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**Rules of**  
**Department of Labor and**  
**Industrial Relations**  
**Division 5—Administration**  
**Chapter 1—Adaptive Telephone Equipment Program**

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**Title 8—DEPARTMENT OF LABOR  
AND  
INDUSTRIAL RELATIONS**  
**Division 5—Administration**  
**Chapter 1—Adaptive Telephone Equip-  
ment Program**

**8 CSR 5-1.010 Adaptive Telephone Equip-  
ment Program**

*PURPOSE: This rule establishes the standards and procedures for the provision of state-funded adaptive telephone equipment to eligible subscribers. This rule implements sections 209.251, RSMo through 209.259, RSMo.*

(1) Program Title. The telecommunications equipment distribution program enacted by the Missouri Legislature as set forth in section 209.251, RSMo through section 209.259, RSMo shall hereinafter be referred to as the “Adaptive Telephone Equipment Program.”

(2) Definitions. As used in this rule, except as otherwise required for the context, the following terms shall have the meanings ascribed:

(A) Adaptive telephone equipment—is customer premises equipment, costing more than fifty dollars (\$50) exclusive of taxes, designed as a telecommunications device that has the sole function of connecting an eligible subscriber to a basic telephone access line by facilitating a comparable substitute for some attribute of traditional telephone equipment, such as the transmission of audio signals, the reception of audio signals, the audio notification of incoming calls, or the handset;

(B) Advisory committee—shall mean the Adaptive Telephone Equipment Program advisory committee;

(C) Applicant—is an individual which files with the program administrator an application for adaptive telephone equipment;

(D) Basic telephone access line—is a telephone line which provides service from the telephone company central office to the customer’s premises enabling the customer to originate and terminate long distance and local calling;

(E) Certification—is a written statement from a certifying agent specifying the eligible subscriber’s disability or disabilities and that the eligible subscriber is unable to use traditional telephone equipment;

(F) Certifying agent—is a physician, speech pathologist, audiologist, or qualified state agency which provides a certification;

(G) Department—is the Missouri Department of Labor and Industrial Relations;

(H) Director—is the Director of the Missouri Department of Labor and Industrial Relations;

(I) Eligible subscriber—is any individual who has been certified by a licensed physician, audiologist, speech pathologist or a qualified state agency as deaf, hearing-impaired, speech-impaired or as having another disability that causes the inability to use traditional telephone equipment and services;

(J) Program administrator—is the administrative section of the department or other entity so designated by the department;

(K) Qualified state agency—is a state agency that works with individuals with disabilities or is familiar with the needs of individuals with disabilities;

(L) Reasonable access to telephone service—is access which connects eligible subscribers to a basic telephone access line via cost-effective adaptive telephone equipment;

(M) Traditional telephone equipment and services—is customer premises equipment which connects users to a basic telephone access line and permits the two (2)-way exchange of voice messages via audio signal transmission and reception, and via employment of a handset for transmission and reception of those signals, along with an audio notification system for incoming calls; and

(N) Vendor—is any person, firm, or corporation with which the department contracts to provide adaptive telephone equipment to eligible subscribers.

(3) Equipment. The department shall maintain a list of vendors with which it has contracted to supply adaptive telephone equipment. The department shall also maintain a list of the adaptive telephone equipment which has been approved by the department. The program administrator shall supply this list of approved equipment to individuals upon request. In addition, all adaptive telephone equipment shall be covered by a warranty as provided in the contract between the department and the vendors.

(4) Application to the Program. Individuals desiring adaptive telephone equipment shall file with the program administrator, on forms approved by the department, an application for such equipment.

(A) On the application, the applicant shall supply the following information:

1. Name;
2. Social Security number;
3. Shipping address;
4. Daytime telephone number;
5. Make and model of equipment requested;

6. Signature; and

7. Date.

(B) The program administrator shall examine each application for completeness. The program administrator shall also determine if the applicant is an eligible subscriber and if the requested equipment is approved adaptive telephone equipment.

(C) If the program administrator approves the application, the program administrator will order the requested equipment from a vendor. The program administrator will supply the eligible subscriber with a copy of the purchase order.

(D) The vendor shall supply to the program administrator an invoice for the equipment ordered by the program administrator and such invoice shall be paid through the Adaptive Telephone Equipment Program.

(E) The vendor shall deliver the equipment ordered by the program administrator directly to the eligible subscriber’s residence.

(F) If an eligible subscriber desires a more expensive piece of equipment than has been ordered by the program administrator, he or she may trade up to a more expensive piece of equipment offered by the vendor. However, the eligible subscriber shall be liable to the vendor for the difference in price between the equipment ordered by the program administrator and the retail price of the equipment to which the eligible subscriber trades up. The equipment to which the eligible subscriber trades up will only be covered by the warranty normally offered by the vendor for the piece of equipment obtained. In addition, the eligible subscriber will be solely responsible for maintaining and repairing any equipment to which the eligible subscriber trades up. The Adaptive Telephone Equipment Program will not bear the cost of repairing any equipment to which the eligible subscriber trades up. If an eligible subscriber has traded up to a more expensive piece of equipment and that equipment is over five (5) years old and in need of repair, the eligible subscriber may reapply to the Adaptive Telephone Equipment Program for a new piece of equipment.

(5) Certification. At the time an applicant files with the program administrator an application for adaptive telephone equipment, the applicant must also provide to the program administrator, on forms approved by the department, a written certification from a physician, speech pathologist, audiologist, or qualified state agency. The certifying agent must certify that the applicant is unable to use traditional telephone equipment because of a disability. The certifying agent must specify the applicant’s disability or disabilities. The

certifying agent must also sign and date the certification. If the certifying agent is a physician, speech pathologist or audiologist, the certifying agent must provide licensing information. If the certifying agent is a qualified state agency, the certifying agent must provide the name of the agency.

(6) Release of Information. Applicants to the Adaptive Telephone Equipment Program may elect to allow the department to release their names and addresses to the Missouri Commission for the Deaf to be used solely for completing the commission's census.

(7) Additional Information. In addition to the information required on the application and the certification, applicants shall supply any additional information which the program administrator deems reasonably necessary to determine the applicant's eligibility and to determine the type of equipment which should be provided to the applicant.

(8) Ownership of Equipment. The adaptive telephone equipment purchased for an eligible subscriber through the Adaptive Telephone Equipment Program shall be owned by the eligible subscriber.

(9) Repair and Replacement of Equipment. While the adaptive telephone equipment purchased through the Adaptive Telephone Equipment Program for an eligible subscriber remains under warranty, the eligible subscriber should follow the directions on the warranty and contact the vendor from which the equipment was purchased to obtain the necessary repairs. If the equipment purchased through the program is no longer under warranty, the eligible subscriber should contact the program administrator concerning necessary repairs. The program administrator will determine if the equipment may be cost-effectively repaired. If the program administrator determines that the equipment may be cost-effectively repaired, the program administrator will ensure that such repairs are paid for through the Adaptive Telephone Equipment Program. If the program administrator determines that the equipment cannot be cost-effectively repaired, the eligible subscriber may reapply to the program for a new piece of equipment. If an eligible subscriber's disability changes such that the eligible subscriber requires additional or different adaptive telephone equipment, the eligible subscriber may reapply to the program for the additional or different equipment.

(10) Lost and Stolen Equipment. If an eligible subscriber's adaptive telephone equipment is lost or stolen, the eligible subscriber

should file a report with his or her local law enforcement agency. The eligible subscriber should then contact his or her insurance agent to see if the loss is covered under a homeowners or automobile insurance policy. If the loss is not covered under the eligible subscriber's insurance policies, the eligible subscriber may reapply to the Adaptive Telephone Equipment Program for a new piece of equipment.

(11) Appeals. If the program administrator does not approve an application for adaptive telephone equipment, the applicant may appeal the program administrator's decision by filing a written appeal with the department. While the appeal must be in writing, no specific form shall be required. The appeal must be filed by the applicant, the applicant's designated agent, or the applicant's attorney licensed to practice law in the state of Missouri. An applicant appealing a decision of the program administrator shall be granted a hearing before an impartial hearing officer appointed by the director. The hearing shall be held in accordance with the provisions of Chapter 536, RSMo. If the applicant is aggrieved by the decision of the hearing officer, the applicant may file a petition for judicial review in accordance with section 536.110, RSMo.

(12) Qualified State Agencies. Any state agency desiring to be designated as a qualified state agency must apply to the department for such designation. The department shall review such application to determine if the applying state agency meets the definition of qualified state agency as set forth in this rule. If the applying state agency meets the definition of qualified state agency, the department will so designate the agency. The department will maintain a list of qualified state agencies.

(13) Advisory Committee. The department shall maintain an adaptive telephone equipment advisory committee.

(A) The advisory committee shall act as a source of information to the program administrator, and shall make recommendations to the department on various matters concerning the Adaptive Telephone Equipment Program. The advisory committee will not supervise the work of the program administrator and the program administrator will not be answerable to the advisory committee. The advisory committee will address certain policy issues which may arise from time-to-time and which are within the advisory committee's functions. The advisory committee's functions include the following:

1. To plan and propose to the department an outreach effort designed to educate the disabled community about the existence of the Adaptive Telephone Equipment Program;

2. To recommend to the department agencies for department certification as "qualified state agencies";

3. To give advice regarding the appropriateness of equipment requests;

4. To provide, when requested, information to the department or its staff which may assist the department in the processing of appeals;

5. To provide suggestions to the director for prospective advisory committee members when vacancies on the committee occur; and

6. To serve other functions as may be determined by the department, which will assist it and the program administrator in the operation of the Adaptive Telephone Equipment Program.

(B) The advisory committee shall consist of fifteen (15) voting members representing a cross-section of the stakeholders in the adaptive telephone program, including individuals with disabilities, representatives of organizations for people with disabilities, representatives of local exchange telecommunications companies, a representative of the program administrator, a representative of the Office of the Public Counsel, a representative of the Public Service Commission, and a representative of the department. The representatives from the program administrator, Office of the Public Counsel, Public Service Commission and the department shall be permanent members of the advisory committee. The remaining members shall serve staggered three (3)-year terms. However, to ensure that the terms are staggered during the first year of the advisory committee's existence, four (4) members will be appointed to three (3)-year terms; four (4) members will be appointed to two (2)-year terms; and three (3) members will be appointed to one (1)-year terms. At the expiration of these initial terms, members will be appointed to three (3)-year terms. At the time this rule takes effect, individuals currently serving on the advisory committee as nonpermanent members shall remain on the advisory committee until the expiration of their current terms. The relay Missouri account manager will also serve on the Adaptive Telephone Equipment Program advisory committee as a nonvoting member. The relay Missouri account manager shall act as a liaison between the Adaptive Telephone Equipment Program advisory committee and the relay Missouri advisory committee. While department legal counsel will not serve on the advisory committee as a member, the

advisory committee may request the assistance of the department legal section when necessary. The director shall appoint the members of the advisory committee.

(C) The advisory committee shall abide by the Missouri Open Meetings Law and other rules governing the operation of state governmental agencies. The advisory committee shall meet at least quarterly, and shall establish proposed bylaws for approval by the director.

(D) Advisory committee members shall be reimbursed for their reasonable travel expenses to the same extent that would apply to department employees and such travel expenses shall be paid from the administrative funds the department receives through the Deaf Relay Service and Equipment Distribution Program Fund.

*AUTHORITY: section 286.060, RSMo Supp. 1998.\* Emergency rule filed Jan. 28, 1999, effective March 1, 1999, expired Aug. 28, 1999. Original rule filed Jan. 28, 1999, effective July 30, 1999.*

*\*Original authority 286.060, RSMo 1945, amended 1947, 1980, 1995.*