



DHHCAN Meeting

May 6, 2020

Due to the COVID-19 pandemic, the meeting was held online using the Zoom video-conferencing platform

ROLL CALL

Voting Members	Organizational Partners	Others
Zainab Alkebsi, NAD	Caroline Pezzarossi, ADARA	Dawn Watts, Interpreter
Eric Kaika, TDI	Neal Tucker, RID	Natalie Ennis, CART Captioner
Marcia Zisman, GUAA	Barbara Raimondo, CEASD	Marina Dimario, Interpreter
Art Roehrig, AADB	Eileen McCartin, NVRC	Mary Beth Morgan, Interpreter
Lise Hamlin, HLAA	Jessica Kennedy, CSD	Jayne Tubergen, Interpreter
Barbara Martin, ALDA	Kelby Brick, NASADHH	Bernard Hurwitz, RIT
Mark Hill, CPADO	Eric Raff, NASADHH	
Al Sonnenstrahl, DSA		

Communication protocols were shared.

Meeting called to order: 12:02p.

Quorum: Met

Chair's Report

- Hopes everyone is staying safe and healthy throughout the pandemic.
- Updates on the NAD's and other organizations' response to the coronavirus pandemic can be found under the Civil Rights Protection and Enforcement and Employment policy reports.

Vice-Chair's Report

No report

Secretary's Report

- The minutes of the April 1, 2020 meeting were approved as read.

Treasurer's Report

- The balance as of April 30th was \$27,564.76.

POLICY REPORTS

CIVIL RIGHTS PROTECTION AND ENFORCEMENT

- As reported at last month's meeting several organizations (NAD, TDI, HLAA, and others) collaborated on recommendations on communication access in hospitals during the pandemic. That document has been released. They have also completed telehealth recommendations - making teleconferencing with doctors accessible. The documents are now live on the NAD website (nad.org/coronavirus) as well as the websites of several other organizations along with an ASL version.
- Currently working on guidelines regarding remote workplace access and hope to release the document within the next week or so.
- Included in these documents is a shared DHHCAN email handle for consumers to reach out to if they encounter difficulties. Emails to that handle are routed to NAD, TDI, HLAA, and ALDA. The organizations are communicating internally on which organization(s) is appropriate for particular issues.
- AADB and DBI have released their own guidance and recommendations for access for deafblind individuals.

EDUCATION

- With focus on the pandemic, a lot of on-line discussions and sharing of information has been happening. Federal regulations and finances are being tracked.
- Art raised the question of SSP services being provided through Vocational Rehabilitation which is considered part of the Department of Education. The state of Maryland recently passed SSP regulations under the Department of Education. This will be brought up during old business.

EMPLOYMENT

- Jessica provided a refresher on CSD's employment services:
 - CSD provides education, employment and training services for the deaf community, businesses, and educators. Under the umbrella of CSD Neighborhood, CSD operates CSD Works, CSD Learns, and it just launched the CSD Unites Foundation.
 - **CSD Works.** Supports both individuals and businesses. For businesses we provide recruitment, training, and onsite inclusion efforts, like workplace assessments. For job-seekers, CSD provides a Job Club and Job Training. On May 2, CSD offered its first virtual career expo in Austin, Texas.
 - **CSD Learns.** Online courses to learn new skills like managing money or various job skills. Also has a few toolkits and resources for educators and students. One area of focus is spotlighting professional Deaf role models to engage students as they plan their futures.
 - **CSD Unites Foundation.** Is CSD's community building arm. Recently awarded several micro-grant intended to support non-profit organizations that are struggling with resources, managing funds, or adapting services as a result of the Coronavirus. May help employment by supporting basic needs and healthcare infrastructure that is included in the employment pipeline.
 - **CSD Social Venture Fund (SVF).** CSD invests in and then supports Deaf businesses that encourage jobs for the deaf within their business model (e.g., Mozzarella, Hands on Travel, Deaf Tax, National Deaf Therapy, Bus Door Films, etc.).
- COVID-19 Update and looking forward
 - COVID-19 heightens barriers for our community. Additionally, unemployment has been called the second pandemic, with unemployment rates reportedly shooting to great depression levels.
 - CSD Works is working to partner with state VR services to provide employment support services to D/HH clients virtually. Additionally, it is offering awareness/accessibility training for companies with D/HH employees as they shift to remote/virtual work environments.

HEALTH CARE

- Thanks to the NAD, TDI, Gallaudet and other organizations who helped put the healthcare paper together and which is now posted on our websites. The collaboration paper is fabulous and HLAA has received many requests for distribution.
- No updates on the Over the Counter Hearing Aid Act.

HOUSING

No report.

TELECOMMUNICATIONS, INFORMATION SERVICES, AND VIDEO PROGRAMMING

Petition for Emergency Waiver and Declaratory Ruling - In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities • Structure and Practice of the Video Relay Service Program • Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals • CG Dockets Nos. 03-123, 10-51, and 10-210

(April 2) TDI, AADB, NAD, HLAA, ALDA, CPADO, ADARA, DSA, and DHH-RERC submitted a petition for emergency waiver and declaratory ruling to the FCC. Consistent with the Commission’s ongoing efforts to ensure access to communications during the coronavirus (COVID-19) pandemic and to “ensure the uninterrupted availability of telecommunications relay services (TRS),” the Consumer Groups and accessibility researchers urge the Commission to:

1. Temporarily waive the relay service registration and pre-call verification rules to the extent necessary to ensure that all legitimate users can use the relay system under emergency circumstances; and

2. Issue a declaratory ruling clarifying that software necessary for DeafBlind users to access the relay system can be provided by relay providers and reimbursed from the TRS Fund as well as being distributed via the National Deaf-Blind Equipment Distribution Program (NDBEDP) for those who qualify for the income threshold.

For millions of Americans who are deaf, hard of hearing, or DeafBlind and those who have additional disabilities, accessible telecommunications services are the only window to social interaction with the outside world as they practice social distancing in the midst of the coronavirus (COVID-19) pandemic. We applaud the Commission for recognizing hurdles imposed by the pandemic in waiving other TRS rules. Those waivers have allowed for the people who make relay services possible to work from home consistent with social distancing mandates and helped ensure that consumers’ rights to communicate on equal terms have been

fulfilled during this chaotic period. Consistent with the Commission’s recognition of the “overwhelming interest” in “ensuring the continued availability of TRS services during this national emergency,” the Commission should also temporarily waive the relay service registration and pre-call verification rules to the extent necessary to ensure that all legitimate users can use the relay system under emergency circumstances. Likewise, the Commission should issue a declaratory ruling clarifying that software necessary for DeafBlind users to access the relay system can be provided by relay providers and reimbursed from the TRS Fund as well as being distributed via the National Deaf-Blind Equipment Distribution Program (NDBEDP). <https://ecfsapi.fcc.gov/file/1040206364837/2020.04.02%20TDI%20AADB%20et%20al.%20Relay%20Emergency%20Waiver%20and%20Declaratory%20Ruling%20Petition.pdf>

Ex Parte - Petition for Emergency Waiver and Declaratory Ruling - In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities • Structure and Practice of the Video Relay Service Program • Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals • CG Dockets Nos. 03-123, 10-51, and 10-210

(April 9) On April 9, 2020, TDI’s counsel Blake Reid, and Kelsey Fayer and Cooper Tollen, student attorneys in the SamuelsonGlushko Technology Law & Policy Clinic at Colorado Law (TLPC), met with Diane Burstein, Eliot Greenwald, Bob Aldrich, Michael Scott, and Jackie Ellington of the Consumer and Governmental Affairs Bureau to discuss the April 2, 2020 Petition for Emergency Waiver and Declaratory Ruling filed in above-referenced dockets. We reiterated the points raised in the Petition, which urges the Commission to:

1. Temporarily waive the relay service registration and pre-call verification rules to the extent necessary to ensure that all legitimate users can use the relay system under emergency circumstances; and
2. Issue a declaratory ruling clarifying that software necessary for DeafBlind users to access the relay system can be provided by relay providers and reimbursed from the TRS Fund as well as being distributed via the National Deaf-Blind Equipment Distribution Program (NDBEDP) for those who qualify for the income threshold.

We noted that people who are deaf, hard of hearing, or DeafBlind and those who have additional disabilities often need assistance obtaining and submitting the necessary documentation to register for relay service. For example, while some providers may have installed enterprise videophones in some hospitals, these and similar approaches are likely to falter in overwhelmed hospitals that are resorting to field tactics such as placing patients in outdoor field hospitals that may lack typical connectivity. We are open to any approach that ensures (a) that consumers who

encounter fail codes during the registration process are able to provisionally register for relay service during the COVID-19 emergency and (b) are able to access relay service during that period. We also discussed how software necessary to access relay services for DeafBlind people is distributed and reimbursed. It is our understanding that at least some significant subset of DeafBlind people who currently lack access to relay could meaningfully access and use relay service on an emergency basis with remote training if provided with access to software such as myMMXdb, and that both providers and distributors of the software are likely to devise creative solutions for providing that training. We also noted that this software is essential to accessing relay service for DeafBlind people, and that without it many people are effectively being denied the functionally equivalent service to which they have a right under Section 225. We noted the disparity of requiring DeafBlind people to procure the software separately, often at their own expense, when other relay services routinely provide necessary hardware and software free of charge. While DeafBlind relay software can be acquired through the NDBEDP, this is limited to people who fall under the statutory income threshold. For people who do not qualify, the software may be prohibitively expensive for them to purchase on their own, and as a result is effectively impossible to acquire for many DeafBlind people. We reiterated that this software could be reimbursed in some other way if provided directly to consumers by relay providers. Whatever the form of the relief granted by the Commission, the most important priority is ensuring that all legitimate users have access to a functionally equivalent way of communicating with their friends, family, doctors, and others in this time of social isolation and distancing. <https://ecfsapi.fcc.gov/file/10408075412507/2020.04.08%20Relay%20Emergency%20Waiver%20and%20Declaratory%20Ruling%20Ex%20Parte.pdf>

Comments - In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities • Misuse of Internet Protocol (IP) Captioned Telephone Service • CG Dockets No. 03-123 and No. 13-24

(April 20) HLAA, TDI, NAD, ALDA, CPADO, AADB, DSA, DHH-RERC, and IT-RERC submitted comments to the FCC on the amendment to the application of InnoCaption for certification as a provider of IP Captioned Telephone Service (IP-CTS). The above-referenced Consumer Groups and accessibility researchers respectfully submit these comments in response to the Amendment to Application of InnoCaption for Certification as a Provider of IP Captioned Telephone Service in the above-referenced dockets. We remain concerned about reviewing ASR-based provider certifications without first creating technology-neutral minimum standards and ensuring that sufficient information is made available to the public regarding each provider's specific ASR offerings. To be clear: many of our members are InnoCaption users and we are not opposed to InnoCaption's offerings, or to the long-term phase-in of ASR-based solutions more generally. But we remain concerned about the Commission's approach of bringing into the marketplace without sufficient understanding of the implications of doing so or data and information about the consequences for consumers, and our concerns have not changed since we

last spoke with the Commission about this issue in January. Moreover, InnoCaption, like other ASR-based providers, has specifically asked the Commission for a limited waiver of Rule 64.604(a)(3)(vii), which governs interactive voice response (IVR) systems. This type of waiver, if granted, would allow ASR-based providers to use their offerings to transcribe IVR systems to consumers without identifying that the IVR system is a recorded message and interactive menu. This raises the possibility that consumers using ASR-based offerings may face difficulties navigating pervasive IVRs, and shortcuts the possibility that ASR-based offerings could evolve to address these difficulties.

<https://ecfsapi.fcc.gov/file/10420972403135/2020.04.20%20Consumer%20Groups%20and%20Accessibility%20Researchers%20Innocaption%20Comment%20final.pdf>

Closed Captioning

Ex Parte on the Petition for Declaratory Ruling and/or Rulemaking on Live Closed Captioning Quality Metrics and the Use of Automatic Speech Recognition Technologies - In the Matter of: Closed Captioning of Video Programming Telecommunications for the Deaf and Hard of Hearing, Inc. Petition for Rulemaking • CG Docket No. 05-231 • MB Docket No. RM-11065 • Docket No. RM-11848

(April 24) TDI, NAD, HLAA, ALDA, CPADO, DSA, CCASDHH, DHH-RERC, and IT-RERC submitted an ex parte to the FCC in response to NCTA's February 25, 2020 ex parte in the above-referenced docket discussing NCTA's understanding of the intersection between automated speech recognition (ASR) technology and the Commission's rules for the quality of closed captions for live television programming. NCTA contends that the use of ASR for live captions is governed by the best practices for live programming under Rule 79.1(k). NCTA likewise argues the best practices are technology-neutral and applicable to ASR as long as ASR generated captions are subject to human oversight. As the Consumer Groups and accessibility researchers explained in our January 17, 2020 ex parte, the use of ASR is inconsistent with the numerous human centric requirements of the live captioning best practices. These include oversight and training for captioners, requirements for captioners to complete self-evaluations of their performance, for captioners to keep up with current events, and other human-centric standards. Instead, we understand that the Commission's current practice is to evaluate ASR-generated captions for live programming under the general caption quality standards outlined in Rule 79.1(j)(2)9 pursuant to the requirement in Rule 79.1(m)(1)(ii). While we agree that the use of human oversight is critical to ensure that ASR yields high-quality captions, the best practices for humans do not provide a rubric for the evaluation of the quality of captions and instead focus on procedures for human captioners and the Electronic Newsroom Technique (ENT) that are not clearly applicable to ASR-generated captions, even where supplemented by human oversight. The Commission has not provided any guidance on how ASR could comply with these practices, nor is it clear how such guidance would be possible. Because confusion

continues to persist about how the Commission is evaluating the quality of ASR-generated captions, the Commission should issue public guidance on its enforcement of the quality rules for ASR to ensure that they serve consumers' rights to access video programming on equal terms, particularly during the course of the COVID-19 pandemic where access to accurate information is critical to the health and safety of all Americans.

<https://ecfsapi.fcc.gov/file/104241653802221/2020.04.24%20Consumer%20Groups%20and%20Accessibility%20Researchers%20Ex%20Parte%20ASR.pdf>

Miscellanea

Comments - In the Matter of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010 • CG Docket No. 10-213

(April 14) TDI, NAD, DHHCAN, ALDA, CPADO, AADB, DHH-RERC, and IT-RERC submitted comments in response to the Federal Communication Commission's Public Notice released on March 2, 2020, seeking comments to inform the preparation of the 2020 Biennial report to Congress required by the Twenty-First Century Communications and Accessibility Act of 2010. The Consumer Groups and the RERCs are grateful for this opportunity to once again provide input on this important matter. We have reviewed our Comments filed on May 3, 2018, which are attached hereto, and found that many of the accessibility issues remain. In these Comments, we update certain of those issues and provide additional information as appropriate. Based on the Commission's most recent list, approximately 2143 PSAPs have implemented Text-to-911.

While this is a significant increase from the 939 PSAPs that the Consumer Group understood were Text-to-911 capable at the time of our 2018 CVAA Comments, it only represents approximately 25 percent of all PSAPs, ... as reported by NENA as of July 2018. RTT-to-RTT 911 is the next step in improving accessibility for deaf and hard of hearing persons to reach emergency services. While nationwide carriers must support RTT on their wireless devices, most PSAPs are not currently capable of supporting, or do not support, RTT-to-RTT 911.

The Universal Registration Database, which is used by deaf and hard of hearing consumers to obtain a relay service account, may be itself inaccessible to DeafBlind people when an initial registration is rejected and proof-of-residency documentation is required. The financial qualifications for the National DeafBlind Equipment Distribution Program (NDBEDP) results in some DeafBlind individuals having to choose between access to vital communications equipment and job opportunities including pay raises or higher paying job offers. Further, for DeafBlind individuals that receive Braille displays through the NDBEDP, there are challenges in obtaining satisfactory (or any) training on how to set up or use the devices. (Some) deaf and

hard of hearing persons that also have mobility disabilities, need a full-functional smartphone in a bigger size, like a tablet, for the device to be functional for them; larger devices are easier to focus on the screen with body/hands and eye-contact and are easier to type on.

TDI, HLAA, and NAD are members of the Joint HAC Task Force with ATIS, which held its inaugural meeting on February 11, 2020. They look forward to collaborating with wireless carriers, original equipment manufacturers and hearing aid manufacturers toward hearing aid compatibility with all wireless devices.

The Commenters continue to find certain kinds of advanced communication services (ACS) not to be fully accessible to deaf, hard of hearing, and speech impaired persons, deafblind, and deaf people with other disabilities. While not usually totally inaccessible, many ACS have only limited accessibility. For example, many deaf and hard of hearing people continue to be unable to access or fully participate in games that use ACS components for communication between participants. Video conferencing services, particularly on smartphones, often do not include accessible alert functions such as vibration and/or flashing lights. While many deaf and hard of hearing people also enjoy video conferencing services, these services, are not completely accessible and usable by deaf and hard of hearing people. The following issues ... still exist today: 1. Relay services are not accessible through video conferencing services because they are tethered to ten-digit telephone numbers; 2. Video conferencing services, including off-the-shelf services, need to be interoperable with videophones provided by Video Relay Service (VRS) providers. 3. Video conferencing services need to be interoperable with each other. and 4. Video conferencing services need to allow users to prioritize specific functions so that they best support the communications needs of the deaf and hard of hearing user.

The recent COVID-19 crisis has highlighted some of the continued shortcomings with respect to the accessibility of important communications for our community. As discussed below, the negative effects that data caps and throttling measures have on the ability of deaf and hard of hearing people to communicate are exacerbated during this time of physical distancing and self-isolation. Certain other shortcomings, however, such as access to live programming and in particular news conferences may not be a subject of the CVAA Report, but are extremely concerning and need to be addressed. For example, there have been instances where broadcasters have failed to provide captions for news conferences; captions have been provided in the live television broadcast version of the program but not in live Internet version of the program; cameras have failed to keep the ASL interpreter in the frame when an ASL interpreter is even provided; and DeafBlind individuals with no sight at all often have no access to these news conferences because transcripts are not readily available, if at all. This lack of access sometimes forces us to rely on other, often not as trustworthy, sources such as social media for this very important information thus endangering our community.

Last but not least, the commenters reiterate the prior suggestion that “the Commission requires industry participants to produce periodic activity reports that specifically account for research and development activities that directly involve the deaf and hard of hearing community.”

<https://ecfsapi.fcc.gov/file/10415049237300/Comments%20for%202020%20CVAA%20Biennial%20Report.pdf>

TRANSPORTATION

- An interesting update on the commercial driver’s licenses filing - a deaf reporter reached out to CNN and got the network interested in doing a story on this situation. It was decided to frame the story connecting the need for more truck drivers due to the pandemic. CNN released the story on how deaf drivers are providing an essential service and how DOT might take away these opportunities. A beautiful story with a lot of wonderful quotes from deaf drivers.

<https://www.cnn.com/2020/04/16/opinions/deaf-truckers-are-essential-workers-novic/index.html>

OLD BUSINESS

DeafBlind Access Issues

At last month’s meeting, Art brought to our attention the very serious issues affecting deafblind individuals that we are seeing with the pandemic. A resolution was passed to work together to address these issues. Out of ten states that recognize SSPs as an occupational category, only two states (MN and MD) have categorized SSPs as official and essential services.

There are two issues which require two different strategies: 1) the remaining 8 states that recognize SSPs as a vocation but have not recognized them as essential; 2) the remaining 40 states who do not even recognize SSPs as a profession which will be a more long-term effort.

For the first issue, NASDHH agreed to follow up with governors’ offices in all of the states that recognize SSPs as a category but have not reclassified them as essential.

For the long-term effort, we can work on state legislation, led by Kim Bianco Majeri - the State Legislative Affairs Coordinator at the NAD to see if any states are willing to be groundbreakers and recognize SSPs as professions.

ANNOUNCEMENTS

Mark commended groups who have been pushing the White House to provide an interpreter at the press conferences.

In recognition of National Interpreter Appreciation Day, Neal wants to recognize our interpreters, Jayne and Mary Beth as well as Jan who is not here today.

NAD, Convo, and CSD have all contacted the White House for the briefings and providing live-stream interpreting.

The next DHHCAN meeting will take place on Wednesday, June 3rd. Be on the lookout for Zainab's normal email with meeting date, agenda, logistics and call for RSVPs.

The meeting was adjourned at 1:58 p.m.