**12 DEPARTMENT OF LABOR**

**152 BUREAU OF REHABILITATION SERVICES**

**Chapter 12: RULES FOR THE COMMUNICATION EQUIPMENT FUND PROGRAM FOR PEOPLE WITH DISABILITIES**

###### SECTION 1: PURPOSE AND GENERAL REQUIREMENTS OF THE PROGRAM

Under Maine Statutes Title 26 M.R.S.A., §1419, the Division for the Deaf, Hard-of-Hearing and Late-Deafened, under the Bureau of Rehabilitation Services, Department of Labor, through the Communication Equipment Program (hereinafter called "The Program"), will provide funds for purchase, lease, upgrading, installation, maintenance and repair of specialized customer telecommunication equipment for persons with disabilities. The Division for the Deaf, Hard-of-Hearing and Late-Deafened, (hereinafter called “the Division”), under the Division of Vocational Rehabilitation Services, will authorize funds in accordance with the following requirements:

1. Eligibility is determined without regard to age, sex, creed, color or national origin.
2. In the purchase of goods or services, the Program staff shall comply with applicable regulations of the Maine Department of Labor and Department of Administrative and Financial Services. The Program will purchase goods and services from vendors who meet specific licensure or certification requirements where applicable.
3. The Program will maintain a record for each applicant for, and recipient of, services and/or goods.
4. When appropriate, Program staff shall provide necessary referral to support the individuals in securing needed services from other agencies and organizations.
5. There is no residency requirement, durational or other, which would exclude from services an otherwise eligible individual who is living in the state.
6. For purposes of this policy, the Director will be the Director of the Bureau of Rehabilitation Services.

###### SECTION 2: PROGRAM OF SERVICES

 There are two programs for services under this Chapter:

1. **The Cost Sharing Program** through the Division pays for a portion of the total cost, in accordance with a cost share payment schedule as determined by the Division, for each piece of specialized customer telecommunication equipment.

1. **The Lending Program** lends specialized customer telecommunication to those whose income level qualifies. The specialized customer telecommunication equipment can be borrowed for as long as needed or as long as the program remains in existence and as long as the applicant complies with the lending agreement containing the following provisions:

A. Agree not to lease, sell, give away, or allow a lien to be placed upon it during the loan;

B. Agree to keep the equipment in good condition and to avoid abuse or damage;

C. Agree to provide adequate insurance to cover loss against fire, theft, or other happenings;

D. Agree to inform the Program staff if the equipment breaks down or is missing;

E. Agree not to remove or permit another person to remove the equipment from this State without written permission from the Bureau of Rehabilitation Services; and

1. Agree to return equipment to the Bureau of Rehabilitation Services upon its request.
2. **Provision of Equipment** per Title 26 M.R.S.A., §1419 sub-§1, B-2 includes:

"Specialized customer communications equipment" means communications equipment used by persons with disabilities to conduct telephone communications. "Specialized customer communications equipment" includes but is not limited to teletypewriters, artificial larynges, signaling devices, amplified handsets, telecoil technology, large number dial overlays, direct telephone dialing, and fax machines.

1. **For Telephone equipment**
2. Orientation and training on use of equipment.
3. Equipment delivered by commercial carrier or personal delivery by Program Staff
4. A temporary loaner will be provided in the event of breakdown of equipment while the telecommunication equipment is being repaired.
5. **For telecoil technology/hearing aids**

The Program contracted agency will appoint a contact person for the telecoil technology/hearing aids program. This individual will be the contact for the hearing aid manufacturers contracted under the Master Agreement contract with the State of Maine and State of Minnesota. The agency will follow the guidelines as established in the Procedural Directive between the Division and the Program.

**SECTION 3: REFERRAL AND APPLICATION FOR SERVICES**

Any person who applies for services shall undergo an eligibility determination, the results of which shall be shared with the individual. The Program shall process referrals in an equitable and expeditious manner consistent with available agency resources. An applicant is anyone who signs a dated application or letter.

###### SECTION 4: ELIGIBILITY DETERMINATION

1. **Identification of Disability Eligibility**
2. **Communication Equipment Fund Program for People with Disabilities**: Persons who are disabled to the extent that they cannot use the telephone for expressive or receptive communications, as verified by a signed form from any of the following licensed professionals: physician, audiologist, optometrist, physical therapist, occupational therapist, or speech pathologist are eligible for assistance from the fund. A copy of a signed audiogram or a copy of a diploma from a school for the deaf or blind or documentation of qualifying disability from another State program is acceptable in place of a doctor’s signature.
3. **Telecoil technology/hearing aid Program disability eligibility**: Persons whose hearing ability in both ears is below 40 decibels pure tone average, as verified by a licensed audiologist or copy of a signed audiogram and are age 65 or older.
4. **Identification of Income Eligibility**
5. **Lending Program**
	1. **General Income Guideline for Communication Equipment Fund Program for People with Disabilities**. The initial application for services will contain a section for a declaration of reported family gross annual income. An applicant whose family gross annual income is below 220% of U.S. Department of Agriculture National Poverty Guidelines adjusted for family size will be eligible for the Lending Program for equipment.
	2. **Persons seeking telecoil technology/hearing aids through the Communication Equipment Fund Program**. An applicant whose family gross annual income is below 135% of the U.S. Department of Agriculture National Poverty Guidelines adjusted for family size will have first priority for telecoil technology/hearing aids available at that time through the Communication Equipment Fund Program.
6. For purposes of this Chapter, Family Gross Annual Income is defined as the sum of all income of family members in the household (not including dependent children), before taxes, received during the 12 month period prior to the date of application. Income shall include:
	1. Wages, salaries, commissions or fees before deductions;
	2. Net earnings from self-employment, partnership or business;
	3. Net rental income;
	4. Dividends;
	5. Interest;
	6. Contributions from persons outside the household;
	7. Pensions or annuities;
	8. Government benefits: public assistance, welfare payments, social security, SSI, unemployment;
	9. Workers’ compensation;
	10. Alimony;
	11. Child support; and
	12. Other cash income withdrawn from savings or investments and other resources available to the family.

 D. The following items are not included in determining gross annual income:-proceeds from sale of property, house or car, tax refunds, scholarships or training stipends.

 E. Consideration may be given in special circumstances, including but not limited to, exorbitant medical costs.

 3. **Certification of Eligibility or Ineligibility**

 A. **Notification of Eligibility**. A letter will be mailed to each individual determined eligible for services. The letter will state their eligibility and be signed and dated by Program staff.

 B. **Notification of Ineligibility**. For all applications in which the Program staff determines that an applicant for or recipient of services does not meet the requirements for eligibility as listed in this Chapter, a letter stating the reasons for ineligibility shall be mailed to each applicant found ineligible, dated and signed by Program Staff, along with a statement of Rights of Appeal.

 4. **Order of Selection**

 A. **General Order of Selection**. At any time services cannot be provided to all eligible individuals, the Order of Selection procedures must be implemented. Under these circumstances individuals shall be served in the following priority order. Those eligible individuals who are:

1. aged 62 or older living alone;
2. living alone;
3. adults, with one family member under age 12;
4. adults, with one adult family member;
5. teenagers or children.

 B. **Telecoil Technology/Hearing Aids Order of Selection**.

1. Aged 75 or older living alone;
2. Aged 70-75 and living alone;
3. Aged 75 or older;
4. Aged 65-75.

C. For purposes of this regulation, “living alone” means living without any roommate, spouse, child, or other assistance in a housing unit, whether that housing unit is a private home, apartment, assisted living facility, group housing or nursing home.

###### SECTION 5: CONFIDENTIALITY

All client/applicant information acquired by the Program staff is confidential and remains the property of the Program and shall only be used and released for purposes directly connected with the administration of the program. Information may, however, be disclosed in summary, statistical, and other forms which do not identify the individuals.

**SECTION 6: PROGRAM APPEALS PROCESS**

An applicant for program services, or a recipient of program services, who is dissatisfied with a determination concerning the furnishing or denial of services under this Chapter, may request a review of the determination by submitting a written appeal to the Director of the Division for the Deaf, Hard-of-Hearing and Late-Deafened within thirty days of the issuance of the determination. Upon such appeal, a hearing will be conducted, and a final agency decision will be issued pursuant to Subchapter IV governing Adjudicatory Proceedings under the *Maine Administrative Procedure Act*. Parties shall have the right to appeal the agency’s final decision to court pursuant to Subchapter VII governing Judicial Review of Final Agency Action under the *Maine Administrative Procedure Act*.

STATUTORY AUTHORITY:

 26 M.R.S. §1419-A

EFFECTIVE DATE:

 January 27, 1988 – filing 88-23. Title: “Telecommunication Devices for the Deaf (TDD)”.

EFFECTIVE DATE (ELECTRONIC CONVERSION):

 May 19, 1996

NON-SUBSTANTIVE CHANGES:

 August 20, 1997 - corrections of agency names, minor spelling and formatting, header corrected. Title changed to “Telecommunication Devices for the Deaf (TDD) Program Rules”.

AMENDED:

 July 5, 2004 - filing 2004-247. Also: title changed to “Telecommunication Devices for People with Disabilities Program Rules”.

REPEALED AND REPLACED:

 January 11, 2006 – filing 2006-5. Also: title changed to “Communications Devices for People with Disabilities Program Rules”

AMENDED:

 January 14, 2012 – filing 2012-5. Also: title changed to “Rules for the Communication Equipment Fund Program for People with Disabilities”.

 June 28, 2021 – filing 2021-135