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§ 6523. Appropriation

Research References

Treatises and Practice Aids

Standard Pennsylvania Practice § 83:157,
Blood Banks.

CHAPTER 35

HEARING AID SALES REGISTRATION LAW

ARTICLE I. SHORT TITLE; APPLICATION; DEFINITIONS

§ 6700-101. Short title

Research References

Treatises and Practice Aids

Standard Pennsylvania Practice § 83:160,
Hearing Aids.

ARTICLE VI. SUSPENSION; REVOCATION; PENALTIES;
INJUNCTION; CIVIL DAMAGES

§ 6700-606. Injunctions

Research References

Treatises and Practice Aids

Standard Pennsylvania Practice § 83:160,
Hearing Aids.

Standard Pennsylvania Practice § 83:218, Stat-
utes Authorizing Injunctions.

ARTICLE VIII. DATE OF APPLICATION; EFFECTIVE DATE

§ 6700-802. Effective date

Research References

Treatises and Practice Aids

Standard Pennsylvania Practice § 83:160,
Hearing Aids.

CHAPTER 35A

UNIVERSAL TELECOMMUNICATIONS AND PRINT MEDIA ACCESS ACT

Section		Section	
6701.1.	Short title.	6701.3a.	Establishment of a Print Media Access System Program.
6701.2.	Definitions.	6701.4.	Establishment of dual party relay service.
6701.3.	Establishment of Telecommuni- cation Device Distribution Program.		

§ 6701.1. Short title

This act shall be known and may be cited as the Universal Telecommunications and Print Media Access Act.

1995, July 6, P.L. 255, No. 34, § 1, imd. effective. Amended 2004, Nov. 29, P.L. 1352, No. 174, § 1, effective Jan. 28, 2005.

Historical and Statutory Notes

Act 2004-174 legislation

Act 2004-174, § 1, rewrote this section, which had read:

"This act shall be known and may be cited as the Dual Party Relay Service and Telecommunication Device Distribution Program Act."

Title of Act:

An Act providing for Universal Telecommunications and Print Media Access. 1995, July 6, P.L. 255, No. 34. Amended 2004, Nov. 29, P.L. 1352, No. 174.

§ 6701.2. Definitions

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Center for independent living." A consumer-controlled, community-based, cross-disability, nonresidential private, nonprofit agency that is designed and operated within a local community by people with disabilities and provides an array of independent living services, as defined by the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.).

"Commission." The Pennsylvania Public Utility Commission.

"Department." The Department of Labor and Industry of the Commonwealth.

"Persons who are blind." Any person who is legally blind or any person who is eligible to receive services from the National Library Service for the Blind and Physically Handicapped.

"Persons with a disability" or "people with disabilities." A person certified by a licensed physician, audiologist, speech pathologist or a qualified State agency:

(1) As being deaf, deaf-blind, hard of hearing, having a hearing loss or being speech impaired.

(2) As having a disability and who requires technology to independently access telecommunications services.

"Print Media Access System." Any nationwide or Statewide telephone access service that provides access to national and local newspapers to persons who are blind.

"Print Media Access System Program." The Print Media Access System Program established under section 3.1.¹

"Telecommunication device." Equipment necessary for a person with a disability to engage in communication by wire or radio with another person with a disability or with a hearing individual.

"Telecommunication Device Distribution Program." The Telecommunication Device Distribution Program established under section 3.²

"Telecommunication relay service." Telephone transmission services that provide the ability for a person with a disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of a person who does not have a disability to communicate using voice communication services by wire or radio. The term includes services that enable two-way communication between an individual who uses a telecommunication device or other nonvoice terminal device and an individual who does not use such a device.

1995, July 6, P.L. 255, No. 34, § 2, ind. effective. Amended 2002, Dec. 9, P.L. 1437, No. 181, § 1, effective in 60 days; 2004, Nov. 29, P.L. 1352, No. 174, § 2, effective Jan. 28, 2005.

¹ 35 P.S. § 6701.3a.

² 35 P.S. § 6701.3.

Historical and Statutory Notes

Act 2002-181 legislation

Act 2002-181, § 1, rewrote the definition of "persons with a disability" or "people with disabilities", which prior thereto read:

"Persons with a disability" or "people with disabilities." A person certified as being deaf, deaf-blind, hard-of-hearing, having a hearing loss

or speech impaired by a licensed physician, audiologist, speech pathologist or a qualified State agency."

Act 2004-174 legislation

Act 2004-174, § 2, inserted the definitions of "persons who are blind," "print media access

system," "print media access system program" and "telecommunication device distribution program" and deleted the definition of "program," which had read: "Program." The Telecommunication Device Distribution Program established under this act."

§ 6701.3. Establishment of Telecommunication Device Distribution Program

(a) **Establishment.**—The Telecommunication Device Distribution Program is hereby established. It shall be a program whereby telecommunication devices for people with disabilities are distributed at no charge to the distributee.

(b) **Administration.**—The executive director of the Office of Vocational Rehabilitation of the department, in cooperation with other State agencies which serve people with disabilities, shall oversee implementation of the Telecommunication Device Distribution Program. To this end, the executive director may do any of the following:

(1) Establish criteria of eligibility in accordance with subsection (c) and adopt regulations and forms consistent with the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law.¹

(2) Facilitate coordination of funds required for the distribution system with selected centers for independent living or selected not-for-profit agencies having experience in serving persons with hearing or speech disabilities.

(3) Determine, in cooperation with other State agencies, the funds required for the distribution system and provide information to the commission as required under section 4.

(c) **To qualify as distributee.**—Each recipient of a telecommunication device shall meet the following criteria:

(1) Be a resident of this Commonwealth.

(2) Qualify as a person with a disability.

(3) Have telephone service, possess the ability to learn how to use a telecommunication device.

(4) Be six years of age or older.

(5) Have a gross income of less than 200% of the Federal poverty level as determined in accordance with the Link Up America guidelines.

1995, July 6, P.L. 255, No. 34, § 3, imd. effective. Amended 2004, Nov. 29, P.L. 1352, No. 174, § 3, effective Jan. 28, 2005.

¹ 45 P.S. § 1201 et seq.

Historical and Statutory Notes

Act 2004-174 legislation
Act 2004-174, § 3, in the introductory paragraph of subsec. (b), substituted "Telecommuni- cation Device Distribution Program" for "program".

§ 6701.3a. Establishment of a Print Media Access System Program

(a) **Establishment.**—The Print Media Access System Program is hereby established. It shall be a program whereby telephone access to print media access systems for persons who are blind is provided to the user.

(b) **Administration.**—The executive director of the Office of Vocational Rehabilitation of the department, in cooperation with other State agencies which serve people with disabilities, shall oversee implementation of the Print Media Access System Program. To this end, the executive director may do any of the following:

(1) Establish criteria of eligibility and adopt regulations and forms consistent with the act of July 31, 1968 (P.L. 769, No. 240),¹ referred to as the Commonwealth Documents Law.

(2) Facilitate the enrollment and training of Print Media Access System Program user.

(3) Coordinate with newspapers to facilitate the inclusion of additional newspapers and the maintenance of existing newspapers.

(4) Determine, in cooperation with other State agencies, the funds required for the maintenance of the Print Media Access System Program and provide information.

(5) Identify and seek grant funding for the use of the Print Media Access System Program.

(6) Determine what fees, if any, should be charged for the use of the Print Media Access System Program.

(7) Establish criteria for selection and/or change of the Print Media Access System Program service provider.

1995, July 6, P.L. 255, No. 34, § 3.1, added 2004, Nov. 29, P.L. 1352, No. 174, § 4, effective Jan. 28, 2005.

145 P.S. § 1102 et seq.

§ 6701.4. Establishment of dual party relay service

(a) **Telecommunication relay services.**—The commission shall design and implement a telecommunication relay service program for the Commonwealth that is consistent with and meets or exceeds the requirements of the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

(b) **Certification.**—The commission is authorized to seek on behalf of this Commonwealth certification of the telecommunication relay service program from the Federal Communications Commission.

(c) **Additional use of surcharge.**—The Telecommunication Device Distribution Program shall be funded and the Print Media Access System Program may be funded by the Telecommunication Relay Service Program surcharge, as calculated by the commission on an annual basis under the methodology established by the commission in order entered May 29, 1990, and July 9, 1990, at Docket Number M-00900239, and as subsequently modified by the commission. The executive director of the Office of Vocational Rehabilitation in the department shall provide the commission with an annual budget and supporting information for the purchase of telecommunication devices for the Telecommunication Device Distribution Program. The executive director of the Office of Vocational Rehabilitation of the department shall provide the commission with an annual budget and supporting information for the Print Media Access System Program. A portion of the surcharge may be used to fund the Print Media Access System Program. The surcharge shall not be used to fund administrative costs of the Telecommunication Relay Service Program, Telecommunication Device Distribution Program or the Print Media Access System Program.

(d) **Limits on expenditures.**—Expenditures for the Telecommunication Device Distribution Program shall not exceed collections from the Telecommunication Relay Service Program surcharge allocated for the Telecommunication Device Distribution Program. Any expenditures authorized for the Print Media Access System Program shall not exceed collections from the Telecommunication Relay Service Program surcharge allocated for the Print Media Access System Program and any grant funding received for the use of the Print Media Access System Program.

(e) **Annual report.**—The commission shall prepare and submit an annual report to the General Assembly on the Telecommunication Device Distribution Program and on the Print Media Access System Program.

(1) The report shall include the fiscal status of the Telecommunication Device Distribution Program and of the Print Media Access System Program, a statement of the surcharge level established under subsection (c) and the revenues produced by the surcharge for allocation to the Telecommunication Device Distribution Program and to the Print Media Access System Program, an account of Telecommunication Device Distribution Program and the Print Media Access System Program expenses and the fund balance.

(2) The executive director of the Office of Vocational Rehabilitation in the department shall provide the commission with information on the Telecommunication Device Distribution Program, including the purchase and distribution of telecommunication devices, for inclusion in the annual report to the General Assembly.

(2.1) The executive director of the Office of Vocational Rehabilitation of the department shall provide the commission with information on the Print Media Access

System Program, including the annual budget and administration of the Print Media Access System Program, for inclusion in the annual report to the General Assembly.

(3) If the commission determines any of the information is proprietary, the information shall be filed under seal and made available under the terms of an appropriate protective agreement of the type used in cases before the commission.

1995, July 6, P.L. 255, No. 34, § 4, imd. effective. Amended 2004, Nov. 29, P.L. 1352, No. 174, § 4, effective Jan. 28, 2005.

Historical and Statutory Notes

Act 2004-174 legislation

Act 2004-174, § 4, rewrote subsecs. (c), (d) and (e), which had read:

"(c) Additional use of surcharge.—The program shall be funded by the Telecommunication Relay Service Program surcharge, as calculated by the commission on an annual basis under the methodology established by the commission in order entered May 29, 1990, and July 9, 1990, at Docket Number M900239. The executive director of the Office of Vocational Rehabilitation in the department shall provide the commission with an annual budget and supporting information for the purchase of telecommunication devices for the program. The surcharge shall not be used to fund administrative costs of the program.

"(d) Limits on expenditures.—Expenditures for the program shall not exceed collections from the Telecommunication Relay Service Program surcharge.

"(e) Annual report.—The commission shall prepare and submit an annual report to the General Assembly on the program.

"(1) The report shall include the fiscal status of the program, a statement of the surcharge level established under subsection (c) and the revenues produced by the surcharge, an account of program expenses and the fund balance.

"(2) The executive director of the Office of Vocational Rehabilitation in the department shall provide the commission with information on the program, including the purchase and distribution of telecommunication devices, for inclusion in the annual report to the General Assembly.

"(3) If the commission determines any of the information is proprietary, the information shall be filed under seal and made available under the terms of an appropriate protective agreement of the type used in cases before the commission."

CHAPTER 37A

EMERGENCY MEDICAL SERVICES ACT

Section

6934. Support of emergency medical services.

Cross References

Schools, firefighter and emergency service credit-earning courses, see 24 P.S. § 15-1550.

§ 6921. Short title

Research References

Encyclopedias

Summary Pa. Jur. 2d Probate, Estates, & Trusts § 47:22, Time When Declaration Becomes Operative.

Summary Pa. Jur. 2d Probate, Estates, & Trusts § 47:24, Emergency Medical Services.

Treatises and Practice Aids

Standard Pennsylvania Practice § 167:684, Emergency Care.

8 West's Pennsylvania Practice § 14:68, Regulatory Interpretations (Final Rulemaking (1995)).

8 West's Pennsylvania Practice § 14:141, Regulatory Interpretations (Final Rulemaking (1995)).

9 West's Pennsylvania Practice App. O, Medical Cost Containment Regulations.

13 West's Pennsylvania Practice App. C, Pennsylvania Motor Vehicle Code (75 Pa.C.S.A.).

19 West's Pennsylvania Practice App., Appendix, Title 20, Decedents, Estates and Fiduciaries.

20A West's Pennsylvania Practice § 1551:4, Issues that May be Raised for the First Time on Appeal (Pa.R.A.P. 1551(A) (1), (2) and (3)).