

Enrolled House Bill 3205

Sponsored by Representative WILLIAMSON, Senator THOMSEN; Representatives BONHAM, BOSHART DAVIS, EVANS, HAYDEN, KENY-GUYER, SANCHEZ, WILSON, Senators BEYER, DEMBROW, MONNES ANDERSON

CHAPTER

AN ACT

Relating to Telecommunication Devices Access Program; amending ORS 759.693, 759.694, 759.695, 759.697 and 759.698.

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

SECTION 1. ORS 759.693 is amended to read:

759.693. As used in ORS 759.693 to 759.698, unless the context requires otherwise:

(1) "Adaptive equipment" means equipment that permits a person with a disability, other than a person who is hard of 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 people who are deaf, deaf-blind, hard of hearing or speech impaired 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) "Communication facilitator" means a person who provides professional, in-person assistive services that are necessary to help a person communicate effectively via a telecommunication device, with or without the use of an assistive telecommunication device or a telecommunications relay service, if the person receiving the services is:

(a) Deaf-blind;

(b) Deaf; or

(c) Hard of hearing and has a physical disability that limits the person's expressive communication.

[5] (6) "Deaf" means a profound hearing loss, as determined by an audiologist, licensed physician, physician assistant, nurse practitioner, hearing aid specialist or vocational rehabilitation counselor of the Department of Human Services, that requires use of an assistive telecommunication device to communicate effectively on the telephone.

[6] (7) "Deaf-blind" means a hearing loss and a visual impairment that require use of an assistive telecommunication device to communicate effectively on the telephone. For purposes of this subsection:

(a) A hearing loss must be determined by an audiologist, licensed physician, physician assistant, nurse practitioner, hearing aid specialist or vocational rehabilitation counselor of the Department of Human Services.

(b) A visual impairment must be determined by a licensed physician, physician assistant, nurse practitioner, vocational rehabilitation counselor of the Department of Human Services or rehabilitation instructor for persons who are blind.

[(7)] (8) "Disability" means a physical condition, as determined by a licensed physician, physician assistant, nurse practitioner 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)] (9) "Hard of hearing" means a hearing loss, as determined by an audiologist, licensed physician, physician assistant, nurse practitioner, hearing aid specialist or vocational rehabilitation counselor of the Department of Human Services, that requires use of an assistive telecommunication device to communicate effectively on the telephone.

[(9)] (10) "Hearing aid specialist" means a person licensed to deal in hearing aids under ORS chapter 694.

[(10)] (11) "Nurse practitioner" has the meaning given that term in ORS 678.010.

[(11)] (12) "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.

[(12)] (13) "Physician assistant" has the meaning given that term in ORS 677.495.

[(13)] (14) "Recipient" means a person who receives adaptive equipment, an assistive telecommunication device or a signal device.

[(14)] (15) "Rehabilitation instructor for persons who are blind" means an employee of the Commission for the Blind who:

(a) Meets the minimum qualifications set by the commission to assess adult clients referred for services;

(b) Develops individualized training programs; and

(c) Instructs and counsels clients of the commission on adapting to sight loss.

[(15)] (16) "Signal device" means a mechanical device that alerts a person who is deaf, deaf-blind or hard of hearing of an incoming telephone call.

[(16)] (17) "Speech impaired" means a speech disability, as determined by a licensed physician, physician assistant, nurse practitioner, 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.

[(17)] (18) "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.

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

[(19)] (20) "Telecommunications relay service" means a telephone transmission service that provides the ability for an individual who [*has a hearing or speech disability*] **is deaf, deaf-blind, hard of hearing or speech impaired** to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. "Telecommunications relay service" includes, but is not limited to:

(a) Services that enable two-way communication between an individual using a text telephone or other nonvoice terminal device and an individual not using such a device;

(b) Speech-to-speech services; and

(c) Non-English relay services.

SECTION 2. ORS 759.694 is amended to read:

759.694. It is recognized that a large number of people in this state, through no fault of their own, are unable to utilize telecommunication equipment due to the inability to hear or speak well enough or due to other disabilities. It is also recognized that present technology *[is]* **and services are** available, but at significant cost, that would allow these people to utilize telecommunication equipment in their daily activities. There is, therefore, a need to make available *[such]* **the** technology **and services** in the form of assistive telecommunication devices, *[and]* a telecommunications relay service **and communication facilitators** for people who are deaf, **deaf-blind**, hard of hearing or speech impaired or adaptive equipment for people with disabilities at no additional cost beyond normal telephone service. The provision of assistive telecommunication devices, *[and]* a telecommunications relay service, **communication facilitators** or adaptive equipment would allow those formerly unable to use telecommunication systems to more fully participate in the activities and programs offered by government and other community agencies, as well as in their family and social activities. The assistive telecommunication devices or adaptive equipment would be provided on a loan basis to each recipient, to be returned if the recipient moves out of the state.

SECTION 3. ORS 759.695 is amended to read:

759.695. (1) With the advice of the Telecommunication Devices Access Program Advisory Committee, the Public Utility Commission shall establish and administer a statewide program to:

(a) Purchase and distribute assistive telecommunication devices to persons who are deaf, **deaf-blind**, hard of hearing[,] **or** speech impaired *[or deaf-blind]* and establish a telecommunications relay service[.]; **and**

(b) **Provide communication facilitator services to persons who are deaf-blind when the services are necessary.**

(2) With the advice of the Telecommunication Devices Access Program Advisory Committee, the Public Utility Commission shall establish and administer a statewide program to purchase and distribute adaptive equipment to make telephone service generally available to persons with physical disabilities.

SECTION 4. ORS 759.697 is amended to read:

759.697. (1) The Public Utility Commission shall employ a coordinator for the Telecommunication Devices Access Program, who shall be primarily responsible for:

(a) The distribution and maintenance of assistive telecommunication devices and adaptive equipment;

(b) The provision of telecommunications relay services and monitoring of those service providers; *[and]*

(c) **The provision of communication facilitator services; and**

[c)] (d) Community outreach to locate potential beneficiaries of the Telecommunication Devices Access Program.

(2) The commission may contract with any governmental agency, or other entity the commission considers to be qualified, to assist the commission in **the provision of communication facilitator services** or the administration of ORS 759.693 to 759.698.

SECTION 5. ORS 759.698 is amended to read:

759.698. (1)(a) In order to be eligible to receive assistive telecommunication devices, *[or]* adaptive equipment **or communication facilitator services**, individuals must be certified as deaf, **deaf-blind**, hard of hearing[,] **or** speech impaired *[or deaf-blind]* by a licensed physician, physician assistant, nurse practitioner, audiologist, hearing aid specialist, speech-language pathologist, rehabilitation instructor for persons who are blind 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 may 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) ORS 759.693 to 759.698 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) ORS 759.693 to 759.698 do not require a telecommunications utility to provide adaptive equipment to any person in violation of ORS 646.730.

Passed by House March 26, 2019

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate April 30, 2019

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

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Bev Clarno, Secretary of State