

NDBEDP PN Comments CG Docket No. 10-210

Submitted by Assistive Technology of Alaska

Assistive Technology of Alaska is pleased to provide the following comments to the Federal Communications Commission regarding the National Deaf-Blind Equipment Distribution Program (NDBEDP). Assistive Technology of Alaska (ATLA) is the certified NDBEDP entity for the state of Alaska since 2012. ATLA is also Alaska's statewide assistive technology program under the federal Assistive Technology Act as well as the state telecommunication equipment distribution program ambassador for Sprint's Alaska Relay program. These comments are submitted in response to the Public Notice released on May 27, 2015 based on over two years experience in developing and operating the program serving Alaskans who are deaf-blind.

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 meet the unique needs of deaf-blind residents in their states, and utilizes available local and state resources.

10-11. We agree with the proposal that certified programs seeking to relinquish certification provide written notice to the Commission at least 90 days in advance. However, we do see an issue dealing with the timing of the FCC announcements to invite applications from new entities seeking certification. In some of these cases, the period in which to apply for certification was exceptionally 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.

B. Certification Criteria

16. We certainly 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. However, our experience has shown that having communication expertise does not necessarily translate into having the necessary expertise to recommend equipment for people eligible for the NDBEDP. People completing communication assessments should be focused on recommending what equipment the individual needs for advanced telecommunications access, not wants, for telecommunications access. Along these lines, it would be helpful for the Commission to

provide national guidance and language that certified entities can use to discourage participants from abandoning equipment that is working to meet their current telecommunication access needs in favor of the latest models and from requesting unnecessary upgrades.

C. Duration of Certification

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

D. Certification Renewals

23. The FCC is proposing that each certified entity under the pilot be required to re-apply for certification under the permanent program. Given the amount of data and other information that the FCC has received during the pilot from certified programs, we feel that the existing certifying entities are already providing more than enough 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 and rule modifications established by the Commission, and that the entity state its intention to continue its participation.

F. NDBEDP Centralized Database for Reporting and Reimbursement

- 31-33. The FCC 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 occurred because some of the data submitted by states not using the Perkins database was not uniform. 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. We complied with this request, 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.

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.

A centralized database should only be required and implemented if it 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 once for both reporting and reimbursement functions. It should not be the current database offered by Perkins, nor should the Perkins database be used as a basis for building a new database. Our state used the Perkins database during most of the first two years of the pilot, and found it to be cumbersome, unintuitive, and difficult to use. This could be in part because the

developer was more familiar with creating databases for libraries and not for a program such as NDBEDP.

We suggest that the Commission issue a public notice for entities to submit applications for the development and maintenance of a centralized database, one that would allow multiple user input, different levels of administrative access, ease of querying and report generation. The newly developed database should be free to use by certifying agencies, therefore not reducing the minimal funds each state receives to administer and provide equipment / services for the NDBEDP.

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 that required by other federal programs. States will need specific information on how data security will be achieved, rather than just assurances that it will. In fact, in our case, ATLA 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. In our opinion, 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 put this information into a centralized 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 comes from separate federal funds 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. National Outreach

61. Propose to allocate the amount of money spent on national outreach to \$250,000 per year. It is our opinion that national outreach is duplicative of outreach already being done by certifying entities. Money allocated 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 certifying entities.
66. It is our opinion that certified programs should not be capped at 10% of each state's funding allocation to provide local outreach. Alaska has unique challenges in providing

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outreach to rural areas, which is over 75% of the state. National outreach has had no impact on Alaskans that experience deaf-blindness. Providing onsite awareness activities by direct staff involvement with local health care personnel, telephone providers, conferences, health fairs, etc. is in our 25+ years experience the most beneficial method of outreach. Capping the funding allocation would suppress critical outreach and awareness to 75% of the state.

B. Assessments

70-72. It is our opinions 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. In many situations in rural Alaska, it is more cost efficient to have an assessor travel to a "hub" area to provide both outreach and assessments, then have an applicant travel from their nearby village to meet the assessor in that "hub" area. Since the majority of travel within the state is done by either large or small aircraft, rather than car, consideration for rural states that do not have the luxury of a road system needs to be taken into account for in regards to capping the amount a state program can spend on assessment-related to consumer travel. We would suggest that such travel expenses be pre-approved by the state certifying entity, but not capped, and should adhere to federal per diem rates and mileage for privately owned vehicles.

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

VI. FUNDING

C. 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 in our experience that it is unusual for a federal program to require this extreme intensity of oversight in the level of detail and documentation to support reimbursement, which ultimately adds significant 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

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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 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.

VI. 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. The Commission's proposal should include a policy that permits certified programs to exceed the 15% administrative costs ceiling for any audit beyond the required annual audit.

Sincerely,



Mystie Rail, ATLA Executive Director