

**DEPARTMENT OF WORKFORCE EDUCATION
ARKANSAS REHABILITATION SERVICES**

TELECOMMUNICATION ACCESS PROGRAM RULES

Telecommunication Access Program Rules

1) Program Title. The telecommunication equipment distribution program established by Act 501 of 1995 and 530 of 2001 shall hereinafter be referred to as the "Telecommunication Access Program (TAP)."

2) Definitions:

- a) **Adaptive telecommunications equipment** is equipment that translates, enhances or otherwise transforms the receiving or sending of telecommunications into a form accessible to individuals with disabilities and includes equipment/devices, adaptive telephone, and other adaptive equipment that provides access to the telecommunication infrastructure.
- b) **Adjusted gross income** is the amount claimed as adjusted gross income on the most recent Arkansas State income tax return or other appropriate documentation as specified by TAP personnel.
- c) **Telecommunication service** is a service that supplies the transmission and reception of information to and from customer equipment.
- d) **Eligible applicants** are individuals who have been certified as having a disability that impairs their ability to effectively access the telecommunication network and meet TAP eligibility requirements.
- e) **Program** means the program developed and administered by the Arkansas Rehabilitation Services to provide the specialized equipment.
- f) **Maintenance** is batteries, paper, light bulbs, artificial larynx accessories, any other miscellaneous supplies and general care.

3) Applicant Eligibility

- a) Eligible applicant must-
 - i) Be a resident of the state of Arkansas;
 - ii) Meet program's financial eligibility requirements. A child's (under the age of 18 years) eligibility will be based on his/her parents' or guardians' income and residency. Income shall not exceed \$50,000 adjusted gross income annually. If income exceeds the maximum, the equipment may be provided for 1/3 of the item's cost to the program.
 - iii) Have personal telecommunication service or obtain service within 30 days. If the individual lives in a nursing home, group home or other institutional care facility, the applicant must also have personal telecommunication service.
 - iv) Applicants not having their own telecommunications services will be evaluated on their individual situation based on documented need.
 - v) Be certified by one of the program approved certifying authorities as having a disability which limits or prohibits the use of the telecommunications network without specialized equipment and also certify the probable benefit of using the equipment applicable for their disability.
 - vi) Apply for equipment using application forms supplied by the program. If applying for new/replacement equipment, applicants must provide updated application and information every 3 years.
 - vii) Supply any additional information, which the program deems necessary to determine the applicant's eligibility and to assist in determining the adaptive equipment which best meets the applicant's needs.

- viii) Sign an agreement to follow the program rules and cooperate with inventory follow up. The signed and dated Equipment Loan Contract should be returned within 30 days of receiving equipment.
- ix) If requested, be able to demonstrate an ability to use the equipment, and
- x) Agree to support and indemnify the State of Arkansas from any and all claims, damages, and expenses arising out of use or misuse of equipment.

b) Each Applicant shall be eligible for up to two primary devices that provide access to telecommunication service and up to 4 alerting devices needed to access the telecommunications network (ie. Signaler and receiver either audible or visual).

4) Equipment Ownership, Replacement, and Repair

a) Equipment Ownership

- i) Equipment is loaned to user but remains the property of the state of Arkansas for two (2) years. After the initial 2 year period, equipment may be removed from inventory and will not need to be returned unless dollar value dictates the necessity of doing so. User agrees to cooperate and comply with inventory/follow-up requests during the two (2) year time period.
- ii) After two (2) years, full ownership of the equipment will be given to the recipient and the equipment becomes his/her property.
- iii) If recipient is a minor, and their 18th birthday occurs within two years of issuance of equipment, all obligations and responsibilities will be transferred to them.

iv) Returns

- (1) If equipment was issued within the past 2 years, the recipient must return it within 30 days in the event one of the following occurs.
 - (a) Recipient leaves the state and moves to another state.
 - (b) If the recipient loses telecommunication service and is not reconnected within 90 days.
 - (c) If there is evidence of intentional abuse or neglect. TAP has the right to remove the equipment from users' home.
 - (d) No longer needs it.

v) Change in Personal Situation

- (1) Within the first 2 years after receiving the equipment, recipient has 10 days to notify TAP of new address and phone number if they move to another address in Arkansas.
- (2) Within the first 2 years of issuance of equipment, recipient may travel out of Arkansas with the equipment for short trips, vacations, or to attend an educational institution. Any out of state travel for more than 90 days requires permission of the program.
- (3) If death occurs in the first two years after receipt of equipment, executor or other responsible person should contact TAP to make arrangements for possible return of the equipment if applicable or supply appropriate information to complete transfer of equipment to another eligible individual (including, but not limited to, certification of disability.)

b) Replacements

- i) Applicants will not be eligible for more equipment until what they have no longer works or does not meet their needs. Equipment may be exchanged within 60 days of receipt if it does not meet their needs. TAP staff may help in determining appropriate equipment and may ask for more information to support the need for an exchange.
- ii) Equipment may be exchanged if it is damaged through natural disasters.
- iii) Equipment may be replaced if damaged or stolen from vandalism, theft or fire. A police or fire report must accompany the request.
- iv) If a recipient's disability worsens or there is a change in their disability status, which renders the equipment inappropriate to meet their needs, they may exchange it. A statement from the certifying authority may be necessary and accompany the request.
- v) Upon approval, program may replace equipment that becomes broken, non usable and/or cannot be repaired due to normal wear and tear as long as the individual meets the eligibility criteria.

c) Repairs

- i) TAP is responsible for repairs for the two (2) year period after issuance if the repairs are the result of normal wear and tear on the equipment.
- ii) Recipient is responsible for all repair costs after the first 2 years.
- iii) Loaner equipment may be available during repair of original equipment if repair is not the result of negligence or abuse.
- iv) User must pay repair and/or shipping cost resulting from misuse by user in full before device will be returned to user.
- v) The maintenance and repair of wireless devices are the sole responsibility of the customer.

5) Equipment Provided

- a) Adaptive telecommunication equipment shall be provided in sufficient scope to meet the needs of individuals with all types of disabilities and shall be procured in a cost effective manner.
- b) The program shall develop and maintain a list of adaptive telecommunication equipment designed to provide reasonable access to telecommunication service for individuals with a wide range of disabilities. The list will be provided with the application and certification forms. The program will monitor the market for devices that might be added to the program to better meet individual needs and will update the list as necessary to remain current with the market.
- c) Adaptive telephones or adaptive devices that attach to the telephone shall be considered first to provide access. For the majority of program applicants, adaptive equipment that attaches to or replaces the typical end-unit telephone will be available on the approved list to meet their needs. The program may provide equipment that does not directly attach to or replace the phone when no other device will deliver the needed access.
- d) The program may provide equipment not on the list if such equipment is necessary for telecommunication access and is comparably priced.

6. Supplies and Maintenance

- a) User responsible for batteries, paper, light bulbs, artificial larynx accessories, any other miscellaneous supplies.
- b) User responsible for keeping equipment clean and protected from bugs, rain, heat, pets, liquid, sticky/greasy substances and will not change or modify the equipment.

7. Suspension

- a) Suspension will be 4 years from the date the incident became known.
 - i) Recipient will be suspended from the program if they sell, pawn, transfer ownership of equipment, willfully or negligently damage equipment including misuse or damage that voids the warranty, or violates other provisions of the rules.
 - ii) The equipment must remain in possession of original recipient unless appropriate transfer has been completed, or face repossession, prosecution or liability for purchase price.

8. Approval of Certifying Agencies and Agents

- a) Entities desiring to be approved as a certifying agency shall request such designation from the program. The program will review agency qualifications and may require an agency to complete training provided by the program prior to approval.
- b) The program will maintain a list of approved certifying agencies and those personnel of the agency who are approved to certify.

9. Appeals Process

Applicants may appeal any disapproval of an equipment request by filing a written appeal to the Arkansas Rehabilitation Services Commissioner's Office, P. O. Box 3781, Little Rock, Arkansas 72203. A copy of the Arkansas Rehabilitation Services Policy Client Rights and Appeal Decisions is available upon request.

10. Fraud

If an applicant supplies false information or obtains adaptive equipment through misrepresentation of facts on the application and certification form, the program may demand return of the equipment and shall declare such applicants ineligible for future equipment from program.

11. Confidentiality

All applicant information shall be kept confidential except for approved release of information for purposes specified on the application form.