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Rules of  
**Department of Labor and  
Industrial Relations**

**Division 70—Missouri Assistive Technology Advisory  
Council**

**Chapter 1—Assistive Technology Programs**

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**Title 8—DEPARTMENT OF LABOR  
AND  
INDUSTRIAL RELATIONS  
Division 70—Missouri Assistive  
Technology Advisory Council  
Chapter 1—Assistive Technology  
Programs**

**8 CSR 70-1.010 Telecommunications Access Program**

*PURPOSE: This rule establishes the standards and procedures for the provision of a statewide telecommunications equipment distribution program providing specialized equipment to eligible individuals with disabilities. This rule implements section 209.251, RSMo through 209.259, RSMo.*

(1) Program Title. The telecommunication equipment distribution program established by 209.251, RSMo through 209.259, RSMo shall hereinafter be referred to as the “Telecommunication Access Program (TAP)” with two programmatic components, known as “TAP for Telephone” and “TAP for Internet.”

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

(A) Adaptive telecommunications equipment—is equipment that translates, enhances or otherwise transforms the receiving or sending of telecommunications into a form accessible to individuals with disabilities and includes adaptive telephone and adaptive computer equipment.

1. Adaptive telephone equipment—is equipment that translates, enhances or otherwise transforms the receiving or sending of voice calling and associated auditory signaling into a form accessible to individuals with disabilities.

2. Adaptive computer equipment—is equipment that translates, enhances or otherwise transforms the receiving or sending of internet and electronic mail information into a form accessible to individuals with disabilities.

(B) Adjusted gross income—is the amount claimed as adjusted gross income on the applicant’s most recent federal income tax return.

(C) Basic telecommunication service—is a service that supplies the transmission and reception of information to and from customer premises equipment and includes basic telephone and internet services.

1. Basic telephone service—is telephone service from a telephone company that supplies the transmission and reception of voice

calls to and from customer premises equipment. Basic telephone service does not include other types of voice communications, such as two-way radio communication, nor does it include adjunct-to-basic voice communication services, such as caller identification or voice mail.

2. Basic internet service—is service from an internet service provider that supplies the transmission and reception of electronic information, web and electronic mail, to and from customer premises equipment. Basic internet service does not include other types of electronic communications such as alpha-numeric paging or facsimile communication.

(D) Consumer support services—are services that assist individuals with disabilities or their families or caregivers in the selection of the most appropriate adaptive telecommunications equipment to meet their needs and in the installation and use of such equipment.

(E) Eligible applicants—are individuals with disabilities who have been certified as unable to use traditional telecommunication equipment for access to basic telephone or internet service.

(F) Program administrator—is staff of Missouri Assistive Technology or other entity so designated by the Missouri Assistive Technology Advisory Council.

(G) Qualified agency—is an entity that regularly works with individuals with disabilities, is familiar with adaptive telecommunications equipment and resources, and is able to assist individuals with disabilities in determining equipment needs.

(H) Reasonable access to basic telecommunications service—is access delivered by cost-effective adaptive telephone equipment or cost-effective adaptive computer equipment.

(I) Traditional telecommunications equipment—is customer premises equipment used to access basic telecommunications service and includes traditional telephone equipment for telephone service and traditional computer equipment for internet service.

1. Traditional telephone equipment—is a typical telephone with dial pad, handset, and audio ringer used to place and receive voice calls.

2. Traditional computer equipment—is a typical computer system with keyboard, pointing device, and visual display monitor used to send and receive electronic information.

(3) Applicant Eligibility.

(A) Eligible applicants shall:

1. Be certified by a licensed physician,

audiologist, speech pathologist, or qualified agency as unable to use traditional telecommunications equipment due to disability;

2. Be residents of Missouri;

3. Meet financial income standards;

4. Have access to basic telephone equipment and service if applying for adaptive telephone equipment or have access to basic internet equipment and service if applying for adaptive computer equipment.

(B) Applicants shall be eligible for one adaptive equipment system that provides access to basic telecommunication. Applicants shall not be eligible for more than one equipment system to provide access in more than one location, for example, equipment for both upstairs and downstairs in a residence or equipment for both work and home.

(C) Applicants who have received equipment from the program in the past shall be eligible for replacement equipment according to the time schedule established by the program administrator and shall be notified of such replacement period when they receive their initial equipment. The program administrator may also find applicants eligible for replacement equipment if:

1. The device is damaged through natural disasters, such as lightning, electrical storms, floods or other acts of God;

2. There is a change in disability status rendering the adaptive equipment inappropriate to meet their needs;

3. A new device has become available through TAP that is deemed more appropriate to the applicant’s disability than a device previously provided by TAP.

(D) Applicants shall have an annual adjusted gross income that does not exceed \$60,000 for an individual or an individual plus a second exemption, spouse or dependent. For each additional dependent claimed, \$5,000 shall be added to the \$60,000 base level.

(E) Applicants shall be ineligible for equipment when the applicant has:

1. Sold or otherwise transferred ownership of equipment received from TAP to an individual or entity other than the originally authorized applicant;

2. Lost equipment received from TAP through negligence such as leaving in an unlocked house or unlocked car;

3. Negligently or willfully damaged equipment received from TAP or violated other provisions of the administrative rules governing TAP.

(4) General Application and Certification Procedures.

(A) Individuals shall apply for equipment from the program, on forms approved by the program administrator, that include:



1. Applicant name, address, home and work phone, date of birth, Social Security number;

2. Assurance of Missouri residency, assurance of current access to basic telephone equipment and service, assurance of income level;

3. Identification of current or past use of adaptive equipment;

4. Specific request for specialized equipment or request for assistance in selecting equipment;

5. Signature and date.

(B) Applicants may elect to allow the program to release their name, address, and phone number to an agency that provides consumer support. Applicants who have a hearing disability may elect to allow the program to release their name, address, and date of birth to the Missouri Commission for the Deaf to be used solely for completing the commission's census.

(C) In addition to information required on the application and certification form, applicants shall supply any additional information which the program administrator deems reasonably necessary to determine the applicant's eligibility and to assist in determining the adaptive equipment which best meets the applicant's needs.

(D) Certifying agents shall, on forms approved by the program administrator, certify that the applicant, by name, is unable to use traditional telecommunications equipment because of a specific category of disability and that the applicant needs adaptive equipment as identified on the application form. The certifying agent shall sign and date the certification and provide state license or certification number if certifying as a physician, audiologist, or speech pathologist. Approved agency representatives shall provide the name of the approved agency. All certifying agents shall provide their name, address, and phone number to enable the program administrator to contact them as necessary.

(5) Approval of Certifying Agencies and Agents.

(A) Entities desiring to be approved as a certifying agency shall request such designation from the program administrator. The program administrator will review agency qualifications and may require an agency to complete training provided by the program administrator prior to approval.

(B) The program administrator will maintain a list of approved certifying agencies and those personnel of the agency who are approved to certify. A list of approved certifying agencies will be included with applicant

education information and otherwise made available as widely as possible.

(6) Appeals Process. Applicants may appeal any disapproval of an equipment request by filing a written appeal with the Missouri Assistive Technology Advisory Council. No specific form shall be required. The appeal shall describe how the equipment requested is necessary for basic telephone access. The council may hear appeals during any regularly scheduled council meeting or may call a special meeting of the council for such purpose.

(7) Fraud. If an applicant supplies false information or obtains adaptive equipment through misrepresentation of facts on the application and certification form, TAP may demand return of the equipment and shall declare such applicants ineligible for future equipment from TAP.

(8) Confidentiality. All applicant information shall be kept confidential except for approved release of information for purposes specified on the application form.

(9) TAP for Telephone Specific Procedures.

(A) Equipment Provided—Adaptive telephone equipment shall be provided in sufficient scope to meet the needs of individuals with all types of disabilities and shall be procured in a cost effective manner.

1. The program administrator shall develop and maintain a list of adaptive telephone equipment designed to provide reasonable access to basic telephone service for individuals with a wide range of disabilities. The list will be provided with the application and certification form. The program will monitor the market for devices that might be added to the program to better meet individual needs and will update the list as necessary to remain current with the market.

2. Adaptive telephones or adaptive devices that attach to the telephone shall be considered first to provide access. For the majority of program applicants, adaptive equipment that attaches to or replaces the typical end-unit telephone will be available on the approved list to meet their needs. Equipment that does not directly attach to or replace the phone will be provided by the program when no other device will deliver the needed access.

3. The program may provide equipment not on the list if such equipment is necessary for basic telephone access and is cost effective as compared to devices on the list.

4. The program shall not provide adaptive devices needed for one-to-one personal communication such as hearing aids, artificial

larynx, or other augmentative communication devices.

5. The program shall maintain a list of vendors with which it has contracted to provide adaptive telephone equipment in a cost-effective manner.

(B) Application Processing—The program administrator shall process TAP for telephone applications and deliver equipment and services that assure an appropriate match between an individual with a disability and adaptive equipment.

1. Each application shall be reviewed for completeness. If any information is missing, the applicant will be contacted and requested to supply such information.

2. Each applicant's eligibility will be verified by information provided on the application form.

3. If the application:

A. Requests equipment on the approved list, the request will be matched with disability description, as provided by the application form or equipment worksheet, and approved.

B. Does not request specific equipment, but instead requests assistance in determining equipment needs, the applicant will be contacted and such assistance provided.

C. Requests equipment not on the approved list, the explanation will be reviewed to determine if the equipment is necessary for basic telephone access and is cost effective as compared to devices on the list. If so, the equipment request will be approved.

4. Upon verification of applicant eligibility and determination of equipment/disability match, the program administrator shall order the equipment from an approved vendor and will notify the applicant that the equipment has been ordered.

5. Equipment orders shall include applicant name, make and model of equipment ordered, applicant shipping address, and date of order. The program administrator shall transmit equipment orders directly to the vendor by facsimile or via other time expedient mechanism that is mutually agreeable.

6. Applicants will be notified if their equipment request cannot be approved as submitted and will be asked to revise their equipment request accordingly.

7. Upon receipt of equipment order, the vendor shall ship the equipment directly to the applicant's Missouri residence by verifiable delivery mechanism.

8. The vendor shall provide the program administrator with a monthly invoice of all equipment ordered and delivered.

9. The program administrator may establish alternative and pilot programs to

increase program quality and consumer satisfaction. A voucher program for targeted types of adaptive telephone equipment may be implemented as an option to increase consumer choice for those applicants who are experienced users of such equipment.

(C) Consumer Support—The program administrator shall deliver consumer support services directly or through contracts with individuals, organizations, vendors, or other entities. Consumer support providers shall:

1. Have expertise and experience of sufficient depth and breadth to assist consumers in identifying adaptive telephone equipment that will meet their needs;
2. Be able to provide adaptive telephone equipment orientation and use training;
3. Participate in training activities as may be required by the program administrator to assure equipment competency; and
4. Be able to demonstrate equipment knowledge and competency as requested by the program administrator.

(D) Equipment Ownership, Repair and Replacement—

1. Adaptive telephone equipment purchased for an individual applicant shall be owned by that applicant and applicants are in general responsible for service, repair, and replacement.
2. Adaptive telephone equipment will be covered by an extended warranty, purchased with the device, or by a one-year express warranty provided via the Missouri Lemon Law for Assistive Devices.
3. Miscellaneous supplies, such as Text Telephone (TTY) paper and batteries, are the applicant's responsibility.
4. An applicant shall be eligible for replacement equipment every four years, unless their disability needs change. The program administrator may approve equipment replacement within this time period for extenuating circumstances.
5. If an applicant's disability changes, rendering the adaptive telephone equipment inappropriate to meet their needs, the applicant may reapply for new equipment and shall provide a description of the disability change.

*AUTHORITY: section 209.253, RSMo 2000.\*  
Emergency rule filed July 28, 2000, effective Aug. 28, 2000, expired Feb. 23, 2001.  
Original rule filed July 28, 2000, effective Jan. 30, 2001.*

*\*Original authority: 209.253, RSMo 1990, amended 1996.*