

Title of Proposed Rule: Rural Communication Access Services Program Rule
CDHS Tracking #: 12-10-24-01
CCR #: 12 CCR 2516-1
 Office, Division, & Program: OAADS, Colo. Commission for the Deaf, Hard of Hearing, and DeafBlind Phone: 720-949-7483
 Rule Author: Trish Leakey E-Mail: trish.leakey@state.co.us

RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

- a. Board Executive Director
 b. Regular Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

<input type="checkbox"/>	AG Initial Review	<input type="checkbox"/>	Initial Board Reading	<input type="checkbox"/>	AG 2 nd Review	<input checked="" type="checkbox"/>	Second Board Reading / Adoption
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This package contains the following types of rules: *(check all that apply)*

Number	
0	Amended Rules
1	New Rules
0	Repealed Rules
0	Reviewed Rules

What month is being requested for this rule to first go before the State Board?	February 2024
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What date is being requested for this rule to be effective?	May 31, 2024
Is this date legislatively required?	No

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director’s Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ **Date:** _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION
Comments:

Estimated Dates:	1st Board <u>February 2024</u>	2nd Board <u>March 2024</u>	Effective Date <u>May 31, 2024</u>
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Summary of the basis and purpose for new rule or rule change.

Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. 1500 Char max

The Colorado Commission for the Deaf, Hard of Hearing, and DeafBlind administers the Rural Auxiliary Services program to provide access to effective communication for deaf, hard of hearing, and deafblind individuals in rural areas of the state. Program services include providing information, referrals, and qualified communication access services (e.g., sign language interpreters, realtime captioners, cued language transliterators). The program also provides professional training and scholarships for individuals willing to accept assignments in rural areas and publishes and maintains a list of qualified communication access providers on its website.

After a three-year pilot, the program received permanent funding per Senate Bill 21-216 (<https://leg.colorado.gov/bills/sb21-216>). Under this bill, the Department is required to establish rules for the program, including defining the term “rural area.” Since 2022, the Commission has worked with a five-member subcommittee and held five stakeholder meetings to develop a proposed rule per C.R.S. section 26-21-106(9)(b). The program will change its name to Rural Communication Access Services after stakeholders indicated the name change more clearly conveys the program’s functions.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

- to comply with state/federal law and/or
- to preserve public health, safety and welfare

Justification for emergency:

State Board Authority for Rule:

Code	Description
§ 26-1-107(5), (6), C.R.S. (2023)	State Board to promulgate rules for programs administered and services provided by the state department under Titles 26 and 27. The Rural Communication Access Services program is administered by the Department under section 26-21-106, C.R.S. (2023).
§ 24-1-120(5)(h), C.R.S. (2023)	DHS includes the Colorado Commission for the Deaf, Hard of Hearing, and Deafblind.

Program Authority for Rule: Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.

Code	Description
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§ 26-21-106(9)(b), C.R.S. (2023)	Executive Director shall promulgate rules in consultation with, or as proposed by, the Commission and the deaf, hard of hearing, and deafblind community, regarding implementation of this subsection (9). The rules must define the term “rural area.”
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Does the rule incorporate material by reference?		Yes		X	No
Does this rule repeat language found in statute?	X	Yes			No
If yes, please explain.	The definitions section carries over definitions found in sections 26-21-103 and 13-90-202, C.R.S.				

REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Groups impacted by the proposed rule include rural community members, including deaf, hard of hearing, and deafblind individuals and their family members; state and local governments in rural areas; businesses and non-profit organizations that serve the public; communication access service providers, including sign language interpreters, Communication Access Realtime Translation (CART) captioners, cued language transliterators, and other communication access services providers and their consumers; potential communication access services providers; and professional training and scholarship entities. These entities generally will benefit from the program because it provides resources that otherwise would not be available. A few communication access services providers who already provide services in rural communities may be adversely impacted due to the state stepping in to assist with communication access services in those areas: their customers may prefer to utilize this program rather than continue contracting with them for services.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

The proposed rule will assist rural areas with complying with the Americans with Disabilities Act by providing information, referral, and communication access services. The program started as a pilot in 2018 to provide sign language interpreters, training, and outreach to rural communities. In 2021, Senate Bill 21-216 was passed and the program received permanent funding. In its first year of operation as a permanent program in SFY22, the program received 972 requests for communication access services and filled 904 (93%) of them. In SFY23 the program received 1,300 requests and filled 1,188 (91%) of them. The proposed rule will create a priority system for requests to maximize the program’s ability to fill requests while staying within its funding. Under the proposed rule, legal, medical, and employment-related requests will be prioritized over other types of requests. Although the program will provide information and referral information to all stakeholders, stakeholders could see a reduction in the number

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of direct communication access services requests that are filled by the program due to the number of overall requests exceeding the program’s funding allocation.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just “no impact” answer should include “no impact because....”***

State Fiscal Impact *(Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)*

The program is funded through reappropriated funds to the Colorado Commission for the Deaf, Hard of Hearing, and DeafBlind (CCDHHDB). SB 21-216 specifically allocated \$700,000 to the Commission for the Rural Communication Access Services program. The Commission and its associated programs are funded mainly through the Telephone Users with Disabilities Fund (TUDF). In Colorado, Telecommunications Relay Services was established specifically to ensure telephone users with disabilities have access to telecommunications services to be contributing and productive members of society. Communication access allows for greater independence and self-sufficiency by expanding the ability to convey and receive information and knowledge and be a part of local communities.

The TUDF is funded through a surcharge (currently three cents per month per telephone access line) on landlines, mobile wireless and voice-over-internet-protocol (VoIP) customers in Colorado. According to the statute, the maximum surcharge allowed is 15 cents per month per telephone access line. The Telephone Relay Services Administrator oversees the TUDF and makes recommendations to the Colorado Public Utilities Commission (COPUC) on any needed surcharge adjustments. COPUC can adjust surcharge rates once every 12-month period. §§ 40-17-101(1) and -104, C.R.S. The last such adjustment was made in April 2023, when the surcharge was reduced from \$0.06 to \$0.03 per line due an increase of 1.1 million access lines to which the surcharge is applicable, a reduction in administration costs, and an adjustment to the payment remittance schedule for the surcharge.

The program grew by more than 30% between its first and second year of permanent operations yet its funding remained the same. To address this, the proposed rule includes prioritization criteria where court/legal, medical/behavioral health, and employment-related requests will be filled before other types of requests when funding becomes limited in a given month.

County Fiscal Impact

The program assists counties with information, referrals, and direct communication access services. The program will have a positive impact due to counties having free access to information and resources to fill the communication needs of deaf, hard of hearing, and deafblind individuals.

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Federal Fiscal Impact

None. The program does not assist federal entities other than to provide information upon request.

Other Fiscal Impact (such as providers, local governments, etc.)

There is a potential fiscal impact to communication access providers because the program offers a standardized fee schedule for vendor assignments. This fee schedule may be more or less than the provider would otherwise charge.

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

Under the Americans with Disabilities Act, state and local governments and businesses and non-profit organizations that serve the public must communicate equally and effectively with people who are deaf, hard of hearing, or deafblind. Because there are not as many sign language interpreters, captioners, and resources available in rural communities, this can be a challenge. In 2018, a pilot called the Rural Interpreting Services Project was created as a result of a Joint Budget Committee staff initiative based on input from rural stakeholders.

Quarterly reports were submitted to Joint Budget Committee staff during the program’s pilot phase between 2018-2021. These reports collected and reported information on a number of factors, including pilot expenditures, the cash fund balance of the TUDF, locations of interpreting services, the number of individuals served and categories of services, sign language interpreter training, and outreach efforts.

The program became permanently funded in 2021. As required by statute, the Commission submits a report to the Joint Budget Committee on or before November 1 of each year starting in 2022 that summarizes the commission’s implementation of the program over the previous twelve months. § 26-21-106(9)(c)(I), C.R.S. The rulemaking subcommittee considered program usage data and direct experiences with the program in creating the proposed rule.

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just “no alternative” answer should include “no alternative because...”

This rulemaking is legislatively required, so there is no alternative.

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OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
27.300	Overview of program and Americans with Disabilities Act	n/a	<p>THE COLORADO COMMISSION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND ADMINISTERS THE RURAL COMMUNICATION ACCESS SERVICES (RCAS) PROGRAM TO PROVIDE ACCESS TO EFFECTIVE COMMUNICATION FOR DEAF, HARD OF HEARING, AND DEAFBLIND INDIVIDUALS IN RURAL AREAS OF THE STATE. RCAS SERVICES INCLUDE PROVIDING INFORMATION, REFERRALS, AND QUALIFIED COMMUNICATION ACCESS SERVICES (E.G., SIGN LANGUAGE INTERPRETERS, REALTIME CAPTIONERS, CUED LANGUAGE TRANSLITERATORS). RCAS ALSO PROVIDES COMMUNICATION ACCESS PROVIDER TRAINING AND SCHOLARSHIPS FOR PEOPLE WHO ARE WILLING TO ACCEPT ASSIGNMENTS IN RURAL AREAS.</p> <p>UNDER THE AMERICANS WITH DISABILITIES ACT (ADA), STATE AND LOCAL GOVERNMENTS, AND BUSINESSES AND NON-PROFIT ORGANIZATIONS THAT SERVE THE PUBLIC MUST COMMUNICATE EFFECTIVELY WITH PEOPLE WHO ARE DEAF, HARD OF HEARING, AND DEAFBLIND. HOWEVER, THERE ARE RELATIVELY FEW SIGN LANGUAGE INTERPRETERS AND REALTIME CAPTIONERS AVAILABLE IN RURAL COMMUNITIES.</p> <p>ALTHOUGH ENTITIES IN RURAL AREAS ARE ULTIMATELY RESPONSIBLE FOR COMPLYING WITH THE ADA, THE RCAS PROGRAM IS A TOOL TO ASSIST SUCH ENTITIES BY PROVIDING INFORMATION ON PROVIDERS WHO ARE WILLING TO TAKE ASSIGNMENTS IN RURAL AREAS. THE PROGRAM ALSO HAS LIMITED FUNDING TO ARRANGE AND PAY FOR COMMUNICATION ACCESS SERVICES FOR ELIGIBLE RURAL ENTITIES. THE GOAL OF THE PROGRAM IS TO REMOVE COMMUNICATION BARRIERS IN RURAL COMMUNITIES TO THE BENEFIT OF EVERYONE. THESE RULES IMPLEMENT THE PROVISIONS OF SECTION 26-21-106(9), C.R.S.</p>	Explains the role of the program with respect to stakeholder obligations under the Americans with Disabilities Act	
27.310	Definitions	n /a	<p>“ACCESS TO EFFECTIVE COMMUNICATION” MEANS THOSE METHODS OF COMMUNICATION THAT ARE INDIVIDUALIZED, CULTURALLY</p>	Establishes shared understanding of terms in rule	

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			<p>APPROPRIATE, AND APPROPRIATE TO THE NATURE, LENGTH, COMPLEXITY, AND CONTEXT OF THE SITUATION AS WELL AS THE PERSON'S NORMAL METHOD(S) OF COMMUNICATION.</p> <p>"AUXILIARY SERVICES" MEANS THOSE AIDS AND SERVICES THAT ASSIST IN EFFECTIVE COMMUNICATION WITH A PERSON WHO IS DEAF, HARD OF HEARING, OR DEAFBLIND PURSUANT TO SECTION 13-90-202(3), C.R.S.</p> <p>"BUSINESS OR NONPROFIT ORGANIZATION THAT SERVES THE PUBLIC" MEANS A PUBLIC ACCOMMODATIONS ENTITY THAT IS REQUIRED UNDER TITLE III OF THE AMERICANS WITH DISABILITIES ACT TO TAKE STEPS NECESSARY TO COMMUNICATE EFFECTIVELY WITH DEAF, HARD OF HEARING, AND DEAFBLIND CUSTOMERS.</p> <p>"COMMISSION" MEANS THE COLORADO COMMISSION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND IN THE DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 26-21-104.</p> <p>"COMMUNICATION ACCESS SERVICES" INCLUDES QUALIFIED/CERTIFIED SIGN LANGUAGE INTERPRETING, REALTIME CAPTIONING (CART), CUED LANGUAGE TRANSLITERATION, AND OTHER SERVICES.</p> <p>"COMMUNICATION ACCESS SERVICES PROVIDERS" INCLUDE APPROVED QUALIFIED/CERTIFIED SIGN LANGUAGE INTERPRETERS, COMMUNICATION ACCESS REALTIME TRANSLATION (CART) CAPTIONERS, CUED LANGUAGE TRANSLITERATORS, AND OTHER PROVIDERS. PROVIDERS MAY BE COMMISSION INTERPRETING STAFF OR VENDORS.</p> <p>"CONSUMER" MEANS ALL PARTIES (DEAF, HARD OF HEARING, DEAFBLIND, OR HEARING) RECEIVING SERVICES IN RURAL AREAS. CONSUMERS MUST BE A STATE OR LOCAL GOVERNMENT; A BUSINESS OR NONPROFIT ORGANIZATION THAT SERVES THE PUBLIC; OR A DEAF, HARD OF HEARING, OR DEAFBLIND PERSON.</p> <p>"DEAF, HARD OF HEARING, OR DEAFBLIND" MEANS A PERSON WHO HAS A FUNCTIONAL HEARING LOSS OF SUFFICIENT SEVERITY TO PREVENT AURAL COMPREHENSION, EVEN WITH THE ASSISTANCE OF DEVICES SUCH AS HEARING AIDS, PURSUANT TO</p>		
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			<p>SECTION 13-90-202(6), C.R.S. HEARING AIDS INCLUDE COCHLEAR IMPLANTS. DEAFBLIND INDIVIDUALS EXIST ON A CONTINUUM, RANGING FROM NO VISION AND/OR HEARING TO VARIED COMBINATIONS OF USABLE HEARING AND/OR VISION, THAT PRESENTS DIFFICULTY IN ROUTINELY ACCESSING INFORMATION.</p> <p>"EFFECTIVE COMMUNICATION" MEANS THOSE METHODS OF COMMUNICATION THAT ARE INDIVIDUALIZED AND CULTURALLY APPROPRIATE TO A PERSON WHO IS DEAF, HARD OF HEARING, OR DEAFBLIND SO THAT HE OR SHE CAN EASILY ACCESS ALL AUDITORY INFORMATION PURSUANT TO SECTION 13-90-202(7), C.R.S.</p> <p>"QUALIFIED INTERPRETER" MEANS A PERSON WHO HAS A VALID CERTIFICATION OF COMPETENCY ACCEPTED BY THE COMMISSION AND INCLUDES, BUT IS NOT LIMITED TO, ORAL INTERPRETERS, SIGN LANGUAGE INTERPRETERS, AND INTERMEDIARY INTERPRETERS PURSUANT TO SECTION 13-90-202(8), C.R.S.</p> <p>"RURAL AREA" IS DEFINED IN SECTION 27.320.</p> <p>"STATE OR LOCAL GOVERNMENT" MEANS A PUBLIC ENTITY THAT IS REQUIRED UNDER TITLE I OF THE AMERICANS WITH DISABILITIES ACT TO TAKE STEPS NECESSARY TO COMMUNICATE EFFECTIVELY WITH DEAF, HARD OF HEARING, AND DEAFBLIND PERSONS. PRIMARY CONSIDERATION MUST BE GIVEN TO THE TYPE OF AUXILIARY AID OR SERVICE REQUESTED BY THE PERSON WITH A DISABILITY.</p>		
27.320	Defining "rural area"	n/a	<p>FOR THE PURPOSES OF THE PROGRAM, "RURAL AREA" IS DEFINED AS:</p> <ol style="list-style-type: none">1. A COLORADO COUNTY WITH A POPULATION OF FEWER THAN 250,000 PEOPLE, OR2. A COLORADO CITY, OR TOWN, OR UNINCORPORATED AREA WITHIN ADAMS, ARAPAHOE, BOULDER, BROOMFIELD, DENVER, DOUGLAS, EL PASO, JEFFERSON, LARIMER, AND WELD COUNTIES WHERE:<ol style="list-style-type: none">A. THE NUMBER OF LOCAL QUALIFIED/CERTIFIED COMMUNICATION ACCESS SERVICES PROVIDERS IS INSUFFICIENT TO MEET THE NEEDS OF THE CONSUMERS IN THE COMMUNITY DUE TO GEOGRAPHIC BARRIERS, AND/OR	Carries out statutory mandate to define rural area	

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			<p>B. REQUESTS FOR COMMUNICATION ACCESS ARE UNFILLED DUE TO GEOGRAPHIC BARRIERS AND THE NEED FOR MORE READILY AVAILABLE SERVICE PROVIDERS.</p> <p>REQUESTS FOR EXCEPTIONS TO THE ABOVE CRITERIA MAY BE REVIEWED BY THE PROGRAM ON A CASE-BY-CASE BASIS. THE DEFINITION OF "RURAL AREA" WILL BE REVIEWED BY THE PROGRAM EVERY THREE YEARS WITH INPUT FROM THE RURAL COMMUNICATION ACCESS SERVICES ADVISORY COUNCIL (RCASAC). IN ADDITION, COUNTY POPULATION DATA WILL BE REVIEWED EVERY TEN YEARS WHEN UPDATED CENSUS DATA BECOMES AVAILABLE.</p>		
27.330	Intake, referral information, and communication access services	n/a	<p>ON A CASE-BY-CASE BASIS, THE PROGRAM WILL CONDUCT A PERSONALIZED INTAKE PROCESS FOR EACH CONSUMER TO ASSESS THEIR NEEDS AND TAILOR SERVICES TO THEIR NEEDS. THE PROGRAM WILL PROVIDE INFORMATION AND RESOURCES, AND, IF REQUESTED, SCHEDULE AND PAY FOR COMMUNICATION ACCESS SERVICES IF RESOURCES PERMIT.</p> <p>A. THE PROGRAM SHALL ESTABLISH, PUBLISH, AND MONITOR/MAINTAIN A LIST OF CART CAPTIONERS AND SIGN LANGUAGE INTERPRETERS WHO ARE WILLING TO WORK IN RURAL AREAS. THIS INFORMATION IS PUBLICLY AVAILABLE ON THE COMMISSION'S WEBSITE: HTTPS://CCDHHDB.COLORADO.GOV/.</p> <p>B. FOR REQUESTS REGARDING COMMUNICATION ACCESS SERVICES SCHEDULING, STAFF WILL REVIEW HOW TO FILL OUT THE ONLINE REQUEST FORM TO ENSURE COMPLETENESS OF INFORMATION AND EXPLAIN THE PROGRAM'S POLICIES, INCLUDING HOW TO MODIFY OR CANCEL REQUESTS, INFORMATION ON BEST PRACTICES FOR COMMUNICATION ACCESS AND RESOURCES, AND THE POSSIBILITY OF SIGN LANGUAGE INTERPRETING STUDENTS OR APPRENTICES BEING PRESENT AND WORKING WITH CERTIFIED INTERPRETERS.</p> <p>C. THE PROGRAM HAS FULL-TIME STAFF SIGN LANGUAGE INTERPRETERS TO ASSIST WITH FILLING SERVICE REQUESTS IN RURAL AREAS. THE PROGRAM ALSO HAS ALLOCATED FUNDING EACH YEAR TO COVER THE COST OF SERVICES, TRAVEL TIME, MILEAGE, AND PER DIEM/LODGING FOR VENDORS. EACH FISCAL YEAR, THE PROGRAM WILL DIVIDE THE FUNDING ALLOCATION INTO TWELVE MONTHS AND DETERMINE A MONTHLY BUDGET FOR PAYMENT OF VENDOR SERVICES. IF A</p>	Sets forth priorities for the program to arrange and pay for communication access services within its budget	

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			GIVEN MONTH'S EXPENDITURES REACH 75% TO 85% OF THE MONTHLY ALLOCATION, THE PROGRAM WILL PRIORITIZE COURT AND LEGAL, HEALTH AND WELLNESS, AND EMPLOYMENT-RELATED REQUESTS TO CONSERVE RESOURCES. THE PROGRAM MAY MAKE EXCEPTIONS ON A CASE-BY-CASE BASIS.		
27.340	Qualifications of communication access services providers	n/a	COMMUNICATION ACCESS SERVICES PROVIDERS MUST MEET STATE AND COMMISSION REQUIREMENTS TO PROVIDE SIGN LANGUAGE INTERPRETING, CART CAPTIONING, OR CUED LANGUAGE TRANSLITERATION SERVICES. A. THE COMMISSION'S REQUIREMENTS FOR SIGN LANGUAGE INTERPRETATION AND CUED LANGUAGE TRANSLITERATION ARE FOUND IN RULE 27.500. B. THE REQUIREMENTS FOR SIGN LANGUAGE INTERPRETERS AND REALTIME CAPTIONERS ARE FOUND IN RULE 27.230. VENDORS MUST MEET THE PAPERWORK REQUIREMENTS OF THE STATE OF COLORADO. THIS INFORMATION IS POSTED ON THE COMMISSION WEBSITE: HTTPS://CCDHHDB.COLORADO.GOV/ .	Explains requirements for communication access providers	
27.345	Responsibilities of providers and vendor compensation		PROVIDERS (INTERPRETING STAFF AND COMMUNICATION ACCESS SERVICES VENDORS) SHALL ABIDE BY THE FOLLOWING RESPONSIBILITIES: A. BE PREPARED TO SHOW PROOF OF CERTIFICATION OR OTHER CREDENTIALS. B. ABIDE BY PROFESSIONAL STANDARDS AND CODES OF CONDUCT. C. ADHERE TO THE HIGHEST ETHICAL STANDARDS. D. PREPARE FOR THE ASSIGNMENT IN ADVANCE BY CONTACTING THE RELEVANT PARTY/PARTIES FOR ASSIGNMENT INFORMATION. E. MAKE TRAVEL ARRANGEMENTS OR ESTABLISH BUFFERS BETWEEN VIRTUAL ASSIGNMENTS TO ALLOW ON-TIME ARRIVAL FOR AN ASSIGNMENT. F. ARRIVE EARLY ENOUGH TO AN ASSIGNMENT TO BE ABLE TO ASSESS THE DEAF, HARD OF HEARING, AND DEAFBLIND CONSUMER'S NEEDS IN ESTABLISHING EFFECTIVE COMMUNICATION. G. TAKE THE NECESSARY STEPS TO PROMOTE EFFECTIVE COMMUNICATION, INCLUDING ENSURING PROPER SET-UP ONSITE OR ONLINE. H. ABIDE BY RCAS POLICIES AND PROCEDURES. I. SUBMIT ACCURATE AND TIMELY INVOICES, WITH ALL ASSIGNMENTS INVOICED WITHIN THE APPLICABLE STATE FISCAL YEAR (JULY 1 TO JUNE 30).	Establishes shared understanding of provider role and compensation	

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			<p>VENDORS WILL BE ASKED TO INFORM CONSUMERS THAT THE RCAS PROGRAM ARRANGED AND PAID FOR THEIR SERVICES. VENDORS ALSO WILL BE ASKED TO GIVE RCAS MATERIALS (SUCH AS A BUSINESS CARD) TO RURAL CONSUMERS FOR EACH ASSIGNMENT WHENEVER APPROPRIATE. THESE ACTIVITIES WILL MAKE RCAS'S IMPACT TRANSPARENT AND ACT AS A REFERENCE TOOL FOR NEW REQUESTS.</p> <p>THE AMOUNT OF VENDOR COMPENSATION SHALL BE BASED ON THE VENDOR AGREEMENT AND FEE SCHEDULE ESTABLISHED BY THE COMMISSION. VENDORS SHALL BE COMPENSATED ONLY FOR ASSIGNMENTS THAT WERE CONFIRMED IN ADVANCE BY THE RCAS PROGRAM.</p>		
27.350	Prioritization of requests	n/a	<p>THE PROGRAM DOES NOT PRIORITIZE INCOMING COMMUNICATION ACCESS SERVICES REQUESTS. HOWEVER, IN TIMES OF FUNDING LIMITATIONS, THE PROGRAM WILL RESORT TO PRIORITIZING REQUESTS FOR THE MOST BASIC HUMAN NEEDS, SUCH AS REQUESTS RELATING TO MEDICAL/BEHAVIORAL HEALTH, EMPLOYMENT-RELATED, AND COURT/LEGAL SITUATIONS. THIS PRIORITIZATION IS APPLIED AS A LAST RESORT PLAN.</p> <p>RCAS SHALL ARRANGE AND PAY FOR COMMUNICATION ACCESS SERVICES IN RURAL AREAS OF COLORADO AS LONG AS FUNDING IS AVAILABLE TO DO SO. A DEAF, HARD OF HEARING, OR DEAFBLIND CONSUMER MUST BE PRESENT ONSITE OR VIRTUALLY FOR THE PROCEEDING, EVENT, OR CIRCUMSTANCE. WHEN SCHEDULING SERVICES, THE PROGRAM WILL CONSIDER THE NATURE, LENGTH, COMPLEXITY, AND CONTEXT OF THE REQUEST AND THE FREQUENCY OF THE NEED FOR SERVICES.</p> <p>RCAS WILL NOT ARRANGE COMMUNICATION ACCESS SERVICES FOR FEDERAL OR STATE AGENCIES OR ENTITIES; (PRE) K TO GRADE 12 STUDENT-RELATED ACADEMICS OR ACTIVITIES EXCEPT FOR INDIVIDUALIZED EDUCATION PROGRAM (IEP) MEETINGS; POST-SECONDARY ACADEMICS OR ENVIRONMENTS; OR PERSONAL EVENTS SUCH AS WEDDINGS, PARTIES, OR FAMILY GATHERINGS.</p> <p>ADDITIONALLY, RCAS WILL NOT COVER SERVICES REQUESTED BY OUT-OF-STATE ENTITIES.</p>	Establishes eligibility for the program and request priorities within funding constraints	

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			<p>1. RCAS SERVICES ARE AVAILABLE IN RURAL AREAS OF THE STATE. THE REQUEST MUST INVOLVE PROVIDING COMMUNICATION ACCESS IN A RURAL AREA TO A DEAF, HARD OF HEARING, OR DEAFBLIND INDIVIDUAL, REGARDLESS OF WHETHER THAT PERSON RESIDES IN OR IS VISITING THAT RURAL AREA.</p> <p>2. COMMUNICATION ACCESS SERVICES MAY BE PROVIDED IN PERSON, VIRTUALLY, OR A HYBRID OF IN-PERSON AND VIRTUAL. RCAS STAFF SHALL MAKE THE FINAL DETERMINATION ON WHETHER COMMUNICATION ACCESS SERVICES WILL BE PROVIDED IN PERSON AND/OR VIRTUALLY.</p> <p>23. RCAS SERVICES MAY BE SUSPENDED OR TERMINATED FOR REPEATED MISUSE OR ABUSE OF PROGRAM RESOURCES, INCLUDING BUT NOT LIMITED TO MULTIPLE NO-SHOWS OR SHORT-NOTICE CANCELLATIONS.</p> <p>34. DURING TIMES OF FISCAL CONSTRAINT, SERVICE REQUESTS WILL BE PRIORITIZED WITH COURT AND LEGAL SETTINGS, HEALTH AND WELLNESS APPOINTMENTS, AND EMPLOYMENT-RELATED EVENTS BEING OF THE HIGHEST PRIORITY. ON A CASE-BY-CASE BASIS, SHORTER REQUESTS WILL BE PRIORITIZED OVER LENGTHIER (E.G., HALF-DAY, FULL DAY, OR MULTIPLE DAY) REQUESTS.</p> <p>45. THE RCAS PROGRAM IS CHARGED WITH INCREASING THE NUMBER OF QUALIFIED COMMUNICATION ACCESS SERVICES PROVIDERS AVAILABLE IN RURAL AREAS OF THE STATE. THUS, VENDORS ON RCAS ASSIGNMENTS MAY BE ACCOMPANIED BY SIGN LANGUAGE INTERPRETING STUDENTS AND APPRENTICES. THE PROGRAM WILL INFORM CONSUMERS IN ADVANCE WHENEVER POSSIBLE.</p>		
27.360	Training and scholarship opportunities	n/a	THE RCAS PROGRAM SETS ASIDE A PORTION OF ITS FUNDING EACH YEAR FOR THE TRAINING OF COMMUNICATION ACCESS SERVICES PROVIDERS. TO BE ELIGIBLE FOR RCAS-SPONSORED TRAINING AND SCHOLARSHIP, THE TRAINING PROGRAM MUST BE ALIGNED WITH RCAS PROGRAM GOALS. IN ADDITION, THE PERSON MUST MEET THE REQUIREMENTS OF THE SPECIFIC TRAINING OR SCHOLARSHIP PROGRAM; BE WILLING TO TAKE ASSIGNMENTS IN RURAL AREAS; AND, ONCE QUALIFIED OR CERTIFIED, BECOME AN ACTIVE RCAS PROGRAM VENDOR AND ACCEPT A MINIMUM OF FIVE ASSIGNMENTS PER YEAR (WITH RCAS OR NOT) IN RURAL AREAS FOR TWO YEARS.	Outlines training and scholarship requirements and reciprocity expectations	

Title of Proposed Rule: Rural Communication Access Services Program Rule

CDHS Tracking #: 12-10-24-01

CCR #: 12 CCR 2516-1

Office, Division, & Program: OAADs, Colo. Commission for the Deaf, Hard of Hearing, and DeafBlind **Phone:** 720-949-7483

Rule Author: Trish Leakey **E-Mail:** trish.leakey@state.co.us

			RCAS INTERPRETING STAFF PROVIDE ONGOING SIGN LANGUAGE INTERPRETING WORKSHOPS AT PROFESSIONAL CONFERENCES AND OTHER LOCATIONS. INFORMATION ABOUT TRAINING AND SCHOLARSHIP PROGRAMS IS POSTED ON THE COMMISSION WEBSITE.		
27.370	Program outreach	n/a	<p>THE RCAS PROGRAM CONDUCTS OUTREACH TO RURAL CONSUMERS AND POTENTIAL VENDORS. STAFF PROVIDE EDUCATION ON THE ADA, COMMUNICATION ACCESS SERVICES, RESOURCES, AND HOW TO USE THE PROGRAM. WHEN APPROPRIATE, PROGRAM STAFF WILL REQUEST THAT RURAL CONSUMERS CREDIT THE PROGRAM FOR PROVIDING COMMUNICATION ACCESS SERVICES AND PROVIDE CONTACT INFORMATION FOR RCAS. THIS WILL MAKE THE PROGRAM'S IMPACT TRANSPARENT AND ACT AS A REFERENCE TOOL FOR NEW REQUESTS.</p> <p>THE COMMISSION WILL PROVIDE EDUCATIONAL AND PROGRAM MATERIALS IN ACCESSIBLE AND DIVERSE FORMATS, SUCH AS SHORT VIDEOS WITH VOICE-OVER, CAPTIONS, AND SIGN LANGUAGE, AND BUSINESS CARDS OR BROCHURES. PROGRAM STAFF WILL TRACK OUTREACH EFFORTS AND UTILIZE THE DATA IN MODIFYING AND IMPROVING OUTREACH EFFORTS.</p>	Establishes outreach goals and accessibility framework	
27.380	Complaint process	n/a	<p>CONSUMERS AND VENDORS WHO ARE UNHAPPY WITH THE SERVICES PROVIDED ARE STRONGLY ENCOURAGED TO ADDRESS THE SITUATION WITH THE OTHER PARTY OR PARTIES FIRST. IF THE PARTIES ARE UNABLE TO RESOLVE THE COMPLAINT TO SATISFACTION AMONGST EACH OTHER, THE PARTIES MAY CONTACT THE RCAS PROGRAM FOR ASSISTANCE. IF THERE IS A NEED TO ESCALATE THE COMPLAINT OR THE COMPLAINT INVOLVES THE PROGRAM ITSELF, THE PERSON MAY FILE A COMPLAINT VIA THE DEPARTMENT OF HUMAN SERVICES' CLIENT SERVICES AS FOUND ON THE DEPARTMENT'S WEBSITE: HTTPS://CDHS.COLORADO.GOV/CONTACT-CDHS.</p>	Provides complaint resolution framework	
27.390	Advisory Council	n/a	<p>A. THE RCAS PROGRAM SHALL CONVENE A FIVE-MEMBER ADVISORY COUNCIL. MEMBERSHIP SHALL CONSIST OF THE FOLLOWING: TWO RURAL CONSUMERS WHO USE OR ARE FAMILIAR WITH RCAS SERVICES; TWO COMMUNICATION ACCESS SERVICES VENDORS WHO TAKE ASSIGNMENTS IN RURAL AREAS; AND ONE MEMBER OF THE PUBLIC.</p> <p>B. THE COUNCIL SHALL MEET AT LEAST TWO TIMES PER YEAR TO CONSULT WITH RCAS PROGRAM STAFF AND MAKE</p>	Defines advisory council roles, meeting schedule, and term limits	

Title of Proposed Rule: Rural Communication Access Services Program Rule

CDHS Tracking #: 12-10-24-01

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			RECOMMENDATIONS. THE COUNCIL MAY EXPAND ITS MEMBERSHIP OR ESTABLISH ISSUE-SPECIFIC WORKGROUPS AS NEEDED. C. TERM LIMITS OF THE RURAL COMMUNICATION ACCESS SERVICES ADVISORY COUNCIL SHALL BE DETERMINED BY THE COMMISSION.		
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STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

Members of the Rural Auxiliary Services rulemaking subcommittee have been meeting regularly since Fall 2022 to develop the proposed rule. Members include a sign language interpreting educator from Durango, a certified sign language interpreter from Silverthorne, and deaf and hearing consumers from Grand Junction, Craig, and Steamboat Springs. In addition, five stakeholder meetings were held between October 2022 and April 2023 to gather input on rule considerations. These meetings were open to the public and were publicized on the Commission’s website, in the “Navigator” newsletter, and in the Auxiliary Services unit’s vendor newsletter. The meetings were attended by subcommittee members, members of the public, and sign language interpreters. Virtual town hall meetings were held on November 3 and November 8, 2023, to solicit input from stakeholders on the proposed rule and a policy document. A website link with the proposed rule and feedback forms were available for stakeholder input as well (<https://ccdhhdb.colorado.gov/rural-services-proposed-rule>).

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

See above stakeholder list. The proposed rule also was shared with community stakeholders through the Commission’s “Navigator” newsletter and an email announcement. The Commission website had a link to the proposed rule and comments on the proposed rule were solicited through December 11, 2023.

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes No

If yes, who was contacted and what was their input?

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes No

Name of Sub-PAC	n/a		
Date presented			
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
If not presented, explain why.			

PAC

Have these rules been approved by PAC?

Yes No

Date presented	n/a		
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
If not presented, explain why.			

Other Comments

Comments were received from stakeholders on the proposed rules:

Yes No

If “yes” to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

Feedback on the proposed rule was received through two town hall meetings held November 3 and 8, 2023, and through written comments (see attachments).

Attachments:

1. Town Hall Meeting, 11.3.2023
2. Town Hall Meeting, 11.8.2023
3. Written Feedback on Rural Communication Access Services Proposed Rule, 12.12.23
4. LB feedback on RAS PROPOSED RULE DRAFT

The rulemaking subcommittee met on December 12, 2023, and held email discussions to review and respond to the comments.

Stakeholder comments on the proposed rule draft that was circulated in November and December 2023 are summarized here:

1. SECTION 27.310, DEFINITIONS

- a. **Comment:** define “certified” and “certification.” It’s important to say what you mean.
 - i. **Response:** the rule tracks the statute through use of the term “qualified interpreter.”
- b. **Comment:** spell out “CART” captioners in the “Communication access services providers” definition.
 - i. **Response:** change made.

2. SECTION 27.320, PROGRAM DEFINITION OF “RURAL AREA”

- a. **Comment:** we are concerned about expanding the areas covered when there may not be enough money to cover the existing population. We will certainly be actively advocating for an increase in the disabled telephone users fund to provide adequate resources to meet the need.
 - i. **Response:** The rule does not expand the existing services area but rather codifies it. A prioritization process will be applied depending on resources.
- b. **Comment:** this appears to mean if there are not enough interpreters CCDHDB pays interpreters. Would that not incentivize those areas to not be

able to find, or develop, local interpreters, allowing them to charge CCDHHDB?

- i. **Response:** The program was created and exists to address the shortage of communication access services providers. The program will provide such services where needed following an interactive intake process and also will provide training to increase the number of available communication access providers.

3. SECTION 27.330, INTAKE, REFERRAL INFORMATION, AND COMMUNICATION ACCESS SERVICES

- a. **Comment:** I know these could be a stretch:
 1. Perhaps include encouragement of coordination and optimization of services by notifying local users, for example, “We are trying to use resources wisely. An interpreter is scheduled in your area from 10:00 – 12:00. If you can foresee your need for an interpreter around that date please let us know if it can also be scheduled that day.”
 2. Perhaps encourage requesters to contribute what they can, such as STARS and the Aspen Deaf Camp could offer free or at cost lodging and meals for events needing interpreters to be present overnight.
 - i. **Response:** these strategies are included in the intake process.
- b. **Comment:** it seems to me the criteria and process for deciding what RCAS pays for needs to be clearly spelled out. Without clear guidance, it may be in people's/organizations' best interest to always request RCAS to pay, forcing you to make decisions, and then defend them - over and over.
 - i. **Response:** the program is set up to address and meet the gap in rural areas. The intake process will allow staff to get a sense of the specific need and tailor services accordingly.
- c. **Comment on subsection (B):** send information on best practices for virtual or in person meetings, which is particularly needed for deafblind consumers. Incorporate a link to resources for hosts of meetings and a link to resources for consumers for every scheduled assignment. It is important to establish communication protocols and best practices--repetition is important.
 - i. **Response:** modified B to reflect this stakeholder's suggestion. The program will provide best practices and resources information via the program website and each email.
- d. **Comment on subsection (C):** we are concerned about a monthly allocation and possibly canceling services that are already arranged if the services do not fit into legal, medical or employment-related. If someone has already arranged and planned on services, it is not fair to cancel those at such a late date that they might not be able to replace those services. Moreover, nonprofits or faith organizations are less likely to be able to figure out funding than a medical facility or a court. Perhaps a better way would be to review funds each month but have policies on a quarterly or prospective basis so any requests are always fulfilled.

- i. **Response:** as envisioned, requests are filled on a first come-first serve basis until the month's allocation approaches depletion. Requests that were already confirmed would not be cancelled; instead, requests would be prioritized for the rest of the month to stay within the program's resources.

4. SECTION 27.340, QUALIFICATIONS OF COMMUNICATION ACCESS SERVICES PROVIDERS

- a. **Comment on subsection (B):** Rule 27.230 isn't part of the stakeholder posting, so the requirements are essentially not included in these materials. Perhaps add it [For reference, the applicable part of Rule 27.30 states..."] Nationally, "qualified" and "certified" are squishy vague. Please say what you mean.
 - i. **Response:** in the future, staff will provide cross-reference information for proposed rules for stakeholder review. If approved and published, this rule will appear alongside all the other rules of the Commission, including subsection Rule 27.230, for ease of reference.

5. SECTION 27.345, RESPONSIBILITIES OF COMMUNICATION ACCESS SERVICES PROVIDERS AND VENDOR COMPENSATION

- a. **Comment:** responsibilities does not address handing out CCDHHDB materials such as business cards as mentioned in the draft policy guide.
 - i. **Response:** this is only a request, not a requirement of vendors. Vendors may agree or disagree to do so.
- b. **Comment on subsection (A):** be prepared to show proof of certification to whom? Do we need to carry evidence of it with us to every job?
 - i. **Response:** sign language interpreters are required to show proof of certification upon request per the Colorado Consumer Protection Act, section 6-1-707(1), C.R.S.
- c. **Comment on next to last paragraph:** is this a generic RCAS information or business card, or will the vendor's name and business information on it?
 - i. **Response:** this would be program information provided by RCAS.
- d. **Comment on final paragraph:** it seems this calls for an emergency exception. For example - what if a situation arises on the spot, perhaps an emergency, perhaps in a medical facility, forcing an interpreter to decide to continue providing communication, perhaps at length, knowing they will not be paid because there was no in-advance approval?
 - i. **Response:** The Commission must have final say on whether an assignment is approved for payment. On a case-by-case basis, the program may be willing to retroactively approve an assignment but that would be at the program's discretion.

6. SECTION 27.350, PRIORITIZATION OF COMMUNICATION ACCESS SERVICES REQUESTS

- a. **Comment:** medical facilities are already legally required to provide services and have deep pockets. Is there a way to put financial responsibility on hospitals and not prioritize them over other needs such as a person's need for communication access services for employment?
 - i. **Response:** the subcommittee discussed this issue at length throughout the rulemaking process. The program does not have the authority or resources to conduct individualized financial analyses for each requester or require and collect partial payment of communication access services. In addition, program staff regularly encounter situations where rural medical/behavioral health providers decline to provide communication access services despite efforts to educate or persuade them otherwise. The subcommittee is convinced that an informal intake process is the best approach and, once program resources approach depletion in each month, communication access services would be prioritized for basic human needs, including medical/behavioral health situations. A new paragraph was added at the beginning of this rule section to provide additional transparency on the rulemaking committee's thought process.
- b. **Comment regarding out-of-state entities:** what if [a provider] receives an inappropriate contact from an in-state provider?
 - i. **Response:** that situation is beyond the scope of the rule.
- c. **Comment on subsection (2):** how will the office know about repeated misuse or abuse of program resources? It seems a specific reporting process needs to be established, and communicated to everyone involved, including all consumers. Without an established expectation, interpreters and Deaf consumers may think telling you about multiple no-shows is a violation of confidentiality.
 - i. **Response:** the rule and policy documents will explain the standardized requirement to communicate with program staff regarding no-shows and short-notice cancellations.
- d. **Comment on subsection (3):** we do not understand why shorter engagements are prioritized. Often interpreters are driving 3-6 hours to get to in person assignments and it seems as if at that point a longer assignment might even be preferable. As you know, the Deaf can be very isolated, especially the rural Deaf. Ability to participate in community events and faith-based activities is extremely important for mental and emotional health. We urge the commission to keep these as priorities.
 - i. **Response:** The wording has been modified to clarify that a case-by-case analysis would apply when financial resources become limited, for example for two-day employment related requests would be prioritized over a three-day winter festival. Language has been added to the beginning of the rule section to emphasize that prioritization will be applied only if program resources are stretched to fiscal limits within a given month.

7. SECTION 27.360, TRAINING AND SCHOLARSHIP OPPORTUNITIES

- a. **Comment:** I note there is a section for Sign Language Interpreter Training and Scholarships. But I do not see anything that addresses CART Training/Scholarships, or is that included by wording I am not familiar with?
 - i. **Response:** the rule language allows for training and scholarships for all communication access services; it is not limited to sign language interpreters only.
- b. **Comment:** is there a time limit to the number of years to be a RCAS vendor?
 - i. **Response:** yes, the time limit is two years. After that point, the vendor may decide whether or not to continue to accept assignments in rural areas.

8. SECTION 27.380, PROGRAM OUTREACH

- a. **Comment:** in addition to making the program's impact transparent and act as a reference tool, this requirement may act as a way to market the service to others (such as consumers, businesses, and services) who may not know about it.
 - i. **Response:** agreed.
- b. **Comment:** perhaps also interpreters/vendors could let RCAS know who they gave brochures or business cards to, contributing to the database for future RCAS communications, updates, etc.
 - i. **Response:** agreed; collecting this information could be useful data.

9. SECTION 27.360, TRAINING AND SCHOLARSHIP OPPORTUNITIES

- a. **Comment:** I note there is a section for Sign Language Interpreter Training and Scholarships. But I do not see anything that addresses CART Training/Scholarships, or is that included by wording I am not familiar with?
 - i. **Response:** the rule language allows for training and scholarships for all communication access services; it is not limited to sign language interpreters only.
- b. **Comment:** is there a time limit to the number of years to be a RCAS vendor?
 - i. **Response:** yes, the time limit is two years. After that point, the vendor may decide whether or not to continue to accept assignments in rural areas.

10. CDHS staff followed up with stakeholders Julie Reiskin, Co-Executive Director of the Colorado Cross-Disability Coalition, and Jennifer Pfau, Colorado Association for the Deaf representative, after the first reading of the rule at the State Board of Human Services meeting on February 9, 2024.

- a. Summary of Julie Reiskin's comments: The concern is prioritizing large hospital systems for RCAS services when they already have a clear legal duty to provide communication access services; instead, the program's resources should go to other entities, such as churches or the Girl Scouts. The Department should take more time to discuss the prioritization criteria with stakeholders before finalizing the rule.
 - i. **Response:** The program is not able to gather financial information or investigate rural users' finances due to the administrative burden. Instead,

the rule provides for an interactive intake process to educate communities about their legal duties, explore the resources available, and provide services where needed. The rule aims to build capacity in rural areas while also providing a safety net for deaf, hard of hearing and deafblind consumers who otherwise would be denied communication access services. The proposed rule should not be delayed for additional stakeholder input because stakeholders were given multiple opportunities to provide input, including through ASL translated videos. The program has been operating for several years now and does not have unlimited funding; the rules are needed for transparency and a clear process for determining which requests should be filled in times of limited funding. Once confirmed, services would not be retroactively canceled. Only new requests would be subject to monthly prioritization should funding for that month run low.

b. Summary of Jennifer Pfau's comments: The rule should apply to all deaf, hard of hearing, and deafblind individuals in the state because these services are needed by everyone; the rule text should be clearer about its impact on urban consumers.

ii.i. Response: The program is statutorily designed for rural areas only. The rule language has been modified by adding subsection 1 under Rule 27.350 to make clear that urban consumers may utilize the RCAS program when they are in rural areas of the state.

12 CCR 2516-1

RURAL COMMUNICATION ACCESS SERVICES PROGRAM

PROPOSED RULE

27.300 RURAL COMMUNICATION ACCESS SERVICES PROGRAM

THE COLORADO COMMISSION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND ADMINISTERS THE RURAL COMMUNICATION ACCESS SERVICES (RCAS) PROGRAM TO PROVIDE ACCESS TO EFFECTIVE COMMUNICATION FOR DEAF, HARD OF HEARING, AND DEAFBLIND INDIVIDUALS IN RURAL AREAS OF THE STATE. RCAS SERVICES INCLUDE PROVIDING INFORMATION, REFERRALS, AND QUALIFIED COMMUNICATION ACCESS SERVICES (E.G., SIGN LANGUAGE INTERPRETERS, REALTIME CAPTIONERS, CUED LANGUAGE TRANSLITERATORS). RCAS ALSO PROVIDES COMMUNICATION ACCESS PROVIDER TRAINING AND SCHOLARSHIPS FOR PEOPLE WHO ARE WILLING TO ACCEPT ASSIGNMENTS IN RURAL AREAS.

UNDER THE AMERICANS WITH DISABILITIES ACT (ADA), STATE AND LOCAL GOVERNMENTS, AND BUSINESSES AND NON-PROFIT ORGANIZATIONS THAT SERVE THE PUBLIC MUST COMMUNICATE EFFECTIVELY WITH PEOPLE WHO ARE DEAF, HARD OF HEARING, AND DEAFBLIND. HOWEVER, THERE ARE RELATIVELY FEW SIGN LANGUAGE INTERPRETERS AND REALTIME CAPTIONERS AVAILABLE IN RURAL COMMUNITIES.

ALTHOUGH ENTITIES IN RURAL AREAS ARE ULTIMATELY RESPONSIBLE FOR COMPLYING WITH THE ADA, THE RCAS PROGRAM IS A TOOL TO ASSIST SUCH ENTITIES BY PROVIDING INFORMATION ON PROVIDERS WHO ARE WILLING TO TAKE ASSIGNMENTS IN RURAL AREAS. THE PROGRAM ALSO HAS LIMITED FUNDING TO ARRANGE AND PAY FOR COMMUNICATION ACCESS SERVICES FOR ELIGIBLE RURAL ENTITIES. THE GOAL OF THE PROGRAM IS TO REMOVE COMMUNICATION BARRIERS IN RURAL COMMUNITIES TO THE BENEFIT OF EVERYONE. THESE RULES IMPLEMENT THE PROVISIONS OF SECTION 26-21-106(9), C.R.S.

27.310 DEFINITIONS

“ACCESS TO EFFECTIVE COMMUNICATION” MEANS THOSE METHODS OF COMMUNICATION THAT ARE INDIVIDUALIZED, CULTURALLY APPROPRIATE, AND APPROPRIATE TO THE NATURE, LENGTH, COMPLEXITY, AND CONTEXT OF THE SITUATION AS WELL AS THE PERSON’S NORMAL METHOD(S) OF COMMUNICATION.

“AUXILIARY SERVICES” MEANS THOSE AIDS AND SERVICES THAT ASSIST IN EFFECTIVE COMMUNICATION WITH A PERSON WHO IS DEAF, HARD OF HEARING, OR DEAFBLIND PURSUANT TO SECTION 13-90-202(3), C.R.S.

"BUSINESS OR NONPROFIT ORGANIZATION THAT SERVES THE PUBLIC" MEANS A PUBLIC ACCOMMODATIONS ENTITY THAT IS REQUIRED UNDER TITLE III OF THE AMERICANS WITH DISABILITIES ACT TO TAKE STEPS NECESSARY TO COMMUNICATE EFFECTIVELY WITH DEAF, HARD OF HEARING, AND DEAFBLIND CUSTOMERS.

"COMMISSION" MEANS THE COLORADO COMMISSION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND IN THE DEPARTMENT OF HUMAN SERVICES CREATED IN SECTION 26-21-104.

"COMMUNICATION ACCESS SERVICES" INCLUDES QUALIFIED/CERTIFIED SIGN LANGUAGE INTERPRETING, REALTIME CAPTIONING (CART), CUED LANGUAGE TRANSLITERATION, AND OTHER SERVICES.

"COMMUNICATION ACCESS SERVICES PROVIDERS" INCLUDE APPROVED QUALIFIED/CERTIFIED SIGN LANGUAGE INTERPRETERS, COMMUNICATION ACCESS REALTIME TRANSLATION (CART) CAPTIONERS, CUED LANGUAGE TRANSLITERATORS, AND OTHER PROVIDERS. PROVIDERS MAY BE COMMISSION INTERPRETING STAFF OR VENDORS.

"CONSUMER" MEANS ALL PARTIES (DEAF, HARD OF HEARING, DEAFBLIND, OR HEARING) RECEIVING SERVICES IN RURAL AREAS. CONSUMERS MUST BE A STATE OR LOCAL GOVERNMENT; A BUSINESS OR NONPROFIT ORGANIZATION THAT SERVES THE PUBLIC; OR A DEAF, HARD OF HEARING, OR DEAFBLIND PERSON.

"DEAF, HARD OF HEARING, OR DEAFBLIND" MEANS A PERSON WHO HAS A FUNCTIONAL HEARING LOSS OF SUFFICIENT SEVERITY TO PREVENT AURAL COMPREHENSION, EVEN WITH THE ASSISTANCE OF DEVICES SUCH AS HEARING AIDS, PURSUANT TO SECTION 13-90-202(6), C.R.S. HEARING AIDS INCLUDE COCHLEAR IMPLANTS. DEAFBLIND INDIVIDUALS EXIST ON A CONTINUUM, RANGING FROM NO VISION AND/OR HEARING TO VARIED COMBINATIONS OF USABLE HEARING AND/OR VISION, THAT PRESENTS DIFFICULTY IN ROUTINELY ACCESSING INFORMATION.

"EFFECTIVE COMMUNICATION" MEANS THOSE METHODS OF COMMUNICATION THAT ARE INDIVIDUALIZED AND CULTURALLY APPROPRIATE TO A PERSON WHO IS DEAF, HARD OF HEARING, OR DEAFBLIND SO THAT HE OR SHE CAN EASILY ACCESS ALL AUDITORY INFORMATION PURSUANT TO SECTION 13-90-202(7), C.R.S.

"QUALIFIED INTERPRETER" MEANS A PERSON WHO HAS A VALID CERTIFICATION OF COMPETENCY ACCEPTED BY THE COMMISSION AND INCLUDES, BUT IS NOT LIMITED TO, ORAL INTERPRETERS, SIGN LANGUAGE INTERPRETERS, AND INTERMEDIARY INTERPRETERS PURSUANT TO SECTION 13-90-202(8), C.R.S.

"RURAL AREA" IS DEFINED IN SECTION 27.320.

"STATE OR LOCAL GOVERNMENT" MEANS A PUBLIC ENTITY THAT IS REQUIRED UNDER TITLE I OF THE AMERICANS WITH DISABILITIES ACT TO TAKE STEPS NECESSARY TO COMMUNICATE EFFECTIVELY WITH DEAF, HARD OF HEARING, AND DEAFBLIND PERSONS. PRIMARY CONSIDERATION MUST BE GIVEN TO THE TYPE OF AUXILIARY AID OR SERVICE REQUESTED BY THE PERSON WITH A DISABILITY.

27.320 PROGRAM DEFINITION OF "RURAL AREA"

FOR THE PURPOSES OF THE PROGRAM, "RURAL AREA" IS DEFINED AS:

1. A COLORADO COUNTY WITH A POPULATION OF FEWER THAN 250,000 PEOPLE, OR
2. A COLORADO CITY, OR TOWN, OR UNINCORPORATED AREA WITHIN ADAMS, ARAPAHOE, BOULDER, BROOMFIELD, DENVER, DOUGLAS, EL PASO, JEFFERSON, LARIMER, AND WELD COUNTIES WHERE:
 - A. THE NUMBER OF LOCAL QUALIFIED/CERTIFIED COMMUNICATION ACCESS SERVICES PROVIDERS IS INSUFFICIENT TO MEET THE NEEDS OF THE CONSUMERS IN THE COMMUNITY DUE TO GEOGRAPHIC BARRIERS, AND/OR
 - B. REQUESTS FOR COMMUNICATION ACCESS ARE UNFILLED DUE TO GEOGRAPHIC BARRIERS AND THE NEED FOR MORE READILY AVAILABLE SERVICE PROVIDERS.

REQUESTS FOR EXCEPTIONS TO THE ABOVE CRITERIA MAY BE REVIEWED BY THE PROGRAM ON A CASE-BY-CASE BASIS. THE DEFINITION OF "RURAL AREA" WILL BE REVIEWED BY THE PROGRAM EVERY THREE YEARS WITH INPUT FROM THE RURAL COMMUNICATION ACCESS SERVICES ADVISORY COUNCIL (RCASAC). IN ADDITION, COUNTY POPULATION DATA WILL BE REVIEWED EVERY TEN YEARS WHEN UPDATED CENSUS DATA BECOMES AVAILABLE.

27.330 INTAKE, REFERRAL INFORMATION, AND COMMUNICATION ACCESS SERVICES

ON A CASE-BY-CASE BASIS, THE PROGRAM WILL CONDUCT A PERSONALIZED INTAKE PROCESS FOR EACH CONSUMER TO ASSESS THEIR NEEDS AND TAILOR SERVICES TO THEIR NEEDS. THE PROGRAM WILL PROVIDE INFORMATION AND RESOURCES, AND, IF REQUESTED, SCHEDULE AND PAY FOR COMMUNICATION ACCESS SERVICES IF RESOURCES PERMIT.

- A. THE PROGRAM SHALL ESTABLISH, PUBLISH, AND MONITOR/MAINTAIN A LIST OF CART CAPTIONERS AND SIGN LANGUAGE INTERPRETERS WHO ARE WILLING TO WORK IN RURAL AREAS. THIS INFORMATION IS PUBLICLY AVAILABLE ON THE COMMISSION'S WEBSITE: [HTTPS://CCDHHDB.COLORADO.GOV/](https://ccdhhdb.colorado.gov/).
- B. FOR REQUESTS REGARDING COMMUNICATION ACCESS SERVICES SCHEDULING, STAFF WILL REVIEW HOW TO FILL OUT THE ONLINE REQUEST FORM TO ENSURE COMPLETENESS OF INFORMATION AND EXPLAIN THE PROGRAM'S POLICIES, INCLUDING HOW TO MODIFY OR CANCEL REQUESTS, INFORMATION ON BEST PRACTICES FOR COMMUNICATION ACCESS AND RESOURCES, AND THE POSSIBILITY OF SIGN LANGUAGE INTERPRETING STUDENTS OR APPRENTICES BEING PRESENT AND WORKING WITH CERTIFIED INTERPRETERS.
- C. THE PROGRAM HAS FULL-TIME STAFF SIGN LANGUAGE INTERPRETERS TO ASSIST WITH FILLING SERVICE REQUESTS IN RURAL AREAS. THE PROGRAM ALSO HAS ALLOCATED FUNDING EACH YEAR TO COVER THE COST OF SERVICES, TRAVEL TIME, MILEAGE, AND PER DIEM/LODGING FOR VENDORS.

EACH FISCAL YEAR, THE PROGRAM WILL DIVIDE THE FUNDING ALLOCATION INTO TWELVE MONTHS AND DETERMINE A MONTHLY BUDGET FOR PAYMENT OF VENDOR SERVICES. IF A GIVEN MONTH'S EXPENDITURES REACH 75% TO 85% OF THE MONTHLY ALLOCATION, THE PROGRAM WILL PRIORITIZE COURT AND LEGAL, HEALTH AND WELLNESS, AND EMPLOYMENT-RELATED REQUESTS TO CONSERVE RESOURCES. THE PROGRAM MAY MAKE EXCEPTIONS ON A CASE-BY-CASE BASIS.

27.340 QUALIFICATIONS OF COMMUNICATION ACCESS SERVICES PROVIDERS

COMMUNICATION ACCESS SERVICES PROVIDERS MUST MEET STATE AND COMMISSION REQUIREMENTS TO PROVIDE SIGN LANGUAGE INTERPRETING, CART CAPTIONING, OR CUED LANGUAGE TRANSLITERATION SERVICES.

- A. THE COMMISSION'S REQUIREMENTS FOR SIGN LANGUAGE INTERPRETATION AND CUED LANGUAGE TRANSLITERATION ARE FOUND IN RULE 27.500.
- B. THE REQUIREMENTS FOR SIGN LANGUAGE INTERPRETERS AND REALTIME CAPTIONERS ARE FOUND IN RULE 27.230.

VENDORS MUST MEET THE PAPERWORK REQUIREMENTS OF THE STATE OF COLORADO. THIS INFORMATION IS POSTED ON THE COMMISSION WEBSITE: [HTTPS://CCDHHDB.COLORADO.GOV/](https://ccdhhdb.colorado.gov/).

27.345 RESPONSIBILITIES OF COMMUNICATION ACCESS SERVICES PROVIDERS AND VENDOR COMPENSATION

PROVIDERS (INTERPRETING STAFF AND COMMUNICATION ACCESS SERVICES VENDORS) SHALL ABIDE BY THE FOLLOWING RESPONSIBILITIES:

- A. BE PREPARED TO SHOW PROOF OF CERTIFICATION OR OTHER CREDENTIALS.
- B. ABIDE BY PROFESSIONAL STANDARDS AND CODES OF CONDUCT.
- C. ADHERE TO THE HIGHEST ETHICAL STANDARDS.
- D. PREPARE FOR THE ASSIGNMENT IN ADVANCE BY CONTACTING THE RELEVANT PARTY/PARTIES FOR ASSIGNMENT INFORMATION.
- E. MAKE TRAVEL ARRANGEMENTS OR ESTABLISH BUFFERS BETWEEN VIRTUAL ASSIGNMENTS TO ALLOW ON-TIME ARRIVAL FOR AN ASSIGNMENT.
- F. ARRIVE EARLY ENOUGH TO AN ASSIGNMENT TO BE ABLE TO ASSESS THE DEAF, HARD OF HEARING, AND DEAFBLIND CONSUMER'S NEEDS IN ESTABLISHING EFFECTIVE COMMUNICATION.
- G. TAKE THE NECESSARY STEPS TO PROMOTE EFFECTIVE COMMUNICATION, INCLUDING ENSURING PROPER SET-UP ONSITE OR ONLINE.
- H. ABIDE BY RCAS POLICIES AND PROCEDURES.
- I. SUBMIT ACCURATE AND TIMELY INVOICES, WITH ALL ASSIGNMENTS INVOICED WITHIN THE APPLICABLE STATE FISCAL YEAR (JULY 1 TO JUNE 30).

VENDORS WILL BE ASKED TO INFORM CONSUMERS THAT THE RCAS PROGRAM ARRANGED AND PAID FOR THEIR SERVICES. VENDORS ALSO WILL BE ASKED TO GIVE RCAS MATERIALS (SUCH AS A BUSINESS CARD) TO RURAL CONSUMERS FOR EACH ASSIGNMENT WHENEVER APPROPRIATE. THESE ACTIVITIES WILL MAKE RCAS'S IMPACT TRANSPARENT AND ACT AS A REFERENCE TOOL FOR NEW REQUESTS.

THE AMOUNT OF VENDOR COMPENSATION SHALL BE BASED ON THE VENDOR AGREEMENT AND FEE SCHEDULE ESTABLISHED BY THE COMMISSION. VENDORS SHALL BE COMPENSATED ONLY FOR ASSIGNMENTS THAT WERE CONFIRMED IN ADVANCE BY THE RCAS PROGRAM.

27.350 PRIORITIZATION OF COMMUNICATION ACCESS SERVICES REQUESTS

THE PROGRAM DOES NOT PRIORITIZE INCOMING COMMUNICATION ACCESS SERVICES REQUESTS. HOWEVER, IN TIMES OF FUNDING LIMITATIONS, THE PROGRAM WILL RESORT TO PRIORITIZING REQUESTS FOR THE MOST BASIC HUMAN NEEDS, SUCH AS REQUESTS RELATING TO MEDICAL/BEHAVIORAL HEALTH, EMPLOYMENT-RELATED, AND COURT/LEGAL SITUATIONS. THIS PRIORITIZATION IS APPLIED AS A LAST RESORT PLAN.

RCAS SHALL ARRANGE AND PAY FOR COMMUNICATION ACCESS SERVICES IN RURAL AREAS OF COLORADO AS LONG AS FUNDING IS AVAILABLE TO DO SO. A DEAF, HARD OF HEARING, OR DEAFBLIND CONSUMER MUST BE PRESENT ONSITE OR VIRTUALLY FOR THE PROCEEDING, EVENT, OR CIRCUMSTANCE. WHEN SCHEDULING SERVICES, THE PROGRAM WILL CONSIDER THE NATURE, LENGTH, COMPLEXITY, AND CONTEXT OF THE REQUEST AND THE FREQUENCY OF THE NEED FOR SERVICES.

RCAS WILL NOT ARRANGE COMMUNICATION ACCESS SERVICES FOR FEDERAL OR STATE AGENCIES OR ENTITIES; (PRE) K TO GRADE 12 STUDENT-RELATED ACADEMICS OR ACTIVITIES EXCEPT FOR INDIVIDUALIZED EDUCATION PROGRAM (IEP) MEETINGS; POST-SECONDARY ACADEMICS OR ENVIRONMENTS; OR PERSONAL EVENTS SUCH AS WEDDINGS, PARTIES, OR FAMILY GATHERINGS.

ADDITIONALLY, RCAS WILL NOT COVER SERVICES REQUESTED BY OUT-OF-STATE ENTITIES.

1. RCAS SERVICES ARE AVAILABLE IN RURAL AREAS OF THE STATE. THE REQUEST MUST INVOLVE PROVIDING COMMUNICATION ACCESS IN A RURAL AREA TO A DEAF, HARD OF HEARING, OR DEAFBLIND INDIVIDUAL, REGARDLESS OF WHETHER THAT PERSON RESIDES IN OR IS VISITING THAT RURAL AREA.

1.2. COMMUNICATION ACCESS SERVICES MAY BE PROVIDED IN PERSON, VIRTUALLY, OR A HYBRID OF IN-PERSON AND VIRTUAL. RCAS STAFF SHALL MAKE THE FINAL DETERMINATION ON WHETHER COMMUNICATION ACCESS SERVICES WILL BE PROVIDED IN PERSON AND/OR VIRTUALLY.

2.3. RCAS SERVICES MAY BE SUSPENDED OR TERMINATED FOR REPEATED MISUSE OR ABUSE OF PROGRAM RESOURCES, INCLUDING BUT NOT LIMITED TO MULTIPLE NO-SHOWS OR SHORT-NOTICE CANCELLATIONS.

3.4. DURING TIMES OF FISCAL CONSTRAINT, SERVICE REQUESTS WILL BE PRIORITIZED WITH COURT AND LEGAL SETTINGS, HEALTH AND WELLNESS APPOINTMENTS, AND EMPLOYMENT-RELATED EVENTS BEING OF THE HIGHEST PRIORITY. ON A CASE-BY-CASE BASIS, SHORTER REQUESTS WILL BE

PRIORITIZED OVER LENGTHIER (E.G., HALF-DAY, FULL DAY, OR MULTIPLE DAY) REQUESTS.

4.5. THE RCAS PROGRAM IS CHARGED WITH INCREASING THE NUMBER OF QUALIFIED COMMUNICATION ACCESS SERVICES PROVIDERS AVAILABLE IN RURAL AREAS OF THE STATE. THUS, VENDORS ON RCAS ASSIGNMENTS MAY BE ACCOMPANIED BY SIGN LANGUAGE INTERPRETING STUDENTS AND APPRENTICES. THE PROGRAM WILL INFORM CONSUMERS IN ADVANCE WHENEVER POSSIBLE.

27.360 TRAINING AND SCHOLARSHIP OPPORTUNITIES

THE RCAS PROGRAM SETS ASIDE A PORTION OF ITS FUNDING EACH YEAR FOR THE TRAINING OF COMMUNICATION ACCESS SERVICES PROVIDERS. TO BE ELIGIBLE FOR RCAS-SPONSORED TRAINING AND SCHOLARSHIP, THE TRAINING PROGRAM MUST BE ALIGNED WITH RCAS PROGRAM GOALS. IN ADDITION, THE PERSON MUST MEET THE REQUIREMENTS OF THE SPECIFIC TRAINING OR SCHOLARSHIP PROGRAM; BE WILLING TO TAKE ASSIGNMENTS IN RURAL AREAS; AND, ONCE QUALIFIED OR CERTIFIED, BECOME AN ACTIVE RCAS PROGRAM VENDOR AND ACCEPT A MINIMUM OF FIVE ASSIGNMENTS PER YEAR (WITH RCAS OR NOT) IN RURAL AREAS FOR TWO YEARS.

RCAS INTERPRETING STAFF PROVIDE ONGOING SIGN LANGUAGE INTERPRETING WORKSHOPS AT PROFESSIONAL CONFERENCES AND OTHER LOCATIONS. INFORMATION ABOUT TRAINING AND SCHOLARSHIP PROGRAMS IS POSTED ON THE COMMISSION WEBSITE.

27.370 PROGRAM OUTREACH

THE RCAS PROGRAM CONDUCTS OUTREACH TO RURAL CONSUMERS AND POTENTIAL VENDORS. STAFF PROVIDE EDUCATION ON THE ADA, COMMUNICATION ACCESS SERVICES, RESOURCES, AND HOW TO USE THE PROGRAM. WHEN APPROPRIATE, PROGRAM STAFF WILL REQUEST THAT RURAL CONSUMERS CREDIT THE PROGRAM FOR PROVIDING COMMUNICATION ACCESS SERVICES AND PROVIDE CONTACT INFORMATION FOR RCAS. THIS WILL MAKE THE PROGRAM'S IMPACT TRANSPARENT AND ACT AS A REFERENCE TOOL FOR NEW REQUESTS.

THE COMMISSION WILL PROVIDE EDUCATIONAL AND PROGRAM MATERIALS IN ACCESSIBLE AND DIVERSE FORMATS, SUCH AS SHORT VIDEOS WITH VOICE-OVER, CAPTIONS, AND SIGN LANGUAGE, AND BUSINESS CARDS OR BROCHURES. PROGRAM STAFF WILL TRACK OUTREACH EFFORTS AND UTILIZE THE DATA IN MODIFYING AND IMPROVING OUTREACH EFFORTS.

27.380 COMPLAINT PROCESS

CONSUMERS AND VENDORS WHO ARE UNHAPPY WITH THE SERVICES PROVIDED ARE STRONGLY ENCOURAGED TO ADDRESS THE SITUATION WITH THE OTHER PARTY OR PARTIES FIRST. IF THE PARTIES ARE UNABLE TO RESOLVE THE COMPLAINT TO SATISFACTION AMONGST EACH OTHER, THE PARTIES MAY CONTACT THE RCAS PROGRAM FOR ASSISTANCE. IF THERE IS A NEED TO ESCALATE THE COMPLAINT OR

THE COMPLAINT INVOLVES THE PROGRAM ITSELF, THE PERSON MAY FILE A COMPLAINT VIA THE DEPARTMENT OF HUMAN SERVICES' CLIENT SERVICES AS FOUND ON THE DEPARTMENT'S WEBSITE: [HTTPS://CDHS.COLORADO.GOV/CONTACT-CDHS](https://cdhs.colorado.gov/contact-cdhs).

27.390 RURAL COMMUNICATION ACCESS SERVICES ADVISORY COUNCIL

- A. THE RCAS PROGRAM SHALL CONVENE A FIVE-MEMBER ADVISORY COUNCIL. MEMBERSHIP SHALL CONSIST OF THE FOLLOWING: TWO RURAL CONSUMERS WHO USE OR ARE FAMILIAR WITH RCAS SERVICES; TWO COMMUNICATION ACCESS SERVICES VENDORS WHO TAKE ASSIGNMENTS IN RURAL AREAS; AND ONE MEMBER OF THE PUBLIC.
- B. THE COUNCIL SHALL MEET AT LEAST TWO TIMES PER YEAR TO CONSULT WITH RCAS PROGRAM STAFF AND MAKE RECOMMENDATIONS. THE COUNCIL MAY EXPAND ITS MEMBERSHIP OR ESTABLISH ISSUE-SPECIFIC WORKGROUPS AS NEEDED.
- C. TERM LIMITS OF THE RURAL COMMUNICATION ACCESS SERVICES ADVISORY COUNCIL SHALL BE DETERMINED BY THE COMMISSION.