

Senate Bill 40

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows licensed hearing aid specialists to certify individuals as eligible to receive assistive telecommunication devices or adaptive equipment through Telecommunication Devices Access Program.

A BILL FOR AN ACT

1
2 Relating to the Telecommunication Devices Access Program; amending sections 9 and 14, chapter
3 290, Oregon Laws 1987.

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

5 **SECTION 1.** Section 9, chapter 290, Oregon Laws 1987, as amended by section 2, chapter 872,
6 Oregon Laws 1991, section 32, chapter 280, Oregon Laws 1995, section 2, chapter 451, Oregon Laws
7 1995, and section 1, chapter 384, Oregon Laws 1999, is amended to read:

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

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

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

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

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

20 (5) "Deaf" means a profound hearing loss, as determined by an audiologist or a vocational re-
21 habilitation counselor of the Department of Human Services, that requires use of an assistive tele-
22 communication device to communicate effectively on the telephone.

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **chapter 694.**

2 [(8)] (9) "Physician" means an applicant's primary care physician or a medical specialist who is
3 able to determine an applicant's disability and to whom the applicant was referred by the primary
4 care physician.

5 [(9)] (10) "Recipient" means a person who receives adaptive equipment, an assistive telecommu-
6 nication device or a signal device.

7 [(10)] (11) "Severely hearing impaired" means a hearing loss, as determined by an audiologist
8 or vocational rehabilitation counselor of the Department of Human Services, that requires use of
9 an assistive telecommunication device to communicate effectively on the telephone.

10 [(11)] (12) "Severely speech impaired" means a speech disability, as determined by a speech-
11 language pathologist or vocational rehabilitation counselor of the Department of Human Services,
12 that requires use of an assistive telecommunication device to communicate effectively on the tele-
13 phone.

14 [(12)] (13) "Signal device" means a mechanical device that alerts a deaf, deaf-blind or severely
15 hearing impaired person of an incoming telephone call.

16 [(13)] (14) "Speech-language pathologist" means a person who has a master's degree or equiv-
17 alency in speech-language pathology and a Certificate of Clinical Competence issued by the Ameri-
18 can Speech-Language-Hearing Association.

19 [(14)] (15) "Telecommunications relay center" means a facility authorized by the Public Utility
20 Commission to provide telecommunications relay service.

21 [(15)] (16) "Telecommunications relay service" means the provision of voice and teletype com-
22 munication between users of some assistive telecommunication devices and other parties.

23 **SECTION 2.** Section 14, chapter 290, Oregon Laws 1987, as amended by section 1, chapter 115,
24 Oregon Laws 1989, section 7, chapter 872, Oregon Laws 1991, section 33, chapter 280, Oregon Laws
25 1995, and section 5, chapter 384, Oregon Laws 1999, is amended to read:

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

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

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

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

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

