STATE REHABILITATION COUNCIL

New Jersey Commission for the Blind & Visually Impaired

Commissioner Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: 47 CFR Part 64 (CG Docket No. 10-20; FCC15-58), Relay Services for Deaf-Blind Individuals.

Dear Chairman Wheeler:

Passage of the 21st Century Communications and Video Accessibility Act in 2010 was a significant milestone and establishing the NDBEDP as part of this act to ensure that low income individuals who are deaf-blind have access to internet based communications technology has had a positive impact on the lives of those individuals the program has been able to assist. We are very happy with the success of the NDBEDP program in the State of New Jersey. The New Jersey Commission for the Blind and Visually Impaired, in partnership with The College of New Jersey, have done a great job of identifying eligible individuals, assessing their telecommunications needs and purchasing equipment that helps them stay connected with friends and family and access telecommunications. The State Rehabilitation Council (SRC) supports the continuation of the program to ensure that individuals with dual sensory impairments have greater access to the information superhighway.

The State Rehabilitation Council (SRC) for the New Jersey Commission for the Blind and Visually Impaired is pleased to submit the following comments on the Notice of Proposed Rulemaking for the National Deaf-Blind Equipment Distribution Program as it seeks to amend its rules and transition from a pilot program to a permanent program.

Please note that the Paragraphs referenced below are from the Federal Register/Vol. 80, No. 111/Wednesday, June 10, 2015/Proposed Rules.

Paragraph 12 seeks comments on whether the Commission should establish minimum standards for personnel who are providing services for these programs, such as having certain levels of linguistic competency. The current certification criteria, which the Commission has proposed to keep in the permanent rules calls for "expertise in the field of deaf-blindness, including familiarity with the culture and etiquette of people who are deaf-blind" and "the ability to communicate effectively with people who are deaf-blind." Given that state programs are permitted to pay for Interpreters and Support Service Providers when needed for assessment and training purposes, the SRC does not believe there is a need to impose additional requirements for personnel working on the program.

Paragraph 18 of this section proposes that certified entities wishing to renew their certification at the end of the proposed five year certification period reapply one year prior to the end of the certification period and proposes to permit other entities to apply during this time-frame. Paragraph 7 of Section III A states that the "commission believes that the localized approach…has been successful…and that state entities…are in a better position to respond to the localized needs of their residents. Given this, the SRC seeks clarification on whether or not an entity from outside of the state would be allowed to apply to manage the program in a state where the current entity is reapplying. The SRC supports the five year certification period and shares the Commission's concerns that a shorter certification period would result in an unnecessary administrative burden.

Paragraph 23 seeks comment about the types of data that state programs should be required to input into a centralized database for reimbursement reporting as well as the semi-annual six month reports. In CG Docket No. 10-210 (adopted April 4, 2011) the Commission notes in Paragraph 93 that during the program's pilot, it will "continue to explore ways to simplify reporting for the permanent NDBEDP, including the submission of information though a web-based database." While this NPRM does include a proposed database, it does not offer any other proposals on how to simplify reporting requirements, other than to ask for comments. As all programs are required to undergo an annual audit, we would ask that the Commission take a critical look at what type of information is necessary to report in order to determine whether or not a program is effectively meeting the needs of the individuals they serve and are not engaging in waste and fraud. We recommend just listing the name, title, email address and phone number of the individual verifying the disability and eliminating address, city, state, and zip code. Eliminate the serial number requirement for equipment purchased. Combine travel, installation, and labor costs to train clients into one category. The reimbursement report has 11 different categories for equipment expenses. Are these 11 categories needed in order to effectively manage the program? We suggest combining the cost of specialized

customer premises equipment, off the shelf hardware and software applications into one category.

Paragraph 24 asks if certain data should be excluded from the centralized database. The New Jersey Commission for the Blind and Visually Impaired is required to follow HIPAA regulations and clients of the program sign a form acknowledging that some of their information is being submitted to the FCC. This information should not be able to be viewed by anyone other than the FCC official who reviews the claim and the Fund Manager. The Commission also asks whether any certified program may be prohibited from storing data out of state and whether these prohibitions would prevent inputting data into a centralized database.

Paragraph 25 asks to what extent a certified program should also be permitted access to the database to execute searches of data that it did not input into the database. As the certified program for New Jersey (New Jersey Commission for the Blind and Visually Impaired) is required to follow HIPAA regulations, we cannot allow other state programs to be able to access the names of our clients.

Paragraph 31 regarding verification of disability asks whether a professional's attestation that an individual is deaf-blind should include the basis of the attesting professional's knowledge. As the NPRM points out, the individual signing this verification is already required to sign a document stating that "to the best of their knowledge or under penalty of perjury that the applicant is an individual who is deaf-blind, as that term is defined in the Commission's rules." Given these requirements, the SRC does not feel that this additional step is necessary.

The SRC supports the proposed rule requiring certified programs to re-verify eligibility when the individual applies for new equipment three years or more after the program last verified the individual's disability (Paragraph 31)

Paragraphs 33 and 34 asks for comments on how to define the "low income" threshold for purposes of eligibility in the permanent program and asks whether it should continue to use a threshold of 400% of the Federal Poverty Guidelines as it did in the Pilot or whether it should consider a different standard. The Commission asks if a household can be considered low income if it exceeds the 2013 median income of $52,250. In establishing the rules for the Pilot, the Commission was sensitive to the high costs of medical and disability related expenses of this population when it established the 400% threshold. Given this and the fact that New Jersey has a high cost of living, the SRC supports continuing to use this measure as its guideline for determining income eligibility.

Paragraph 35 asks if “taxable income” (the amount that is used to compute the amount of tax due) rather than total, gross or net income be used to determine eligibility. We support using taxable income to determine eligibility for the NDBEDP.

We support the Commission’s proposed clarification on what constitutes an “economic unit” for adults living in a household, for determining income eligibility (Paragraph 36). This will help ensure that otherwise qualified applicants from being disqualified due to household income.

In Paragraph 38, the Commission asks whether a third-party should determine income eligibility. The SRC supports leaving it up to each state program to determine income eligibility. Having an applicant submit their income documentation to a third party will just place an additional administrative burden on the program and its applicants add another layer to the application process and potentially cause delays in processing their application.

In Paragraph 40, the Commission proposes that states continue to have the ability to decide “how best to distribute equipment and provide related services” to its eligible residents. We support continuing this policy.

Paragraph 49 proposes limiting outreach expenses to 10% of a program’s allocation. As each individual program is in the best position to determine what their outreach expense needs are, we support giving states the discretion to determine what they should spend on outreach each year. States already have the discretion to determine the amount they will spend on equipment and training of individuals and we suggest each program be given this same discretion in terms of outreach.

In Paragraph 57, the Commission asks whether certified programs should be permitted to query the proposed database to generate a list of equipment that has been provided through the NDBEDP. We support allowing certified programs to generate such lists, as it will be helpful to individual programs to see the types of equipment other programs are purchasing for their clients.

In Paragraph 59, the Commission proposes language that equipment recipients be required to sign indicating that they will not sell, give, lend, or transfer equipment received through this program. We support the proposed language.

In Paragraph 60, the Commission asks whether programs should be required to verify on a regular basis that the equipment continue to reside in the recipient’s possession. We object to this proposed requirement; it would be

an unnecessarily cumbersome process as well as a potentially costly endeavor.

The SRC supports the proposal that up to $250,000 be set aside to allow for "training the trainer" programs (Paragraph 64) for the first three years of the permanent program. Qualified trainers are essential to the success of this program, as there is little point in purchasing a device for a client if they can't receive adequate training in its use. Paragraph 68 asks whether this three year period is enough time to accomplish the objective of expanding the pool of qualified trainers and whether or not it should conduct an assessment during the third year to determine whether or not funding for trainers would be needed beyond this period. Given the importance of having qualified trainers, the SRC feels that that a three year funding limitation for a train the trainers program may not be adequate and encourages the Commission to conduct an assessment in year 3 in order to make an informed decision. Efficacy can be evaluated by states reporting on how training has increased capacity to address consumers' training needs via targeted surveying to consumers served. We feel that there will be a continual need for a training and would encourage the Commission to make "train the trainer" funds part of the permanent program.

In Paragraphs 76-78, the Commission describes the process by which it has approved voluntary reallocations of funds from one program to another and the formula and protocols it uses to reallocate funds on an "involuntary" basis during the second half of the program year. Certified programs have the opportunity to request that the NDBEDP administrator increase or decrease the "involuntary" allocation. The SRC supports continuing the reallocation process in this manner.

The SRC supports the proposal in Paragraph 81 to continue to allow certified programs to determine at the beginning of each program year whether to file reimbursement claims monthly, quarterly, or on a semi-annual basis. Each program is best suited to determine which time period works best for them. A determination that programs should all file monthly would place an undue administrative and paperwork burden on New Jersey's program, and would make it difficult to manage all the other aspects of the program.

Paragraph 87 asks if all state programs should be required to submit the FCC report at the same interval in which they submit their reimbursement report. Under the current system, this report is submitted every six months. The SRC supports continuing this policy.

Paragraph 100 asks if the Consumer and Governmental Affairs Bureau (CGB) of the Commission should continue to implement and administer the permanent NDBEDP and to retain authority over NDBEDP policy matters and

the functions of the program administrator. We support the continued role of the CGB in administering this program. The NDBEDP administrator has done an exemplary job of overseeing this program and has been an invaluable resource to the state programs.

Sincerely,

James W. Warnke
Chairperson, State Rehabilitation Council