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Volume of Colorado Commission for the Deaf and Hard of Hearing (12 CCR 2516-1)

100 TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM (TEDP)

110 INTRODUCTION [Rev. eff. 4/1/08]

The Colorado Commission for the Deaf and Hard of Hearing was established by Section 26-21-102, C.R.S., to facilitate the provision of general governmental services to the deaf and hard of hearing community while making government more efficient. Under the Federal "Americans with Disabilities Act", Colorado has a duty to provide to the deaf and hard of hearing equivalent access to governmental services. This duty requires State departments and agencies to provide communication access such as interpreters, "Communication Access Realtime Translation" (CART), telecommunications access, and other resources to enable such access.

Section 26-21-106, C.R.S., authorizes the transfer of funds from the Colorado Disabled Telephone Users Fund to the Colorado Commission for the Deaf and Hard of Hearing and provides for the establishment of a specialized Telecommunications Equipment Distribution Program (TEDP) and other services. "The commission shall assess how technology has affected the needs of the deaf and hard of hearing community. The commission shall assess the type and amount of equipment needed by low-income deaf and hard of hearing persons in order to reasonably interact with society."

The Telecommunications Equipment Distribution Program is intended solely for residential purposes and shall terminate July 1, 2010, unless enacted to continue in statute.

120 DEFINITIONS [Rev. eff. 4/1/08]

"Anniversary date" means the same date, but on subsequent years, that the applicant was approved for the Telecommunications Equipment Distribution Program.

"Applicant" means a person who applies to receive specialized telecommunications equipment under the auspices of the Telecommunications Equipment Distribution Program.

"Application" means the official paperwork from the vendor approved by the Colorado Commission for the Deaf and Hard of Hearing used for the Telecommunications Equipment Distribution Program.

"Approved date" means the date that all supporting documentation for the application is received and verified by the Telecommunications Equipment Distribution Program.

"Audiologist" means an individual with a Master's Degree in Audiology who also holds a Certificate of

Clinical Competence issued by the American Speech/Language and Hearing Association or who has been recognized as a School Audiologist by the Colorado Department of Education.

"Certification" means professional verification of the extent and permanence of the applicant's disability.

"Certifying professional" means those individuals who have been officially recognized by the Telecommunications Equipment Distribution Program to verify the extent and permanence of the applicant's disability.

"Commission" means the Colorado Commission for the Deaf and Hard of Hearing (CCDHH), pursuant to Section 26-21-102, C.R.S.

"Deaf" means those individuals who have a severe to profound hearing loss.

"Deaf-Blind" means those individuals who have both severe hearing loss and vision loss.

"Demand" means an official and certified letter from the Telecommunications Equipment Distribution Program sent to a recipient requesting the return of the equipment.

"Equipment package" means a combination of equipment including one telecommunications device and one alerting system.

"Fiscal constraint" means when seventy-five percent (75%) of the allocated program funds have been disbursed or encumbered.

"Fraud" means the intentional deception and misreporting of information in order to obtain specialized telecommunications equipment through this program.

"Hard of Hearing" means those individuals who have a mild to severe hearing loss.

"Late deafened" means those individuals as defined in Section 26-21-103(4), C.R.S.

"Natural disaster" means an event of nature such as tornadoes, earthquakes, blizzards, floods, forest fires, dust storms, avalanches, hailstorms, and lightning strikes.

"Physician" means an individual who is licensed to practice medicine pursuant to Section 12-36-107, C.R.S.

"Recipient" means a person who receives specialized telecommunications equipment under the auspices of the Telecommunications Equipment Distribution Program.

"Resident" means an individual who lives in the State of Colorado as his/her primary residence.

"Telecommunications equipment" means readily available or emerging adaptive equipment that enables Deaf, Hard of Hearing, Deaf-Blind, Late-Deafened individuals, or others who have a hearing loss, to access the telephone network.

"Vendor" means a company or individual who has successfully bid with the State of Colorado for the purposes of the Telecommunications Equipment Distribution Program and has received such designation.

130 ELIGIBILITY FOR THE TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION

PROGRAM [Rev. eff. 4/1/08]

The Commissioners will review all eligibility criteria at least annually. To be eligible for telecommunications equipment under the Telecommunications Equipment Distribution Program, the applicant shall meet the following eligibility criteria:

- A. The applicant must be a legal resident of the state of Colorado by providing one of the following:
 - 1. A valid Colorado driver's license; or,
 - 2. A valid Colorado identification card.
- B. If the applicant is under eighteen (18) years of age, parents or guardians shall apply on behalf of child/minor and assume full responsibility for the equipment.
- C. The applicant must be Deaf, Hard of Hearing, Deaf-Blind, Late Deafened, or have such a hearing loss that the use of the telephone for communication is difficult without adaptive telecommunications equipment. This determination can be made at the applicant's expense by one of the following:
 - 1. A licensed physician;
 - 2. A licensed audiologist;
 - 3. A licensed speech-language pathologist; or,
 - 4. Public or private agencies providing direct services to deaf, hard of hearing, deaf-blind, late-deafened, or to other individuals who have a hearing loss.
- D. The applicant's income must be less than 300% of the Federal poverty guidelines based on family size as indicated by the United States Department of Health and Human Services (HHS). Copies of the Federal poverty guidelines may be reviewed by contacting the director of the Commission during normal business hours, at the Colorado Department of Human Services, 1575 Sherman Street, Denver, Colorado 80203; or at any State publications library. No amendments or later editions are incorporated. The applicant must demonstrate proof of annual gross income by providing a copy of his/her Federal Income Tax return (front page only).
- E. The applicant must provide proof of telecommunications service and provide the most recent telecommunications bill; the address on the account must be the same as the applicant's address.

Eligible applicants shall be awarded program participation on a first-come, first-served non-discriminatory basis, in accordance with the approved date, as determined by the dated signature of the Telecommunications Equipment Distribution Program.

Applicants shall be placed on a waiting list during times of fiscal constraint.

140 APPLICATION PROCESS [Rev. eff. 4/1/08]

The Telecommunications Equipment Distribution Program shall provide assistance in completing forms when requested by an applicant.

- A. Information about how to obtain and submit an application, both paper and electronic, may be found through the Colorado Commission for the Deaf and Hard of Hearing office and designated public and private agencies.
- B. All eligibility requirements must be met in order to be approved for participation in this program.
- C. The Telecommunications Equipment Distribution Program shall review all applications on a non-discriminatory basis to determine whether:
 - 1. All of the information is completed on the application.

2. The applicant has provided a valid street address. If a P.O. Box is used, then a physical address of the location where the applicant resides must be provided.
3. The application has the applicant's original signature.
4. The application includes all required documentation.
5. All eligibility requirements are met as outlined in these Telecommunications Equipment Distribution Program rules.

141 Approved Applications [Rev. eff. 4/1/08]

Applicants who meet all of the eligibility requirements will be notified by mail of their acceptance into the Telecommunications Equipment Distribution Program. Along with the acceptance letter will be a listing of desired equipment as identified in this program.

- A. Only one equipment package may be issued per eligible applicant.
- B. The approved date shall determine the first-come, first-served roster.
- C. Applicants whose applications are approved will be notified in writing that the application has been approved within sixty (60) calendar days of the date the application was received by the Telecommunications Equipment Distribution Program.

142 Pending Approved Applications [Eff. 8/1/03]

During times of fiscal constraint, applications shall be accepted and held as pending until such time as funds become available. Such applications will be pending up to twelve (12) months. If after this time period funds are still not available, then a new application must be submitted.

143 Denied Applications [Rev. eff. 4/1/08]

A. Denial

Any applicant who has been denied participation may reapply due to a change in state residency, telecommunications service, or conditions of the eligibility requirements. If the applicant is ineligible to participate in the program, the applicant shall be given written justification for the determination within sixty (60) calendar days.

B. The following are reasons for denying an application:

1. The applicant does not meet the eligibility requirements as established.
2. The applicant has received specialized telecommunications equipment from the Telecommunications Equipment Distribution Program within the preceding four (4) years.
3. The applicant is an active consumer of the Colorado Department of Human Services, Division of Vocational Rehabilitation, and receives telecommunications equipment as a part of an individual plan of employment.
4. The applicant has negligently or willfully damaged telecommunications equipment received from the Telecommunications Equipment Distribution Program or violated other provisions of the administrative regulations governing the Telecommunications Equipment Program.
5. The applicant fails to provide a police report of a stolen device or refuses to cooperate with the police investigation or in the prosecution of the suspect, including the refusal to testify in court when asked or subpoenaed to do so.
6. The applicant is found negligent in a police report of a stolen device, such as doors to the house or car left unlocked or unattended.
7. The applicant has lost or sold the telecommunications equipment.

C. Reapplication

Any applicant who has been denied participation may reapply if, due to a change in conditions, the eligibility criteria as delineated in this document are met.

144 Dispute Resolution Process [Rev. eff. 4/1/08]

In order to resolve disputes between the Telecommunications Equipment Distribution Program and applicants/recipients, the Commission shall adopt procedures for the resolution of disputes consistent with this section. The procedures shall be designed to establish a simple non-adversarial format for the informal resolution of disputes.

150 EQUIPMENT SELECTION [Rev. eff. 4/1/08]

The approved applicant is responsible for selecting the appropriate telecommunications equipment. If the telecommunications equipment that is currently provided by the Telecommunications Equipment Distribution Program does not meet your needs:

- A. The recipient may make a special request for an appropriate piece of equipment that better meets his/her needs.
- B. The recipient is responsible for the maintenance and repair of the equipment selected through the Telecommunications Equipment Distribution Program.

151 Replacing the Equipment [Rev. eff. 4/1/08]

A recipient may apply to replace the original telecommunications equipment if:

- A. The telecommunications equipment is damaged through natural disaster;
- B. There is a change in hearing or vision status;
- C. A new device has become available through the Telecommunications Equipment Distribution Program and is deemed more appropriate to the recipient's disability; or,
- D. The identified anniversary date has passed or the recipient has had the telecommunications equipment for more than four (4) years.

152 Pending Replacement Applications [Rev. eff. 4/1/08]

During times of fiscal constraint, reapplications shall be accepted and held as pending until such time as funds become available.

153 Damaged Equipment Due to Natural Disasters [Rev. eff. 4/1/08]

- A. The recipient must send the device(s) directly to the Telecommunications Equipment Distribution Program.
- B. The Telecommunications Equipment Distribution Program will certify that the equipment can not be repaired due to a natural disaster.

154 Stolen Equipment [Rev. eff. 4/1/08]

If a replacement is requested due to the equipment being stolen, then the recipient shall:

- A. Notify local police within thirty (30) calendar days of the theft.
- B. Forward a copy of the police report to Telecommunications Equipment Distribution Program within five (5) working days of the date the theft was reported.

155 Loaner Equipment [Rev. eff. 4/1/08]

No loaner equipment is available through the Telecommunications Equipment Distribution Program.

160 VENDOR REQUIREMENTS [Rev. eff. 4/1/08]

All vendors shall follow State procurement requirements.

161 Vendor Registration [Rev. eff. 4/1/08]

Vendors seeking to contract with the Colorado Commission for the Deaf and Hard of Hearing for any Telecommunications Equipment Distribution Program function must register with the Commission and be in accordance with these rules. Vendors submit all information required by these rules to the Commission in order to be reimbursed. Vendors must register with the Secretary of State as a for-profit or not-for-profit business in the State of Colorado.

The following minimum standards shall apply to vendor participation in the Telecommunications Equipment Distribution Program:

- A. Vendors shall submit a Commission Vendor Registration Form to the Commission.
- B. The Commission must receive all required registration information before a vendor will be reimbursed. Reimbursements will be made by electronic funds transfer into the vendor's registered bank account.
- C. If the submitted registration information is incomplete, the Commission will notify the vendor of any deficiency, if it is able to make contact based on the information provided.
- D. Vendors are responsible for updating registration information. The Commission is not responsible for any loss resulting from incorrectly supplied registration information.
- E. Vendors must submit vendor registration information prior to any sales transactions in order to ensure payment.
- F. In the event that a vendor is suspended or disbarred from doing business in the State of Colorado or with the Federal government, the Commission shall notify the vendor that it is no longer eligible to receive reimbursements under this program.

170 FRAUD [Rev. eff. 4/1/08]

If a recipient obtained telecommunications equipment under false premises or through misrepresentation of facts on the Telecommunications Equipment Distribution Program application form, then the Telecommunications Equipment Distribution Program shall demand return of the equipment immediately. Upon demand, the recipient shall return the specified Telecommunications Equipment Distribution Program equipment. A determination of fraud will result in permanent disqualification from the program.

180 CONFIDENTIALITY [Rev. eff. 4/1/08]

All applicant and recipient information shall be kept confidential in compliance with the Colorado Human Services Code (Section 26-1-114, C.R.S.). This is to prevent exploitation of applicants and recipients, to eliminate embarrassment to them, and is in recognition of their rights as self-determining individuals who are not limited because of their need for telecommunications equipment.

181 Information Not Considered to be Confidential for Data Purposes [Rev. eff. 4/1/08]

General information not identified with any individual is not confidential and may be released for any purpose. This includes:

- A. Total expenditures;
- B. Number of applicants and/or recipients;
- C. Statistical data obtained from studies;
- D. Social data obtained from studies, reports, or surveys;
- E. Expenditures by category of equipment;
- F. Expenditures for administration;
- G. Sum of all program expenditures.

190 ADMINISTRATION

191 Annual Report [Rev. eff. 4/1/08]

The Director of the Commission shall provide to the Commissioners an annual report on the operation of the Telecommunications Equipment Distribution Program. The report shall be due on July 15th of each year and, at a minimum, provide:

- A. The number of persons served;
- B. The number of each type of equipment distributed;
- C. The expenditures of the program activities;
- D. Discussion of any major policy or operational issues;
- E. Any changes the Commission plans to make in the program that do not require legislative action; and,
- F. Any proposals for legislative changes in the program.