
**SENATE COMMITTEE ON ENERGY, UTILITIES AND
COMMUNICATIONS**
Senator Ben Hueso, Chair
2019 - 2020 Regular

Bill No: AB 1514 **Hearing Date:** 6/4/2019
Author: Patterson
Version: 4/11/2019 As Amended
Urgency: Yes **Fiscal:** Yes
Consultant: Sarah Smith

SUBJECT: Deaf and Disabled Telecommunications Program

DIGEST: This bill adds nurse practitioners to the list of professionals that can certify an individual's eligibility to obtain specialized telecommunications devices and equipment through the Deaf and Disabled Telecommunications Program (DDTP).

ANALYSIS:

Existing law:

- 1) Requires the California Public Utilities Commission (CPUC) to administer a program providing specialized telecommunications devices to a subscriber certified as deaf or hard of hearing by a licensed physician and surgeon, audiologist, or a qualified state or federal agency, and to an organization representing individuals who are deaf or hard of hearing. Existing law allows a licensed hearing aid dispenser or physician assistant to certify an individual's eligibility to participate in the DDTP under certain conditions. (Public Utilities Code §2881(a))
- 2) Requires the CPUC to administer a program to provide specialized telecommunications equipment to subscribers who are certified as disabled. The certification must include a statement of visual or medical need and be provided by a licensed optometrist, physician and surgeon, or physician assistant. (Public Utilities Code §2881(c))
- 3) Requires the CPUC to administer a program providing an individual certified as having a speech disability with a speech-generating device. The certification must be provided by a licensed physician, licensed speech-language pathologist, or qualified state or federal agency. (Public Utilities Code §2881(d))
- 4) Establishes the scope of practice for nurse practitioners, including allowing nurse practitioners to certify an individual's disability after performing a

physical examination with a physician and surgeon. (Business and Professions Code §2834 et. seq.)

This bill adds nurse practitioners to the list of professionals that can certify an individual's disability or medical need for the purposes of obtaining specialized telecommunications devices and equipment through the DDTP.

Background

Purpose of the DDTP. The DDTP was originally established to provide telecommunications devices for the deaf or severely hearing-impaired population. Since its establishment, the Legislature has modified and expanded the program to provide additional types of specialized telecommunications devices for individuals with hearing and other physical impairments that limit a person's ability to use traditional telecommunications devices. The DDTP is funded through a surcharge on consumers' intrastate telecommunications services.

The current DDTP is comprised of two different programs: the California Relay Service (CRS) and the California Telephone Access Program (CTAP). The CRS is a free service enabling individuals who are deaf, hard of hearing, and have speech limitations to communicate with other telephone users through toll-free number. The CRS provides communication assistance through trained operators that relay conversations between people who are deaf, hard of hearing, have speech limitations and those whom they wish to call. CTAP provides specialized telecommunication devices and equipment that help individuals who have certain physical impairments communicate via telephone. These devices include telephones with specific capabilities, including, but not limited to, sound amplification, speech captions, and modified keypads. Existing law requires the CPUC to provide CTAP devices for no charge additional to the basic exchange rate. In recent years, demand for the CRS has decreased while the CTAP has slowly grown. Despite this growth, the DDTP surcharge rate has remained the same for more than four years.

Eligibility certification. Existing law requires an individual to obtain certification that they have a hearing, speech, or physical limitation that makes them eligible to receive devices through CTAP. Under existing law, only certain licensed practitioners in healing arts fields can conduct this certification. For individuals with a hearing impairment, the certification may be provided by a licensed physician and surgeon, audiologist, qualified state or federal agency, hearing aid dispenser, or physician assistant. Persons with speech disabilities can obtain a certification from a licensed physician, licensed speech-language pathologist, or qualified state or federal agency. For individuals with other disabilities, the

certification can be provided by an optometrist, physician and surgeon, physician assistant, or qualified state or federal agency.

Not all of these healing arts professionals have the same latitude under existing law to provide the certification required for DDTP participation. For example, a physician and surgeon or audiologist can provide the certification without additional requirements; however, a physician assistant or hearing aid dispenser may only provide the certification after a review of the individual's medical or hearing records. Certifications for individuals who have disabilities other than hearing or speech limitations must include a statement of visual or medical need for specialized telecommunications equipment, and professionals providing the certification may only do so within the scope of practice for their respective licenses.

This bill expands the types of licensed healing arts professionals who may certify an individual's eligibility to receive devices through CTAP to include nurse practitioners. This bill would also require a nurse practitioner to review an individual's medical records before providing a certification of DDTP eligibility for devices addressing a hearing impairment. To the extent that adding nurse practitioners to the list of professionals who can certify DDTP eligibility improves access to professionals that can make this certification, this bill may increase or expedite access to CTAP devices.

Dual referral. Should this committee approve this bill, it will be re-referred to the Senate Committee on Business, Professions and Economic Development for their consideration.

Prior/Related Legislation

AB 497 (Santiago, 2019) extends the surcharge funding the DDTP from January 1, 2020, to January 1, 2025. The bill is currently pending referral in the Senate.

AB 136 (Beall, Chapter 404, Statutes of 2011) required the CPUC to expand the DDTP to include assistance to persons with speech disabilities, including assistance to purchase speech-generating devices and accessories.

SB 60 (Rosenthal, Chapter 585, Statutes of 1985) required the CPUC establish a program providing specialized telecommunications equipment to certified individuals with hearing, vision, speech, and mobility disabilities.

SB 244 (Greene, Chapter 741, Statutes of 1983) established the California Relay Service through the creation of a dual-party relay system connecting deaf and hearing impaired individuals to those without impaired hearing.

SB 597 (Greene, Chapter 1142, Statutes of 1979) required the CPUC to establish a program providing telecommunications devices to deaf and severely hearing impaired Californians.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT:

California Association of Nurse Practitioners (Sponsor)
Association of Regional Center Agencies
Disability Rights California
The Utility Reform Network

OPPOSITION:

None received

ARGUMENTS IN SUPPORT: According to the author:

AB 1514 is a simple fix to ensure that all patients who need to enroll in the Deaf and Disabled Phones Program can do so, and in a timely manner. Updating the code to ensure add NPs to the list of certified providers will ensure that access to this program is not impeded for vulnerable individuals throughout the state who may not have access to a physician nearby yet are able to see a nurse practitioner for their primary needs.

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