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1 AN ACT
2 To amend and reenact R.S. 46:2351 through 2354, to enact R.S. 46:2355, and to repeal R.S.
3 46:2356, relative to the Louisiana Commission for the Deaf; to provide for
4 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, regardless of when the hearing loss occurred,
and is most often represented with a lowercase letter "d". Methods of
communication may include American Sign Language or spoken English. The
term "Deaf" when written or expressed with an uppercase letter “D”,
specifically refers to a group of deaf individuals who identify as a cultural and
linguistic minority with specific languages, namely visual or tactile methods of
communication, and social mores.
(4) "DeafBlind" means a condition of or person with concomitant visual and auditory sensitivity to the extent that it causes extreme difficulty in gaining independence in daily life activities, achieving psycho-social adjustments, or obtaining a vocation.

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

(6) "Hard of hearing" means a condition of or person with total or partial inability to hear sound, but not to the extent that the person must rely primarily on visual communication.

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

(8) "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.

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

§2351. 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 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 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.

B-C. A person shall be eligible for appointment to the board if his or her position, knowledge, or experience qualifies him or her 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 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 governor’s office of elderly affairs.

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

(6) The division of evaluation and services: The Governor’s Office of
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 d/Deaf, DeafBlind, or hard of hearing 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 d/Deaf, DeafBlind, and hard of hearing people through informing, educating, and advising businesses, industries, and other sectors on effective communication and the needs of d/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 d/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 d/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 d/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.

(a)(b) The commission shall not promulgate any rule or regulation which

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denies a deaf or hard of hearing person's right to choose his interpreter.  

(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

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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.

§2354. 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, Deaf, DeafBlind, or hard of hearing individuals, and skilled in the use of sign language American Sign Language or other commonly used methods of communication. 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.

§2355. 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

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).

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: __________

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