

**STATEMENT OF SCOPE**  
**WISCONSIN DEPARTMENT OF HEALTH SERVICES**

**CHAPTER:** DHS 77  
**RELATING TO:** Service Fund for People who are Deaf, Deafblind or Hard of Hearing  
**RULE TYPE:** Permanent  
**SCOPE TYPE:** Revised

**SUMMARY**

**1. Description of rule objective/s**

The objective of the proposed rulemaking is to update and clarify ch. DHS 77 to reflect current program operations, circumstances eligible for reimbursement and changes in the field of communication access services and providers for people who are Deaf, Hard of Hearing and Deaf-Blind, since the rule was last updated in 2002.

**2. Existing policies relevant to the rule**

Section 46.295, Stats., authorizes the Department to provide reimbursement to certain interpreters (hereinafter “communication access services providers”) for the provision of interpreter services (hereinafter “communication access services”) and to promulgate rules to implement the statute. Chapter DHS 77 implements s. 46.295, Stats.

Chapter DHS 77 is currently outdated and does not reflect changes in federal and state laws that govern the provision of communication access services.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

**3. Policies proposed to be included in the rule**

The Department proposes to update the rules to clarify circumstances eligible for reimbursement; to update eligibility requirements for communication access services providers that reflect professional certifications and state licensure requirements; to revise application and processing requirements; to reflect current program operations; to reflect changes in the fields of communication access services for people who are deaf, hard of hearing and deaf-blind; and to make any other corrective changes identified throughout the rule promulgation process.

#### **4. Analysis of policy alternative**

There are no reasonable alternatives to the rulemaking. The existing rule is outdated and does not adequately reflect the purpose of s. 46.297, Stats.

#### **5. Statutory authority for the rule**

##### **a. Explanation of authority to promulgate the proposed rule**

The Department is given explicit statutory authority from the Legislature to promulgate rules to implement s. 46.295, Stats. In addition, within certain parameters, the Department is authorized under s. 227.11 (2) (a), Stats., to promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute.

##### **b. Statute/s that authorize/s the promulgation of the proposed rule**

Sections 46.295 (6) and 227.12 (2)(a), Stats.

##### **c. Statute/s or rule/s that will affect the proposed rule or be affected by it**

2009 Wisconsin Act 360 and 2019 Wisconsin Act 17

#### **6. Estimates of the amount of time that state employees will spend to develop the rule and other necessary resources**

The Department estimates that it will take approximately 200 hours of time.

#### **7. Description of all of the entities that may be affected by the rule, including any local governmental units, businesses, economic sectors, or public utility ratepayers who may reasonably be anticipated to be affected by the rule**

The entities that may be affected by the proposed rule include individuals applying for program assistance; communication access services providers; agencies that employ communication access services providers; the Center for Deaf-Blind Persons; the Hearing Loss Association of America,

Wisconsin Chapter; the Wisconsin Association of the Deaf; and the Wisconsin Registry of Interpreters for the Deaf.

**8. Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule**

There are no existing or proposed federal regulations that address the activities to be regulated by the rules.

**9. Anticipated economic impact, locally or statewide**

The proposed rule is anticipated to have little to no economic impact if promulgated.

**10. Agency contacts**

Amber Mullet  
1 W. Wilson St.  
Madison, WI 53703

Amber.Mullett@dhs.wisconsin.gov  
608-261-7823