

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

SF-00006-05 (4/86)

ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

August 22, 1989

MARY JO MURRAY
Special Assistant Attorney General
1100 Bremer Tower, St. Paul 55101

MARTHA J. CASSERLY
Special Assistant Attorney General
515 Transportation Bldg., St. Paul 55155

296-6839

In the Matter of the Adopted Rule Relating To
Eligibility for Services Under the Telecommunication
Access for Communication-impaired Persons Act

The above-referenced rule has been approved as to its legality
e Attorney General on August 22, 1989.

Enclosed is the agency's copy of the approved rule. This office
lready filed two copies with the Secretary of State who will
:d one copy to the Revisor of Statutes. The fourth is being
ied by this division of the Attorney General's Office for its
ords.

Also enclosed are any petitions, requests, submissions or
mments received by the agency and any extra copies of documents
ich the agency submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of
ion in the State Register. In a day or two, you should receive
the Revisor's Office three copies of the notice of adoption of
rule. You should submit two copies of the Notice of Adoption to
tate Register for publication. A permanent rule without a
ng does not become effective until five days after a notice of
ion is published in the State Register in accordance with Minn.
§ 14.27. An emergency rule becomes effective five working days
approval by the Attorney General; however, the agency must
sh a notice in the State Register in accordance with Minn. Stat.
34.

If you have any questions in this regard, please contact me.

ol

William Brown, Chief Judge
Office of Administrative Hearings

Maryanne Hruby, Exec. Dir.
Legislative Commission to Review
Administrative Rules

aug 23

from the desk of
MARTY CASSERLY

Mary Jo -

Don't be concerned about the enclosed memo... I've just been sending a bunch of these lately just to let people know these issues -- That's all.

I ~~guess~~ felt bad sending you this after your accomodations to me + suggestions -- Thanks again!

Marty

File

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : August 23, 1989

TO : MARY JO MURPAY
Special Assistant
Attorney General

FROM :

MARTHA J. CASSERLY
Special Assistant mjc
Attorney General

PHONE :

296-6839

SUBJECT :

Rules Relating to Telecommunications Access for Communications-impaired Persons Board

The above-entitled rules have been approved. However, I would like to take the opportunity to raise three concerns I have with the rules. I am merely raising these issues for your information, and action if you or your client desire.

1. My first concern is whether the 180 day deadline in Minn. Stat. § 14.12 has been met. That law requires:

> The agency shall, within 180 days after the effective date of a law requiring rules to be promulgated, unless otherwise specified by law, publish an appropriate notice of intent to adopt a rule in accordance with sections 14.05 to 14.36. If an agency has not given this notice, it shall report to the legislative commission to review administrative rules, other appropriate committees of the legislature, and the governor its failure to do so, and the reasons for that failure.

The Board of Telecommunications Access for Communications Imparied Persons was directed by the 1988 Legislature in Minn. Stat. § 237.51, subd. 5 (Laws of 1988, Ch. 621, sec. 3) to:

> (9) adopt rules, including emergency rules, under chapter 14 to impement the provisions of sections 237.50 to 237.56.

The law is effective April 25, 1988. 180 days after April 25, 1988 is October 21, 1988. Your Board published the Notice to Intent on February 27,

1989 and mailed out the Notice of Intent on March 3, 1989.

Now, there may be absolutely no problem, as I may not have all the necessary information. For example, your client may have adopted emergency rules, or you may have already sent out the notices, or you may determine that section 14.12 does not apply because section 237.51, subd. 5(9) does not "require" the rules to be promulgated. But, I just wanted to let you know that I raise a concern whether your Board has complied with section 14.12.

Section 14.12 does not provide a deadline for when such notices must be sent to the various officials about the delay. Furthermore, the Attorney General Rule does not require such proof to be sumitted to us for review. Thus, there is no need for you to touch back with me on this issue. I just wanted to raise the concern for you and your client to decide how to handle.

2. The Statement of Need and Reasonableness for these rules was rather bare and incomplete. For the next set of rules, the Board must discuss the rules: Why are you proposing the language, explain the rule, discuss the rule, justify the rule. I am not saying going into great length by any means. But the Statement for these rules merely told me what the rule said, I wanted to know why the rule says what it says.

3. Finally, the (original) Findings of Fact and Conclusions was lacking in a few places. A couple of times I couldn't find any discussion of why a change was made in the rule as adopted from the rule as proposed. All the changes to the proposed rule should be discussed.

These are not serious concerns or anything; I just wanted to let you know my thoughts. As I said, there is no need for you to get back to me regarding this memo.

MJC:cms

MC

RULE REVIEW CHECKLIST

File No. 1619 — Docket No. 05-0009,0773

DATE RECEIVED 8-8-89 — ADOPTED W/O HEARING X

REVIEW DATE 8-17-89 — EMERGENCY RULE _____

DUE DATE 8-22-89 — 2 copies to Revisor 8-8-89

APPROVED 8-22-89 mjC — REVISOR APPROVED yes 7-24-89

DISAPPROVED _____ — REVISOR DISAPPROVED _____

WITHDRAWN _____ — FILED W/SEC. OF STATE 8-24/89

RETURNED TO AGENCY _____

✓ 1 Rule as adopted (4 copies)

_____ 2 ~~Notice to Solicit Outside Information/Opinion (if applicable)~~
- _____ ~~Date published in State Register~~
- _____ ~~Comments~~

_____ 3 ~~Petition for Adoption of a Rule (if applicable)~~

✓ 4 Board's Authorizing Resolution
- 1-12-89 Date adopted

✓ 5 Proposed Rule
- yes Revisor's Certificate

✓ 6 Notice of Intent to Adopt Rule
- 237.51 subp 5(9) Statutory Authority
- no Small Business Statement
- no Expenditure of public money statement
- yes Signature

✓ 7 Statement of Need and Reasonableness (if applicable)
- no Small Business Statement
- no Fees - § 16A.128

✓ 8 Affidavit of Mailing Notice of Intent to Adopt Rule
- 3-3-89 Date (30)/25 days before adoption
- no Notice attached
- no Copy of rule or summary attached

✓ 9 Publication in State Register
- 2-27-89 Date (30)/25 days before adoption

✓ 10 180-day deadline from:
- ? Effective date of law requiring rule (14.12) (both rules)
- 4-2-89 yes End of comment period (§ 14.26) (rules without hearing) ← OK, not rqd
- _____ ~~effective date of statutory authority (§ 14.29) (emergency rules)~~

✓ 11 Resolution Adopting
- 5-17-89 Date adopted

✓ 12 Findings of Fact, Conclusions & Order Adopting
- 5-17-89 Date

3 ✓ 13 Written requests, submissions or comments

8/3/89 ✓ 14 Declaration of attorney
- Mary Jo Murray Name of SAAG representing agency

_____ 15 ~~Notice of Submission to Atty. Gen. (if applicable)~~

_____ 16 ~~Aff. of Mailing Notice to Atty. Gen. (if applicable)~~

Telecommunication Access for Communication-impaired Persons Board

Adopted Permanent Rules Relating to Eligibility for Services Under the Telecommunication Access for Communication-impaired Persons Act

Rules as Adopted

8775.0100 DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. money, wages, or salary;

B. net income from nonfarm employment as defined for federal tax purposes;

C. net income from farm self-employment as defined for federal taxes;

D. income from any social security program;

E. supplemental social security income;

F. public assistance or welfare payments;

G. interest on savings or other investments that pay interest;

H. dividend income from estates or trusts, or net

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rental income;

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

J. private or public employee pensions; and

K. alimony, child support, regular contributions from persons not living in the household, and other periodic income. This definition of income comes from that of the Bureau of the Census and is interpreted according to its standards as published in "Consumer Income," series P-60, No. 156, Money, Income of Households, Families and Persons in the United States: 1985. These standards are incorporated by reference, are not subject to frequent change, and are located in the government publications reference department of the University of Minnesota and in the Minitex interlibrary loan system.

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

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

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

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

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

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

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

8775.0200 PURPOSE AND CONSTRUCTION.

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

8775.0300 ELIGIBILITY FOR TACIP SERVICES.

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

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

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

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

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

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

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

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

A. be at least five years of age;

B. be a communication-impaired person;

C. be a resident of Minnesota;

D. be a resident in a household at or below the applicable median income in the state, except that a deaf and blind person applying for a telebraille unit may reside in a household that has a median income no more than 150 percent of the applicable median household income in the state; and

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

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

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

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

8775.0400 PRIORITY FOR INITIAL DISTRIBUTION OF COMMUNICATION DEVICES.

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

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

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

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household criteria standards.

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

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

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

8775.0500 HOUSEHOLDS ELIGIBLE TO RECEIVE SEVERAL DEVICES.

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

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

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

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

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8775.0600 TRAINING AND MAINTENANCE.

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

8775.0700 OWNERSHIP.

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

8775.0800 APPEALS.

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

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

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

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

D. whose TACIP service is terminated.

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

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

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

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

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

Approved
by Revisor _____

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

AUG 24 1989

Joan Anderson Growe
Secretary of State

12:00PM

APPROVED AS TO FORM AND LEGALITY

August 22 1989

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassely
SPECIAL ASSISTANT ATTORNEY GENERAL

Telecommunication Access for Communication-impaired Persons Board

Proposed Permanent Rules Relating to Eligibility for Services Under the Telecommunication Access for Communication-impaired Persons Act

Rules as Proposed (all new material)

8775.0100 DEFINITIONS.

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

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

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

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

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

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

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

Subp. 7. **Communication-impaired person.** "Communication-impaired person" means a person certified as deaf, severely hearing impaired, hard-of-hearing, speech impaired, or deaf and blind, by (1) determination of a qualified physician, audiologist, or speech and language pathologist, or (2) when made before the adoption of parts 8775.0100 to 8775.0600, determination of division staff under the authority of law or other rules relating to communication-impaired persons.

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

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

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

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

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

Subp. 13. **Household criteria.** For determining priority when initially distributing equipment or receiving more than one communication device, "household criteria" means the higher

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priority given for a household having more than one communication-impaired person or for a household with a communication-impaired person living alone.

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

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

A. money, wages, or salary;

B. net income from nonfarm employment as defined for federal tax purposes;

C. net income from farm self-employment as defined for federal taxes;

D. income from any social security program;

E. supplemental social security income;

F. public assistance or welfare payments;

G. interest on savings or other investments that pay interest;

H. dividend income from estates or trusts, or net rental income;

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

J. private or public employee pensions; and

K. alimony, child support, regular contributions from persons not living in the household, and other periodic income. This definition of income comes from that of the Bureau of the Census and is interpreted according to its standards as

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published in "Consumer Income," series P-60, No. 156, Money, Income of Households, Families and Persons in the United States: 1985. These standards are incorporated by reference, are not subject to frequent change, and are located in the government publications reference department of the University of Minnesota and in the Minitex interlibrary loan system.

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

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

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

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

Subp. 20. **Speech impaired.** "Speech impaired" means a condition that renders a person physically incapable of speaking clearly. The severity of the impairment may vary; however, it renders speech on an ordinary telephone unintelligible or impossible and requires a communication device to communicate effectively on the telephone.

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

8775.0200 PURPOSE AND CONSTRUCTION.

The purpose of this chapter is to develop and implement a

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by Revisor _____

statewide program to distribute telephone communication devices to eligible communication-impaired persons for improving access to telephone communications services for communication-impaired persons. This chapter is to be liberally construed to further these purposes.

8775.0300 ELIGIBILITY FOR TACIP SERVICES.

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

Subp. 2. **Application process.** The applicant shall complete the application form and return it to the division's regional service center for hearing-impaired people. An application may be made by the applicant, the applicant's spouse, or a person authorized by the applicant to act in the applicant's behalf.

Subp. 3. **Documenting, verifying, and reviewing eligibility.** The division shall verify the applicant's household income, age, and access to telephone service, and that the applicant is a communication-impaired person. When a condition of eligibility changes, the division may verify eligibility:

A. In a timely manner, an applicant shall document income or authorize the division to verify the income. The division shall help an applicant or recipient obtain documents that the applicant does not possess and cannot obtain. Information previously verified and retained by the division need not be verified again unless the information no longer applies to current circumstances.

B. The division shall not request information about an applicant for or recipient of TACIP services that is not of public record from a source other than within the division without the applicant's or recipient's previous written consent. The division may request information about an applicant or recipient that is not of public record from the

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by Revisor _____

telephone companies by obtaining the applicant's or recipient's previous written consent on an application or recertification form. The division shall not provide third parties with access to information about an applicant's eligibility status or other case record information without the previous written consent of that applicant or recipient, except when access to specific case information is granted to agencies designated by the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13. Information designated as confidential by the Minnesota Government Data Practices Act may only be made available to agencies granted access under that law and must not be provided to an applicant, recipient, or third party.

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

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

A. be at least five years of age;

B. be a communication-impaired person;

C. be a resident of Minnesota;

D. be a resident in a household at or below the applicable median income in the state, except that a deaf and blind person applying for a telebraille unit may reside in a household that has a median income no more than 150 percent of the applicable median household income in the state; and

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

Subp. 5. **Persons not eligible.** Persons who are residents of residential or treatment facilities that receive federal funds under the Rehabilitation Act of 1973, United States Code, title 29, section 774, and are eligible for and can obtain

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communication devices through federal provisions are not eligible to receive TACIP services under this chapter.

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

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

8775.0400 PRIORITY FOR INITIAL DISTRIBUTION OF COMMUNICATION DEVICES.

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

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

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

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

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

Subp. 6. **Use of priority system.** Initially, the priority system must be used to determine the priority of eligible applicants for receiving telecommunication devices, for example,

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to establish a waiting list of eligible applicants. Only if allotted program money is insufficient to provide all eligible applicants with needed equipment may the priority system be used to determine which individuals will receive equipment.

8775.0500 HOUSEHOLDS ELIGIBLE TO RECEIVE SEVERAL DEVICES.

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

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

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

Subp. 4. **Hard-of-hearing.** A communication-impaired person who is hard-of-hearing is eligible for a ring signaler and amplification device if both devices are necessary for efficient communication.

8775.0600 TRAINING AND MAINTENANCE.

The commissioner of human services shall maintain the communication devices until the five-year warranty period expires and provide training, without charge, to first-time users of the devices.

8775.0700 OWNERSHIP.

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

8775.0800 APPEALS.

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

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

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

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

D. whose TACIP service is terminated.

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

Subp. 3. **Conciliation conference.** Within ten calendar days of receiving a request for appeal, a representative of the Regional Service Center for the Hearing Impaired shall meet with the aggrieved party and attempt to resolve informally the matter leading to the appeal. Within five calendar days of the conciliation conference, the representative shall prepare a written summary of the issues addressed at the conciliation conference and shall send a copy of the written summary to the aggrieved party and to the board.

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

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

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Eligibility for Services Under the Telecommunication Access for Communication-impaired Persons Act

AGENCY: Telecommunication Access for Communication-impaired Persons Board

MINNESOTA RULES: Chapter 8775

The attached rules are approved for publication in the State Register

Ron Ray
Assistant Revisor

Telecommunications Access for Communicatively Impaired Persons (TACIP) Board

In the Matter of the Proposed Adoption the Rule of the TACIP Board Governing Services Under the TACIP Act, Minn. Rules Parts 8775.0100 to 8775.0600	NOTICE OF INTENT TO of ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota TACIP Board intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes §§14.22 to 14.28. The statutory authority to adopt the rule is contained in Minn. Stat. §237.51 subpart 5, subparagraph (9)(1988).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change(s) proposed. If a public hearing is required, the Board will proceed pursuant to Minnesota Statutes §§ 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Herb Pickell, Program Administrator
TACIP Program
790 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-0412 (Voice)
(612) 296-9863 (TDD)

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

11 A copy of the proposed rule is attached to this notice.

12 A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from the TACIP Program Administrator at the address listed above.

9 If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the from relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to:

TACIP Program
790 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-0412 (Voice)
(612) 296-9863 (TDD)

March 27, 1989

ROBERT COOK
TACIP Board Chair

In the Matter of the Proposed Adoption of the Rule of the TACIP Board Governing Services Under the TACIP Act, Minn. Rules Parts 8775.0100 to 8775.0600

AFFIDAVIT OF THE MAILING OF THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Herb Pickell, being duly sworn, states:

I hereby certify that the list of persons and associations who have requested pursuant to Minn. Stat. §§14.14 subd. 1a and 14.22 or 14.30, that their names be placed on the TACIP Board rulemaking mailing list is accurate, complete and current as of February 27, 1989.

That on the 3rd day of March, 1989, I mailed the attached Notice of Intent to Adopt A Rule Without A Public Hearing by depositing in the United States mail a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Herb Pickell

Herb Pickell

TACIP Program Administrator

Subscribed and sworn to before me this 28th day of July, 1989

ELIZABETH L. WOODHOUSE
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES FEBRUARY 28, 1993

Notary Public

STATEMENT OF NEED AND REASONABLENESS

Telecommunications Access for Communications-impaired Persons Board

Proposed Permanent Rules Relating to Eligibility for Services Under the Telecommunications Access for Communication-impaired Persons Act

8775.0100 DEFINITIONS

Subpart 1. **Scope.** This subpart is necessary to define the scope of the definitions within it.

Subp. 2. **Applicable median income.** This subpart is necessary to define what standard will be used to determine eligibility for and priority in distribution of communication devices. It is reasonable to use the Bureau of the Census figures since it provides a broad, non-discriminatory basis for determining median income.

Subp. 3. **Appropriate communication device.** This subpart necessarily defines a term used in other subparts of this rule.

Subp. 4. **Blind.** This subpart is necessary to define who will be considered "blind" for purposes of distributing equipment.

Subp. 5. **Board.** This subpart simplifies reference to the Telecommunications Access for Communication-Impaired Persons Board.

Subp. 6. **Communication device.** This subpart is needed to define the types of devices which will be distributed.

Subp. 7. **Communication-impaired person.** This subpart is necessary to define who will be considered as "communication-impaired person" for purposes of distributing equipment.

Subp. 8. **Deaf.** This subpart is necessary to define who will be considered "deaf" for purposes of distributing equipment.

Subp. 9. **Deaf and blind.** This subpart is necessary to define who will be considered "deaf and blind" for purposes of distributing equipment.

Subp. 10. **Division.** This subpart simplifies the references to the Deaf Services Division of the Minnesota Department of Human Services .

Subp. 11. **Economic hardship.** This subpart is necessary in order to define the standard to be used in priority distribution of equipment under the rules. It is reasonable because it uses a broad, non-discriminatory standard.

Subp. 12. **Hard-of-hearing.** This subpart is necessary in order to define who is "hard-of-hearing" for purposes of equipment distribution.

Subp. 13. **Household criteria.** This subpart is necessary for determining priority when initially distributing equipment or receiving more than one communication device.

Subp. 14. **Household income.** This subpart is necessary in order to determine priority for equipment distribution. It is reasonable because it creates a standard for what "household income" is to be considered in distributing equipment.

Subp. 15. **Income.** This subpart is necessary in order to define what "income" will be considered in priority distribution of equipment under this rule. The definition is reasonable because it comes from that of the Bureau of the Census and is interpreted according to its standards as published in "Consumer Income," series P-60, No. 156, Money, Income of Households, Families and Persons in the United States: 1985. Thus, these standards (which are available to the public at no charge at the University of Minnesota) provide a general, non-discriminatory manner under which income can be determined.

Subp. 16. **Resident of Minnesota.** This subpart is necessary to limit who will be considered a "resident of Minnesota" for purposes of these rules.

Subp. 17. **Severely hearing impaired.** This subpart is necessary to define who is "severely hearing impaired" for purposes of equipment distribution.

Subp. 18. **Significant visual impairment.** This subpart is necessary to define who had a "significant visual impairment" for purposes of equipment distribution.

Subp. 19. **Special needs.** This subpart is necessary to define who has"special needs" for purposes of equipment distribution.

Subp. 20. **Speech-impaired.** This subpart is necessary to define who is "speech-impaired" for purposes of equipment distribution.

Subp. 21. **TACIP.** This subpart is necessary to simplify a reference.

8775.0200 PURPOSE AND CONSTRUCTION.

The purpose of this chapter is to develop and implement a statewide program to distribute telephone communication devices to eligible communication-impaired persons and to create and maintain a message relay service for improving access to telephone communications services for communication-impaired persons. This chapter is to be liberally construed to further these purposes.

8775.0300 ELIGIBILITY FOR TACIP SERVICES

Subpart 1. **Information provided.** This subpart is necessary to inform the public where information on eligibility for TACIP services can be obtained.

Subp. 2. **Application process.** This subpart is necessary to inform applicants where to return applications. It is reasonable, in the case of communication-impaired persons, to permit an application to be made by an authorized person other than the applicant.

Subp. 3. **Documenting, verifying, and reviewing eligibility.** This section is necessary to define what steps the division will take to verify eligibility for this program. It is reasonable to permit such verification in order to assure that the

proper priority level is assigned in distribution. It is reasonable to require notification of any changes in eligibility and to set forth the steps the division will use to verify any changes in eligibility.

Subp. 4. **Eligibility criteria.** This subpart is necessary to set forth which persons will be considered to be eligible for the TACIP program. The minimum age is necessary and reasonable because of the need to be able to use the equipment; the requirement that the person be a communication-impaired person is self explanatory; it is reasonable to require that recipients of this equipment be residents of the State of Minnesota; and the need to meet an income requirement is necessary for purposes of priority distribution. Persons who do not already have telephone service may be declared "conditionally eligible" and will be given the opportunity to apply for telephone service and obtain a telephone number as a condition of receiving services under these rules. This rule is structured in this manner so that a person who does not already have telephone service and applies for these services does not have to expend funds for telephone service prior to notification that all other eligibility criteria have been met.

Subp. 5. **Persons not eligible for service.** Residents of residential or treatment facilities which receive federal money and are required under the Rehabilitation Act of 1973 to provide equally accessible services to hearing-impaired residents if phone service is available to those residents. Because of limited funds in this program, it is necessary to limit eligibility when equipment is availble through other funded programs. This section is necessary because those persons should not be eligible to receive equipment under this rule because such equipment should already be avaiable to them. If such a person's application is denied, and that person does not have this service available to them, then the decision of the division could be appealed under Part 8775.0800.

Subp. 6. **Notification of eligibility.** This subpart is necessary to assure that the applicant is properly notified of the decision regarding an application. Thirty days after receipt of the application and all necessary documentation is a reasonable time for the division to reach a decision.

Subp. 7. **Determination of appropriate communication device.** This subpart is necessary to state who will determine what device is appropriate. It is reasonable for the division to perform

this task because of its experience and expertise. The definitions set forth generally the types of equipment which will be available to communication-impaired persons (e.g., the necessity of a telebraille unit for blind persons).

8775.0400 PRIORITY FOR INITIAL DISTRIBUTION OF COMMUNICATION DEVICES. It is reasonable and necessary to create a list of priorities for equipment distribution because of possibility that there may be certain limitations in obtaining and distributing equipment (such as immediate availability under circumstances where a large number of applications are received).

Subpart 1. **First priority: deaf and blind.** This subpart is reasonable because persons with multiple disabilities are likely to have the greatest need for communication equipment.

Subp. 2. **Second priority: deaf.** This subpart is reasonable because it gives priority to the need for the persons with the most severe hearing impairments who thus have great need for communication equipment.

Subp. 3. **Third priority: impaired speech.** This subpart is reasonable because it sets as third in priority those persons who are speech-impaired persons.

Subp. 4. **Fourth priority: hard-of-hearing.** This subpart is reasonable because it places hard-of-hearing persons in priority after those who fall within the definition of "deaf."

Subp. 5. **Fifth priority: others without special needs.** This subpart is reasonable because last in priority will be those persons who are communication-impaired but do not have any financial or special needs as defined in the rules.

Subp. 6. **Use of priority system.** This subpart is necessary to indicate when the priority system will be used.

8775.0500. HOUSEHOLDS ELIGIBLE TO RECEIVE SEVERAL DEVICES. This subpart is necessary to define what devices will be available to communication-impaired persons who are eligible to receive more than one device.

Subpart 1. **Deaf.** The necessity and reasonableness of this subpart is to identify devices for which deaf persons will be eligible.

Subp. 2. **Deaf and blind.** This subpart is necessary and reasonableness in order to identify devices for which deaf and blind persons will be eligible. The "auxiliary equipment" will be determined based on individual impairment needs.

Subp. 3. **Two or more eligible persons.** This subpart is necessary and reasonable to show what procedure will be used in instances where a household has more than one eligible person.

Subp. 4. **Hard-of-hearing.** This subpart is necessary and reasonable to identify devices for which a hard-of hearing person will be eligible.

8775.0600 TRAINING AND MAINTENANCE. This section is necessary to identify the responsibility of maintaining equipment and to notify recipients that first time users are eligible for training at no cost.

8775.0700 OWNERSHIP. This section is necessary to notify recipients that the equipment belongs to the State of Minnesota.

8775.0600 APPEALS. This section is necessary to set forth what steps an applicant may take if TACIP service is denied. It is necessary to inform applicants through the rule so that the same procedure is available to and applied to all applicants denied service.

Subpart 1. **Aggrieved Party.** The need to define who is an aggrieved party is self-explanatory. Those categories are based on all possible decisions on an applicant or recipient which the division could make which could adversely affect an applicant or recipient.

Subp. 2. **Procedure.** Applicants requesting appeal reasonably must be given sufficient time to challenge a decision, and it is reasonable, under certain circumstances (which must be explained) to permit a time period of 60 days for appeal. It is reasonable to permit appeal through written, telephone or face-to-face contact in order to facilitate the appeals process for applicants or recipients.

Subp. 3. **Conciliation Conference.** The informality of the conciliation conference process is a reasonable first step because it will provide the information necessary for the applicant to understand why service was denied, or in the alternative, the information necessary to the division to understand why service should not have been denied. The informality will also provide a procedure which will have minimal cost.

Subp. 4. **Formal Hearings.** The procedure before the board is reasonable and necessary in circumstances where service is denied and the problem not resolved satisfactorily. While it will not constitute a formal administrative-type hearing, it will provide the applicant with a forum in which to challenge the division's reasons for denial.

Subp. 5. **Status Quo Pending Appeal.** This section is necessary because in the case of termination of TACIP services, it is reasonable to maintain the status quo until a decision is final after all appeal steps have been taken and concluded.

Subp. 2. **Knowing submittal of false information or certification.** A person submitting any information or certification to the agency or commissioner under parts 7047.0010 to 7047.0060 shall not submit any information or certification that the person knows is false in any material respect.

Telecommunication Access for Communication-impaired Persons Board

Proposed Permanent Rules Relating to Eligibility for Services Under the Telecommunication Access for Communication-impaired Persons Act

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota TACIP Board intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28. The statutory authority to adopt the rule is contained in *Minnesota Statutes* § 237.51 subpart 5, subparagraph (9)(1988).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change(s) proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Herb Pickell, Program Administrator
TACIP Program
790 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-0412 (Voice)
(612) 296-9863 (TDD)

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from the TACIP Program Administrator at the address listed above.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to:

TACIP Program
790 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-0412 (Voice)
(612) 296-9863 (TDD)

Dated: 27 March 1989

Robert Cook
TACIP Board Chair

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Rules as Proposed (all new material)

8775.0100 DEFINITIONS.

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

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

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

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

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

Subp. 6. **Communication device.** "Communication device" means a device that when connected to a telephone enables a communication-impaired person to communicate with another person using the telephone system. A communication device includes a ring signaler, an amplification device, a telephone device for the deaf with auxiliary equipment the board considers necessary, and a telebraille unit.

Subp. 7. **Communication-impaired person.** "Communication-impaired person" means a person certified as deaf, severely hearing impaired, hard-of-hearing, speech impaired, or deaf and blind, by (1) determination of a qualified physician, audiologist, or speech and language pathologist, or (2) when made before the adoption of parts 8775.0100 to 8775.0600, determination of division staff under the authority of law or other rules relating to communication-impaired persons.

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

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

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

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

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

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

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

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

A. money, wages, or salary;

B. net income from nonfarm employment as defined for federal tax purposes;

C. net income from farm self-employment as defined for federal taxes;

D. income from any social security program;

E. supplemental social security income;

F. public assistance or welfare payments;

G. interest on savings or other investments that pay interest;

H. dividend income from estates or trusts, or net rental income;

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

J. private or public employee pensions; and

K. alimony, child support, regular contributions from persons not living in the household, and other periodic income. This definition of income comes from that of the Bureau of the Census and is interpreted according to its standards as published in "Consumer Income," series P-60, No. 156, Money, Income of Households, Families and Persons in the United States: 1985. These standards are incorporated by reference, are not subject to frequent change, and are located in the government publications reference department of the University of Minnesota and in the Minitex interlibrary loan system.

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

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

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

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

Subp. 20. **Speech impaired.** "Speech impaired" means a condition that renders a person physically incapable of speaking clearly. The severity of the impairment may vary; however, it renders speech on an ordinary telephone unintelligible or impossible and requires a communication device to communicate effectively on the telephone.

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

8775.0200 PURPOSE AND CONSTRUCTION.

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

8775.0300 ELIGIBILITY FOR TACIP SERVICES.

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

Subp. 2. **Application process.** The applicant shall complete the application form and return it to the division's regional service center for hearing-impaired people. An application may be made by the applicant, the applicant's spouse, or a person authorized by the applicant to act in the applicant's behalf.

Subp. 3. **Documenting, verifying, and reviewing eligibility.** The division shall verify the applicant's household income, age, and access to telephone service, and that the applicant is a communication-impaired person. When a condition of eligibility changes, the division may verify eligibility:

A. In a timely manner, an applicant shall document income or authorize the division to verify the income. The division shall help an applicant or recipient obtain documents that the applicant does not possess and cannot obtain. Information previously verified and retained by the division need not be verified again unless the information no longer applies to current circumstances.

B. The division shall not request information about an applicant for or recipient of TACIP services that is not of public record from a source other than within the division without the applicant's or recipient's previous written consent. The division may request information about an applicant or recipient that is not of public record from the telephone companies by obtaining the applicant's or recipient's previous written consent on an application or recertification form. The division shall not provide third parties with access

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

to information about an applicant's eligibility status or other case record information without the previous written consent of that applicant or recipient, except when access to specific case information is granted to agencies designated by the Minnesota Government Data Practices Act, *Minnesota Statutes*, chapter 13. Information designated as confidential by the Minnesota Government Data Practices Act may only be made available to agencies granted access under that law and must not be provided to an applicant, recipient, or third party.

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

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

A. be at least five years of age;

B. be a communication-impaired person;

C. be a resident of Minnesota;

D. be a resident in a household at or below the applicable median income in the state, except that a deaf and blind person applying for a telebraille unit may reside in a household that has a median income no more than 150 percent of the applicable median household income in the state; and

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

Subp. 5. **Persons not eligible.** Persons who are residents of residential or treatment facilities that receive federal funds under the Rehabilitation Act of 1973, *United States Code*, title 29, section 774, and are eligible for and can obtain communication devices through federal provisions are not eligible to receive TACIP services under this chapter.

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

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

8775.0400 PRIORITY FOR INITIAL DISTRIBUTION OF COMMUNICATION DEVICES.

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

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

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

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

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

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

8775.0500 HOUSEHOLDS ELIGIBLE TO RECEIVE SEVERAL DEVICES.

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

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

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

Subp. 4. **Hard-of-hearing.** A communication-impaired person who is hard-of-hearing is eligible for a ring signaler and amplification device if both devices are necessary for efficient communication.

8775.0600 TRAINING AND MAINTENANCE.

The commissioner of human services shall maintain the communication devices until the five-year warranty period expires and provide training, without charge, to first-time users of the devices.

8775.0700 OWNERSHIP.

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

8775.0800 APPEALS.

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

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

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

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

D. whose TACIP service is terminated.

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

Subp. 3. **Conciliation conference.** Within ten calendar days of receiving a request for appeal, a representative of the Regional Service Center for the Hearing Impaired shall meet with the aggrieved party and attempt to resolve informally the matter leading to the appeal. Within five calendar days of the conciliation conference, the representative shall prepare a written summary of the issues addressed at the conciliation conference and shall send a copy of the written summary to the aggrieved party and to the board.

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

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

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Department of Public Safety

Adopted Permanent Rules Relating to Deputy Registrars; Motor Vehicle Registration Fee; Reports and Deposits

The rule proposed and published at *State Register*, Volume 13, Number 7, pages 344-346, August 15, 1988 (13 S.R. 344) is adopted with the following modifications:

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

CERTIFICATE OF THE
TACIP BOARD
RESOLUTION ADOPTING RULE

I, Robert Cook, do hereby certify that I am a member and the Chair of the TACIP Board, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the TACIP Board, duly and properly called on and held on the 17th day of May, 1989, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that the rule relating to Services Under the TACIP Act, Minn. Rules Parts 8775.0100 to 8775.0600, is approved and adopted, purusant to authority vested in the TACIP Board by Minn. Stats. §237.51 subp. 5, subpar. (9) (1988). Herb Pickell, the TACIP Program Administrator, is authorized to sign the findings of fact, conclusions, and order adopting the rule and to perform the necessary acts to provide that the rules shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed by name this 28 day of July, 1989.

Robert Cook
TACIP Board Chair

Member of the TACIP Board

STATE OF MINNESOTA
TELECOMMUNICATIONS ACCESS FOR
COMMUNICATION IMPAIRED PERSONS BOARD

In the Matter of the Proposed Rules Governing Services Under the TACIP Act Minn. Rules Parts 8775.0100 to 8775.0800

SUPPLEMENTAL FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

These Rules were originally submitted to the Office of the Attorney General on August 3, 1989. Based on further review of these rules, two ministerial changes are required in Part 8775.0100, subpart 7.

SUPPLEMENTAL FINDINGS

1. In the original Findings of Fact, Conclusions of Law and Order, paragraph 6(a), it was noted that the definition of "severely hearing impaired" was being changed. Therefore, the word "severely" must be deleted from Part 8775.0100, subpart 7. The deletion is consistent with the original Findings, Conclusion and Order.

2. In the original Findings of Fact, Conclusions of Law and Order, paragraph 6(a), the definition of "communication-impaired person" was clarified. Language must be added to make it clear that the determinations made under that subpart are based on the definitions in the rule. Language is added to indicate that determinations are made as defined by subparts 8, 12, 13, and 20 of Part 8775.0100. This is consistent with the changes made by the Board and does not change the meaning of the subpart.

SUPPLEMENTAL CONCLUSIONS

1. The Minnesota TACIP Board duly acquired and has jurisdiction over this proceeding.

2. The supplemental modifications to the proposed rules are ministerial in nature, supported by the record, and do not result in a substantial change in the proposed rules.

SUPPLEMENTAL ORDER

NOW THEREFORE IT IS ORDERED, that the attached Minn. Rules pts. 8775.0100 to 8775.0800 governing services under the TACIP Act are adopted pursuant to the authority vested in the Minnesota TACIP Board by MInn. Stat. § 237.51 (1988).

MINNESOTA TACIP BOARD



HERB PICKELL
TACIP Program Administrator

STATE OF MINNESOTA
TELECOMMUNICATIONS ACCESS FOR COMMUNICATION IMPAIRED PERSONS BOARD

In the Matter of the Proposed Rules Governing Services Under the TACIP Act, Minn. Rules Parts 8775.0100 to 8775.0800	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES

The above-entitled matter came on for decision before the Minnesota TACIP Board (Board) on the 17th day of May, 1989. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the Board, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering the Statement of Need and Reasonableness, after considering all of the evidence adduced upon the records, files and proceedings herein, the Board, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the Minnesota TACIP Board's intent to adopt the above-entitled rules without a public hearing was published in the State Register on February 27, 1989, and was sent by mail to all persons on the list maintained by the Board pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1988) on March 3, 1989.

2. The Statement of Need and Reasonableness was prepared prior to mailing and publication of the notice and was made available to the public.

3. All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking.

4. No requests for public hearing were received during the comment period.

5. No requests for notice of submission to the Attorney General were received by the Board.

6. During the comment period the agency received three written comments. The Board finds that no modifications to the proposed rules are justified by the record in this proceeding, as follows:

a. The definition of Communication-impaired person in subpart 7 of Part 8775.0100 was simplified in response to a comment received from the Metropolitan Regional Service Center (MRSC) for Hearing Impaired People. A determination of who would be determined to be "communication-impaired" is not affected by the modification, so there is no substantial change.

b. The definition of "household income" in subpart 14 of 8775.0100 was modified in response to a comment from the MRSC to more clearly state what income was to be considered in foster care situations. It does not change the intent of the original rule and thus is not a significant change.

c. The definition of "severely hearing impaired" in subpart 17 of 8775.0100 has been changed in response to a comment received from the Northeast Regional Service Center (NRSC) for Hearing Impaired People. That organization pointed out that the definition of "severely hearing impaired" was identical to the definition for "deaf." This is not what the TACIP Board intended by the rule, so the term "severely hearing impaired" was changed to "hearing impaired" and the definition was appropriately modified to reflect a level of hearing less than deaf. All prior uses of the term "severely hearing-impaired" have been changed to reflect this modification. This is not a substantial change because it does not affect eligibility for devices in any way.

d. Subpart 2 of section 8775.0300 was modified in response to a comment from the division in order to show what time line would be used by the Deaf Services Division of the Department of Human Services (Division). A sentence was added in response to a comment from MRSC on simplifying medical documentation of hearing loss. These modifications are not significant because they do not affect eligibility under the rule.

e. Subpart 3(A) of 8775.0300 was modified to reflect a comment from the Division on the exact procedure and time frame which the Division intended to use. This is not significant because it does not affect eligibility.

f. Subpart (B) of 8775.0300 corrected the word "recertification" which should have originally been "redetermination" and is not a significant change, since the word "redetermination" has been used consistently elsewhere in the rule.

g. Subpart 5 of 8775.0300 was changed in response to a comment from the Division to accurately reflect the application of the Rehabilitation Act of 1973. It is not significant because it does not change eligibility requirements.

h. Subpart 3 of 8775.0500 has been modified in response to a comment received from the Division to add a designee so that there would be no need of Board approval every time more than one device was needed. This is not significant, as it merely sets out the process as it was intended to be, and does not affect eligibility.

i. Subpart 4 of 8775.0500 was clarified to reflect the need for more than one device, and is not significant because it does not affect eligibility.

j. 8775.0600 was modified in response to a comment from the Division to reflect the fact that the warranty period was not always five years, and how repair/replacement would be handled. It is not a significant change because it does not affect eligibility for equipment or use of the equipment.

k. 8775.0800 was modified in response to a comment from the Division to provide a more reasonable time than the five and ten day limits originally stated for the appeals process. This is not a significant change because it does not substantially or negatively affect appeal rights.

7. The Board adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the proposed rules. The Board hereby incorporates the Statement of Need and Reasonableness, in its entirety, as the factual basis for the proposed rules. The Board

hereby incorporates the Statement of Need and Reasonableness into these findings, except as modified in Finding No. 6 above.

8. The above-captioned rule is needed and reasonable.

CONCLUSIONS

1. The Minnesota TACIP Board duly acquired and has jurisdiction over this proceeding.

2. The Board published and served due, timely, and adequate notice of the intent to adopt the rules without a public hearing.

3. All relevant legal and procedural requirements of statute and rule have been complied with.

4. The modifications to the proposed rules are supported by the record and do not result in a substantial change in the proposed rules.

ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached Minn. Rules pts. 8775.0100 to 8775.0800 governing services under the TACIP Act are adopted pursuant to the authority vested in the Minnesota TACIP Board by Minn. Stat. § 237.51 (1988).

MINNESOTA TACIP BOARD

Herb Pickell, Jr.
TACIP Program Administrator

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STATE OF MINNESOTA
TELECOMMUNICATIONS ACCESS FOR COMMUNICATION IMPAIRED PERSONS BOARD

In the Matter of the Proposed Rules
Governing Services Under the TACIP Act,
Minn. Rules Parts 8775.0100 to 8775.0800

DECLARATION OF COUNSEL

I, Mary Jo Murray, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules ch. 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is 0773.

8/3/89

MARY JO MURRAY
Special Assistant
Attorney General

AG copy

Telecommunication Access for Communication-impaired Persons Board

Adopted Permanent Rules Relating to Eligibility for Services Under the Telecommunication Access for Communication-impaired Persons Act

Rules as Adopted

8775.0100 DEFINITIONS.

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

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

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

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

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

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

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

Subp. 7. **Communication-impaired person.** "Communication-impaired person" means a person ~~certified as~~ determined by the division to be deaf, (severely) hearing impaired, hard-of-hearing, or speech impaired~~, or deaf and blind, by (1) determination of a qualified physician, audiologist, or speech and language pathologist, or (2) when made before the adoption of parts 8775.0100 to 8775.0600, determination of division staff under the authority of law or other rules relating to communication impaired persons~~.

no-limit by statute as defined by rules

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

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

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

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

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

Subp. 13. **Hearing impaired.** "Hearing impaired" means a condition in which hearing in both ears is impaired. These

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individuals require use of a telephone device for the deaf to communicate effectively on the telephone.

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

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

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

A. money, wages, or salary;

B. net income from nonfarm employment as defined for federal tax purposes;

C. net income from farm self-employment as defined for federal taxes;

D. income from any social security program;

E. supplemental social security income;

F. public assistance or welfare payments;

G. interest on savings or other investments that pay interest;

H. dividend income from estates or trusts, or net rental income;

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

J. private or public employee pensions; and

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

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

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

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

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

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

Subp. 20. **Speech impaired.** "Speech impaired" means a condition that renders a person physically incapable of speaking clearly. The severity of the impairment may vary; however, it renders speech on an ordinary telephone unintelligible or

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impossible and requires a communication device to communicate effectively on the telephone.

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

8775.0200 PURPOSE AND CONSTRUCTION.

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

8775.0300 ELIGIBILITY FOR TACIP SERVICES.

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

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

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

A. ~~In a timely manner~~ Within 30 days, an applicant shall document income or authorize the division to verify the income. The division shall help an applicant or recipient obtain documents that the applicant does not possess and cannot obtain. Information previously verified and retained by the

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division need not be verified again unless the information no longer applies to current circumstances.

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

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

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

A. be at least five years of age;

B. be a communication-impaired person;

C. be a resident of Minnesota;

D. be a resident in a household at or below the applicable median income in the state, except that a deaf and blind person applying for a telebraille unit may reside in a household that has a median income no more than 150 percent of the applicable median household income in the state; and

E. have or have applied for telephone service and

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

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

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

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

8775.0400 PRIORITY FOR INITIAL DISTRIBUTION OF COMMUNICATION DEVICES.

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

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

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

Approved
by Revisor _____

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

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

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

8775.0500 HOUSEHOLDS ELIGIBLE TO RECEIVE SEVERAL DEVICES.

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

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

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

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

8775.0600 TRAINING AND MAINTENANCE.

Approved by Revisor _____

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

8775.0700 OWNERSHIP.

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

8775.0800 APPEALS.

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

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

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

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

D. whose TACIP service is terminated.

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

Subp. 3. **Conciliation conference.** Within ~~ten~~ 30 calendar days of receiving a request for appeal, a representative of the Regional Service Center for the Hearing Impaired shall meet with the aggrieved party and attempt to resolve informally the matter leading to the appeal. Within ~~five~~ ten calendar days of the conciliation conference, the representative shall prepare a written summary of the issues addressed at the conciliation

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conference and shall send a copy of the written summary to the aggrieved party and to the board.

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

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

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Telecommunication Access for Communication-impaired Persons Board

Adopted Permanent Rules Relating to Eligibility for Services Under the Telecommunication Access for Communication-impaired Persons Act

Rules as Adopted

8775.0100 DEFINITIONS.

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

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

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

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

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

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

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

Subp. 7. **Communication-impaired person.** "Communication-impaired person" means a person ~~certified as~~ determined by the division to be deaf, severely hearing impaired, hard-of-hearing, or speech impaired~~, or deaf and blind, by (1) determination of a qualified physician, audiologist, or speech and language pathologist, or (2) when made before the adoption of parts 8775.0100 to 8775.0600, determination of division staff under the authority of law or other rules relating to communication impaired persons~~.

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

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

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

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

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

Subp. 13. **Hearing impaired.** "Hearing impaired" means a condition in which hearing in both ears is impaired. These

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individuals require use of a telephone device for the deaf to communicate effectively on the telephone.

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

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

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

A. money, wages, or salary;

B. net income from nonfarm employment as defined for federal tax purposes;

C. net income from farm self-employment as defined for federal taxes;

D. income from any social security program;

E. supplemental social security income;

F. public assistance or welfare payments;

G. interest on savings or other investments that pay interest;

H. dividend income from estates or trusts, or net rental income;

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

J. private or public employee pensions; and

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

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

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

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

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

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

Subp. 20. **Speech impaired.** "Speech impaired" means a condition that renders a person physically incapable of speaking clearly. The severity of the impairment may vary; however, it renders speech on an ordinary telephone unintelligible or

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impossible and requires a communication device to communicate effectively on the telephone.

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

8775.0200 PURPOSE AND CONSTRUCTION.

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

8775.0300 ELIGIBILITY FOR TACIP SERVICES.

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

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

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

A. ~~In a timely manner~~ Within 30 days, an applicant shall document income or authorize the division to verify the income. The division shall help an applicant or recipient obtain documents that the applicant does not possess and cannot obtain. Information previously verified and retained by the

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division need not be verified again unless the information no longer applies to current circumstances.

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

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

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

A. be at least five years of age;

B. be a communication-impaired person;

C. be a resident of Minnesota;

D. be a resident in a household at or below the applicable median income in the state, except that a deaf and blind person applying for a telebraille unit may reside in a household that has a median income no more than 150 percent of the applicable median household income in the state; and

E. have or have applied for telephone service and

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

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

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

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

8775.0400 PRIORITY FOR INITIAL DISTRIBUTION OF COMMUNICATION DEVICES.

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

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

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

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

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

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

8775.0500 HOUSEHOLDS ELIGIBLE TO RECEIVE SEVERAL DEVICES.

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

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

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

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

8775.0600 TRAINING AND MAINTENANCE.

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

8775.0700 OWNERSHIP.

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

8775.0800 APPEALS.

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

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

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

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

D. whose TACIP service is terminated.

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

Subp. 3. **Conciliation conference.** Within ~~ten~~ 30 calendar days of receiving a request for appeal, a representative of the Regional Service Center for the Hearing Impaired shall meet with the aggrieved party and attempt to resolve informally the matter leading to the appeal. Within ~~five~~ ten calendar days of the conciliation conference, the representative shall prepare a written summary of the issues addressed at the conciliation

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conference and shall send a copy of the written summary to the aggrieved party and to the board.

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

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

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Eligibility for Services Under the Telecommunication Access for Communication-impaired Persons Act

AGENCY: Telecommunication Access for Communication-impaired Persons Board

MINNESOTA RULES: Chapter 8775

INCORPORATIONS BY REFERENCE:
Part 8775.0100, subpart 16: Standards of the Bureau of the Census as published in Consumer Income, series P-60, No. 156, Money, Income of Households, Families and Persons in the United States: 1985.

The attached rules are approved for filing with the Secretary of State

Ron Ray

Ron Ray
Assistant Revisor

Telecommunication Access for Communication-impaired Persons Board

Adopted Permanent Rules Relating to Eligibility for Services Under the Telecommunication Access for Communication-impaired Persons Act

Rules as Adopted

8775.0100 DEFINITIONS.

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

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

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

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

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

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

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

Subp. 7. **Communication-impaired person.** "Communication-impaired person" means a person ~~certified as~~ determined by the division to be deaf, severely hearing impaired, hard-of-hearing, or speech impaired~~, or deaf and blind, by (1) determination of a qualified physician, audiologist, or speech and language pathologist, or (2) when made before the adoption of parts 8775.0100 to 8775.0600, determination of division staff under the authority of law or other rules relating to communication impaired persons~~.

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

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

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

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

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

Subp. 13. **Hearing impaired.** "Hearing impaired" means a condition in which hearing in both ears is impaired. These

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individuals require use of a telephone device for the deaf to communicate effectively on the telephone.

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

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

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B. net income from nonfarm employment as defined for federal tax purposes;

C. net income from farm self-employment as defined for federal taxes;

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

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

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

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

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

Subp. 20. **Speech impaired.** "Speech impaired" means a condition that renders a person physically incapable of speaking clearly. The severity of the impairment may vary; however, it renders speech on an ordinary telephone unintelligible or

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impossible and requires a communication device to communicate effectively on the telephone.

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

8775.0200 PURPOSE AND CONSTRUCTION.

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

8775.0300 ELIGIBILITY FOR TACIP SERVICES.

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

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

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

A. ~~In a timely manner~~ Within 30 days, an applicant shall document income or authorize the division to verify the income. The division shall help an applicant or recipient obtain documents that the applicant does not possess and cannot obtain. Information previously verified and retained by the

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division need not be verified again unless the information no longer applies to current circumstances.

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

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

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

A. be at least five years of age;

B. be a communication-impaired person;

C. be a resident of Minnesota;

D. be a resident in a household at or below the applicable median income in the state, except that a deaf and blind person applying for a telebraille unit may reside in a household that has a median income no more than 150 percent of the applicable median household income in the state; and

E. have or have applied for telephone service and

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

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

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

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

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

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

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Subp. 3. **Conciliation conference.** Within ~~ten~~ 30 calendar days of receiving a request for appeal, a representative of the Regional Service Center for the Hearing Impaired shall meet with the aggrieved party and attempt to resolve informally the matter leading to the appeal. Within ~~five~~ ten calendar days of the conciliation conference, the representative shall prepare a written summary of the issues addressed at the conciliation

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conference and shall send a copy of the written summary to the aggrieved party and to the board.

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

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

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Eligibility for Services Under the Telecommunication Access for Communication-impaired Persons Act

AGENCY: Telecommunication Access for Communication-impaired Persons Board

MINNESOTA RULES: Chapter 8775

INCORPORATIONS BY REFERENCE:
Part 8775.0100, subpart 16: Standards of the Bureau of the Census as published in Consumer Income, series P-60, No. 156, Money, Income of Households, Families and Persons in the United States: 1985.

The attached rules are approved for filing with the Secretary of State

Ron Ray

Ron Ray
Assistant Revisor

Telecommunication Access for Communication-impaired Persons Board

Adopted Permanent Rules Relating to Eligibility for Services Under the Telecommunication Access for Communication-impaired Persons Act

Rules as Adopted

8775.0100 DEFINITIONS.

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

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

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

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

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

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

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

Subp. 7. **Communication-impaired person.** "Communication-impaired person" means a person ~~certified as~~ determined by the division to be deaf, severely hearing impaired, hard-of-hearing, or speech impaired~~, or deaf and blind, by (1) determination of a qualified physician, audiologist, or speech and language pathologist, or (2) when made before the adoption of parts 8775.0100 to 8775.0600, determination of division staff under the authority of law or other rules relating to communication impaired persons~~.

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

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

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

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

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

Subp. 13. **Hearing impaired.** "Hearing impaired" means a condition in which hearing in both ears is impaired. These

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individuals require use of a telephone device for the deaf to communicate effectively on the telephone.

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

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

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

A. money, wages, or salary;

B. net income from nonfarm employment as defined for federal tax purposes;

C. net income from farm self-employment as defined for federal taxes;

D. income from any social security program;

E. supplemental social security income;

F. public assistance or welfare payments;

G. interest on savings or other investments that pay interest;

H. dividend income from estates or trusts, or net rental income;

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

J. private or public employee pensions; and

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

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

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

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

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

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

Subp. 20. **Speech impaired.** "Speech impaired" means a condition that renders a person physically incapable of speaking clearly. The severity of the impairment may vary; however, it renders speech on an ordinary telephone unintelligible or

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impossible and requires a communication device to communicate effectively on the telephone.

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

8775.0200 PURPOSE AND CONSTRUCTION.

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

8775.0300 ELIGIBILITY FOR TACIP SERVICES.

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

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

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

A. ~~In a timely manner~~ Within 30 days, an applicant shall document income or authorize the division to verify the income. The division shall help an applicant or recipient obtain documents that the applicant does not possess and cannot obtain. Information previously verified and retained by the

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division need not be verified again unless the information no longer applies to current circumstances.

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

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

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

A. be at least five years of age;

B. be a communication-impaired person;

C. be a resident of Minnesota;

D. be a resident in a household at or below the applicable median income in the state, except that a deaf and blind person applying for a telebraille unit may reside in a household that has a median income no more than 150 percent of the applicable median household income in the state; and

E. have or have applied for telephone service and

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

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

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

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

8775.0400 PRIORITY FOR INITIAL DISTRIBUTION OF COMMUNICATION DEVICES.

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

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

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

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

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

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

8775.0500 HOUSEHOLDS ELIGIBLE TO RECEIVE SEVERAL DEVICES.

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

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

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

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

8775.0600 TRAINING AND MAINTENANCE.

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

8775.0700 OWNERSHIP.

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

8775.0800 APPEALS.

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

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

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

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

D. whose TACIP service is terminated.

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

Subp. 3. **Conciliation conference.** Within ~~ten~~ 30 calendar days of receiving a request for appeal, a representative of the Regional Service Center for the Hearing Impaired shall meet with the aggrieved party and attempt to resolve informally the matter leading to the appeal. Within ~~five~~ ten calendar days of the conciliation conference, the representative shall prepare a written summary of the issues addressed at the conciliation

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conference and shall send a copy of the written summary to the aggrieved party and to the board.

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

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

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CERTIFICATE OF THE

TELECOMMUNICATIONS ACCESS FOR COMMUNICATIVELY IMPAIRED PERSONS (TACIP) BOARD

AUTHORIZING RESOLUTION

I, Robert Cook, do hereby certify that I am a member and the Chair of the TACIP Board, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the TACIP Board duly and properly called and held on the 12th day of January, 1989, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that Robert Cook, the Chair of the TACIP Board, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to Adopt a rule without a public hearing governing the eligibility for services, including eligibility for and distribution of communication devices under Minn. Stat. §237.53, to all persons who have registered their names with the Board for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed by name this 17th day of January, 1989.

Robert Cook
Chair

Witness: _____
Member of the Board

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

ST. PAUL 55155

ADDRESS REPLY TO:
1100 BREMER TOWER
SEVENTH PL. AND MINNESOTA ST.
ST. PAUL, MN 55101
TELEPHONE: (612) 296-9412

August 3, 1989

RECEIVED
AUG - 7 1989
ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155

Ms. Christie Eller
Assistant Attorney General
Office of the Attorney General
515 Transportation Building
St. Paul, MN 55155

Re: In the Matter of Proposed Rules Governing Services Under the TACIP Act
Minn. Rules Parts 8775.0100 to 8775.0800

Dear Ms. Eller:

On May 17, 1989, the Minnesota TACIP Board adopted the above-captioned rules governing services under the TACIP Act. Enclosed for your review are the following:

1. Rules as adopted (original and three copies).

2. Findings of Fact, Conclusions, and Order Adopting Rules (two copies).

3. Certificate of Resolution Adopting Rules.

4. Certificate of Authorizing Resolution.

5. Notice of Intent to Adopt Rules Without a Public Hearing and rules as proposed (13 S.R. 35, February 27, 1989).

6. Comments received during the comment period.

7. Notice of Intent to Adopt Rules Without a Public Hearing, as mailed.

8. Affidavit of Mailing the Notice of Intent to Adopt Rule Without a Public Hearing and Certificate of Mailing List.

9. Rules as proposed.

10. Statement of Need and Reasonableness.

11. Declaration of Counsel.

Very truly yours,

MARY JO MURRAY
Special Assistant
Attorney General

Telephone: 612/296-8115

JCP:cec.ay0

Office of the Revisor of Statutes
Administrative Rules

Ron Ray
Assistant Revisor
296-0945

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

July 24, 1989

Mary Jo Murray (TACIP)
Attorney General's Office
1100 Bremer Tower
Seventh Place and Minnesota St.
St. Paul, MN 55101

RE: File No. 1449

Dear Ms. Murray:

Enclosed are four copies of your rule with the modifications you requested.

Please submit the rules to the Attorney General or the Office of Administrative Hearings, as appropriate.

If you have any questions or need further modifications, please call me.

Very truly yours,

Ron Ray

Ron Ray

RECEIVED

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ATTORNEY GENERAL'S OFFICE
1100 BREMER TOWER
7TH PLACE AND MINNESOTA ST.
ST. PAUL, MN 55101