HEALTH DEPARTMENT. Provides relative to the Louisiana Commission for the Deaf. (See Act)

AN ACT
To amend and reenact R.S. 46:2351 through 2354, to enact R.S. 46:2355, and to repeal R.S. 46:2356, relative to the Louisiana Commission for the Deaf; to provide for definitions; to provide for the Louisiana Commission for the Deaf; to provide for a governing board; to provide for commission employees; to provide for commission funds; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:2351 through 2354 are hereby amended and reenacted and R.S. 46:2355 is hereby enacted to read as follows:

§2351. Definitions

As used in this Chapter, the following definitions apply:

(1) "Board" means the group of individuals named or appointed to inform and support the work of the Louisiana Commission for the Deaf pursuant to R.S. 46:2352.

(2) "Commission" means the Louisiana Commission for the Deaf.

(3) "Deaf" means a condition of or person with some or complete absence of auditory sensitivity. This may include persons who are d/Deaf.
DeafBlind, hard of hearing, or late-deafened.

(4) "DeafBlind" means a condition of or person with concomitant visual and auditory sensitivity.

(5) "Deaf community" means a cultural and linguistic minority with languages, distinct modes of visual and tactile communication, and social mores. This may include persons who are Deaf, DeafBlind, hard of hearing, or late-deafened.

(6) "Department" means the Louisiana Department of Health.

(7) "Hard of hearing" means a condition of or person with significant impairment to the sense of hearing, but not to the extent that the person must rely primarily on visual communication.

(8) "Hearing" means any person who has average to above hearing levels.

(9) "Interpreter" means an individual involved in the process of interpreting or transliterating between the English language and American Sign Language or any communication modes used by d/Deaf, DeafBlind, or hard of hearing persons. Communication modes may include but are not limited to cued speech and tactile sign.

(10) "Late-deafened" means that the onset of hearing loss occurred after the individual acquired full spoken language competence.

(11) "Secretary" means the secretary of Louisiana Department of Health.

§2351. §2352. Creation; board membership; terms; compensation

A. The Louisiana Commission for the Deaf, hereinafter referred to as "the commission", is hereby created and established within the Louisiana Department of Health. The commission shall function as a program of the state and serve as the principal agency of the state providing leadership to promote the general welfare of d/Deaf, DeafBlind, and hard of hearing individuals. The secretary shall appoint a director in accordance with R.S. 46:2354.
B. The commission shall be governed by a board which is hereby created
as a separate and distinct body to support the work of the commission and to
advocate on behalf of d/Deaf, DeafBlind, and hard of hearing communities and
their families. The secretary shall promulgate rules to establish the roles and
responsibilities of the board. The commission board shall consist of seventeen
eighteen members as follows:

(1) The coordinator of vocational rehabilitation services to the deaf or his
designee. The assistant secretary of the Louisiana Department of Health, office
of behavioral health or his designee.

(2) The president of the Louisiana Association of the Deaf or his designee.

(3) The president of the Louisiana Registry of Interpreters for the Deaf or his
designee.

(4) The superintendent of the Louisiana School for the Deaf or his designee.

(5) The secretary of the Department of Children and Family Services or his
designee.

(6) The superintendent of education or his designee.

(7) The secretary of the Louisiana Workforce Commission or his designee.

(8) The speaker of the House of Representatives or his designee.

(9) The president of the Senate or his designee.

(10) The secretary of the Louisiana Department of Health or his designee.

(11) The executive director of the governor's office of disability affairs
or his designee.

(12) In addition, the governor shall appoint seven lay members to the
commission board, two of whom shall be deaf persons, one of whom shall be hard
of hearing, two one of whom shall be parents of deaf persons a parent of a deaf
person, one of whom shall be a person who is DeafBlind, and two of whom shall
be professionals who work with deaf persons. Each appointment by the governor
shall be subject to Senate confirmation.

II-C. A person shall be eligible for appointment to the board if his
position, knowledge, or experience qualifies him to represent the concerns, needs, and recommendations of the d/Deaf, DeafBlind, and hard of hearing communities. All appointments shall be made for four years, except that if a vacancy occurs, the appointment shall be made only for the length of the unexpired term.

C-D. The commission board shall meet and organize immediately after members are appointed and shall elect from its membership a chairman chairperson, who shall serve for two years, and such any other officers as it deems necessary. The commission board may establish rules and regulations for its own procedure and for the administration of the affairs of the commission. The commission board shall meet at least once in each quarter of the fiscal year and may meet more often as shall be deemed necessary by the chairman chairperson.

D-E. (1) Members of the commission board shall receive no salary for their services, but shall be reimbursed for actual travel and other expenses incurred in the performance of their duties in accordance with travel regulations of the division of administration. Officers of the commission board shall be reimbursed for necessary and other expenses incurred in the performance of their duties.

(2) A board member may receive services offered by the commission to the extent services are provided under the same terms and conditions as received by any d/Deaf, DeafBlind, or hard of hearing individual in this state. A board member receiving services offered by the commission shall not participate or have any involvement in any commission transaction or business matter regarding the provision of services received by the board member.

F. Upon request of the commission board, the directors of the following agencies shall make themselves available for consultation and shall provide information regarding the services available to the deaf through their respective agencies:

(1) The office of behavioral health and substance abuse. The Louisiana Mental Health Advocacy Service.
(2) The office of children and family services. The Louisiana Department of Health, office of aging and adult services.

(3) The Louisiana Department of Health, office for citizens with developmental disabilities.

(4) The office of elderly affairs.

(5) The office of health services and environmental quality. The Louisiana Department of Health medical assistance program.


G. Additionally, the commission shall have authority to The board may request consultation or information, or both, from any other state department or agency serving deaf persons.

§2352. §2353. Duties

The commission, with the guidance of the board, shall do all of the following:

(1) Promote, coordinate, and facilitate accessibility of all public and private services to deaf, Deaf, DeafBlind, and hard of hearing people through informing, educating, and advising businesses, industries, and other sectors on effective communication and the needs of deaf, DeafBlind, and hard of hearing individuals to promote and ensure accessibility to public services.

(2) Serve as advocate for the needs and rights of deaf, Deaf, DeafBlind, and hard of hearing people.

(3) Collect information concerning deafness and provide for the dissemination of this information.

(4) Develop and implement a statewide program to ensure continuity of services to deaf, Deaf, DeafBlind, and hard of hearing people.

(5) Inform, educate, and advise deaf citizens, parents, and families of the availability of programs and services for deaf, Deaf, DeafBlind, and hard of hearing adults and children at all levels of state and local government.
(6) Promote the training of interpreters and assist in the establishment of interpreter training programs.

(7)(a) Certify interpreters and maintain a registry of certified interpreters. The commission shall promulgate rules for the examination of applicants for certification and the issuance of certificates. Such rules shall be subject to legislative oversight review pursuant to the Administrative Procedure Act and shall be subject to the following limitations: **Establish, administer, and promote a statewide program to standardize interpreting services for those who are d/Deaf, DeafBlind, or hard of hearing.**

(b) The commission shall not promulgate any rule or regulation which denies a deaf or hard of hearing person's right to choose his interpreter: do all of the following:

(i) Establish the process and set the criteria for the professional credentialing of interpreters.

(ii) Develop and maintain a registry of credentialed interpreters, including administrative guidelines for the registration process.

(iii) Set administrative guidelines regarding minimum qualifications and registration for interpreters working in educational settings, in conjunction with the Department of Education. The commission shall review for approval applications and renewals of state of Louisiana provisional and ancillary certificates for interpreters working for the department or any of the local educational agencies or special school boards throughout the state under the supervision of the Board of Elementary and Secondary Education.

(iv) Establish criteria regarding the minimum qualifications and registration of persons who may serve as interpreters during a judicial or quasi-judicial proceeding in this state or its political subdivisions for a person who is d/Deaf, DeafBlind, or hard of hearing, that align with and expand upon the rules of the Louisiana Supreme Court. No person shall serve as an interpreter in the courts of this state without the required interpreter...
certification.

(b) The commission shall exempt from the requirement of certification, interpreters of religious services.

(c) The commission shall promulgate rules for the regulation of interpreters in this state. The rules shall, at a minimum, do all of the following:

(i) Charge reasonable fees to cover the administrative costs of applications, examination of applications, and renewal of registration.

(ii) Accept registration for applicants with valid credentialing from another state, based on the board’s recommendation for reciprocity.

(iii) Adopt conditions under which registration will expire.

(iv) Specify procedures outlining grounds for denying, suspending, or revoking an interpreter’s registration with the state.

(v) Adopt and specify grievance policy and procedures and the process for disciplining interpreters.

(vi) Provide for a deaf or hard of hearing person’s right to choose his interpreter to the extent possible and appropriate.

(vii) Exempt interpreters of religious services or those interpreting on a voluntary basis without compensation from the requirement of registration.

(d) The commission shall charge reasonable fees to cover the administrative costs of applications, examinations, and renewal of certificates; establish standards for businesses or organizations providing interpreting services, which may include best practices for provision of services.

(e) The commission shall waive examination requirements for applicants with valid certification from another state, based on the board’s recommendation for reciprocity.

(f) The commission shall adopt procedures under which certificates will expire.

(g) The commission shall specify procedures outlining grounds for denying, suspending, or revoking interpreters’ certificates, and for disciplining interpreters.
(h) The certification of interpreters by the Louisiana Commission for the Deaf shall not be applicable to the Louisiana State Department of Education or to any of the local educational agencies and special board schools throughout the state under the supervision of the Board of Elementary and Secondary Education. Such certification shall incorporate an evaluation conducted by the Interpreter Certification Board of the Louisiana Commission for the Deaf.

(8) Provide all services of the commission to deaf people with visual impairments.

(9) Provide interpreter services to the deaf in accordance with rules and regulations adopted by the commission:

(10)(a) Establish, administer, and promote a statewide program to provide access to all public telecommunications services by persons who are deaf, deaf-blind, and others such as persons with severe hearing loss or severe speech impairments. This program shall include but is not limited to:

(i) The purchase and distribution of telecommunications devices and related devices for the purposes listed above;

(ii) The creation of a dual party relay system to function as a communications bridge between members of the deaf and hearing citizenry;

(iii) Recommendation for the selection of staff, rate/surcharge, operating budget, and other related matters, determination of functions of the staff, approval of the selection of appropriate equipment, development, evaluation, and modification of the distribution system for specialized equipment, approval of the development, implementation, evaluation, and modification of a year-round, twenty-four-hour dual party relay system, and the engagement in other related activities not inconsistent with legal mandates nor otherwise prohibited by law.

(b) (8) The commission shall promulgate, Promulgate pursuant to R.S. 49:950, et seq., such procedures, regulations, rules, and criteria and may also take other action necessary to implement and administer this program the provisions of this Chapter where not otherwise prohibited by law.
Employees

The secretary of the Louisiana Department of Health shall employ a director who shall be the executive officer of the commission. The secretary shall consider the recommendations of the board in the hiring and termination processes of the director. The director shall be a trained professional, having experience as such with the deaf, and skilled in the use of American Sign Language or other commonly used modes of communication used by d/Deaf, DeafBlind, or hard of hearing individuals. The director may be either a deaf person or a hearing person with normal hearing, but preference shall be given to a deaf person. The secretary of the Louisiana Department of Health shall employ such any other employees as are necessary to carry out the provisions of this Chapter.

Funds

The commission may receive monies from any source, including federal funds, grants, and gifts, which shall be expended for the purposes designated in this Chapter. Immediately upon receipt, the secretary of the Louisiana Department of Health shall remit revenues collected to the treasurer. After allocation of money to the Bond Security and Redemption Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall deposit in and credit to the Telecommunications for the Deaf Fund the monies remitted by the secretary for the administration of programming of the commission in accordance with R.S. 47:1061.

Section 2. R.S. 46:2352(F)(introductory paragraph) is hereby amended and reenacted to read as follows:

§2352. Creation; board duties and membership; terms; compensation

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F. Upon request of the board, the directors of the following agencies, and the secretary in the case of the Department of Elderly Affairs, shall make themselves available for consultation and shall provide information regarding the services available to the deaf through their respective agencies:
Section 3. R.S. 46:2356 is hereby repealed.

Section 4. Section 2 of this Act shall become effective upon the date Section 5 of Act 384 of the 2013 Regular Session becomes effective and shall supersede the provisions of Section 5 of Act 384 of the 2013 Regular Session amending and reenacting R.S. 46:2351(E)(introductory paragraph).

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Brandi Cannon.

DIGEST
SB 98 Original 2022 Regular Session Hewitt

Present law provides for the La. Commission on the Deaf, within the La. Dept. of Health (LDH). Proposed law retains present law and further provides that the commission shall function as a program of the state and serve as the principal agency of the state providing leadership to promote the general welfare of d/Deaf, DeafBlind, and hard of hearing individuals.

Present law provides for the membership of the commission. Proposed law provides that the commission shall be governed by a board and updates the membership to add the executive director of the governor's office of disability affairs and a public member who is DeafBlind.

Present law provides for the duties and powers of the commission. Proposed law provides for and updates the duties and powers of the commission and the governing board.

Present law provides for a director of the commission. Proposed law retains present law but updates the qualifications of the director, and requires the secretary of LDH to consider the recommendations of the board in the hiring and termination processes of the director.

Proposed law effective August 1, 2022, with the exception of proposed law relative to Act 384 of the 2013 Regular Session.