

Alabama Board of Rehabilitation Services
560 S. Lawrence Street
Montgomery, Alabama

Thursday, March 3, 2022
10:00 a.m. – 12:00 Noon
AGENDA

Call to Order	Eddie Williams, Chair
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Prayer	
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Verification of Quorum	Karen Freeman
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Verification of Open Meeting Act Notice	Eddie Williams
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Approval of Agenda	Eddie Williams
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Approval of Minutes:	Eddie Williams
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- Regular Board Meeting - Minutes for Dec. 2, 2021
- Executive Session – Minutes for Dec 2, 2021

Old Business:

Administrative Code Rules:	Eddie Williams
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Eddie Williams
Ashley Hamlett, General Counsel

Adopt and Approve the following amendments to the department's Administrative Code Rules as follows:

- A new rule under due process, Administrative Code Rule 795-2-3, Mediation. The current Rule 795-2-3, Formal Hearings, will be re-numbered 795-2-4 for sequential flow. The proposed new rule reflects the department's use of mediation as a due process option for consumers who appeal VR decisions.

- A new EI rule, 795-3-1-.03, Letters of Suitability, and amendments to existing EI Administrative Code Rules 795-3-1-.01 and -.04. The proposed new rule covers mandatory background checks and letters of suitability for the staff of EI providers who perform services in childcare facilities regulated by DHR. The rule changes also correct one rule reference and numerous clerical errors.

New Business:

Alabama Ethics Commission	Eddie Williams
2021 Statement of Economic Interests	Ashley Hamlett
www.ethics.alabama.gov	

Administrative Code Rules:

Eddie Williams
Ashley Hamlett

- Announce and Publish for Public Comment a Notice of Intended Action to Adopt and Amend the following Alabama Department of Rehabilitation Services (ADRS) Administrative Rules allowing Chapter 795-8-1, SAIL/Homebound Program to more clearly reflect the services the program provides. Nondiscriminatory provisions will be enhanced consistent with the program's unbiased approach in the delivery of services. Rules addressing transportation for consumers will be revised to include transportation to and from a place of employment, if eligibility requirements for such service have been met.

Board Member Questions and Division Updates

Executive Leadership Team

Commissioner's Comments and Legislative Update

Jane Elizabeth Burdeshaw,
Commissioner

Announcements:

Eddie Williams

Alabama Board of Rehabilitation Services meeting dates for **2022:**

- **Thursday, June 23, 2022 – 10:00 a.m.**, Off-site Location: TBD
- **Thursday, Sept. 15, 2022 – 10:00 a.m.**, Montgomery/State Office, Large Conf. Room
- **Thursday, Dec. 1, 2022 – 10:00 a.m.**, Montgomery/State Office, Large Conf. Room

Board Business/Discussion

Eddie Williams

Adjourn

Eddie Williams

Alabama Board of Rehabilitation Services
Alabama Department of Rehabilitation Services
560 South Lawrence Street
Montgomery, Alabama
Minutes
Thursday, March 3, 2022

Call to Order:

Mr. Eddie Williams, Board Chair, called the regularly scheduled in-person, open public meeting to order at 10:01 a.m.

Prayer:

Dr. Graham Sisson, Jr., Executive Director of the Alabama Governor's Office on Disability (GOOD), opened the board meeting with prayer.

Verification of Quorum:

Board members present (in-person): Mr. Eddie Williams, Board Chair; Mrs. Penny Foster, Board Vice-Chair; Mr. Kevin Kidd; Mr. Jimmie Varnado; and Mr. Charles Wilkinson. A quorum was declared.

Conference Call: Ms. Michelle Glaze and Mr. Mitch Strickland.

Verification of the Open Meetings Act Notice:

Pursuant to the proclamation dated March 3, 2022, the Alabama Board of Rehabilitation Services' regularly scheduled board meeting was conducted in person and open to the public. The Open Meetings Act allows for electronic participation except to establish a quorum. The Alabama Board of Rehabilitation Services requires four members to attend in person to establish a quorum, but other members may participate electronically. A conference call line was established for board members and the public participating electronically. Interpreter services were provided by Mr. Josh Brewer.

Mrs. Karen Freeman verified that the Alabama Board of Rehabilitation Services meeting for March 3, 2022, was posted on the Alabama Secretary of State's website on January 26, 2022, at 11:42 a.m.

Meeting registration was not necessary for in-person participants, but registration was required for those preferring to participate via conference call. Upon registration for the conference call, participants received an email with instructions and the telephone number to call. Registration information for the public was provided on the Alabama Department of Rehabilitation Services' website at the following link: <https://rehab.alabama.gov/about/meet-our-board> with a deadline of February 23, 2022, at 5:00 p.m. CDST. In addition to two ADRS members, Mr. Randy Lindsey participated in the meeting via conference call.

Approval of Agenda:

Mr. Williams asked for a motion to approve the agenda. The motion to approve the agenda was made by Mr. Jimmie Varnado and seconded by Mrs. Penny Foster. The motion was approved.

Approval of Minutes for Dec. 2, 2021 Meeting:

The regular board meeting minutes and executive session minutes for the Dec. 2, 2021, meeting were mailed prior to the board meeting. Mr. Williams stated that if there were no corrections, the minutes would stand approved as presented. The regular board meeting minutes and executive minutes were approved by unanimous consent.

Vocational Rehabilitation Services – Leadership Announcements:

Commissioner Burdeshaw introduced Mr. Ashley Townsend as the new Assistant Commissioner for the Vocational Rehabilitation Service, Blind and Deaf Division. Mr. Townsend is serving in the position previously held by Mr. Curtis Glisson. The Commissioner, the Alabama Board of Rehabilitation Services, and the Executive Leadership Team welcomed Mr. Townsend to his new role.

Commissioner Burdeshaw introduced Mr. Bedarius Bell as the new State Office Administrator of Special Programs for the Blind and Deaf Division. Mr. Bell is serving in the position previously held by Mr. Townsend. The Commissioner, the Alabama Board of Rehabilitation Services, and the Executive Leadership Team welcomed Mr. Bell to his new role.

Commissioner Burdeshaw introduced Dr. Courtney Dotson as the new State Office Administrator within the Vocational Rehabilitation Service, General Division. Dr. Dotson is serving in the position previously held by Mrs. Tina Dortch. The Commissioner, the Alabama Board of Rehabilitation Services, and the Executive Leadership Team welcomed Dr. Dotson to her new role.

Old Business:

Eddie Williams, Chair
Ashley Hamlett, General Counsel

Alabama Department of Rehabilitation Services, Administrative Code Rules:

During the board meeting in December 2021, the Board approved two motions proposing and publishing a new rule and amendments to the department's Administrative Code Rules as follows:

A new rule under due process, Administrative Code Rule 795-2-3, Mediation. The current Rule 795-2-3, Formal Hearings, will be re-numbered 795-2-4 for sequential flow. The proposed new rule reflects the department's use of mediation as a due process option for consumers who appeal VR decisions.

A new Early Intervention (EI) rule, 795-3-1-.03, Letters of Suitability, and amendments to existing EI Administrative Code Rules 795-3-1-.01 and -.04. The proposed new rule covers mandatory background checks and letters of suitability for the staff of EI providers who perform services in childcare facilities regulated by the Alabama Department of Human Resources. The rule changes also correct one rule reference and numerous clerical errors.

Notices of the proposed changes appeared in the December 30, 2021 edition of the *Alabama Administrative Monthly*. The proposed rule changes were also placed on the department's website. The notices called for public comments and requests to orally address the Board to be submitted in writing to the Board by March 1, 2022. No requests to address the Board were received. Comments were subsequently received from the Alabama Department of Human Resources ("DHR") regarding Rule 795-3-1-.03, Determination of Suitability of Employees Serving in DHR Licensed Facilities. Mr. Williams moved that the Board adopt and approve these comments with revisions consistent with DHR's concerns. The motion was seconded by Mr. Varnado and the motion was approved.

New Business:

Eddie Williams
Ashley Hamlett

Statement of Economic Interests:

Mrs. Ashley Hamlett, General Counsel, reported the Statement of Economic Interests should be completed and filed with the Alabama Ethics Commission no later than April 30, 2022, for the calendar year 2021. The Statement of Economic Interests form may be completed by visiting <http://www.ethics.alabama.gov>. Specific instructions for completing the form are available on the website if needed.

Alabama Department of Rehabilitation Services, Administrative Code Rules:

Eddie Williams
Ashley Hamlett

Mr. Williams opened the floor for discussion indicating the Board would need to consider a motion for the Legal Office to propose and publish amendments to the department's Administrative Code as follows: Announce and Publish for Public Comment a Notice of Intended Action to Adopt and Amend the following Alabama Department of Rehabilitation Services (ADRS) Administrative Rules allowing Chapter 795-8-1, SAIL/Homebound Program to more clearly reflect the services the program provides. Nondiscriminatory provisions will be enhanced, consistent with the program's unbiased approach in the delivery of services. Rules addressing transportation for consumers will be revised to include transportation to and from a place of employment if eligibility requirements for such service have been met.

Upon approval by the Board, a notice of the rule changes will appear in the Alabama Administrative Monthly in the March 31, 2022 edition. The notice will call for public comments and written requests to orally address the Board concerning the rule changes. The rule changes will also be placed on the department's public website.

Mr. Williams moved that the Board announce and publish for public comment a notice of intended action to adopt and amend ADRS Administrative Rules, Chapter 795-8-1, SAIL/Homebound Program. The motion was seconded by Mr. Varnado and the motion was approved.

Board Member Questions and Division Updates:

The Executive Leadership Team members were provided an opportunity to answer any questions and give updates to their written reports.

Commissioner's Comments and Legislative Update:

Commissioner Burdeshaw reported that in addition to the regular Legislative session, a special session was called on January 19, 2022. The special session agenda was the American Rescue Plan Act (ARPA). The final bill passed during the special session included a line item to support the delivery of healthcare and related services to the coronavirus pandemic. The specific allocation of \$36,796,346 will be available through a Memorandum of Agreement with Alabama Department of Public Health, Alabama Department of Mental Health, and Alabama Department of Rehabilitation Services, assisted living or any other state entity of competent jurisdiction, and health care association or health care provider. ADRS was asked to compile a proposal regarding how the department would expend a portion or all of the allocation. The Commissioner is excited about the benefit of this potential funding stream and the positive impact it could have for the individuals and families that we serve. The proposal was submitted to the Bill Poole, State Finance Director, and his legal team.

Commissioner Burdeshaw reported the Education Trust Fund budget in the House and Senate remain the same for the Alabama Department of Rehabilitation Services. This includes the request for additional funding for the Alabama Head and Spinal Cord Injury Trust Fund.

Commissioner Burdeshaw provided a brief update on the Governor's Emergency Education Relief (GEER) Fund II. It is the desire of the Governor and the State Finance Director's office that \$5 million of the GEER II funds be distributed to local non-profits serving children and youth with disabilities. The Alabama Department of Rehabilitation Services is willing to assist the Alabama State Department of Education so that these funds reach local programs.

Commissioner Burdeshaw reported after an extensive search, the Alabama Department of Rehabilitation Services has located a potential replacement for the soon-to-be vacated Alabama Board of Rehabilitation Services, District 2, board member position. She expressed appreciation to Mr. Varnado for his willingness to help with the search. Mr. Varnado played an instrumental role in seeking and educating a potential replacement. The nomination packet for Ms. Kimberlin Love was mailed to the Governor's Appointments office. Ms. Love's appointment is subject to the Governor's approval and Senate confirmation.

Mr. Varnado and the Alabama Board of Rehabilitation Services congratulated Commissioner Burdeshaw on her willingness to serve as co-chair on the Council of State Administrators of Vocational Rehabilitation (CSAVR) Diversity, Education, Inclusion, and Access Professional Network and the Alabama Workforce Council (AWC). Commissioner Burdeshaw expressed her appreciation to the board and noted that she is pleased to have this opportunity to serve as it will place consumers in a better position.

Commissioner Burdeshaw reported the Alabama Department of Rehabilitation Services continues to operate under specific health and safety guidelines. The guidelines are updated to coincide with the most recent protocols from the Center for Disease Control and Prevention, the Alabama Department of Public Health, and the Governor's Office. Application rates for all ADRS programs continue to rise as the demand returns to pre-pandemic levels.

Commissioner Burdeshaw requested that board members notify her when attending events related to the Alabama Department of Rehabilitation Services.

Announcements:

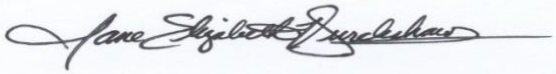
Alabama Board of Rehabilitation Services meeting dates for **2022:**

- Thursday, June 23, 2022 – 10:00 a.m., ADRS, Montgomery, AL
- Thursday, September 15, 2022 – 10:00 a.m., ADRS, Montgomery, AL
- Thursday, December 1, 2022 – 10:00 a.m., ADRS, Montgomery, AL

There being no further business, the meeting was adjourned at 10:41 a.m.

Minutes were taken by Karen Freeman.

Respectfully submitted:



Jane E. Burdeshaw, Commissioner

Approved:



Eddie C. Williams, Chair