

RULEMAKING REPORT TO LEGISLATURE

CLEARINGHOUSE RULE CR 22-019

Ch. DHS 77, Service Fund for People who are Deaf, Deafblind or Hard of Hearing

Basis and Purpose of Proposed Rule

Section 46.295 of the Statutes provides funding to pay for communication access services for people who are deaf, deafblind or hard of hearing in situations not required and funded by federal or other state law (hereinafter “the Service Fund”), and authorizes the department to promulgate rules to implement that fund. Chapter DHS 77 establishes eligibility requirements, application procedures, provider qualifications, circumstances eligible for reimbursement, and maintains a list of communication access services providers.

Chapter DHS 77 is currently outdated and does not reflect changes in federal and state laws that govern the provision of communication access services. In addition, the eligibility requirements for communication access services providers have not been updated to reflect required professional certifications and state licensure requirements, such as 2009 Wisconsin Act 360 and 2019 Wisconsin Act 17, which requires sign language interpreters to hold a professional license from the Department of Safety and Professional Services.

The objective of the proposed rule is to update and clarify Chapter DHS 77 to reflect current program operations, circumstances eligible for reimbursement and changes in the field of communication access services and providers for people who are deaf, hard of hearing and deafblind since the rule was last updated in 2002.

Department Response to Legislative Council Rules Clearinghouse Recommendations

The department accepts the recommendations made by the Legislative Council Rules Clearinghouse and has modified the proposed rule where suggested.

Final Regulatory Flexibility Analysis

The issues raised by each small business during the public hearing(s):

None. The proposed rules will not have an economic impact on small businesses.

Any changes in the rule as a result of an alternative suggested by a small business and the reasons for rejecting any of those alternatives:

Not applicable. The proposed rules will not have an economic impact on small businesses.

The nature of any reports and estimated cost of their preparation by small businesses that must comply with the rule:

Not applicable. The proposed rules will not have an economic impact on small businesses.

The nature and estimated costs of other measures and investments that will be required by small businesses in complying with the rule:

Not applicable. The proposed rules will not have an economic impact on small businesses.

The reason for including or not including in the proposed rule any of the following methods for reducing the rule’s impact on small businesses, including additional cost, if any, to the department for administering or enforcing a rule which includes methods for reducing the rule’s impact on small businesses and the impact on public health, safety and welfare, if any, caused by including methods in rules

The proposed rules will not have an impact on small businesses.

Changes to the Rule Analysis or Fiscal Estimate/Economic Impact Analysis

Rule Analysis:

No changes were made to the rule’s analysis.

Fiscal Estimate/Economic Impact Analysis:

No changes were made to the fiscal estimate/economic impact analysis.

Public Hearing Summary

The department began accepting public comments on the proposed rule via the Wisconsin Legislature Administrative Rules website, and the Department's Administrative Rules Website on March 7, 2022. A public hearing was held on March, 21, 2022, virtually. One individual attended the hearing. Public comments on the proposed rule were accepted until 4:00pm on Monday, March 21, 2022.

List of the persons who appeared or registered for or against the Proposed Rule at the Public Hearing.

Registrant	Position Taken (Support or Opposed)
Ramsley Lee, Governor's Committee for People with Disabilities	Support

Summary of Items Submitted with this Report to the Legislature

Below is a checklist of the items that are attached to or included in this report to the legislature under s. 227.19 (3), Stats.

Documents/Information	Included in Report	Attached	Not Applicable
Final proposed rule -- Rule Summary and Rule Text		x	
Department response to Rules Clearinghouse recommendations	x		
Final Regulatory Flexibility Analysis	x		
Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis	x		
Public Hearing Summary	x		
List of Public Hearing Attendees and Commenters	x		
Summary of Public Comments and Department Responses	x		
Fiscal Estimate/Economic Impact Analysis		x	
Revised Fiscal Estimate/Economic Impact Analysis			x
Small Business Regulatory Review Board (SBRRB) statement, suggested changes, or other material, and reports made under s. 227.14 (2g), Stats. and Department's response			x
Department of Administration (DOA) report under s. 227.115 (2), Stats., on rules affecting housing			x
DOA report under s. 227.137 (6), Stats., on rules with economic impact of \$20 MM or more			x
Public Safety Commission (PSC) energy impact report under s. 227.117 (2), Stats. and the Department's response, including a description of changes made to the rule			x