

DEPARTMENT: Public Service

# Office Memorandum

DATE: February 23, 1989

TO: Interested Individuals

FROM: Herb Pickell  
Program Administrator

PHONE: 296-0412

SUBJECT: **Proposed permanent rules relating to eligibility for services under the Telecommunications Access for Communication-Impaired Persons (TACIP) Act**

Attached is a copy of the proposed permanent rules relating to eligibility to the Equipment distribution Program which is currently being administered by the Deaf Services Division in the Department of Human Services. The proposed rules are quite similar to the emergency rules which was adopted in 1988.

I wish to bring to your attention that the TACIP Eligibility Subcommittee met on December 8, 1988 and approved the suggested changes in the rules. The attached copy included all of the above changes.

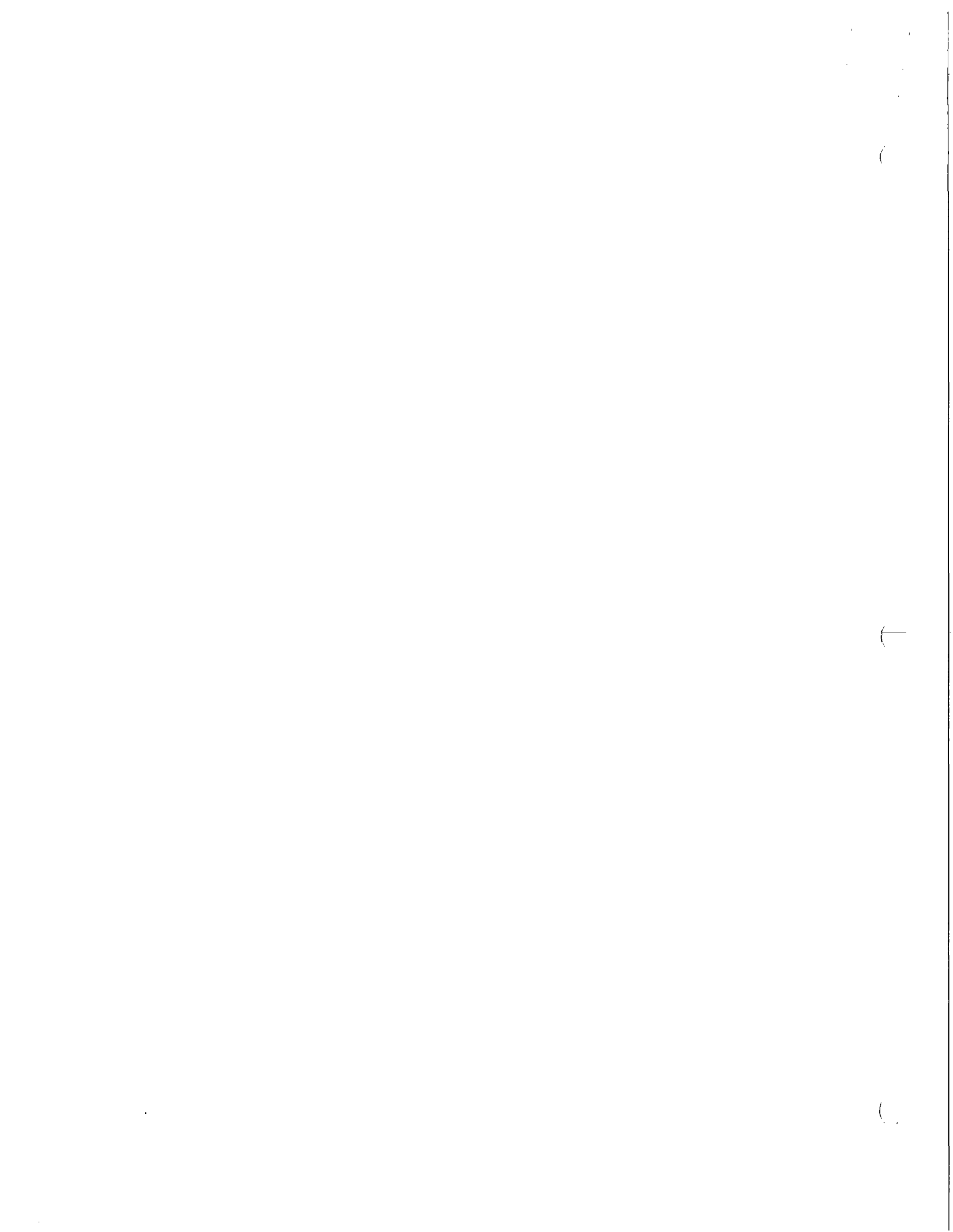
The subcommittee also agreed to delete the words five-year from line 24 of page 8.

Rationale: There is a five-year warranty period for the telecommunication devices for the deaf purchased from the Ultratec, Inc.. However, all other devices available through the Equipment Distribution Program have a one-year or a two-year warranty period. By removing the language five-year from the proposed rules, the rules, if adopted, would be applicable to all devices offered by the Equipment Distribution Program.

Please feel free to review the rules and comment within 30 days directly to my office. My address and phone numbers are included in the attached notice submitted by Mr. Robert Cook, Chair of the TACIP Board.

Thank you in advance for your interest and your attention to the proposed rules.

/sm  
Attachment



Telecommunications Access for Communicatively Impaired Persons  
(TACIP) Board

In the Matter of the Proposed Adoption of the Rule of the TACIP Board Governing Services Under the TACIP Act, Minn. Rules Parts 8775.0100 to 8775.0600 . NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota TACIP Board intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes §§14.22 to 14.28. The statutory authority to adopt the rule is contained in Minn. Stat. §237.51 subpart 5, subparagraph (9)(1988).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change(s) proposed. If a public hearing is required, the Board will proceed pursuant to Minnesota Statutes §§ 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Herb Pickell, Program Administrator  
TACIP Program  
790 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101  
(612) 296-0412 (Voice)  
(612) 296-9863 (TDD)

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from the TACIP Program Administrator at the address listed above.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the rule relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to:

TACIP Program  
790 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101  
(612) 296-0412 (Voice)  
(612) 296-9863 (TDD)

March 27, 1989



ROBERT COOK  
TACIP Board Chair

1 Telecommunication Access for Communication-impaired Persons  
2 Board  
3  
4 Proposed Permanent Rules Relating to Eligibility for Services  
5 Under the Telecommunication Access for Communication-impaired  
6 Persons Act  
7  
8 Rules as Proposed (all new material)

9 8775.0100 DEFINITIONS.

10 Subpart 1. Scope. The terms used in this chapter have the  
11 meanings given them in this part.

12 Subp. 2. Applicable median income. "Applicable median  
13 income" means the median gross income in Minnesota as estimated  
14 by the Bureau of the Census in the most recent annual  
15 announcement of the United States Department of Health and Human  
16 Services Family Support Administration, published in the Federal  
17 Register. These announcements are incorporated by reference.

18 Subp. 3. Appropriate communication device. "Appropriate  
19 communication device" means a communication device that most  
20 efficiently allows access to the telephone system by a  
21 communication-impaired person.

22 Subp. 4. Blind. A person is "blind" if central visual  
23 acuity does not exceed 20/200 in the better eye with corrective  
24 lenses or, if greater than 20/200, visual acuity is accompanied  
25 by a limitation in the fields of vision such that the widest  
26 diameter of the visual field subtends an angle no greater than  
27 20 degrees.

28 Subp. 5. Board. "Board" means the Telecommunication  
29 Access for Communication-impaired Persons Board established in  
30 Minnesota Statutes, section 237.51.

31 Subp. 6. Communication device. "Communication device"  
32 means a device that when connected to a telephone enables a  
33 communication-impaired person to communicate with another person  
34 using the telephone system. A communication device includes a  
35 ring signaler, an amplification device, a telephone device for

1 the deaf with auxiliary equipment the board considers necessary/  
2 and a telebraille unit.

3 Subp. 7. Communication-impaired person.

4 "Communication-impaired person" means a person certified as  
5 deaf, severely hearing impaired, hard-of-hearing, speech  
6 impaired, or deaf and blind, by (1) determination of a qualified  
7 physician, audiologist, or speech and language pathologist, or  
8 (2) when made before the adoption of parts 8775.0100 to  
9 8775.0600, determination of division staff under the authority  
10 of law or other rules relating to communication-impaired persons.

11 Subp. 8. Deaf. "Deaf" means the condition of a person  
12 whose hearing in both ears is impaired to the degree that the  
13 person is unable to understand speech, even when amplified. A  
14 deaf person requires use of a telephone device for the deaf to  
15 communicate effectively on the telephone.

16 Subp. 9. Deaf and blind. "Deaf and blind" means the  
17 conditions of a person who is (1) deaf, severely hearing  
18 impaired, or hard-of-hearing, and (2) blind or visually  
19 handicapped. A person affected by these conditions requires use  
20 of a telebraille unit or telephone device for the deaf with  
21 auxiliary equipment to communicate effectively on the telephone.

22 Subp. 10. Division. "Division" means the Deaf Services  
23 Division of the Minnesota Department of Human Services.

24 Subp. 11. Economic hardship. "Economic hardship" means an  
25 economic condition or level of subsistence on a household income  
26 that is at or below 60 percent of the applicable median income  
27 in the state.

28 Subp. 12. Hard-of-hearing. "Hard-of-hearing" means a  
29 condition of a person who has a reduced ability to understand  
30 speech. Some of the effects of the impairment can be overcome  
31 with proper amplification. A person that is hard-of-hearing may  
32 require a communication device to communicate effectively on the  
33 telephone.

34 Subp. 13. Household criteria. For determining priority  
35 when initially distributing equipment or receiving more than one  
36 communication device, "household criteria" means the higher

1 priority given for a household having more than one  
2 communication-impaired person or for a household with a  
3 communication-impaired person living alone.

4 Subp. 14. Household income. "Household income" means the  
5 total income of a communication-impaired person and immediate  
6 family living in the same residence. The immediate family  
7 includes spouse and minor children. However, the income of a  
8 minor child must not be included unless the minor is over 15  
9 years of age. If the communication-impaired person is a minor  
10 child, then parents and siblings residing with the minor are  
11 immediate family. If a dependent minor child is temporarily  
12 living outside the family or custodial parent's residence, the  
13 household income is considered to be the income of the parents  
14 or custodial parent plus the income of minor siblings over the  
15 age of 15 and residing with the parents or custodial parent.

16 Subp. 15. Income. "Income" means money received in the  
17 preceding calendar year from each of the following sources:

- 18 A. money, wages, or salary;
- 19 B. net income from nonfarm employment as defined for  
20 federal tax purposes;
- 21 C. net income from farm self-employment as defined  
22 for federal taxes;
- 23 D. income from any social security program;
- 24 E. supplemental social security income;
- 25 F. public assistance or welfare payments;
- 26 G. interest on savings or other investments that pay  
27 interest;
- 28 H. dividend income from estates or trusts, or net  
29 rental income;
- 30 I. veterans' payments, unemployment compensation  
31 payments, and workers' compensation payments;
- 32 J. private or public employee pensions; and
- 33 K. alimony, child support, regular contributions from  
34 persons not living in the household, and other periodic income.  
35 This definition of income comes from that of the Bureau of the  
36 Census and is interpreted according to its standards as

1 published in "Consumer Income," series P-60, No. 156, Money,  
2 Income of Households, Families and Persons in the United  
3 States: 1985. These standards are incorporated by reference,  
4 are not subject to frequent change, and are located in the  
5 government publications reference department of the University  
6 of Minnesota and in the Minitex interlibrary loan system.

7 Subp. 16. Resident of Minnesota. "Resident of Minnesota"  
8 means an individual who lives in Minnesota or who has moved to  
9 Minnesota and intends to remain in Minnesota.

10 Subp. 17. Severely hearing impaired. "Severely hearing  
11 impaired" means a condition in which hearing in both ears is  
12 impaired to the degree that the affected person is unable to  
13 understand speech, even when amplified. These individuals  
14 require use of a telephone device for the deaf to communicate  
15 effectively on the telephone.

16 Subp. 18. Significant visual impairment. "Significant  
17 visual impairment" means a visual disability that does not  
18 constitute legal blindness but which constitutes a substantial  
19 handicap to employment or limits the person's ability to live  
20 independently, perform self-care activities, or grow and develop.

21 Subp. 19. Special needs. "Special needs" means the needs  
22 of an eligible person that may require that the person be given  
23 priority when initially distributing the equipment or be given  
24 more than one communication device because of severity of  
25 communication impairment or presence of multiple disabilities.

26 Subp. 20. Speech impaired. "Speech impaired" means a  
27 condition that renders a person physically incapable of speaking  
28 clearly. The severity of the impairment may vary; however, it  
29 renders speech on an ordinary telephone unintelligible or  
30 impossible and requires a communication device to communicate  
31 effectively on the telephone.

32 Subp. 21. TACIP. "TACIP" means telecommunication access  
33 for communication-impaired persons.

34 8775.0200 PURPOSE AND CONSTRUCTION.

35 The purpose of this chapter is to develop and implement a



1 statewide program to distribute telephone communication devices  
2 to eligible communication-impaired persons for improving access  
3 to telephone communications services for communication-impaired  
4 persons. This chapter is to be liberally construed to further  
5 these purposes.

6 8775.0300 ELIGIBILITY FOR TACIP SERVICES.

7 Subpart 1. Information provided. On request, the division  
8 shall offer to a person an application form developed by the  
9 division and a brochure that describes the TACIP eligibility  
10 requirements and application process.

11 Subp. 2. Application process. The applicant shall  
12 complete the application form and return it to the division's  
13 regional service center for hearing-impaired people. An  
14 application may be made by the applicant, the applicant's  
15 spouse, or a person authorized by the applicant to act in the  
16 applicant's behalf.

17 Subp. 3. Documenting, verifying, and reviewing  
18 eligibility. The division shall verify the applicant's  
19 household income, age, and access to telephone service, and that  
20 the applicant is a communication-impaired person. When a  
21 condition of eligibility changes, the division may verify  
22 eligibility:

23 A. In a timely manner, an applicant shall document  
24 income or authorize the division to verify the income. The  
25 division shall help an applicant or recipient obtain documents  
26 that the applicant does not possess and cannot obtain.  
27 Information previously verified and retained by the division  
28 need not be verified again unless the information no longer  
29 applies to current circumstances.

30 B. The division shall not request information about  
31 an applicant for or recipient of TACIP services that is not of  
32 public record from a source other than within the division  
33 without the applicant's or recipient's previous written  
34 consent. The division may request information about an  
35 applicant or recipient that is not of public record from the

1 telephone companies by obtaining the applicant's or recipient's  
2 previous written consent on an application or recertification  
3 form. The division shall not provide third parties with access  
4 to information about an applicant's eligibility status or other  
5 case record information without the previous written consent of  
6 that applicant or recipient, except when access to specific case  
7 information is granted to agencies designated by the Minnesota  
8 Government Data Practices Act, Minnesota Statutes, chapter 13.  
9 Information designated as confidential by the Minnesota  
10 Government Data Practices Act may only be made available to  
11 agencies granted access under that law and must not be provided  
12 to an applicant, recipient, or third party.

13 C. The division shall inform the recipient of the  
14 recipient's responsibility to report permanent changes in  
15 circumstances that affect eligibility within ten days of each  
16 change.

17 Subp. 4. Eligibility criteria. To be eligible for the  
18 TACIP program, a person must:

19 A. be at least five years of age;

20 B. be a communication-impaired person;

21 C. be a resident of Minnesota;

22 D. be a resident in a household at or below the  
23 applicable median income in the state, except that a deaf and  
24 blind person applying for a telebraille unit may reside in a  
25 household that has a median income no more than 150 percent of  
26 the applicable median household income in the state; and

27 E. have or have applied for telephone service and  
28 been assigned a telephone number. A person who at the time of  
29 application does not have telephone service, but meets all other  
30 eligibility requirements, will be declared "conditionally  
31 eligible" and, in order to be declared "eligible," must apply  
32 for telephone service and be assigned a telephone number.

33 Subp. 5. Persons not eligible. Persons who are residents  
34 of residential or treatment facilities that receive federal  
35 funds under the Rehabilitation Act of 1973, United States Code,  
36 title 29, section 774, and are eligible for and can obtain

1 communication devices through federal provisions are not  
2 eligible to receive TACIP services under this chapter.

3 Subp. 6. Notification of eligibility. Within 30 days of  
4 the receipt of the application and the necessary documentation  
5 the division shall notify the applicant in writing whether the  
6 applicant is found eligible and, if the applicant is denied, the  
7 reasons for denial.

8 Subp. 7. Determination of appropriate communication  
9 device. The division shall determine the appropriate  
10 communication device for a recipient.

11 8775.0400 PRIORITY FOR INITIAL DISTRIBUTION OF COMMUNICATION  
12 DEVICES.

13 Subpart 1. First priority: deaf and blind. The first in  
14 priority are those eligible, deaf and blind persons having  
15 special needs, experiencing economic hardship, or meeting the  
16 household criteria standards.

17 Subp. 2. Second priority: deaf. The second in priority  
18 are those eligible, deaf persons having special needs,  
19 experiencing economic hardship, or meeting the household  
20 criteria standards.

21 Subp. 3. Third priority: impaired speech. The third in  
22 priority are those eligible, speech-impaired persons having  
23 special needs, experiencing economic hardship, or meeting the  
24 household criteria standards.

25 Subp. 4. Fourth priority: hard-of-hearing. The fourth in  
26 priority are those eligible, hard-of-hearing persons having  
27 special needs, experiencing economic hardship, or meeting the  
28 household criteria standards.

29 Subp. 5. Fifth priority: others without special needs.  
30 The fifth in priority are those eligible, communication-impaired  
31 persons having no special needs, not experiencing economic  
32 hardship, and not meeting the household criteria standards.

33 Subp. 6. Use of priority system. Initially, the priority  
34 system must be used to determine the priority of eligible  
35 applicants for receiving telecommunication devices, for example,

1 to establish a waiting list of eligible applicants. Only if  
2 allotted program money is insufficient to provide all eligible  
3 applicants with needed equipment may the priority system be used  
4 to determine which individuals will receive equipment.

5 8775.0500 HOUSEHOLDS ELIGIBLE TO RECEIVE SEVERAL DEVICES.

6 Subpart 1. Deaf. A communication-impaired person who is  
7 deaf or severely hearing impaired is eligible for a telephone  
8 device for the deaf and a ring signaler.

9 Subp. 2. Deaf and blind. A communication-impaired person  
10 who is deaf and blind is eligible to receive use of a telephone  
11 device for the deaf with auxiliary equipment approved by the  
12 board and necessary for efficient communication.

13 Subp. 3. Two or more eligible persons. If a household  
14 contains more than one eligible communication-impaired person  
15 with various communication impairments, the board may approve  
16 more than one telephone device as necessary for efficient  
17 communication.

18 Subp. 4. Hard-of-hearing. A communication-impaired person  
19 who is hard-of-hearing is eligible for a ring signaler and  
20 amplification device if both devices are necessary for efficient  
21 communication.

22 8775.0600 TRAINING AND MAINTENANCE.

23 The commissioner of human services shall maintain the  
24 communication devices until the five-year warranty period  
25 expires and provide training, without charge, to first-time  
26 users of the devices.

27 8775.0700 OWNERSHIP.

28 Communication devices distributed under this chapter are  
29 and must remain the property of the state of Minnesota.

30 8775.0800 APPEALS.

31 Subpart 1. Aggrieved party. An aggrieved party may appeal  
32 a decision of the division. An aggrieved party is an applicant:

33 A. who is determined ineligible for TACIP service  
34 under part 8775.0300, subpart 4;

1 B. who disagrees with the division's determination  
2 regarding the appropriate communication device under part  
3 8775.0300, subpart 6;

4 C. who disagrees with the division's decision  
5 regarding priority for initial distribution of communication  
6 devices under part 8775.0400; or

7 D. whose TACIP service is terminated.

8 Subp. 2. Procedure. Requests for appeal must be made  
9 within 30 calendar days of receiving notice of adverse action  
10 or, for good cause shown, within 60 calendar days of receiving  
11 the notice. Requests for appeal can be made through written,  
12 telephone, or face-to-face contact with a designated  
13 representative of the Regional Service Center for the Hearing  
14 Impaired.

15 Subp. 3. Conciliation conference. Within ten calendar  
16 days of receiving a request for appeal, a representative of the  
17 Regional Service Center for the Hearing Impaired shall meet with  
18 the aggrieved party and attempt to resolve informally the matter  
19 leading to the appeal. Within five calendar days of the  
20 conciliation conference, the representative shall prepare a  
21 written summary of the issues addressed at the conciliation  
22 conference and shall send a copy of the written summary to the  
23 aggrieved party and to the board.

24 Subp. 4. Formal hearings. If still dissatisfied after  
25 receiving a copy of the conciliation conference summary, the  
26 aggrieved party may request a hearing before the board by making  
27 written, telephone, or face-to-face contact with a designated  
28 representative of the Regional Service Center for the Hearing  
29 Impaired. A hearing before the board must be scheduled within  
30 90 days. At the hearing, the aggrieved party may introduce  
31 evidence relevant to the issues on appeal. An aggrieved party  
32 may be represented by legal counsel or a lay advocate at the  
33 hearing.

34 Subp. 5. Service pending appeal. Termination of TACIP  
35 services must be stayed pending an appeal.

# Office of the Revisor of Statutes

## Administrative Rules



**TITLE:** Proposed Permanent Rules Relating to Eligibility for Services Under the Telecommunication Access for Communication-impaired Persons Act

**AGENCY:** Telecommunication Access for Communication-impaired Persons Board

**MINNESOTA RULES:** Chapter 8775

The attached rules are approved for publication  
in the State Register

  
\_\_\_\_\_  
Ron Ray  
Assistant Revisor

## STATEMENT OF NEED AND REASONABLENESS

Telecommunications Access for Communications-impaired Persons Board

Proposed Permanent Rules Relating to Eligibility for Services Under the Telecommunications Access for Communication-impaired Persons Act

### 8775.0100 DEFINITIONS

Subpart 1. **Scope.** This subpart is necessary to define the scope of the definitions within it.

Subp. 2. **Applicable median income.** This subpart is necessary to define what standard will be used to determine eligibility for and priority in distribution of communication devices. It is reasonable to use the Bureau of the Census figures since it provides a broad, non-discriminatory basis for determining median income.

Subp. 3. **Appropriate communication device.** This subpart necessarily defines a term used in other subparts of this rule.

Subp. 4. **Blind.** This subpart is necessary to define who will be considered "blind" for purposes of distributing equipment.

Subp. 5. **Board.** This subpart simplifies reference to the Telecommunications Access for Communication-Impaired Persons Board.

Subp. 6. **Communication device.** This subpart is needed to define the types of devices which will be distributed.

Subp. 7. **Communication-impaired person.** This subpart is necessary to define who will be considered as "communication-impaired person" for purposes of distributing equipment.

Subp. 8. **Deaf.** This subpart is necessary to define who will be considered "deaf" for purposes of distributing equipment.

Subp. 9. **Deaf and blind.** This subpart is necessary to define who will be considered "deaf and blind" for purposes of distributing equipment.

Subp. 10. **Division.** This subpart simplifies the references to the Deaf Services Division of the Minnesota Department of Human Services .

Subp. 11. **Economic hardship.** This subpart is necessary in order to define the standard to be used in priority distribution of equipment under the rules. It is reasonable because it uses a broad, non-discriminatory standard.

Subp. 12. **Hard-of-hearing.** This subpart is necessary in order to define who is "hard-of-hearing" for purposes of equipment distribution.

Subp. 13. **Household criteria.** This subpart is necessary for determining priority when initially distributing equipment or receiving more than one communication device.

Subp. 14. **Household income.** This subpart is necessary in order to determine priority for equipment distribution. It is reasonable because it creates a standard for what "household income" is to be considered in distributing equipment.

Subp. 15. **Income.** This subpart is necessary in order to define what "income" will be considered in priority distribution of equipment under this rule. The definition is reasonable because it comes from that of the Bureau of the Census and is interpreted according to its standards as published in "Consumer Income," series P-60, No. 156, Money, Income of Households, Families and Persons in the United States: 1985. Thus, these standards (which are available to the public at no charge at the University of Minnesota) provide a general, non-discriminatory manner under which income can be determined.

Subp. 16. **Resident of Minnesota.** This subpart is necessary to limit who will be considered a "resident of Minnesota" for purposes of these rules.



Subp. 17. **Severely hearing impaired.** This subpart is necessary to define who is "severely hearing impaired" for purposes of equipment distribution.

Subp. 18. **Significant visual impairment.** This subpart is necessary to define who had a "significant visual impairment" for purposes of equipment distribution.

Subp. 19. **Special needs.** This subpart is necessary to define who has "special needs" for purposes of equipment distribution.

Subp. 20. **Speech-impaired.** This subpart is necessary to define who is "speech-impaired" for purposes of equipment distribution.

Subp. 21. **TACIP.** This subpart is necessary to simplify a reference.

#### **8775.0200 PURPOSE AND CONSTRUCTION.**

The purpose of this chapter is to develop and implement a statewide program to distribute telephone communication devices to eligible communication-impaired persons and to create and maintain a message relay service for improving access to telephone communications services for communication-impaired persons. This chapter is to be liberally construed to further these purposes.

#### **8775.0300 ELIGIBILITY FOR TACIP SERVICES**

Subpart 1. **Information provided.** This subpart is necessary to inform the public where information on eligibility for TACIP services can be obtained.

Subp. 2. **Application process.** This subpart is necessary to inform applicants where to return applications. It is reasonable, in the case of communication-impaired persons, to permit an application to be made by an authorized person other than the applicant.

Subp. 3. **Documenting, verifying, and reviewing eligibility.** This section is necessary to define what steps the division will take to verify eligibility for this program. It is reasonable to permit such verification in order to assure that the

proper priority level is assigned in distribution. It is reasonable to require notification of any changes in eligibility and to set forth the steps the division will use to verify any changes in eligibility.

**Subp. 4. Eligibility criteria.** This subpart is necessary to set forth which persons will be considered to be eligible for the TACIP program. The minimum age is necessary and reasonable because of the need to be able to use the equipment; the requirement that the person be a communication-impaired person is self explanatory; it is reasonable to require that recipients of this equipment be residents of the State of Minnesota; and the need to meet an income requirement is necessary for purposes of priority distribution. Persons who do not already have telephone service may be declared "conditionally eligible" and will be given the opportunity to apply for telephone service and obtain a telephone number as a condition of receiving services under these rules. This rule is structured in this manner so that a person who does not already have telephone service and applies for these services does not have to expend funds for telephone service prior to notification that all other eligibility criteria have been met.

**Subp. 5. Persons not eligible for service.** Residents of residential or treatment facilities which receive federal money and are required under the Rehabilitation Act of 1973 to provide equally accessible services to hearing-impaired residents if phone service is available to those residents. Because of limited funds in this program, it is necessary to limit eligibility when equipment is available through other funded programs. This section is necessary because those persons should not be eligible to receive equipment under this rule because such equipment should already be available to them. If such a person's application is denied, and that person does not have this service available to them, then the decision of the division could be appealed under Part 8775.0800.

**Subp. 6. Notification of eligibility.** This subpart is necessary to assure that the applicant is properly notified of the decision regarding an application. Thirty days after receipt of the application and all necessary documentation is a reasonable time for the division to reach a decision.

**Subp. 7. Determination of appropriate communication device.** This subpart is necessary to state who will determine what device is appropriate. It is reasonable for the division to perform

this task because of its experience and expertise. The definitions set forth generally the types of equipment which will be available to communication-impaired persons (e.g., the necessity of a telebraille unit for blind persons).

**8775.0400 PRIORITY FOR INITIAL DISTRIBUTION OF COMMUNICATION DEVICES.** It is reasonable and necessary to create a list of priorities for equipment distribution because of possibility that there may be certain limitations in obtaining and distributing equipment (such as immediate availability under circumstances where a large number of applications are received).

**Subpart 1. First priority: deaf and blind.** This subpart is reasonable because persons with multiple disabilities are likely to have the greatest need for communication equipment.

**Subp. 2. Second priority: deaf.** This subpart is reasonable because it gives priority to the need for the persons with the most severe hearing impairments who thus have great need for communication equipment.

**Subp. 3. Third priority: impaired speech.** This subpart is reasonable because it sets as third in priority those persons who are speech-impaired persons.

**Subp. 4. Fourth priority: hard-of-hearing.** This subpart is reasonable because it places hard-of-hearing persons in priority after those who fall within the definition of "deaf."

**Subp. 5. Fifth priority: others without special needs.** This subpart is reasonable because last in priority will be those persons who are communication-impaired but do not have any financial or special needs as defined in the rules.

**Subp. 6. Use of priority system.** This subpart is necessary to indicate when the priority system will be used.

**8775.0500. HOUSEHOLDS ELIGIBLE TO RECEIVE SEVERAL DEVICES.** This subpart is necessary to define what devices will be available to communication-impaired persons who are eligible to receive more than one device.

**Subpart 1. Deaf.** The necessity and reasonableness of this subpart is to identify devices for which deaf persons will be eligible.

**Subp. 2. Deaf and blind.** This subpart is necessary and reasonableness in order to identify devices for which deaf and blind persons will be eligible. The "auxiliary equipment" will be determined based on individual impairment needs.

**Subp. 3. Two or more eligible persons.** This subpart is necessary and reasonable to show what procedure will be used in instances where a household has more than one eligible person.

**Subp. 4. Hard-of-hearing.** This subpart is necessary and reasonable to identify devices for which a hard-of hearing person will be eligible.

**8775.0600 TRAINING AND MAINTENANCE.** This section is necessary to identify the responsibility of maintaining equipment and to notify recipients that first time users are eligible for training at no cost.

**8775.0700 OWNERSHIP.** This section is necessary to notify recipients that the equipment belongs to the State of Minnesota.

**8775.0600 APPEALS.** This section is necessary to set forth what steps an applicant may take if TACIP service is denied. It is necessary to inform applicants through the rule so that the same procedure is available to and applied to all applicants denied service.

**Subpart 1. Aggrieved Party.** The need to define who is an aggrieved party is self-explanatory. Those categories are based on all possible decisions on an applicant or recipient which the division could make which could adversely affect an applicant or recipient.

**Subp. 2. Procedure.** Applicants requesting appeal reasonably must be given sufficient time to challenge a decision, and it is reasonable, under certain circumstances (which must be explained) to permit a time period of 60 days for appeal. It is reasonable to permit appeal through written, telephone or face-to-face contact in order to facilitate the appeals process for applicants or recipients.

**Subp. 3. Conciliation Conference.** The informality of the conciliation conference process is a reasonable first step because it will provide the information necessary for the applicant to understand why service was denied, or in the alternative, the information necessary to the division to understand why service should not have been denied. The informality will also provide a procedure which will have minimal cost.

**Subp. 4. Formal Hearings.** The procedure before the board is reasonable and necessary in circumstances where service is denied and the problem not resolved satisfactorily. While it will not constitute a formal administrative-type hearing, it will provide the applicant with a forum in which to challenge the division's reasons for denial.

**Subp. 5. Status Quo Pending Appeal.** This section is necessary because in the case of termination of TACIP services, it is reasonable to maintain the status quo until a decision is final after all appeal steps have been taken and concluded.

