

1 Telecommunication Access for Communication-impaired Persons
2 Board
3
4 Adopted Permanent Rules Relating to Eligibility for Services
5 Under the Telecommunication Access for Communication-impaired
6 Persons Act
7
8 Rules as Adopted

9 8775.0100 DEFINITIONS.

10 Subpart 1. **Scope.** The terms used in this chapter have the
11 meanings given them in this part.

12 Subp. 2. **Applicable median income.** "Applicable median
13 income" means the median gross income in Minnesota as estimated
14 by the Bureau of the Census in the most recent annual
15 announcement of the United States Department of Health and Human
16 Services Family Support Administration, published in the Federal
17 Register. These announcements are incorporated by reference.

18 Subp. 3. **Appropriate communication device.** "Appropriate
19 communication device" means a communication device that most
20 efficiently allows access to the telephone system by a
21 communication-impaired person.

22 Subp. 4. **Blind.** A person is "blind" if central visual
23 acuity does not exceed 20/200 in the better eye with corrective
24 lenses or, if greater than 20/200, visual acuity is accompanied
25 by a limitation in the fields of vision such that the widest
26 diameter of the visual field subtends an angle no greater than
27 20 degrees.

28 Subp. 5. **Board.** "Board" means the Telecommunication
29 Access for Communication-impaired Persons Board established in
30 Minnesota Statutes, section 237.51.

31 Subp. 6. **Communication device.** "Communication device"
32 means a device that when connected to a telephone enables a
33 communication-impaired person to communicate with another person
34 using the telephone system. A communication device includes a
35 ring signaler, an amplification device, a telephone device for

1 the deaf with auxiliary equipment the board considers necessary,
2 and a telebraille unit.

3 Subp. 7. **Communication-impaired person.**

4 "Communication-impaired person" means a person ~~certified-as~~
5 determined by the division to be deaf, severely hearing
6 impaired, hard-of-hearing, or speech impaired,~~or-deaf-and~~
7 ~~blind, by (1) determination of a qualified physician,
8 ~~audiologist, or speech and language pathologist, or (2) when~~
9 ~~made before the adoption of parts 8775.0100 to 8775.0600,
10 ~~determination of division staff under the authority of law or~~
11 ~~other rules relating to communication-impaired persons~~ as
12 defined by subparts 8, 12, 13, and 20.~~~~

13 Subp. 8. **Deaf.** "Deaf" means the condition of a person
14 whose hearing in both ears is impaired to the degree that the
15 person is unable to understand speech, even when amplified. A
16 deaf person requires use of a telephone device for the deaf to
17 communicate effectively on the telephone.

18 Subp. 9. **Deaf and blind.** "Deaf and blind" means the
19 conditions of a person who is (1) deaf, severely hearing
20 impaired, or hard-of-hearing, and (2) blind or visually
21 handicapped. A person affected by these conditions requires use
22 of a telebraille unit or telephone device for the deaf with
23 auxiliary equipment to communicate effectively on the telephone.

24 Subp. 10. **Division.** "Division" means the Deaf Services
25 Division of the Minnesota Department of Human Services.

26 Subp. 11. **Economic hardship.** "Economic hardship" means an
27 economic condition or level of subsistence on a household income
28 that is at or below 60 percent of the applicable median income
29 in the state.

30 Subp. 12. **Hard-of-hearing.** "Hard-of-hearing" means a
31 condition of a person who has a reduced ability to understand
32 speech. Some of the effects of the impairment can be overcome
33 with proper amplification. A person that is hard-of-hearing may
34 require a communication device to communicate effectively on the
35 telephone.

36 Subp. 13. Hearing impaired. "Hearing impaired" means a

1 condition in which hearing in both ears is impaired. These
 2 individuals require use of a telephone device for the deaf to
 3 communicate effectively on the telephone.

4 Subp. ~~13~~ 14. **Household criteria.** For determining priority
 5 when initially distributing equipment or receiving more than one
 6 communication device, "household criteria" means the higher
 7 priority given for a household having more than one
 8 communication-impaired person or for a household with a
 9 communication-impaired person living alone.

10 Subp. ~~14~~ 15. **Household income.** "Household income" means
 11 the total income of a communication-impaired person and
 12 immediate family living in the same residence. The immediate
 13 family includes spouse and minor children. ~~However,~~ The income
 14 of a minor child must ~~not~~ be included ~~unless~~ when the dependent
 15 minor child is over under 15 years of age and residing with the
 16 parents or custodial parent. If the communication-impaired
 17 person is a minor child, then parents and siblings residing with
 18 the minor are immediate family. ~~If a dependent minor child is~~
 19 ~~temporarily living outside the family or custodial parent's~~
 20 ~~residence, the household income is considered to be the income~~
 21 ~~of the parents or custodial parent plus the income of minor~~
 22 ~~siblings over the age of 15 and residing with the parents or~~
 23 ~~custodial parent.~~

24 Subp. ~~15~~ 16. **Income.** "Income" means money received in the
 25 preceding calendar year from each of the following sources:

- 26 A. money, wages, or salary;
- 27 B. net income from nonfarm employment as defined for
 28 federal tax purposes;
- 29 C. net income from farm self-employment as defined
 30 for federal taxes;
- 31 D. income from any social security program;
- 32 E. supplemental social security income;
- 33 F. public assistance or welfare payments;
- 34 G. interest on savings or other investments that pay
 35 interest;
- 36 H. dividend income from estates or trusts, or net

1 rental income;

2 I. veterans' payments, unemployment compensation
3 payments, and workers' compensation payments;

4 J. private or public employee pensions; and

5 K. alimony, child support, regular contributions from
6 persons not living in the household, and other periodic income.

7 This definition of income comes from that of the Bureau of the
8 Census and is interpreted according to its standards as
9 published in "Consumer Income," series P-60, No. 156, Money,
10 Income of Households, Families and Persons in the United
11 States: 1985. These standards are incorporated by reference,
12 are not subject to frequent change, and are located in the
13 government publications reference department of the University
14 of Minnesota and in the Minitex interlibrary loan system.

15 Subp. ~~16~~ 17. Resident of Minnesota. "Resident of
16 Minnesota" means an individual who lives in Minnesota or who has
17 moved to Minnesota and intends to remain in Minnesota.

18 ~~Subp. 17. Severely hearing impaired. "Severely hearing~~
19 ~~impaired" means a condition in which hearing in both ears is~~
20 ~~impaired to the degree that the affected person is unable to~~
21 ~~understand speech, even when amplified. These individuals~~
22 ~~require use of a telephone device for the deaf to communicate~~
23 ~~effectively on the telephone.~~

24 Subp. 18. Significant visual impairment. "Significant
25 visual impairment" means a visual disability that does not
26 constitute legal blindness but which constitutes a substantial
27 handicap to employment or limits the person's ability to live
28 independently, perform self-care activities, or grow and develop.

29 Subp. 19. Special needs. "Special needs" means the needs
30 of an eligible person that may require that the person be given
31 priority when initially distributing the equipment or be given
32 more than one communication device because of severity of
33 communication impairment or presence of multiple disabilities.

34 Subp. 20. Speech impaired. "Speech impaired" means a
35 condition that renders a person physically incapable of speaking
36 clearly. The severity of the impairment may vary; however, it

1 renders speech on an ordinary telephone unintelligible or
2 impossible and requires a communication device to communicate
3 effectively on the telephone.

4 Subp. 21. **TACIP.** "TACIP" means telecommunication access
5 for communication-impaired persons.

6 8775.0200 PURPOSE AND CONSTRUCTION.

7 The purpose of this chapter is to develop and implement a
8 statewide program to distribute telephone communication devices
9 to eligible communication-impaired persons for improving access
10 to telephone communications services for communication-impaired
11 persons. This chapter is to be liberally construed to further
12 these purposes.

13 8775.0300 ELIGIBILITY FOR TACIP SERVICES.

14 Subpart 1. **Information provided.** On request, the division
15 shall offer to a person an application form developed by the
16 division and a brochure that describes the TACIP eligibility
17 requirements and application process.

18 Subp. 2. **Application process.** The applicant shall
19 complete the application form and return it to the division's
20 regional service center for hearing-impaired people. An
21 application may be made by the applicant, the applicant's
22 spouse, or a person authorized by the applicant to act in the
23 applicant's behalf. All documentation must be provided within
24 30 days of the first interview with the division. The applicant
25 shall provide medical documentation of hearing loss on request.

26 Subp. 3. **Documenting, verifying, and reviewing**
27 **eligibility.** The division shall verify the applicant's
28 household income, age, and access to telephone service, and that
29 the applicant is a communication-impaired person. When If the
30 division becomes aware that a condition of eligibility **changes**
31 has changed, the division may verify eligibility:

32 A. ~~In-a-timely-manner~~ Within 30 days, an applicant
33 shall document income or authorize the division to verify the
34 income. The division shall help an applicant or recipient
35 obtain documents that the applicant does not possess and cannot

1 obtain. Information previously verified and retained by the
2 division need not be verified again unless the information no
3 longer applies to current circumstances.

4 B. The division shall not request information about
5 an applicant for or recipient of TACIP services that is not of
6 public record from a source other than within the division
7 without the applicant's or recipient's previous written
8 consent. The division may request information about an
9 applicant or recipient that is not of public record from the
10 telephone companies by obtaining the applicant's or recipient's
11 previous written consent on an application or ~~recertification~~
12 redetermination form. The division shall not provide third
13 parties with access to information about an applicant's
14 eligibility status or other case record information without the
15 previous written consent of that applicant or recipient, except
16 when access to specific case information is granted to agencies
17 designated by the Minnesota Government Data Practices Act,
18 Minnesota Statutes, chapter 13. Information designated as
19 confidential by the Minnesota Government Data Practices Act may
20 only be made available to agencies granted access under that law
21 and must not be provided to an applicant, recipient, or third
22 party.

23 C. The division shall inform the recipient of the
24 recipient's responsibility to report permanent changes in
25 circumstances that affect eligibility within ten days of each
26 change.

27 Subp. 4. **Eligibility criteria.** To be eligible for the
28 TACIP program, a person must:

- 29 A. be at least five years of age;
30 B. be a communication-impaired person;
31 C. be a resident of Minnesota;
32 D. be a resident in a household at or below the
33 applicable median income in the state, except that a deaf and
34 blind person applying for a telebraille unit may reside in a
35 household that has a median income no more than 150 percent of
36 the applicable median household income in the state; and

1 E. have or have applied for telephone service and
2 been assigned a telephone number. A person who at the time of
3 application does not have telephone service, but meets all other
4 eligibility requirements, will be declared "conditionally
5 eligible" and, in order to be declared "eligible," must apply
6 for telephone service and be assigned a telephone number.

7 Subp. 5. **Persons not eligible.** Persons who are residents
8 of a residential or treatment facilities facility that
9 receive directly or indirectly receives federal funds-under
10 funding and is required to be fully accessible to all residents
11 by the Rehabilitation Act of 1973, United States Code, title 29,
12 section 774, and are eligible for and can obtain communication
13 devices through federal provisions are not eligible to receive
14 TACIP services under this chapter.

15 Subp. 6. **Notification of eligibility.** Within 30 days of
16 the receipt of the application and the necessary documentation
17 the division shall notify the applicant in writing whether the
18 applicant is found eligible and, if the applicant is denied, the
19 reasons for denial.

20 Subp. 7. **Determination of appropriate communication**
21 **device.** The division shall determine the appropriate
22 communication device for a recipient.

23 8775.0400 PRIORITY FOR INITIAL DISTRIBUTION OF COMMUNICATION
24 DEVICES.

25 Subpart 1. **First priority: deaf and blind.** The first in
26 priority are those eligible, deaf and blind persons having
27 special needs, experiencing economic hardship, or meeting the
28 household criteria standards.

29 Subp. 2. **Second priority: deaf.** The second in priority
30 are those eligible, deaf persons having special needs,
31 experiencing economic hardship, or meeting the household
32 criteria standards.

33 Subp. 3. **Third priority: impaired speech.** The third in
34 priority are those eligible, speech-impaired persons having
35 special needs, experiencing economic hardship, or meeting the

1 household criteria standards.

2 Subp. 4. Fourth priority: ~~hard-of-hearing~~ hearing
3 impaired. The fourth in priority are those
4 eligible, ~~hard-of-hearing~~ hearing-impaired persons having
5 special needs, experiencing economic hardship, or meeting the
6 household criteria standards.

7 Subp. 5. Fifth priority: others without special needs.
8 The fifth in priority are those eligible, communication-impaired
9 persons having no special needs, not experiencing economic
10 hardship, and not meeting the household criteria standards.

11 Subp. 6. Use of priority system. Initially, the priority
12 system must be used to determine the priority of eligible
13 applicants for receiving telecommunication devices, for example,
14 to establish a waiting list of eligible applicants. Only if
15 allotted program money is insufficient to provide all eligible
16 applicants with needed equipment may the priority system be used
17 to determine which individuals will receive equipment.

18 8775.0500 HOUSEHOLDS ELIGIBLE TO RECEIVE SEVERAL DEVICES.

19 Subpart 1. Deaf. A communication-impaired person who is
20 deaf or severely hearing impaired is eligible for a telephone
21 device for the deaf and a ring signaler.

22 Subp. 2. Deaf and blind. A communication-impaired person
23 who is deaf and blind is eligible to receive use of a telephone
24 device for the deaf with auxiliary equipment approved by the
25 board and necessary for efficient communication.

26 Subp. 3. Two or more eligible persons. If a household
27 contains more than one eligible communication-impaired person
28 with various communication impairments, the board or its
29 designee may approve more than one telephone device as necessary
30 for efficient communication.

31 Subp. 4. ~~Hard-of-hearing~~ Hearing impaired. A
32 communication-impaired person who is ~~hard-of-hearing~~ hearing
33 impaired is eligible for a ring signaler and amplification
34 device if ~~both-devices-are~~ more than one device is necessary for
35 efficient communication.

1 8775.0600 TRAINING AND MAINTENANCE.

2 The commissioner of human services shall maintain the
3 communication devices until the ~~five-year~~ warranty period
4 expires ~~and~~ at which time the board shall decide whether to
5 repair or replace defective units. The commissioner shall
6 provide training, without charge, to first-time users of the
7 devices.

8 8775.0700 OWNERSHIP.

9 Communication devices distributed under this chapter are
10 and must remain the property of the state of Minnesota.

11 8775.0800 APPEALS.

12 Subpart 1. Aggrieved party. An aggrieved party may appeal
13 a decision of the division. An aggrieved party is an applicant:

14 A. who is determined ineligible for TACIP service
15 under part 8775.0300, subpart 4;

16 B. who disagrees with the division's determination
17 regarding the appropriate communication device under part
18 8775.0300, subpart 6;

19 C. who disagrees with the division's decision
20 regarding priority for initial distribution of communication
21 devices under part 8775.0400; or

22 D. whose TACIP service is terminated.

23 Subp. 2. Procedure. Requests for appeal must be made
24 within 30 calendar days of receiving notice of adverse action
25 or, for good cause shown, within 60 calendar days of receiving
26 the notice. Requests for appeal can be made through written,
27 telephone, or face-to-face contact with a designated
28 representative of the Regional Service Center for the Hearing
29 Impaired.

30 Subp. 3. Conciliation conference. Within ~~ten~~ 30 calendar
31 days of receiving a request for appeal, a representative of the
32 Regional Service Center for the Hearing Impaired shall meet with
33 the aggrieved party and attempt to resolve informally the matter
34 leading to the appeal. Within ~~five~~ ten calendar days of the

1 conciliation conference, the representative shall prepare a
2 written summary of the issues addressed at the conciliation
3 conference and shall send a copy of the written summary to the
4 aggrieved party and to the board.

5 Subp. 4. **Formal hearings.** If still dissatisfied after
6 receiving a copy of the conciliation conference summary, the
7 aggrieved party may request a hearing before the board by making
8 written, telephone, or face-to-face contact with a designated
9 representative of the Regional Service Center for the Hearing
10 Impaired. A hearing before the board must be scheduled within
11 90 days. At the hearing, the aggrieved party may introduce
12 evidence relevant to the issues on appeal. An aggrieved party
13 may be represented by legal counsel or a lay advocate at the
14 hearing.

15 Subp. 5. **Service pending appeal.** Termination of TACIP
16 services must be stayed pending an appeal.