

## 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**Note:** Chapter HFS 78 as it existed on July 31, 2003 was repealed and a new chapter HFS 78 was created Register July 2003 No. 571, effective August 1, 2003.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 accessing distance communication services without technological adaptations that facilitate effective communication in a visual, audible, or tactile mode.

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

(2m) "Distance Communications" means an exchange of information between two different locations via transmission facilities using any part of the electromagnetic spectrum.

(2q) "Hearing Instrument Specialist" has the meaning given in s. 459.01 (3), Stats.

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

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

(5) "TAP manager" means the department's staff responsible for overseeing the Telecommunication Assistance Program.

(6) "Telecommunication assistance program" or "TAP" means a financial assistance program created by s. 46.297, Stats., for the purpose of making distance communications and telecommunication devices available to individuals who are deaf, deafblind, and severely hard of hearing.

(7) "Telecommunication device" or "device" means any technology needed by an individual who is deaf, deafblind, or severely hard of hearing to facilitate the individual's use of distance communications.

(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.

(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; **CR 17-006: am. (1), cr. (2m), (2q), am (3) to (8) Register February 2018 No. 746 eff. 3-1-18.**

**DHS 78.04 Application procedure.** (1) APPLICATION FORM AND HEARING LOSS DOCUMENTATION. To apply for assistance from TAP, the applicant shall submit to the department a completed application form and any of the following:

(a) A signed certification of hearing loss form.

(b) An audiogram from a certified audiologist.

(c) Documentation of hearing tests conducted pursuant to ch. HAS 4, by a hearing instrument specialist, within 6 months of the date of the application, and that demonstrate the applicant's need for hearing instruments.

**Note:** Instructions on how to apply for the TAP program and all necessary forms can be found online at: <http://www.dhs.wisconsin.gov/odhh/TAP/index.htm>.

(2) PROCESSING TAP APPLICATIONS. The department shall process TAP applications 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.

(d) The department shall send the applicant written notification of the department's decision on his or her application once all documentation is received.

(e) If the department denies assistance to the applicant, the applicant has the right to appeal the decision under subch. III, of ch. 227, Stats., by filing a written request with the department, or may reapply if, due to a change in conditions, the applicant meets eligibility requirements under s. DHS 78.05.

(f) If the department approves issuing a TAP voucher to the applicant, the applicant shall apply the voucher to the purchase of approved telecommunications devices.

(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; **CR 17-006: r. and recr. (1), am. (2) (intro.), (b), r. (2) (c), am. (2) (d) to (f), Register February 2018 No. 746 eff. 3-1-18.**

**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, a hearing instrument specialist, or an audiologist who is certified by the American Speech and Hearing Association.

(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 household 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.

(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 development'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.

(7) Preference will be given to individuals who are not receiving telecommunication devices from another state program.

**History:** CR 03-001: cr. Register July 2003 No. 571, eff. 8-1-03; **CR 17-006: am. (1), (3) (a), r. (4), (5), cr. (7), Register February 2018 No. 746 eff. 3-1-18.**

**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.

(3) A recipient of TAP assistance may not reapply for assistance more often than once every 3 years unless there is a significant or functional change in disability that requires different or other telecommunication devices.

**History:** CR 03-001: cr. Register July 2003 No. 571, eff. 8-1-03; **CR 17-006: r. (2), am. (3) Register February 2018 No. 746 eff. 3-1-18.**

**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 only be used for department-approved telecommunication devices.

(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.

(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; **CR 17-006: am. (1), r. (2) (c) Register February 2018 No. 746 eff. 3-1-18.**