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NDBEDP Comments

CG Docket No. 10-210

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The Washington Assistive Technology Act Program (WATAP) located at the University of Washington Center for Technology and Disability Studies, has implemented the National Deaf Blind Equipment Distribution Program under agreement the Certified Entity for Washington State, the Office of the Deaf and Hard of Hearing, in support of the. We submit these comments in response to the Notice of Proposed Rulemaking (NPRM) adopted on May 21, 2015, based on support to the program in the first 2 years of the pilot program and our experience in operating the program this last year as well. We are pleased to offer comments on behalf of WATAP and other Washington stakeholders. Comments are indexed to the section numbers in the NPRM released May 27, 2015.

III. Program Structure.

A. Certified Programs

7: We agree with the FCC's proposal to retain the current structure of the NDBEDP, consisting of one certifying entity within each state to be responsible for the administration of the program, distribution of equipment, and provision of all services associated with the program. This approach has enabled each state to identify and meet the unique needs of deaf-blind residents in their states, and best utilizes available local and state resources.

10, 11: The NPRM notes that 10 of the 53 state programs have relinquished their certifications, requiring the Commission to seek replacement in those states. We agree with the Commission proposal that certified programs seeking to relinquish certification provide written notice to the Commission at least 90 days in advance of its intent to do so. However, a related issue deals the timing of the FFC announcements inviting applications from new entities interested in receiving certification. In some of these cases, the period in which to apply for certification was very short, giving little time for organizations to gather necessary documentation and letters of support to apply. This seems to give an advantage to a national entity (Perkins) to apply to be the certifying entity in these states, because they have already crafted an application that can be submitted on very short notice, even before the news of the availability of an opening has spread among in-state agencies.

We would encourage the Commission to ensure that the process does not give an advantage to a national entity, and that qualified state entities are given priority over national entities to better serve individuals who are deaf-blind in those states.

B. Certification Criteria

16: We agree that certified programs have a responsibility to ensure that the providers and collaborators working with the program have expertise in working with people who are deaf-blind, encompassing all types of communication skills and needs. States are already required to demonstrate capacity and expertise in their

original applications for certification. That being said, the Commission should emphasize that evaluations and assessments should be focused on recommendations for equipment that meets the individual's needs, not wants, for telecommunications access. Along these lines, it would be helpful for the Commission to provide national guidance and language to certified entities to reinforce that upgrades without cause are not appropriate, and that entities may reissue equipment in excellent condition rather than buying new.

17: We agree that NDBEDP certification should include a demonstration of the ability to administer a statewide program, the capacity to manage the financial requirements of a state program, expertise in assistive technology, and experience with equipment distribution. We feel that these components strengthen a certified entity's ability to implement the NDBEDP program. Additionally, if an entity meets the requirements that it can manage the financial requirements of the program, it should not be necessary for the Commission to require the level of detailed documentation for reimbursement for oversight purposes, thus reducing the administrative burden for state entities (see also comments to paragraph 103 and 114).

C. Duration of Certification

20: We agree that the certification duration should be no shorter than five years. Shorter timeframes would result in unnecessary administrative burden on certifying entities and could cause unnecessary disruption of services to individuals who qualify for the NDBEDP.

23: The Commission is proposing that each certified entity under the pilot be required to re-apply for certification under the permanent program. With the breadth of data and information that the FCC has required and received under the pilot, we believe that the existing entities have already provided sufficient data and information for the Commission to make a determination as to whether an entity is demonstrating its ability to meet all of the FCC's selection criteria. If a state entity is currently meeting the criteria, the FCC should require only that the entity describe how it will meet any new criteria established by the Commission and that the entity state its intention to continue its participation.

F. NDBEDP Centralized Database for Reporting and Reimbursement

30. 31. 32: The Commission is proposing that a centralized national database be created to "assist state programs" in the generation of reports to the Commission, to enable the submission of those reports electronically to the NDBEDP Administrator, and to allow for the aggregation and analysis of nationwide data on the NDBEDP. The FCC comments that difficulties ensued because some of the data submitted by states not using the Perkins database was not uniform. We would submit that it would have actually been relatively easy to include basic NDBEDP from states not using the Perkins database, as all states were given a standard Excel spreadsheet report form to use and instructed to not change any formatting or headings so that all data could be aggregated for reporting purposes. And yet during presentations of pilot data (for example at the 2014 TEDPA Conference), neither the FCC nor Perkins included data from any of the programs that were not using the Perkins database. For example, in Washington state, over 80% of the individuals served are Ushers type I whereas this is significantly lower in most states. Not including Washington's data significantly reduces the reliability of the data presented.

The Commission proposes that a centralized database would assist state programs in generating their reimbursement claims and would likely lead to faster reimbursement. In our opinion, this would only be possible if the concerns stated below regarding a centralized database are addressed, and if the process for

submitting reimbursement claims was revised. The current process involves not only submitting a reimbursement form, but also providing the TRS Fund Administrator with copies of invoices and other backup documentation, each coded to correspond with the form. Continuing this type of reimbursement process would defeat the purpose of having a centralized database to facilitate payment of claims (see also 103).

A centralized database should only be required and implemented if it actually streamlines the reporting and reimbursement process. It should have the capability to allow states to input data and information that can, for the most part, be entered a single time for both reporting and reimbursement functions. It should streamline the process, and greatly reduce the current duplicate input as is currently required for the FCC and RLSA.

The centralized database should not be the current database offered by Perkins, nor should the Perkins database be used as a basis for building a new database. Although our state did not use the Perkins database, when we asked other states who had or are using the database, the overwhelming response was that it was expensive, cumbersome, unintuitive, and difficult to use. We have also learned that the developer was more familiar with creating databases for libraries and not for a program such as NDBEDP, thus the database is not a good match to the needs and requirements of the NDBEDP.

We suggest that the Commission issue a public notice for entities to submit applications for the development and maintenance of a centralized database. Qualified entities should have excellent expertise in creating databases that would allow multiple user input, different levels of administrative access, ease of querying, and report generation.

33: Security issues are a key consideration for a national database. Currently the FCC requires much more detailed data (names, addresses, phone numbers, type of disability, serial numbers, etc.) than what is required by many other federal programs. We are aware of no other federal program that requires personally identifying information about clients to be submitted to the national sponsor, including programs administered the Rehabilitation Services Administration (RSA) and the Administration on Community Living (ACL) such as Vocational Rehabilitation Services (VR) and Independent Living (IL) Programs. In all cases the client data is kept at the local level only. States will need specific information on how data security will be achieved, rather than just assurances that it will, as in our case, the University sets forth extremely rigorous requirements that would have to be met. If using a centralized database becomes a program requirement, the database should meet all HIPPA standards. And we propose that it would be more secure and appropriate for state programs to maintain records of names and addresses of equipment recipients, along with other data regarding the identity of the people who attest that those recipients are deaf-blind, rather than placing this information into a centralized national location.

34: If a central database is used, there should be different levels of access. The NDBEDP Administrator and other appropriate FCC staff should have the highest level of access to the database, and certifying entities should only have access and control over their own state's information. We do not recommend giving database access to any trainers, assessors or other subcontractors without tight controls.

36: If a national database is developed, we agree that certifying entities should not be charged for use of the database, and that funding to develop and maintain the database come from a separate federal rather than from the state's administrative allowance.

IV. Consumer Eligibility

C. Income eligibility

49: The Commission's use of household income in lieu of personal income to determine income eligibility for the NDBEDP, can result in disqualification of adult applicants who live in multi-person households and other adult applicants who are not dependent financially. In our opinion, NDBEDP should look at an individual's income when s/he is living in a household and the individual is not a dependent.

V. Equipment and Related Services

A. 1. National Outreach

61: $250,000 is a considerable allocation for national outreach. For example, Washington has benefited little from the national outreach effort. It is our opinion that outreach is best conducted at the state level where the state certifying entity can be responsive to unmet need and make the best decisions for balancing state resources Money allocated at the national level should be enough to maintain a national website, 800 number and call center, and provide marketing materials in electronic format that can be customized and readily printed. These materials should be made available at no charge to the state certifying entities.

B. Assessments

70, 72: It is our opinion that in some cases it could be more cost-effective to allow for reasonable travel costs of individuals (along with one support service provider, if needed) to obtain an assessment. This would include in-state travel, as well as travel to an adjoining state, since the NDBEDP allows certifying entities to use the services of providers in neighboring states. We would suggest that such travel expenses be pre-approved by the state certifying entity and should adhere to federal per diem rates and mileage for privately owned vehicles.

83: It is our opinion that in some cases it could be more cost-effective to allow for reasonable travel costs of individuals (along with one support service provider, if needed) to receive training. This would include in-state travel, as well as travel to an adjoining state, since the NDBEDP allows certifying entities to use the services of providers in neighboring states. We agree that such travel expenses be pre-approved by the state certifying entity and suggest that expenses should adhere to federal per diem rates and mileage for privately owned vehicles.

E. Training Trainers

91: State Allocations for Train-the-Trainer Programs. Rather than spend federal funds on a national train-the-trainer program, we believe that it would be appropriate to provide funding for capacity-building within states. For example, many current and potential trainers in Washington state are themselves deaf-blind and in-person capacity building and training efforts would likely be the only means for meeting their needs due to the communication challenges faced.

We believe that providing training for trainers ultimately benefits state residents who are deaf-blind and as such, a train-the-trainer program should not be treated as an administrative cost, but rather a direct-service cost.

VI. Funding

B. Reimbursement Mechanism

103: We question the proposal to continue using the present reimbursement mechanism to fund equipment distribution and related services under the permanent NDBEDP, that includes the current requirement for certified programs to support their reimbursement claims with documentation, a reasonably detailed explanation of incurred costs, and a declaration be carried into the permanent program. It is very unusual for a federal program to require this level of oversight in the level of detail and documentation to support reimbursement and adds significantly to the administrative burden to certified programs. An annual audit would be the preferable method of oversight. We would argue that it is much more reasonable to maintain this documentation at the state level and if a state entity has met the financial management requirement of certification, then the FCC can rely on the quality of the data reporting and the annual audit to verify program compliance and maintain oversight (see also comments to paragraphs 17 and 114).

104: We believe that each certifying entity is able to determine the frequency with which it needs to be reimbursed.

D. Administrative Costs

106, 107: We agree with the Commission's proposal to reimburse administrative costs as they are incurred and claimed, based on the annual allocation rather than the amount of reimbursable costs, which would eliminate the need for the TRS Fund Administrator to bank administrative costs.

Although the Commission defines administrative costs to include reporting requirements, accounting, regular audits, oversight, and general administration we ask the FCC to clarify that these are still direct administrative program costs. A distinction between what are typically referred to as indirect or facilities and administrative (F&A) costs, as in the case of the University of Washington, and those costs considered as direct administrative costs for program operations should be defined. In the current pilot program, an entity can take the full 15% as indirect costs which leave no funds in the currently allowed administrative cost cap for direct administrative costs to the program.

While states agree with the proposal to change the administrative cap from applying to the amount of direct costs to the overall state allocation, some still felt that the 15% cap still required states to expend their own non-reimbursable funds to implement the program.

VII. Oversight and Reporting

A. Reporting

109: We support retaining the six-month reporting requirement. However, we have concerns about the amount and types of data collected, as stated in our comments to paragraphs 30, 31 and 32 above.

B. Audits

114: We would argue, that given the current detailed reimbursement and reporting requirements, where each invoice and line item cost is examined, there is essentially no need for an annual audit since the FCC is already providing a very high level of oversight. As stated in comments to paragraph 103, an annual audit is preferred to the administrative burden of providing detailed documentation for reimbursement.