

Enrolled
Senate Bill 685

Sponsored by Senator MANNING JR; Senator SOLLMAN, Representative MCLAIN (at the request of Chad Ludwig) (Pre-session filed.)

CHAPTER

AN ACT

Relating to program for assistive telecommunication devices; amending ORS 759.693.

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 **and has a physical disability that limits the person's expressive communication;**

or

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

(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.

(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.

(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.

(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.

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

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

(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.

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

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

(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.

(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.

(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.

(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.

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

(20) "Telecommunications relay service" means a telephone transmission service that provides the ability for an individual who 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.

Passed by Senate February 27, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 23, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State