

2022 Regular Session

SENATE BILL NO. 98

BY SENATOR HEWITT

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

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
5 governing board; to provide for commission employees; to provide for commission
6 funds; to provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 46:2351 through 2354 are hereby amended and reenacted and R.S.
9 46:2355 is hereby enacted to read as follows:

10 **§2351. Definitions**

11 **As used in this Chapter, the following definitions apply:**

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

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

16 **(3) "Deaf" means a condition of or person with some or complete**
17 **absence of auditory sensitivity. This may include persons who are d/Deaf,**

1 DeafBlind, hard of hearing, or late-deafened.

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

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

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

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

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

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

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

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

23 ~~§2351.~~ **§2352.** Creation; **board** membership; terms; compensation

24 A. The Louisiana Commission for the Deaf, hereinafter referred to as "the
25 commission", is hereby created and established within the Louisiana Department of
26 Health. The commission shall function as a program of the state and serve as
27 the principal agency of the state providing leadership to promote the general
28 welfare of d/Deaf, DeafBlind, and hard of hearing individuals. The secretary
29 shall appoint a director in accordance with R.S. 46:2354.

1 **B. The commission shall be governed by a board which is hereby created**
2 **as a separate and distinct body to support the work of the commission and to**
3 **advocate on behalf of d/Deaf, DeafBlind, and hard of hearing communities and**
4 **their families. The secretary shall promulgate rules to establish the roles and**
5 **responsibilities of the board.** The ~~commission~~ **board** shall consist of ~~seventeen~~
6 **eighteen** members as follows:

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

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

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

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

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

16 (6) The superintendent of education or his designee.

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

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

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

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

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

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

29 **B.C. A person shall be eligible for appointment to the board if his**

1 position, knowledge, or experience qualifies him to represent the concerns,
 2 needs, and recommendations of the d/Deaf, DeafBlind, and hard of hearing
 3 communities. All appointments shall be made for four years, except that if a
 4 vacancy occurs, the appointment shall be made only for the length of the unexpired
 5 term.

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

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

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

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

28 (1) ~~The office of behavioral health and substance abuse.~~ The Louisiana
 29 Mental Health Advocacy Service.

1 (2) ~~The office of children and family services.~~ **The Louisiana Department**
2 **of Health, office of aging and adult services.**

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

5 (4) The office of elderly affairs.

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

8 (6) ~~The division of evaluation and services.~~ **The Governor's Office of**
9 **Homeland Security and Emergency Preparedness.**

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

13 §2352: **§2353.** Duties

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

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

21 (2) Serve as advocate for the needs and rights of ~~deaf~~ **d/Deaf, DeafBlind,**
22 **and hard of hearing** people.

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

25 (4) Develop and implement a statewide program to ensure continuity of
26 services to ~~deaf~~ **d/Deaf, DeafBlind, and hard of hearing** people.

27 (5) **Inform, educate, and advise** deaf citizens, parents, and families of the
28 availability of programs and services for ~~deaf~~ **d/Deaf, DeafBlind, and hard of**
29 **hearing** adults and children at all levels of state and local government.

1 (6) Promote the training of interpreters and assist in the establishment of
2 interpreter training programs.

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

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

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

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

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

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

1 **certification.**

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

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

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

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

10 **(iii) Adopt conditions under which registration will expire.**

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

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

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

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

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

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

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

28 ~~(g) The commission shall specify procedures outlining grounds for denying,~~
29 ~~suspending, or revoking interpreters' certificates, and for disciplining interpreters.~~

1 ~~(h) The certification of interpreters by the Louisiana Commission for the~~
2 ~~Deaf shall not be applicable to the Louisiana State Department of Education or to~~
3 ~~any of the local educational agencies and special board schools throughout the state~~
4 ~~under the supervision of the Board of Elementary and Secondary Education. Such~~
5 ~~certification shall incorporate an evaluation conducted by the Interpreter~~
6 ~~Certification Board of the Louisiana Commission for the Deaf.~~

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

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

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

15 ~~(i) The purchase and distribution of telecommunications devices and related~~
16 ~~devices for the purposes listed above.~~

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

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

26 ~~(b) (8) The commission shall promulgate, **Promulgate** pursuant to R.S.~~
27 ~~49:950, et seq., such the procedures, regulations, rules, and criteria and may also~~
28 ~~take other action necessary to implement and administer this program the provisions~~
29 ~~of this Chapter where not otherwise prohibited by law.~~

