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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 774

02/02/2017 Authored by Pierson, McDonald, Theis and Pinto
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to human services; modernizing and modifying certain provisions of the
1.3 Deaf and Hard-of-Hearing Services Act; appropriating money; amending Minnesota
1.4 Statutes 2016, sections 256C.23, subdivision 2, by adding a subdivision; 256C.233,
1.5 subdivisions 1, 2; 256C.24, subdivisions 1, 2; 256C.261; repealing Minnesota
1.6 Statutes 2016, sections 256C.23, subdivision 3; 256C.233, subdivision 4; 256C.25,
1.7 subdivisions 1, 2.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2016, section 256C.23, subdivision 2, is amended to read:

1.10 Subd. 2. Deaf. "Deaf" means a hearing loss of such severity that the individual must
1.11 depend primarily on visual communication such as American Sign Language, writing, ~~hp~~
1.12 speech reading, ~~manual communication~~, and gestures.

1.13 Sec. 2. Minnesota Statutes 2016, section 256C.23, is amended by adding a subdivision to
1.14 read:

1.15 Subd. 6. Real-time captioning. "Real-time captioning" means a method of captioning
1.16 in which a caption is simultaneously prepared and displayed or transmitted at the time of
1.17 origination by specially trained real-time captioners.

1.18 Sec. 3. Minnesota Statutes 2016, section 256C.233, subdivision 1, is amended to read:

1.19 Subdivision 1. Deaf and Hard-of-Hearing Services Division. The commissioners of
1.20 ~~human services~~, education, employment and economic development, and health shall ~~create~~
1.21 ~~a distinct and separate organizational unit to be known as~~ advise the commissioner of human
1.22 services on the activities of the Deaf and Hard-of-Hearing Services Division to address.
1.23 This division addresses the developmental, and social, educational, and occupational needs

2.1 of persons who are deaf, persons who are deafblind, and persons who are hard-of-hearing
 2.2 ~~persons~~ through a statewide network of ~~collaborative~~ services and ~~by coordinating the~~
 2.3 ~~promulgation of public policies, regulations, legislation, and programs affecting~~ advocates
 2.4 on behalf of and provides information and training about how to best serve persons who
 2.5 are deaf, persons who are deafblind, and persons who are hard-of-hearing persons. ~~An~~
 2.6 ~~interdepartmental management team shall advise the activities of the Deaf and~~
 2.7 ~~Hard-of-Hearing Services Division.~~ The commissioner of human services shall coordinate
 2.8 the work of the interagency ~~management team~~ advisers and receive legislative appropriations
 2.9 for the division.

2.10 Sec. 4. Minnesota Statutes 2016, section 256C.233, subdivision 2, is amended to read:

2.11 Subd. 2. **Responsibilities.** The Deaf and Hard-of-Hearing Services Division shall:

2.12 (1) establish and maintain a statewide network of regional service centers for Minnesotans
 2.13 who are deaf, Minnesotans who are deafblind, and Minnesotans who are hard-of-hearing
 2.14 Minnesotans;

2.15 (2) ~~assist work across divisions within the Departments~~ Department of Human Services,
 2.16 ~~Education, and Employment and Economic Development to coordinate the promulgation~~
 2.17 ~~and implementation of public policies, regulations, legislation, programs, and services~~
 2.18 ~~affecting~~ as well as with other agencies and counties, to ensure that there is an understanding
 2.19 of:

2.20 (i) the communication challenges faced by persons who are deaf, persons who are
 2.21 deafblind, and persons who are hard-of-hearing persons;

2.22 (ii) the best practices for accommodating and mitigating communication challenges;
 2.23 and

2.24 (iii) the legal requirements for providing access to and effective communication with
 2.25 persons who are deaf, persons who are deafblind, and persons who are hard-of-hearing; and

2.26 (3) ~~provide a coordinated system of~~ assess the supply and demand statewide ~~interpreting~~
 2.27 ~~or for interpreter referral services; and~~ real-time captioning services, implement strategies
 2.28 to provide greater access to these services in areas without sufficient supply, and build the
 2.29 base of service providers across the state;

2.30 (4) maintain a statewide directory of certified interpreters;

2.31 (5) provide culturally affirmative psychiatric services in American Sign Language to
 2.32 persons who are deaf and persons who are deafblind;

- 3.1 (6) research and develop best practices and recommendations for emerging issues; and
 3.2 (7) provide as much information as possible on the division's Web site in American Sign
 3.3 Language.

3.4 Sec. 5. Minnesota Statutes 2016, section 256C.24, subdivision 1, is amended to read:

3.5 Subdivision 1. **Location.** The Deaf and Hard-of-Hearing Services Division shall establish
 3.6 ~~up to eight~~ at least six regional service centers for persons who are deaf and persons who
 3.7 are hard-of-hearing persons. The centers shall be distributed regionally to provide access
 3.8 for persons who are deaf, persons who are deafblind, and persons who are hard-of-hearing
 3.9 persons in all parts of the state.

3.10 Sec. 6. Minnesota Statutes 2016, section 256C.24, subdivision 2, is amended to read:

3.11 Subd. 2. **Responsibilities.** (a) Each regional service center shall:

3.12 (1) ~~serve as a central entry point for~~ establish connections, and explore co-locating, with
 3.13 other public and private entities providing services to persons who are deaf, persons who
 3.14 are deafblind, and persons who are hard-of-hearing persons in need of services and make
 3.15 referrals to the services needed in the region;

3.16 (2) for those in need of services, assist in coordinating services between service providers
 3.17 and persons who are deaf, persons who are deafblind, and persons who are hard-of-hearing,
 3.18 and the persons' families, and make referrals to the services needed;

3.19 ~~(2)~~ (3) employ staff trained to work with persons who are deaf, persons who are deafblind,
 3.20 and persons who are hard-of-hearing persons;

3.21 ~~(3)~~ (4) if adequate services are not available from another public or private service
 3.22 provider in the region, provide to all individual assistance to persons who are deaf, persons
 3.23 who are deafblind, and persons who are hard-of-hearing persons access to interpreter services
 3.24 which are necessary to help them obtain services, and the persons' families;

3.25 (5) provide or coordinate training for persons who are deaf, persons who are deafblind,
 3.26 and persons who are hard-of-hearing, and the persons' families, and other service providers
 3.27 about subjects including the persons' rights under the law, American Sign Language, and
 3.28 the impact of hearing loss and methods for accommodating it;

3.29 ~~(4) implement a plan to~~ (6) provide loaned equipment and resource materials to persons
 3.30 who are deaf, persons who are deafblind, and persons who are hard-of-hearing and a lab

4.1 where persons who are deaf, persons who are deafblind, and persons who are hard-of-hearing
 4.2 can try equipment to determine what would best meet the persons' needs;

4.3 ~~(5) cooperate with responsible departments and administrative authorities to provide~~
 4.4 ~~access for deaf, deafblind, and hard-of-hearing persons to services provided by state, county,~~
 4.5 ~~and regional agencies;~~

4.6 ~~(6) (7) collaborate with the Resource Center for the Deaf and Hard-of-Hearing Persons,~~
 4.7 ~~other divisions of the Department of Education, and local school districts to develop and~~
 4.8 ~~deliver programs and services for families with children who are deaf, children who are~~
 4.9 ~~deafblind, or children who are hard-of-hearing children and to support school personnel~~
 4.10 ~~servicing these children;~~

4.11 ~~(7) when possible, (8) provide training to the social service or income maintenance staff~~
 4.12 ~~employed by counties or by organizations with whom counties contract for services to~~
 4.13 ~~ensure that communication barriers which prevent persons who are deaf, persons who are~~
 4.14 ~~deafblind, and persons who are hard-of-hearing persons from using services are removed;~~

4.15 ~~(8) when possible, (9) provide training to state and regional human service agencies in~~
 4.16 ~~the region regarding program access for persons who are deaf, persons who are deafblind,~~
 4.17 ~~and persons who are hard-of-hearing persons; and~~

4.18 ~~(9) (10) assess the ongoing need and supply of services for persons who are deaf, persons~~
 4.19 ~~who are deafblind, and persons who are hard-of-hearing persons in all parts of the state and~~
 4.20 ~~cooperate with public and private service providers to develop these services;~~

4.21 (11) provide culturally affirmative mental health services in American Sign Language
 4.22 to persons who are deaf and persons who are deafblind; and

4.23 (12) establish partnerships with state and regional entities in other regional centers so
 4.24 that Minnesotans who live closer to the other regional centers can access assistance and
 4.25 training via technology.

4.26 (b) Persons who are deaf, persons who are deafblind, and persons who are
 4.27 hard-of-hearing, and the persons' family members who travel more than 50 miles round-trip
 4.28 from the persons' home or work location to receive services at the regional service center
 4.29 may be reimbursed for mileage at the reimbursement rate established by the Internal Revenue
 4.30 Service. Staff must not travel to a client's home to provide services.

4.31 Sec. 7. Minnesota Statutes 2016, section 256C.261, is amended to read:

4.32 **256C.261 SERVICES FOR PERSONS WHO ARE DEAFBLIND PERSONS.**

5.1 (a) The commissioner of human services shall ~~combine the existing biennial base level~~
 5.2 ~~funding for deafblind services into a single~~ provide a grant program for deafblind services
 5.3 through which all programs for persons who are deafblind shall be delivered. At least 35
 5.4 percent of the total funding is awarded for services and other supports to children who are
 5.5 ~~deafblind children~~ and their families and at least 25 percent is awarded for services and
 5.6 other supports to adults who are deafblind adults.

5.7 The commissioner shall award grants for the purposes of:

5.8 (1) providing services and supports to ~~individuals~~ persons who are deafblind; and

5.9 (2) developing and providing training to counties and the network of senior citizen
 5.10 service providers. The purpose of the training grants is to teach counties how to use existing
 5.11 programs that capture federal financial participation to meet the needs of eligible persons
 5.12 who are deafblind persons and to build capacity of senior service programs to meet the
 5.13 needs of seniors with a dual sensory hearing and vision loss.

5.14 (b) The commissioner may make grants:

5.15 (1) for services and training provided by organizations; and

5.16 (2) to develop and administer consumer-directed services.

5.17 (c) Any entity that is able to satisfy the grant criteria is eligible to receive a grant under
 5.18 paragraph (a).

5.19 (d) Deafblind service providers may, but are not required to, provide intervenor services
 5.20 as part of the service package provided with grant funds under this section.

5.21 **Sec. 8. DIRECTION TO COMMISSIONER; TELECOMMUNICATION**
 5.22 **EQUIPMENT PROGRAM.**

5.23 The commissioner of human services shall work in consultation with the Commission
 5.24 of Deaf, Deafblind, and Hard-of-Hearing Minnesotans to provide recommendations by
 5.25 January 15, 2018, to the chairs and ranking minority members of the house of representatives
 5.26 and senate committees with jurisdiction over human services to modernize the
 5.27 telecommunication equipment program. The recommendations must include draft legislative
 5.28 language.

5.29 **Sec. 9. APPROPRIATIONS; DEAF AND HARD-OF-HEARING SERVICES.**

5.30 (a) \$800,000 in fiscal year 2018 and \$800,000 in fiscal year 2019 are appropriated from
 5.31 the general fund to the commissioner of human services for the purposes of the Deaf and

6.1 Hard-of-Hearing Division under Minnesota Statutes, section 256C.233. Twenty percent of
6.2 this appropriation must be used for technology improvements, technology support, and
6.3 training for staff on the use of technology. This appropriation is added to the base.

6.4 (b) \$700,000 in fiscal year 2018 and \$700,000 in fiscal year 2019 are appropriated from
6.5 the general fund to the commissioner of human services for the purposes of deaf and
6.6 hard-of-hearing grants. The funds must be used to provide services to Minnesotans who are
6.7 deafblind under Minnesota Statutes, section 256C.261, and to provide linguistically and
6.8 culturally appropriate mental health services to children who are deaf, children who are
6.9 deafblind, and children who are hard-of-hearing. Of this appropriation, \$103,000 in each
6.10 year is to increase the grant to provide mentors who have hearing loss to parents of infants
6.11 and children with newly identified hearing loss. This appropriation is added to the base.

6.12 Sec. 10. **REPEALER.**

6.13 Minnesota Statutes 2016, sections 256C.23, subdivision 3; 256C.233, subdivision 4;
6.14 and 256C.25, subdivisions 1 and 2, are repealed.

256C.23 DEFINITIONS.

Subd. 3. **Regional service center.** "Regional service center" means a facility designed to provide an entry point for deaf, deafblind, and hard-of-hearing persons of that region in need of education, employment, social, human, or other services.

256C.233 DUTIES OF STATE AGENCIES.

Subd. 4. **State commissioners.** The commissioners of all state agencies shall consult with the Deaf and Hard-of-Hearing Services Division concerning the promulgation of public policies, regulations, and programs necessary to address the needs of deaf, deafblind, and hard-of-hearing Minnesotans. Each state agency shall consult with the Deaf and Hard-of-Hearing Services Division concerning the need to forward legislative initiatives to the governor to address the concerns of deaf, deafblind, and hard-of-hearing Minnesotans.

256C.25 INTERPRETER SERVICES.

Subdivision 1. **Establishment.** The Deaf and Hard-of-Hearing Services Division shall maintain and coordinate statewide interpreting or interpreter referral services for use by any public or private agency or individual in the state. The division shall directly coordinate these services but may contract with an appropriate agency to provide this service. The division may collect a \$3 fee per referral for interpreter referral services and the actual costs of interpreter services provided by department staff. Fees and payments collected shall be deposited in the general fund. The \$3 referral fee shall not be collected from state agencies or local units of government or deaf or hard-of-hearing consumers or interpreters.

Subd. 2. **Duties.** Interpreting or interpreter referral services must include:

- (1) statewide access to interpreter referral and direct interpreting services, coordinated with the regional service centers;
- (2) maintenance of a statewide directory of qualified interpreters;
- (3) assessment of the present and projected supply and demand for interpreter services statewide; and
- (4) coordination with the regional service centers on projects to train interpreters and advocate for and evaluate interpreter services.