

1 Telecommunications Access to Communication-Impaired Persons
2 Board
3
4 Adopted Permanent Rules Relating to Eligibility for
5 Telecommunications Services
6
7 Rules as Adopted:

8 8775.0100 DEFINITIONS.

9 [For text of subps 1 to 5, see M.R.]

10 Subp. 6. **Communication device.** "Communication device"
11 means a device that when ~~used-in-conjunction-with-the~~ connected
12 to a telephone ~~system~~ enables a communication-impaired person to
13 communicate with another person using the telephone system. A
14 communication device includes a ring signaler, an amplification
15 device, a telecommunications device for the deaf (TDD),
16 braille device for use with the telephone system, and any
17 other device the board considers necessary.

18 Subp. 7. **Communication-impaired person.**
19 "Communication-impaired person" means a person determined by the
20 division to be deaf, deaf and blind, hard-of-hearing, mobility
21 impaired, or speech impaired as defined by subparts 8, 9, 12,
22 16a, and 20.

23 Subp. 8. **Deaf.** "Deaf" means a hearing impairment of such
24 severity that the individual must depend primarily upon visual
25 communication such as writing, lip reading, manual
26 communication, and gestures. A deaf person requires use of a
27 telecommunications device for the deaf (TDD) to communicate
28 effectively on the telephone.

29 Subp. 9. **Deaf and blind.** "Deaf and blind" means the
30 conditions of a person who is (1) deaf or has a severe to
31 profound hearing loss and (2) blind or visually impaired. A
32 person affected by these conditions requires use of a braille
33 device for use with the telephone system or other specially
34 designed system to communicate effectively on the telephone.

35 Subp. 10. **Division.** "Division" means the Deaf and Hard of

1 Hearing Services Division of the Minnesota Department of Human
2 Services.

3 [For text of subp 11, see M.R.]

4 Subp. 12. **Hard-of-hearing.** "Hard-of-hearing" means a
5 hearing impairment resulting in a functional loss, but not to
6 the extent that the individual must depend primarily upon visual
7 communication. Some of the effects of the impairment can be
8 overcome with proper amplification. A person that is
9 hard-of-hearing may require a communication device to
10 communicate effectively on the telephone.

11 Subp. 13. [See repealer.]

12 [For text of subps 14 to 16, see M.R.]

13 Subp. 16a. **Mobility impaired.** "Mobility impaired" means a
14 motor skill condition that significantly impedes a person's
15 ability to use standard customer premises telephone equipment.
16 A mobility-impaired person may require the use of a
17 communication device with auxiliary equipment to communicate on
18 the telephone.

19 [For text of subps 17 to 21, see M.R.]

20 8775.0300 ELIGIBILITY FOR TACIP SERVICES.

21 [For text of subpart 1, see M.R.]

22 Subp. 2. **Application process.** The applicant shall
23 complete the application form and return it to the division's
24 regional service center for deaf and hard-of-hearing people. An
25 application may be made by the applicant, the applicant's
26 spouse, or a person authorized by the applicant to act in the
27 applicant's behalf. All documentation must be provided within
28 30 days of the first interview with the division. The applicant
29 shall provide medical documentation of communication impairment
30 on request.

31 Subp. 3. **Documenting, verifying, and reviewing**
32 **eligibility.** The division shall verify the applicant's
33 household income, age, and access to telephone service, and that
34 the applicant is a communication-impaired person. If the
35 division becomes aware that a condition of eligibility has

1 changed, the division may redetermine eligibility:

2 [For text of items A to C, see M.R.]

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

5 A. be at least five years of age;

6 B. be a communication-impaired person;

7 C. be a resident of Minnesota;

8 D. be a resident in a household at or below the
9 applicable median income in the state, except that a deaf and
10 blind person applying for a braille device for use with the
11 telephone system may reside in a household that has a median
12 income no more than 150 percent of the applicable median
13 household income in the state; and

14 [For text of item E, see M.R.]

15 Subp. 5. Persons not eligible. Persons who are residents
16 of a residential or treatment facility that directly or
17 indirectly receives federal funding and is required to be fully
18 accessible to all residents by the Rehabilitation Act of 1973,
19 United States Code, title 29, section 774, and the Americans
20 with Disabilities Act of 1990, United States Code, title 42,
21 section 12101, et seq., and are eligible for and can obtain
22 communication devices through federal provisions are not
23 eligible to receive TACIP services under this chapter.

24 [For text of subps 6 and 7, see M.R.]

25 8775.0400 PRIORITY FOR INITIAL DISTRIBUTION OF COMMUNICATION
26 DEVICES.

27 [For text of subps 1 and 2, see M.R.]

28 Subp. 2a. Third priority: speech and mobility impaired.

29 The third in priority are those eligible speech- and
30 mobility-impaired persons having special needs, experiencing
31 economic hardship, or meeting the household criteria standards.

32 Subp. 3. Fourth priority: impaired speech. The fourth in
33 priority are those eligible, speech-impaired persons having
34 special needs, experiencing economic hardship, or meeting the
35 household criteria standards.

1 Subp. 3a. **Fifth priority: mobility impaired.** The fifth
2 in priority are those eligible, mobility-impaired persons having
3 special needs, experiencing economic hardship, or meeting the
4 household criteria standards.

5 Subp. 4. **Sixth priority: hard-of-hearing.** The sixth in
6 priority are those eligible, hard-of-hearing persons having
7 special needs, experiencing economic hardship, or meeting the
8 household criteria standards.

9 Subp. 5. **Seventh priority: others without special needs.**
10 The seventh in priority are those eligible,
11 communication-impaired persons having no special needs, not
12 experiencing economic hardship, and not meeting the household
13 criteria standards.

14 [For text of subp 6, see M.R.]

15 8775.0500 HOUSEHOLDS ELIGIBLE TO RECEIVE SEVERAL DEVICES.

16 Subpart 1. **Deaf.** A communication-impaired person who is
17 deaf is eligible for a telecommunications device for the deaf
18 (TDD) and a ring signaler.

19 Subp. 2. **Deaf and blind.** A communication-impaired person
20 who is deaf and blind is eligible to receive a
21 telecommunications device for the deaf (TDD) or brailleing device
22 for use with the telephone system with auxiliary equipment
23 approved by the board and necessary for efficient communication.

24 [For text of subp 3, see M.R.]

25 Subp. 4. **Hard-of-hearing.** A communication-impaired person
26 who is hard-of-hearing is eligible for a ring signaler and
27 amplification device if more than one device is necessary for
28 efficient communication.

29 Subp. 5. **Mobility impaired.** A communication-impaired
30 person who is mobility impaired is eligible for a speakerphone
31 or similar device with auxiliary equipment that the board or its
32 designee deems necessary.

33 Subp. 6. **Speech and mobility impaired.** A
34 communication-impaired person who is speech and mobility
35 impaired is eligible for a speakerphone or similar device, or

1 telecommunications device for the deaf (TDD) and any auxiliary
2 equipment approved by the board.

3 8775.0800 APPEALS.

4 [For text of subpart 1, see M.R.]

5 Subp. 2. **Procedure.** Requests for appeal must be made
6 within 30 calendar days of receiving notice of adverse action
7 or, for good cause shown, within 60 calendar days of receiving
8 the notice. Requests for appeal can be made through written,
9 telephone, or face-to-face contact with a designated
10 representative of the regional service center for deaf and
11 hard-of-hearing people.

12 Subp. 3. **Conciliation conference.** Within 30 calendar days
13 of receiving a request for appeal, a representative of the
14 regional service center for deaf and hard-of-hearing people
15 shall meet with the aggrieved party and attempt to resolve
16 informally the matter leading to the appeal. Within ten
17 calendar days of the conciliation conference, the representative
18 shall prepare a written summary of the issues addressed at the
19 conciliation conference and shall send a copy of the written
20 summary to the aggrieved party and to the board.

21 Subp. 4. **Formal hearings.** If still dissatisfied after
22 receiving a copy of the conciliation conference summary, the
23 aggrieved party may request a hearing before the board by making
24 written, telephone, or face-to-face contact with a designated
25 representative of the regional service center for deaf and
26 hard-of-hearing people. A hearing before the board must be
27 scheduled within 90 days. At the hearing, the aggrieved party
28 may introduce evidence relevant to the issues on appeal. An
29 aggrieved party may be represented by legal counsel or a lay
30 advocate at the hearing.

31 [For text of subp 5, see M.R.]

32 REPEALER. Minnesota Rules, part 8775.0100, subpart 13, is
33 repealed.