

House Bill 3205

Sponsored by Representative WILLIAMSON, Senator THOMSEN; Representatives KENY-GUYER, SANCHEZ, Senators BEYER, DEMBROW, MONNES ANDERSON

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**.

Expands Telecommunication Devices Access Program to include provision of communication facilitators.

A BILL FOR AN ACT

1
2 Relating to Telecommunication Devices Access Program; amending ORS 759.693, 759.694, 759.695,
3 759.697 and 759.698.

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

5 **SECTION 1.** ORS 759.693 is amended to read:

6 759.693. As used in ORS 759.693 to 759.698, unless the context requires otherwise:

7 (1) "Adaptive equipment" means equipment that permits a person with a disability, other than
8 a person who is hard of hearing or speech impaired, to communicate effectively on the telephone.

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

11 (3) "Assistive telecommunication device" means a device that utilizes a keyboard, acoustic cou-
12 pler, display screen, Braille display, speakerphone or amplifier to enable people who are deaf, deaf-
13 blind, hard of hearing or speech impaired to communicate effectively on the telephone.

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

17 (5) "**Communication facilitator**" means a person who provides professional, in-person
18 assistive services to persons who are deaf-blind to assist, with or without the use of an
19 assistive telecommunication device or a telecommunications relay service, the person who
20 is deaf-blind with communicating effectively on the telephone.

21 [(5)] (6) "Deaf" means a profound hearing loss, as determined by an audiologist, licensed physi-
22 cian, physician assistant, nurse practitioner, hearing aid specialist or vocational rehabilitation
23 counselor of the Department of Human Services, that requires use of an assistive telecommunication
24 device to communicate effectively on the telephone.

25 [(6)] (7) "Deaf-blind" means a hearing loss and a visual impairment that require use of an
26 assistive telecommunication device to communicate effectively on the telephone. For purposes of this
27 subsection:

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

31 (b) A visual impairment must be determined by a licensed physician, physician assistant, nurse

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 practitioner, vocational rehabilitation counselor of the Department of Human Services or rehabili-
 2 tation instructor for persons who are blind.

3 [(7)] (8) “Disability” means a physical condition, as determined by a licensed physician, physi-
 4 cian assistant, nurse practitioner or vocational rehabilitation counselor of the Department of Human
 5 Services, other than hearing or speech impairment that requires use of adaptive equipment to utilize
 6 the telephone.

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

11 [(9)] (10) “Hearing aid specialist” means a person licensed to deal in hearing aids under ORS
 12 chapter 694.

13 [(10)] (11) “Nurse practitioner” has the meaning given that term in ORS 678.010.

14 [(11)] (12) “Physician” means an applicant’s primary care physician or a medical specialist who
 15 is able to determine an applicant’s disability and to whom the applicant was referred by the primary
 16 care physician.

17 [(12)] (13) “Physician assistant” has the meaning given that term in ORS 677.495.

18 [(13)] (14) “Recipient” means a person who receives adaptive equipment, an assistive telecom-
 19 munication device or a signal device.

20 [(14)] (15) “Rehabilitation instructor for persons who are blind” means an employee of the
 21 Commission for the Blind who:

- 22 (a) Meets the minimum qualifications set by the commission to assess adult clients referred for
 23 services;
- 24 (b) Develops individualized training programs; and
- 25 (c) Instructs and counsels clients of the commission on adapting to sight loss.

26 [(15)] (16) “Signal device” means a mechanical device that alerts a person who is deaf, deaf-blind
 27 or hard of hearing of an incoming telephone call.

28 [(16)] (17) “Speech impaired” means a speech disability, as determined by a licensed physician,
 29 physician assistant, nurse practitioner, speech-language pathologist or vocational rehabilitation
 30 counselor of the Department of Human Services, that requires use of an assistive telecommunication
 31 device to communicate effectively on the telephone.

32 [(17)] (18) “Speech-language pathologist” means a person who has a master’s degree or equiv-
 33 alency in speech-language pathology and a Certificate of Clinical Competence issued by the Ameri-
 34 can Speech-Language-Hearing Association.

35 [(18)] (19) “Telecommunications relay center” means a facility authorized by the Public Utility
 36 Commission to provide telecommunications relay service.

37 [(19)] (20) “Telecommunications relay service” means a telephone transmission service that
 38 provides the ability for an individual who [*has a hearing or speech disability*] **is deaf, deaf-blind,**
 39 **hard of hearing or speech impaired** to engage in communication by wire or radio with a hearing
 40 individual in a manner that is functionally equivalent to the ability of an individual who does not
 41 have a hearing or speech disability to communicate using voice communication services by wire or
 42 radio. “Telecommunications relay service” includes, but is not limited to:

- 43 (a) Services that enable two-way communication between an individual using a text telephone
 44 or other nonvoice terminal device and an individual not using such a device;
- 45 (b) Speech-to-speech services; and

1 (c) Non-English relay services.

2 **SECTION 2.** ORS 759.694 is amended to read:

3 759.694. It is recognized that a large number of people in this state, through no fault of their
 4 own, are unable to utilize telecommunication equipment due to the inability to hear or speak well
 5 enough or due to other disabilities. It is also recognized that present technology [*is*] **and services**
 6 **are** available, but at significant cost, that would allow these people to utilize telecommunication
 7 equipment in their daily activities. There is, therefore, a need to make available [*such*] **the** tech-
 8 nology **and services** in the form of assistive telecommunication devices, [*and*] a telecommunications
 9 relay service **and communication facilitators** for people who are deaf, **deaf-blind**, hard of hearing
 10 or speech impaired or adaptive equipment for people with disabilities at no additional cost beyond
 11 normal telephone service. The provision of assistive telecommunication devices, [*and*] a telecommu-
 12 nications relay service, **communication facilitators** or adaptive equipment would allow those for-
 13 merly unable to use telecommunication systems to more fully participate in the activities and
 14 programs offered by government and other community agencies, as well as in their family and social
 15 activities. The assistive telecommunication devices or adaptive equipment would be provided on a
 16 loan basis to each recipient, to be returned if the recipient moves out of the state.

17 **SECTION 3.** ORS 759.695 is amended to read:

18 759.695. (1) With the advice of the Telecommunication Devices Access Program Advisory Com-
 19 mittee, the Public Utility Commission shall establish and administer a statewide program to:

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

23 (b) **Contract with qualified third-party entities to provide communication facilitator ser-**
 24 **vices for persons who are deaf-blind.**

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

29 **SECTION 4.** ORS 759.697 is amended to read:

30 759.697. (1) The Public Utility Commission shall employ a coordinator for the Telecommunication
 31 Devices Access Program, who shall be primarily responsible for:

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

34 (b) The provision of telecommunications relay services and monitoring of those service provid-
 35 ers; [*and*]

36 (c) **Contracting for the provision of communication facilitator services for persons who**
 37 **are deaf-blind; and**

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

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

42 **SECTION 5.** ORS 759.698 is amended to read:

43 759.698. (1)(a) In order to be eligible to receive assistive telecommunication devices, [*or*] adap-
 44 tive equipment **or communication facilitator services**, individuals must be certified as deaf,
 45 **deaf-blind**, hard of hearing[,] **or** speech impaired [*or deaf-blind*] by a licensed physician, physician

1 assistant, nurse practitioner, audiologist, hearing aid specialist, speech-language pathologist, reha-
2 bilitation instructor for persons who are blind or vocational rehabilitation counselor of the Depart-
3 ment of Human Services. Certification implies that the individual cannot use the telephone for
4 expressive or receptive communication.

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

11 (c) ORS 759.693 to 759.698 do not require a telecommunications utility to provide an assistive
12 telecommunication device to any person in violation of ORS 646.730.

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

16 (b) ORS 759.693 to 759.698 do not require a telecommunications utility to provide adaptive
17 equipment to any person in violation of ORS 646.730.

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