

SENATE BILL NO. 98

BY SENATORS HEWITT, ABRAHAM, BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CONNICK, CORTEZ, FESI, FIELDS, FOIL, HARRIS, HENSGENS, JACKSON, LAMBERT, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH, STINE, TALBOT, TARVER, WARD, WHITE AND WOMACK

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

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

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

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

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

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

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

17 ~~§2351.~~§2352. Creation; **board** membership; terms; compensation

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

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

30 (1) ~~The coordinator of vocational rehabilitation services to the deaf or his~~

1 designee: The assistant secretary of the Louisiana Department of Health, office
 2 of behavioral health or his designee.

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

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

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

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

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

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

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

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

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

14 (11) The executive director of the office of disability affairs or his
 15 designee.

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

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

28 ~~C.D.~~ The ~~commission~~ board shall meet and organize immediately after
 29 members are appointed and shall elect from its membership a ~~chairman~~ chairperson,
 30 who shall serve for two years, and ~~such~~ any other officers ~~as~~ it deems necessary. The

1 ~~commission~~ **board** may establish rules and regulations for its own procedure and for
 2 the administration of the affairs of the commission. The ~~commission~~ **board** shall
 3 meet at least once in each quarter of the fiscal year and may meet more often as ~~shall~~
 4 be deemed necessary by the ~~chairman~~ **chairperson**.

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

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

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

20 ~~(1) The office of behavioral health and substance abuse.~~ **The Mental Health**
 21 **Advocacy Service.**

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

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

26 (4) The **governor's** office of elderly affairs.

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

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

1 ~~G. Additionally, the commission shall have authority to~~ The board may
 2 request consultation or information, or both, from any ~~other~~ state department or
 3 agency serving ~~deaf~~ d/Deaf, DeafBlind, or hard of hearing persons.

4 ~~§2352, §2353.~~ Duties

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

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

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

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

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

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

21 (6) Promote the training of interpreters and assist in the establishment of
 22 interpreter training programs.

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

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

1 denies a deaf or hard of hearing person's right to choose his interpreter. do all of the
2 following:

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

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

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

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

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

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

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

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

29 (iii) Adopt conditions under which registration will expire.

30 (iv) Specify procedures outlining grounds for denying, suspending, or

1 revoking an interpreter's registration with the state.

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

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

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

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

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

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

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

19 ~~(h) The certification of interpreters by the Louisiana Commission for the~~
20 ~~Deaf shall not be applicable to the Louisiana State Department of Education or to~~
21 ~~any of the local educational agencies and special board schools throughout the state~~
22 ~~under the supervision of the Board of Elementary and Secondary Education. Such~~
23 ~~certification shall incorporate an evaluation conducted by the Interpreter~~
24 ~~Certification Board of the Louisiana Commission for the Deaf.~~

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

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

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 persons with severe hearing loss or severe speech impairments.

2 This program shall include but is not limited to:

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

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

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

14 (b)(8) ~~The commission shall promulgate;~~ **Promulgate** pursuant to R.S.
15 49:950, et seq., ~~such~~ **the** procedures, regulations, rules, and criteria and ~~may also~~
16 take other action necessary to implement and administer ~~this program~~ **the provisions**
17 **of this Chapter** where not otherwise prohibited by law.

18 ~~§2353;~~**§2354.** Employees

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

29 ~~§2354;~~**§2355.** Funds

30 The commission may receive monies from any source, including federal

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

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

11 §2352. Creation; board duties and membership; terms; compensation

12 * * *

13 F. Upon request of the board, the directors of the following agencies, and
 14 the secretary in the case of the Department of Elderly Affairs, shall make
 15 themselves available for consultation and shall provide information regarding the
 16 services available to the deaf through their respective agencies:

17 * * *

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

19 Section 4. Section 2 of this Act shall become effective upon the date Section 5 of
 20 Act 384 of the 2013 Regular Session becomes effective and shall supersede the provisions
 21 of Section 5 of Act 384 of the 2013 Regular Session amending and reenacting R.S.
 22 46:2351(E)(introductory paragraph).

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____