

NOTICE OF INTENT
Department of Health
Office of Public Health

Commission for the Deaf
(LAC 67:302-333)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH-OPH), intends to reenact and amend certain sections of Chapter 3 (Commission for the Deaf) of Title 67—Social Services—of the Louisiana Administrative Code. This proposed Rule repeals Sections 311-333 of Chapter 3 of Title 67 and adopts and amends Sections 302-309.

Title 67
SOCIAL SERVICES
Chapter 3. Commission for the Deaf

§302. Construction of Regulations; Severability

A. Nothing contained in this Chapter shall be construed as to conflict with any provision of the Act 128 or any other applicable statute. If any provision of any rule is held invalid by any state or federal court in Louisiana, such provision shall be deemed severed from the Rule and court's finding shall not be construed to invalidate any of the other provisions of this Chapter.

AUTHORITY NOTE: Promulgated pursuant to the authority in La. R.S.
46:2352(A) and R.S. 47:1061.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public
Health, LR 49:

§303. Definitions

A. As used in this Chapter the following definitions apply:
Board of Commissioners—the group of individuals named or appointed to inform and support the work of the Louisiana Commission for the Deaf

Commission—the Louisiana Commission for the Deaf, an organizational unit within the Louisiana Department of Health

Deaf—a condition of or person with some or complete absence of auditory sensitivity, regardless of when the hearing loss occurred, and is most often represented with a lowercase letter “d.” Methods of communication may include American Sign Language or spoken English. The term “Deaf,” when written or expressed with an uppercase letter “D,” specifically refers to a group of deaf individuals who identify as a cultural and linguistic minority with specific languages, namely visual or tactile methods of communication, and social mores

DeafBlind—a condition of or person with noncomitant visual and auditory sensitivity to the extent that it causes extreme difficulty in gaining independence in daily life activities, achieving psychosocial adjustments, or obtaining vocation

Department—the Louisiana Department of Health

Hard of Hearing—a condition of or person with total or partial inability to hear sound, but not to the extent that the person must rely primarily on visual communication

Hearing—any person who has average to above hearing levels

Interpreter—an individual involved in the process of interpreting or transliterating between the English language and American Sign Language or any communication modes used by d/Deaf, DeafBlind, or hard of hearing persons. Communication modes may include, but are not limited to, cued speech and tactile sign

Secretary—the secretary of the Louisiana Department of Health

AUTHORITY NOTE: Promulgated pursuant to the authority in La. R.S. 46:2352 (A) and R.S. 47:1061.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, Commission for the Deaf, LR 13:93 (February 1987), amended LR 17:388 (April 1991), LR 21:589 (June 1995); amended by the Department of Health, Office of Public Health, LR 49:

§304. Mission of the Commission

A. To engage, empower, and enrich the lives and opportunities of Louisiana's Deaf, DeafBlind, and hard of hearing people.

B. The minimum commission requirements are as follows:

1. establish initiatives and programs to identify and address the needs of the d/Deaf, DeafBlind, and hard of hearing communities;
2. develop strategic plan to guide the work and priorities of the commission, in collaboration with the board of commissioners and other constituencies affected by the plan, published no less frequently than every five years; and
3. publish guidelines for all services to the public including descriptions of the services, eligibility, and requirements of service providers no less frequently than every five years

AUTHORITY NOTE: Promulgated pursuant to the authority in La. R.S. 46:2353 and R.S. 47:1061.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Commission for the Deaf, LR 13:94 (February 1987), amended by the Department of Social Services, Office of Rehabilitation Services, Commission for the Deaf, LR 17:388 (April 1991), LR 21:589 (June 1995), LR 24:494 (March 1998), LR 28:2373 November 2002); amended by the Department of Health, Office of Public Health, LR 49:

§305. Telecommunications Assistance Program

A. Role and Function. The commission serves as the statewide coordinator for the distribution of telecommunications devices and related assistive technology devices for d/Deaf, DeafBlind, and hard of hearing people.

B. The eligibility requirements for the telecommunications assistance program are as follows:

1. Louisiana resident with proof of residency;
2. Social Security number;
3. documentation of hearing-related diagnosis or combined hearing and vision-related diagnosis;
4. age of 18 years or older or parent/guardian available to receive the equipment on behalf of those under 18 years of age; and
5. limit of one unique type of equipment per household. Exceptions may be granted on an individual basis

C. Accessing Services. Provision of services requires a completed application with one of the commission's regional services center.

1. The application shall require identifying information and the necessary documentation required to demonstrate eligibility.

D. Consultation. The commission shall consult with the following entities for advisement with and assessment of this program:

1. the board of commissioners;
2. the Louisiana Relay Administration Board; and
3. the national Telecommunications Equipment Distribution Association.

AUTHORITY NOTE: Promulgated pursuant to the authority in La. R.S. 46:2353 and R.S. 47:1061.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, Commission for the Deaf, LR 13:94 (February 1987), amended LR 17:388 (April 1991), LR 21:589 (June 1995), LR 24:495 (March 1998); amended by the Department of Health, Office of Public Health, LR 49:

§306. Support Service Provider Program

A. Role and Function. The commission serves as the statewide coordinator of the Support Service Provider (SSP) Program to promote the availability of one-to-one support for DeafBlind individuals to understand their environment, facilitate communication, and promote autonomous living.

B. The eligibility requirements for the support service provider program are as follows:

1. Louisiana resident with proof of residency;
2. Social Security number;
3. documentation of combined hearing and vision-related diagnosis;
4. central visual acuity of 20/20 or less in their better eye with corrected lenses or a visual field defect no greater than 20 degrees, or a progressive visual loss having a diagnosis leading to one or both of these conditions;
5. chronic or progressive hearing loss so severe that most speech cannot be understood even with amplification; and
6. extreme difficulty in doing daily life activities, participating in social activities, or gaining meaningful employment; also

7. if an individual cannot have their hearing and vision properly measured, but they have severe hearing and visual disabilities that make it extremely difficult to be independent, they may still be eligible for the program.

C. Provider Requirements.

1. Organization Requirements:

- a. organization(s) engaged to provided SSP services must have demonstrated the ability to effectively serve DeafBlind individuals and their families; and
- b. organization(s) engaged to provide the SSP services must have the ability to train, supervise, and manage the SSP workforce, including rigorous systems to monitor service quality and integrity

2. SSP Requirements:

- a. be at least 18 years of age;
- b. able to accommodate a consumer's communication preference. This I includes sign language, tactile communication, speech, print, Braille, technology, etc.;
- c. pass a background check (no criminal record);
- d. have a valid driver's license; and
- e. have current car insurance that includes liability insurance (this only applies to those who will drive consumers as part of their SSP role)

D. Accessing Services. Provision of services requires a completed application with the commission's designated SSP organization.

1. The application shall require identifying information and information concerning the applicant's diagnosis and evaluation of need.

E. Consultation. The commission shall consult with the following entities for advisement with and assessment of this program;

1. the board of commissioners;
2. the DeafBlind Advisory Council; and
3. the Helen Keller National Center for DeafBlind Youths and Adults

AUTHORITY NOTE: Promulgated pursuant to the authority in La. R.S. 46:2353 and R.S. 47:1061.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:

§307. Hearing Aid Program

A. Role and Function. The commission serves as the statewide distributor of amplification devices.

B. The eligibility requirements for the hearing aid program are as follows:

1. Louisiana resident with proof of residency;
2. Social Security number;
3. age 50 or older;
4. documentation of hearing-related diagnosis. Hearing loss Pure Tone Average of 40 dB or greater in either ear, which is documented by an evaluation and audiogram performed by a commission approved audiologist and/or hearing aid instruments specialist selected by the consumer from a pre-approved commission vendor list;
5. meet an economic need factor of 250 percent of federal poverty guidelines;

6. individuals may not be eligible for any other state or federal program providing assistance with hearing aid purchases;
 7. consumers may be eligible for replacement of aids every five years, with possible exceptions made by LCD office for extenuating circumstances; and
 8. younger individuals who meet all other eligibility requirements may be considered on an individual basis according to funding availability
- C. Provider Requirements. To be eligible to dispense hearing aids for the LCD Hearing Aid Program, vendors must be one of the following:
1. licensed by the Louisiana Board of Hearing Aid Dealers;
 2. licensed by the Louisiana Board of Examiners for Speech-Language Pathology and Audiology; or
 3. a physician licensed under the Louisiana State Medical Practices Act and be listed on LCD's approved hearing aid vendor list
- D. The required services for the hearing aid program are as follows:
1. official hearing assessment and determination;
 2. recommendation and fitting of hearing aid(s), if applicable; and
 3. follow-up appointment according to program policies.
- E. Consultation. The commission shall consult with the following entities for advisement with and assessment of this program:
1. the board of commissioners;
 2. registered hearing aid vendors/audiologists; and
 3. the Louisiana Board of Hearing Aid Dealers

AUTHORITY NOTE: Promulgated pursuant to the authority in La. R.S. 46:2353 and R.S. 47:1061.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, Commission for the Deaf, LR 13:95 (February 1987), amended LR 17:388 (April 1991), LR 21:589 (June 1995); amended by the Department of Health, Office of Public Health, LR 49:

§308. Interpreting Program

- A. Role and function of the interpreting program is to:
1. promote the understanding and implementation of the Americans with Disability Act (ADA) through education and informing businesses and organizations responsible under the ADA of their obligation in providing auxiliary aids and services when needed to communicate effectively with people who are d/Deaf, DeafBlind, or hard of hearing.
 2. promote the development of the state's interpreter workforce through the support of interpreter training programs and continuing education;
 3. develop and maintain the criteria for standardizing the qualifications and practices of the interpreter workforce which advance best practices related to the needs of the state's interpreting workforce and d/Deaf, DeafBlind, and hard of hearing communities; and
 4. maintain a statewide, public-facing registry of interpreters which is accessible via the commission's website
- B. The eligibility requirements for the interpreting program are as follow:
1. the commission may provide limited funding for American Sign Language (ASL) interpreting services or other auxiliary aids to individuals or entities to ensure access to public

and private services when resources are unavailable or the ADA is not applicable. The commission may seek reimbursement for costs incurred on behalf of ADA covered entities.

- a. Situations which may be approved include, but are not limited to:
 - i. state and local government services when access is essential to the public and not otherwise covered under the ADA;
 - ii. emergency medical services;
 - iii. urgent situations which may critically impact a person's physical or mental health;
 - iv. interim occupations needs such as job interviews; and
 - v. public/community/civil service meetings crucial to public awareness such as during a disaster or weather related events
- b. Funding may not be used for interpreting services related to religious services or settings, education-related activities under the supervision of the Louisiana Department of Education or other higher education institutions, or personal circumstances.
- c. Special determinations may be considered for DeafBlind individuals.

C. Consultation. The commission will consult with the following entities for advisement with the assessment of this program:

1. the board of commissioners;
2. the Louisiana Registry of Interpreters for the Deaf board; and
3. professional interpreters representative of the state of Louisiana

AUTHORITY NOTE: Promulgated pursuant to the authority in La. R.S. 46:2353 and R.S. 47:1061.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 49:

§309. Louisiana Commission for the Deaf Board of Commissioners

A. Name. The name shall be the Louisiana Commission for the Deaf board of commissioners, hereinafter referred to as the "board of commissioners."

B. The role and function of the Louisiana Commission for the Deaf board of commissioners are as follows:

1. to support the work of the commission by making recommendations to the commission regarding its programs, policies, procedures, regulations, rules and criteria on behalf of d/Deaf, DeafBlind, and hard of hearing communities and their families; and
2. to advocate for the general welfare, needs, and rights of d/Deaf, DeafBlind, and hard of hearing individuals in this state through education, advising, informing, and promoting relevant laws, policies, and practices which support the eradication of barriers and discrimination affecting individuals who are d/Deaf, DeafBlind, and hard of hearing

AUTHORITY NOTE: Promulgated pursuant to the authority in La. R.S. 46:2352(B).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, Commission for the Deaf, LR 13:93 (February 1987), amended LR 17:388 (April 1991), LR 21:589 (June 1995); amended by the Department of Health, Office of Public Health, LR 49:

- §311. Replacements—Repealed.**
- §313. Privileges of Membership—Repealed.**
- §315. Liability—Repealed.**
- §317. Compensation—Repealed.**
- §319. Designees—Repealed.**
- §321. Officers of the Commission—Repealed.**
- §323. Officers Resignations—Repealed.**
- §325. Termination of Office—Repealed.**
- §327. Meeting Protocol—Repealed.**
- §329. Committees, Boards and Task Forces—Repealed.**
- §331. Executive Director—Repealed.**
- §333. Amendments—Repealed.**

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable negative effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

The proposed rule to clarify the roles and duties of the Louisiana Commission for the Deaf board of commissioners may result in an indirect positive impact on these outcomes for people who are d/Deaf, DeafBlind and/or hard of hearing by having a public body that is distinct

and separate from the Louisiana Department of Health to represent and advocate for their needs in the ways specified in the proposed rule.

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed rule. Such comments must be received no later than Thursday, June 8, 2023 at COB, 4:30 p.m., and should be addressed to Susan Bailey, Director of the Bureau of Emergency Medical Services, 7273 Florida Blvd., Baton Rouge, LA 70806.

Public Hearing

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on Thursday, June 8, 2023. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 2:00 p.m. on Monday, June 26, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Thursday, June 8, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

Person

Preparing

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Return

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Rule Title: Louisiana Commission for the Deaf
Board

Date Rule Takes Effect: Upon Promulgation

SUMMARY
(Use complete sentences)

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is anticipated to increase LDH expenditures by approximately \$1,065 SGF in FY 23 associated with publication costs.

In compliance with Act 128 of the 2022 RLS, the LDH proposes to amend LAC 67:VII Chapter 3 regarding the Commission for the Deaf. Specifically, the rule (1) provides that the commission shall function as a program of the state and serve as the principal agency of the state providing leadership to promote the general welfare of hard of hearing individuals (2) provides that the commission shall be governed by a board and updates the membership, and (3) provides for and updates the duties and powers of the commission and the governing board.

Proposed rule clarifies or rephrases many duties pertaining to the commission, though these updates do not materially call for the expansion of the commission's objectives or duties.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of the proposed change will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition and employment.

Signature of Agency Head or Designee

Legislative Fiscal Officer or Designee

Typed Name & Title of Agency Head or Designee

Date of Signature

Date of Signature