

CHAPTER 37
EQUIPMENT DISTRIBUTION PROGRAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

199—37.1(477C) Purpose. This chapter describes the commission's program established pursuant to Iowa Code section 477C.4 to secure, finance, and distribute telecommunications devices. The commission's equipment distribution program serves eligible individuals who are deaf or hard-of-hearing or who have difficulty with speech.

The equipment distribution program will be limited by revenue considerations and annual budget amounts set by the commission, with the advice of the dual party relay council established in Iowa Code section 477C.5. Before submitting a proposed annual budget to the commission, the commission's equipment distribution program project manager shall provide the council with the proposed budget for the council's review and discussion at a council meeting. The project manager will advise the commission of any council recommendations regarding the proposed budget. When the budgeted amounts for a period are committed or expended, no further vouchers for equipment will be issued until the next period when the commission budgets additional amounts.

[ARC 3665C, IAB 2/28/18, effective 4/4/18; ARC 6925C, IAB 3/8/23, effective 4/12/23; Editorial change: IAC Supplement 7/24/24]

199—37.2(477C) Program structure. The equipment distribution program will be conducted by a program administrator chosen by the commission. Distribution of equipment will be made through a voucher system utilizing private vendors for equipment purchases. Vouchers to pay part or, depending upon the price, all of the cost of equipment will be issued by the program administrator to eligible recipients. After purchase using a voucher, the recipient will be the permanent owner of the equipment and responsible for enforcement of any warranties and for any repairs.

[ARC 3665C, IAB 2/28/18, effective 4/4/18; Editorial change: IAC Supplement 7/24/24]

199—37.3(477C) Equipment. The commission will authorize and maintain a list of the types of equipment to be distributed through the program.

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199—37.4(477C) Application process and eligibility. Applications will be processed in queue as determined by the program administrator. No person will be entitled to equipment at a particular time merely because that person meets the eligibility requirements. Additional vouchers will not be issued during a period if unpaid vouchers are outstanding for the remaining funds budgeted for the period. To be eligible to receive a voucher for equipment under the program, a person must satisfy the following requirements. By signing the application form or otherwise averring to the accuracy of the information contained in the application, an applicant or the applicant's power of attorney certifies that the information provided therein is true.

37.4(1) Verification of need with initial application. An applicant's initial application shall include verification of the applicant's need for the equipment. The verification shall be made by an appropriate professional, including but not limited to a licensed physician; certified teacher in the fields of hearing, speech, or visual impairment; licensed and certified sign language interpreter; speech pathologist; audiologist or hearing aid specialist; or an appropriate state or federal agency representative.

37.4(2) The applicant must have, or have applied for, access to the service which will allow the applicant to use the requested equipment. Access to Internet service may be provided through a public Wi-Fi connection.

37.4(3) The applicant must be an individual and an Iowa resident.

37.4(4) The applicant must be at least five years of age or demonstrate an ability to use the equipment requested. No demonstration is required for those five years of age and older.

37.4(5) An applicant must agree to cooperate with studies to evaluate the effectiveness of the program.

37.4(6) An applicant's gross annual family income must be equal to or less than \$76,000 for a family of two. Family sizes above or below two will increase or decrease that amount in \$10,000 increments per family member change.

37.4(7) The applicant will be limited to a voucher for one type of equipment or equipment package.

37.4(8) Reapplication. Prior voucher recipients may reapply through the program to replace existing equipment or to obtain new equipment, as appropriate. Reapplication will be limited by a three-year waiting period. The reapplication period may be shortened by the commission's equipment distribution program project manager in an individual case for good cause shown. At the time of reapplication for equipment, it is not necessary for the applicant's need for the equipment to be reverified by an appropriate professional. The program administrator shall verify that the applicant reapplying for equipment previously qualified for and continues to qualify for a voucher.

[ARC 3665C, IAB 2/28/18, effective 4/4/18; ARC 6925C, IAB 3/8/23, effective 4/12/23; Editorial change: IAC Supplement 7/24/24]

199—37.5(477C) Voucher system.

37.5(1) *Amount.* The voucher will state a standard amount for a particular piece of equipment.

a. The standard amount shall be determined and updated periodically by the program administrator.

b. The standard amount shall be 95 percent of the average retail market price for the piece of equipment, unless the retail market price is more than \$1,000, in which case the standard amount shall be 99 percent of the average retail market price. The standard amount may be increased to 100 percent if a person demonstrates to the program administrator that the person is unable to pay the matching amount.

37.5(2) *Voucher use.* The recipient of a voucher may purchase equipment from any vendor that will accept the voucher and may apply the voucher amount toward purchase of the brand and model of indicated equipment as the recipient chooses. An invoice for equipment purchased prior to the issuance of a voucher shall not be reimbursed.

37.5(3) *Term.* The voucher shall provide for a 40-day period for the voucher recipient to present the voucher to the vendor. The vendor, upon presentation of the voucher, shall have 60 days to complete the sale and delivery of the equipment and to return the voucher to the program administrator. The program administrator shall have 20 days to process and return the voucher to the commission for payment. The program administrator, for good cause shown, may extend either the 40- or 60-day deadline, provided the voucher is returned to the commission for payment within 120 days from the issuance of the voucher. The program administrator may authorize reimbursement for a voucher issued more than 120 days before the voucher is sent to the commission for payment if the program administrator determines good cause exists for extending the 120-day deadline and provides supporting documentation to the commission.

37.5(4) *Payment.* The voucher is not a negotiable instrument. Upon presentation of documentation by the vendor as required by the commission, including but not limited to an invoice showing an amount due no greater than the voucher amount, the vendor will be issued a state warrant for the amount due.

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199—37.6(477C) Complaints. All complaints concerning the equipment distribution program will be resolved pursuant to the following:

37.6(1) The program administrator will make determinations concerning matters such as eligibility, type of equipment for particular applicants, or reimbursement of vendors.

37.6(2) The program administrator, after requiring interested persons to state verbally or in writing any complaint or dispute arising under the equipment distribution program, shall attempt to settle the matter informally within 45 days.

37.6(3) Should the informal dispute resolution process fail, the complainant may submit the complaint to the commission for processing by the commission's equipment distribution program project manager as provided in 199—Chapter 6. The project manager will provide a copy of the complaint to the program administrator and the consumer advocate. The project manager will issue a proposed resolution that describes the facts involved in the dispute, clearly states the proposed resolution, and gives notice that any interested person dissatisfied with the proposed resolution has 14 days after the proposed resolution is issued to file a written request for formal complaint proceedings before the commission.

37.6(4) If no timely request for formal complaint proceedings is filed, the proposed resolution shall be deemed binding on all interested persons served with the proposed resolution.

37.6(5) The commission will process requests for formal complaint proceedings as provided in rule 199—6.5(476).

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