

2017 Regular Session

HOUSE BILL NO. 253

BY REPRESENTATIVES SMITH, ABRAHAM, AMEDEE, BACALA, BAGLEY, BAGNERIS, BARRAS, BERTHELOT, BILLIOT, BISHOP, BOUIE, CHAD BROWN, TERRY BROWN, CARMODY, CARPENTER, GARY CARTER, ROBBY CARTER, STEVE CARTER, CHANEY, CONNICK, COUSSAN, COX, CROMER, DEVILLIER, DWIGHT, EMERSON, FALCONER, FOIL, FRANKLIN, GAINES, GAROFALO, GISCLAIR, GLOVER, GUINN, HALL, JIMMY HARRIS, HAVARD, HENSGENS, HILFERTY, HOFFMANN, HORTON, HOWARD, HUNTER, HUVAL, JACKSON, JAMES, JEFFERSON, JENKINS, JOHNSON, JORDAN, NANCY LANDRY, LEBAS, LEOPOLD, LYONS, MARINO, MCFARLAND, DUSTIN MILLER, GREGORY MILLER, MORENO, JIM MORRIS, PEARSON, POPE, PRICE, PYLANT, RICHARD, SCHRODER, SHADOIN, STAGNI, STEFANSKI, THIBAUT, THOMAS, AND ZERINGUE AND SENATORS ALARIO, ALLAIN, APPEL, BARROW, BOUDREAUX, CARTER, CHABERT, CLAITOR, COLOMB, CORTEZ, DONAHUE, ERDEY, FANNIN, GATTI, HEWITT, JOHNS, LAFLEUR, LAMBERT, LONG, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZELL, MORRELL, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD, AND WHITE

1 AN ACT

2 To amend and reenact R.S. 4:715(B)(2), R.S. 14:32(D)(3) and 39(D)(3), R.S. 17:43(B)(2)  
3 and 1942(B), R.S. 21:51(C) and 52(A) and (B), R.S. 22:245, 1027(A), and  
4 1038(C)(2)(a) and (E), R.S. 36:259(N), R.S. 37:2446.1(B)(7) and 2651(7)(b)(v)(hh),  
5 R.S. 40:1580.1(A) and 2208, R.S. 42:1119(B)(2)(a)(i), R.S. 45:1355(A), the heading  
6 of Chapter 30-A of Title 46 of the Louisiana Revised Statutes of 1950, R.S. 46:2261,  
7 2262(A) and (C), 2262.1(introductory paragraph), (4), and (12), 2263(3), (4), and (6)  
8 through (8), 2264(A), (C), and (D), 2265(A)(introductory paragraph), (9), and (10),  
9 2266(1) and (3) through (5), 2352(7)(a) and (10)(a)(introductory paragraph), 2361,  
10 2362(2) through (6), 2363 through 2365, 2367, 2368(B), and 2372, R.S.  
11 47:6301(A)(3), the heading of Part X of Chapter 1 of Title 49 of the Louisiana  
12 Revised Statutes of 1950, R.S. 49:181(A), and Code of Criminal Procedure Article  
13 401.1(B)(introductory paragraph), relative to terminology referring to the deaf and  
14 hard of hearing; to delete and make substitutions for terms which are derogatory,  
15 inaccurate, or obsolete; to provide for consistency in usage of terms referring to the

1 deaf and hard of hearing and to hearing loss; to provide for revision of terminology  
2 relative to the deaf and hard of hearing in administrative rules, policy documents,  
3 professional resources, reference materials, manuals, and other publications; to  
4 provide for legislative intent; to provide for construction; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 4:715(B)(2) is hereby amended and reenacted to read as follows:

8 §715. Personnel to hold games; commissions or salaries; equipment and supplies;  
9 expenses

10 \* \* \*

11 B.

12 \* \* \*

13 (2) Notwithstanding any provision of law to the contrary, any person,  
14 association, or corporation licensed to hold, operate, or conduct any games of chance  
15 that benefit persons with visual ~~or hearing~~ impairments, hearing loss, paraplegia,  
16 quadriplegia, intellectual disabilities, or persons sixty years of age or older, under  
17 any license issued pursuant to this Chapter, may compensate for services rendered,  
18 any fifteen employees who assist in the holding, operating, or conducting of such  
19 games. The rate of compensation shall be no more than fifteen dollars per hour and  
20 in any event shall not exceed ninety dollars per session for any employee. Each  
21 employee or volunteer worker may also be provided meals and beverages to be eaten  
22 on the premises not to exceed a total value of fifteen dollars per person.  
23 Expenditures made under the provisions of this Subsection shall be subject to the  
24 reporting provisions of R.S. 4:716. Compensation provided for in this Subsection  
25 shall not constitute a violation of the prohibition against the payment or giving of a  
26 commission, salary, compensation, reward, or recompense to any person holding,  
27 operating, or conducting, or assisting in the holding, operation, or conduct of any  
28 such game.

29 Section 2. R.S. 14:32(D)(3) and 39(D)(3) are hereby amended and reenacted to read  
30 as follows:

1 §32. Negligent homicide

2 \* \* \*

3 D. The provisions of this Section shall not apply to:

4 \* \* \*

5 (3) Any guide or service dog trained at a qualified dog guide or service  
6 school who is accompanying any blind person, visually impaired person, ~~deaf~~  
7 ~~person, hearing impaired~~ person who is deaf or hard of hearing, or person with any  
8 other physical disability who is using the dog as a guide or for service.

9 \* \* \*

10 §39. Negligent injuring

11 \* \* \*

12 D. The provisions of this Section shall not apply to:

13 \* \* \*

14 (3) Any guide or service dog trained at a qualified dog guide or service  
15 school who is accompanying any blind person, visually impaired person, ~~deaf~~  
16 ~~person, hearing impaired~~ person who is deaf or hard of hearing, or person with any  
17 other physical disability who is using the dog as a guide or for service.

18 \* \* \*

19 Section 3. R.S. 17:43(B)(2) and 1942(B) are hereby amended and reenacted to read  
20 as follows:

21 §43. Special schools defined; benefits for certificated teachers; legislative policy

22 \* \* \*

23 B.

24 \* \* \*

25 (2) Teachers at the Louisiana Schools for the Deaf and Visually Impaired  
26 may attain tenure in the educational program, either the educational program for the  
27 ~~hearing impaired~~ deaf and hard of hearing or the educational program for the visually

1           impaired, for which they are certified. Teachers at the Louisiana Special Education  
 2           Center may attain tenure at the Louisiana Special Education Center. Teachers in  
 3           Special School Programs may attain tenure in Special School Programs.

4                                                           \*       \*       \*

5           §1942. Definitions

6                                                           \*       \*       \*

7                           B. A "student with an exceptionality", including a student with a disability,  
 8                           is any student who is evaluated according to state and federal regulation or policy  
 9                           and is deemed to have a mental disability, hearing ~~impairment~~ loss (including  
 10                          deafness), multiple disabilities, deaf-blindness, speech or language impairment,  
 11                          visual impairment (including blindness), emotional disturbance, orthopedic  
 12                          impairment, other health impairment, specific learning disability, traumatic brain  
 13                          injury, autism, or ~~as~~ is deemed to be gifted or talented, and as a result requires  
 14                          special education and related services. A student with an exceptionality may include,  
 15                          as determined by the local education agency, a student experiencing developmental  
 16                          delay ages three through eight.

17                                                           \*       \*       \*

18           Section 4. R.S. 21:51(C) and 52(A) and (B) are hereby amended and reenacted to  
 19           read as follows:

20           §51. Pet animals; prohibitions relative to hotels and motels; penalty; exemptions

21                                                           \*       \*       \*

22                           C. This Section shall not apply to guide dogs or service dogs used by blind  
 23                           persons, visually impaired persons, ~~deaf persons, hearing impaired~~ persons who are  
 24                           deaf or hard of hearing, and other persons with physical disabilities who have been  
 25                           taught to use such dogs at a qualified dog guide or service school.

26           §52. Guide or service dog; rights and privileges of owners and trainers; penalties for  
 27                           violations

28                           A. Any blind person, visually impaired person, ~~deaf person, hearing~~  
 29                           ~~impaired~~ person who is deaf or hard of hearing, or person with any other physical  
 30                           disability who is accompanied by a properly controlled dog which such person has

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1           been taught to use as a guide or for service at a qualified dog guide or service school,  
 2           or any person who is qualified to provide training for a guide dog or service animal  
 3           and is accompanied by a guide dog in training, is entitled to the full and equal  
 4           accommodations, advantages, facilities, and privileges of all public accommodation,  
 5           amusement, or resort, and other places to which the general public is invited, and  
 6           shall be entitled to take such dog into such conveyances and places, subject only to  
 7           the accommodations and limitations applicable to all persons not so accompanied,  
 8           provided that the dog shall not occupy a seat in any public conveyance.

9           B. Any person, firm, or corporation, or agent, representative, or employee  
 10          of any person, firm, or corporation who deprives any blind person, visually impaired  
 11          person, ~~deaf person, hearing impaired person~~ who is deaf or hard of hearing, or  
 12          person with any other physical disability, or any person who is accompanied by a  
 13          guide dog in training of any right conferred by Subsection A of this Section, shall be  
 14          deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum  
 15          not to exceed five hundred dollars, or be imprisoned in the parish jail for a period not  
 16          to exceed ninety days, or both, within the discretion of the judge; and for every such  
 17          offense such person shall forfeit and pay a sum not to exceed five hundred dollars  
 18          to any person aggrieved thereby, to be recovered in any court of competent  
 19          jurisdiction in the parish where such offense was committed.

20                                                                                   \*         \*         \*

21          Section 5. R.S. 22:245, 1027(A), and 1038(C)(2)(a) and (E) are hereby amended and  
 22          reenacted to read as follows:

23          §245. ~~Hearing impaired interpreter~~ Interpreter services for the deaf and hard of  
 24                                                                                   hearing; expenses; requirement

25          As a requirement for authorization to do business in this state pursuant to  
 26          R.S. 22:244, all health maintenance organizations shall provide coverage for  
 27          expenses incurred by any ~~hearing impaired~~ enrollee who is deaf or hard of hearing  
 28          for services performed by a qualified interpreter/transliterator, other than a family  
 29          member of the enrollee, when such services are used by the enrollee in connection

1 with medical treatment or diagnostic consultations performed by a ~~health care~~  
2 healthcare provider.

3 \* \* \*

4 §1027. ~~Hearing-impaired interpreter~~ Interpreter services for the deaf and hard of  
5 hearing; expenses

6 A. Any hospital or medical expense insurance policy delivered or issued for  
7 delivery in this state on or after December 1, 1991, shall contain a provision or  
8 endorsement requiring payment for expenses incurred by the insured for services  
9 performed by a qualified interpreter/transliterater, other than a family member of the  
10 insured, when such services are used by the insured in connection with medical  
11 treatment or diagnostic consultations performed by a physician, dentist, chiropractor,  
12 or podiatrist, provided such medical treatment or consultation is covered under said  
13 insurance policy and provided the services are required because of a hearing  
14 ~~impairment~~ loss of the insured or a failure of the insured to understand or otherwise  
15 communicate in spoken language.

16 \* \* \*

17 §1038. Hearing aid coverage for minor child

18 \* \* \*

19 C.

20 \* \* \*

21 (2)(a) An entity subject to this Section may limit the benefit payable under  
22 Paragraph (1) of this Subsection to one thousand and four hundred dollars per  
23 hearing aid for each ~~hearing-impaired~~ ear with hearing loss every thirty-six months.

24 \* \* \*

25 E. The provisions of this Section shall apply to any new policy, contract,  
26 program, or plan issued by an entity subject to the provisions of this Section on or  
27 after January 1, 2004. Any such policy, contract, program, or plan in effect prior to  
28 January 1, 2004, shall convert to the provisions of this Section on or before the  
29 renewal date but in no event later than January 1, 2005. Any policy affected by the  
30 provisions of this Section shall apply to an insured or participant under such policy,

1 contract, program, or plan whether or not the hearing ~~impairment~~ loss is a  
2 pre-existing condition of the insured or participant.

3 \* \* \*

4 Section 6. R.S. 36:259(N) is hereby amended and reenacted to read as follows:

5 §259. Transfer of agencies and functions to Louisiana Department of Health

6 \* \* \*

7 N. The advisory council for the program of early identification of deaf or  
8 hard of hearing ~~impaired~~ infants (R.S. 46:2261 et seq.) is placed within the Louisiana  
9 Department of Health and shall exercise and perform its powers, duties, functions,  
10 and responsibilities as provided by or pursuant to law.

11 \* \* \*

12 Section 7. R.S. 37:2446.1(B)(7) and 2651(7)(b)(v)(hh) are hereby amended and  
13 reenacted to read as follows:

14 §2446.1. Continuing education requirement

15 \* \* \*

16 B. Among those subjects which shall be approved by the board as categories  
17 of study toward completion of the annual requirement of continuing education are:

18 \* \* \*

19 (7) Allied professional disciplines relating to the ~~hearing-impaired~~ deaf or  
20 hard of hearing and hearing aid devices may be approved by the board.

21 \* \* \*

22 §2651. Definitions

23 As used in this Chapter:

24 \* \* \*

25 (7)

26 \* \* \*

27 (b) An individual who meets the requirements of this Chapter for licensure  
28 as an audiologist and who engages in the fitting and selling of hearing aids shall:

29 \* \* \*

1 (v) Provide documentation of completion of at least thirty semester credit  
 2 hours of professional coursework, twenty-one hours of which shall be in audiology.  
 3 A minimum of six semester credit hours shall be in specific areas in amplification,  
 4 including:

5 \* \* \*

6 (hh) Rehabilitative procedures, such as hearing aid orientation, counseling  
 7 of ~~hearing impaired~~ individuals who are deaf or hard of hearing and their families,  
 8 speechreading, and auditory training.

9 \* \* \*

10 Section 8. R.S. 40:1580.1(A) and 2208 are hereby amended and reenacted to read  
 11 as follows:

12 §1580.1. Fire alarms; hotel or motel rooms

13 A. Every new or renovated hotel or motel room shall have sleeping rooms  
 14 equipped with approved fire detection and alarm systems for the deaf or hard of  
 15 hearing impaired in case of fire in accordance with the requirements of Section 9 of  
 16 the Americans with Disabilities Act Accessibility Guidelines (ADAAG) table 9.1.2  
 17 and 9.1.3.

18 \* \* \*

19 §2208. ~~Hearing impaired interpreter~~ Interpreter services for the deaf and hard of  
 20 hearing; expenses; coverage

21 As a requirement for authorization to do business in this state pursuant to  
 22 R.S. 40:2203, all preferred provider organizations shall provide coverage for  
 23 expenses incurred by any ~~hearing impaired~~ covered patient who is deaf or hard of  
 24 hearing for services performed by a qualified interpreter/translator, other than a  
 25 family member of the covered patient, when such services are used by the covered  
 26 patient in connection with medical treatment or diagnostic consultations performed  
 27 by the health care provider.

28 Section 9. R.S. 42:1119(B)(2)(a)(i) is hereby amended and reenacted to read as  
 29 follows:



1           §1119. Nepotism

2                                                       \*       \*       \*

3                       B.

4                                                       \*       \*       \*

5                 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection:

6                     (a)(i) Any local school board may employ any member of the immediate  
7                     family of any board member or of the superintendent as a classroom teacher  
8                     provided that such family member is certified to teach or is temporarily authorized  
9                     to teach while pursuing certification. Any local school board in a parish having a  
10                     population of fewer than sixty thousand according to the latest federal decennial  
11                     census may employ any member of the immediate family of any board member or  
12                     of the superintendent as a special education related services professional provided  
13                     that such family member is licensed in an appropriate field for special education  
14                     related services and such family member is the only applicant who meets the  
15                     qualifications for the position set by the school board who has applied for the  
16                     position after it has been advertised for at least thirty days in the official journal of  
17                     the school board. A special education related services professional shall include the  
18                     following when employed to provide special education services: a social worker,  
19                     occupational therapist, physical therapist, speech therapist/pathologist, teacher of  
20                     ~~hearing-impaired~~ students who are deaf or hard of hearing, teacher of visually  
21                     impaired students, or nurse. Any school board member or superintendent whose  
22                     immediate family member is employed by the school board shall recuse himself  
23                     from any decision involving the promotion or assignment of teaching or service  
24                     location of such employee.

25                                                       \*       \*       \*

26                 Section 10. R.S. 45:1355(A) is hereby amended and reenacted to read as follows:

27                 §1355. Disasters; deaf and ~~hearing-impaired~~ hard of hearing persons informed

28                     A. During any time of a disaster, or threat of a disaster, television stations  
29                     shall transmit information or instructions in connection with the disaster, or threat  
30                     of disaster, to the deaf and ~~hearing-impaired persons~~ hard of hearing by scrolling or

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1 other appropriate means of communication in order to provide such persons with the  
2 same information or instructions as is provided to hearing persons.

3 \* \* \*

4 Section 11. The heading of Chapter 30-A of Title 46 of the Louisiana Revised  
5 Statutes of 1950, R.S. 46:2261, 2262(A) and (C), 2262.1(introductory paragraph), (4), and  
6 (12), 2263(3), (4), and (6) through (8), 2264(A), (C), and (D), 2265(A)(introductory  
7 paragraph), (9), and (10), 2266(1) and (3) through (5), 2352(7)(a) and (10)(a)(introductory  
8 paragraph), 2361, 2362(2) through (6), 2363 through 2365, 2367, 2368(B), and 2372 are  
9 hereby amended and reenacted to read as follows:

10 CHAPTER 30-A. IDENTIFICATION OF HEARING

11 IMPAIRMENT LOSS IN INFANTS LAW

12 §2261. Short title

13 This Chapter may be cited as the "Identification of Hearing ~~Impairment Loss~~  
14 in Infants Law".

15 §2262. Purpose

16 A. The purpose of the program for early identification of hearing ~~impairment~~  
17 loss is to identify ~~hearing impaired~~ deaf or hard of hearing infants at the earliest  
18 possible time so that medical treatment, early audiological evaluation, selection of  
19 amplification, and early educational intervention can be provided.

20 \* \* \*

21 C. Early identification and management of the ~~hearing impaired~~ deaf or hard  
22 of hearing infant are essential if that infant is to acquire the vital language and speech  
23 skills needed to achieve maximum potential educationally, emotionally, and socially.

24 \* \* \*

25 §2262.1. Bill of Rights

26 In order to ~~insure~~ ensure that children who are deaf or hard of hearing  
27 ~~impaired~~ have the same rights and potential to become independent and self-  
28 actualizing as children who are not deaf or hard of hearing ~~impaired~~, the Deaf Child's

1 Bill of Rights is established so that children who are deaf or hard of hearing ~~impaired~~  
2 are entitled:

3 \* \* \*

4 (4) To adult role models who are deaf or hard of hearing ~~impaired~~.

5 \* \* \*

6 (12) Where appropriate, to have deaf and hard of hearing ~~impaired~~ adults  
7 directly involved in determining the extent, content, and purpose of all programs that  
8 affect their education.

9 §2263. Definitions

10 Except where the context clearly indicates otherwise, in this Chapter:

11 \* \* \*

12 (3) "~~Hearing impaired~~ Deaf or hard of hearing infant" means an infant who  
13 has a disorder of the auditory system of any type or degree, causing a ~~hearing~~  
14 ~~impairment~~ hearing loss sufficient to interfere with the development of language and  
15 speech skills. ~~The term "hearing impaired infant" includes both deaf and hard-of-~~  
16 ~~hearing infants.~~

17 (4) "~~Infants at risk~~" "Infants susceptible to a hearing disability" means those  
18 infants who are ~~at risk for~~ susceptible to hearing ~~impairment~~ loss because they have  
19 one or more risk factors.

20 \* \* \*

21 (6) "Program" means the program that the office of public health establishes  
22 to provide for the early identification and follow-up of infants ~~at risk~~ susceptible to  
23 a hearing disability, of deaf or hard of hearing ~~impaired~~ infants, and of infants who  
24 have a risk factor for developing a progressive hearing ~~impairment~~ loss.

25 (7)(a) "Risk factors" means those criteria or factors, any one of which  
26 identifies an infant as being ~~at risk for~~ susceptible to hearing ~~impairment~~ loss.

27 (a) (b) The risk factors that identify those neonates, infants from birth  
28 through the first twenty-eight days, who are ~~at risk for~~ susceptible to sensorineural  
29 hearing ~~impairment~~ loss include the following:

1 (i) Family history of congenital or delayed onset childhood sensorineural  
2 impairment.

3 (ii) Congenital infection known or suspected to be associated with  
4 sensorineural hearing ~~impairment~~ loss such as toxoplasmosis, syphilis, rubella,  
5 cytomegalovirus, and herpes.

6 (iii) Craniofacial anomalies including morphologic abnormalities of the  
7 pinna and ear canal, absent philtrum, low hairline, et cetera.

8 (iv) Birth weight less than one thousand five hundred grams or less than  
9 three and three tenths pounds.

10 (v) Hyperbilirubinemia at a level exceeding indication for exchange  
11 transfusion.

12 (vi) Ototoxic medications, including but not limited to the aminoglycosides  
13 used for more than five days, such as gentamicin, tobramycin, kanamycin,  
14 streptomycin, and loop diuretics used in combination with aminoglycosides.

15 (vii) Bacterial meningitis.

16 (viii) Severe depression at birth, which may include infants with Apgar  
17 scores of zero to three at five minutes or those who fail to initiate spontaneous  
18 respiration by ten minutes or those with hypotonia persisting to two hours of age.

19 (ix) Prolonged mechanical ventilation for a duration equal to or greater than  
20 ten days, such as persistent pulmonary hypertension.

21 (x) Stigmata or other findings associated with a syndrome known to include  
22 sensorineural hearing loss, such as Waardenburg or ~~Usher's~~ Usher Syndrome.

23 (xi) Other risk factors added or deleted by the office of public health upon  
24 recommendation of the advisory council for early identification of deaf or hard of  
25 hearing ~~impaired~~ children.

26 ~~(b)~~ (c) The factors that identify those infants aged twenty-nine days to two  
27 years who are ~~at risk for~~ susceptible to sensorineural hearing ~~impairment~~ loss include  
28 the following:

29 (i) Parent or caregiver concerns regarding hearing, speech, language, or  
30 ~~and/or~~ developmental delay.

- 1 (ii) Bacterial meningitis.
- 2 (iii) Neonatal risk factors that may be associated with progressive
- 3 sensorineural hearing loss, such as cytomegalovirus, prolonged mechanical
- 4 ventilation, and inherited disorders.
- 5 (iv) Head trauma, especially with either longitudinal or transverse fracture
- 6 of the temporal bone.
- 7 (v) Stigmata or other findings associated with syndromes known to include
- 8 sensorineural hearing loss, such as Waardenburg or ~~Usher's~~ Usher Syndrome.
- 9 (vi) Ototoxic medications, including but not limited to the aminoglycosides
- 10 used for more than five days, such as gentamicin, tobramycin, kanamycin,
- 11 streptomycin, and loop diuretics used in combination with aminoglycosides.
- 12 (vii) Neurodegenerative disorders such as neurofibromatosis, myoclonic
- 13 epilepsy, Werdnig-Hoffman disease, ~~Tay-Sach's~~ Tay-Sachs disease, infantile
- 14 Gaucher's disease, ~~Nieman-Pick~~ Niemann-Pick disease, any metachromatic
- 15 leukodystrophy, or any infantile demyelinating neuropathy.
- 16 (viii) Childhood infectious diseases known to be associated with
- 17 sensorineural hearing loss, such as mumps or measles.
- 18 (ix) Other risk factors added or deleted by the office of public health upon
- 19 recommendation of the advisory council for early identification of deaf or hard of
- 20 hearing ~~impaired~~ children.
- 21 (8) "Screening for hearing ~~impairment~~ loss" means employing a device for
- 22 identifying whether an infant has a disorder of the auditory system, but may not
- 23 necessarily provide a comprehensive determination of hearing thresholds in the
- 24 speech range. Procedures may include auditory brainstem response (ABR)
- 25 screening, ~~or~~ evoked otoacoustic emissions (EOAE) screening, ~~or~~ and other devices
- 26 approved by the office upon recommendation of the advisory council.
- 27 §2264. Identification of hearing ~~impairment~~ loss in infants
- 28 A. The office of ~~public health in the Louisiana Department of Health~~ shall
- 29 establish, in consultation with the advice of the Louisiana Commission for the Deaf
- 30 and the advisory council created in R.S. 46:2265, a program for the early

1 identification and follow-up of ~~infants at risk~~ infants susceptible to a hearing  
2 disability, deaf or hard of hearing ~~impaired~~ infants, and infants ~~at risk of~~ susceptible  
3 to developing a progressive hearing ~~impairment~~ loss. ~~That~~ The program shall, at a  
4 minimum:

5 (1) Develop criteria or factors to identify those infants ~~at risk for hearing~~  
6 ~~impairment and infants at risk of developing a progressive hearing impairment~~ who  
7 are likely deaf or hard of hearing and infants who may develop a progressive hearing  
8 loss, including the risk factors set forth in this Chapter, and develop ~~an at-risk a~~  
9 susceptibility questionnaire for infant hearing loss.

10 (2) Create ~~an at-risk a~~ susceptibility registry to include, but not be limited to,  
11 the identification of infants ~~at risk for~~ susceptible to hearing ~~impairment~~ loss, ~~deaf~~  
12 ~~or hard of hearing~~ ~~impaired~~ infants, and infants ~~at risk of~~ susceptible to developing  
13 a progressive hearing ~~impairment~~ loss.

14 (3) Provide to the hospitals and other birthing sites the ~~at-risk~~ susceptibility  
15 questionnaire for infant hearing loss and require that the form be completed for any  
16 newborn prior to discharge from the hospital or other birthing site. As to ~~infants at~~  
17 ~~risk~~ infants susceptible to a hearing disability, copies of the completed ~~at-risk~~  
18 susceptibility questionnaire shall be distributed to the ~~at-risk~~ susceptibility registry  
19 of the office, the parent or guardian, and, if known, the infant's primary care  
20 physician and the provider of audiological services.

21 (4) Require for all newborn infants that the hospital of birth or that hospital  
22 to which the newborn infant may be transferred provide screening for hearing  
23 ~~impairment~~ loss by auditory brainstem response (ABR) screening, ~~or~~ evoked  
24 otoacoustic emissions (EOAE) screening, or any other screening device approved by  
25 the office before discharge. The results of that screening for hearing ~~impairment~~ loss  
26 shall be provided to the ~~at-risk~~ susceptibility registry of the office ~~of public health~~,  
27 the parent or guardian, and if known, the primary care physician and the provider of  
28 audiological services.

29 (5) Develop and provide to the hospitals or other birthing sites appropriate  
30 written materials regarding hearing ~~impairment~~ loss, and require that the hospitals

1 or other birthing sites provide this written material to all parents or guardians of  
2 newborn infants.

3 (6) Develop methods to contact parents or guardians of ~~infants at risk~~ infants  
4 susceptible to a hearing disability, of deaf or hard of hearing ~~impaired~~ infants, and  
5 of infants ~~at risk of~~ susceptible to developing a progressive hearing impairment loss.

6 (7) Establish a telephone hotline to communicate information about hearing  
7 ~~impairment loss~~, hearing screening, audiological evaluation, and other services for  
8 deaf or hard of hearing ~~impaired~~ infants.

9 (8) Provide that when a screening for hearing impairment indicates a hearing  
10 loss, audiological evaluation shall be done as soon as practical. The parents or  
11 guardians of the infant shall be provided with information on locations at which  
12 medical and audiological follow up can be obtained.

13 \* \* \*

14 C. The office shall develop a system for the collection of data, determine the  
15 cost-effectiveness of the program, and disseminate statistical reports to the Louisiana  
16 Commission for the Deaf.

17 D. The office, in cooperation with the state Department of Education, shall  
18 develop a plan to coordinate early educational and audiological services for infants  
19 identified as deaf or hard of hearing ~~impaired~~.

20 \* \* \*

21 §2265. Advisory council creation; membership; terms; quorum; compensation

22 A. There is hereby created an advisory council for the program of early  
23 identification of deaf or hard of hearing ~~impaired~~ infants. The council shall consist  
24 of fourteen members as follows:

25 \* \* \*

26 (9) A parent ~~of an oral hearing impaired~~ who chose the oral method for their  
27 deaf or hard of hearing child.

28 (10) A parent of a deaf or hard of hearing ~~impaired~~ child utilizing total  
29 communication.

30 \* \* \*

1 §2266. Powers, duties, functions of the advisory council

2 The advisory council shall:

3 (1) Advise and recommend risk factors or criteria for infants who are ~~at risk~~  
4 ~~of hearing impairments and infants at risk of developing a progressive hearing~~  
5 ~~impairment~~ likely deaf or hard of hearing and infants who may develop a progressive  
6 hearing loss.

7 \* \* \*

8 (3) Advise the office as to integrating the program for early identification of  
9 deaf or hard of hearing ~~impaired~~ infants with existing medical, audiological, and  
10 early infant education programs.

11 (4) Advise the office as to materials to be distributed to the public  
12 concerning deaf or hard of hearing ~~impaired~~ infants.

13 (5) Advise the office on the implementation of the program for early  
14 identification and follow-up of ~~infants at risk~~ infants susceptible to a hearing  
15 disability, deaf or hard of hearing ~~impaired~~ infants, and infants who are at risk of  
16 developing a progressive hearing ~~impairment~~ loss.

17 \* \* \*

18 §2352. Duties

19 The commission shall:

20 \* \* \*

21 (7) Certify interpreters and maintain a registry of certified interpreters. The  
22 commission shall promulgate rules for the examination of applicants for certification  
23 and the issuance of certificates. Such rules shall be subject to legislative oversight  
24 review pursuant to the Administrative Procedure Act and shall be subject to the  
25 following limitations:

26 (a) The commission shall not promulgate any rule or regulation which denies  
27 a ~~hearing-impaired~~ deaf or hard of hearing person's right to choose his interpreter.

28 \* \* \*

29 (10)(a) Establish, administer, and promote a statewide program to provide  
30 access to all public telecommunications services by persons who are deaf, deaf-blind,



1 and others such as ~~severely hearing impaired~~ persons with severe hearing loss or  
2 ~~severely speech impaired~~ severe speech impairments. This program shall include but  
3 is not limited to:

4 \* \* \*

5 §2361. Purpose

6 It is the policy of this state to secure the rights of persons with hearing  
7 ~~impairments~~ loss who cannot readily understand or communicate in spoken  
8 languages and who consequently cannot equally participate in or benefit from  
9 proceedings, programs, and activities of the courts, legislative bodies, administrative  
10 agencies, licensing commissions, departments, and boards of the state and its  
11 subdivisions unless qualified interpreters/transliterators are available to facilitate  
12 communication.

13 §2362. Definitions

14 As used in this Chapter:

15 \* \* \*

16 (2) A "~~hearing-impaired~~ person who is deaf or hard of hearing" means a  
17 person who, because of a hearing ~~impairment~~ loss, has difficulty understanding the  
18 communication occurring.

19 (3) "Interpreter/transliterator" means a facilitator of communication among  
20 persons with hearing and ~~hearing-impaired~~ persons who are deaf or hard of hearing  
21 as provided in R.S. 46:2365 and ~~R.S. 14:2368~~ 2368.

22 (4) "Intermediary interpreter/transliterator" means any person, including any  
23 ~~hearing-impaired~~ person who is deaf or hard of hearing, who is able to assist in  
24 providing an accurate interpretation between spoken English and sign language or  
25 between variants of sign language by acting as an intermediary between a ~~hearing-~~  
26 ~~impaired~~ person who is deaf or hard of hearing and a qualified  
27 interpreter/transliterator. The intermediary interpreter/transliterator may be needed  
28 for non-manual ~~hearing-impaired~~ persons who are deaf or hard of hearing and shall  
29 be provided.

1 (5) "Qualified interpreter/transliterators" means any person certified by the  
2 Registry of Interpreters for the Deaf, or in the event an interpreter/transliterators so  
3 certified is not available, one whose qualifications are such that he is able to  
4 accurately communicate with and convey information to and from the ~~hearing-~~  
5 ~~impaired person~~ who is deaf or hard of hearing.

6 (6) "Quasi-judicial proceeding" means any proceeding of a public  
7 administrative office or body which is required to investigate facts, ascertain the  
8 existence of facts, hold hearings, and draw conclusions from them as a basis for their  
9 official action, and to exercise discretion of a judicial nature.

10 §2363. Waiver

11 The right of a ~~hearing-impaired person~~ who is deaf or hard of hearing to the  
12 services of an interpreter/transliterators may not be waived except by a ~~hearing-~~  
13 ~~impaired person~~ who is deaf or hard of hearing who requests a waiver. The failure  
14 of the ~~hearing-impaired person~~ who is deaf or hard of hearing to request the services  
15 of an interpreter/transliterators is not deemed a waiver of that right.

16 §2364. Interpreter/transliterators required

17 A. Whenever a ~~hearing-impaired person~~ who is deaf or hard of hearing is a  
18 party or witness at any stage involving direct communication with ~~hearing-impaired~~  
19 ~~persons~~ who are deaf or hard of hearing or his legal representative or custodian  
20 during any judicial or quasi-judicial proceeding in this state or in its political  
21 subdivisions, including but not limited to proceedings of civil and criminal court,  
22 grand jury, before a magistrate, juvenile, adoption, mental health commitment, and  
23 any proceeding in which a ~~hearing-impaired person~~ who is deaf or hard of hearing  
24 may be subjected to confinement or criminal sanction, the appointing authority shall  
25 appoint and pay for a qualified interpreter/transliterators to interpret or transliterate  
26 the proceedings to the ~~hearing-impaired person~~ who is deaf or hard of hearing and  
27 to interpret or transliterate the ~~hearing-impaired person's testimony~~ of the person who  
28 is deaf or hard of hearing.

29 B. Whenever a juvenile whose parent is ~~hearing-impaired~~ deaf or hard of  
30 hearing is brought before a court for any reason, the court shall appoint and pay for

1 a qualified interpreter/transliterator to interpret or transliterate the proceedings to the  
 2 ~~hearing-impaired~~ deaf or hard of hearing parent and to interpret or transliterate the  
 3 ~~hearing-impaired~~ that parent's testimony.

4 C. If any hearing or proceeding of any department, board, licensing  
 5 authority, commission, or administrative agency of the state or of its political  
 6 subdivision is held, the appointing authority shall appoint and pay for a qualified  
 7 interpreter/transliterator for ~~hearing-impaired~~ deaf or hard of hearing participants.

8 D. Whenever a ~~hearing-impaired~~ person who is deaf or hard of hearing is a  
 9 witness before any legislative committee or subcommittee, or legislative research or  
 10 study committee, or subcommittee or commission authorized by the state legislature  
 11 or by the legislative body of any political subdivision of the state, the appointing  
 12 authority shall appoint and pay for a qualified interpreter/transliterator to  
 13 interpret/transliterate the proceedings to the ~~hearing-impaired~~ person who is deaf or  
 14 hard of hearing and to interpret/transliterate ~~the hearing-impaired~~ that person's  
 15 testimony.

16 E.(1) Whenever a ~~hearing-impaired~~ person who is deaf or hard of hearing is  
 17 arrested for an alleged violation of a criminal law, including a local ordinance, the  
 18 arresting officer shall procure and the court with jurisdiction over the alleged  
 19 violation shall pay for a qualified interpreter/transliterator for any interrogation,  
 20 warning, notification of rights, or taking of a statement.

21 (2) No ~~hearing-impaired~~ person who is deaf or hard of hearing who has been  
 22 arrested and who is otherwise eligible for release shall be held in custody pending  
 23 arrival of an interpreter/transliterator.

24 (3) No answer, statement, or admission, written or oral, made by a ~~hearing-~~  
 25 ~~impaired~~ person who is deaf or hard of hearing in reply to a question of a law  
 26 enforcement officer or any other person having a prosecutorial function in any  
 27 criminal proceeding may be used against that ~~hearing-impaired~~ person who is deaf  
 28 or hard of hearing unless either the statement was made or elicited through a  
 29 qualified interpreter/transliterator and was made knowingly, voluntarily, and  
 30 intelligently or, in the case of waiver of interpreters/transliterators, unless the court

1 makes a special finding that any statement made by the ~~hearing-impaired~~ person who  
2 is deaf or hard of hearing was made knowingly, voluntarily, and intelligently.

3 F. Where it is the policy and practice of a court of this state or of its political  
4 subdivisions to appoint counsel for indigent persons, the appointing authority shall  
5 appoint and pay for a qualified interpreter/transliterater for ~~hearing-impaired~~ indigent  
6 people who are deaf or hard of hearing to assist in communication with counsel in  
7 all phases of the preparation and presentation of the case.

8 §2365. Determination of interpreter's/transliterater's qualifications

9 A. Before appointing an interpreter/transliterater, the appointing authority  
10 shall make a preliminary determination; based on the ~~hearing-impaired person's~~  
11 ~~needs, the certification of an interpreter/transliterater~~ needs of the person who is deaf  
12 or hard of hearing and upon the recommendation of the Louisiana Commission for  
13 the Deaf. If the interpreter/transliterater is not able to facilitate effective  
14 communication with the ~~hearing-impaired~~ person who is deaf or hard of hearing, the  
15 appointing authority shall provide another qualified interpreter/transliterater.

16 B. Upon request of the person for whom the interpreter/transliterater is  
17 appointed, or on the appointing authority's own motion, an interpreter/transliterater  
18 may be removed for the inability to communicate with the ~~hearing-impaired~~ person  
19 who is deaf or hard of hearing, or if, for reasonable cause, another  
20 interpreter/transliterater is so desired by the ~~hearing-impaired~~ person who is deaf or  
21 hard of hearing for whom the interpreter/transliterater is serving.

22 \* \* \*

23 §2367. Interpreter/transliterater in full view

24 Whenever an interpreter/transliterater is required to be appointed under this  
25 Chapter, the appointing authority shall not commence proceedings until the  
26 appointed interpreter/transliterater is in full view of and spatially situated to assure  
27 effective communication with the ~~hearing-impaired~~ deaf or hard of hearing  
28 participant.

29 §2368. Coordination of interpreter/transliterater requests

30 \* \* \*

1           B. Whenever an interpreter/transliterators is required ~~under~~ pursuant to this  
 2 Chapter, the appointing authority shall use one of the interpreters/transliterators on  
 3 the Louisiana Commission for the Deaf list. If none of the listed  
 4 interpreters/transliterators is available or is able to provide effective communication  
 5 with the particular ~~hearing-impaired~~ person who is deaf or hard of hearing, then the  
 6 appointing authority shall appoint any other person who is able to accurately  
 7 communicate with and convey information to and from the particular ~~hearing-~~  
 8 ~~impaired~~ person involved who is deaf or hard of hearing.

9                                           \*       \*       \*

10       §2372. Visual recording

11           The appointing authority, on his own motion or on the motion of a party to  
 12 the proceedings, may order that the testimony of the ~~hearing-impaired~~ person who  
 13 is deaf or hard of hearing and the interpretation/transliteration thereof be  
 14 electronically or visually recorded for use in verification of the official transcript of  
 15 the proceedings.

16       Section 12. R.S. 47:6301(A)(3) is hereby amended and reenacted to read as follows:

17       §6301. Rebates; donations to school tuition organizations

18           A.

19                                           \*       \*       \*

20           (3) In order for a donation from a taxpayer to qualify for the rebate, the  
 21 donation shall be used by the school tuition organization to provide scholarships for  
 22 tuition and fees for students to attend a qualified school in accordance with the  
 23 provisions of this Section. No more than five percent of a donation shall be used by  
 24 the school tuition organization for administrative or promotional costs. No  
 25 scholarship shall be designated, referred to, or in any way named after a private  
 26 entity nor shall any donation be earmarked by a donor to provide a scholarship for  
 27 a particular qualified student or a particular qualified school. However this  
 28 Paragraph shall not prohibit a donation being earmarked for a student with a  
 29 disability. A student shall be considered to have a disability if such student is  
 30 evaluated according to state and federal regulation or policy and is deemed to have

1 a mental disability, hearing ~~impairment~~ loss (including deafness), multiple  
2 disabilities, deaf-blindness, speech or language impairment, visual impairment  
3 (including blindness), emotional disturbance, orthopedic impairment, other health  
4 impairment, specific learning disability, traumatic brain injury, dyslexia and related  
5 disorders, or autism, and as a result requires special education and related services.

6 \* \* \*

7 Section 13. The heading of Part X of Chapter 1 of Title 49 of the Louisiana Revised  
8 Statutes of 1950 and R.S. 49:181(A) are hereby amended and reenacted to read as follows:

9 PART X. EMPLOYMENT AND LICENSING

10 EXAMINATIONS--INTERPRETERS FOR ~~DEAF PERSONS~~

11 THE DEAF AND HARD OF HEARING

12 §181. ~~Interpreters for deaf or severely hearing-impaired persons taking state~~  
13 ~~examinations~~ State examinations; interpreters for the deaf and hard of  
14 hearing

15 A. Any ~~deaf or severely hearing-impaired~~ person who is deaf or hard of  
16 hearing and takes ~~taking~~ an examination which is a prerequisite for employment or  
17 licensing by the state or any of its agencies is entitled to be furnished, upon request,  
18 with an interpreter by the state or its agency.

19 \* \* \*

20 Section 14. Code of Criminal Procedure Article 401.1(B)(introductory paragraph)  
21 is hereby amended and reenacted to read as follows:

22 Art. 401.1. Court instructions for interpreter

23 \* \* \*

24 B. When a deaf or hard of hearing ~~or hearing-impaired~~ person is summoned  
25 for jury duty, the court shall:

26 \* \* \*

27 Section 15.(A) The legislature hereby finds that language used to refer to persons  
28 with disabilities and other persons with exceptionalities shapes and reflects attitudes toward  
29 and perceptions of those persons by society.

1 (B) It is hereby declared that the intent of the legislature is to delete from the  
2 lawbodies of this state terms that convey negative or derogatory perceptions of persons with  
3 disabilities and other persons with exceptionalities. Accordingly, the intent of the legislature  
4 is to provide in this Act for establishment of terminology in law referring to the deaf and  
5 hard of hearing that is more appropriate than the terminology replaced herein, and which  
6 conveys no indignity toward persons with hearing loss.

7 (C) It is the intent of the legislature that no provision of this Act shall alter or affect  
8 in any way the substance, interpretation, or application of any present law or administrative  
9 rule.

10 (D) Nothing in this Act shall be construed to expand or diminish any right of or  
11 benefit for any person provided by any existing law or administrative rule.

12 Section 16.(A) Each agency, board, commission, department, office, and other  
13 instrumentality of the state to which the legislature has delegated authority to promulgate  
14 rules and regulations in accordance with the Administrative Procedure Act, R.S. 49:950 et  
15 seq., is hereby authorized and requested to employ the preferred terminology enacted in  
16 Sections 1 through 14 of this Act for referring to the deaf and hard of hearing and to hearing  
17 loss in duly promulgated administrative rules, policy publications, and materials published  
18 in paper format or electronically, whether for internal use or public use, including but not  
19 limited to informational brochures, resource guides, reference materials, manuals, and the  
20 content of any Internet website or other electronic media. The provisions of this Section  
21 shall apply prospectively; however, nothing herein shall be construed to limit any agency,  
22 board, commission, department, office, or other instrumentality of the state from amending  
23 existing administrative rules for the purpose of instituting the preferred terminology  
24 provided for in this Act.

1           (B) The legislative services offices of the House of Representatives and the Senate  
2           are hereby authorized and requested to publish guidance in legislative drafting manuals and  
3           in any other professional resources as those offices may deem appropriate concerning use  
4           of the preferred terminology for referring to the deaf and hard of hearing and to hearing loss  
5           provided for in this Act.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_