

**163.525 Telecommunications Access Program -- Distribution of specialized telecommunications equipment -- Authority for administrative regulations.**

- (1) As used in this section and KRS 163.527:
  - (a) "Specialized telecommunications equipment" means devices such as, but not limited to, telecommunications devices for the deaf, amplified phones, loud ringers, visual alert signalers, tactile signalers, captioned telephones, and appropriate wireless devices; and
  - (b) "Telecommunications Access Program" means the program to furnish specialized telecommunications equipment to deaf, hard-of-hearing, and speech-impaired persons in order that they may have equal access to telecommunications services through the telecommunications relay service established pursuant to KRS 278.548. The program shall include maintenance and repair of the equipment.
- (2)
  - (a) On or before July 1, 1995, the Commission on the Deaf and Hard of Hearing shall establish a program to distribute specialized telecommunications equipment to any deaf, hard-of-hearing, or speech-impaired person qualified to receive the equipment pursuant to subsection (3) of this section.
  - (b) Prior to the establishment of the Telecommunications Access Program, the Commission on the Deaf and Hard of Hearing shall initiate an investigation, conduct public hearings, and solicit the advice and counsel of deaf, hard-of-hearing, and speech-impaired persons and the organizations serving them.
  - (c) The Commission on the Deaf and Hard of Hearing may contract with any person, public, or private organization to provide part or all components of the Telecommunications Access Program, if applicable statutory procurement provisions are followed. The Commission on the Deaf and Hard of Hearing may use assistance from public agencies of the state or federal government or from private organizations to accomplish the purposes of this section. The Kentucky Commission on the Deaf and Hard of Hearing shall enter into memoranda of agreement with the Public Service Commission for coordination and oversight of funding and operations to meet the objectives of this section and KRS 278.5499. The Commission on the Deaf and Hard of Hearing may also enter into memoranda of agreement with other state agencies to accomplish the purposes of this section.
- (3) Factors to determine a person's eligibility to receive specialized telecommunications equipment shall include, but not be limited to:
  - (a) Kentucky residency;
  - (b) Attainment of at least five (5) years of age; and
  - (c) Certification as deaf, hard of hearing, or severely speech-impaired by a licensed physician, audiologist, speech pathologist, advanced practice registered nurse, or by any other method recognized by the Commission on the Deaf and Hard of Hearing. Certification implies that the individual cannot use the telephone for communication without adaptive equipment.
- (4) No more than one (1) piece of specialized telecommunications equipment shall be

provided to a person qualified to receive the equipment pursuant to subsection (3) of this section. However, a malfunctioning piece of specialized telecommunications equipment originally distributed by the program may be returned for repair or replacement. The Commission on the Deaf and Hard of Hearing may prioritize distribution of the specialized telecommunications equipment on the basis of need.

- (5) The Commission on the Deaf and Hard of Hearing shall establish procedures for application and distribution of specialized telecommunications equipment by the promulgation of administrative regulations in accordance with provisions of KRS Chapter 13A.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 85, sec. 70, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 23, sec. 1, effective July 1, 2006. -- Created 1994 Ky. Acts ch. 237, sec. 5, effective July 15, 1994.