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## **Volume of Colorado Commission for the Deaf and Hard of Hearing (12 CCR 2516-1)**

### **100 TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM (TEDP)**

#### **110 INTRODUCTION [Rev. eff. 4/1/10]**

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

#### **120 DEFINITIONS [Rev. eff. 4/1/10]**

"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 Program.

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

"Application" means the official paperwork 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 for acceptance by the Telecommunications Equipment Distribution Program.

"Certification" means professional verification of the applicant's hearing status.

"Certifying professional" means those individuals who have been officially recognized by the Telecommunications Equipment Distribution Program to verify the applicant's hearing status, as indicated in Section 27.130.

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

"Equipment" means a 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" 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.

"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.

"Wireless telecommunications equipment" means equipment that enables deaf, hard of hearing, deaf-blind, or late-deafened individuals to access the wireless network.

## **130 ELIGIBILITY FOR THE TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM [Rev. eff. 4/1/10]**

To be eligible for telecommunications equipment under the Telecommunications Equipment Distribution 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:

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. If the applicant is over eighteen (18) years of age and has a guardian, the guardian shall apply on behalf of the applicant and assume full responsibility for the equipment.

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

1. A licensed physician;
2. A licensed audiologist;
3. Public or private agencies providing direct services to deaf, hard of hearing, deaf-blind, or late-deafened.

E. 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 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.

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

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 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, its website, or designated public and private agencies.

B. 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 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 mail of their application approval.

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

B. 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 equipment from the Telecommunications Equipment Distribution 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 equipment received from the Telecommunications Equipment Distribution Program or violated other provisions of the administrative regulations governing the Telecommunications Equipment 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.

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

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.

#### **150 EQUIPMENT SELECTION [Rev. eff. 4/1/10]**

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 the recipient's 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. All equipment will come with a warranty.

### **151 Replacing the Equipment [Rev. eff. 4/1/10]**

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 the recipient's hearing or vision status;

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

D. 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.

### **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 Due to Natural Disasters [Rev. eff. 4/1/10]**

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

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

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

If a replacement is requested due to the equipment being stolen, 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 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 for any Telecommunications Equipment Distribution 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 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 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 under false premises or through intentional 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.

## **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.

## **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 Report [Rev. eff. 4/1/10]**

The TEDP Coordinator shall provide the Commissioner Administrator and 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. Suggestion(s) for program changes that do not require legislative action; and,
- F. Suggestions or proposals for legislative changes in the program.