The existing rules in Texas Administrative Code (TAC) Title 40, Part 2, [Chapter 109, Subchapter C](https://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=5&ti=40&pt=2&ch=109&sch=C&rl=Y), relating to Specialized Telecommunications Assistance Program, are being repealed and updated new rules, relating to Specialized Telecommunications Assistance Program, are being proposed in 26 TAC new Chapter 360, Subchapter C.

# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 TEXAS HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 360 OFFICE FOR DEAF AND HARD OF HEARING SERVICES

# SUBCHAPTER C SPECIALIZED TELECOMMUNICATIONS ASSISTANCE PROGRAM

§360.501. Purpose.

The purpose of this subchapter is to set out the administration and general procedures governing the Texas Health and Human Services Commission Office of Deaf and Hard of Hearing Services Specialized Telecommunications Assistance Program.

§360.503. Legal Authority.

STAP is created under authority of the Utilities Code, Chapter 56, Subchapter E.

§360.505. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

 (1) Application--The form ODHHS uses to gather and document information about a person to determine eligibility when applying for assistance under STAP.

 (2) Approved equipment or service--The equipment or service approved by ODHHS for reimbursement under STAP.

 (3) Basic specialized telecommunications equipment--A basic device, or basic devices that work together as one device, determined by ODHHS to be necessary to provide effective access to the telephone network for a person whose disabilities impair the person’s ability to access the telephone network.

 (4) Basic specialized telecommunications service--A service, or services that work together as one service, determined by ODHHS to be necessary to provide effective access to the telephone network for a person whose disabilities impair the person’s ability to access the telephone network.

 (5) Claimed voucher--To claim a voucher, vendors are to provide voucher exchange information in the ODHHS STAP online claiming system. A vendor must be registered with STAP to receive access to the claiming system.

 (6) Entity--Any individual owner, partner, company, or other business organization.

 (7) Equipment value--A monetary value established by ODHHS for allowable specialized telecommunications equipment or service, identified by make and model or service.

 (8) Financial assistance--A type of assistance provided based on the monetary value established by a voucher for basic, specialized telecommunications equipment or service, where the value may not cover the full price of the equipment or service.

 (9) Financial independence--An instance in which two or more otherwise eligible persons reside in the same household but are not dependent upon one another for financial support.

 (10) Functionally equivalent network access--Access to the telephone network that provides communication access for a person with a disability, which is comparable to that of persons without a disability.

 (11) HHSC--Texas Health and Human Services Commission.

 (12) Legal guardian--A person appointed by a court of competent jurisdiction to exercise the legal powers of another person.

 (13) ODHHS--The HHSC Office of Deaf and Hard of Hearing Services.

 (14) PUC--The Public Utility Commission of Texas.

 (15) Resident--A person who resides in Texas as evidenced by one of the following unexpired documents:

 (A) Texas driver's license;

 (B) ID card issued by a governmental entity with address;

 (C) utility bill with address;

 (D) voter registration card;

 (E) vehicle registration receipt;

 (F) official letter from a residential facility signed by the director or supervisor; or

 (G) other document approved by ODHHS.

 (16) Signature Authority--A person who represents a vendor and is authorized to sign and exchange vouchers on behalf of the vendor.

 (17) STAP--The Specialized Telecommunications Assistance Program.

 (18) STAP Vendor--An entity that sells basic specialized telecommunications equipment or services, as defined under STAP, and is registered with and approved by ODHHS. A STAP vendor includes any individual owners, partners, companies, or other entities with an ownership interest in the STAP vendor.

 (19) TUSF--The Texas Universal Service Fund.

 (20) Voucher--A financial assistance document issued by ODHHS to eligible applicants that is used to purchase a specified type of basic specialized telecommunications equipment or service from a STAP vendor.

 (21) Voucher category--A specific class of basic specialized telecommunications equipment or services that provides the same or similar type of telephone network access.

 (22) Voucher category value--For a specific voucher category, ODHHS will determine a reasonable price, which is the maximum reimbursement amount for any basic specialized telecommunications equipment or service within that voucher category.

§360.507. Determination of Basic Specialized Telecommunications Equipment or Service.

(a) In determining basic specialized telecommunications equipment or service available for voucher exchange, ODHHS applies the following criteria:

 (1) The equipment or service must be for the purpose of accessing the telephone network.

 (2) The primary function of the equipment or service must apply to telephone network access and not to daily living access, unless:

 (A) the equipment or service for daily living access enables a person to access the telephone network and is less expensive than equipment or service that functions primarily for telephone access, or

 (B) there is no other equipment or service available that enables telephone access.

 (3) A service must be less expensive than the basic specialized telecommunications equipment approved for a voucher under STAP and must be able to meet the same need.

(b) ODHHS maintains a list of eligible specialized telecommunications equipment and services.

§360.509. Preliminary and Comprehensive Assessment.

(a) Preliminary assessment. To determine whether a person is eligible for a voucher, ODHHS conducts a preliminary assessment based on the certification section of the application. A person is eligible if ODHHS determines that the person:

 (1) has a disability that impairs the person’s ability to effectively access the telephone network; and

 (2) can gain access to the telephone network and communicate effectively with basic specialized telecommunications equipment or a service authorized by the specific voucher applied without the assistance of another person.

 (b) Comprehensive assessment. An in-depth assessment that contains information necessary to identify the basic needs that enable the person to access telephone networks. If, after the preliminary assessment is completed, and additional information is needed to determine the appropriate basic voucher for an eligible person, ODHHS may conduct a comprehensive assessment of the person's disabilities, abilities, and needs, which may include medical information.

(c) Final determination. ODHHS determines eligibility for a voucher, and the determination is final.

§360.511. Voucher Recipient Eligibility.

(a) To be eligible for assistance from STAP, a person must:

 (1) be a resident of Texas;

 (2) be a person with a disability that impairs the person’s ability to effectively access the telephone network;

 (3) be at least 5 years of age;

 (4) be in a situation where no other person in the household with the same type of disability needing comparable equipment has received a voucher for equipment unless persons in the household are financially independent of each other;

 (5) not have received a voucher from ODHHS for any specialized telecommunications equipment or services before the fifth anniversary of the date the person exchanged the previously issued voucher under STAP, unless before that anniversary, the person demonstrates that the person is no longer able to use the previous equipment or service received and has developed a need for a different type of specialized telecommunications equipment or service under STAP because of a change in the person's disability status;

 (6) be able to benefit from the specialized telecommunications equipment or service provided by the voucher in accessing the telephone network without assistance of another person; and

 (7) be certified as a person with a disability that impairs the person's ability to effectively access the telephone network, by an individual who meets the requirements of §360.513 of this subchapter (relating to Persons Authorized to Certify Disability).

 (b) A voucher recipient who has not exchanged an issued voucher in compliance with this subchapter, within the last five years, may be eligible for another voucher, as long as all other eligibility requirements are satisfied.

(c) A voucher recipient who has returned the equipment or has stopped a service received through the exchange of a voucher, in compliance with this subchapter, may be eligible for another voucher if the equipment is returned or the service is stopped in compliance with §360.527 of this subchapter (relating to STAP Vendor Duties and Responsibilities).

(d) A voucher recipient of an exchanged voucher in which the registered vendor was not reimbursed for the voucher exchanged in compliance with this subchapter, may be eligible for another voucher, as long as all other eligibility requirements are satisfied.

§360.513. Persons Authorized to Certify Disability.

(a) An applicant must be certified as a person with a disability that impairs the person's ability to effectively access the telephone network. The following may serve as certifiers:

 (1) licensed hearing aid specialists;

 (2) licensed audiologists;

 (3) licensed optometrists;

 (4) licensed physicians;

 (5) licensed advanced practice registered nurses;

 (6) Texas Workforce Commission vocational rehabilitation counselors;

 (7) state-certified teachers of persons who are deaf or hard of hearing;

 (8) licensed speech pathologists;

 (9) state-certified teachers of persons who are visually impaired;

 (10) state-certified teachers of persons who are speech-impaired;

 (11) state-certified special education teachers;

 (12) STAP specialists authorized to work under an ODHHS STAP Outreach and Training contract;

 (13) licensed social workers;

 (14) Independent Living Services specialists, such as rehabilitation counselors, authorized to work under an HHSC Independent Living Services contract;

 (15) ODHHS-approved specialists working in a disability-related field; or

 (16) any other professional approved by ODHHS.

(b) An application must be properly certified before ODHHS can process and approve the application and issue the voucher.

(c) Certifiers who have misrepresented an applicant’s disability, certified an applicant without a disability, violated or who are under pending review of investigation for alleged violations of any HHSC, PUC, or other rules, policies, or laws relating to STAP may no longer be authorized to certify applications. Persons committing or suspected of committing such violations may be referred to PUC, to the certifier's licensing agency, or to both, as appropriate.

§360.515. Vouchers.

(a) Eligible applicants are issued an individually numbered voucher with a specified dollar value to be used toward the purchase of the specialized telecommunications equipment or service that must be listed on the voucher.

(b) A voucher guarantees payment up to the amount specified on the voucher to a STAP vendor if all applicable rules, policies, procedures, and laws are satisfied.

(c) A voucher may not cover the full price of applicable equipment or service available under STAP.

(d) An eligible applicant exchanging a voucher for the purchase of a specialized telecommunications equipment or service is responsible for payment of the difference between the voucher's value and the price of the equipment or service.

(e) A voucher is nontransferable and has no cash value.

(f) A voucher expires on the date stated on the voucher and is no longer valid after the expired date.

(g) A voucher cannot be exchanged before the voucher date stated on the voucher.

§360.517. Determination of Voucher Category Value and Eligibility Criteria for a Voucher.

(a) ODHHS determines the reasonable price for basic specialized telecommunications equipment or services for a voucher. The price becomes the voucher category value for a specific voucher.

(b) The voucher category value as determined by ODHHS may not cover the entire cost of the basic specialized telecommunications equipment or service.

(c) ODHHS reviews voucher category values at least annually. The voucher category value determination is based on factors that include reasonable and customary industry standards for each specific equipment or service.

(d) ODHHS reviews eligibility criteria for a voucher category at least biennially. ODHHS solicits input from persons ODHHS considers knowledgeable in technology and in the telephone access needs of persons with disabilities.

(e) Proposed voucher category values and eligibility criteria are posted to the ODHHS STAP webpage for comments 45 calendar days before final determinations are made for a voucher category. Comments obtained from the advance posting are considered in determining voucher category values and eligibility criteria for a voucher category.

(f) ODHHS determines voucher category values and eligibility criteria for a voucher category, and the determination is final.

§360.519. Consumer Confidentiality.

(a) All information ODHHS receives in the application process for STAP, including names and addresses, may be used only to administer STAP.

(b) ODHHS may not advertise, distribute, or publish the name, address, or other related information about a person who applies for assistance under STAP. Information concerning STAP is exempted from disclosure under the Public Information Act.

(c) All STAP applicant information is the sole property of ODHHS.

§360.521. Determination of Approved Equipment or Services.

(a) ODHHS determines approved makes and models of equipment and specific services for voucher exchange for reimbursement to STAP vendors.

(b) ODHHS reviews approved equipment and services at least annually. The approval of equipment and services are governed by §360.507 of this subchapter (relating to Determination of Basic Specialized Telecommunications Equipment or Service).

(c) ODHHS determines approved makes and models of equipment and specific services, and the determination is final.

§360.523. Equipment Values for Approved Equipment or Services.

(a) ODHHS determines a reasonable equipment value for approved makes and models of specialized telecommunications equipment and services to be paid to STAP vendors for exchanged vouchers.

(b) ODHHS reviews equipment values at least annually. Equipment value determinations are based on factors that include reasonable and customary industry standards for approved equipment and specific services.

(c) Proposed equipment values for approved equipment or services are posted to the ODHHS STAP web page for comments 45 calendar days before final determinations are made. Comments obtained from the advance posting are considered in determining equipment values for approved equipment and specific services.

(d) ODHHS determines equipment values for reimbursement to a STAP vendor, and the determination is final.

§360.525. STAP Vendor Eligibility Requirements.

(a) To be eligible to serve as a STAP vendor and receive reimbursements for STAP vouchers appropriately exchanged, an entity shall meet the following eligibility requirements:

 (1) complete the registration process;

 (2) maintain contact information to include current:

 (A) owners, principal partners, officers, company legal names, and Doing Business As (DBA) names;

 (B) telephone number;

 (C) email address;

 (D) physical address;

 (E) mailing address;

 (F) current Federal Employer Identification Number (FEIN);

 (G) bank information for STAP vendor reimbursement payments by direct deposit; and

 (H) names of individuals who are authorized to sign and exchange a voucher.

 (3) not be barred, debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation in STAP by HHSC or any federal or Texas state agency.

 (4) not owe any delinquent debts or outstanding obligations to TUSF or any Texas state agency.

(b) In order to maintain eligibility, STAP vendors shall comply with the following requirements:

 (1) register annually; and

 (2) exchange or receive reimbursement for at least one STAP voucher every six months.

(c) STAP vendors that have lost STAP eligibility because of failure to exchange or receive reimbursement for a voucher during a six-month period may request reinstatement by ODHHS in accordance with §360.533 of this subchapter (relating to Reinstatement of STAP Vendors).

§360.527. STAP Vendor Duties and Responsibilities.

(a) STAP vendors shall comply with all applicable rules, policies, procedures, and laws governing STAP in order to remain eligible to participate in and receive reimbursement under STAP.

(b) Any STAP vendor failing to comply with subsection (a) of this section may be denied reimbursement.

(c) STAP vendors shall supply only new equipment that was purchased by the STAP vendor directly from a supplier.

(d) STAP vendors cannot receive STAP reimbursement for:

 (1) used equipment;

 (2) equipment paid for directly by a customer;

 (3) vouchers on which the vendor or one of the vendor’s employees are also the named certifier before written approval by ODHHS;

 (4) vouchers that are not properly completed or redeemed in accordance with the voucher terms, conditions, and instructions;

 (5) returned equipment and requests to terminate services;

 (6) vouchers that are not claimed in the ODHHS STAP claiming system by the vendor in accordance with this subchapter, STAP policies, and STAP procedures; or

 (7) vouchers on which the certifier is working for or on behalf of the vendor and the certifier has violated or is under pending review or investigation for alleged violations of HHSC, PUC or other rules, policies, or laws regulating STAP.

(e) STAP vendors shall allow voucher recipients to return equipment that was not damaged when the voucher recipient originally took possession, or stop a service without penalty, if the voucher recipient attempts to return the equipment or requests that the service be terminated within 30 calendar days after receipt of the equipment or service.

 (1) STAP vendors that can show they have made reasonable but unsuccessful attempts to retrieve or accept the return of the equipment from the voucher recipient, are not required to accept the return beyond the 30 calendar day requirement.

 (2) STAP vendors shall document any attempts to accept or retrieve equipment returned by the recipient.

(f) STAP vendors shall provide a voucher recipient with a receipt if equipment is returned or service is terminated.

(g) STAP vendors must contact ODHHS within 10 calendar days after equipment is returned or service is requested to be stopped in the event that equipment is returned, service is unused, or service is requested to be terminated by the STAP voucher recipient within 30 calendar days from voucher exchange date.

 (h) STAP vendors must reimburse TUSF within 30 calendar days after equipment is returned or service is requested to be stopped, if equipment is returned, service is unused, or service is requested to be terminated by the STAP voucher recipient within 30 calendar days from voucher exchange date.

(i) STAP vendors shall not submit a voucher for reimbursement before 10 calendar days from the date of the voucher exchange and before the equipment or services is delivered.

(j) STAP vendors shall provide efficient delivery of equipment or access to services no later than 10 calendar days after the voucher claim or communication with the STAP voucher recipient when the equipment or service will be delivered.

(k) STAP vendors shall provide STAP voucher recipients information on, instructions to, or demonstration of the use and setup of the equipment as appropriate to help recipients understand how to use and set up the equipment before completing the sale and submitting the voucher for reimbursement.

(l) STAP vendors shall ensure that when they work with or act as STAP certifiers, appropriate equipment is selected for the STAP applicant.

(m) STAP vendors shall not assess a STAP voucher recipient an additional fee, cost, or penalty, in addition to the STAP vendor price, except a reasonable shipping cost for mail orders, when a STAP voucher recipient purchases equipment or services with a STAP voucher.

(n) STAP vendors shall notify ODHHS in writing at least 60 calendar days before the intended effective date of any change in legal entity status, such as ownership or control, name change, federal or state legal status, bank routing information, or contact information.

(o) STAP vendors shall retain records related to STAP, including purchase of the equipment or service exchanged, and the distribution or delivery of equipment or service to the voucher recipient for a minimum of six years from the date of the voucher exchange.

(p) STAP vendors shall allow ODHHS to conduct an audit, investigation, and STAP oversight of their business.

 (1) During the six-year retention period, STAP vendors shall permit ODHHS, the State Auditor's Office, PUC, or their successor agencies, to conduct an audit or investigation of the STAP vendor in connection with funds received for reimbursement of a STAP voucher. STAP vendors will provide any books, documents, papers, and records that are pertinent to the exchange of a STAP voucher, for the purpose of conducting audits, examinations, or investigations, or for the production of excerpts and transcriptions.

 (2) STAP vendors shall cooperate fully in an audit, examination, investigation, funds validation, or in the production of excerpts and transcriptions.

 (3) STAP vendors shall provide documentation from third parties reflecting equipment or services purchased and the purchase price and records showing sales to non-STAP consumers.

 (4) STAP vendors shall permit ODHHS staff during any on-site monitoring visits to review all records and management control systems relevant to the exchange of a STAP voucher.

 (5) STAP vendors shall remedy, within 30 calendar days of notice, any weaknesses, deficiencies, or STAP noncompliance found as a result of a review, audit, or investigation as well as performance or fiscal exceptions found by ODHHS, the State Auditor's Office, PUC, any successor agencies, or any duly authorized representatives of said agencies.

 (6) STAP vendors shall refund disallowed costs or billed amounts or pay any other appropriate sanctions or penalties imposed by ODHHS directly to TUSF.

(q) STAP vendors shall provide to the STAP voucher recipient, all equipment or services as authorized on the voucher.

(r) STAP vendors shall ensure that individuals authorized to sign a STAP voucher receive training provided by ODHHS before signing or exchanging a STAP voucher.

(s) STAP vendors shall not stamp, label, or affix any company information on any STAP-related promotional materials or applications as a form of marketing.

(t) STAP vendors must exchange or receive reimbursement for at least one STAP voucher during the most recent six-month period. Failure to do so may result in automatic removal from the list of eligible STAP vendors.

(u) STAP vendors shall ensure that the vendor’s advertised purchase price for equipment or services is not arbitrarily inflated.

(v) STAP vendors shall be accessible by telephone and in-person to provide assistance under STAP, including inquiries and complaints during standard business hours. Service representatives shall respond within 72 hours or 3 business days after the request for assistance is made, whichever occurs first. If a representative is not available to answer the telephone, an automated answering message system must provide callers with the vendor’s company name and hours of operation and allow callers to leave a message.

(w) STAP vendors shall maintain a website displaying current equipment and services available by the vendor for purchase with a STAP voucher, in an easy-to-understand format. Website information shall include:

 (1) the make, model, and cost to the STAP voucher recipient, or the cost above the established STAP equipment value for each equipment sold by the vendor under a STAP voucher;

 (2) specific named services and cost to the STAP voucher recipient, or the cost above the established STAP equipment value for each named service;

 (3) a description of equipment or service sufficient to cover functionality of the equipment needed for persons with disabilities in accessing the telephone networks; and

 (4) contact information, including physical business location, hours of service, and email address.

(x) STAP vendors shall maintain a required inventory for demonstration purposes as established by ODHHS and ensure equipment or service from that inventory is made available to STAP voucher recipients for each voucher that the vendor intends to exchange for a STAP voucher. Vendors shall comply with the inventory requirements of newly added inventory within 30 calendar days after notice by ODHHS. STAP vendors shall update their websites within 10 calendar days after the date their inventory has been updated.

§360.529. Voucher Reimbursement.

(a) Not later than the 45th calendar day after the date ODHHS receives the voucher and all required supporting documentation from the STAP vendor, or the date the vendor has claimed the voucher in the ODHHS STAP claiming system, whichever date occurs later, the ODHHS will pay the STAP vendor from TUSF the lesser of the:

 (1) ODHHS established equipment value;

 (2) STAP vendor's advertised purchase price; or

 (3) voucher value established by ODHHS for the voucher category of the equipment or service exchanged.

 (b) Vouchers will not be reimbursed for partial exchanges. All equipment must be exchanged as authorized on the voucher.

(c) STAP vendors will not be reimbursed for voucher exchanges that are made during any time the STAP vendor is barred, debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation in STAP by HHSC or any federal or Texas state agency.

(d) STAP vendors seeking reimbursement for the sale of STAP equipment from an additional source (such as Medicare, Medicaid, or private insurance) in conjunction with a voucher exchange may not receive more than the total price of the equipment from all sources.

(e) A STAP vendor that exchanges a STAP voucher in person for the purchase of approved equipment or services in accordance with STAP requirements may request reimbursement from ODHHS. ODHHS will reimburse the STAP vendor from TUSF for a voucher exchanged in accordance with this subchapter and STAP policy when the STAP vendor claims the voucher in the ODHHS STAP claiming system, exchanges the voucher for equipment with the customer, and provides ODHHS with the following documentation:

 (1) a voucher documenting equipment or service exchanged and signed by both the voucher recipient, and vendor’s registered signature authority on file with ODHHS certifying that the equipment or service was new, unused, and not reconditioned or obsolete and has been delivered to the voucher recipient; and

 (2) a receipt or invoice that contains:

 (A) a description of the equipment or service exchanged for the STAP voucher;

 (B) manufacturer and model number;

 (C) serial number; and

 (D) the total price charged to the voucher recipient, including the amount to be reimbursed by ODHHS for the equipment or service exchanged.

 (f) A STAP vendor that exchanges a STAP voucher by mail for the purchase of approved equipment or services in accordance with STAP policies and this subchapter may request reimbursement from ODHHS. ODHHS will reimburse a voucher (exchanged in accordance with this subchapter and STAP policies) upon receipt from the STAP vendor of:

 (1) proof of delivery of the equipment or service to the voucher recipient; and

 (2) a receipt or invoice that contains:

 (A) a description of the equipment or service exchanged by mail for the STAP voucher:

 (B) manufacturer and model number;

 (C) serial number; and

 (D) the total price charged to the voucher recipient, including the amount to be reimbursed by ODHHS for the equipment or service exchanged.

(g) STAP vendors shall claim a voucher in the ODHHS STAP claiming system and submit voucher reimbursement requests, along with supporting documentation, to ODHHS within 120 calendar days after the date of the voucher exchange or the date shown on the proof of delivery.

(h) Vouchers exchanged in violation of STAP requirements that are not corrected, and vouchers or supporting documentation submitted or claimed after 120 calendar days from the date of the voucher exchange will not be reimbursed.

(i) Vouchers submitted that do not have supporting documentation, as required by this subchapter will not be reimbursed.

(j) ODHHS may investigate whether the presentation of a voucher for payment represents a valid transaction for equipment or service under STAP.

(k) If there is a dispute regarding the amount or propriety of the payment or whether the equipment or service is appropriate or adequate to meet the needs of the voucher recipient, ODHHS may:

 (1) delay or deny payment of a voucher to a STAP vendor until the dispute is resolved; or

 (2) provide payment of a voucher, conditional upon the return of the payment if the equipment is returned to the STAP vendor or if the service is not used by the voucher recipient.

(l) Reimbursements may also be subject to other limitations or conditions determined by ODHHS to be just and reasonable, including investigation of whether the presentation of a STAP voucher represents a valid transaction for equipment or services under STAP.

(m) If a dispute arises as to whether the submitted documentation is sufficient to create a presumption of a valid STAP sales transaction, ODHHS will make the final determination on the sufficiency of the documentation.

§360.531. Suspension or Loss of STAP Vendor Eligibility.

(a) A STAP vendor may be suspended from or lose eligibility to participate in STAP for any of the following:

 (1) failure to comply with the requirements of STAP;

 (2) seeking or receiving reimbursement for equipment or services that are not new, were not provided, or were provided only after seeking or receiving reimbursement;

 (3) seeking or receiving reimbursement for equipment or services on a voucher that is not a valid STAP voucher;

 (4) violating or suspicion of violating any ODHHS or other applicable rules, policies, or laws relating to STAP;

 (5) working with or serving as a certifier and failing to ensure appropriate equipment selection;

 (6) failure to repay TUSF for equipment or services for which the STAP vendor received reimbursement, but for which the STAP vendor did not provide the equipment or service, or was not otherwise entitled to reimbursement; or

 (7) being barred, debarred, suspended, proposed for debarment, declared ineligible, or excluded from doing business with, or receiving payments from, the federal or state government.

 (b) ODHHS will notify a STAP vendor in writing if ODHHS determines that the STAP vendor or service provider is suspended from STAP or is otherwise ineligible to participate in STAP.

§360.533. Reinstatement of STAP Vendors.

(a) A STAP vendor that has been suspended or otherwise determined to be ineligible to participate as a STAP vendor, may request reinstatement into STAP by:

 (1) submitting a written request to ODHHS for reinstatement; and

 (2) submitting written documentation showing that:

 (A) all STAP eligibility requirements have been satisfied; and

 (B) any violations or deficiencies that resulted in the suspension or ineligibility determination have been remedied.

 (b) ODHHS decision on a reinstatement request is final.

§360.535. Vendor Required Approved Equipment or Service Inventory.

(a) ODHHS determines makes and models of approved equipment and specific services for a voucher that a STAP vendor is required to make available to a STAP voucher recipient.

(b) ODHHS reviews the required inventory at least annually. The required inventory is determined by approved equipment and services that conform to §360.507 of this subchapter (relating to Determination of Basic Specialized Telecommunications Equipment or Service) and offers a STAP voucher recipient a reasonable selection.

(c) Vendors are not required to have both the equipment inventory and the service inventory established for a voucher in order to be able to sell equipment or service under that voucher.

(d) If a vendor does not exchange a specific voucher, an inventory for that voucher is not required.

(e) The required inventory does not preclude vendors from selling additional allowable equipment or services.