

HOUSE BILL 1206

P1, O3

8lr1735

By: **Delegates Clippinger, Anderton, B. Barnes, Barve, Carr, Ebersole, Fraser-Hidalgo, Frick, Frush, Gaines, Gilchrist, Gutierrez, Haynes, Hill, Hixson, Jackson, Knotts, Kramer, Krimm, Lam, R. Lewis, Lierman, A. Miller, Sanchez, Turner, Valderrama, and Waldstreicher**

Introduced and read first time: February 8, 2018

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Information Technology – Remote Access Information Program –**
3 **Establishment**

4 FOR the purpose of establishing the Remote Access Information Program in the
5 Department of Information Technology to connect an individual who is deaf-blind
6 with a human assistant using certain remote assistive technology; establishing
7 certain requirements for certain remote assistive technology provided under the
8 Program; requiring the Department of Information Technology and the Department
9 of Disabilities to adopt certain regulations to implement the Program; requiring the
10 Department of Information Technology to enter into a certain agreement with the
11 Department of Disabilities to provide for a certain annual payment; providing that
12 under a certain agreement, the Department of Disabilities is required to contract
13 with a nonprofit entity that has certain experience to determine criteria and a
14 process for selecting certain individuals who qualify for the Program and provide
15 certain eligible individuals with certain remote assistive technology; requiring that
16 the Program be funded as provided in the State budget; altering the purpose of the
17 Universal Service Trust Fund; requiring the costs of the Program to be funded by
18 revenues generated by a certain surcharge and certain other funds; requiring the
19 Secretary to annually certify to the Public Service Commission the costs of the
20 Program to be paid by the Fund for a certain fiscal year; requiring the Commission
21 to determine the surcharge for a certain fiscal year necessary to fund the Program;
22 authorizing the Legislative Auditor to conduct postaudits of a fiscal and compliance
23 nature of the Fund and the expenditures made for purposes of the Program; defining
24 certain terms; and generally relating to the Remote Access Information Program.

25 BY repealing and reenacting, with amendments,
26 Article – State Finance and Procurement
27 Section 3A-506

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2015 Replacement Volume and 2017 Supplement)

3 BY adding to
4 Article – State Finance and Procurement
5 Section 3A–801 through 3A–805 to be under the new subtitle “Subtitle 8. Remote
6 Access Information Program”
7 Annotated Code of Maryland
8 (2015 Replacement Volume and 2017 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
10 That the Laws of Maryland read as follows:

11 **Article – State Finance and Procurement**

12 3A–506.

13 (a) (1) Subject to paragraph (2) of this subsection, the programs under §
14 3A–504(a) of this subtitle and §§ 3A–602(a), [and] 3A–702, **AND 3A–802** of this title shall
15 be funded as provided in the State budget.

16 (2) For fiscal year 2019 and each fiscal year thereafter, the program under
17 § 3A–702 of this title shall be funded at an amount that:

18 (i) is equal to the cost that the Department of Aging is expected to
19 incur for the upcoming fiscal year to provide the service and administer the program; and

20 (ii) does not exceed 5 cents per month for each account out of the
21 surcharge amount authorized under subsection (c) of this section.

22 (b) (1) There is a Universal Service Trust Fund created for the purpose of
23 paying the costs of maintaining and operating the programs under:

24 (i) § 3A–504(a) of this subtitle, subject to the limitations and
25 controls provided in this subtitle;

26 (ii) § 3A–602(a) of this title, subject to the limitations and controls
27 provided in Subtitle 6 of this title; [and]

28 (iii) § 3A–702 of this title, subject to the limitations and controls
29 provided in Subtitle 7 of this title; **AND**

30 **(IV) § 3A–802 OF THIS TITLE, SUBJECT TO THE LIMITATIONS**
31 **AND CONTROLS PROVIDED IN SUBTITLE 8 OF THIS TITLE.**

32 (2) Money in the Universal Service Trust Fund shall be held in the State
33 Treasury.

1 (3) Money in the Universal Service Trust Fund may only be used:

2 (i) to fund the costs of the programs specified in paragraph (1) of
3 this subsection; and

4 (ii) to pay for the administration of the Universal Service Trust
5 Fund.

6 (c) (1) The costs of the programs under § 3A-504(a) of this subtitle and §§
7 3A-602(a), [and] 3A-702, **AND 3A-802** of this title shall be funded by revenues generated
8 by:

9 (i) a surcharge to be paid by the subscribers to a communications
10 service; and

11 (ii) other funds as provided in the State budget.

12 (2) (i) The surcharge may not exceed 18 cents per month for each
13 account and shall be applied to all current bills rendered for a communications service in
14 the State.

15 (ii) The surcharge is payable at the time the bills for a
16 communications service are due.

17 (3) The surcharge to be collected under this section applies only to a
18 communications service for which charges are billed by, or on behalf of, a communications
19 company to a subscriber of the communications service.

20 (d) (1) The Secretary shall annually certify to the Public Service Commission
21 the costs of the programs under § 3A-504(a) of this subtitle and §§ 3A-602(a), [and]
22 3A-702, **AND 3A-802** of this title to be paid by the Universal Service Trust Fund for the
23 following fiscal year.

24 (2) (i) The Public Service Commission shall determine the surcharge
25 for the following fiscal year necessary to fund the programs under § 3A-504(a) of this
26 subtitle and §§ 3A-602(a), [and] 3A-702, **AND 3A-802** of this title.

27 (ii) 1. In accordance with subsection (c)(2) of this section and
28 subsubparagraph 2 of this subparagraph, the Public Service Commission shall set the
29 surcharge for the following fiscal year at an amount that is no higher than necessary to
30 generate sufficient revenues to fund the costs of the programs for the following fiscal year,
31 as certified under paragraph (1) of this subsection.

32 2. In setting the surcharge under subsubparagraph 1 of this
33 subparagraph, the Public Service Commission shall take into account whether the
34 surcharge may be adjusted as a result of any uncommitted funds in the Universal Service

1 Trust Fund at the end of the fiscal year that may be used to fund the costs of the programs
2 for the following fiscal year.

3 (3) The Secretary shall, on 60 days' notice, direct the affected
4 communications companies to add the surcharge determined by the Public Service
5 Commission under paragraph (2) of this subsection to all current bills rendered for
6 communications service in the State.

7 (e) (1) The affected communications companies shall act as collection agents
8 for the Universal Service Trust Fund and shall remit all proceeds monthly to the
9 Comptroller for deposit to the Universal Service Trust Fund.

10 (2) The communications companies shall be entitled to credit against these
11 proceeds in an amount equal to 1 1/2 percent of these proceeds to cover the expenses of
12 billing, collecting, and remitting the surcharge and any additional charges.

13 (f) (1) The Secretary shall administer the Universal Service Trust Fund.

14 (2) The income derived from investment of money in the Universal Service
15 Trust Fund shall accrue to the Universal Service Trust Fund.

16 (3) Any funds remaining at the end of a fiscal year in the Universal Service
17 Trust Fund shall be carried forward within the Universal Service Trust Fund for the
18 maintenance and operation of the programs specified under subsection (b) of this section in
19 the following fiscal year.

20 (g) (1) The Legislative Auditor may conduct postaudits of a fiscal and
21 compliance nature of the Universal Service Trust Fund and the expenditures made for
22 purposes of § 3A-504(a) of this subtitle and §§ 3A-602(a), [and] 3A-702, AND 3A-802 of
23 this title.

24 (2) The cost of the fiscal portion of the postaudit examination shall be paid
25 from the Universal Service Trust Fund as an administrative cost.

26 **SUBTITLE 8. REMOTE ACCESS INFORMATION PROGRAM.**

27 **3A-801.**

28 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
29 INDICATED.

30 (B) "INDIVIDUAL WHO IS DEAF-BLIND" MEANS AN INDIVIDUAL:

31 (1) WHO HAS:

1 **(I) A CENTRAL VISUAL ACUITY OF 20/200 OR LESS IN THE**
2 **BETTER EYE WITH CORRECTIVE LENSES;**

3 **(II) A FIELD DEFECT SUCH THAT THE PERIPHERAL DIAMETER**
4 **OF VISUAL FIELD SUBTENDS AN ANGULAR DISTANCE NO GREATER THAN 20**
5 **DEGREES; OR**

6 **(III) A PROGRESSIVE VISUAL LOSS HAVING A PROGNOSIS**
7 **LEADING TO ONE OR BOTH OF THE CONDITIONS DESCRIBED IN ITEMS (I) AND (II) OF**
8 **THIS ITEM;**

9 **(2) WHO HAS:**

10 **(I) A CHRONIC HEARING IMPAIRMENT SO SEVERE THAT MOST**
11 **SPEECH CANNOT BE UNDERSTOOD WITH OPTIMUM AMPLIFICATION; OR**

12 **(II) A PROGRESSIVE HEARING LOSS THAT HAS A PROGNOSIS**
13 **LEADING TO A CHRONIC HEARING IMPAIRMENT AS DESCRIBED IN ITEM (I) OF THIS**
14 **ITEM; AND**

15 **(3) FOR WHOM THE COMBINATION OF THE IMPAIRMENTS DESCRIBED**
16 **IN ITEMS (1) AND (2) OF THIS SUBSECTION CAUSES EXTREME DIFFICULTY IN:**

17 **(I) ATTAINING INDEPENDENCE IN DAILY LIFE ACTIVITIES; OR**

18 **(II) OBTAINING A VOCATION.**

19 **(C) “PROGRAM” MEANS THE REMOTE ACCESS INFORMATION PROGRAM**
20 **DEVELOPED AND ADMINISTERED BY THE DEPARTMENT IN CONSULTATION WITH**
21 **THE DEPARTMENT OF DISABILITIES TO PROVIDE REMOTE ASSISTIVE TECHNOLOGY**
22 **TO INDIVIDUALS WHO ARE DEAF-BLIND.**

23 **3A-802.**

24 **THERE IS A REMOTE ACCESS INFORMATION PROGRAM IN THE DEPARTMENT.**

25 **3A-803.**

26 **(A) THE PURPOSE OF THE PROGRAM IS TO CONNECT AN INDIVIDUAL WHO**
27 **IS DEAF-BLIND WITH A HUMAN ASSISTANT USING REMOTE ASSISTIVE TECHNOLOGY**
28 **THAT IS ACCESSIBLE FOR THE INDIVIDUAL WHO IS DEAF-BLIND AND PROVIDES**
29 **REAL-TIME INFORMATION.**

1 **(B) THE REMOTE ASSISTIVE TECHNOLOGY PROVIDED UNDER THE**
2 **PROGRAM SHALL:**

3 **(1) UTILIZE THE INTERNET TO PROVIDE A CONNECTION BETWEEN AN**
4 **INDIVIDUAL WHO IS DEAF-BLIND AND A HUMAN ASSISTANT;**

5 **(2) PROVIDE FOR THE USE OF A MOBILE DATA CONNECTION SO AS**
6 **NOT TO REQUIRE THE USE OF A STATIONARY OR USER-SUPPLIED WIRELESS DEVICE;**
7 **AND**

8 **(3) (I) PROVIDE A MECHANISM ALLOWING HANDS-FREE**
9 **TRANSMISSION OF VIDEO TO THE REMOTE HUMAN ASSISTANT; OR**

10 **(II) IF A HANDS-FREE OPTION IS NOT APPROPRIATE, ALLOW**
11 **FOR THE USE OF A CAMERA ON A MOBILE DEVICE.**

12 **(C) IF POSSIBLE, A MOBILE DATA CONNECTION PROVIDED IN ACCORDANCE**
13 **WITH SUBSECTION (B)(2) OF THIS SECTION SHALL RECEIVE PRIORITY TRAFFIC**
14 **HANDLING FROM THE MOBILE INTERNET SERVICE PROVIDER TO ENSURE MINIMAL**
15 **DELAY IN INFORMATION TRANSMITTAL BETWEEN THE INDIVIDUAL WHO IS**
16 **DEAF-BLIND AND THE REMOTE HUMAN ASSISTANT.**

17 **(D) A HANDS-FREE OPTION PROVIDED IN ACCORDANCE WITH SUBSECTION**
18 **(B)(3)(I) OF THIS SECTION SHALL PROVIDE THE REMOTE HUMAN ASSISTANT WITH A**
19 **SUFFICIENT VISUAL FIELD TO PERMIT THE DELIVERY OF INFORMATION**
20 **IMMEDIATELY IN FRONT OF AND SLIGHTLY TO EITHER SIDE OF THE INDIVIDUAL**
21 **WHO IS DEAF-BLIND.**

22 **(E) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF**
23 **DISABILITIES, SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM.**

24 **3A-804.**

25 **(A) THE DEPARTMENT SHALL ENTER INTO AN AGREEMENT WITH THE**
26 **DEPARTMENT OF DISABILITIES TO PROVIDE FOR AN ANNUAL PAYMENT TO BE MADE**
27 **TO THE DEPARTMENT OF DISABILITIES IN AN AMOUNT EQUAL TO THE COST**
28 **INCURRED FOR THE PROVISION OF REMOTE ASSISTIVE TECHNOLOGY UNDER THE**
29 **PROGRAM.**

30 **(B) UNDER THE AGREEMENT ESTABLISHED UNDER SUBSECTION (A) OF**
31 **THIS SECTION, THE DEPARTMENT OF DISABILITIES SHALL BE REQUIRED TO**
32 **CONTRACT WITH A NONPROFIT ENTITY THAT HAS EXPERIENCE WORKING WITH**
33 **INDIVIDUALS WHO ARE DEAF-BLIND TO:**

1 **(1) DETERMINE CRITERIA AND A PROCESS FOR SELECTING**
2 **INDIVIDUALS WHO QUALIFY FOR THE PROGRAM; AND**

3 **(2) PROVIDE ELIGIBLE INDIVIDUALS WHO ARE DEAF-BLIND WITH**
4 **REMOTE ASSISTIVE TECHNOLOGY UNDER THE PROGRAM.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2018.