

## **27.100 TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM (TEDP) [Eff. 4/1/2008]**

### **27.110 INTRODUCTION [Eff. 4/1/2008]**

The Colorado Commission for the Deaf and Hard of Hearing was established by Section 26-21-102, C.R.S., to facilitate the provision of general governmental services to the deaf and hard of hearing community while making government more efficient. Under the Federal "Americans with Disabilities Act", Colorado has a duty to provide to the deaf and hard of hearing equivalent access to governmental services. This duty requires State departments and agencies to provide communication access such as interpreters, "Communication Access Realtime Translation" (CART), telecommunications access, and other resources to enable such access.

Section 26-21-106, C.R.S., authorizes the transfer of funds from the Colorado Disabled Telephone Users Fund to the Colorado Commission for the Deaf and Hard of Hearing and provides for the establishment of a specialized Telecommunications Equipment Distribution Program (TEDP) and other services. "The commission shall assess how technology has affected the needs of the deaf and hard of hearing community. The commission shall assess the type and amount of equipment needed by low-income deaf and hard of hearing persons in order to reasonably interact with society."

The Telecommunications Equipment Distribution Program is intended solely for residential purposes and shall terminate July 1, 2010, unless enacted to continue in statute.

### **27.120 DEFINITIONS [Eff. 4/1/2008]**

"Anniversary date" means the same date, but on subsequent years, that the applicant was approved for the Telecommunications Equipment Distribution Program.

"Applicant" means a person who applies to receive specialized telecommunications equipment under the auspices of the Telecommunications Equipment Distribution Program.

"Application" means the official paperwork from the vendor approved by the Colorado Commission for the Deaf and Hard of Hearing used for the Telecommunications Equipment Distribution Program.

"Approved date" means the date that all supporting documentation for the application is received and verified by the Telecommunications Equipment Distribution Program.

"Audiologist" means an individual with a master's degree in Audiology who also holds a Certificate of Clinical Competence issued by the American Speech/Language and Hearing Association or who has been recognized as a School Audiologist by the Colorado Department of Education.

"Certification" means professional verification of the extent and permanence of the applicant's disability.

"Certifying professional" means those individuals who have been officially recognized by the Telecommunications Equipment Distribution Program to verify the extent and permanence of the applicant's disability.

"Commission" means the Colorado Commission for the Deaf and Hard of Hearing (CCDHH), pursuant to Section 26-21-102, C.R.S.

"Deaf" means those individuals who have a severe to profound hearing loss.

"Deaf-Blind" means those individuals who have both severe hearing loss and vision loss.

"Demand" means an official and certified letter from the Telecommunications Equipment Distribution

Program sent to a recipient requesting the return of the equipment.

"Equipment package" means a combination of equipment including one telecommunications device and one alerting system.

"Fiscal constraint" means when seventy-five percent (75%) of the allocated program funds have been disbursed or encumbered.

"Fraud" means the intentional deception and misreporting of information in order to obtain specialized telecommunications equipment through this program.

"Hard of Hearing" means those individuals who have a mild to severe hearing loss.

"Late deafened" means those individuals as defined in Section 26-21-103(4), C.R.S.

"Natural disaster" means an event of nature such as tornadoes, earthquakes, blizzards, floods, forest fires, dust storms, avalanches, hailstorms, and lightning strikes.

"Physician" means an individual who is licensed to practice medicine pursuant to Section 12-36-107, C.R.S.

"Recipient" means a person who receives specialized telecommunications equipment under the auspices of the Telecommunications Equipment Distribution Program.

"Resident" means an individual who lives in the State of Colorado as his/her primary residence.

"Telecommunications equipment" means readily available or emerging adaptive equipment that enables Deaf, Hard of Hearing, Deaf-Blind, Late-Deafened individuals, or others who have a hearing loss, to access the telephone network.

"Vendor" means a company or individual who has successfully bid with the State of Colorado for the purposes of the Telecommunications Equipment Distribution Program and has received such designation.

#### **27.130 ELIGIBILITY FOR THE TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM** **[Eff. 4/1/2008]**

The Commissioners will review all eligibility criteria at least annually. To be eligible for telecommunications equipment under the Telecommunications Equipment Distribution Program, the applicant shall meet the following eligibility criteria:

- A. The applicant must be a legal resident of the state of Colorado by providing one of the following:
  - 1. A valid Colorado driver's license; or,
  - 2. A valid Colorado identification card.
- B. If the applicant is under eighteen (18) years of age, parents or guardians shall apply on behalf of child/minor and assume full responsibility for the equipment.
- C. The applicant must be Deaf, Hard of Hearing, Deaf-Blind, Late Deafened, or have such a hearing loss that the use of the telephone for communication is difficult without adaptive telecommunications equipment. This determination can be made at the applicant's expense by one of the following:
  - 1. A licensed physician;

2. A licensed audiologist;
  3. A licensed speech-language pathologist; or,
  4. Public or private agencies providing direct services to deaf, hard of hearing, deaf-blind, late-deafened, or to other individuals who have a hearing loss.
- D. The applicant's income must be less than 300% of the Federal poverty guidelines based on family size as indicated by the United States Department of Health and Human Services (HHS). Copies of the Federal poverty guidelines may be reviewed by contacting the Director of the Commission during normal business hours, at the Colorado Department of Human Services, 1575 Sherman Street, Denver, Colorado 80203; or at any state publications library. No amendments or later editions are incorporated.

The applicant must demonstrate proof of annual gross income by providing a copy of his/her Federal Income Tax return (front page only).

- E. The applicant must provide proof of telecommunications service and provide the most recent telecommunications bill; the address on the account must be the same as the applicant's address.

Eligible applicants shall be awarded program participation on a first-come, first-served non-discriminatory basis, in accordance with the approved date, as determined by the dated signature of the Telecommunications Equipment Distribution Program.

Applicants shall be placed on a waiting list during times of fiscal constraint.

#### **27.140 APPLICATION PROCESS [Eff. 4/1/2008]**

The Telecommunications Equipment Distribution Program shall provide assistance in completing forms when requested by an applicant.

- A. Information about how to obtain and submit an application, both paper and electronic, may be found through the Colorado Commission for the Deaf and Hard of Hearing office and designated public and private agencies.
- B. All eligibility requirements must be met in order to be approved for participation in this program.
- C. The Telecommunications Equipment Distribution Program shall review all applications on a non-discriminatory basis to determine whether:
  1. All of the information is completed on the application.
  2. The applicant has provided a valid street address. If a P.O. Box is used, then a physical address of the location where the applicant resides must be provided.
  3. The application has the applicant's original signature.
  4. The application includes all required documentation.
  5. All eligibility requirements are met as outlined in the Telecommunications Equipment Distribution Program rules.

#### **27.141 Approved Applications [Eff. 4/1/2008]**

Applicants who meet all of the eligibility requirements will be notified by mail of their acceptance into the Telecommunications Equipment Distribution Program. Along with the acceptance letter will be a listing of desired equipment as identified in this program.

- A. Only one equipment package may be issued per eligible applicant.
- B. The approved date shall determine the first-come, first-served roster.
- C. Applicants whose applications are approved will be notified in writing that the application has been approved within sixty (60) calendar days of the date the application was received by the Telecommunications Equipment Distribution Program.

#### **27.142 Pending Approved Applications [Eff. 4/1/2008]**

During times of fiscal constraint, applications shall be accepted and held as pending until such time as funds become available. Such applications will be pending up to twelve (12) months. If after this time period funds are still not available, then a new application must be submitted.

#### **27.143 Denied Applications [Eff. 4/1/2008]**

##### **A. Denial**

Any applicant who has been denied participation may reapply due to a change in state residency, telecommunications service, or conditions of the eligibility requirements. If the applicant is ineligible to participate in the program, the applicant shall be given written justification for the determination within sixty (60) calendar days.

##### **B. The following are reasons for denying an application:**

1. The applicant does not meet the eligibility requirements as established.
2. The applicant has received specialized telecommunications equipment from the Telecommunications Equipment Distribution Program within the preceding four (4) years.
3. The applicant is an active consumer of the Colorado Department of Human Services, Division of Vocational Rehabilitation, and receives telecommunications equipment as a part of an individual plan of employment.
4. The applicant has negligently or willfully damaged telecommunications equipment received from the Telecommunications Equipment Distribution Program or violated other provisions of the administrative regulations governing the Telecommunications Equipment Distribution Program.
5. The applicant fails to provide a police report of a stolen device or refuses to cooperate with the police investigation or in the prosecution of the suspect, including the refusal to testify in court when asked or subpoenaed to do so.
6. The applicant is found negligent in a police report of a stolen device, such as doors to the house or car left unlocked or unattended.
7. The applicant has lost or sold the telecommunications equipment.

##### **C. Reapplication**

Any applicant who has been denied participation may reapply if, due to a change in conditions,

the eligibility criteria as delineated in this document are met.

#### **27.144 Dispute Resolution Process [Eff. 4/1/2008]**

In order to resolve disputes between the Telecommunications Equipment Distribution Program and applicants/recipients, the Commission shall adopt procedures for the resolution of disputes consistent with this section. The procedures shall be designed to establish a simple non-adversarial format for the informal resolution of disputes.

#### **27.150 EQUIPMENT SELECTION [Eff. 4/1/2008]**

The approved applicant is responsible for selecting the appropriate telecommunications equipment. If the telecommunications equipment that is currently provided by the Telecommunications Equipment Distribution Program does not meet your needs:

- A. The recipient may make a special request for an appropriate piece of equipment that better meets his/her needs.
- B. The recipient is responsible for the maintenance and repair of the equipment selected through the Telecommunications Equipment Distribution Program.

#### **27.151 Replacing the Equipment [Eff. 4/1/2008]**

A recipient may apply to replace the original telecommunications equipment if:

- A. The telecommunications equipment is damaged through natural disaster;
- B. There is a change in hearing or vision status;
- C. A new device has become available through the Telecommunications Equipment Distribution Program and is deemed more appropriate to the recipient's disability; or,
- D. The identified anniversary date has passed or the recipient has had the telecommunications equipment for more than four (4) years.

#### **27.152 Pending Replacement Applications [Eff. 4/1/2008]**

During times of fiscal constraint, reapplications shall be accepted and held as pending until such time as funds become available.

#### **27.153 Damaged Equipment Due to Natural Disasters [Eff. 4/1/2008]**

- A. The recipient must send the device(s) directly to the Telecommunications Equipment Distribution Program.
- B. The Telecommunications Equipment Distribution Program will certify that the equipment can not be repaired due to a natural disaster.

#### **27.154 Stolen Equipment [Eff. 4/1/2008]**

If a replacement is requested due to the equipment being stolen, then the recipient shall:

- A. Notify local police within thirty (30) calendar days of the theft.
- B. Forward a copy of the police report to the Telecommunications Equipment Distribution Program within

five (5) working days of the date the theft was reported.

**27.155 Loaner Equipment [Eff. 4/1/2008]**

No loaner equipment is available through the Telecommunications Equipment Distribution Program.

**27.160 VENDOR REQUIREMENTS [Eff. 4/1/2008]**

All vendors shall follow state procurement requirements.

**27.161 Vendor Registration [Eff. 4/1/2008]**

Vendors seeking to contract with the Colorado Commission for the Deaf and Hard of Hearing for any Telecommunications Equipment Distribution Program function must register with the Commission and be in accordance with these rules. Vendors must submit all information required by these rules to the Commission in order to be reimbursed. Vendors must register with the Secretary of State as a for-profit or not-for-profit business in the State of Colorado.

The following minimum standards shall apply to vendor participation in the Telecommunications Equipment Distribution Program:

- A. Vendors shall submit a Commission Vendor Registration Form to the Commission.
- B. The Commission must receive all required registration information before a vendor will be reimbursed. Reimbursements will be made by electronic funds transfer into the vendor's registered bank account.
- C. If the submitted registration information is incomplete, the Commission will notify the vendor of any deficiency, if it is able to make contact based on the information provided.
- D. Vendors are responsible for updating registration information. The Commission is not responsible for any loss resulting from incorrectly supplied registration information.
- E. Vendors must submit vendor registration information prior to any sales transactions in order to ensure payment.
- F. In the event that a vendor is suspended or disbarred from doing business in the State of Colorado or with the Federal government, the Commission shall notify the vendor that it is no longer eligible to receive reimbursements under this program.

**27.170 FRAUD [Eff. 4/1/2008]**

If a recipient obtained telecommunications equipment under false premises or through misrepresentation of facts on the Telecommunications Equipment Distribution Program application form, then the Telecommunications Equipment Distribution Program shall demand return of the equipment immediately. Upon demand, the recipient shall return the specified Telecommunications Equipment Distribution Program equipment. A determination of fraud will result in permanent disqualification from the program.

**20.180 CONFIDENTIALITY [Eff. 4/1/2008]**

All applicant and recipient information shall be kept confidential in compliance with the Colorado Human Services Code (Section 26-1-114, C.R.S.). This is to prevent exploitation of applicants and recipients, to eliminate embarrassment to them, and is in recognition of their rights as self-determining individuals who are not limited because of their need for telecommunications equipment.

#### **20.181 Information Not Confidential [Eff. 4/1/2008]**

General information not identified with any individual is not confidential and may be released for any purpose. This includes:

- A. Total expenditures;
- B. Number of applicants and/or recipients;
- C. Statistical data obtained from studies;
- D. Social data obtained from studies, reports, or surveys;
- E. Expenditures by category of equipment;
- F. Expenditures for administration;
- G. Sum of all program expenditures.

#### **27.190 ADMINISTRATION [Eff. 4/1/2008]**

##### **27.191 Annual Report [Eff. 4/1/2008]**

The Director of the Commission shall provide to the Commissioners an annual report on the operation of the Telecommunications Equipment Distribution Program. The report shall be due on July 15th of each year and, at a minimum, provide:

- A. The number of persons served;
- B. The number of each type of equipment distributed;
- C. The expenditures of the program activities;
- D. Discussion of any major policy or operational issues;
- E. Any changes the Commission plans to make in the program that do not require legislative action; and,
- F. Any proposals for legislative changes in the program.

#### **27.200 LEGAL AUXILIARY SERVICES PROGRAM [Eff. 11/1/07]**

These rules establish quality standards, coordination of services, and dispute resolution procedures for the provision of auxiliary aids and services for interactions between a Deaf or Hard of Hearing individual and any court or administrative proceeding and/or court ordered services.

##### **27.210 DEFINITIONS [Eff. 11/1/07]**

- A. "Appointing Authority" means the presiding officer or similar official of any court, board, commission, agency, or licensing or law enforcement authority of the state or any other of its political subdivisions.
- B. "Assistive Listening Device" (ALD) means a form of auxiliary aid working either with a hearing aid or cochlear implant, or alone, to improve the ability to hear all interactions.
- C. "Auxiliary Service Providers and Aids" mean qualified interpreters, Communication Access Realtime

Translation Provider, assistive listening devices/systems, or other effective methods of making spoken or written information available to Deaf or Hard of Hearing individuals.

- D. "Commission" means the Colorado Commission for the Deaf and Hard of Hearing (CCDHH).
- E. "Communication Access Realtime Translation" (CART) has the same meaning as Computer Aided Realtime Translation (CART) and is the word-for-word translation from spoken English to text.
- F. "Deaf or Hard of Hearing" means a person who has a functional hearing loss of sufficient severity to prevent aural comprehension, even with the assistance of hearing aids.
- G. "Effective Communication" means an individualized and culturally appropriate method of communication that results in equal access to information provided to all parties.
- H. "Interpreter" means a professional who facilitates effective communication between all parties. Services may be provided by:
  - 1. "Sign Language Interpreter" means a professional who can hear and holds a valid Registry of Interpreters for the Deaf (RID) certificate and Legal Credential Authorization issued by the Commission.
  - 2. "Certified Deaf Interpreter" (CDI) means a professional who is Deaf and holds both a valid RID certificate and Legal Credential Authorization issued by the Commission. CDI's work with professionals who can hear, in providing an accurate interpretation between English and sign language, between variants of sign language or between American Sign Language and other foreign sign languages by acting as an intermediary between the Deaf or Hard of Hearing individual and the interpreter(s).
  - 3. "Deaf Interpreter" (DI) means a professional who is Deaf and holds a valid Legal Credential Authorization issued by the Commission but does not hold an RID certificate. Deaf Interpreters work with the professional interpreter(s), who can hear, in providing an accurate interpretation between English and sign language, between variants of sign language or between American Sign Language and other foreign sign languages by acting as an intermediary between the individual who is Deaf or Hard of Hearing and then interpreter(s).
  - 4. "Intermediary Interpreter" means an individual who has particular knowledge and/or experience relative to the unique communication needs of a Deaf or Hard of Hearing person. The intermediary will assist the Status I and/or Status II interpreter(s) in establishing effective communication on a case-by-case basis.
  - 5. "Oral Interpreter" means a professional who can hear and holds both a valid RID certificate and Legal Credential Authorization issued by the Commission. Oral interpreters are provided for individuals who rely on speech reading rather than sign language.
- I. "Legal Credential Authorization" is issued by the Commission to qualified Auxiliary Service Providers.
- J. "National Association of the Deaf" (NAD) means the national advocacy organization that promotes, protects and preserves the rights and quality of life of Deaf and Hard of Hearing individuals in the United States of America.
- K. "National Court Reporters Association" (NCRA) means the national certifying body for CART providers who work with Deaf and Hard of Hearing individuals.
- L. "Registry of Interpreters for the Deaf" (RID) means the national certifying body for interpreters who



work with Deaf and Hard of Hearing individuals.

- M. "Supervised Experience" means supervision by a Commission approved legally qualified service provider that occurs in a variety of legal settings.

#### **27.220 APPOINTMENT OF APPROPRIATE AUXILIARY SERVICE PROVIDERS [Eff. 11/1/07]**

Subject to available appropriations, the Commission will coordinate and pay for all qualified Auxiliary Service Providers when requested by the Appointing Authority.

- A. The Commission shall determine the combination of services needed on a case-by-case basis in order to achieve effective communication between all parties involved in a case.
- B. The Commission shall coordinate and pay for appropriate auxiliary aids and services when a person who is Deaf or Hard of Hearing is present as the principal party of interest or a witness for any stage of a court or legal assignment. These appointments shall include, but are not limited to:
1. Civil and criminal proceedings.
  2. Court provided alternative dispute resolution, mediation, arbitration or other court provided treatment and services related to the disposition of a case.
  3. An administrative, commission, legislative or agency hearing.
  4. A hearing of a licensing authority of the state or any of its political subdivisions.
  5. A grand jury or jury proceeding.
  6. When a juvenile whose parent or parents or legal guardians(s) are Deaf or Hard of Hearing is brought before a court for any reason.
  7. When a person who is Deaf or Hard of Hearing is arrested and taken into custody for an alleged violation of a criminal law of the state or any of its political subdivisions.
  8. Probation pre-sentence interviews and supervision.
  9. Court-ordered mediation, treatment and services in any community-based and/or private program or service related to the disposition of a court matter or case. In such case, payment by the Commission will only take place when service entities submit evidence of undue burden.
  10. Meeting at the courthouse between an attorney and a client, when the meeting is an extension of a court appearance.
- C. The Commission may coordinate and pay for qualified Auxiliary Service Providers and aids for Deaf and Hard of Hearing individuals who are not a principal party of interest.

#### **27.230 QUALIFICATIONS OF AUXILIARY SERVICE PROVIDERS [Eff. 11/1/07]**

The Commission shall determine the qualifications of Auxiliary Service Providers who are eligible to be paid by the Commission and maintain a referral resource list. Each Auxiliary Service Provider must have a Legal Credential Authorization to be added to a referral resource list. The Commission shall renew each Auxiliary Service Provider's Legal Credential Authorization every four (4) years, based upon verification of continuing education and applicable certification.

## A. Interpreters

No interpreter shall be placed on an interpreter referral resource list with the Commission unless (s)he has made application, and has been determined qualified under one of the statuses below.

Status I interpreters are preferred providers for all legal and court assignments; therefore, every effort shall be made to assign these interpreters before contacting interpreters in other status categories.

### 1. Status I

#### a. RID Specialist Certificate: Legal (SC:L)

- 1) Initial Legal Credential Authorization: Holders of a current SC:L not required to complete additional training and supervision to attain a Legal Credential Authorization.
- 2) Maintenance of Legal Credential Authorization: Each SC:L holder must attain twenty (20) hours Continuing Education (2.0 CEUs) specific to legal settings during each four (4) year period, and maintain current certification.

#### b. RID Certified Deaf Interpreter (CDI)

Holders of this certificate are recommended for a broad range of assignments where an interpreter who is Deaf or Hard of Hearing would be beneficial.

- 1) Initial Legal Credential Authorization: Holders of a CDI are required to have sixty-five (65) hours of training specific to legal interpreting, and twenty-five (25) hours of Supervised Experience to attain a Legal Credential Authorization.
- 2) Maintenance Legal Credential Authorization: Each CDI holder must attain twenty (20) hours Continuing Education (2.0 CEUs) specific to legal settings during each four (4) year period, and maintain current certification.

### 2. Status II

#### a. Interpreters with Other Certificates

Individuals having a RID Certificate of Interpretation and Certificate of Transliteration (CI/CT), RID Comprehensive Skills Certificate (CSC), Master Comprehensive Skills Certificate (MCSC), NAD-RID National Interpreter Certificate Master (NIC Master), NAD V, RID Oral Transliterating Certificate (OTC), RID Oral Interpreter Certification: Comprehensive (OIC:C) are eligible to receive a Certificate of Competency if they comply with the following:

- 1) Initial Legal Credential Authorization: Status II interpreters are required to have sixty-five (65) hours of training specific to legal interpreting, and thirty-five (35) hours of Supervised Experience to attain a Legal Credential Authorization.
- 2) Maintenance of Legal Credential Authorization: Each Status II interpreter must attain forty (40) hours Continuing Education (4.0 CEU's) specific to

legal settings ) during each four (4) year period, half of which must be skills training, and maintain current certification.

b. Deaf Interpreter (DI)

Deaf Interpreters, who do not hold a CDI, may be used where an interpreter who is Deaf or Hard of Hearing would be beneficial and a CDI is not available.

- 1) Initial Legal Credential Authorization: Deaf interpreters are required to have a minimum of eight (8) hours of training related to the RID Code of Professional Conduct, a minimum of eight (8) hours of general interpreting theory, sixty-five (65) hours of training specific to legal interpreting, and thirty-five (35) hours of Supervised Experience to attain a Legal Credential Authorization.
- 2) Maintenance of Legal Credential Authorization: Each Deaf interpreter must attain forty (40) hours Continuing Education (4.0 CEUs) specific to legal settings during each four (4) year period.

2. Status III: Intermediary

Intermediary interpreters can only be appointed on a case-by-case basis dependant on the unique communication needs of the Deaf or Hard of Hearing individual.

B. CART Providers

1. Initial Legal Credential Authorization: Individuals having a Certified CART Provider (CCP) certificate or Certified Realtime Report (CRR) designation are eligible for a Legal Credential Authorization.
2. Maintenance of Legal Credential Authorization: Each CART provider must attain twenty (20) hours of Continuing Education (2.0 CEUs) related to CART training during each four-year period, and maintain current certification.

**27.240 RESPONSIBILITIES [Eff. 11/1/07]**

An Auxiliary Service Provider may lose their Legal Credential Authorization from the Commission if they do not comply with the Responsibilities of Auxiliary Service Providers.

**27.241 Responsibilities of Auxiliary Service Providers [Eff. 11/1/07]**

- A. All Auxiliary Service Providers shall provide effective communication.
- B. All Auxiliary Service Providers shall prepare prior to providing service in any case or proceeding.
- C. Each Auxiliary Service Provider must correct errors either on the record, or by notifying each party as soon as practical.
- D. An Auxiliary Service Provider shall take an oath that he or she shall make a true and complete interpretation in an understandable manner to the best of his or her skills, but such oath shall only be required if the entity presiding over the proceeding has been given, by statute, the authority to administer such an oath.
- E. An Auxiliary Service Provider shall make all necessary disclosures, on the record, acknowledging per se conflict of interest and/or as the sole holder of information.

- F. The Auxiliary Service Provider shall be in full view and spatially situated to assure effective communication with each person who is Deaf or Hard of Hearing.
- G. Auxiliary Service Providers may provide effective communication between Deaf and Hard of Hearing individuals and their attorneys only when attorney-client privilege has been extended for the Auxiliary Service Provider.
- H. Each interpreter is duty bound to the Colorado Judicial Department Code of Professional Responsibility for Court Interpreters and the NAD-RID Code of Professional Conduct. Copies of these Codes may be reviewed by contacting the Director of the Commission during normal business hours, at the Colorado Department of Human Services, 1575 Sherman Street, Denver, Colorado 80203; or at any State Publications Library. No amendments or later editions are incorporated.
- I. Each CART provider is duty bound to the National Court Reporters Association (NCRA) Code of Ethics and Guidelines for Professional Practice. Copies of this Code and Guideline may be reviewed by contacting the Director of the Commission during normal business hours, at the Colorado Department of Human Services, 1575 Sherman Street, Denver, Colorado 80203; or at any State Publications Library. No amendments or later editions are incorporated.
- J. The official court reporter should refrain from working in a dual capacity as a CART provider and the Official Reporter of Proceedings. When no other option exists, the role performed is that of the Official Reporter of Proceedings and, therefore, the individual who is Deaf or Hard of Hearing is not adequately served.

**27.242 Responsibilities of Auxiliary Service Providers for Jurors [Eff. 11/1/07]**

- A. Auxiliary Service Providers shall provide effective communication during a trial for a juror who is Deaf or Hard of Hearing.
- B. Auxiliary Service Providers shall make true and complete translations/interpretations of call court proceedings.
- C. Auxiliary Service Providers shall be subject to all orders of the presiding judge or magistrate.
- D. Subject to the express order of the court, all auxiliary aids and service providers shall be allowed during jury deliberations.
- E. Auxiliary Service Providers shall not participate in any manner in the deliberation of the jury and shall not have any communications with any member of the jury regarding deliberation, except for true and complete conveyance of jurors' remarks made during deliberation.

**27.250 COMPENSATION, PAYMENT, AND REIMBURSEMENT [Eff. 11/1/07]**

- A. The amount of compensation shall be based on a fee schedule for qualified interpreters and auxiliary services established by the Commission, subject to appropriations.
- B. Funds are not available through the Commission for attorney-client communications outside of judicial settings.

**27.260 COMPLIANCE AND SANCTIONS [Eff. 11/1/07]**

Auxiliary Service Providers must come into full compliance with these rules, by submitting all required documentation to the Commission, by January 1, 2012, to receive a Legal Credential Authorization. Any service provider without a valid Legal Credential Authorization will not be paid by the Commission.

#### **27.270 DISPUTE RESOLUTION [Eff. 11/1/07]**

All parties involved in a proceeding covered by these rules may file a dispute, within 30 days, with the Commission regarding the ineffective and/or unethical service of an Auxiliary Service Provider according to the NAD-RID Professional Code of Conduct or the NCRA Code of Ethics.

- A. Complaints can be made in writing, on videotape or in person at the Commission office using the existing Commission in-take form.

A complaint must include:

1. The name of the person filing the complaint
  2. The name of the Auxiliary Service Provider
  3. Date and location of incident
  4. A full description of what happened, including the negative impact
  5. Permission to speak to parties present and/or involved
- B. A copy of the complaint will be reviewed by the Commission staff to determine if the complaint is within the purview of the Legal Auxiliary Services Program.
  - C. A copy of the complaint will be sent to the Auxiliary Service Provider who will be given 14 days to respond in writing to the Commission.
  - D. All of the information from both the complainant and the identified Auxiliary Service Provider will be reviewed by the Legal Advisory Council to determine if there is a basis in fact for action.
  - E. If it is determined that there is no basis in fact, the case will be closed at that time and a full written explanation will be sent to both parties.
  - F. If there is a basis in fact, the Advisory Council will make a recommendation for sanctions up and including revocation or denial of the Legal Credential Authorization to a three-member Commission sub-committee.
  - G. Both parties will be kept informed of the recommendation of the sub-committee.
  - H. Either party may request an appeal, within thirty (30) days, to the full Commission with the members of the sub-committee being recused.
  - I. The Commission will make a final decision, which will be communicated to all parties involved. The decision of the Commission is final.

#### **27.280 TRAINING AND TECHNICAL ASSISTANCE [Eff. 11/1/07]**

The Commission will provide training and technical assistance for identified Judiciary and law enforcement personnel and auxiliary service providers regarding compliance with relevant regulations, policies and procedures.

#### **27.290 AUXILIARY AIDS AND DEVICES [Eff. 11/1/07]**

The Commission shall make available, to the appointing authority, assistive listening devices to be used for effective communication when requested by a Deaf or Hard of Hearing individual.

## **27.300 AUXILIARY SERVICE ADVISORY COUNCIL [Eff. 11/1/07]**

- A. The Commission shall convene a nine-member advisory council. Membership shall consist of the following: two (2) Deaf members, two (2) Hard of Hearing members, three (3) Status I or Status II Legal Interpreter members (at least one shall be a CDI/DI, if possible), one (1) CART provider member, and one (1) person with Disability Law background.
- B. This council shall meet at least two times per year to review these rules and corresponding procedures, and make recommendations as requested by the Commission.
- C. These rules shall be reviewed at the beginning of each fiscal year for the first three years after implementation and thereafter as needed. Recommendations for revisions shall be submitted to the Commission and subsequently to State Board of Human Services in a timely manner.
- D. The review process shall be open and available for input from the public including, but not limited to, members of the Colorado Association of the Deaf, members of the Colorado Registry of Interpreters for the Deaf, auxiliary service providers, consumers of auxiliary services, State Court Administrator's Office, and the Colorado Bar Association.
- E. Term limits shall be determined by the Commission.

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## **DEPARTMENT OF HUMAN SERVICES**

### **Commission for the Deaf and Hard of Hearing**

## **COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING**

### **12 CCR 2516-1**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

## **STATEMENT OF BASIS AND PURPOSE, FISCAL IMPACT, AND SPECIFIC STATUTORY AUTHORITY OF REVISIONS MADE TO STAFF MANUAL VOLUME 27 (12 CCR 2516-1)**

In creating a new manual for the Colorado Commission for the Deaf and Hard of Hearing (CCDHH), sections 27.100 through 27.191 were added as adopted following publication at the 6/6/2003 State Board meeting, with an effective date of 8/1/2003 (Rule-making# 03 3 26-1). Statement of Basis and Purpose, fiscal impact, and specific statutory authority for these revisions were incorporated by reference into the rule. These materials are available for review by the public during normal working hours at the Colorado Department of Human Services, Office of Performance Improvement, Boards and Commissions Division, State Board Administration.

Revisions to Sections 27.120 and 27.140 were adopted following publication at the 5/7/2004 State Board meeting, with an effective date of 7/1/2004 (Rule-making# 04-3-1-1). Statement of Basis and Purpose, fiscal impact, and specific statutory authority for these revisions were incorporated by reference into the rule. These materials are available for review by the public during normal working hours at the Colorado Department of Human Services, Office of Performance Improvement, Boards and Commissions Division, State Board Administration.

Addition of Sections 27.200-27.300 were final adoption following publication at the 9/7/2007 State Board meeting (Rule-making# 07-6-21-1), with an effective date of 11/1/2007. Statement of Basis and Purpose and specific statutory authority for these revisions were incorporated by reference into the rule. These materials are available for review by the public during normal working hours at the Colorado Department of Human Services, Office of Performance Improvement, Boards and Commissions Division, State Board

Administration. *Eff.* 11/01/2007

Revision of Sections 27.100 through 27.191 were final adoption following publication at the 2/1/2008 State Board meeting (Rule-making# 07-10-1-1), with an effective date of 4/1/2008. Statement of Basis and Purpose and specific statutory authority for these revisions were incorporated by reference into the rule. These materials are available for review by the public during normal working hours at the Colorado Department of Human Services, Boards and Commissions Division, State Board Administration. *Eff.* 4/1/2008

#### **Editor's Notes**

#### **History**

Add Sections 27.200 – 27.300 *eff.* 11/1/2007. Sections 27.100 – 27.191 *eff.* 4/1/2008.