

Title of Proposed Rule: Rule Update for the Colorado Commission for the Deaf, Hard of Hearing, and DeafBlind's Communications Technology Program

CDHS Tracking #: 18-10-18-03

Office, Division, & Program:
OCAI, Colorado Commission
for the Deaf, Hard of Hearing,
and DeafBlind

Rule Author: JoAnne Hirsch

Phone: 303-866-2097

E-Mail:

joanne.hirsch@state.co.us

RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

- a. Board Executive Director
b. Regular Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

AG Initial
Review

Initial Board
Reading

AG 2nd Review

Second Board Reading
/ Adoption

This package contains the following types of rules: *(check all that apply)*

Number
 Amended Rules
 New Rules
 Repealed Rules
 Reviewed Rules

What month is being requested for this rule to first go before the State Board?	March 2019
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What date is being requested for this rule to be effective?	June 2019
Is this date legislatively required?	No

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ **Date:** _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated 1st Board 3/8/19 2nd Board 4/5/19 Effective Date 6/1/19
Dates: _____

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STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

The Colorado Commission for the Deaf, Hard of Hearing, and DeafBlind's Communications Technology Program (CTP) was established in 2002. Under the Federal "Americans with Disabilities Act," Colorado has a duty to provide the deaf, hard of hearing and deafblind equivalent access to governmental services. This is accomplished by the dissemination of communications technology in the form of amplified and captioned phones, cellular devices, such as smartphones, flip phones and tablets, ring signalers and amplified tools, as well as specialized communications technology for deafblind through a federal grant.

The proposed rule changes are necessary to allow for a person's existing communications technology to be accessible through amplification or notification tools. Also, updates to the language and definitions are essential to keep up with ever-changing technology and elimination of some application requirements to eliminate consumer burden. The following rule changes are: (1) updating the name of the program from Telecommunications Equipment Distribution Program (TEDP) to its current name, Communications Technology Program (CTP); (2) eliminating requirements of the application to make it less burdensome for the consumer; (3) updating the definitions of terms such as "equipment" and "accessory" to allow the program to provide devices/applications/tools that allow a consumer's current technology to be accessible; and (4) raising the income limit as technology is increasing in cost and becoming not affordable to those who surpass the current income threshold.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

to comply with state/federal law and/or

to preserve public health, safety and welfare

Justification for emergency:

State Board Authority for Rule:

Code	Description
26-1-107, C.R.S. (2016)	State Board to promulgate rules
26-1-109, C.R.S. (2016)	State department rules to coordinate with federal programs
26-1-111, C.R.S. (2016)	State department to promulgate rules for public assistance and welfare activities.

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
26-214-106(1)(d), C.R.S. (2018)	Assessing 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.

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Section 26-21-106, (3) C.R.S. (2018)	The commission shall establish a telecommunications equipment distribution program that is consistent with the findings of subsection (1) of this section to obtain and distribute interactive telecommunications equipment needed by deaf and hard of hearing persons.;
Section 26-21-107, (1) C.R.S. (2018)	There is hereby created in the state treasury the Colorado commission for the deaf and hard of hearing cash fund, and all moneys credited to the fund shall be used exclusively for the administration and discharge of this article. All moneys credit to the fund and any interest earned on the fund shall remain in the fund and shall not revert to the general fund or any other fund at the end of the fiscal year.

Does the rule incorporate material by reference?

Yes

No

Does this rule repeat language found in statute?

Yes

No

If yes, please explain.

~~a. In section 27.130, federal poverty guidelines are incorporated by reference.~~

~~b. In Section 27.120, the definitions of "commission" and "telecommunications" are taken from statute for consistency of use.~~

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REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Deaf, hard-of-hearing and deafblind individuals/consumers
Colorado Division of Vocational Rehabilitation
Colorado Public Utilities Commission (Telephone Users with Disabilities Fund)
Government Services
Communications technology businesses, such as ADCO Hearing Products, Inc., Teltex Inc., Weitbrecht Communications, Inc., RAZ Mobility, etc.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

Deaf, hard-of-hearing and deafblind users would be impacted by increased and better access to their existing devices to public communications services to effectively communicate with government agencies, service providers and members of the general public. The program would be able to serve more consumers by providing them with the proper tools to make their existing technology accessible through the use of amplified headsets or neckloops and notification systems, versus having to provide a user with a phone they may not need as they would rather have better access to the technology they already own.

The rule-making updates will relieve the burden of the excessively long and overwhelming application by removing the requirements that are not necessary, such as proof of phone service and residency, when they provide a Colorado address.

Based on information from the U.S. Department of Health and Human services 2015 Census, approximately 469,265 to more than one million residents of Colorado are deaf, hard of hearing and deafblind, and Colorado has faced one of its largest demographic shifts in the state's history. Many older residents face age-related hearing loss and are not able to have access to communications technology unless they are provided with the proper tools, which are becoming every increasingly more costly. By raising the income cap, this will allow for more individuals to qualify and receive the proper device that will give them the access to communications effectively.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because..."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

Since more consumers could possibly be served by allowing the distribution of an amplified tool, ring signaler or other tool or application as a standalone device, versus how the rules currently require a

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person to receive a phone ("equipment") in order to receive an "accessory," there may be a financial impact as more qualified consumers will be served. Or there may be little financial impact if an individual only requires an "accessory" to make their existing equipment accessible, which would cost less than a phone ("equipment") with accessories.

By increasing the income threshold, more people could potentially qualify and therefore there would be a financial impact.

Under the current legislation, funds for the Communications Technology Program are cash fund exempt. Effective Sept. 1, 2016, all voice service providers shall collect and remit the TRS charge assessed on each telephone access line. This expanded the Fund, as it collects from landline, cellular and VoIP and it is within the Public Utilities Commission's authority to take the necessary actions to meet the increased monetary needs of the Communications Technology Program.

Comparing states with similar programs, income guidelines and adjusting for state population size, it is estimated that fifty (50) or more persons will be served per month in the State of Colorado. Since the cost of "accessories" is less than "equipment," it is estimated that the average cost for a device (accessories) package would be \$150 and the projected costs per month would rise to approximately \$7,500 per month or \$90,000 per year.

County Fiscal Impact

None

Federal Fiscal Impact

None

Other Fiscal Impact (such as providers, local governments, etc.)

None

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

A study was performed by surveying other state programs, specifically ones similar in size of population, and how those programs disseminate communications technology, income guidelines and applications processes. Below are the states that Colorado focused on based on comparable size and program allowance. All distributed of any type of device that allowed for communications access, equipment or accessory.

Wisconsin (no income limit)

Arizona (no income limit)

Indiana (\$71,000 per total household)

Alaska (no income limit)

South Carolina (no income limit)

Oregon (no income limit)

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5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just “no alternative” answer should include “no alternative because...”

There are no alternatives, as consumer access to communication needs to be met.

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OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
7.000	<i>Incorrect Statutory Reference</i>	<i>Section 26.5.103 C.R.S.</i>	<i>Section 26.5-101(3) C.R.S.</i>		
27.100	Outdated terminology	Telecommunications Equipment Distribution Program (TEDP)	Communications Technology Program	Legislative update	
27.100	Outdated terminology	Commission for the Deaf and Hard of Hearing	Commission for the Deaf, Hard of Hearing, and DeafBlind	Legislative update	
27.120	Outdated definitions	Accessory	Eliminating to replace with “device” to provide a more general term	To provide communications access to existing technology	
27.120	Outdated definitions	Equipment	Replacing with “device” to provide a more general term	Eliminating the requirement of ordering a phone to gain access to existing technology	
27.120	Adding terminology		Adding a definition of “Communications Technology” to define new program name and what it entails	Legislative update	
27.120	Outdated terminology	Late Deafened	Eliminating a term that is redundant	Redundancy	
27.120	Outdated terminology	Landline telecommunications equipment	Eliminating outdated term	Outdated term	
27.120	Outdated terminology	Telecommunications	Communications Technology	Legislative update	
27.120	Adding terminology		“Tool” means any device or application that provides communications access.	Expand definition	
27.130	Eligibility criteria	Provide valid Colorado driver’s license	Provide a valid Colorado address	Applicant burden	
27.130	Certification	A licensed physician	A licensed physician or medical professional	Expand options for certification	
27.130	Certification		A Licensed Speech-Language Pathologist	Expand options for certification	
27.130	Certification	A public or private agency	A service professional from a public or private agency	Expand definition	
27.130	Household income	Applicant’s income must be less than 300% of Federal poverty guidelines	The applicant’s household income must be less than 400% of the Federal poverty guideline	With technology increasing in cost, consumers in need of communications access can no longer afford it; this increase will also mirror the income guideline of the deafblind federal grant the program manages, which is set at 400% of the Federal	

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				poverty guideline	
27.130	Proof of phone service	Provide copy of a most recent telephone statement or bill for landline telecommunications equipment	Eliminate requirement	Devices provided do not require phone service, landline or other	
27.130	Eligibility review	The TEDP Coordinator and the TEDP committee will review all eligibility criteria at least annually to ensure that the eligibility guidelines are consistent and accurate	Eliminate review process	Unnecessary as guidelines didn't change	
27.140	Add language as it pertains to applicant accommodations		The applicant shall determine what accommodations are needed to ensure effective communications access based on demonstration and consultation. CTP may verify and certify the special needs and require further documentation and justification.	Allows for special accommodation to allow for access to communications technology to address any additional disability outside of and addition to being deaf, hard of hearing or deafblind	
27.141	Notification of approved application	Will be notified by mail	Will be notified by email or mail	Adding a notification option if applicable	
27.141	One equipment package allowed	Only one equipment package may be issued per eligible applicant	Removal of this rule	Eliminating the term equipment and therefore the rule is not needed	
27.143	Denied Applications	Within the preceding four years for landline telecommunications equipment and two years for wireless telecommunications equipment	Within the preceding four years.	Eliminating outdated verbiage, "landline," and make all devices at four years for renewal purposes	
27.143	Denied Applications	The applicant is an active consumer of the Colorado Department of Human Services, Division of Vocational Rehabilitation, and receives telecommunications equipment as part of an individual plan of employment.	Removal of this rule	CTP provides for personal use and does not conflict with other programs mentioned	
27.151	Outdated terminology	Replacing the Equipment	Replacing the Communications Technology Device	Updating language to be consistent	
27.151	Anniversary date	The identified anniversary date has passed and the recipient has had the landline telecommunications equipment for more than four (4) years or wireless telecommunications equipment for more than two (2) years.	The identified anniversary date has passed and the recipient has had the communications technology for more than four (4) years.	Eliminating outdated verbiage, "landline," and make all devices at four years for renewal purposes	
27.154	Stolen Equipment	If a replacement is requested due to the	If a device is stolen, for the purposes of program	Need to clarify that the stolen	

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		<u>equipment being stolen</u>	<u>recordkeeping, the recipient shall:</u>	<u>device will not be replaced by the program. But for recordkeeping purposes only, the program will need to be informed that the device was stolen and a police report is forwarded to the program.</u>	
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STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

Ad Hoc Committee consisting of a hard-of-hearing consumer; a deaf consumer; a representative of a Colorado Springs independence center; a representative of a Fort Collins independence center; and a representative from Denver's Assistive Technology Partners

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

To be shared with the deaf, hard-of-hearing and deafblind communities for social media and Commission's newsletter.

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes No

If yes, who was contacted and what was their input?

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes No

Name of Sub-PAC			
Date presented			
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
If not presented, explain why.			

PAC

Have these rules been approved by PAC?

Yes No

Date presented			
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
If not presented, explain why.			

Other Comments

Comments were received from stakeholders on the proposed rules:

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Yes No

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

12 CCR 2516-1

~~100 TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM (TEDP) COMMUNICATIONS TECHNOLOGY PROGRAM (CTP)~~

110 INTRODUCTION [Rev. eff. ~~4/1/2019~~ 1/1/2019]

The Colorado Commission for the Deaf, ~~and~~ Hard of Hearing, ~~and DeafBlind~~ was established by Section ~~26-21-26-21-102~~ 26-21-106(1)(d)(3), C.R.S., to facilitate the provision of general governmental services to the deaf, ~~and~~ hard of hearing ~~and deafblind~~ 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 ~~and deafblind~~ 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~~ communications access, and other resources to enable such access.

Section 26-21-107, C.R.S., authorizes the use of funds from the Colorado Commission for the Deaf, ~~and~~ Hard of Hearing, ~~and DeafBlind~~ Cash Fund for the establishment of a ~~Telecommunications Equipment Distribution Program (TEDP) Communications Technology Program (CTP)~~.

120 DEFINITIONS [Rev. eff. ~~7/1/2019~~ 4/1/19]

~~“Accessory” means additional device which complements telecommunications equipment.~~

“Anniversary date” means the same date, but on subsequent years, that the applicant was approved for the ~~Telecommunications Equipment Distribution~~ Communications Technology Program.

“Applicant” means a person who applies to receive ~~telecommunications~~ communications device(s) equipment under the auspices of the ~~Telecommunications Equipment Distribution~~ Communications Technology Program.

“Application” means the official paperwork approved by the Colorado Commission for the Deaf, ~~and~~ Hard of Hearing, ~~and DeafBlind~~ used for the ~~Telecommunications Equipment Distribution~~ Communications Technology Program.

“Approved date” means the date that all supporting documentation for the application is received and verified for acceptance by the ~~Telecommunications Equipment Distribution~~ Communications Technology Program.

“Certification” means professional verification of the applicant’s hearing ~~status~~ acuity.

“Certifying professional” means those individuals who have been officially recognized by the ~~Telecommunications Equipment Distribution~~ Communications Technology Program to verify the applicant’s hearing ~~status~~ acuity, as indicated in Section 27.130.

“Commission” means the Colorado Commission for the Deaf, ~~and~~ Hard of Hearing, ~~and DeafBlind~~ (CCDHH~~DB~~), created pursuant to Section 26-21-102, C.R.S.

~~“Equipment Device” means any tool or application that provides communications access. combination of equipment including one telecommunications device and an accessory device for the telecommunications equipment.~~

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

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

~~“Late deafened” means those individuals as defined in Section 26-21-103(6), C.R.S.~~

~~“Landline telecommunications equipment” means readily available equipment that utilizes land lines and enables deaf, hard of hearing, deaf-blind, or late-deafened individuals to access the telephone network.~~

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

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

~~“Telecommunications~~Communications Technology” includes any communication device or application, encompassing: radio, television, cellular phones, computer and network hardware and software, satellite systems and so on, as well as the various services and applications associated with them, such as videoconferencing and telecommunications~~means the science and technology of transmitting voice, audio, facsimile, image, video, computer data, and multimedia information over significant distances by the use of electromagnetic energy in the form of electricity, radio, or fiber optics~~ pursuant to Section 26-21-103(8), C.R.S.

“Tool” means any device or application that provides communications access.

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

“Wireless ~~telecommunications equipment~~device” means equipment a device that enables deaf, hard-of-hearing, or deaf-blind, or late-deafened individuals to access the a wireless network.

130 ELIGIBILITY FOR THE TELECOMMUNICATIONS EQUIPMENT

~~DISTRIBUTION~~COMMUNICATIONS TECHNOLOGY PROGRAM [Rev. eff. 4/1/07/1/2019]

To be eligible for ~~telecommunications equipment~~communications devices under the ~~Telecommunications Equipment Distribution Program~~Communications Technology Program, the applicant shall meet all of the following eligibility criteria:

A. The applicant must be a legal resident of the state of Colorado ~~by providing one of the following and provide a valid address on the application.:~~

~~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, age;~~ parents or guardians shall apply on behalf of child/minor and assume full responsibility for the equipment device(s).

C. If the applicant is ~~over~~eighteen (18) years of age or older and has a guardian, guardian; the guardian shall apply on behalf of the applicant and assume full responsibility for the equipment device(s).

D. The ~~The~~ applicant must be deaf, hard of hearing or; deaf-blind, ~~or late deafened~~. This determination must be made at the applicant's expense by one of the following:

1. A licensed physician or medical professional;

2. A licensed audiologist;

3. A Licensed Speech-Language Pathologist

~~34. A Service professional from a public or private agency providing that direct services serves to deaf, hard of hearing or, deaf-blind, or late-deafened.~~

E. The applicant's household income must be less than ~~43~~00% 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" (FPG) refers to figures set by the department annually. These figures, based on gross yearly income levels for corresponding household size, are included in the below table. Effective January 1, 2019, yearly gross income levels, for one hundred percent (100%) and four hundred percent (400%) of the Federal Poverty Guideline (FPG) for the corresponding household size are as follows: may be reviewed by contacting the TEDP Coordinator 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.~~

<u>Family Size</u>	<u>100% Federal Poverty Guideline (FPG)</u>	<u>400% Federal Poverty Guideline (FPG)</u>
<u>1</u>	<u>\$12,490</u>	<u>\$44,960</u>
<u>2</u>	<u>\$16,910</u>	<u>\$67,640</u>
<u>3</u>	<u>\$21,330</u>	<u>\$85,320</u>
<u>4</u>	<u>\$25,750</u>	<u>\$103,000</u>
<u>5</u>	<u>\$30,170</u>	<u>\$120,680</u>
<u>6</u>	<u>\$34,590</u>	<u>\$138,360</u>
<u>7</u>	<u>\$39,010</u>	<u>\$156,040</u>
<u>8</u>	<u>\$43,430</u>	<u>\$173,520</u>
<u>Each Additional person</u>	<u>\$4,420</u>	<u>\$17,680</u>

The applicant must demonstrate proof of household annual gross income by providing a copy of his/her Federal Income Tax return (front page only), ~~or~~ a Social Security Income award letter or other proof approved by the CTP Manager.

~~F. The applicant must provide a copy of his/her most recent telephone statement or a bill for landline telecommunications equipment; the account must be in the applicant's name and bear the same address that is on the application.~~

~~The TEDP Coordinator and the TEDP committee will review all eligibility criteria at least annually to ensure that the eligibility guidelines are consistent and accurate.~~

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

140 APPLICATION PROCESS [Rev. eff. 4/1/10]

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

The applicant shall determine what accommodations are needed to ensure effective communications access based on demonstration and consultation. CTP may verify and certify the request and require further documentation and justification.

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, ~~and DeafBlind~~ office, its website, or designated public and private agencies.

B. The ~~Telecommunications Equipment Distribution~~ Communications Technology 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 or electronic signature.
4. The application includes all required documentation.

141 Approved Applications [Rev. eff. 4/1/10]

Applicants who meet all of the eligibility requirements will be notified by email or mail of their application approval within 60 days of receipt.

~~A. Only one equipment package may be issued per eligible applicant.~~

~~BA.~~ Eligible applicants shall be awarded program participation on a first-come, first- served non-discriminatory basis, in accordance with the approved date.

~~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.~~

142 Pending Approved Applications [Rev. eff. 4/1/10]

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. Applicants will be notified that they need to reapply.

143 Denied Applications [Rev. eff. 4/1/10]

A. Denial

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 of the denial determination.

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 ~~telecommunications-communications technology~~ equipment from the ~~Telecommunications Equipment Distribution~~ Communications Technology Program within the preceding four (4) years ~~for landline telecommunications equipment and two (2) years for wireless telecommunications equipment.~~

~~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-communications device(s)~~ equipment received from the ~~Telecommunications Equipment Distribution~~ Communications Technology

Program or violated other provisions of the administrative regulations governing the ~~Telecommunications Equipment~~Communications Technology 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~~communications technology.

C. Reapplication

Any applicant who has been denied participation may reapply if, due to a change in conditions, the ~~eligibility~~eligibility criteria as delineated in this document are met.

144 Dispute Resolution Process [Rev. eff. 4/1/08]

In order to resolve disputes between the ~~Telecommunications Equipment Distribution~~Communications Technology 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.

150 EQUIPMENT-DEVICE SELECTION [Rev. eff. 4/1/10]

The approved applicant is responsible for selecting the appropriate ~~telecommunications communications device(s) equipment~~. If the ~~telecommunications equipment~~communications device(s) that is currently provided by the ~~Telecommunications Equipment Distribution~~Communications Technology Program does not meet the recipient's needs:

A. The recipient may make a special request for an appropriate ~~piece of equipment~~device that better meets his/her needs.

B. The recipient is responsible for the maintenance and repair of the ~~equipment device(s)~~ selected through the ~~Telecommunications Equipment Distribution~~Communications Technology Program. All ~~equipment communications technology~~ will come with a warranty.

151 Replacing the ~~Equipment~~Communications Technology Device [Rev. eff. 4/1/10]

A recipient may apply to replace the original ~~telecommunications equipment~~communications technology device if: A. The ~~telecommunications equipment~~device is damaged through natural disaster;

B. There is a change in the recipient's hearing or vision ~~status~~ acuity;

C. New ~~telecommunications equipment~~communications technology has become available through the ~~Telecommunications Equipment Distribution~~Communications Technology Program which the ~~TEDP Coordinator~~CTP Manager determines to be more appropriate to the recipient's ~~telecommunication communications~~ needs; or,

D. The identified anniversary date has passed and the recipient has had the ~~landline telecommunications equipment communications technology~~ for more than four (4) ~~years~~ or wireless telecommunications equipment for more than two (2) years.

152 Pending Replacement Applications [Rev. eff. 4/1/10]

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

153 Damaged ~~Equipment Device~~ Due to Natural Disasters [Rev. eff. 4/1/10]

A. The recipient must send the device(s) directly to the ~~equipment manufacturer or~~ vendor that sent the ~~telecommunications equipment device~~.

B. The manufacturer or vendor will certify that the equipment ~~can not~~cannot be repaired due to a natural disaster.

154 Stolen Equipment [Rev. eff. 4/1/10]

If a ~~replacement is requested due to the equipment device being~~ is stolen, for the purposes of program recordkeeping, then the recipient shall:

A. Notify local police within fifteen (15) calendar days of the theft.

B. Forward a copy of the police report to ~~Telecommunications Equipment Distribution~~Communications Technology Program within five (5) working days of the date the theft was reported.

160 VENDOR REQUIREMENTS [Rev. eff. 4/1/08]

All vendors shall follow State procurement requirements.

161 Vendor Registration [Rev. eff. 4/1/10]

Vendors seeking to contract with the Colorado Commission for the Deaf, ~~and~~ Hard of Hearing, and DeafBlind for any ~~Telecommunications Equipment Distribution~~Communications Technology Program function must register for the Bid Information and Distribution System (BIDS) with the State Purchasing Office and be in accordance with the State Procurement Rules (1 CCR 101- 9) and these ~~TEDP CTP~~ rules. Vendors 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~~Communications Technology Program:

A. Vendors shall submit documentation to the Commission that the vendor has registered with the State Purchasing Office and the Secretary of State's Office as required in Section 27.161.

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.

170 FRAUD [Rev. eff. 4/1/10]

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

180 CONFIDENTIALITY [Rev. eff. 4/1/08]

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~~communications technology.

181 Information Not Considered to be Confidential for Data Purposes [Rev. eff. 4/1/10]

General program 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.

190 ADMINISTRATION

191 ~~Annual~~Quarterly Report [Rev. eff. 4/1/10]

The ~~TEDP Coordinator~~CTP Manager shall provide the ~~Commissioner~~CCDHHDB Director~~Administrator~~ and Commissioners a quarterly ~~n annual~~ report on the operation of the ~~Telecommunications Equipment Distribution~~Communications Technology Program. The report shall be due ~~on July 15th of each year and, at a minimum~~the 30th following the last month of the quarter, provide:

- A. The number of persons served;
- B. The number of each type of equipment device distributed;
- C. The expenditures of the program activities;
- D. Discussion of any major policy or operational issues;
- E. Suggestion(s) for program changes that do not require legislative action; and,
- F. Suggestions or proposals for legislative changes in the program.