

**Department of Legislative Services**  
Maryland General Assembly  
2018 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1206 (Delegate Clippinger, *et al.*)  
Health and Government Operations

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**Department of Information Technology - Remote Access Information Program -  
Establishment**

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This bill establishes the Remote Access Information Program and requires the program to be funded through the Universal Service Trust Fund (USTF). The Department of Information Technology (DoIT) must consult with the Maryland Department of Disabilities (MDOD) to adopt regulations to implement the program. The purpose of the program is to use remote assistive technology in the manner required by the bill to connect specified deaf-blind individuals with a human assistant to provide real-time information.

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**Fiscal Summary**

**State Effect:** The bill likely cannot be implemented in its current form within the five-year period covered by this fiscal and policy note for several reasons, including that the remote assistive technology described by the bill is not available for purchase.

**Local Effect:** The bill does not directly affect local government operations or finances.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** Under the program, (1) DoIT must provide an annual payment to MDOD from USTF for the cost of the remote assistive technology and (2) MDOD must contract with an appropriate nonprofit entity to determine criteria and a process for selecting individuals who qualify for the program and to provide the remote assistive technology to those individuals.

The “remote assistive technology” required under the bill must:

- use the Internet to provide a connection between a deaf-blind individual and a human assistant;
- use a mobile data connection that does not require the use of stationary or user-supplied wireless device and, where possible, receives priority traffic handling from the service provider to ensure minimal delay in information transmittal; and
- provide a mechanism allowing for hands-free transmission of video to the remote human assistant providing a sufficient visual field to permit the delivery of information immediately in front of and slightly to either side of the deaf-blind user; however, if a hands-free option is not appropriate, allow for the use of a camera on a mobile device.

**Current Law/Background:** DoIT and MDOD estimate that approximately 600 individuals qualify as deaf-blind in the State.

In 1998, the U.S. Congress amended the Rehabilitation Act of 1973 to require federal agencies to make their electronic and information technology (EIT) accessible to people with disabilities. The law (29 U.S.C. § 794 (d)) applies to all federal agencies when they develop, procure, maintain, or use EIT. Under Section 508, agencies must give disabled employees and members of the public access to information that is comparable to access available to others.

The Secretary of Information Technology has numerous duties related to the development, review, maintenance, and procurement of information technology (IT) projects and services, including adopting by regulation and enforcing nonvisual access standards to be used in the procurement of IT services. The current regulations governing nonvisual access standards are similar to many (but not all) of the standards required by Section 508 of the Rehabilitation Act of 1973.

The AIRA Technology Corporation (AIRA) develops remote assistive technology that connects the blind with a network of certified agents via wearable smart glasses and an augmented reality dashboard that allows agents to see the blind person’s environment in real time. The agents serve as visual interpreters for the blind, helping them accomplish a wide range of daily tasks and activities.

USTF pays for the Maryland Relay Service, the Senior Call-Check Service and Notification Program, and additional services and equipment for persons with disabilities. The Comptroller collects fees for this purpose through a surcharge, determined by the Public Service Commission (PSC), on individuals’ phone bills. Chapters 571 and 572 of HB 1206/ Page 2

2012 expanded the services to which the fee applies to include cellular, wireless, and Voice-over-Internet-Protocol services while reducing the maximum monthly account fee from 45 cents to 18 cents. PSC must annually set the surcharge for the following fiscal year at an amount that is no higher than necessary to generate sufficient revenues to fund the costs of the programs for the following fiscal year, given the current fund balance. The current fee is set at 5 cents per month.

**State Expenditures:** DoIT and MDOD both advise that the “remote assistive technology” described by the bill is not available for purchase. Furthermore, through consultation with their own and outside experts, both agencies advise that the technology that is available, exclusively from AIRA, does not meet the bill’s technical specifications and is unlikely to be of assistance to most of the individuals in the deaf-blind community because it requires some degree of hearing in order to be effective. The bill’s definition of deaf-blind states that hearing loss must be so severe that most speech cannot be understood with optimum amplification. Therefore, it is unlikely that available technology can serve the population described in the bill.

Implementation of the bill is further complicated because AIRA is a for-profit business, and the bill requires MDOD to contract with a nonprofit in order to provide the remote assistive technology. It is unclear at this time whether AIRA would be willing to partner with a nonprofit organization that would then provide the technology to the Remote Access Information Program.

To the extent that more advanced technology becomes available and MDOD is able to locate a nonprofit entity to serve as an intermediary, nonbudgeted expenditures from USTF increase significantly to purchase the technology and to hire additional staff to administer the program. *For informational purposes only*, MDOD advises that AIRA’s business model is a monthly subscription plan that includes its technology and access to its agents. Costs for the plan range from \$89 a month (for 200 minutes of services) to \$329 a month (for an unlimited number of minutes of service). If AIRA were to provide service to all 600 deaf-blind individuals in the State with an unlimited number of minutes of service, the annual cost would be \$2.4 million. In addition to the technology costs, agency administration costs could be as much as \$150,000 annually, also payable from USTF.

The additional funding responsibilities for USTF may necessitate either (1) PSC raising the fee in order to pay for the additional services or (2) other programs funded through USTF receiving less funding. The Department of Legislative Services notes that PSC must annually set the surcharge to cover the costs of the programs funded through USTF. The current fee is set at 5 cents per month and the maximum fee allowable by law is 18 cents per month.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Information Technology; Maryland Department of Disabilities; Maryland School for the Deaf; Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2018  
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