

This rule was filed as 9 NMAC 4.102.

TITLE 9 HUMAN RIGHTS
CHAPTER 4 PERSONS WITH DISABILITIES
PART 102 ELIGIBILITY REQUIREMENTS FOR PARTICIPANTS IN THE TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM

9.4.102.1 ISSUING AGENCY: New Mexico Commission for the Deaf and Hard of Hearing.
[7/1/99; Recompiled 10/01/01]

9.4.102.2 SCOPE: All applicants for participation in the specialized telecommunications program.
[7/1/99; Recompiled 10/01/01]

9.4.102.3 STATUTORY AUTHORITY: Section 63-9F-4 NMSA 1978 directs the commission to “design, establish and administer a program for providing specialized telecommunications equipment to impaired individuals” and to “adopt regulations for the program.”
[7/1/99; Recompiled 10/01/01]

9.4.102.4 DURATION: Permanent.
[7/1/99; Recompiled 10/01/01]

9.4.102.5 EFFECTIVE DATE: July 1, 1999, unless a later date is cited at the end of a section and paragraph.
[7/1/99; Recompiled 10/01/01]
[Compiler’s note: The words *or paragraph*, above, are no longer applicable. Later dates are now cited only at the end of sections, in the history notes appearing in brackets.]

9.4.102.6 OBJECTIVE: The purpose of the Telecommunications Access Act [63-9F-1 to 63-9F-13 NMSA 1978] is to provide a statutory framework and funding under which the opportunity for full access to telecommunications services is made available to hearing or speech impaired New Mexicans. The purpose of the specialized telecommunications equipment program [63-9F-4 NMSA 1978] is to provide specialized telecommunications equipment to impaired individuals.
[7/1/99; Recompiled 10/01/01]

9.4.102.7 DEFINITIONS: The definitions included in Section 63-9F-3 NMSA 1978 are hereby incorporated by reference.
[7/1/99; Recompiled 10/01/01]

9.4.102.8 ELIGIBILITY REQUIREMENTS FOR PARTICIPANTS IN THE TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM: The following rules for eligibility in the telecommunications equipment distribution program have been adopted by the commission.

- A. Income limits: Participants in the program must provide:
 - (1) proof of total household income of fifty thousand dollars (\$50,000) or less;
 - (2) if the applicant is a student residing in New Mexico and is a dependent of his or her parent(s) as defined by the internal revenue service, the parent(s)’ income shall be considered “household income” regardless if the student resides with the parents and regardless if the parent(s) reside within New Mexico.
- B. Impairment: Participants in the program must provide:
 - (1) certification that the applicant(s)’ hearing and/or speech precludes normal use of the telephone;
 - (2) hearing/speech impairment may be certified through medical practitioner, audiologist, speech/language pathologist, speech therapist, representative of DVR, or an authorized staff member of the commission.
- C. Telephone service: Participants in the program must provide verification of current telephone service at residence.
- D. Residency: Participants in the program must provide:
 - (1) verification of permanent state residence with a physical address (not P.O. Box address);

(2) equipment will not be distributed to individuals living in public or private educational institutions, or any other public or private accommodation which has a responsibility to provide such equipment pursuant to the Americans with Disabilities Act.

E. Age: Applicants must demonstrate the ability to use and care for the equipment. Parent(s) or other legal guardian of children below the age of 18 must sign a loan agreement accepting financial responsibility for the equipment.

[7/1/99; Recompiled 10/01/01]

HISTORY OF 9.4.102 NMAC: [RESERVED]