

# FCC Makes Remote VRS Call Assistants Pilot Program Permanent

February 5, 2020

At its Open Meeting on January 30, the FCC adopted a [Report and Order](#) ("Order") making video relay service ("VRS") calls that use communications assistants ("CAs") that work from home (as opposed to at a call center) eligible for compensation from the Telecommunications Relay Service ("TRS") Fund. According to the FCC, this change will afford VRS providers more flexibility in the type of CAs they can employ, which will improve the efficiency and effectiveness of this service for consumers with hearing or speech disabilities. All VRS providers must comply with new safeguards and any applicants to be a VRS provider will need to request authorization to use at-home CAs and include a proposed compliance plan.

VRS enables people with hearing or speech disabilities who use American Sign Language to communicate via video and phone with voice callers. The person with the disability uses a video call to sign with a CA who then relays the details from the signer to the user on the voice side of the telephone call. In 2011, the FCC amended its rules to exclude the use of at-home CAs due to its concern that lack of oversight and other limitations would increase the risk of fraud in the VRS program. In 2017, however, the FCC found that anti-fraud protections and network technology advancements had reduced fraud risk related to at-home CA use. As a result, the FCC initiated a one-year pilot program that allowed any VRS provider with a conditional or full certification to receive TRS Fund compensation if the provider used at home CAs for no more than 30% of the monthly call minutes. As a condition of participation, a VRS provider had to submit a compliance plan outlining the provider's plan to meet the mandatory minimum standards and safeguards listed in section 64.604(b)(8) of the FCC's rules. The FCC authorized two VRS providers to participate in the initial pilot program and granted a temporary extension until the end of April 2019. Following the end of the temporary extension period, the FCC granted waivers to participate in the program to a number of other VRS providers and further extended the program expiration date to April 2020.

In May 2019, the FCC released a proposal to allow at-home CAs permanently, subject to safeguards similar to those used in the pilot program. Last week's Order amends the FCC's rules to allow permanent use of at-home CAs with some changes from the pilot program. With the new rules, the FCC raised the percentage cap on a provider's use of at-home call-handling to 50% of the provider's monthly VRS call minutes. Since all certified VRS providers were authorized to use at-home CAs under the pilot program, these providers will not need further authorization. However, any new applicant for VRS certification that seeks to use at-home CAs will need to include a request for authorization that includes a proposed compliance plan. The FCC additionally adopted a number of safeguards related to 1) CA personnel qualifications, training, and performance; 2) the technical specifications of the CA home workstation and environment; and 3) monitoring, oversight, and inspection of home workstations. Additionally, providers are required to include at-home call-handling data in their annual VRS compliance reports.

The new rules become effective 30 days after a summary of the Order is published in the Federal Register with the exception of the provider standards and safeguards listed in sections 64.604 and 64.606 of the FCC's rules, which contain information collection provisions requiring Office of Management and Budget ("OMB") approval. As a result, sections 64.604 and 64.606 amendments will not become effective until the date specified in future Federal Register notice announcing OMB approval.