adopted a three-tier policy approach for visitation – green, yellow and red. In the beginning of the pandemic, MedStar was in the red policy. Visitation policies in general distinguish between COVID and non-COVID patients. Visitation policies varied depending on the situation such as end-of-life care, OB-GYN patients, pediatric patients, emergency surgery, and persons with disabilities who need support personnel or assistance.

Pegeen said visitation in hospitals for persons with disabilities has been an issue during the pandemic. There were also issues on how to define or identify a person with a disability. The policy has evolved. The red policy allowed no visitors for most patients except for supportive personnel or compassionate care. The yellow policy required visitors to wear masks and be screened with support personnel required to wear Personal Protective Equipment (PPE). Visitors were not allowed to wait in common rooms and visitation hours were limited. The green policy allows non-COVID patients to have one visitor at a time with expanded hours. COVID patients can still not have visitors with the exception of supportive personnel. MedStar is currently operating under the green policy.

Visitation policies also were different at various hospitals throughout the region based on COVID-19 infection rates. In the beginning of the pandemic, the infection rate was more in Montgomery County and the Washington, D.C. region. As the pandemic progressed, the infection rate later shifted to Baltimore.

Pegeen opened the floor to questions.

Seth asked if telehealth is being used for initial patient evaluations. He is a physician by training and said he can see the use of telehealth for follow-up visits but an in-person physical exam should be conducted for any initial patient evaluation. Pegeen said during the pandemic restrictions on telehealth were removed as in-person visits were not being conducted for any appointments. She noted that medical boards would like initial patient evaluations to be held in-person and there may be some legislation on this topic moving forward. There is no clear answer at this time.

Tonya Gilchrist, Commissioner, asked about MedStar's policy on ventilators. At the beginning of the pandemic, some hospitals had to ration ventilators with them only being given to certain individuals based on need and level of severity. Tonya suggested persons with disabilities be included on hospitals ethic boards to ensure people with disabilities receive equal care within a hospital. Pegeen said MedStar does have a 'scarce resource allocation' policy that has a step-by-step checklist but it was never implemented during the pandemic. She will get more information on MedStar's policy to share with the Commission. When the pandemic started, MedStar began working with the University of Maryland and Johns Hopkins to review and review these policies.

Dr. Michael Greenberg, Commissioner, said the pandemic exposed a lot of weaknesses in terms of how hospitals and health care systems provide services to people with disabilities. There are many individuals with certain types of disabilities that require support personnel throughout the day. He suggested MedStar review policies focused on persons with disabilities including rationing of healthcare and support personnel and have input from persons with disabilities when developing these policies.

Jeneva Stone, Commissioner, has a son who is medically complex and who has a home and community-based services Medicaid nurse. He needs two support staff with him at all times. During the pandemic her son had to visit MedStar Georgetown Hospital for outpatient procedures and hospital staff would not allow support personnel to stay with him but offered nurses instead. Jeneva has concerns that visitation policy restrictions may continue for an undetermined amount of time. Individuals who are non-verbal and non-ambulatory should be able to have both an inclusion aide to help them with their communications needs as well as their home and community-based services Medicaid nurse who is supposed to be with the individual the entire time they are on shift. Jeneva added that there is also a need for wheelchair accessible scales

Marissa Ditkowsky, Commissioner, asked if hospital staff can be properly trained to understand the needs of individuals with disabilities. Pegeen said due to the pandemic hospitals nationwide have learned that the same visitor policies do not work for everyone. She hopes moving forward MedStar can prove that they are going to do better.

Trish Gallalee, Vice-Chair, said as a person who uses a wheelchair and has limited mobility, it is rare that she asked if she needs assistance. Many facilities do not have tables that can be made lower to accommodate a transfer or in some cases a room large enough to fit the wheelchair into the room.

Jametta Anderson, Commissioner, emphasized the need for hospital staff to be trained in disability etiquette and awareness as well as how to support individuals with disabilities, their families and their support staff. In addition, it has been her experience that healthcare professionals do not know the appropriate terminology when describing a person who has an intellectual disability.

Eric Cole, Commissioner, said a review of medical forms is also needed. Some forms still use the term 'mental retardation' rather than 'intellectual disability'.

Seth said it is important to increase sensitivity across all realms. He understands that staff need to be better trained in how to deal with individuals who need more respect and more acceptance than they are given. He offered this Commission to provide input and assistance.

Mandy McCarthy, Commissioner, noted it is important to let staff know that one type of accommodation may not work for someone else and that supports and special accommodations should be individualized. As a person with severe hearing loss, she has had issues with hospitals telling her to call to make appointments which was extremely difficult for her and added additional stress.

Pegeen thanked the Commission for the opportunity present. She appreciates the feedback received and hopes to move forward in a positive manner. She would like to continue a dialogue with the Commission.

Maryland State Department of Education Division of Rehabilitation Services (DORS): Priorities and Waiting List – Beth Lash, Regional Director

Website: <https://dors.maryland.gov/Pages/default.aspx>

DORS has three administrative offices in Montgomery County – one in Wheaton and two in Germantown. Beth manages two offices that serve lower Montgomery County. She manages Montgomery County transition services as well as the Wheaton adult unit. Sharon Plump is the Regional Director for the other Germantown office that serves upper Montgomery County.

DORS staff have been back in the office full-time since July 1. A partial telework plan is pending approval which should help with staff retention. Staff are still providing mostly virtual appointments and working with consumers electronically. A new counselor for the deaf has been hired for the Wheaton office as well as a new transition counselor. DORS longtime Cornerstone counselor Margaret Muller retired October 1. That position will be advertised soon. DORS is also hiring a new business services representative.

DORS accepts applications for vocational rehabilitation (VR) services as early as age 14 in a shift to getting those applications in earlier. There is still some confusion about the two programs so DORS is fine tuning communication to explain to families that an individual is not eligible for PRE-ETS once the individual turns 22 or exits the school system.

DORS now offers an online referral portal on their website where referrals go directly into a case management system with an expedited process to ensure individuals are promptly provided an application for services.

DORS is looking at changing some of their structures. Eligibility will probably start being processed centrally in the state so field offices and field counselors can focus on service delivery. This should make the process more efficient and eligibility determinations and category assignments more consistent. DORS also has a new billing portal for vendors which has cleared up a lot of previous billing issues.

Beth answered a list of questions that were sent to her prior to the meeting.

What is the latest information on the DORS waiting list?

DORS does not have sufficient resources, both funding and staff, to provide services to all individuals determined to be eligible for vocational rehabilitation services.

When the VR program was reauthorized by Congress in 2014, they made a major change, creating a second program that DORS administers called [Pre-Employment Transitioning Services](#) (Pre-ETS), which is focused strictly on students with disabilities who are between the ages of 14 and 21. Congress also mandated existing resources be shifted, including funding and staff, to administer Pre-ETS.

As a result of the tremendous growth of Pre-ETS since 2014, DORS has had to shift staff from the VR program to the Pre-ETS program. As such, we no longer have the human resources available to manage both

programs. Therefore, DORS has a Waiting List for the VR program. Category 1 is Most Significant Disability; Category 2 is Significant Disability; and Category 3 is Non-Severe Disability. DORS is required to make an eligibility decision on everyone who applies for services, regardless of whether they have a disability or not. Unfortunately, that does not mean we have the capacity to provide services.

If you are eligible for services and have a “most significant disability” (Category 1): you can begin your rehabilitation program without delay.

If you are eligible for services and have a “significant disability” (Category 2): You will be placed on the waiting list. DORS will serve persons on the waiting list as soon as resources are available. Individuals on the waiting list the longest will be served first. DORS is actively working to reduce the waitlist.

DORS does not expect to provide services to eligible individuals with “non-severe disabilities” (**Category 3**) in the foreseeable future.

Individuals continue to be moved off of the waiting list but at this point there is a five-year delay for services. This has been an improvement as due to the pandemic spending shifted and DORS has been able to serve individuals on the wait list. If the severity of the disability changes, or if the individual has additional information regarding their disability, they should discuss this with their counselor.

Does DORS serve individuals other than transitioning youth?

The lower Montgomery County regional offices serve more adults than transitioning youth. Montgomery County has nine adult counselor positions that are managed by two different supervisors and six transition counselor positions that are managed by one supervisor.

How is transition to adult VR services handled?

New referrals that are age 22 and over go directly to the adult units. New referrals under 22 but out of the school system are still assigned a transition counselor. When that individual turns 25, they are moved to the adult caseload. An individual aged 22 to 24 may move sooner to an adult counselor depending on internal workloads. Transition counselors should be advising the consumer and the family along the way that there is an upcoming transition and the consumer and the family should be informed in writing when that change is made.

Does DORS have adequate funding for Pre-ETS and is there a waiting list for those services?

There are no funding issues or waiting lists with Pre-ETS. The way regulations are written if there is more of a demand for Pre-ETS that just reduces the amount of VR funds available. There is a human resource issue with staffing within the last 18 months. There have been 24 position turnovers in Beth’s region. There has also been a hiring freeze during the pandemic so 14 vacancies or approximately one-third of Beth’s staff have remained unfilled. It does present challenges in being able to adequately serve individuals. Due to these staffing issues Jody Boone, Office of Field Services Director, designated a counselor position and two secretaries to Beth’s region in the transition unit. These positions are contractual. Beth noted that it is challenging to attract and retain employees through contractual, state salary positions. DORS is currently examining this issue.

What is the best use of County funding for employment services for persons with disabilities?

In the past the County has funded services to help job development for Category 2 individuals. Beth said this would still be appropriate given the wait list and those individuals would benefit from direct assistance with job searches.

Does WorkSource Montgomery have designated funds for persons with disabilities?

WorkSource Montgomery is DORS’ Workforce Innovation and Opportunity Act (WIOA) workforce partner. WorkSource previously had a federal grant with designated funds for persons with disabilities, but that is no longer the case. They are supposed to serve all individuals.

Is there a clear referral process to WorkSource Montgomery?

DORS has intended to have a smooth referral process but the pandemic has interfered with that system. DORS program staff have an outreach responsibility for any referral given to them, but individuals are responsible for initiating a referral or following up on applications seeking services at the American Job Center and other workforce partners. Counselors now have to meet certain benchmarks for not only making a referral but for having a warm collaboration with either the American Job Center or other appropriate workforce partner including adult education or Department of Social Services.

The floor was opened to questions.

Karen Hochberg, Office of Human Resources, said applicants requesting a hiring preference are required to provide a Schedule A letter. The County does not accept doctors' notes. She has received inconsistent responses from applicants. Some say their DORS counselor said the individual has to have already applied and been offered the job in order to receive the Schedule A letter, but there is a limited window of time for the individual to request the hiring preference while the position remains open for applicants. Karen asked about the requirements for receiving a Schedule A letter. Beth said Schedule A letters are provided for a person with a disability regardless if they are a DORS client. If the individual is a DORS client they would work with their counselor directly. If the individual is not a DORS client, they can contact the unit supervisor in their regional office, provide that unit supervisor with medical documentation of their disability and then DORS could provide the Schedule A letter. There is no need for the individual to have a job offer as most individuals keep them on hand to offer potential employers to show they are eligible for Schedule A. Beth said she will remind staff about the process in the next staff email newsletter. She also noted that the business services representative does a fair amount of training related to Schedule A so once that position is filled that may help with any issues or confusion.

Mario Damiani, Commissioner, added that while going to DORS is good for official certification, a doctor's written statement that the individual has a disability and qualifies under the definition for Schedule A will suffice for the federal government. Marissa said the U.S. Department of Labor offers a Schedule A check list: <https://www.dol.gov/sites/dolgov/files/odep/wrp/scheduleachecklist.pdf>.

Tom Liniak, Commissioner, asked if DORS will be receiving any state or American Rescue Plan Act of 2021 (ARPA) funding that might change the revenue equation to reduce the Category 2 waitlist. He also noted that DORS provider rates have collapsed while DDA has raised provider rates about 20%. Beth said DORS should be releasing information very soon that will address his concerns.

Jeneva said she hopes that staff who are serving people with disabilities including developmental disabilities might shift from thinking about functional level to thinking about support level. Functional level is tied into understanding and expectations about a person's intelligence whereas assessing someone's level of supports, whether it be high or low, can help develop a plan for them in terms of actual aspirations. The way persons with disabilities are referred to at a functional level can have a damaging affect on their future lives. For example, it was suggested that her son could be a paper shredder due to his limited functionality. Her son is now a disability advocate who has spoken with multiple senators and the speaker of the house, he has spoken via assistive technology at a Senate press conference and presented for the University of Maryland. He is also trying to be a working artist and launch his own art website.

Betsy said this Commission needs to discuss how the County could be assisting Category 2s. There have been changes in state and federal funding that need to be reviewed and resources need to be maximized so the County can fill the gaps. Beth agreed and asked to be invited back for a future meeting to have a substantive discussion about Employment First. DORS is on the path to receive DDA funding and wants to focus energy and momentum towards early employment.

Chair and Vice-Chair Report

Seth reported County Council President Tom Hucker and Vice President Gabe Albornoz sent a letter to Montgomery County Department of Transportation (MCDOT) Director Chris Conklin expressing significant concerns regarding the issue of the Transportation Services Improvement Fund (TSIF). The letter asked for

specific responses as well as ongoing discussions and meetings. The County Council Health & Human Services (HHS) Committee and Council Transportation & Environmental (T&E) Committee will be holding a joint meeting at future date. A proposal has been submitted to both Committees outlining how to reduce or eliminate some of the taxicab related fees that may be an issue in terms of attracting and retaining taxicab drivers. A public hearing on this is scheduled for November 30. Seth encouraged Commissioners to make comments.

Seth shared with the County Council the [National Aging and Disability Transportation Centers Best Practices Compendium](#) which is a compilation of the lessons learned by the 16 grant programs funded by NADTC from 2017 through 2019. One of the grant programs was awarded to Easterseals DC MD VA.

Seth will be attending the County Council HHS Committee meeting with the Boards, Committees, and Commissions on November 17 where he will present the Commission's FY23 budget priorities.

Seth reported Matt Johnson, AICP, BiPPA, Capital Project Manager, Division of Transportation Engineering, MCDOT, will be holding a public presentation on the Fenton Street Bikeway Project on December 7. Matt will also be presenting to our Commission on this project at the December 8 meeting.

Marc Korman, Delegate, Maryland House of Delegates (District 16), will also be presenting to the Commission at the December 8 meeting on the upcoming legislative session in Annapolis and legislation that may be of interest to this Commission and people with disabilities in general.

ADA Updates – Matt Barkley, ADA Compliance Manager, Montgomery County Government

The ADA Compliance Team is currently working on 17 construction projects. Matt reported that the Division of Building Design and Construction has been working hard to finish construction on the new Nebel Street Shelter which is set to open by January 1, 2022. The Team has been involved to ensure that the new shelter is ADA complaint. County recreation centers have been used as temporary shelters until the new shelter opens.

Another project the Team is working on is the renovation of the Longwood Community Recreation Center as well as refreshing four pools over the next several years. The Team has finished work on the Pre-Release Center and is now working on the Montgomery County Correctional Facility.

Maryland Department of Transportation is conducting a statewide audit of ADA compliance of pedestrian pathways. The Team will be working with MCDOT to provide the information requested. Much of the information has been collected already when the Montgomery County Pedestrian Master Plan was updated. It will be key for this Commission and the disability community to be involved.

The Team continues to work on disability etiquette training for Montgomery County. The Team will also be seeking input from this Commission as the County moves forward with soliciting contracts for a new assistance listening provider. The current contractor is retiring.

Betsy Luecking, Staff, asked Matt to assist her in reviewing the County's Limited English Proficiency (LEP) policy and guidelines specifically regarding providing accommodations to individuals who are deaf or hard of hearing.

To contact the ADA Compliance Team for information, to make a comment, ask a question or file a grievance please contact 240-777-6197 (Voice), MD Relay 711, or email adacompliance@montgomerycountymd.gov.

Ex-Officio Member Reports

Jeneva, Liaison to the Countywide Recreation and Parks Advisory Board (CRPAB), reported CRPAB heard a presentation on the construction of the South Regional Recreation and Aquatic Center located in Silver Spring which is slated to open Spring 2023. The Center will have general locker rooms as well as five separate changing areas that can accommodate families as well as persons with disabilities. These separate changing areas will have benches installed that meet ADA standards for height and width. Jeneva said she has concerns as wheelchairs are not always the same height and some individuals who need assistance would have difficulty using the bench. The Maryland General Assembly passed legislation that was approved by the Governor in May

2021 that requires a changing facility suitable for providing personal care for an adult to be installed in at least one public restroom within a public building. The legislation is for public buildings constructed on or after October 1, 2021 and the construction of the new Aquatic Center began prior to this law going into effect. After learning about the legislation, the County is interested in learning more about height adjustable changing tables.

Jeneva said another issue discussed at the CRPAB meeting is the [Wheaton Regional Park Master Plan](#) which includes renovation of structures located at Wheaton Regional Park. There are stables located at the Park which occupy approximately 27 acres of land. Operating out of the stables is Cura Personalis, a program that serves persons with developmental disabilities in an integrated setting by providing volunteer opportunities where individuals work with the horses, participating in riding lessons and assist with upkeep of the stables. The stables are heavily used by both those with and without disabilities, but due to the building infrastructure and costs proposed to repair the stables Montgomery Parks is considering repurposing the property. Montgomery Parks has agreed to conduct a facility condition assessment to determine the cost of refurbishing the stables. The Master Plan has not yet been finalized, but there are already several organizations that are competing for this land including a nature center that serves elementary school children and mountain bike racing. Jeneva suggested this Commission hear a presentation and make comments and recommendations. Kristi Williams, Montgomery Parks (MP), suggested inviting MP to a future Commission meeting to present on the Wheaton Regional Park Master Plan. The Montgomery Planning Board will be discussing the plan mid-December. Seth suggested Montgomery Parks present next week at the Steering Committee meeting.

Kristi reported MP currently has a full-time term contract position available for an [Inclusive Programs and Events Assistant](#).

Mario Damiani, Commissioner, reported the U.S. Access Board recently sponsored a study on the feasibility of wheelchair securement systems in passenger aircraft: <https://www.access-board.gov/news/2021/09/23/u-s-access-board-holds-public-briefing-on-study-on-the-feasibility-of-wheelchair-securement-systems-in-passenger-aircraft/>.

Announcements

Tabled due to time.

Meeting adjourned – 7:35pm

Montgomery County Commission on People with Disabilities December 2021 Meeting and Events Calendar

Full Commission Meeting – Wednesday, December 8

6pm to 7:30pm to be held via Zoom – link to be announced

Developmental Disability Advisory Committee – Monday, December 13

4pm to 5:30pm to be held via Zoom – link to be announced

Steering Committee Meeting – Wednesday, December 15

5pm to 6pm to be held via Zoom – link to be announced

Submitted by: Carly Clem, Administrative Specialist I
Betsy Tolbert Luecking, Community Outreach Manager

