

## Chapter DHS 78

### TELECOMMUNICATION ASSISTANCE FOR DEAF, DEAFBLIND AND SEVERELY HARD OF HEARING PERSONS

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**Note:** Chapter HSS 70 was created by emergency rule effective January 21, 1985; chapter HSS 70 was renumbered to chapter HSS 270 under s. 13.93 (2m) (b) 1., Stats., Register, December, 1988, No. 396. Chapter HSS 270 was renumbered chapter HFS 78 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, December, 1996, No. 492.

**Note:** Chapter HFS 78 as it existed on July 31, 2003 was repealed and a new chapter HFS 78 was created Register July 2003 No. 571, effective August 1, 2003. Chapter HFS 78 was renumbered to chapter DHS 78 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

**DHS 78.01 Authority and purpose.** This chapter is promulgated under the authority of s. 46.297 (4), Stats., for the purpose of implementing the telecommunication assistance program (TAP) for persons who are deaf, deafblind or severely hard of hearing. The chapter sets forth eligibility requirements, uniform application procedures, criteria for granting assistance and policies relating to the purchase and maintenance of the telecommunications equipment.

**History:** CR 03-001: cr. Register July 2003 No. 571, eff. 8-1-03.

**DHS 78.02 Applicability.** This chapter applies to the department and to all deaf, deafblind and severely hard of hearing persons who apply to the department for program funding for the purchase of telecommunication equipment for their homes.

**History:** CR 03-001: cr. Register July 2003 No. 571, eff. 8-1-03.

**DHS 78.03 Definitions.** In this chapter:

(1) "Deaf, deafblind or severely hard of hearing" means a hearing loss significant enough to prevent the individual from using the telephone system without technological adaptations that facilitate effective communication in a visual or audible mode.

(2) "Department" means the Wisconsin department of health services.

(3) "Household" means a residence unit whose members share a common living arrangement.

(4) "Public service commission" or "PSC" means the Wisconsin public service commission.

(5) "TAP manager" means the department's staff member responsible for developing and implementing TAP.

(6) "Telecommunication assistance program" or "TAP" means a financial assistance program created by s. 46.297, Stats., for the purpose of making telecommunication devices available to deaf, deafblind and severely hard of hearing persons who do not have the means to afford these devices.

(7) "Telecommunication device" or "device" means any technology needed by a deaf, deafblind or severely hard of hearing person to facilitate his or her use of a telephone.

(8) "Telecommunication Equipment Purchase Program" or "TEPP" means the financial assistance program under s. 196.218, Stats., and administered by the public service commission under s. PSC 160.071 to provide financial assistance to customers with a disability who have special needs certification in the purchase of equipment needed to personally access and use essential services of the telecommunications network.

(9) "Wisconsin adjusted gross income" has the meaning prescribed in s. 71.01 (13), Stats.

**History:** CR 03-001: cr. Register July 2003 No. 571, eff. 8-1-03; correction in (2) made under s. 13.92 (4) (b) 6., Stats., Register November 2008 No. 635.

**DHS 78.04 Application procedure.** (1) APPLICATION FORM AND HEARING LOSS DOCUMENTATION. To apply for assistance from TAP, the applicant shall submit the following materials to the department as an application package:

- (a) A completed PSC TEPP application form; and
- (b) A completed department certification of hearing loss form or an audiogram from a certified audiologist.

**Note:** The Department TAP Program uses the PSC TEPP application form, Telecommunication Equipment Purchase Program Application. Both the TEPP application form and the Department certification of hearing loss form, Hearing Loss Certification, may be requested from the TAP Manager, Office for the Deaf and Hard of Hearing, Division of Disability and Elder Services, P.O. Box 7851, Madison, Wisconsin 53707-7851. The forms are also available for downloading at: <http://www.dhs.wisconsin.gov/odhh/TAP/index.htm>. Upon completing the Telecommunication Equipment Purchase Program Application, applicants should send or fax the form to the address or fax number given on the form. Upon completing the hearing loss certification form, applicants should send or fax the form to the TAP Manager at the address given above.

(2) PROCESSING TAP APPLICATIONS. The department shall process applications for TAP services in the following manner:

(a) The department shall accept an application at any time except as provided in s. DHS 78.06 (3).

(b) The department shall review applications in the order they are received to determine whether the application is complete and includes all required attachments.

(c) When the department finds an application to be complete, the TAP manager shall date and sign the application.

(d) The department shall send the applicant written notification of the department's decision on his or her application within 30 calendar days after the department determines the application complete.

(e) If the department denies assistance to the applicant, the applicant may reapply if, due to a change in conditions, the applicant meets eligibility requirements under s. DHS 78.05.

(f) Except as provided under par. (g), if the department approves issuing a TAP voucher to the applicant, the applicant shall apply the voucher to the \$100 co-payment requirement of the telecommunications equipment purchase program administered by the public service commission for all eligible applicants.

(g) A voucher recipient under s. PSC 160.071 (1m) (b) 1. who is not required to make a copayment under s. PSC 160.071 (1m) (c) is not eligible for a TAP voucher.

**History:** CR 03-001: cr. Register July 2003 No. 571, eff. 8-1-03; corrections in (2) (g) made under s. 13.92 (4) (b) 7., Stats., Register February 2017 No. 734.

**DHS 78.05 Eligibility requirements.** An applicant shall meet the following requirements to be eligible for TAP assistance:

(1) CERTIFICATION OF HEARING LOSS. The applicant shall be certified as deaf, deafblind or severely hard of hearing by a licensed physician, an audiologist who is certified by the American speech and hearing association or a coordinator of deaf and

hard of hearing services who is employed by the department's division of disability and elder services.

**(2) RESIDENCY.** An applicant shall be either a Wisconsin resident or a tax dependent of a Wisconsin resident.

**(3) INCOME ELIGIBILITY.** (a) The Wisconsin adjusted gross income of the applicant's family as reported for Wisconsin income tax purposes for the most recent annual tax reporting period shall be equal to or less than 200% of the poverty line established under 42 USC 9902 (2) as updated annually or more often by the secretary of the U.S. department of health and human services.

(b) If an applicant is claimed as a dependent for income tax purposes, the adjusted gross income of the person or persons claiming the applicant as a dependent shall be listed on the application form and shall be used to determine income eligibility.

**(4) TELEPHONE SERVICE.** The applicant shall have telephone service at home, except that if the applicant does not have telephone service in the home at the time of application for TAP assistance, the applicant shall submit a copy of the telephone service installation bill before the department issues a voucher to the applicant.

**(5) RESIDENTS IN NURSING HOMES OR INSTITUTIONS.** An applicant living in a nursing home or institution may be considered for TAP assistance only if the applicant has personal telephone service. In this subsection, "personal telephone service" means that the telephone is located in the applicant's assigned bedroom and the telephone is registered on behalf and for the use of the applicant.

**(6) PERSONS ELIGIBLE FOR OR RECEIVING SERVICES FROM THE DEPARTMENT OF WORKFORCE DEVELOPMENT.** A person eligible for or receiving services from the department of workforce develop-

ment's division of vocational rehabilitation shall first be evaluated by that division to determine if the person is eligible for a telecommunication device under the vocational rehabilitation program, and if denied, may apply for assistance from TAP.

**History:** CR 03-001: cr. Register July 2003 No. 571, eff. 8-1-03.

**DHS 78.06 TAP assistance restrictions.** The following restrictions apply to the provision of TAP assistance:

**(1) Eligible applicants shall be granted TAP assistance on a first-come, first-served basis subject to availability of funds.**

**(2) Any person who is deaf, deafblind or severely hard of hearing and shares a household with other persons who are deaf, deafblind or severely hard of hearing may be a recipient of TAP assistance.**

**(3) A recipient of TAP assistance may not reapply for assistance more often than once every 3 years.**

**History:** CR 03-001: cr. Register July 2003 No. 571, eff. 8-1-03.

**DHS 78.07 Purchase and care of telecommunication devices.** **(1) PURCHASE OF DEVICES.** If the department approves the issuance of a TAP voucher to an eligible applicant, the voucher may not exceed \$100.

**(2) WARRANTY AND MAINTENANCE OF DEVICES.** (a) The recipient may purchase only a device that is warranted by the manufacturer or distributor for a period of not less than one year.

(b) Recipients shall maintain the device when the warranty expires.

(c) Recipients shall purchase batteries, paper for the printer, and other general supplies necessary for operation of the device.

**(3) OWNERSHIP OF DEVICES.** Any telecommunication device purchased through TAP shall be the property of the recipient.

**History:** CR 03-001: cr. Register July 2003 No. 571, eff. 8-1-03.