

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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| <b>1. Type of Estimate and Analysis</b><br><input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected   | <b>2. Date</b><br>02/08/2022   |
| <b>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)</b><br>DHS 77, relating to service fund for people who are deaf, deafblind, or hard of hearing   |  |
| <b>4. Subject</b><br>Service fund under s. 46.295, Stats.   |  |
| <b>5. Fund Sources Affected</b><br><input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S   | <b>6. Chapter 20, Stats. Appropriations Affected</b><br>s. 20.435 (1) (hs), Stats. |
| <b>7. Fiscal Effect of Implementing the Rule</b><br><input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs<br><input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget   |  |
| <b>8. The Rule Will Impact the Following (Check All That Apply)</b><br><input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors<br><input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers<br><input type="checkbox"/> Small Businesses ( <b>if checked, complete Attachment A</b> )   |  |
| <b>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).</b><br>\$N/A  |  |
| <b>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?</b><br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |  |
| <b>11. Policy Problem Addressed by the Rule</b><br>Section 46.295, Stats., authorizes the Department to provide reimbursement to certain interpreters (hereinafter "communication access services providers") for the provision of interpreter services (hereinafter "communication access services") and to promulgate rules to implement the statute. Chapter DHS 77 implements s. 46.295, Stats.<br><br>Chapter DHS 77 is currently outdated and does not reflect changes in federal and state laws that govern the provision of communication access services. In addition, the eligibility requirements for communication access services providers have not been updated to reflect required professional certifications and state licensure requirements such as 2009 Wisconsin Act 360 and 2019 Wisconsin Act 17, which requires sign language interpreters to hold a professional license from the Department of Safety and Professional Services.       |  |
| <b>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.</b><br>Individuals who are deaf, hard of hearing and deafblind represent 3% of the total population in Wisconsin. The Department formed an advisory committee consisting of consumers, sign language interpreters, and sign language interpreter referral agencies and program staff.<br><br>Members of the advisory committee were approved by the Governor's Office. The public was notified of all advisory committee meetings pursuant to Wisconsin's Open Meetings Law. Committee members reviewed the initial draft and their comments guided the development of the proposed rule. In addition, the Department has attended open meetings of the Governor's Council for the Deaf and Hard of Hearing to provide updates on the rule process. |  |
| <b>13. Identify the Local Governmental Units that Participated in the Development of this EIA.</b><br>None  |  |
| <b>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)</b>   |  |

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None.

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15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

These revisions are necessary in order to clarify situations, communication access services, and providers eligible for payment to support the communication access needs of individuals who are deaf, deafblind, and hard of hearing while taking into account changes in federal and state statutes relating to accessibility and communication access.

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16. Long Range Implications of Implementing the Rule

These revisions are necessary in order to clarify eligibility requirements and to reflect the changes in communication access services, providers, and legal requirements now and into the future. The proposed rule will not create additional work for the deaf, deafblind, or hard of hearing person. The proposed rule may require that requestors fill out an application for each request that will lessen the strain of predicting services for an entire year. This will ensure that the program is able to make real time decisions based on the availability or projected availability of funding.

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17. Compare With Approaches Being Used by Federal Government

There appear to be no existing or proposed federal regulations that address state programs that provide payment for communication access services for deaf, deafblind, or hard of hearing persons in situations not covered by federal or state law. Federal law requires that entities who receive federal dollars provide reasonable accommodations, including communication access services, when individuals with disabilities request these services. In addition, federal law requires that public entities comply with the Americans with Disabilities Act (ADA).

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

The Illinois Language Services Act, 210 ILCA 87, governs the provision of interpreters for patients in health facilities. Administrative code provisions for enforcing and administering the act are contained in Parts 940.100 to 940.170 of the Illinois Administrative Code. There appear to be no other regulations in Illinois that assist deaf, deafblind, or hard of hearing persons with paying for communication access services in situations not covered by state or federal law.

Iowa:

Iowa's Deaf Services Division was created by Iowa Code section 216A.1, and rules governing its administration are contained in Rules 429-1.1 to 429-10.21. Rule 429-2.2 provides that the division shall make services available to all deaf or hard-of-hearing residents or nonresidents who may be visiting or conducting business in the state. Rule 429-2.4 governs the fee for services provided by the division. There appear to be no other regulations in Iowa that assist deaf, deafblind, or hard of hearing persons with paying for communication access services in situations not covered by state or federal law.

Michigan:

Sections 393.501 to 393.509 of the Michigan statutes contain the Deaf Persons' Interpreters Act. Section 393.507 of the statute provides that payment of interpreter expenses shall be paid by courts of appointing authorities other than a court as provided by law. There appear to be no other regulations in the Michigan that assist deaf, deafblind, or hard of hearing persons with paying for communication access services in situations not covered by state or federal law.

Minnesota:

Sections 256C.21 to 256C.26 of the Minnesota Statutes contain the Deaf and Hard-of-Hearing Services Act. Section 256C.261 of the Minnesota Statutes governs services for persons who are deaf, deafblind, or hard of hearing, and permits the Minnesota Commissioner of Human Services to award grants for the provision of services. There appear to be no other regulations in Minnesota that assist deaf, deafblind, or hard of hearing persons with paying for communication access services in situations not covered by state or federal law.

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19. Contact Name

Amber Mullett

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20. Contact Phone Number

608-261-7823

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**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes     No
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