

**Getting Involved: Legislation, Regulations, & Policies**

Judie Lee, IPAT Director

This winter a group of citizens in North Dakota, representing individuals with disabilities, recognized a need for systems change and decided to get involved in the legislative process. They asked questions, did research, made choices, and designed an assistive technology device warranty law. The result of their efforts is the passage of the North Dakota Assistive Technology "Lemon Law."

There is a wide array of laws, regulations, policies, programs and activities relating to individuals with disabilities, however, they are often fragmented, confusing and difficult to access. Sixty-two federal laws have been identified as possible sources of assistive technology provision or funding. Programs affecting individuals with disabilities exist within many federal funding avenues, numerous budget areas and government agencies. These include education, rehabilitation, employment and training, transportation, housing, research and entitlements. All these programs directly impact the citizens of North Dakota.

Understanding the laws, regulations, agencies and programs that serve individuals with disabilities is critical to accessing those services. The knowledge individuals gain through service use determines what is or is not working and is necessary to initiate systems change.

People with disabilities make up one of the largest minority populations in the United States. Approximately 49 million Americans have disabilities, some are present at birth, others develop due to accidents, illness or aging. Disabilities transcend age, sex, race, cultural and socioeconomic groups. Every one of us has the potential to become a member of this minority group.

Only by citizens becoming involved in the processes that develop and/or shape laws, regulations and policies, will the systems be responsive and work effectively for the individuals they are designed to influence.

**Word Prediction**

Word-prediction software supports word processing programs by 'predicting' the word a user is entering into the computer. Typically, word prediction programs operate in the following manner-as the first letter is typed, the program offers a list of words beginning with that letter. If the

desired word appears in the list, the user can then choose the word (by pressing a corresponding number, or pointing and clicking) and the desired word will automatically be inserted into the sentence. If the desired word is not displayed, the user enters the second letter of the word and a new list appears with words beginning with those two letters. The user may continue this process until the desired word is offered in the list. After a word is chosen, the 'next' word in a sentence is predicted, even before the first letter is typed. Again, if the desired word is not present, the user continues to enter letters until the word appears. Utilizing this type of software assists computer users by decreasing the physical and mental demands of typing/writing.

Many word-prediction programs include an abbreviation-expansion feature. This software allows long strings of text to be accessed by typing only a short abbreviation. For example-an individual's name could be stored under their initials. Whenever their initials are typed, the computer will automatically expand it to their full name. The combination of word prediction/abbreviation expansion software increases typing speed by reducing the number of keystrokes needed and acts as a spelling aid, as it automatically spells the desired word correctly.

A few important features to consider when purchasing word-prediction/abbreviation expansion programs are the type of computer it will run on, the price, the dictionary, the display window, the word choice arrangement and compatibility with the software currently in use. There are many assistive writing software programs available with a variety of features, most require no more than an hour to learn and cost around \$300.

### **Consumer Connection**

At our June 1996 meeting, the Consumer Advisory Committee (CAC), discussed the need for legislation that would protect consumers from being 'stuck' with a defective assistive technology device. This type of legislation is known as a 'Lemon Law'. After much research, technical assistance and hard work, we had a bill drafted and found bipartisan sponsorship in time for introduction at the 1997 state legislative session.

The bill was given a number (SB2286) and began its trek through the legislative process. CAC members provided testimony to both the Senate and House Human Services Committees. The bill was amended in the Senate and was passed by an overwhelming majority. It "crossed-over" to the House Human Services Committee, met with no opposition and quickly went to the full House where it passed unanimously. The bill now awaits the governor's signature.

Our legislative action does not end there, however. The Senate Human Services Committee determined that assistive technology as a service option in home and community-based services warranted further study. Consequently, Sen. DeMers initiated Senate Concurrent Resolution No. 4054 to examine whether or not the Department of Human Services should reimburse qualified service providers for the provision of AT devices and services to individuals with disabilities. This resolution passed and will be studied by the Legislative Council with the potential for further AT legislation in 1999.

We look forward to the signing of the ND Assistive Technology Lemon Law, and await the outcome of the study resolution. We as consumers worked within the legislative framework and succeeded! We now have a working definition of an assistive technology device, as well as consumer protection from defective devices under a one year express warranty. We must continue to heighten the awareness of our legislative body to the need for assistive technology in the lives of individuals with disabilities as we renew our commitment to system change.

**Funding News:**  
**Using the Law by:**

Steven Mendelsohn, Esq.

**What do we need to know in order to make a potential funding source work?**

1. Who administers the law, and who do we contact in order to invoke its provisions?
2. Who does the law apply to, and do we meet the definition of those it covers?
3. What other eligibility criteria apply, and does our situation meet them?
4. What procedural documentation or other requirements apply to bring the law or program into play on our behalf? a) Once we are found eligible, is assistive technology provision or funding a direct consequence of such a finding or only one of many potential outcomes? b) If the latter, what criteria or discretionary decisions are involved, when and by whom are these decisions made, and what opportunities for input do we have?
5. What are the statutes, regulations or guidelines on how the law or program operates, and are they available to us?
6. Are there outside sources of information and expertise that can provide guidance & insight?
7. What time-frames apply to actions or submissions on your part and to the responses, decisions or other actions of the program or agency involved?

8. What means do you have for distinguishing an adverse decision which is legally correct, from one which is legally insupportable or was made on the basis of erroneous or incomplete information?
9. What monitoring or appeal procedures are available and what is the recourse in the event of an adverse decision?

### **IPAT Staff**

The IPAT staff has had inconsistent access to e-mail for the past six months. If you have sent us messages and received no reply, please try again! We are up & running and are looking forward to responding to your on-line inquiries.

- Judie Lee, Director - 1-800-265-IPAT - <mailto:lee@pioneer.state.nd.us>
- NE Coord. - 1-701-265-4807 - <mailto:duncan@pioneer.state.nd.us>
- Mike Bishop SE Coord. - 1-701 845-8626 - <mailto:mikebishop@valleycity.net>
- Peggy Shireley SW Coord. 1-701-328-9544 - <mailto:shireley@btigate.com>
- Dud Zimmerman NW Coord. 1-701-857-8630 - <mailto:dud@minot.com>

### **Calling One, Calling All!**

Don't miss the chance to enhance your augmentative/alternative communication (AAC) knowledge base! Attend the CAMA conference on Tuesday, May 13, 1997 from 8:30 am - 4:00 pm at the Doublewood, Fargo. Come, see & learn about the variety of speech devices now available. Preregistration \$25, on-site \$40. If you receive this newsletter, you will automatically receive registration materials. If you need registration materials, call CAMA 1-800-441-2262 and ask for Shana Johnson.

### **Summer Spotlight**

Mark your calendar now for the 2nd annual "Keys to Independence: Assistive Technology for All Generations Conference" to be held Wednesday, August 6, beginning at noon and ending Friday, August 8, at 1 p.m. It will take place at the Anne Carlsen Center in Jamestown, ND and everyone is welcome.

Wednesday will provide an opportunity to attend one of three half-day sessions relating to disability and aging. On Thursday, participants will be inspired by a keynote, be able to visit with 20+ vendors (Dragon Dictate, TeleSensory), select from over 40 one-hour concurrent conference sessions (Adapting Work Environments, I Want to Stay on the Farm, Bringing Baby Home), and enjoy a meal and entertainment together in the

evening. Friday will again provide access to vendors, videos and conference sessions on topics of interest to all with disabilities or those supporting them. If you have questions or suggestions about this conference, call 1-800-451-8693 today.

### **Equipment Spotlight**

The **All-Turn-It** is a switch-activated spinner, easily used with many commercially available and/or create-your-own games. It allows everyone to play and anyone to win with its built in switch and external jack designed to connect to your switch of choice. Get in the game by organizing a trail use through the IPAT Equipment Loan Library at **1-800-421-1181**. Expand the loan potential by requesting the corresponding "Create Your Own Overlays" kit and "Book of Possibilities." The spinner may be purchased for \$89 through AbleNet, along with the overlay kit \$24 and book-\$37. **Call 1-800-322-0956 for an AbleNet catalog or to place an order. You can reach this site at [AbleNet](#).**