

AMENDED IN ASSEMBLY APRIL 28, 2016

AMENDED IN ASSEMBLY APRIL 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1709**

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**Introduced by Assembly Member Gallagher**  
**(Coauthors: Assembly Members Kim, Lackey, and Mathis)**  
(Coauthors: Senators Anderson and Nielsen)

January 25, 2016

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~~An act to amend Section 754 of the Evidence Code, relating to courts. Sections 54.1 and 54.2 of the Civil Code, to amend Section 224 of the Code of Civil Procedure, to amend Sections 44265.6, 44265.8, and 44265.9 of the Education Code, to amend Sections 754 and 754.5 of the Evidence Code, to amend Sections 8593, 8593.2, 8840, 8841, 53112, 68560.5, and 84507 of the Government Code, to amend Sections 1259, 1373.65, 1568.02, and 121369 of the Health and Safety Code, to amend Section 13835.4 of the Penal Code, to amend Sections 2881, 2881.1, 2881.2, and 2881.4 of the Public Utilities Code, to amend Sections 11000, 11003, and 11004 of the Unemployment Insurance Code, and to amend Sections 10559, 10620, 10621, 10622, 10624, and 10625 of the Welfare and Institutions Code, relating to deaf or hard-of-hearing individuals.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1709, as amended, Gallagher. ~~Courts: interpreters: deaf or hard of hearing. Deaf or hard-of-hearing individuals.~~

~~Existing law, in any civil or criminal action where a party or witness is an individual who is deaf or hearing impaired and that individual is present and participating, requires the proceedings to be interpreted in~~

~~a language that the individual who is deaf or hearing impaired understands by a qualified interpreter appointed by the court or other appointing authority, or as agreed upon. law uses the term “hearing impaired,” or a close variation of that term, in numerous provisions.~~

This bill would replace the term “hearing impaired” with the term “hard of hearing.” *hearing,” or a close variation of “hard of hearing,” and would make additional technical, nonsubstantive changes in those provisions.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 54.1 of the Civil Code is amended to read:  
2     54.1. (a) (1) Individuals with disabilities shall be entitled to  
3 full and equal access, as other members of the general public, to  
4 accommodations, advantages, facilities, medical facilities,  
5 including hospitals, clinics, and physicians’ offices, and privileges  
6 of all common carriers, airplanes, motor vehicles, railroad trains,  
7 motorbuses, streetcars, boats, or any other public conveyances or  
8 modes of transportation (whether private, public, franchised,  
9 licensed, contracted, or otherwise provided), telephone facilities,  
10 adoption agencies, private schools, hotels, lodging places, places  
11 of public accommodation, amusement, or resort, and other places  
12 to which the general public is invited, subject only to the conditions  
13 and limitations established by law, or state or federal regulation,  
14 and applicable alike to all persons.  
15     (2) As used in this section, “telephone facilities” means tariff  
16 items and other equipment and services that have been approved  
17 by the Public Utilities Commission to be used by individuals with  
18 disabilities in a manner feasible and compatible with the existing  
19 telephone network provided by the telephone companies.  
20     (3) “Full and equal access,” for purposes of this section in its  
21 application to transportation, means access that meets the standards  
22 of Titles II and III of the Americans with Disabilities Act of 1990  
23 (Public Law 101-336) and federal regulations adopted pursuant  
24 thereto, except that, if the laws of this state prescribe higher  
25 standards, it shall mean access that meets those higher standards.  
26     (b) (1) Individuals with disabilities shall be entitled to full and  
27 equal access, as other members of the general public, to all housing

1 accommodations offered for rent, lease, or compensation in this  
2 state, subject to the conditions and limitations established by law,  
3 or state or federal regulation, and applicable alike to all persons.

4 (2) “Housing accommodations” means any real property, or  
5 portion ~~thereof~~, *of real property*, that is used or occupied, or is  
6 intended, arranged, or designed to be used or occupied, as the  
7 home, residence, or sleeping place of one or more human beings,  
8 but shall not include any accommodations included within  
9 subdivision (a) or any single-family residence the occupants of  
10 which rent, lease, or furnish for compensation not more than one  
11 room ~~therein~~. *in the residence*.

12 (3) (A) ~~Any~~ A person renting, leasing, or otherwise providing  
13 real property for compensation shall not refuse to permit an  
14 individual with a disability, at that person’s expense, to make  
15 reasonable modifications of the existing rented premises if the  
16 modifications are necessary to afford the person full enjoyment of  
17 the premises. However, any modifications under this paragraph  
18 may be conditioned on the disabled tenant entering into an  
19 agreement to restore the interior of the premises to the condition  
20 existing ~~prior to~~ *before* the modifications. No additional security  
21 may be required on account of an election to make modifications  
22 to the rented premises under this paragraph, but the lessor and  
23 tenant may negotiate, as part of the agreement to restore the  
24 premises, a provision requiring the disabled tenant to pay an  
25 amount into an escrow account, not to exceed a reasonable estimate  
26 of the cost of restoring the premises.

27 (B) ~~Any~~ A person renting, leasing, or otherwise providing real  
28 property for compensation shall not refuse to make reasonable  
29 accommodations in rules, policies, practices, or services, when  
30 those accommodations may be necessary to afford individuals with  
31 a disability equal opportunity to use and enjoy the premises.

32 (4) ~~Nothing in this subdivision shall~~ *This subdivision does not*  
33 ~~require~~ *any* a person renting, leasing, or providing for  
34 compensation real property to modify his or her property in any  
35 way or provide a higher degree of care for an individual with a  
36 disability than for an individual who is not disabled.

37 (5) Except as provided in paragraph (6), ~~nothing in this part~~  
38 ~~shall~~ *this part does not* require ~~any~~ a person renting, leasing, or  
39 providing for compensation real property, if that person refuses to

1 accept tenants who have dogs, to accept as a tenant an individual  
 2 with a disability who has a dog.

3 (6) (A) It shall be deemed a denial of equal access to housing  
 4 accommodations within the meaning of this subdivision for ~~any a~~  
 5 person, firm, or corporation to refuse to lease or rent housing  
 6 accommodations to an individual who is blind or visually impaired  
 7 on the basis that the individual uses the services of a guide dog,  
 8 an individual who is deaf or ~~hearing impaired~~ *hard of hearing* on  
 9 the basis that the individual uses the services of a signal dog, or  
 10 to an individual with any other disability on the basis that the  
 11 individual uses the services of a service dog, or to refuse to permit  
 12 such an individual who is blind or visually impaired to keep a  
 13 guide dog, an individual who is deaf or ~~hearing impaired~~ *hard of*  
 14 *hearing* to keep a signal dog, or an individual with any other  
 15 disability to keep a service dog on the premises.

16 (B) Except in the normal performance of duty as a mobility or  
 17 signal aid, ~~nothing contained in this paragraph shall be construed~~  
 18 ~~to~~ *this paragraph does not* prevent the owner of a housing  
 19 accommodation from establishing terms in a lease or rental  
 20 agreement that reasonably regulate the presence of guide dogs,  
 21 signal dogs, or service dogs on the premises of a housing  
 22 accommodation, nor ~~shall this paragraph be construed to~~ *does this*  
 23 *paragraph* relieve a tenant from any liability otherwise imposed  
 24 by law for real and personal property damages caused by such a  
 25 dog when proof of the ~~same~~ *damage* exists.

26 (C) (i) As used in this subdivision, “guide dog” means ~~any a~~  
 27 guide dog that was trained by a person licensed under Chapter 9.5  
 28 (commencing with Section 7200) of Division 3 of the Business  
 29 and Professions Code or as defined in the regulations implementing  
 30 Title III of the Americans with Disabilities Act of 1990 (Public  
 31 Law 101-336).

32 (ii) As used in this subdivision, “signal dog” means ~~any a~~ dog  
 33 trained to alert an individual who is deaf or ~~hearing impaired~~ *hard*  
 34 *of hearing* to intruders or sounds.

35 (iii) As used in this subdivision, “service dog” means ~~any a~~ dog  
 36 individually trained to the requirements of the individual with a  
 37 disability, including, but not limited to, minimal protection work,  
 38 rescue work, pulling a wheelchair, or fetching dropped items.

39 (7) It shall be deemed a denial of equal access to housing  
 40 accommodations within the meaning of this subdivision for ~~any a~~

1 person, firm, or corporation to refuse to lease or rent housing  
2 accommodations to an individual who is blind or visually impaired,  
3 an individual who is deaf or ~~hearing impaired~~, *hard of hearing*, or  
4 other individual with a disability on the basis that the individual  
5 with a disability is partially or wholly dependent upon the income  
6 of his or her spouse, if the spouse is a party to the lease or rental  
7 agreement. ~~Nothing in this subdivision, however, shall~~ *This*  
8 *subdivision does not* prohibit a lessor or landlord from considering  
9 the aggregate financial status of an individual with a disability and  
10 his or her spouse.

11 (c) Visually impaired or blind persons and persons licensed to  
12 train guide dogs for individuals who are visually impaired or blind  
13 pursuant to Chapter 9.5 (commencing with Section 7200) of  
14 Division 3 of the Business and Professions Code or guide dogs as  
15 defined in the regulations implementing Title III of the Americans  
16 with Disabilities Act of 1990 (Public Law 101-336), and persons  
17 who are deaf or ~~hearing impaired~~ *hard of hearing* and persons  
18 authorized to train signal dogs for individuals who are deaf or  
19 ~~hearing impaired~~, *hard of hearing*, and other individuals with a  
20 disability and persons authorized to train service dogs for  
21 individuals with a disability, may take dogs, for the purpose of  
22 training them as guide dogs, signal dogs, or service dogs in any  
23 of the places specified in subdivisions (a) and (b). These persons  
24 shall ensure that the dog is on a leash and tagged as a guide dog,  
25 signal dog, or service dog by identification tag issued by the county  
26 clerk, animal control department, or other agency, as authorized  
27 by Chapter 3.5 (commencing with Section 30850) of Division 14  
28 of the Food and Agricultural Code. In addition, the person shall  
29 be liable for any provable damage done to the premises or facilities  
30 by his or her dog.

31 (d) A violation of the right of an individual under the Americans  
32 with Disabilities Act of 1990 (Public Law 101-336) also constitutes  
33 a violation of this section, and ~~nothing in this section shall be~~  
34 ~~construed to~~ *does not* limit the access of any person in violation  
35 of that act.

36 (e) ~~Nothing in this section shall~~ *This section does not* preclude  
37 the requirement of the showing of a license plate or disabled  
38 placard when required by enforcement units enforcing disabled  
39 persons parking violations pursuant to Sections 22507.8 and  
40 22511.8 of the Vehicle Code.

1 SEC. 2. Section 54.2 of the Civil Code is amended to read:

2 54.2. (a) Every individual with a disability has the right to be  
3 accompanied by a guide dog, signal dog, or service dog, especially  
4 trained for the purpose, in any of the places specified in Section  
5 54.1 without being required to pay an extra charge or security  
6 deposit for the guide dog, signal dog, or service dog. However,  
7 the individual shall be liable for any damage done to the premises  
8 or facilities by his or her dog.

9 (b) Individuals who are blind or otherwise visually impaired  
10 and persons licensed to train guide dogs for individuals who are  
11 blind or visually impaired pursuant to Chapter 9.5 (commencing  
12 with Section 7200) of Division 3 of the Business and Professions  
13 Code or as defined in regulations implementing Title III of the  
14 Americans with Disabilities Act of 1990 (Public Law 101-336),  
15 and individuals who are deaf or ~~hearing-impaired~~ *hard of hearing*  
16 and persons authorized to train signal dogs for individuals who  
17 are deaf or ~~hearing-impaired~~, *hard of hearing*, and individuals with  
18 a disability and persons who are authorized to train service dogs  
19 for the individuals with a disability may take dogs, for the purpose  
20 of training them as guide dogs, signal dogs, or service dogs in any  
21 of the places specified in Section 54.1 without being required to  
22 pay an extra charge or security deposit for the guide dog, signal  
23 dog, or service dog. However, the person shall be liable for any  
24 damage done to the premises or facilities by his or her dog. These  
25 persons shall ensure the dog is on a leash and tagged as a guide  
26 dog, signal dog, or service dog by an identification tag issued by  
27 the county clerk, animal control department, or other agency, as  
28 authorized by Chapter 3.5 (commencing with Section 30850) of  
29 Title 14 of the Food and Agricultural Code.

30 (c) A violation of the right of an individual under the Americans  
31 with Disabilities Act of 1990 (Public Law 101-336) also constitutes  
32 a violation of this section, and ~~nothing in this section shall be~~  
33 ~~construed to~~ *does not* limit the access of any person in violation  
34 of that act.

35 (e)

36 (d) As used in this section, the terms “guide dog,” “signal dog,”  
37 and “service dog” have the same meanings as ~~specified~~ *defined* in  
38 Section 54.1.

39 (d)

1 (e) ~~Nothing in this section precludes~~ *This section does not*  
2 *preclude* the requirement of the showing of a license plate or  
3 disabled placard when required by enforcement units enforcing  
4 disabled persons parking violations pursuant to Sections 22507.8  
5 and 22511.8 of the Vehicle Code.

6 *SEC. 3. Section 224 of the Code of Civil Procedure is amended*  
7 *to read:*

8 224. (a) If a party does not cause the removal by challenge of  
9 an individual juror who is deaf, ~~hearing impaired,~~ *hard of hearing,*  
10 blind, visually impaired, or speech impaired and who requires  
11 auxiliary services to facilitate communication, the party shall ~~(1)~~  
12 stipulate to the presence of a service provider in the jury room  
13 during jury deliberations, and ~~(2)~~ prepare and deliver to the court  
14 proposed jury instructions to the service provider.

15 (b) As used in this section, “service provider” includes, but is  
16 not limited to, a person who is a sign language interpreter, oral  
17 interpreter, deaf-blind interpreter, reader, or speech interpreter. If  
18 auxiliary services are required during the course of jury  
19 deliberations, the court shall instruct the jury and the service  
20 provider that the service provider for the juror with a disability is  
21 not to participate in the jury’s deliberations in any manner except  
22 to facilitate communication between the juror with a disability and  
23 other jurors.

24 (c) The court shall appoint a service provider whose services  
25 are needed by a juror with a disability to facilitate communication  
26 or participation. A sign language interpreter, oral interpreter, or  
27 deaf-blind interpreter appointed pursuant to this section shall be  
28 a qualified interpreter, as defined in subdivision (f) of Section 754  
29 of the Evidence Code. Service providers appointed by the court  
30 under this subdivision shall be compensated in the same manner  
31 as provided in subdivision (i) of Section 754 of the Evidence Code.

32 *SEC. 4. Section 44265.6 of the Education Code is amended to*  
33 *read:*

34 44265.6. (a) Upon the request of an employing school district,  
35 county office of education or state special school, the Commission  
36 on Teacher Credentialing shall determine specific requirements  
37 for and issue a one-year specialist instruction emergency permit,  
38 solely for the purpose of instructing deaf or ~~hearing-impaired~~  
39 *hard-of-hearing* pupils, to ~~any~~ a prelingually deaf candidate upon  
40 medical or other appropriate professional verifications.

1 (b) The applicant is exempted from the requirements in Section  
2 44252 and subdivision (b) of Section 44830.

3 (c) “Prelingually deaf” means, for purposes of this section, as  
4 having suffered a hearing loss ~~prior to~~ *before* three years of age  
5 that prevents the processing of linguistic information through  
6 hearing, with or without amplification.

7 (d) The emergency specialist instruction permit issued under  
8 this section authorizes the holder to teach deaf and  
9 ~~hearing-impaired~~ *hard-of-hearing* pupils who are enrolled in state  
10 special schools or in special classes for pupils ~~with hearing~~  
11 ~~impairments~~: *who are deaf or hard of hearing*.

12 (e) A one-year specialist instruction emergency permit issued  
13 pursuant to subdivision (a) may be reissued at the request of the  
14 employing school district, county office of education or state  
15 special school in accordance with criteria determined by the  
16 Commission on Teacher Credentialing.

17 *SEC. 5. Section 44265.8 of the Education Code is amended to*  
18 *read:*

19 44265.8. (a) Upon the recommendation of a preliminary  
20 credential preparation program sponsor approved by the  
21 Commission on Teacher Credentialing, the commission shall issue  
22 a two-year nonrenewable preliminary teaching credential or  
23 preliminary services credential to a candidate who is prelingually  
24 deaf and meets all of the requirements in law for the full, pertinent  
25 five-year teaching or services credential pursuant to paragraph (2)  
26 of subdivision (a) of Section 44251, except that the candidate is  
27 exempt from compliance with the state basic skills proficiency  
28 testing requirements in Section 44252 and subdivision (b) of  
29 Section 44830.

30 (b) A credential issued under this section authorizes the holder  
31 to teach or provide services, as authorized by the credential, only  
32 to deaf and ~~hearing-impaired~~ *hard-of-hearing* pupils who are  
33 enrolled in state special schools or in special classes for pupils  
34 ~~with hearing impairments~~: *who are deaf or hard of hearing*.

35 (c) For purposes of this section “prelingually deaf” means a  
36 person who suffered hearing loss ~~prior to~~ *before* three years of  
37 age, which prevents the processing of linguistic information  
38 through hearing, with or without amplification, if the condition is  
39 verified through medical or other appropriate professional means.

1 SEC. 6. Section 44265.9 of the Education Code is amended to  
2 read:

3 44265.9. (a) The Commission on Teacher Credentialing shall  
4 develop criteria to verify the proficiency of ~~any~~ a holder of a  
5 credential issued under Section 44265.8 in performing the essential  
6 functions of his or her position.

7 (b) The school district, county office of education, or state  
8 special school that employs a holder of a credential issued under  
9 Section 42265.8 shall appoint a three-person panel to verify  
10 proficiency using the criteria the commission develops for this  
11 purpose. The panel shall report its findings to the employing school  
12 district, county office of education, or state special school, which  
13 may adopt those findings.

14 (c) The panel appointed pursuant to subdivision (b) shall consist  
15 of the following:

16 (1) A school administrator who is selected by school  
17 administrators of the employing school district, county office of  
18 education, or state special school.

19 (2) An individual who is the parent of a deaf or ~~hearing-impaired~~  
20 *hard-of-hearing* pupil and who is selected by a school-related  
21 parent group.

22 (3) A teacher or school services provider who holds a credential  
23 to teach or service deaf or ~~hearing-impaired~~ *hard-of-hearing* pupils  
24 and who is selected by teachers at the employing school.

25 (d) The employing school district, county office of education,  
26 or state special school shall ensure that the panel completes the  
27 verification of proficiency within two years after the issuance of  
28 the credential issued under Section 44265.8.

29 (e) Upon verification of proficiency, as documented by the  
30 employing school district, county office of education, or state  
31 special school, the commission shall issue a credential for the  
32 remainder of the preliminary period pursuant to paragraph (2) of  
33 subdivision (a) of Section 44251 that is limited to providing the  
34 instruction authorized by the credential to deaf and  
35 ~~hearing-impaired~~ *hard-of-hearing* pupils enrolled in state special  
36 schools or in special classes, or a services credential for the  
37 remainder of the preliminary period that is limited to the provision  
38 of services authorized by the credential for deaf and  
39 ~~hearing-impaired~~ *hard-of-hearing* pupils enrolled in state special  
40 schools or in special classes.

1 (f) Upon meeting the requirements for a professional clear  
2 teaching or services credential, the applicant may apply through  
3 their commission-approved professional clear program sponsor  
4 for a professional clear credential that is limited to providing the  
5 instruction or service authorized by the credential to deaf and  
6 ~~hearing-impaired~~ *hard-of-hearing* pupils enrolled in state special  
7 schools or in special classes.

8 **SECTION 1.**

9 *SEC. 7.* Section 754 of the Evidence Code is amended to read:

10 754. (a) As used in this section, “individual who is deaf or  
11 hard of hearing” means an individual with a hearing loss so great  
12 as to prevent his or her understanding language spoken in a normal  
13 tone, but does not include an individual who is hard of hearing  
14 provided with, and able to fully participate in the proceedings  
15 through the use of, an assistive listening system or computer-aided  
16 transcription equipment provided pursuant to Section 54.8 of the  
17 Civil Code.

18 (b) In~~any~~ *a* civil or criminal action, including an action  
19 involving a traffic or other infraction, a small claims court  
20 proceeding, a juvenile court proceeding, a family court proceeding  
21 or service, or a proceeding to determine the mental competency  
22 of a person, in~~any~~ *a* court-ordered or court-provided alternative  
23 dispute resolution, including mediation and arbitration, or *in* an  
24 administrative hearing, where a party or witness is an individual  
25 who is deaf or hard of hearing and the individual who is deaf or  
26 hard of hearing is present and participating, the~~proceedings~~  
27 *proceeding* shall be interpreted in a language that the individual  
28 who is deaf or hard of hearing understands by a qualified interpreter  
29 appointed by the court or other appointing authority, or as agreed  
30 upon.

31 (c) For purposes of this section, “appointing authority” means  
32 a court, department, board, commission, agency, licensing or  
33 legislative body, or other body for proceedings requiring a qualified  
34 interpreter.

35 (d) For purposes of this section, “interpreter” includes an oral  
36 interpreter, a sign language interpreter, or a deaf-blind interpreter,  
37 depending upon the needs of the individual who is deaf or hard of  
38 hearing.

39 (e) For purposes of this section, “intermediary interpreter” means  
40 an individual who is deaf or hard of hearing, or a hearing individual

1 who is able to assist in providing an accurate interpretation between  
2 spoken English and sign language or between variants of sign  
3 language or between American Sign Language and other foreign  
4 languages by acting as an intermediary between the individual  
5 who is deaf or hard of hearing and the qualified interpreter.

6 (f) For purposes of this section, “qualified interpreter” means  
7 an interpreter who has been certified as competent to interpret  
8 court proceedings by a testing organization, agency, or educational  
9 institution approved by the Judicial Council as qualified to  
10 administer tests to court interpreters for individuals who are deaf  
11 or hard of hearing.

12 (g) If the appointed interpreter is not familiar with the use of  
13 particular signs by the individual who is deaf or hard of hearing  
14 or his or her particular variant of sign language, the court or other  
15 appointing authority shall, in consultation with the individual who  
16 is deaf or hard of hearing or his or her representative, appoint an  
17 intermediary interpreter.

18 (h) (1) Before July 1, 1992, the Judicial Council shall conduct  
19 a study to establish the guidelines pursuant to which it shall  
20 determine which testing organizations, agencies, or educational  
21 institutions will be approved to administer tests for certification  
22 of court interpreters for individuals who are deaf or hard of hearing.  
23 It is the intent of the Legislature that the study obtain the widest  
24 possible input from the public, including, but not limited to,  
25 educational institutions, the judiciary, linguists, members of the  
26 State ~~Bar~~, *Bar of California*, court interpreters, members of  
27 professional interpreting organizations, and members of the deaf  
28 and hard of hearing communities. After obtaining public comment  
29 and completing its study, the Judicial Council shall publish these  
30 guidelines. By January 1, 1997, the Judicial Council shall approve  
31 one or more entities to administer testing for court interpreters for  
32 individuals who are deaf or hard or hearing. Testing entities may  
33 include educational institutions, testing organizations, joint powers  
34 agencies, or public agencies.

35 (2) Commencing July 1, 1997, court interpreters for individuals  
36 who are deaf or hard of hearing shall meet the qualifications  
37 specified in subdivision (f).

38 (i) Persons appointed to serve as interpreters under this section  
39 shall be paid, in addition to actual travel costs, the prevailing rate  
40 paid to persons employed by the court to provide other interpreter

1 services unless such service is considered to be a part of the  
2 person's regular duties as an employee of the state, county, or other  
3 political subdivision of the state. Except as provided in subdivision  
4 (j), payment of the interpreter's fee shall be a charge against the  
5 court. Payment of the interpreter's fee in administrative  
6 proceedings shall be a charge against the appointing board or  
7 authority.

8 (j) Whenever a peace officer or any other person having a law  
9 enforcement or prosecutorial function in ~~any~~ a criminal or  
10 quasi-criminal investigation or non-court proceeding questions or  
11 otherwise interviews an alleged victim or witness who demonstrates  
12 or alleges deafness or hearing loss, a good faith effort to secure  
13 the services of an interpreter shall be made without any unnecessary  
14 delay, unless either the individual who is deaf or hard of hearing  
15 affirmatively indicates that he or she does not need or cannot use  
16 an interpreter, or an interpreter is not otherwise required by Title  
17 II of the federal Americans with Disabilities Act of 1990 (Public  
18 Law 101-336) and federal regulations adopted thereunder. Payment  
19 of the interpreter's fee shall be a charge against the county, or other  
20 political subdivision of the state, in which the action is pending.

21 (k) A statement, written or oral, made by an individual who the  
22 court finds is deaf or hard of hearing in reply to a question of a  
23 peace officer, or any other person having a law enforcement or  
24 prosecutorial function in ~~any~~ a criminal or quasi-criminal  
25 investigation or proceeding, shall not be used against that individual  
26 who is deaf or hard of hearing unless the question was accurately  
27 interpreted and the statement was made knowingly, voluntarily,  
28 and intelligently and was accurately interpreted, or the court finds  
29 that either the individual could not have used an interpreter or an  
30 interpreter was not otherwise required by Title II of the federal  
31 Americans with Disabilities Act of 1990 (Public Law 101-336)  
32 and federal regulations adopted thereunder and that the statement  
33 was made knowingly, voluntarily, and intelligently.

34 (l) In obtaining services of an interpreter for purposes of  
35 subdivision (j) or (k), priority shall be given to first obtaining a  
36 qualified interpreter.

37 (m) Nothing in subdivision (j) or (k) shall be deemed to  
38 supersede the requirement of subdivision (b) for use of a qualified  
39 interpreter for an individual who is deaf or hard of hearing  
40 participating as a party or witness in a trial or hearing.

1 (n) In ~~any~~ *an* action or proceeding in which an individual who  
2 is deaf or hard of hearing is a participant, the appointing authority  
3 shall not commence ~~proceedings~~ *the action or proceeding* until  
4 the appointed interpreter is in full view of and spatially situated  
5 to assure proper communication with the participating individual  
6 who is deaf or hard of hearing.

7 (o) Each superior court shall maintain a current roster of  
8 qualified interpreters certified pursuant to subdivision (f).

9 *SEC. 8. Section 754.5 of the Evidence Code is amended to*  
10 *read:*

11 754.5. Whenever an otherwise valid privilege exists between  
12 an individual who is deaf or ~~hearing-impaired~~ *hard of hearing* and  
13 another person, that privilege is not waived merely because an  
14 interpreter was used to facilitate their communication.

15 *SEC. 9. Section 8593 of the Government Code is amended to*  
16 *read:*

17 8593. The Office of Emergency Services shall work with  
18 advocacy groups representing the deaf and ~~hearing-impaired,~~ *hard*  
19 *of hearing*, including, but not limited to, the California Association  
20 of the Deaf and the Coalition of Deaf Access Providers, California  
21 television broadcasters, city and county emergency services  
22 coordinators, and, as appropriate, the Federal Emergency  
23 Management Agency and the Federal Communications  
24 Commission, to improve communication with deaf and  
25 ~~hearing-impaired~~ *hard-of-hearing* persons during emergencies,  
26 including the use of open captioning by California television  
27 broadcasters when transmitting emergency information.

28 *SEC. 10. Section 8593.2 of the Government Code is amended*  
29 *to read:*

30 8593.2. The Office of Emergency Services shall investigate  
31 the feasibility of establishing a toll-free 800 telephone hotline,  
32 including TDD (telecommunications device for the deaf)  
33 accessibility, which would be accessible to the public, including  
34 deaf, ~~hearing-impaired,~~ *hard-of-hearing*, and non-English speaking  
35 persons, for use during nonemergency and emergency periods to  
36 respond to inquiries about emergency preparedness and disaster  
37 status.

38 *SEC. 11. Section 8840 of the Government Code is amended to*  
39 *read:*

1 8840. For purposes of this article, “eligible radio station” means  
2 a radio station that, at the time of applying for a grant under this  
3 article, meets both of the following requirements:

4 (a) It has met all of the following requirements for a period of  
5 two years unless another time is specified:

6 (1) It is licensed by the Federal Communications Commission  
7 as a noncommercial educational station, or is operating under  
8 program test authority pending the grant of a license.

9 (2) It has its community of license and principal administrative  
10 offices in this state and is not owned, controlled, managed, or  
11 primarily financed by any corporation or entity outside of this  
12 state.

13 (3) It provides a program service that meets the requirements  
14 for a Community Service Grant from the Corporation for Public  
15 Broadcasting.

16 (4) It provides significant locally originated programming in its  
17 community of license.

18 (5) It broadcasts not less than 15 hours per day, 365 days per  
19 year.

20 (6) It participates in statewide public broadcasting projects.

21 (7) It has provided, ~~prior to~~ *before* its application for a grant  
22 under this article, an audited financial statement for the years on  
23 which the grant is based.

24 (8) It does either of the following:

25 (A) Meets the criteria for receipt of a Community Service Grant  
26 from the Corporation for Public Broadcasting that were in effect  
27 on June 30, 1995.

28 (B) Two months ~~prior to~~ *before* applying for a grant, the station  
29 has a full-time staff of at least one professional paid not less than  
30 the California minimum wage, and is certified by the ~~council~~  
31 *commission* as providing a needed service to its community of  
32 license.

33 (b) It enters into a permanent agreement with the Office of  
34 Emergency Services to dedicate, as necessary, a broadcast channel  
35 for the provision of emergency information, to broadcast that  
36 information, and to ensure that it is presented in a format that  
37 makes it accessible to the deaf, ~~hearing-impaired,~~ *hard-of-hearing,*  
38 and non-English-speaking populations throughout its broadcast  
39 area, including rural and isolated populations.

1     *SEC. 12. Section 8841 of the Government Code is amended to*  
2 *read:*

3     8841. For purposes of this article, “eligible television station”  
4 means a television station that, at the time of applying for a grant  
5 under this article, unless another time is specified, meets all of the  
6 following requirements:

7     (a) It has met all of the following requirements for a period of  
8 two years:

9     (1) It is licensed by the Federal Communications Commission  
10 as a noncommercial educational television station, or is operating  
11 under program test authority pending the grant of a license.

12     (2) It has its community of license and principal administrative  
13 offices in this state, and is not owned, controlled, managed, or  
14 primarily financed by any corporation or entity outside of this  
15 state.

16     (3) It provides a program service that meets the requirements  
17 for a Community Service Grant from the Corporation for Public  
18 Broadcasting.

19     (4) It provides substantial and significant locally originated  
20 programming in its community of license.

21     (5) It broadcasts not less than 2,500 hours per year.

22     (6) It participates in statewide public broadcasting projects.

23     (7) It meets the criteria for receipt of a Community Service  
24 Grant or base grant from the Corporation for Public Broadcasting  
25 that were in effect on June 30, 1994.

26     (8) It has provided, ~~prior to~~ *before* its application for a grant  
27 under this article, an audited financial statement for the years on  
28 which the grant is based.

29     (b) It enters into a permanent agreement with the Office of  
30 Emergency Services to dedicate, as necessary, a broadcast channel  
31 for the provision of emergency information, to broadcast that  
32 information, and to ensure that it is presented in a format that  
33 makes it accessible to the deaf, ~~hearing-impaired,~~ *hard-of-hearing,*  
34 and non-English-speaking populations throughout its broadcast  
35 area, including rural and isolated populations.

36     (c) At the time of disbursement of the funds, it certifies in  
37 writing by the station manager or an officer of the licensee that it  
38 has in its public file a plan to address the needs of significant  
39 linguistic minorities in its service area.

1     *SEC. 13. Section 53112 of the Government Code is amended*  
 2     *to read:*

3     53112. (a) All systems shall be designed to meet the specific  
 4 requirements of each community and public agency served by the  
 5 system. Every system, whether basic or sophisticated, shall be  
 6 designed to have the capability of ~~utilizing~~ *using* at least three of  
 7 the methods specified in Sections 53103 to 53106, inclusive, in  
 8 response to emergency calls. The Legislature finds and declares  
 9 that the most critical aspect of the design of any system is the  
 10 procedure established for handling a telephone request for  
 11 emergency services.

12     (b) In addition, to maximize efficiency and ~~utilization~~ *use* of  
 13 the system, all pay telephones within each system ~~shall, by~~  
 14 ~~December 31, 1985,~~ *shall* enable a caller to dial “911” for  
 15 emergency services, and to reach an operator by dialing “0”,  
 16 without the necessity of inserting a coin. At those “911” public  
 17 safety answering points serving an area where 5 percent or more  
 18 of the population, in accordance with the latest United States census  
 19 information, speak a specific primary language other than English,  
 20 operators who speak each such other language, in addition to  
 21 English, shall be on duty or available through interagency telephone  
 22 conference procedures at all times for “911” emergency services.

23     (c) In addition, all systems shall require installation of a  
 24 telecommunications device capable of servicing the needs of the  
 25 deaf or severely ~~hearing-impaired~~ *hard of hearing* at the “911”  
 26 public safety answering point or points. The device shall be  
 27 compatible with devices furnished by telephone corporations  
 28 pursuant to Section 2881 of the Public Utilities Code.

29     *SEC. 14. Section 68560.5 of the Government Code is amended*  
 30     *to read:*

31     68560.5. As used in this article:

32     (a) “Court proceeding” means a civil, criminal, or juvenile  
 33 proceeding, or a deposition in a civil case filed in a court of record.  
 34 However, “court proceeding” does not include a small claims  
 35 proceeding.

36     (b) “Interpreter” does not include ~~(1)~~ an interpreter qualified  
 37 under Section 754 of the Evidence Code to interpret for deaf or  
 38 ~~hearing-impaired~~ *hard-of-hearing* persons, or ~~(2)~~ an interpreter  
 39 qualified for administrative hearings or noncourt settings under

1 Article 8 (commencing with Section 11435.05) of Chapter 4.5 of  
2 Part 1 of Division 3 of Title 2.

3 *SEC. 15. Section 84507 of the Government Code is amended*  
4 *to read:*

5 84507. ~~Any~~A disclosure statement required by this article shall  
6 be printed clearly and legibly in no less than 14-point, bold, sans  
7 serif type font and in a conspicuous manner as defined by the  
8 commission or, if the communication is broadcast, the information  
9 shall be spoken so as to be clearly audible and understood by the  
10 intended public and otherwise appropriately conveyed for the  
11 ~~hearing impaired. deaf or hard of hearing.~~

12 *SEC. 16. Section 1259 of the Health and Safety Code is*  
13 *amended to read:*

14 1259. (a) (1) The Legislature finds and declares that California  
15 is becoming a land of people whose languages and cultures give  
16 the state a global quality. The Legislature further finds and declares  
17 that access to basic health care services is the right of every resident  
18 of the state, and that access to information regarding basic health  
19 care services is an essential element of that right.

20 (2) Therefore, it is the intent of the Legislature that when  
21 language or communication barriers exist between patients and  
22 the staff of any general acute care hospital, arrangements shall be  
23 made for interpreters or bilingual professional staff to ensure  
24 adequate and speedy communication between patients and staff.

25 (b) As used in this section:

26 (1) "Interpreter" means a person fluent in English and in the  
27 necessary second language, who can accurately speak, read, and  
28 readily interpret the necessary second language, or a person who  
29 can accurately sign and read sign language. Interpreters shall have  
30 the ability to translate the names of body parts and to describe  
31 competently symptoms and injuries in both languages. Interpreters  
32 may include members of the medical or professional staff.

33 (2) "Language or communication barriers" means:

34 (A) With respect to spoken language, barriers that are  
35 experienced by individuals who are limited-English-speaking or  
36 non-English-speaking individuals who speak the same primary  
37 language and who comprise at least 5 percent of the population of  
38 the geographical area served by the hospital or of the actual patient  
39 population of the hospital. In cases of dispute, the state department

1 shall determine, based on objective data, whether the 5 percent  
2 population standard applies to a given hospital.

3 (B) With respect to sign language, barriers that are experienced  
4 by individuals who are deaf and whose primary language is sign  
5 language.

6 (c) To ensure access to health care information and services  
7 for limited-English-speaking or non-English-speaking residents  
8 and deaf residents, licensed general acute care hospitals shall:

9 (1) Review existing policies regarding interpreters for patients  
10 with limited-English proficiency and for patients who are deaf,  
11 including the availability of staff to act as interpreters.

12 (2) (A) (i) Adopt and review annually a policy for providing  
13 language assistance services to patients with language or  
14 communication barriers. The policy shall include procedures for  
15 providing, to the extent possible, as determined by the hospital,  
16 the use of an interpreter whenever a language or communication  
17 barrier exists, except when the patient, after being informed of the  
18 availability of the interpreter service, chooses to use a family  
19 member or friend who volunteers to interpret. The procedures shall  
20 be designed to maximize efficient use of interpreters and minimize  
21 delays in providing interpreters to patients. The procedures shall  
22 ensure, to the extent possible, as determined by the hospital, that  
23 interpreters are available, either on the premises or accessible by  
24 telephone, 24 hours a day.

25 (ii) The hospital shall, on or before July 1, 2016, and every  
26 January 1 thereafter, make the updated policy and a notice of  
27 availability of language assistance services available to the public  
28 on its Internet Web site. The notice shall be in English and in the  
29 other languages most commonly spoken in the hospital's service  
30 area. For purposes of this paragraph, the hospital shall make the  
31 notice available in the language of individuals who meet the  
32 definition of having a language barrier pursuant to subparagraph  
33 (A) of paragraph (2) of subdivision (b); however, a hospital is not  
34 required to make the notice available in more than five languages  
35 other than English.

36 (B) (i) The hospital shall, on or before July 1, 2016, and every  
37 January 1 thereafter, transmit to the *state* department a copy of the  
38 updated policy and shall include a description of its efforts to  
39 ensure adequate and speedy communication between patients with  
40 language or communication barriers and staff.

- 1 (ii) The *state* department shall make the updated policy available  
2 to the public on its Internet Web site.
- 3 (3) Develop, and post in conspicuous locations, notices that  
4 advise patients and their families of the availability of interpreters,  
5 the procedure for obtaining an interpreter and the telephone  
6 numbers where complaints may be filed concerning interpreter  
7 service problems, including, but not limited to, a T.D.D. number  
8 for the ~~hearing-impaired~~ *deaf or hard of hearing*. The notices shall  
9 be posted, at a minimum, in the emergency room, the admitting  
10 area, the entrance, and in outpatient areas. Notices shall inform  
11 patients that interpreter services are available upon request, shall  
12 list the languages for which interpreter services are available, shall  
13 instruct patients to direct complaints regarding interpreter services  
14 to the state department, and shall provide the local address and  
15 telephone number of the state department, including, but not limited  
16 to, a T.D.D. number for the ~~hearing-impaired~~ *deaf or hard of*  
17 *hearing*.
- 18 (4) Identify and record a patient's primary language and dialect  
19 on one or more of the following: patient medical chart, hospital  
20 bracelet, bedside notice, or nursing card.
- 21 (5) Prepare and maintain as needed a list of interpreters who  
22 have been identified as proficient in sign language and in the  
23 languages of the population of the geographical area serviced who  
24 have the ability to translate the names of body parts, injuries, and  
25 symptoms.
- 26 (6) Notify employees of the hospital's commitment to provide  
27 interpreters to all patients who request them.
- 28 (7) Review all standardized written forms, waivers, documents,  
29 and informational materials available to patients upon admission  
30 to determine which to translate into languages other than English.
- 31 (8) Consider providing its nonbilingual staff with standardized  
32 picture and phrase sheets for use in routine communications with  
33 patients who have language or communication barriers.
- 34 (9) Consider developing community liaison groups to enable  
35 the hospital and the limited-English-speaking and deaf communities  
36 to ensure the adequacy of the interpreter services.
- 37 (d) Noncompliance with this section shall be reportable to  
38 licensing authorities.
- 39 (e) Section 1290 ~~shall~~ *does* not apply to this section.

1     *SEC. 17. Section 1373.65 of the Health and Safety Code is*  
2 *amended to read:*

3     1373.65. (a) At least 75 days ~~prior to~~ *before* the termination  
4 date of its contract with a provider group or a general acute care  
5 hospital, the health care service plan shall submit an enrollee block  
6 transfer filing to the department that includes the written notice  
7 the plan proposes to send to affected enrollees. The plan may not  
8 send this notice to enrollees until the department has reviewed and  
9 approved its content. If the department does not respond within  
10 seven days of the date of its receipt of the filing, the notice shall  
11 be deemed approved.

12     (b) At least 60 days ~~prior to~~ *before* the termination date of a  
13 contract between a health care service plan and a provider group  
14 or a general acute care hospital, the plan shall send the written  
15 notice described in subdivision (a) by United States mail to  
16 enrollees who are assigned to the terminated provider group or  
17 hospital. A plan that is unable to comply with the timeframe  
18 because of exigent circumstances shall apply to the department  
19 for a waiver. The plan is excused from complying with this  
20 requirement only if its waiver application is granted by the  
21 department or the department does not respond within seven days  
22 of the date of its receipt of the waiver application. If the terminated  
23 provider is a hospital and the plan assigns enrollees to a provider  
24 group with exclusive admitting privileges to the hospital, the plan  
25 shall send the written notice to each enrollee who is a member of  
26 the provider group and who resides within a 15-mile radius of the  
27 terminated hospital. If the plan operates as a preferred provider  
28 organization or assigns members to a provider group with admitting  
29 privileges to hospitals in the same geographic area as the terminated  
30 hospital, the plan shall send the written notice to all enrollees who  
31 reside within a 15-mile radius of the terminated hospital.

32     (c) The health care service plan shall send enrollees of a  
33 preferred provider organization the written notice required by  
34 subdivision (b) only if the terminated provider is a general acute  
35 care hospital.

36     (d) If an individual provider terminates his or her contract or  
37 employment with a provider group that contracts with a health  
38 care service plan, the plan may require that the provider group  
39 send the notice required by subdivision (b).

1 (e) If, after sending the notice required by subdivision (b), a  
2 health care service plan reaches an agreement with a terminated  
3 provider to renew or enter into a new contract or to not terminate  
4 their contract, the plan shall offer each affected enrollee the option  
5 to return to that provider. If an affected enrollee does not exercise  
6 this option, the plan shall reassign the enrollee to another provider.

7 (f) A health care service plan and a provider shall include in all  
8 written, printed, or electronic communications sent to an enrollee  
9 that concern the contract termination or block transfer, the  
10 following statement in not less than 8-point type: “If you have  
11 been receiving care from a health care provider, you may have a  
12 right to keep your provider for a designated time period. Please  
13 contact your HMO’s customer service department, and if you have  
14 further questions, you are encouraged to contact the Department  
15 of Managed Health Care, which protects HMO consumers, by  
16 telephone at its toll-free number, 1-888-HMO-2219, or at a TDD  
17 number for the ~~hearing-impaired~~ *deaf or hard of hearing* at  
18 1-877-688-9891, or online at [www.hmohelp.ca.gov](http://www.hmohelp.ca.gov).”

19 (g) For purposes of this section, “provider group” means a  
20 medical group, independent practice association, or any other  
21 similar organization.

22 *SEC. 18. Section 1568.02 of the Health and Safety Code is*  
23 *amended to read:*

24 1568.02. (a) (1) The department shall license residential care  
25 facilities for persons with chronic, life-threatening illness under a  
26 separate category.

27 (2) A residential care facility for persons with chronic,  
28 life-threatening illness may allow a person who has been diagnosed  
29 by his or her physician or surgeon as terminally ill, as defined in  
30 subdivision (l) of Section 1568.01, to become a resident of the  
31 facility if the person receives hospice services from a hospice  
32 certified in accordance with federal Medicare conditions of  
33 participation and is licensed pursuant to Chapter 8 (commencing  
34 with Section 1725) or Chapter 8.5 (commencing with Section  
35 1745).

36 (b) The licensee of every facility required to be licensed pursuant  
37 to this chapter shall provide the following basic services for each  
38 resident:

1 (1) Room and board. No more than two residents shall share a  
2 bedroom, except that the director, in his or her discretion, may  
3 waive this limitation.

4 (2) Access to adequate common areas, including recreation  
5 areas and shared kitchen space with adequate refrigerator space  
6 for the storage of medications.

7 (3) Consultation with a nutritionist, including consultation on  
8 cultural dietary needs.

9 (4) Personal care services, as needed, including, but not limited  
10 to, activities of daily living. A facility may have a written  
11 agreement with another agency to provide personal care services,  
12 except that the facility shall be responsible for meeting the personal  
13 care needs of each resident.

14 (5) Access to case management for social services. A facility  
15 may have a written agreement with another agency to provide case  
16 management.

17 (6) Development, implementation, and monitoring of an  
18 individual services plan. All health services components of the  
19 plan shall be developed and monitored in coordination with the  
20 home health agency or hospice agency and shall reflect the  
21 elements of the resident's plan of treatment developed by the home  
22 health agency or hospice agency.

23 (7) Intake and discharge procedures, including referral to  
24 outplacement resources.

25 (8) Access to psychosocial support services.

26 (9) Access to community-based and county services system.

27 (10) Access to a social and emotional support network of the  
28 resident's own choosing, within the context of reasonable visitation  
29 rules established by the facility.

30 (11) Access to intermittent home health care services in  
31 accordance with paragraph (1) of subdivision (c).

32 (12) Access to substance abuse services in accordance with  
33 paragraph (3) of subdivision (c).

34 (13) Adequate securable storage space for personal items.

35 (c) The licensee of every facility required to be licensed pursuant  
36 to this chapter shall demonstrate, at the time of application, all of  
37 the following:

38 (1) Written agreement with a licensed home health agency or  
39 hospice agency. Resident information may be shared between the  
40 home health agency or hospice agency and the residential care

1 facility for ~~persons~~ *a person* with a chronic, life-threatening illness  
2 relative to the resident's medical condition and the care and  
3 treatment provided to the resident by the home health agency or  
4 hospice agency, including, but not limited to, medical information,  
5 as defined by the Confidentiality of Medical Information Act, Part  
6 2.6 (commencing with Section 56) of Division 1 of the Civil Code.  
7 Any regulations, policies, or procedures related to sharing resident  
8 information and development of protocols, established by the  
9 department pursuant to this section, shall be developed in  
10 consultation with the State Department of Health *Care* Services  
11 and persons representing home health agencies, hospice agencies,  
12 and residential care facilities for persons with chronic,  
13 life-threatening illness.

14 (2) Written agreement with a psychosocial services agency,  
15 unless the services are provided by the facility's professional staff.

16 (3) Written agreement with a substance abuse agency, unless  
17 the services are provided by the facility's professional staff.

18 (4) Ability to provide linguistic services for residents who do  
19 not speak English.

20 (5) Ability to provide culturally appropriate services.

21 (6) Ability to reasonably accommodate residents with physical  
22 disabilities, including, but not limited to, residents with motor  
23 impairments, physical access to areas of the facility ~~utilized~~ *used*  
24 by residents, and access to interpreters for ~~hearing-impaired~~ *deaf*  
25 *or hard-of-hearing* residents.

26 (7) Written nondiscrimination ~~policy~~ *policy*, which shall be  
27 posted in a conspicuous place in the facility.

28 (8) Written policy on drug and alcohol use, including, but not  
29 limited to, a prohibition on the use of illegal substances.

30 (d) ~~Any~~ *A* facility licensed pursuant to this chapter ~~which~~ *that*  
31 intends to serve a specific population, such as women, family units,  
32 minority and ethnic populations, or homosexual men or women,  
33 shall demonstrate, at the time of application, the ability and  
34 resources to provide services that are appropriate to the targeted  
35 population.

36 (e) ~~No~~ *A* facility licensed pursuant to this chapter shall *not* house  
37 more than 25 residents, except that the director may authorize a  
38 facility to house up to 50 residents.

39 (f) If the administrator is responsible for more than two facilities,  
40 the facility manager shall meet the qualifications of both the

1 administrator and the facility manager, as described in Sections  
 2 87864 and 87864.1 of Title 22 of the California Code of  
 3 Regulations.

4 (g) Each licensee shall employ additional personnel as necessary  
 5 to meet the needs of the residents and comply with the requirements  
 6 of this chapter and the regulations adopted by the department  
 7 pursuant to this chapter. On-call personnel shall be able to be on  
 8 the facility premises within 30 minutes of the receipt of a telephone  
 9 call.

10 *SEC. 19. Section 121369 of the Health and Safety Code is*  
 11 *amended to read:*

12 121369. For the purposes of Sections 121365, 121366, and  
 13 121367, all of the following shall apply:

14 (a) If necessary, language interpreters and persons skilled in  
 15 communicating with ~~vision and hearing impaired~~ *vision-impaired*  
 16 *and deaf or hard-of-hearing* individuals shall be provided in  
 17 accordance with applicable law.

18 (b) ~~Nothing in those sections shall be construed to~~ *Those*  
 19 *sections do not* permit or require the forcible administration of any  
 20 medication without a prior court order.

21 (c) Any and all orders authorized under those sections shall be  
 22 made by the local health officer. His or her authority to make the  
 23 orders may be delegated to the person in charge of medical  
 24 treatment of inmates in penal institutions within the local health  
 25 officer’s jurisdiction, or pursuant to Section 7. The local health  
 26 officer shall not make any orders incorporating by reference any  
 27 other rules or regulations.

28 *SEC. 20. Section 13835.4 of the Penal Code is amended to*  
 29 *read:*

30 13835.4. In order to insure the effective delivery of  
 31 comprehensive services to victims and witnesses, a center  
 32 established by an agency receiving funds pursuant to this article  
 33 shall carry out all of the following activities in connection with  
 34 both primary and optional services:

35 (a) Translation services for non-English speaking victims and  
 36 witnesses or the ~~hearing-impaired~~ *deaf or hard of hearing*.

37 (b) Follow-up contact to determine ~~whether~~ *if* the client received  
 38 the necessary assistance.

39 (c) Field visits to a client’s home, place of business, or other  
 40 location, whenever necessary to provide services.

- 1 (d) Service to victims and witnesses of all types of crime.
- 2 (e) Volunteer participation to encourage community
- 3 involvement.
- 4 (f) Services for elderly victims of crime, appropriate to their
- 5 special needs.

6 *SEC. 21. Section 2881 of the Public Utilities Code is amended*  
7 *to read:*

8 2881. (a) The commission shall design and implement a  
9 program to provide a telecommunications device capable of serving  
10 the needs of individuals who are deaf or ~~hearing-impaired~~, *hard*  
11 *of hearing*, together with a single party line, at no charge additional  
12 to the basic exchange rate, to a subscriber who is certified as an  
13 individual who is deaf or ~~hearing-impaired~~ *hard of hearing* by a  
14 licensed physician and surgeon, audiologist, or a qualified state or  
15 federal agency, as determined by the commission, and to a  
16 subscriber that is an organization representing individuals who are  
17 deaf or ~~hearing-impaired~~, *hard of hearing*, as determined and  
18 specified by the commission pursuant to subdivision (h). A licensed  
19 hearing aid dispenser may certify the need of an individual to  
20 participate in the program if that individual has been previously  
21 fitted with an amplified device by the dispenser and the dispenser  
22 has the individual's hearing records on file ~~prior to~~ *before*  
23 certification. In addition, a physician assistant may certify the  
24 needs of an individual who has been diagnosed by a physician and  
25 surgeon as being deaf or ~~hearing-impaired~~ *hard of hearing* to  
26 participate in the program after reviewing the medical records or  
27 copies of the medical records containing that diagnosis.

28 (b) The commission shall also design and implement a program  
29 to provide a dual-party relay system, using third-party intervention  
30 to connect individuals who are deaf or ~~hearing-impaired~~ *hard of*  
31 *hearing* and offices of organizations representing individuals who  
32 are deaf or ~~hearing-impaired~~, *hard of hearing*, as determined and  
33 specified by the commission pursuant to subdivision (h), with  
34 persons of normal hearing by way of intercommunications devices  
35 for individuals who are deaf or ~~hearing-impaired~~ *hard of hearing*  
36 and the telephone system, making available reasonable access of  
37 all phases of public telephone service to telephone subscribers who  
38 are deaf or ~~hearing-impaired~~. *hard of hearing*. In order to make a  
39 dual-party relay system that will meet the requirements of  
40 individuals who are deaf or ~~hearing-impaired~~ *hard of hearing*

1 available at a reasonable cost, the commission shall initiate an  
2 investigation, conduct public hearings to determine the most  
3 cost-effective method of providing dual-party relay service to the  
4 deaf or ~~hearing-impaired~~ *hard of hearing* when using a  
5 telecommunications device, and solicit the advice, counsel, and  
6 physical assistance of statewide nonprofit consumer organizations  
7 of the deaf, during the development and implementation of the  
8 system. The commission shall apply for certification of this  
9 program under rules adopted by the Federal Communications  
10 Commission pursuant to Section 401 of the federal Americans  
11 with Disabilities Act of 1990 (Public Law 101-336).

12 (c) The commission shall also design and implement a program  
13 whereby specialized or supplemental telephone communications  
14 equipment may be provided to subscribers who are certified to be  
15 disabled at no charge additional to the basic exchange rate. The  
16 certification, including a statement of visual or medical need for  
17 specialized telecommunications equipment, shall be provided by  
18 a licensed optometrist, physician and surgeon, or physician  
19 assistant, acting within the scope of practice of his or her license,  
20 or by a qualified state or federal agency as determined by the  
21 commission. The commission shall, in this connection, study the  
22 feasibility of, and implement, if determined to be feasible, personal  
23 income criteria, in addition to the certification of disability, for  
24 determining a subscriber's eligibility under this subdivision.

25 (d) (1) The commission shall also design and implement a  
26 program to provide access to a speech-generating device to any  
27 subscriber who is certified as having a speech disability at no  
28 charge additional to the basic exchange rate. The certification shall  
29 be provided by a licensed physician, licensed speech-language  
30 pathologist, or qualified state or federal agency. The commission  
31 shall provide to a certified subscriber access to a speech-generating  
32 device that is all of the following:

33 (A) A telecommunications device or a device that includes a  
34 telecommunications component.

35 (B) Appropriate to meet the subscriber's needs for access to,  
36 and use of, the telephone network, based on the recommendation  
37 of a licensed speech-language pathologist.

38 (C) Consistent with the quality of speech-generating devices  
39 available for purchase in the state.

1 (2) The commission shall adopt rules to implement this  
2 subdivision and subdivision (e) by January 1, 2014.

3 (e) All of the following apply to any device or equipment  
4 described in this section that is classified as durable medical  
5 equipment under guidelines established by the United States  
6 Department of Health and Human Services:

7 (1) It is the intent of the Legislature that the commission be the  
8 provider of last resort and that eligible subscribers first obtain  
9 coverage from any available public or private insurance.

10 (2) The commission may require the subscriber to provide  
11 information about coverage for any or all of the cost of the device  
12 or equipment that is available from ~~any~~ a public or private  
13 insurance, the cost to the subscriber of ~~any~~ a deductible,  
14 copayment, or other relevant expense, and any related benefit cap  
15 information.

16 (3) The total cost of ~~any~~ a device or equipment provided to a  
17 subscriber under this section shall not exceed the rate of  
18 reimbursement provided by Medi-Cal for that device or equipment.

19 (f) ~~Nothing in this section requires~~ *This section does not require*  
20 the commission to provide training to a subscriber on the use of a  
21 speech-generating device.

22 (g) The commission shall establish a rate recovery mechanism  
23 through a surcharge not to exceed one-half of 1 percent uniformly  
24 applied to a subscriber's intrastate telephone service, other than  
25 one-way radio paging service and universal telephone service,  
26 both within a service area and between service areas, to allow  
27 providers of the equipment and service specified in subdivisions  
28 ~~(a), (b), (e), and (d)~~ *(a) to (d), inclusive*, to recover costs as they  
29 are incurred under this section. The surcharge shall be in effect  
30 until January 1, 2020. The commission shall require that the  
31 programs implemented under this section be identified on  
32 subscribers' bills, and shall establish a fund and require separate  
33 accounting for each of the programs implemented under this  
34 section.

35 (h) The commission shall determine and specify those statewide  
36 organizations representing the deaf or ~~hearing-impaired~~ *hard of*  
37 *hearing* that shall receive a telecommunications device pursuant  
38 to subdivision ~~(a)~~ *(a)*, or a dual-party relay system pursuant to  
39 subdivision (b), or both, and in which offices the equipment shall

1 be installed in the case of an organization having more than one  
 2 office.

3 (i) The commission may direct a telephone corporation subject  
 4 to its jurisdiction to comply with its determinations and  
 5 specifications pursuant to this section.

6 (j) The commission shall annually review the surcharge level  
 7 and the balances in the funds established pursuant to subdivision  
 8 (g). Until January 1, 2020, the commission may make, within the  
 9 limits set by subdivision (g), ~~any~~ necessary adjustments to the  
 10 surcharge to ensure that the programs supported ~~thereby~~ *by the*  
 11 *surcharge* are adequately funded and that the fund balances are  
 12 not excessive. A fund balance that is projected to exceed six  
 13 months' worth of projected expenses at the end of the fiscal year  
 14 is excessive.

15 (k) In order to continue to meet the access needs of individuals  
 16 with functional limitations of hearing, vision, movement,  
 17 manipulation, speech, and interpretation of information, the  
 18 commission shall perform *an* ongoing assessment of, and if  
 19 appropriate, expand the scope ~~of~~ *of*, the program to allow for  
 20 additional access capability consistent with evolving  
 21 telecommunications technology.

22 (l) The commission shall structure the programs required by  
 23 this section so that a charge imposed to promote the goals of  
 24 universal service reasonably equals the value of the benefits of  
 25 universal service to contributing entities and their subscribers.

26 *SEC. 22. Section 2881.1 of the Public Utilities Code is amended*  
 27 *to read:*

28 2881.1. (a) In addition to the requirements of Section 2881,  
 29 the commission shall design and implement a program to provide  
 30 a telecommunications device capable of servicing the needs of the  
 31 deaf or severely ~~hearing-impaired~~, *hard of hearing*, together with  
 32 a single party line, at no charge additional to the basic exchange  
 33 rate, to any subscriber ~~which~~ *that* is an agency of state government  
 34 and ~~which~~ *that* the commission determines serves a significant  
 35 portion of the deaf or severely ~~hearing-impaired~~ *hard-of-hearing*  
 36 population, and to an office located in the State Capitol and selected  
 37 by the Joint Rules Committee, for purposes of access by the deaf  
 38 or severely ~~hearing-impaired~~ *hard of hearing* to Members of the  
 39 Legislature.

1 (b) The commission shall permit providers of equipment and  
2 service specified in subdivision (a) to recover costs as they are  
3 incurred under this section pursuant to subdivision (g) of Section  
4 2881.

5 (c) The commission may direct any telephone corporation  
6 subject to its jurisdiction to comply with its determinations pursuant  
7 to this section.

8 *SEC. 23. Section 2881.2 of the Public Utilities Code is amended*  
9 *to read:*

10 2881.2. (a) In addition to the requirements of Section 2881,  
11 the commission shall design and implement a program that shall  
12 provide for publicly available telecommunications devices capable  
13 of servicing the needs of the deaf or ~~hearing-impaired~~ *hard of*  
14 *hearing* in existing buildings, structures, facilities, and public  
15 accommodations of the type specified in Section 4450 of the  
16 Government Code and Sections 19955.5 and 19956 of the Health  
17 and Safety Code, making available reasonable access of all phases  
18 of public telephone service to individuals who are deaf or ~~hearing~~  
19 ~~impaired~~ *hard of hearing*. The commission shall direct the  
20 appropriate committee under its control to determine and specify  
21 locations within existing buildings, structures, facilities, and public  
22 accommodations in need of a telecommunications device and to  
23 contract for the procurement, installation, and maintenance of these  
24 devices. In the letting of the contract, the commission shall direct  
25 the committee to ensure consideration of for-profit and nonprofit  
26 corporations, including nonprofit corporations with demonstrated  
27 service to individuals who are deaf or ~~hearing-impaired~~ *hard of*  
28 *hearing* and whose boards of directors and staff are made up of a  
29 majority of those individuals. The commission shall also direct  
30 the committee to seek the cooperation of the owners, managers,  
31 and tenants of the existing buildings, structures, facilities, and  
32 public accommodations that have been determined to be in need  
33 of a telecommunications device with regard to its installation and  
34 maintenance. The commission shall phase in this program over a  
35 reasonable period of time, beginning no later than January 1, 1998,  
36 giving priority to those existing buildings, structures, facilities,  
37 and public accommodations determined by the commission, with  
38 the advice and counsel of statewide nonprofit consumer  
39 organizations for the deaf, to be of most importance and usefulness  
40 to the deaf or ~~hearing-impaired~~ *hard of hearing*.

1 (b) The commission shall ensure that costs are recovered as they  
2 are incurred under this section, including any costs incurred by  
3 the owners, managers, or tenants of existing buildings, structures,  
4 facilities, and public accommodations, and shall ~~utilize~~ *use* for this  
5 purpose the rate recovery mechanism established pursuant to  
6 subdivision (g) of Section 2881. The commission shall also  
7 establish a fund and require separate accounting for the program  
8 implemented under this section and, in addition, shall require that  
9 the surcharge ~~utilized~~ *used* to fund the program not exceed  
10 two-hundredths of 1 percent, that it be combined with the surcharge  
11 required by subdivision (g) of Section 2881, and that it count  
12 toward the limits set by that subdivision. This surcharge shall be  
13 in effect until January 1, 2006.

14 (c) “Existing buildings, structures, facilities, and public  
15 accommodations,” for ~~the~~ purposes of this section, means those  
16 buildings, structures, facilities, and public accommodations or  
17 parts thereof that were constructed or altered ~~prior to~~ *before* January  
18 26, 1993, or are otherwise not required by Section 303 of the  
19 federal Americans with Disabilities Act of 1990 (P.L. 101-336;  
20 42 U.S.C. Sec. 12183) or any other section of that act and its  
21 implementing regulations and guidelines, to have a publicly  
22 available telecommunications device capable of serving the needs  
23 of the deaf or ~~hearing-impaired~~ *hard of hearing*.

24 *SEC. 24. Section 2881.4 of the Public Utilities Code is amended*  
25 *to read:*

26 2881.4. (a) The Legislature finds and declares all of the  
27 following:

28 (1) Section 278 requires the commission to transfer to the  
29 Controller for deposit in the Deaf and Disabled  
30 Telecommunications Program Administrative Committee Fund  
31 all revenues collected by telephone corporations to fund programs  
32 to provide specified telecommunications services and equipment  
33 to deaf, disabled, and ~~hearing-impaired~~ *hard-of-hearing* persons,  
34 as specified in Sections 2881, 2881.1, and 2881.2.

35 (2) The commission issued a report to the Legislature in May  
36 2001, addressing compliance issues pertaining to the programs  
37 specified in Sections 2881, 2881.1, and 2881.2, including a  
38 recommendation to secure legislative authorization for the  
39 commission to contract with outside entities for the provision of

1 services and equipment mandated by Sections 2881, 2881.1, and  
2 2881.2.

3 (3) The telecommunications services and equipment provided  
4 to deaf, disabled, and ~~hearing-impaired~~ *hard-of-hearing* individuals  
5 and their families, as specified in Sections 2881, 2881.1, and  
6 2881.2, are of such a highly specialized and technical nature that  
7 the necessary expert knowledge, ability, and experience are not  
8 available within the current state civil service system.

9 (4) It is the intent of the Legislature, in enacting this section, to  
10 do all of the following:

11 (A) Maintain the availability of the state's current statewide  
12 infrastructure of telecommunications services and equipment to  
13 deaf, disabled, and ~~hearing-impaired~~ *hard-of-hearing* persons, as  
14 provided for in Sections 2881, 2881.1, and 2881.2, as essential to  
15 maintaining public health and safety.

16 (B) Authorize the commission to enter into contracts for the  
17 provision of telecommunications services and equipment for deaf,  
18 disabled, and ~~hearing-impaired~~ *hard-of-hearing* persons in a  
19 manner that protects and enhances the current statewide  
20 infrastructure and coordinated delivery of those services and  
21 equipment and includes a priority for maintaining long-term  
22 continuity of program administration and maximum involvement  
23 of the deaf and disabled community in program governance.

24 (C) Strengthen program priorities for expanded outreach through  
25 continuing consultation with, and participation by, the deaf,  
26 disabled, and ~~hearing-impaired~~ *hard-of-hearing* community in  
27 order to ensure the state's network of services reach hard-to-serve  
28 populations, including rural, innercity, and urban areas.

29 (D) Develop a mechanism to achieve cost-effective and timely  
30 deployment of new and emerging telecommunications  
31 technologies, to the extent fiscally and economically feasible.

32 (b) In order for the commission to ensure continued provision  
33 of telecommunications services and equipment for deaf, disabled,  
34 and ~~hearing-impaired~~ *hard-of-hearing* persons, the commission,  
35 subject to annual appropriation of funds by the Legislature and  
36 consistent with state contracting requirements, may contract with  
37 entities, including nonprofit entities, or persons that have the  
38 necessary expert knowledge, ability, and experience to provide,  
39 manage, or operate the programs described in Sections 2881,  
40 2881.1, and 2881.2.

- 1 (c) The commission may enter into contracts pursuant to  
 2 subdivision (b) of Section 19130 of the Government Code for the  
 3 services and equipment contemplated by the programs described  
 4 in Sections 2881, 2881.1, and 2881.2.
- 5 (d) The commission may include provisions that accomplish  
 6 any of the following in contracts authorized by this section:
- 7 (1) Establish standards and procedures, including prior  
 8 commission approval, for subcontracting.
- 9 (2) Establish standards and procedures regarding personnel and  
 10 accounting practices.
- 11 (3) Require budget approval.
- 12 (4) Require periodic audits.
- 13 (5) Monitor performance and establish performance standards  
 14 and the method of evaluating performance, including remedies for  
 15 unsatisfactory performance.
- 16 (6) Establish standards and procedures to investigate and resolve  
 17 complaints.
- 18 (7) Provide for any other terms or restrictions as the commission  
 19 finds necessary to ensure that the public funds are used in  
 20 accordance with the goals of the Legislature and the commission.
- 21 (e) Notwithstanding any other ~~provision of law, any a~~ contract  
 22 entered into pursuant to this section may provide for periodic  
 23 advance payments for telecommunications services to be performed  
 24 or telecommunications equipment to be provided. ~~No advance~~ *An*  
 25 *advance* payment made pursuant to this section ~~may shall not~~  
 26 exceed 25 percent of the total annual contract amount.
- 27 (f) Any contractor the commission selects shall demonstrate  
 28 knowledge of and the capacity to provide specialized  
 29 telecommunications services and equipment to deaf, disabled, and  
 30 ~~hearing-impaired~~ *hard-of-hearing* persons, and shall be required  
 31 to consult with the Telecommunications Access for Deaf and  
 32 Disabled Administrative Committee regarding the specialized  
 33 needs of individuals ~~utilizing~~ *using* program services and  
 34 equipment, as specified in Sections 2881, 2881.1, and 2881.2.
- 35 (g) The commission shall, to the extent feasible and consistent  
 36 with state civil service requirements, employ staff overseeing the  
 37 programs described in Sections 2881, 2881.1, and 2881.2 who are  
 38 members of the deaf, disabled, and ~~hearing-impaired~~  
 39 *hard-of-hearing* community.

1     *SEC. 25. Section 11000 of the Unemployment Insurance Code*  
2     *is amended to read:*

3     11000. The Legislature finds that over 1.5 million persons in  
4 California are deaf or ~~suffer from significant hearing impairment.~~  
5 *significantly hard of hearing.* Private and public employment  
6 agencies are not routinely adapted to meet the communication  
7 needs of persons who are deaf and hard of hearing and, therefore,  
8 the services they receive may be less than those provided to other  
9 persons. The Legislature also finds that employment opportunities  
10 for persons who are deaf and hard of hearing are increased when  
11 specialized counseling, interpretive, job placement, and followup  
12 services supplement conventional employment services. In  
13 addition, the limited programs ~~which~~ *that* provide these specialized  
14 employment services to persons who are deaf and hard of hearing  
15 have recently been subject to significant local funding reductions.  
16 Therefore, the Legislature finds that a more stable funding source,  
17 as provided by this chapter, is necessary to ensure the continuance  
18 of these programs.

19     *SEC. 26. Section 11003 of the Unemployment Insurance Code*  
20     *is amended to read:*

21     11003. (a) The department, with the advice of persons  
22 knowledgeable about providing employment services to persons  
23 who are deaf and hard of hearing, shall establish the criteria for  
24 choosing contractors.

25     (b) The criteria shall include, but not be limited to, all of the  
26 following:

27     (1) The ability to provide services to a person who is deaf or  
28 hard of hearing in the person's preferred mode of communication.

29     (2) The ability to secure community support, including written  
30 endorsements of local officials, employers, the workforce  
31 investment board of the local workforce investment area and  
32 organizations of and for persons who are deaf and ~~hearing impaired.~~  
33 *hard of hearing.*

34     (3) The existence of funding from one or more public or private  
35 sources.

36     (c) Preference shall be given in the selection of a contractor to  
37 those proposals which demonstrate all of the following:

38     (1) Participation of persons who are deaf and hard of hearing  
39 on the potential contractor's employment services staff, and in the  
40 case of a private nonprofit corporation, on the board of directors.

- 1 (2) A commitment to the development and maintenance of  
 2 self-determination for persons who are deaf and hard of hearing.  
 3 *SEC. 27. Section 11004 of the Unemployment Insurance Code*  
 4 *is amended to read:*  
 5 11004. The department shall do all of the following:  
 6 (a) Determine the number and location of its offices within the  
 7 state providing employment services to individuals who are deaf  
 8 and hard of hearing and ~~shall~~ decide which offices shall be served  
 9 by contractors given the resources available under this chapter.  
 10 The department shall give priority to offices where contracts are  
 11 necessary in order to prevent or minimize the disruption or the  
 12 discontinuance of employment services to individuals who are  
 13 deaf and hard of hearing which have been provided in conjunction  
 14 with the department ~~prior to~~ *before* July 1, 1984.  
 15 (b) Coordinate the provision of employment services for  
 16 individuals who are deaf and hard of hearing with the State  
 17 Department of Social Services and the Department of  
 18 Rehabilitation so that employment services provided by this chapter  
 19 supplement or provide alternatives to services provided or funded  
 20 by the departments.  
 21 (c) Establish uniform accounting procedures and contracts for  
 22 use with regard to this chapter.  
 23 (d) Promulgate requests for proposals and conduct bidders'  
 24 conferences, and evaluate proposals according to the criteria  
 25 established pursuant to Section 11003.  
 26 (e) ~~Utilize~~ *Use* the definitions of deafness and ~~significant hearing~~  
 27 ~~impairment which~~ *significantly hard of hearing that* have been  
 28 used or established by regulation by the State Department of Social  
 29 Services.  
 30 (f) Conduct a management or fiscal audit of ~~any~~ *a* contract  
 31 whenever it is necessary for proper supervision of that contract.  
 32 (g) Annually consider incorporation of the services described  
 33 in this chapter in the job service plan required by Section 8 of the  
 34 federal Wagner-Peyser Act of 1933 (29 U.S.C. Sec. 49g).  
 35 (h) Assist contractors in maintaining all of the following  
 36 information:  
 37 (1) The number of persons receiving services.  
 38 (2) A description of the services provided.  
 39 (3) The cost of the services provided.  
 40 (4) The number of persons placed in jobs.

1 (5) The number of persons assisted by followup activities.

2 (6) The number and qualifications of staff providing the services.

3 *SEC. 28. Section 10559 of the Welfare and Institutions Code*  
4 *is amended to read:*

5 10559. (a) There are in the department a division or office  
6 devoted to carrying out the provisions of this division pertaining  
7 to the services to the blind and another division or office devoted  
8 to carrying out the public social services to deaf and ~~hearing~~  
9 ~~impaired~~ *hard-of-hearing* persons. The divisions or offices shall  
10 each be headed by a chief, one who is a trained social worker  
11 experienced in work for the blind, the other a trained social worker  
12 or counselor experienced in work for the deaf and ~~hearing impaired~~  
13 *hard of hearing* or a person experienced in administering a deaf  
14 or ~~hearing impaired~~ *hard-of-hearing* services program. The duties  
15 of the division for the blind and its chief shall be confined to  
16 carrying out the provisions of this division pertaining to services  
17 to the blind. The duties of the division or office for the deaf and  
18 ~~hearing impaired~~ *hard of hearing* shall be confined to carrying out  
19 the provision of public social services to the deaf and ~~hearing~~  
20 ~~impaired~~ *hard of hearing*. Blindness, deafness, or ~~hearing~~  
21 ~~impairment~~ *being hard of hearing* shall not be grounds to disqualify  
22 a person from holding the position of chief of the office or division.  
23 The divisions or offices shall not be made a part of any other  
24 division, office, or subdivision of the department. The chiefs of  
25 the divisions or offices shall be directly responsible to the director.

26 (b) The director through the divisions or offices may provide  
27 consultative services to county personnel administering services  
28 to the blind, deaf, or ~~hearing impaired~~ *hard of hearing* which shall  
29 include, but not be limited to, information concerning the various  
30 aspects of blindness, deafness, and ~~hearing impairment~~ *being hard*  
31 *of hearing* and its problems and implications, the rehabilitative  
32 potential of the blind, deaf and ~~hearing impaired~~ *hard of hearing*,  
33 public and private services available, employment opportunities  
34 for blind, deaf, and ~~hearing impaired~~ *hard-of-hearing* persons, and  
35 concepts in counseling blind, deaf, and ~~hearing impaired~~  
36 *hard-of-hearing* persons.

37 *SEC. 29. Section 10620 of the Welfare and Institutions Code*  
38 *is amended to read:*

39 10620. The Legislature finds that over 1.5 million persons in  
40 California are deaf or ~~suffer from significant hearing impairment~~.

1 *are significantly hard of hearing.* Basic governmental services are  
 2 not routinely adapted to meet the communication needs of deaf  
 3 and ~~hearing-impaired~~ *hard-of-hearing* persons and, therefore, the  
 4 services they receive may be less than those provided to other  
 5 persons because of the overwhelming communication problems  
 6 which exist between service agencies and deaf and ~~hearing~~  
 7 ~~impaired~~ *hard-of-hearing* persons.

8 *SEC. 30. Section 10621 of the Welfare and Institutions Code*  
 9 *is amended to read:*

10 10621. Public social services for the deaf and ~~hearing-impaired~~  
 11 *hard of hearing* shall include, but not be limited to, the following  
 12 services:

13 (a) Complete communication services through interpreter  
 14 services by a professional interpreter for the deaf possessing the  
 15 comprehensive skills certification of the National Registry of  
 16 Interpreters for the Deaf or the equivalent, teletypewriter relay,  
 17 and, when necessary, training in communication skills.

18 (b) Advocacy to assure deaf and ~~hearing-impaired~~  
 19 *hard-of-hearing* persons receive equal access to public and private  
 20 services.

21 (c) Job development and job placement.

22 (d) Information and referral.

23 (e) Counseling, including peer counseling.

24 (f) Independent living skills instruction.

25 (g) Community education about deafness and ~~hearing~~  
 26 ~~impairment.~~ *being hard of hearing.*

27 *SEC. 31. Section 10622 of the Welfare and Institutions Code*  
 28 *is amended to read:*

29 10622. Public social services for the deaf and ~~hearing-impaired~~  
 30 *hard of hearing* shall be available in at least three regions  
 31 throughout the state so that deaf and ~~hearing-impaired~~  
 32 *hard-of-hearing* persons ~~will be~~ *are* able to secure public social  
 33 services within a reasonable commuting distance. Deaf and ~~hearing~~  
 34 ~~impaired~~ *hard-of-hearing* persons, residing in urban, suburban,  
 35 and rural areas, shall be served.

36 *SEC. 32. Section 10624 of the Welfare and Institutions Code*  
 37 *is amended to read:*

38 10624. (a) The department, with the advice of persons  
 39 knowledgeable about the provision of public social services to  
 40 deaf and ~~hearing-impaired~~ *hard-of-hearing* persons, shall establish

1 the criteria for funding public social services for the deaf and  
2 ~~hearing impaired~~. *hard of hearing*.

3 (b) The criteria shall include, but shall not be limited to,  
4 demonstrated need for services, ability to provide services in a  
5 deaf or ~~hearing impaired~~ *hard-of-hearing* person's preferred mode  
6 of communication, ability to secure community support, including  
7 written endorsements of local officials and organizations, including  
8 organizations of and for the deaf and ~~hearing impaired~~, *hard of*  
9 *hearing*, and funding from one or more public or private sources.  
10 Special consideration shall be given to the extent to which deaf  
11 and ~~hearing impaired~~ *hard-of-hearing* persons are included in the  
12 agency's staff and in the case of a private nonprofit corporation  
13 on the board of directors.

14 *SEC. 33. Section 10625 of the Welfare and Institutions Code*  
15 *is amended to read:*

16 10625. The department shall:

17 (a) Determine the number and location of regions of the state  
18 providing public social services.

19 (b) Coordinate the provision of services with the Department  
20 of Rehabilitation.

21 (c) Establish uniform accounting procedures and contracts for  
22 use with regard to this chapter.

23 (d) Promulgate requests for proposals and conduct bidders'  
24 conferences.

25 (e) Establish by regulation the definitions of deafness and  
26 ~~significant hearing impairment~~. *significantly hard of hearing*.

27 (f) Conduct a management or fiscal audit of any contract  
28 whenever it is necessary for proper supervision of a contract.

O