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State of Minnesota
HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 774

02/02/2017 Authored by Pierson, McDonald, Theis, Pinto, Albright and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform
03/02/2017 Adoption of Report: Amended and re-referred to the Committee on Health and Human Services Finance

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; requiring a report;
1.4 amending Minnesota Statutes 2016, sections 256C.23, subdivision 2, by adding
1.5 subdivisions; 256C.233, subdivisions 1, 2; 256C.24, subdivisions 1, 2; 256C.261;
1.6 repealing Minnesota Statutes 2016, sections 256C.23, subdivision 3; 256C.233,
1.7 subdivision 4; 256C.25, 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, is amended by adding a subdivision
1.10 to read:

1.11 Subd. 1a. Culturally affirmative services. "Culturally affirmative services" means
1.12 services that are designed and delivered within the context of the culture, language, and life
1.13 experiences of a person who is deaf, a person who is deafblind, and a person who is
1.14 hard-of-hearing.

1.15 Sec. 2. Minnesota Statutes 2016, section 256C.23, subdivision 2, is amended to read:

1.16 Subd. 2. **Deaf.** "Deaf" means a hearing loss of such severity that the individual must
1.17 depend primarily on visual communication such as American Sign Language or other signed
1.18 language, visual and manual means of communication such as signing systems in English
1.19 or Cued Speech, writing, lip speech reading, manual communication, and gestures.

1.20 Sec. 3. Minnesota Statutes 2016, section 256C.23, is amended by adding a subdivision to
1.21 read:

1.22 Subd. 2c. Interpreting services. "Interpreting services" means services that include:

2.1 (1) interpreting between a spoken language, such as English, and a visual language, such
 2.2 as American Sign Language;

2.3 (2) interpreting between a spoken language and a visual representation of a spoken
 2.4 language, such as Cued Speech and signing systems in English;

2.5 (3) interpreting within one language where the interpreter uses natural gestures and
 2.6 silently repeats the spoken message, replacing some words or phrases to give higher visibility
 2.7 on the lips; and

2.8 (4) interpreting using low vision or tactile methods for people who have a combined
 2.9 hearing and vision loss or are deafblind.

2.10 Sec. 4. Minnesota Statutes 2016, section 256C.23, is amended by adding a subdivision to
 2.11 read:

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

2.15 Sec. 5. Minnesota Statutes 2016, section 256C.233, subdivision 1, is amended to read:

2.16 Subdivision 1. **Deaf and Hard-of-Hearing Services Division.** The commissioners of
 2.17 ~~human services, education, employment and economic development, and health shall create~~
 2.18 ~~a distinct and separate organizational unit to be known as~~ advise the commissioner of human
 2.19 services on the activities of the Deaf and Hard-of-Hearing Services Division to address.
 2.20 This division addresses the developmental, and social, educational, and occupational
 2.21 social-emotional needs of persons who are deaf, persons who are deafblind, and persons
 2.22 who are hard-of-hearing persons through a statewide network of collaborative services and
 2.23 by coordinating the promulgation of public policies, regulations, legislation, and programs
 2.24 affecting advocates on behalf of and provides information and training about how to best
 2.25 serve persons who are deaf, persons who are deafblind, and persons who are hard-of-hearing
 2.26 persons. An interdepartmental management team shall advise the activities of the Deaf and
 2.27 ~~Hard-of-Hearing Services Division.~~ The commissioner of human services shall coordinate
 2.28 the work of the interagency ~~management team~~ advisers and receive legislative appropriations
 2.29 for the division.

2.30 Sec. 6. Minnesota Statutes 2016, section 256C.233, subdivision 2, is amended to read:

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

3.1 (1) establish and maintain a statewide network of regional ~~service centers~~ culturally
 3.2 affirmative services for Minnesotans who are deaf, Minnesotans who are deafblind, and
 3.3 Minnesotans who are hard-of-hearing Minnesotans;

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

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

3.11 (ii) the best practices for accommodating and mitigating communication challenges;
 3.12 and

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

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

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

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

3.22 (6) research and develop best practices and recommendations for emerging issues;

3.23 (7) provide as much information as practicable on the division's Web site in American
 3.24 Sign Language; and

3.25 (8) report to the chairs and ranking minority members of the legislative committees with
 3.26 jurisdiction over human services biennially, beginning on January 1, 2019, on the following:

3.27 (i) the number of regional service center staff, the location of the office of each staff
 3.28 person, other service providers with which they are co-located, the number of people served
 3.29 by each staff person and a breakdown of whether each person was served on-site or off-site,
 3.30 and for those served off-site, a list of locations where services were delivered and the number
 3.31 who were served in-person and the number who were served via technology;

3.32 (ii) the amount and percentage of the division budget spent on accommodations for staff;

4.1 (iii) the number of people who use demonstration equipment and consumer evaluations
 4.2 of the experience;

4.3 (iv) the number of training sessions provided by division staff, the topics covered, the
 4.4 number of participants, and consumer evaluations, including a breakdown by delivery
 4.5 method such as in-person or via technology;

4.6 (v) the number of training sessions hosted at a division location provided by another
 4.7 service provider, the topics covered, the number of participants, and consumer evaluations,
 4.8 including a breakdown by delivery method such as in-person or via technology;

4.9 (vi) for each grant awarded, the amount awarded to the grantee and a summary of the
 4.10 grantee's results, including consumer evaluations of the services or products provided;

4.11 (vii) the number of people on waiting lists for any services provided by division staff
 4.12 or for services or equipment funded through grants awarded by the division;

4.13 (viii) the amount of time staff spent driving to appointments in clients' homes to deliver
 4.14 direct one-to-one client services in locations outside of the regional service centers; and

4.15 (ix) the amount spent on mileage reimbursement and the number of clients who received
 4.16 mileage reimbursement for traveling to the regional service centers for services.

4.17 Sec. 7. Minnesota Statutes 2016, section 256C.24, subdivision 1, is amended to read:

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

4.23 Sec. 8. Minnesota Statutes 2016, section 256C.24, subdivision 2, is amended to read:

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

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

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

5.1 ~~(2)~~ (3) employ staff trained to work with persons who are deaf, persons who are deafblind,
5.2 and persons who are hard-of-hearing persons;

5.3 ~~(3)~~ (4) if adequate services are not available from another public or private service
5.4 provider in the region, provide to all individual assistance to persons who are deaf, persons
5.5 who are deafblind, and persons who are hard-of-hearing persons access to interpreter services
5.6 which are necessary to help them obtain services, and the persons' families;

5.7 (5) identify regional training needs, work with deaf and hard-of-hearing services training
5.8 staff, and collaborate with others to deliver training for persons who are deaf, persons who
5.9 are deafblind, and persons who are hard-of-hearing, and the persons' families, and other
5.10 service providers about subjects including the persons' rights under the law, American Sign
5.11 Language, and the impact of hearing loss and options for accommodating it;

5.12 ~~(4) implement a plan to provide loaned equipment and resource materials to deaf,~~
5.13 ~~deafblind, and hard-of-hearing~~ (6) have a mobile or permanent lab where persons who are
5.14 deaf, persons who are deafblind, and persons who are hard-of-hearing can try a selection
5.15 of modern assistive technology and equipment to determine what would best meet the
5.16 persons' needs;

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

5.20 ~~(6) (7) collaborate with the Resource Center for the Deaf and Hard-of-Hearing Persons,~~
5.21 ~~other divisions of the Department of Education, and local school districts to develop and~~
5.22 ~~deliver programs and services for families with children who are deaf, children who are~~
5.23 ~~deafblind, or children who are hard-of-hearing children and to support school personnel~~
5.24 ~~servicing these children;~~

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

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

6.1 ~~(9)~~ (10) assess the ongoing need and supply of services for persons who are deaf, persons
 6.2 who are deafblind, and persons who are hard-of-hearing persons in all parts of the state and
 6.3 cooperate with public and private service providers to develop these services;

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

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

6.9 (b) Persons who are deaf, persons who are deafblind, and persons who are
 6.10 hard-of-hearing, and the persons' family members who travel more than 50 miles round-trip
 6.11 from the persons' home or work location to receive services at the regional service center
 6.12 may be reimbursed for mileage at the reimbursement rate established by the Internal Revenue
 6.13 Service.

6.14 Sec. 9. Minnesota Statutes 2016, section 256C.261, is amended to read:

6.15 **256C.261 SERVICES FOR PERSONS WHO ARE DEAFBLIND PERSONS.**

6.16 (a) The commissioner of human services shall ~~combine the existing biennial base level~~
 6.17 ~~funding for deafblind services into a single grant program. At least 35 percent of the total~~
 6.18 ~~funding is awarded for services and other supports to deafblind children and their families~~
 6.19 ~~and at least 25 percent is awarded for services and other supports to deafblind adults. use~~
 6.20 at least 35 percent of the deafblind services biennial base level grant funding for services
 6.21 and other supports for a child who is deafblind and the child's family. The commissioner
 6.22 shall use at least 25 percent of the deafblind services biennial base level grant funding for
 6.23 services and other supports for an adult who is deafblind.

6.24 The commissioner shall award grants for the purposes of:

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

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

6.31 (b) The commissioner may make grants:

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

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

7.2 (c) Consumer-directed services shall be provided in whole by grant-funded providers.

7.3 The deaf and hard-of-hearing regional service centers shall not provide any aspect of a
7.4 grant-funded consumer-directed services program.

7.5 ~~(e)~~ (d) Any entity that is able to satisfy the grant criteria is eligible to receive a grant
7.6 under paragraph (a).

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

7.9 Sec. 10. **DIRECTION TO COMMISSIONER; TELECOMMUNICATION**
7.10 **EQUIPMENT PROGRAM.**

7.11 The commissioner of human services shall work in consultation with the Commission
7.12 of Deaf, Deafblind, and Hard-of-Hearing Minnesotans to provide recommendations by
7.13 January 15, 2018, to the chairs and ranking minority members of the house of representatives
7.14 and senate committees with jurisdiction over human services to modernize the
7.15 telecommunication equipment program. The recommendations must address:

7.16 (1) types of equipment and supports the program should provide to ensure people with
7.17 communication difficulties have equitable access to telecommunications services;

7.18 (2) additional services the program should provide such as education about technology
7.19 options that can improve a person's access to telecommunications service; and

7.20 (3) how the current program's service delivery structure might be improved to better
7.21 meet the needs of people with communication disabilities.

7.22 The commissioner shall also provide draft legislative language to accomplish the
7.23 recommendations.

7.24 Sec. 11. **DIRECTION TO COMMISSIONER; BILLING FOR MENTAL HEALTH**
7.25 **SERVICES.**

7.26 By January 1, 2018, the commissioner of human services shall report to the chairs and
7.27 ranking minority members of the house of representatives and senate committees with
7.28 jurisdiction over deaf and hard-of-hearing services on the potential costs and benefits of the
7.29 Deaf and Hard-of-Hearing Services Division billing for the cost of providing mental health
7.30 services.

8.1 Sec. 12. **APPROPRIATIONS; DEAF AND HARD-OF-HEARING SERVICES.**

8.2 (a) \$800,000 in fiscal year 2018 and \$800,000 in fiscal year 2019 are appropriated from
8.3 the general fund to the commissioner of human services for the purposes of the Deaf and
8.4 Hard-of-Hearing Division under Minnesota Statutes, section 256C.233. Twenty percent of
8.5 this appropriation must be used for technology improvements, technology support, and
8.6 training for staff on the use of technology. This appropriation is added to the base.

8.7 (b) \$700,000 in fiscal year 2018 and \$700,000 in fiscal year 2019 are appropriated from
8.8 the general fund to the commissioner of human services for the purposes of deaf and
8.9 hard-of-hearing grants. The funds must be used to provide services to Minnesotans who are
8.10 deafblind under Minnesota Statutes, section 256C.261, and to provide linguistically and
8.11 culturally appropriate mental health services to children who are deaf, children who are
8.12 deafblind, and children who are hard-of-hearing. Of this appropriation, \$103,000 in each
8.13 year is to increase the grant to provide mentors who have hearing loss to parents of infants
8.14 and children with newly identified hearing loss. Each year the division must provide funds
8.15 for training in ProTactile American Sign Language or other communication systems used
8.16 by people who are deafblind. Training shall be provided to persons who are deafblind and
8.17 to interpreters, support service providers, and intervenors who work with persons who are
8.18 deafblind. This appropriation is added to the base.

8.19 Sec. 13. **REPEALER.**

8.20 Minnesota Statutes 2016, sections 256C.23, subdivision 3; 256C.233, subdivision 4;
8.21 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.