

Enrolled Senate Bill 40

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CHAPTER

AN ACT

Relating to the Telecommunication Devices Access Program; amending sections 9 and 14, chapter 290, Oregon Laws 1987.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 9, chapter 290, Oregon Laws 1987, as amended by section 2, chapter 872, Oregon Laws 1991, section 32, chapter 280, Oregon Laws 1995, section 2, chapter 451, Oregon Laws 1995, and section 1, chapter 384, Oregon Laws 1999, is amended to read:

Sec. 9. As used in sections 9 to 14, chapter 290, Oregon Laws 1987, unless the context requires otherwise:

(1) "Adaptive equipment" means equipment that permits a disabled person, other than a person who is hearing or speech impaired, to communicate effectively on the telephone.

(2) "Applicant" means a person who applies for an assistive telecommunication device, adaptive equipment or a signal device.

(3) "Assistive telecommunication device" means a device that utilizes a keyboard, acoustic coupler, display screen, Braille display, speakerphone or amplifier to enable deaf, deaf-blind, severely hearing impaired or severely speech impaired people to communicate effectively on the telephone.

(4) "Audiologist" means a person who has a master's or doctoral degree in audiology and a Certificate of Clinical Competence in audiology from the American Speech-Language-Hearing Association.

(5) "Deaf" means a profound hearing loss, as determined by an audiologist or a vocational rehabilitation counselor of the Department of Human Services, that requires use of an assistive telecommunication device to communicate effectively on the telephone.

(6) "Deaf-blind" means a hearing loss and a visual impairment, as determined by a licensed physician and by an audiologist or a vocational rehabilitation counselor of the Department of Human Services, that require use of an assistive telecommunication device to communicate effectively on the telephone.

(7) "Disabled" means a physical condition, as determined by a licensed physician or vocational rehabilitation counselor of the Department of Human Services, other than hearing or speech impairment that requires use of adaptive equipment to utilize the telephone.

(8) "**Hearing aid specialist**" means a person licensed to deal in hearing aids under ORS chapter 694.

[(8)] (9) “Physician” means an applicant’s primary care physician or a medical specialist who is able to determine an applicant’s disability and to whom the applicant was referred by the primary care physician.

[(9)] (10) “Recipient” means a person who receives adaptive equipment, an assistive telecommunication device or a signal device.

[(10)] (11) “Severely hearing impaired” means a hearing loss, as determined by an audiologist or vocational rehabilitation counselor of the Department of Human Services, that requires use of an assistive telecommunication device to communicate effectively on the telephone.

[(11)] (12) “Severely speech impaired” means a speech disability, as determined by a speech-language pathologist or vocational rehabilitation counselor of the Department of Human Services, that requires use of an assistive telecommunication device to communicate effectively on the telephone.

[(12)] (13) “Signal device” means a mechanical device that alerts a deaf, deaf-blind or severely hearing impaired person of an incoming telephone call.

[(13)] (14) “Speech-language pathologist” means a person who has a master’s degree or equivalency in speech-language pathology and a Certificate of Clinical Competence issued by the American Speech-Language-Hearing Association.

[(14)] (15) “Telecommunications relay center” means a facility authorized by the Public Utility Commission to provide telecommunications relay service.

[(15)] (16) “Telecommunications relay service” means the provision of voice and teletype communication between users of some assistive telecommunication devices and other parties.

SECTION 2. Section 14, chapter 290, Oregon Laws 1987, as amended by section 1, chapter 115, Oregon Laws 1989, section 7, chapter 872, Oregon Laws 1991, section 33, chapter 280, Oregon Laws 1995, and section 5, chapter 384, Oregon Laws 1999, is amended to read:

Sec. 14. (1)(a) In order to be eligible to receive assistive telecommunication devices or adaptive equipment, individuals must be certified as deaf, severely hearing impaired, severely speech impaired or deaf-blind by a licensed physician, audiologist, **hearing aid specialist**, speech-language pathologist or vocational rehabilitation counselor of the Department of Human Services. Certification implies that the individual cannot use the telephone for expressive or receptive communication.

(b) No more than one assistive telecommunication device or adaptive equipment device shall be provided to a household. However, two assistive telecommunication devices or adaptive equipment devices may be provided to a household if more than one eligible person permanently resides in the household. Households without any assistive telecommunication devices or adaptive equipment shall be given priority over households with one assistive telecommunication device or adaptive equipment device when such devices are distributed.

(c) [Nothing in] Sections 9 to 14, chapter 290, Oregon Laws 1987, [shall] **do not** require a telecommunications utility to provide an assistive telecommunication device to any person in violation of ORS 646.730.

(2)(a) In order to be eligible to receive adaptive equipment, individuals must be certified to have the required disability by a person or agency designated by the Public Utility Commission to make such certifications. Certification implies that the individual is unable to use the telephone.

(b) [Nothing in] Sections 9 to 14, chapter 290, Oregon Laws 1987, [shall] **do not** require a telecommunications utility to provide adaptive equipment to any person in violation of ORS 646.730.

Passed by Senate February 19, 2007

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Secretary of Senate

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President of Senate

Passed by House March 27, 2007

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Speaker of House

Received by Governor:

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Approved:

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State