

2022 Regular Session

SENATE BILL NO. 98

BY SENATORS HEWITT, BARROW, HENSGENS, LUNEAU AND MIZELL

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, regardless of when the hearing loss occurred,**

1 and is most often represented with a lowercase letter "d". Methods of  
2 communication may include American Sign Language or spoken English. The  
3 term "Deaf" when written or expressed with an uppercase letter "D",  
4 specifically refers to a group of deaf individuals who identify as a cultural and  
5 linguistic minority with specific languages, namely visual or tactile methods of  
6 communication, and social mores.

7 (4) "DeafBlind" means a condition of or person with concomitant visual  
8 and auditory sensitivity to the extent that it causes extreme difficulty in gaining  
9 independence in daily life activities, achieving psycho-social adjustments, or  
10 obtaining a vocation.

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

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

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

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

22 (9) "Secretary" means the secretary of Louisiana Department of 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 or her**

1 position, knowledge, or experience qualifies him or her to represent the  
 2 concerns, needs, and recommendations of the d/Deaf, DeafBlind, and hard of  
 3 hearing communities. All appointments shall be made for four years, except that if  
 4 a 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 **governor's** 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 **d/Deaf, DeafBlind, or hard of hearing** 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.~~



1 \* \* \*

2 Section 3. R.S. 46:2356 is hereby repealed.

3 Section 4. Section 2 of this Act shall become effective upon the date Section 5 of  
 4 Act 384 of the 2013 Regular Session becomes effective and shall supersede the provisions  
 5 of Section 5 of Act 384 of the 2013 Regular Session amending and reenacting R.S.  
 6 46:2351(E)(introductory paragraph).

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

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DIGEST

SB 98 Engrossed

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.

(Amends R.S. 46:2351-2354; adds R.S. 46:2355; repeals R.S. 46:2356)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Amends the definition of "deaf", "deafblind", and "hard of hearing" and deletes unnecessary definitions.
2. Makes technical changes.