

# Chapter 388-818 WAC

## DEAF AND HARD OF HEARING SERVICES

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### WAC

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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

388-818-001 Scope. [WSR 99-20-022, recodified as § 388-818-001, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. WSR 94-02-042 (Order 3691), § 388-43-001, filed 12/30/93, effective 1/30/94.] Repealed by WSR 03-05-100, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. Formerly chapter 388-43 WAC.

388-818-002 Regional centers. [WSR 99-20-022, recodified as § 388-818-002, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. WSR 94-02-042 (Order 3691), § 388-43-002, filed 12/30/93, effective 1/30/94.] Repealed by WSR 03-05-100, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. Formerly chapter 388-43 WAC.

388-818-003 Services. [WSR 99-20-022, recodified as § 388-818-003, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. WSR 94-02-042 (Order 3691), § 388-43-003, filed 12/30/93, effective 1/30/94.] Repealed by WSR 03-05-100, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. Formerly chapter 388-43 WAC.

388-818-005 Definitions. [WSR 99-20-022, recodified as § 388-818-005, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. WSR 94-02-042 (Order 3691), § 388-43-005, filed 12/30/93, effective 1/30/94.] Repealed by WSR 03-05-100, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. Formerly chapter 388-43 WAC.

388-818-010 Eligibility requirements. [WSR 99-20-022, recodified as § 388-818-010, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 43.20A.725 and 43.20A.730. WSR 95-03-049 (Order 3825), § 388-43-010, filed 1/11/95, effective 2/11/95. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. WSR 94-02-042 (Order 3691), § 388-43-010, filed 12/30/93, effective 1/30/94.] Repealed by WSR 03-05-100, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. Formerly chapter 388-43 WAC.

388-818-020 Approval of application for initial device or request for replacement device. [WSR 99-20-022, recodified as § 388-818-020, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 43.20A.725 and 43.20A.730. WSR 95-03-049 (Order 3825), § 388-43-020, filed 1/11/95, effective 2/11/95. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. WSR 94-02-042 (Order 3691), § 388-43-020, filed 12/30/93, effective 1/30/94.] Repealed by WSR 03-05-100, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. Formerly chapter 388-43 WAC.

388-818-030 Denial of initial application or request for replacement device. [WSR 99-20-022, recodified as § 388-818-030, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. WSR 94-02-042 (Order 3691), § 388-43-030, filed 12/30/93, effective 1/30/94.] Repealed by WSR 03-05-100, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. Formerly chapter 388-43 WAC.

388-818-040 Application renewal process. [WSR 99-20-022, recodified as § 388-818-040, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. WSR 94-02-042 (Order 3691), § 388-43-040, filed 12/30/93, effective 1/30/94.] Repealed by WSR 03-05-100, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. Formerly chapter 388-43 WAC.

388-818-050 Notice of approval or denial. [WSR 99-20-022, recodified as § 388-818-050, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. WSR 94-02-042 (Order 3691), § 388-43-050, filed 12/30/93, effective 1/30/94.] Repealed by WSR 03-05-100, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. Formerly chapter 388-43 WAC.

388-818-060 Review by department. [WSR 99-20-022, recodified as § 388-818-060, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. WSR 94-02-042 (Order 3691), § 388-43-060, filed 12/30/93, effective 1/30/94.] Repealed by WSR 03-05-100, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. Formerly chapter 388-43 WAC.

388-818-070 Distribution. [WSR 99-20-022, recodified as § 388-818-070, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. WSR 94-02-042 (Order 3691), § 388-43-070, filed 12/30/93, effective 1/30/94.] Repealed by WSR 03-05-100, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. Formerly chapter 388-43 WAC.

388-818-080 Training. [WSR 99-20-022, recodified as § 388-818-080, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. WSR 94-02-042 (Order 3691), § 388-43-080, filed 12/30/93, effective 1/30/94.] Repealed by WSR 03-05-100, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. Formerly chapter 388-43 WAC.

388-818-090 Ownership and liability. [WSR 99-20-022, recodified as § 388-818-090, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. WSR 94-02-042 (Order 3691), § 388-43-090, filed 12/30/93, effective 1/30/94.] Repealed by WSR

03-05-100, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. Formerly chapter 388-43 WAC.

388-818-110 Telecommunications relay service. [WSR 99-20-022, recodified as § 388-818-110, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 43.20A.720, 43.20A.725 and 43.20A.730. WSR 94-02-042 (Order 3691), § 388-43-110, filed 12/30/93, effective 1/30/94.] Repealed by WSR 03-05-100, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. Formerly chapter 388-43 WAC.

388-818-130 Uses for returned equipment. [WSR 99-20-022, recodified as § 388-818-130, filed 9/28/99, effective 9/28/99. Statutory Authority: RCW 43.20A.725 and 43.20A.730. WSR 95-03-049 (Order 3825), § 388-43-130, filed 1/11/95, effective 2/11/95.] Repealed by WSR 03-05-100, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. Formerly chapter 388-43 WAC.

## PURPOSE

**WAC 388-818-0010 What is the purpose of this chapter?** (1) The purpose of this chapter is to provide regulations about social services, telecommunications access services and reasonable accommodations sign language interpreting services for quasi-judicial and judicial proceedings for people with hearing loss and or speech impairments.

(2) These services are provided:

(a) Under contract with qualified service providers; or

(b) Directly through the office of the deaf and hard of hearing (ODHH) at the department of social and health services (DSHS).

(3) The purpose of this chapter related to sign language interpreting services in judicial and quasi-judicial settings legal proceedings is to:

(a) Establish the minimum qualifications for sign language interpreters to interpret in judicial and quasi-judicial settings pursuant to RCW 2.42.130; and

(b) Establish standards for payment of sign language interpreting services, pursuant to RCW 2.24.170.

[Statutory Authority: Chapter 2.42 RCW, RCW 2.42.130, and 2.42.170. WSR 15-01-075, § 388-818-0010, filed 12/12/14, effective 1/12/15. Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0010, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0020 What does the office of the deaf and hard of hearing do?** (1) The office of the deaf and hard of hearing (ODHH) within DSHS provides the following services:

(a) Provides information about hearing loss;

(b) Offers technical assistance and workshops about deafness;

(c) Identifies ways for DSHS staff to get sign language interpreter services for their clients who have hearing loss; and

(d) Administers and monitors contracts with sign language interpreters and sign language interpreter referral agencies.

(2) ODHH administers and monitors contracts with qualified service providers. These service providers offer community-based social services for clients who have hearing loss.

(3) ODHH manages the telecommunications access service program.

(4) ODHH contracts to provide telecommunications relay services (TRS).

(5) ODHH provides a list of sign language interpreters and fee for service standards for fee considerations for Washington courts.

[Statutory Authority: Chapter 2.42 RCW, RCW 2.42.130, and 2.42.170. WSR 15-01-075, § 388-818-0020, filed 12/12/14, effective 1/12/15. Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0020, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0030 What does the telecommunications access service do?** Telecommunications access service (TAS), a program within ODHH:  
(1) Provides eligible clients with initial or replacement equipment, based on the availability of equipment and/or funds;  
(2) Maintains and oversees the statewide program for distributing telecommunications equipment;  
(3) Maintains and oversees the contract for TRS; and  
(4) May contract with qualified service providers for other telecommunications options as technology advances.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0030, filed 2/19/03, effective 3/22/03.]

## DEFINITIONS

**WAC 388-818-0040 What definitions apply to this chapter? "AOC"** means the administrative office of the courts, established in chapter 2.56 RCW.

**"Amplified telephone"** means an electrical device that increases the volume or tone of sounds being received during a telephone call.

**"Applicant"** means a client who applies for specialized telecommunications equipment.

**"Audiologist"** means a person who has a certificate of clinical competence in audiology from the American Speech, Hearing, and Language Association and is licensed to practice in the state of Washington.

**"Certified court intermediary interpreter"** means an interpreter who is deaf who meets the qualifications required in this chapter and is included on the list administered by the office of the deaf and hard of hearing. The intermediary interpreter is deaf or hard of hearing and possesses native or near native fluency in American Sign Language. An intermediary interpreter may be needed when the communication mode of the deaf consumer is so unique that interpreters who are hearing cannot adequately access it. An intermediary interpreter acts as an intermediary between a hearing sign language interpreter and the deaf consumer.

**"Certified court sign language interpreter"** means a sign language interpreter who meets the qualifications required in this chapter and is included on the list administered by ODHH.

**"Client"** means a person who is deaf, hard of hearing, speech impaired, or deaf-blind and may receive services from ODHH.

**"Deaf"** means a condition where a person's hearing ability is absent or mostly absent.

**"Deaf-blind"** means a person with both hearing loss and visual impairments.

**"DSHS or department"** means the department of social and health services.

**"Federal poverty guidelines"** means the poverty level established by the **"Poverty Income Guideline"** updated annually in the Federal Register.

**"Hard of hearing"** means a condition where a person has a functional hearing loss with some residual hearing, whether permanent or fluctuation, which adversely affects communication.

**"Hearing loss"** means any form of hearing impairment, from mild to profound.

**"Intermediary interpreter"** means an interpreter who is deaf or hard of hearing and possesses native or near native fluency in American sign language. An intermediary interpreter may be needed when the communication mode of the deaf consumer is so unique that interpreters who are hearing cannot adequately access it.

**"Mobility impairment"** for the purpose of this chapter means restricted upper body movement, which limits the ability to hold or dial a standard telephone to communicate. Individuals must also have a hearing loss or speech impairment.

**"ODHH"** means the office of the deaf and hard of hearing in the department of social and health services.

**"Qualified service provider"** means an agency or a business that provides social services to individuals with hearing loss or speech impairments. A qualified service provider may also be a **"qualified trainer."**

**"Qualified trainer"** means a person under contract with TAS who is knowledgeable in the use of telecommunications equipment.

**"Relay service"** is defined under **"telecommunications relay service (TRS)."**

**"School-age"** means between four and seventeen years of age.

**"Sign language interpreter"** means a person who facilitates communication between individuals who communicate in spoken language and individuals who communicate in sign language. Sign language interpreters become certified by passing knowledge and performance tests established by the registry of interpreters for the deaf (RID) or the national association of the deaf (NAD). Certification is maintained by RID and includes the requirements that interpreters must be members of RID, comply with ongoing educational requirements, and maintain ethical standards.

**"Sliding fee scale"** means a range used to determine an applicant's participation in the cost of equipment.

**"Speech impairment"** means inability to speak or a speech disability.

**"TAS"** means the telecommunications access service program administered by the office of the deaf and hard of hearing. The program provides equipment and services to help people with hearing loss and speech impairments have equal access to telecommunications.

**"Telecommunications equipment"** means any specialized device determined by TAS in ODHH to help a person with a hearing loss or speech impairment to communicate effectively. Examples include: Amplified telephone, TTY, signaling devices, software, digital equipment, and accessories. (See WAC 388-818-0070.)

**"Telecommunications relay service (TRS)"** means wire or radio service that enables a person with hearing loss or speech impairment to communicate with a person who uses a voice telephone. This service has communication assistants who transfer telephone conversations from one format to another (such as spoken words to text) to facilitate communication between two or more people.

**"TTY"** means teletypewriter or text telephone.

**"TTY with Braille"** means a teletypewriter with Braille keyboard and display.

**"Washington courts"** means any court recognized in chapter 2.08 or 3.02 RCW.

[Statutory Authority: Chapter 2.42 RCW, RCW 2.42.130, and 2.42.170. WSR 15-01-075, § 388-818-0040, filed 12/12/14, effective 1/12/15. Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0040, filed 2/19/03, effective 3/22/03.]

## **SOCIAL SERVICES FOR CLIENTS WITH HEARING LOSS**

**WAC 388-818-0050 What social services relating to hearing loss are available to the public?** (1) These social services relating to hearing loss are offered by qualified service providers and ODHHS staff throughout the state:

(a) Information and referral about issues related to hearing loss;

(b) Advocacy on behalf of people with hearing loss;

(c) Training on deaf awareness and daily living issues experienced by people with hearing loss;

(d) Social gathering opportunities for groups, organizations, and clubs related to people with hearing loss; and

(e) Services related to telecommunications equipment, distribution of equipment, and training on the use and care of equipment.

(2) Qualified service providers offer these services to:

(a) Washington residents with hearing loss;

(b) The general public for information about hearing loss; and

(c) Telephone users who need their conversations relayed, or transferred from one format to another (such as spoken words to text).

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0050, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0060 Who are qualified service providers?** Qualified service providers are organizations or businesses that contract with ODHHS to provide social services related to hearing loss. Examples of qualified service providers include: Regional deaf and hard of hearing centers, relay service providers, and trainers for telecommunication equipment.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0060, filed 2/19/03, effective 3/22/03.]

## **TELECOMMUNICATIONS EQUIPMENT**

**WAC 388-818-0070 Is telecommunications equipment available for clients?** (1) Clients may request telecommunications equipment from TAS.

(2) For clients to receive equipment, TAS staff must approve equipment requests.

- (3) To be approved, telecommunications equipment must help people with hearing loss or speech impairments to:
- (a) Have independent use of telecommunications equipment; and
  - (b) Gain equal access to telecommunications services that people with normal hearing and speech have.
- (4) Specialized equipment may include: Text, amplification, video, and hands-free equipment as well as ring signaling devices.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0070, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0080 What items are not included with telecommunications equipment?** In the use of telecommunications equipment, neither TAS nor contracted qualified service providers offer:

- (1) Replacement batteries for any telecommunications equipment, except for deaf-blind equipment;
- (2) Replacement paper for TTYs;
- (3) Replacement light bulbs for signal equipment; or
- (4) Payment of the client's telephone bill.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0080, filed 2/19/03, effective 3/22/03.]

#### **TELECOMMUNICATIONS EQUIPMENT—APPLICATION PROCESS**

**WAC 388-818-0090 Who is eligible to apply for telecommunications equipment from TAS?** (1) Washington state residents may apply to receive telecommunications equipment from TAS if they:

- (a) Are at least school aged; and
  - (b) Are certified as having hearing loss or speech impairments.
- (2) Nonprofit organizations may apply to receive telecommunications equipment, as specified under WAC 388-818-0180.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0090, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0100 Who must certify an applicant's eligibility for telecommunications equipment from TAS?** (1) A professional must certify that applicants have hearing loss and/or speech impairments and are eligible to receive telecommunications equipment from TAS.

- (2) These professionals include:
  - (a) A person who is licensed or certified by the department of health to provide health care in the state of Washington;
  - (b) An audiologist or hearing aid fitter/dispenser in Washington;
  - (c) A vocational rehabilitation counselor;
  - (d) A deaf specialist or coordinator at one of the community service centers for the deaf and hard of hearing in the state;
  - (e) A deaf-blind specialist or coordinator at an organization that serves deaf-blind people;
  - (f) A certified speech pathologist practicing in the state of Washington;
  - (g) A licensed occupational therapist;

(h) Staff from a qualified state agency as determined and specified by the TRS advisory committee on deafness; or

(i) Any in-state nonprofit organization serving the hearing or speech impaired.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0100, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0110 How do applicants request specialized telecommunications equipment?** (1) To request specialized telecommunications equipment, an applicant must send a completed "Application for Telecommunications Equipment" form (DSHS 14-264) to TAS. To request an application, contact ODHHS at 1-800-422-7930 V/TTY.

(2) The application form must be signed by an approved professional who certifies applicant's eligibility. (See WAC 388-818-0100.)

(3) If the applicant is seventeen or under, his or her parent/legal guardian must sign the application form.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0110, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0120 What types of income are included when requesting equipment from TAS?** To meet income standards for telecommunications equipment from TAS, an applicant's income includes any of the following:

(1) Earned income, such as wages and tips;

(2) Social Security benefits;

(3) Unearned income, such as interest, dividends, and pensions;

(4) Family's share of income from corporations, partnerships, estates, and trusts; and

(5) Gains from the sale or exchange (including barter) of real estate, securities, coins, gold, silver, gems, or other property.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0120, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0130 How are applicants notified about decisions for telecommunications equipment?** (1) When approving an application for telecommunications equipment, TAS staff must inform the applicant in writing about:

(a) The receipt of the applicant's completed application form;

(b) Any cost that applicants will incur for equipment; and

(c) The time frame when the applicant may expect a qualified trainer to set up the equipment and provide training.

(2) When denying an application for telecommunications equipment, TAS must inform the applicant in writing about:

(a) The receipt of the applicant's completed application form;

(b) The reasons for the denial; and

(c) Any applicable procedures for appeal, as well as the circumstances under which the applicant may reapply. (See WAC 388-818-0150.)

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0130, filed 2/19/03, effective 3/22/03.]



**WAC 388-818-0140 What are reasons for denying telecommunications equipment?** (1) For an initial application for services, TAS must deny an application for telecommunications equipment if an applicant:

(a) Does not meet the eligibility requirements of WAC 388-818-0090; or

(b) Has received similar equipment from TAS within the last three years.

(2) For an application requesting replacement of telecommunications equipment, TAS must deny the request if the client has done any of the following:

(a) Abused, misused, or repaired without approval any previously issued equipment;

(b) Failed to file with the police a report of stolen equipment within fifteen working days of discovering a theft;

(c) Failed to file with the police or the fire department a report of fire having damaged the equipment within fifteen working days of the incident of the fire;

(d) Lost, pawned, or sold the equipment; or

(e) Failed to obtain approval from DSHS before moving or traveling out of state with state-loaned equipment.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0140, filed 2/19/03, effective 3/22/03.]

#### **TELECOMMUNICATIONS EQUIPMENT—APPLICATION RENEWAL**

**WAC 388-818-0150 When may clients renew their applications for telecommunications equipment?** Clients may renew their applications for telecommunications equipment when:

(1) Additional telecommunication equipment is necessary to meet the client's needs; or

(2) Equipment no longer works and it's been more than three years since he or she first received equipment.

Note: If less than three years have passed since a client first received equipment, refer to WAC 388-818-0300 for replacement criteria.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0150, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0160 How do clients renew their application for telecommunications equipment?** When renewing an application for telecommunications equipment, a client must:

(1) Complete a new application, including recent information on total annual family income and family size; and

(2) Go through the same procedures as first-time applicants (outlined in WAC 388-818-0090 through 388-818-0130).

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0160, filed 2/19/03, effective 3/22/03.]

## TELECOMMUNICATIONS EQUIPMENT—NONPROFIT ORGANIZATIONS

**WAC 388-818-0170 Are nonprofit organizations eligible for telecommunications equipment?** (1) A nonprofit organization may be eligible for telecommunications equipment when these two criteria are met:

(a) Only nonprofit organizations under section 501 (c)(3) of the internal revenue code, are eligible for any equipment from TAS; and

(b) Nonprofit organizations must serve people with hearing loss, deaf-blindness, and/or speech impairments.

(2) A qualified nonprofit organization is eligible to receive:

(a) Reconditioned telecommunications equipment from ODHH; or

(b) New equipment when it is in the best interest of both ODHH and the individuals served by the nonprofit organization.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0170, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0180 What process do nonprofit organizations follow to receive telecommunications equipment from TAS?** (1) To apply for reconditioned equipment, a nonprofit organization must provide to TAS the following:

(a) A completed application form, "Nonprofit Organization Application for Reconditioned Equipment" (DSHS 14-440), which can be obtained by calling ODHH at 1-800-422-7930;

(b) A letter explaining the services provided by the organization to people with hearing loss and speech impairments in their communities;

(c) A copy of a certificate of incorporation as a nonprofit organization under section 501 (c)(3) of the internal revenue code; and

(d) A copy of the organization's bylaws.

(2) TAS staff notifies the nonprofit organization of acceptance or denial.

(3) TAS staff sends the equipment to an approved nonprofit organization.

(4) The nonprofit organizations are responsible for care and maintenance of this equipment.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0180, filed 2/19/03, effective 3/22/03.]

## TELECOMMUNICATIONS EQUIPMENT—PURCHASE AND LOAN

**WAC 388-818-0190 How much does an applicant have to pay for telecommunications equipment?** (1) TAS staff must consider family size and household income in determining how much the applicant must pay for telecommunications equipment. Financial responsibility ranges from no cost to one hundred percent of actual cost based on federal poverty guidelines.

(2) Exception: If the normal cost that TAS assesses for equipment is still beyond the applicant's ability to pay, the cost may be partly or totally waived (excused) if:

(a) The eligible person requires TTY with Braille equipment or any other equipment of comparable cost; or

(b) The cost of the equipment would create an undue hardship on the eligible person.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0190, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0200 How does an applicant request a waiver (exception) of equipment cost?** (1) To request a waiver (exception) of equipment cost, an applicant must write a letter to the ODHH director explaining the reasons for inability to pay for equipment. Letters can be mailed to: ODHH, Attn: Director, P.O. Box 45301, Olympia WA 98504-5301.

(2) ODHH notifies the applicant in writing of the final decision for the waiver request.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0200, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0210 What conditions must be met for a client to receive purchased telecommunication equipment?** For a client to receive purchased telecommunications equipment, these two conditions must be met:

(1) TAS must receive full payment before an eligible client receives telecommunications equipment; and

(2) The applicant or the applicant's parent/legal guardian must provide a signed "Statement of Rights and Responsibilities" form to TAS upon receiving the equipment.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0210, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0220 When is telecommunications equipment owned by the client?** Telecommunications equipment is owned by the client when the client or the parent/legal guardian:

(1) Pay any portion of the equipment's cost; and

(2) Sign a "Statement of Rights and Responsibilities" form upon receiving the equipment.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0220, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0230 May clients return purchased telecommunications equipment?** (1) A client may return purchased telecommunications equipment to TAS within thirty days after receiving the equipment.

(2) A client must receive a financial refund for the equipment if it was returned:

(a) In clean and good condition;

(b) In its original packaging; and

(c) Within the required time frame.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0230, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0240 When may telecommunications equipment be loaned to an applicant?** ODHH may loan telecommunications equipment to an eligible person if:

- (1) TAS determines that a client may get equipment at no cost;
- (2) A "Conditions of Acceptance" form is signed by the client or the parent/legal guardian upon receiving the equipment.
- (3) The applicant has not violated the requirements in WAC 388-818-0140(2).

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0240, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0250 What are the conditions for loaning telecommunications equipment?** (1) When loaning telecommunications equipment, ODHH must ensure that the client understands that the equipment remains the sole property of Washington state.

(2) A client, or the client's parent/legal guardian is liable for any damage to or loss of telecommunications equipment issued by TAS.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0250, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0260 When does state-loaned equipment have to be returned to TAS?** A client or the client's parent/legal guardian must return state-loaned telecommunications equipment to TAS when the client:

- (1) Moves from a permanent Washington state residence to a location outside of Washington;
- (2) No longer needs the equipment;
- (3) Has been notified by TAS to return the equipment; or
- (4) Has received new state-loaned equipment.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0260, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0270 May a person take loaned telecommunications equipment outside the state?** (1) People must get written permission from TAS before moving their loaned telecommunications equipment from Washington state for over ninety days.

(2) TAS may grant the client permission to move telecommunications equipment from the state if it is in the best interest of the client and DSHS.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0270, filed 2/19/03, effective 3/22/03.]

## TELECOMMUNICATIONS EQUIPMENT—TRAINING

**WAC 388-818-0280 Will training be provided on the use and care of telecommunications equipment?** (1) ODHH contracts with qualified people or agencies to train individuals on ways to use and care for telecommunications equipment provided by TAS.

(2) ODHH must ensure reasonable accessibility to training for people with hearing loss or speech impairment.

(3) ODHH staff determine who receives training on proper equipment use and care from qualified trainers. Individuals receiving training may include:

(a) Clients;

(b) Parents/legal guardians; and

(c) Staff or volunteers of profit and nonprofit organizations.

(4) When applicants are age seventeen or younger, their parents/legal guardians must attend all training sessions on appropriate equipment use and care.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0280, filed 2/19/03, effective 3/22/03.]

### **WAC 388-818-0290 What services do trainers provide to clients?**

(1) Qualified trainers must determine the training needs of individuals and the type of training that would be most effective.

(2) A qualified trainer must:

(a) Conduct individual and group training sessions for the applicants in the use and care of the equipment;

(b) Provide training and presentations to individuals, agencies and organizations, as requested by ODHH staff; and

(c) Distribute and set up telecommunications equipment for applicants.

(3) When delivering telecommunications equipment, a qualified trainer may decide that the purchased equipment does not meet the client's needs. In this case, the trainer may recommend other equipment to the client. If accepting other equipment, the client must take financial responsibility for any cost difference by signing an "Acceptance of Financial Responsibility" form.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0290, filed 2/19/03, effective 3/22/03.]

## TELECOMMUNICATION EQUIPMENT—REPLACEMENT

**WAC 388-818-0300 When may telecommunications equipment be replaced?** (1) TAS may replace telecommunications equipment without a client renewing the application for equipment if:

(a) The equipment is no longer working; and

(b) Less than three years have passed since the client's initial application date for equipment.

(2) Clients may renew their application with TAS to replace telecommunications equipment if:

(a) The equipment is no longer working; and

(b) Three years have passed from the last time they applied and received their equipment. (See WAC 388-818-0160 for the renewal process.)

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0300, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0310 When may requests for replacement telecommunications equipment be denied?** TAS may deny a request for replacement telecommunications equipment if previously issued equipment:

(1) Was neglected, misused, or abused;

(2) Was not reported as stolen or burned to either police or fire department within fifteen working days; or

(3) Was lost, sold, traded, or pawned.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0310, filed 2/19/03, effective 3/22/03.]

#### **TELECOMMUNICATION EQUIPMENT—RECONDITIONED**

**WAC 388-818-0320 Who may receive reconditioned telecommunications equipment?** TAS may recondition telecommunications equipment and give it to any of the following agencies, nonprofit organizations or individuals:

(1) State agencies;

(2) Tribal community centers;

(3) Nonprofit organizations that are registered under section 501 (c)(3) of the internal revenue code and serve people who have hearing loss, deaf-blindness or speech impairment (see WAC 388-818-0180 for application details); and

(4) Nonpaying clients.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0320, filed 2/19/03, effective 3/22/03.]

#### **GRIEVANCE**

**WAC 388-818-0330 May an applicant disagree with a DSHS decision about telecommunications equipment?** (1) When TAS denies an application for original or replacement equipment, an applicant or client may request that ODHH review this decision.

(2) For a review of a TAS decision, the applicant or client must:

(a) Submit a request in writing to ODHH, specifying the reason for the request; and

(b) Ensure that ODHH receives this request within forty days of the date of the denial notice.

(3) Within thirty days after receiving the request for review, ODHH staff must inform the applicant or client in writing of the decision of the request. The decision of ODHH is final.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0330, filed 2/19/03, effective 3/22/03.]

### **GRIEVANCE—RELAY SERVICES**

**WAC 388-818-0340 What is a relay complaint?** (1) A client may make a complaint about an unsatisfactory experience while using the relay services during a telephone call. Complaints may be about:

(a) Communications assistant (CA) or video interpreter (VI) performance, such as typing speed, accuracy of relaying a message's intent, clarity of signs, and spelling accuracy;

(b) Service quality, such as timeliness of response and connection; and/or

(c) Technical issues during a call made through the relay service, such as disconnection of call, video picture quality, or text garbling.

(2) The main purpose of a relay complaint is to:

(a) Improve the quality of relay service; and

(b) Monitor relay agent or interpreter performance and the accuracy of relaying information between calling parties.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0340, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0350 What may a client do when dissatisfied with relay services?** (1) ODHH must ensure that clients have access to customer services for the relay service provider or an opportunity to resolve quality of service issues with TRS regarding:

(a) Any problems with the relay service; and/or

(b) Dissatisfaction with explanations given for any relay service problems.

(2) To assist dissatisfied clients, the ODHH compliance officer must provide names and telephone numbers for customer support.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0350, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0360 May a client file a formal complaint about the relay service?** (1) A client may file a formal complaint about the relay service:

(a) To obtain a complaint form about the relay service, a client may contact ODHH (at 1-800-422-7930) to request that a form be mailed.

(b) The client may also contact the ODHH compliance officer or relay provider customer service representative for assistance in completing the form.

(c) Completed complaint forms may be mailed, faxed, or emailed to ODHH.

(2) ODHH must investigate and resolve the complaint within one hundred eighty days, as required by the Federal Communications Commission (FCC).

(a) Complaints related to service issues are resolved by the relay service provider and the compliance officer.

(b) Technical complaints are referred to relay service provider technical personnel for resolution.

(c) Any corrective action must be taken as soon as possible.

(d) The ODHH compliance officer must notify the client about the result of the investigation, including any actions taken.

(3) If the client is satisfied with the results of the investigation, the ODHH compliance officer must document and close the case.

(4) If the client is dissatisfied with the results of the investigation, the compliance officer and relay service provider may discuss further options to resolve the complaint and corrective actions.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0360, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0370 When is customer service available for clients?**

The relay service provider and ODHH must ensure that customer service is available during regular work days (Monday through Friday excluding state holidays) to:

(1) Address client complaints or inquiries; and

(2) Respond to FCC staff members when requested.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0370, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0380 May clients file their complaint about relay services with the FCC?** (1) A client who continues to be dissatisfied with responses from the formal complaint process at ODHH may file a complaint with the Federal Communications Commission (FCC).

(2) The ODHH compliance officer must give the client the toll-free telephone number and address of the FCC for further review of the complaint.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0380, filed 2/19/03, effective 3/22/03.]

**WAC 388-818-0390 May the FCC file a complaint?** (1) The FCC may file a complaint to ODHH or the relay service provider.

(2) Within one hundred eighty days of receiving the complaint, ODHH must:

(a) Report the results of the complaint investigation to the FCC; or

(b) Keep the FCC informed about ongoing progress of actions toward resolution.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0390, filed 2/19/03, effective 3/22/03.]



**WAC 388-818-0400 What documents must ODHH keep for complaints?**

(1) ODHH must keep a record of all complaints about the quality of relay services.

(2) The complaint document must show at least:

- (a) The name, phone number and address of the complainant;
- (b) The nature and date of the complaint;
- (c) Actions taken; and
- (d) The final disposition of the complaint.

(3) These records must be maintained in a suitable place, readily available for FCC review.

(4) ODHH and the relay service provider must retain correspondence and records of complaints for a minimum of two years.

[Statutory Authority: RCW 43.20A.725, 43.20A.720, 2001 c 210. WSR 03-05-100, § 388-818-0400, filed 2/19/03, effective 3/22/03.]

**SIGN LANGUAGE INTERPRETERS STANDARDS IN COURTS**

**WAC 388-818-500 How do I qualify to be on the list of sign language interpreters who work in Washington courts?** To be on the ODHH list of certified court interpreters, sign language and intermediary interpreters must register with and meet qualification standards established and administered by ODHH. There are two categories of interpreters, and different requirements for each category.

[Statutory Authority: Chapter 2.42 RCW, RCW 2.42.130, and 2.42.170. WSR 15-01-075, § 388-818-500, filed 12/12/14, effective 1/12/15.]

**WAC 388-818-510 What authority does ODHH have to establish these standards?** Washington courts under RCW 2.42.130 may hire sign language interpreters identified by ODHH to be qualified for working in the courts. Those interpreters who meet these standards will be on a list maintained by ODHH.

[Statutory Authority: Chapter 2.42 RCW, RCW 2.42.130, and 2.42.170. WSR 15-01-075, § 388-818-510, filed 12/12/14, effective 1/12/15.]

**WAC 388-818-520 What are the different categories of court interpreters?** There are two categories of court interpreters:

- (1) Certified court sign language interpreters; and
- (2) Certified court intermediary interpreters.

[Statutory Authority: Chapter 2.42 RCW, RCW 2.42.130, and 2.42.170. WSR 15-01-075, § 388-818-520, filed 12/12/14, effective 1/12/15.]

**WAC 388-818-530 What are the requirements for certified court sign language interpreters?** Certified court sign language interpreters are presumed to be the most qualified to interpret in court hearings because of their training, skills, and experience. To qualify as a certified court sign language interpreter, you must complete the following requirements:

- (1) The applicant must hold a current certification, either:

(a) Specialist certificate: Legal (SC: L) from the Registry of interpreters for the deaf; or

(b) Registry of interpreters for the deaf (RID) certification and having passed the SC: L written test.

(2) You must undergo a DSHS criminal background check conducted by DSHS back check central unit using DSHS form 09-653 background authorization.

(3) You must complete the Washington courts training provided by the AOC.

(4) You must take an oath of interpreter, as administered by the Washington courts.

(5) You must submit a renewal registration form with ODHH annually by July 1.

[Statutory Authority: Chapter 2.42 RCW, RCW 2.42.130, and 2.42.170. WSR 15-01-075, § 388-818-530, filed 12/12/14, effective 1/12/15.]

**WAC 388-818-540 What are the requirements for certified court intermediary interpreters?** Certified court intermediary interpreters are presumed to be the most qualified to interpret in court hearings because of their training, skills, and experience. To qualify as a certified court intermediary interpreter, you must complete the following requirements:

(1) The applicant must hold a current certified deaf interpreter (CDI) certification from the registry of interpreters for the deaf;

(2) You must undergo a DSHS criminal background check conducted by DSHS background check central unit using DSHS form 09-653 background authorization;

(3) You must complete the Washington courts training provided by the AOC;

(4) You must take an oath of interpreter, as administered by the Washington courts; and

(5) A registration form will be required annually by July 1.

[Statutory Authority: Chapter 2.42 RCW, RCW 2.42.130, and 2.42.170. WSR 15-01-075, § 388-818-540, filed 12/12/14, effective 1/12/15.]

**WAC 388-818-550 Are there any ongoing requirements for court interpreters?** (1) Certified court sign language and certified intermediary interpreters are required to maintain their certification in compliance with RID's certification maintenance program.

(2) An updated criminal background check will be required annually by July 1.

(3) A registration renewal form will be required annually by July 1.

[Statutory Authority: Chapter 2.42 RCW, RCW 2.42.130, and 2.42.170. WSR 15-01-075, § 388-818-550, filed 12/12/14, effective 1/12/15.]

**WAC 388-818-560 If I have a criminal conviction in my history, am I automatically disqualified?** No, if you have a criminal conviction in your history, you are not automatically disqualified, though a misdemeanor, gross misdemeanor, or felony conviction may be grounds

for disqualification. Crimes that are automatically disqualifying can be found on the DSHS website.

[Statutory Authority: Chapter 2.42 RCW, RCW 2.42.130, and 2.42.170. WSR 15-01-075, § 388-818-560, filed 12/12/14, effective 1/12/15.]

**WAC 388-818-570 What is included in the Washington courts training?** Washington courts training includes information specific to the Washington court system, including, but not limited to: understanding the Washington court system, roles of various court levels, Washington legal terminology and procedure, and courtroom protocol and procedure. Washington courts training is required for all sign language and intermediary interpreters to become certified court interpreters.

[Statutory Authority: Chapter 2.42 RCW, RCW 2.42.130, and 2.42.170. WSR 15-01-075, § 388-818-570, filed 12/12/14, effective 1/12/15.]

**WAC 388-818-580 How do I find out when and where training is available?** You can contact AOC for a schedule of training opportunities available.

[Statutory Authority: Chapter 2.42 RCW, RCW 2.42.130, and 2.42.170. WSR 15-01-075, § 388-818-580, filed 12/12/14, effective 1/12/15.]

**WAC 388-818-590 How do I add my name to the court interpreter list?** First, send a completed DSHS Form 17-155 sign language interpreter registration to ODHH, including all required attachments. To request the form, contact ODHH.

If you fulfill all prerequisites, ODHH will contact you about the next dates available for Washington courts training. After you have satisfied all requirements, your name will be added to the court interpreter list.

[Statutory Authority: Chapter 2.42 RCW, RCW 2.42.130, and 2.42.170. WSR 15-01-075, § 388-818-590, filed 12/12/14, effective 1/12/15.]

**WAC 388-818-600 What sign language interpreters can be hired to work in Washington courts?** To be given preference to work in Washington courts, interpreters must be certified court interpreters. In each case or hearing, courts are encouraged to make every effort possible to hire certified court interpreters and determine whether an intermediary interpreter is necessary. Courts are strongly encouraged to secure services of a team of interpreters, one sign language interpreter accompanied by an intermediary interpreter in all communication encounters. The certified court interpreters may only be released pursuant to RCW 2.42.150.

[Statutory Authority: Chapter 2.42 RCW, RCW 2.42.130, and 2.42.170. WSR 15-01-075, § 388-818-600, filed 12/12/14, effective 1/12/15.]

**WAC 388-818-610 Where may a court obtain a list of qualified interpreters?** ODHH will post an approved list of qualified interpreters on their website.

[Statutory Authority: Chapter 2.42 RCW, RCW 2.42.130, and 2.42.170. WSR 15-01-075, § 388-818-610, filed 12/12/14, effective 1/12/15.]

**WAC 388-818-620 What are the standards for fee considerations that interpreters might charge a court?** Standards for fee considerations can be found on the ODHH website.

[Statutory Authority: Chapter 2.42 RCW, RCW 2.42.130, and 2.42.170. WSR 15-01-075, § 388-818-620, filed 12/12/14, effective 1/12/15.]

**WAC 388-818-630 What recourse do I have if I disagree with ODHH's decision to omit or remove my name from the list?** (1) You must make a reasonable effort to resolve the dispute with ODHH by contacting the sign language interpreter manager.

(2) If the resolution fails, you may submit a written appeal explaining why you should be included on the qualified list of certified interpreter, to ODHH. You may deliver your statement to ODHH, in person or mail it to:

Director  
Office of the Deaf and Hard of Hearing  
P.O. Box 45301  
Olympia, WA 98504-5301

(3) Your appeal must be received within twenty business days of ODHH's initial notice to informing you that you have been omitted or removed from the qualified interpreter list. The ODHH director will review your documents and offer an opportunity for an in-person meeting with him or her to present your information. At this meeting you may present evidence in support of your position either in writing, by in-person witness testimony, or through affidavit.

(4) The director will issue a written decision to you within twenty business days of receipt of your statement or of your in-person meeting, whichever is later.

(5) If you disagree with the decision of the ODHH director, you may request that DSHS appoint a representative. The request for review must be submitted to the ODHH director in writing within twenty business days of your receipt of the director's decision. ODHH will forward all documents pertaining to the dispute to the DSHS representative. The DSHS representative may request additional information from you or ODHH.

(6) The DSHS representative will issue a written decision to you within twenty business days after receipt of your request for review. The DSHS representative's decision is the final decision of the department.

[Statutory Authority: Chapter 2.42 RCW, RCW 2.42.130, and 2.42.170. WSR 15-01-075, § 388-818-630, filed 12/12/14, effective 1/12/15.]