

Date of Hearing: April 4, 2011

ASSEMBLY COMMITTEE ON UTILITIES AND COMMERCE

Steven Bradford, Chair

AB 136 (Beall) – As Amended: March 14, 2011

SUBJECT: Telecommunications: universal service: speech disabilities.

SUMMARY: Expands the California Public Utilities Commission (PUC) Deaf and Disabled Telecommunications Program to include assistance to individuals with speech disabilities.

Specifically, this bill:

- 1) Requires the PUC to expand the Deaf and Disabled Telecommunications Program to include assistance to individuals with speech disabilities, including assistance to purchase speech-generating devices, accessories, mounting systems, and specialized telecommunications equipment, including infrared telephones, speaker phones, and telephone interface devices, are funded through the program.
- 2) Requires the PUC to prescribe eligibility standards for the expanded program. The PUC shall ensure that only individuals who are both residents of the state and speech impaired as certified by a licensed physician, licensed speech-language pathologist, or qualified state or federal agency are eligible.
- 3) States the PUC shall provide to each eligible applicant the appropriate equipment consistent with the recommendation of a licensed speech-language pathologist.
- 4) Requires the PUC to ensure that the equipment provided is consistent with the economy, efficiency, and quality of equipment that is available for purchase in the state.
- 5) Allows the PUC to adopt further rules for the purposes of implementing the provisions in this bill.

EXISTING LAW:

- 1) Establishes the PUC has regulatory authority over public utilities, including telephone corporations.
- 2) Requires the PUC to oversee administration of the state's universal service programs, including the deaf and disabled programs.
- 3) States that the existing deaf and disabled programs universal programs, among other things, requires the PUC to design and implement a program to provide a telecommunications device capable of serving the needs of individuals who are deaf or hearing impaired, together with a single party line, at no charge additional to the basic service rate, to any subscriber who is certified as an individual who is deaf or hearing impaired.

FISCAL EFFECT: Unknown.

COMMENTS: According to the author, this bill will further not only the intent of the Deaf and Disabled Telecommunications Program (DDTP), but also state and federal antidiscrimination laws, including the Americans with Disabilities Act, which is intended to ensure that people with

disabilities have access to auxiliary aids and services necessary to ensure effective communication. The author states that "no individual should be prevented from making or receiving a telephone call now that the technology exists to make it possible through the state program established to ensure that very access".

1) Background: Universal service, a concept that basic telephone service be affordable and ubiquitously available to all members of society, is a longstanding cornerstone of the California Legislature and the PUC's telecommunications policy.

The Deaf and Disabled Telecommunications Program (DDTP) is administered by the PUC, and provides Californians who are deaf and disabled with equipment and relay services through the California Telephone Access Program (CTAP) and the California Relay Service (CRS). The DDTP and CTAP provide a telecommunications device capable of serving the needs of individuals who are deaf or hearing impaired, together with a single party line, at no charge additional to the basic exchange rate. Any subscriber who is certified as an individual who is deaf or hearing impaired by a licensed physician, surgeon, audiologist, or qualified state or federal agency, as determined by the PUC, and any subscriber that is an organization representing individuals who are deaf or hearing impaired may receive such a telecommunications device.

The PUC has also designed and implemented a program whereby specialized or supplemental telephone communications equipment may be provided to subscribers who are certified to be disabled at no charge additional to the basic exchange rate. The certification, including a statement of visual or medical need for specialized telecommunications equipment, is provided by a licensed optometrist or physician and surgeon or by a qualified state or federal agency as determined by the PUC.

Funds for the DDTP are collected via a surcharge applied to a subscriber's intrastate telecommunications service.

2) Program administration: DDTP is administered and operated by the PUC with advisory input from two advisory boards: 1) the Telecommunications Access for the Deaf and Disabled Administrative Committee (TADDAC) and 2) the Equipment Program Advisory Committee (EPAC). DDTP is funded by an all-end-user surcharge on landline and wireless phone bills which is the California Relay Service and Communications Device Fund (CRSCDF) surcharge. This all-end-user surcharge is billed and collected by telecommunications carriers which, in turn, remit the surcharge monies to a financial institution as directed by the PUC or its representatives.

The PUC continued to expand pilot efforts involving wireless phones in 2009-10 with the Jitterbug cell phone. Pilot participants are required to be California LifeLine eligible and CTAP certified. The Jitterbug pilot program is now closed to new participants. However, given the success of the pilot program, the PUC issued Decision 10-11-033 which directed that wireless equipment become a permanent part of the DDTP and CTAP.

3) Issue: This bill would require the PUC to expand the DDTP to include assistance to individuals with speech disabilities. The DDTP has been expanded over the years to include people with disabilities other than deafness and hearing impairments, including those with speech disabilities. While most people with speech disabilities can utilize either the Relay Service or basic technology used by people who are deaf or hearing impaired, there are individuals who cannot use such devices and require more sophisticated technology, such as those individuals with advanced Amyotrophic Lateral Sclerosis (ALS). Much of this technology,

including speech-generating devices that do not require extensive dexterity, has been developed only recently. There is some lack of clarity as to whether such newer assistive technology, particularly speech-generating devices, is currently available through the DDTP.

Speech-generating devices have to be custom made for each individual and cost an average of \$4,000 - \$8,000 per device. These devices are generally covered by MediCal and Medicare, as well as most private insurance companies, but it has been represented by some stakeholders that approximately 200-300 people in the state fall through the cracks and could benefit from the devices if they were eligible through the DDTP.

4) Who else is doing it: The Public Utility Commission of Texas administers the Specialized Telecommunications Assistance Program which is a statewide program that provides financial assistance for the purchase of specialized assistive equipment for individuals with a disability that interferes with their ability to access the telephone network. Similarly, the Public Utility Commission of Oregon oversees the Telecommunication Devices Access Program which loans speech-generating devices to eligible individuals who have severe or greater speech impairment.

5) Concerns: The Disability Rights of California petitioned the Communications Division of the PUC to conduct a pilot program to trial add speech generating devices to the DDTP. The Communications Division spent over two years researching and analyzing how to integrate speech-generating devices into the DDTP. The Communications Division concluded that it would not be possible to integrate the devices because they are more akin to medical devices rather than telecommunications devices, which are not funded nor equipped to be handled by the DDTP. In their efforts to develop a speech-generating devices pilot, the PUC encountered numerous contracting and procurement issues related to implementing a pilot program. The PUC claims that because speech-generating devices are medically necessary devices and not telecommunications equipment that is provided through the DDTP, they do not fit into any of the state's known procurement methods. If the speech-generating devices are integrated into the program, these devices could open up the program to numerous other medical devices which is beyond the purposes of the DDTP. Furthermore, there is no guarantee that the Department of General Services would approve the PUC's request for funding.

REGISTERED SUPPORT / OPPOSITION:

Support

California ALS Advocacy Committee (CAAC)
California Speech-Language-Hearing Association (CSHA)
Disability Rights California

Opposition

None on file.

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