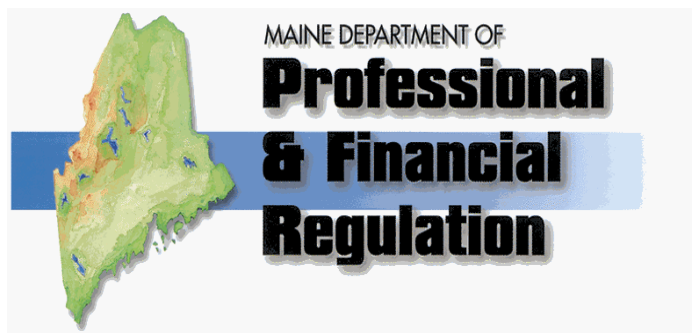


MAINE STATE LEGISLATURE

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**Final Report
of the Commissioner of Professional and Financial Regulation**

**to the Joint Standing Committee
on Business and Economic Development**

Sunrise Review of L.D. 2478

**“An Act to License Cued Speech Transliterators
of the Deaf and Hard-of-Hearing”**

December 15, 2000

*Angus S. King, Jr.
Governor*

*S. Catherine Longley
Commissioner*

Table of Contents

Introduction	1
I. Charge from Committee.....	1
II. Independent Assessment by Commissioner.....	1
III. Summary of Proposed Legislation.....	2
IV. Evaluation Criteria.....	2
1. Data on Group.....	3
2. Specialized Skill.....	4
3. Public Health; Safety; Welfare.....	4
4. Voluntary and Past Regulatory Efforts.....	5
5. Cost; Benefit.....	6
6. Service Availability of Regulation.....	7
7. Existing Laws and Regulations.....	7
8. Method of Regulation.....	8
9. Other States.....	9
10. Previous Efforts.....	9
11. Mandated Benefits.....	10
12. Minimal Competence.....	10
13. Financial Analysis.....	10
IV. Recommendations of the Commissioner.....	11
Appendix A—Statutory Provisions Governing Sunrise Review	
Appendix B—Request of the Committee for Sunrise Review	
Appendix C—L.D. 2478, “An Act to License Cued Speech Translitterators for the Deaf and Hard-of-hearing	
Appendix D—Sunrise Review Questionnaire and Applicant Group Responses	
Appendix E—Requirements of Other States	

Introduction

Under 5 M.R.S.A. § 12015(3), “sunrise review” is required of any legislation that proposes to regulate professions not previously regulated. The sunrise review process consists of applying the evaluation criteria established by statute, 32 M.R.S.A. § 60-J, to the proposed system of regulation to determine whether the occupation or profession should be regulated

The sunrise review process may be conducted in one of three ways:

1. The Joint Standing Committee of the Legislature considering the proposed legislation may hold a public hearing to accept information addressing the evaluation criteria;
2. The Committee may request the Commissioner of Professional and Financial Regulation to conduct an independent assessment of the applicant’s answers to the evaluation criteria and report those findings back to the Committee; or
3. The Committee may request that the Commissioner establish a technical review committee to assess the applicants' answers and report its findings to the Commissioner.

Copies of 5 M.R.S.A. § 12015(3) and a summary of the Sunrise Review process as enacted by P.L. 1995, c. 686 are included in Appendix A to this report.

I. Charge from Committee

In a memorandum dated March 31, 2000, the Joint Standing Committee on Business and Economic Development of the 119th Legislature requested that the Commissioner of Professional and Financial Regulation conduct an independent assessment of LD 2478, “An Act to License Cued Speech Transliterators of the Deaf and Hard-of-Hearing” in accordance with the Sunrise Review Procedures of 32 M.R.S.A., Chapter 1-A, sub-chapter II. A copy of the Committee’s request is attached as Appendix B. Although the legislation was voted “Ought Not to Pass,” the Committee nonetheless felt that a sunrise review of the proposal would be beneficial and requested that the Commissioner conduct an independent assessment.

II. Independent Assessment by Commissioner

The requirements for an independent assessment by the Commissioner are set forth in 32 M.R.S.A. § 60-K. In conducting an independent assessment, the Commissioner is required to apply the specified evaluation criteria (set forth in 32 M.R.S.A. § 60-J) to all answers and information submitted to, or collected by, the Commissioner. After conducting the independent assessment, the Commissioner must submit a final report setting forth the Commissioner’s recommendations, including any draft legislation necessary to implement those recommendations.

If the Commissioner finds that some form of regulation is appropriate, the Commissioner must recommend the level of regulation and a responsible agency. Pursuant to 32 M.R.S.A. § 60-K(3), the recommendation “must reflect the least restrictive method of regulation consistent with the public interest.” A copy of 32 M.R.S.A. § 60-K is included in Appendix A.

III. Summary of Proposed Legislation

L.D. 2478, “An Act to License Cued Speech Transliterators for the Deaf and Hard-of-hearing” proposed to require licensure of persons who serve as cued speech transliterators for compensation. Under the proposal, “cued speech” is defined as “a visual communication system that, in English, uses 8 handshapes in 4 locations, known as cues, in combination with the natural mouth movements of speech to represent all of the sounds of a spoken language.” “Cued speech transliteration” is defined as “a person who acts as an intermediary between a person who is deaf or hard-of-hearing and another person who represents any auditory communication as a visual form using cued speech.” The proposal would vest authority for licensure of cued speech transliterators with the Commissioner of Professional and Financial Regulation.

Two categories of licensure would be established under the proposal: limited cued speech transliterator and certified cued speech transliterator.

Licensure as a limited cued speech transliterator would require a high school diploma, or equivalent and completion of 45 hours of acceptable instruction in cued speech or a passing score accepted by the National Cued Speech Association as a pre-requisite for certification programs on the Basic Cued Speech Proficiency Rating or a comparable test. Limited cued speech transliterators would be subject to continuing education requirements of 15 hours in cued speech or the interpreting process.

In order to qualify for licensure as a certified cued speech transliterator, an applicant would again be required to have a high school diploma or its equivalent and have achieved a minimum certification level of 4 from the National Association of the Deaf or its successor. Continuing education of 6 hours and continued certification by the National Cued Speech Association would also be required.

A copy of L.D. 2478 is attached as Appendix C.

IV. Evaluation Criteria

Ordinarily, an independent assessment by the Commissioner involves reviewing the responses to the evaluation criteria provided by the applicant groups to the Committee. In this instance, however, that information was not provided to the committee and the Department collected information from interested parties through the use of the questionnaire included in Appendix D

The evaluation criteria set forth in 32 M.R.S.A. § 60-J, a copy of which is included in Appendix A, shall be presented in this report as follows:

- 1. The evaluation criteria, as set forth in the statute;**
- 2. A summary of the responses received from the applicant group (the full responses are included in Appendix D); and**
- 3. The Department's independent assessment of the response to the evaluation criteria.**

1. Data on group. A description of the professional or occupational group proposed for regulation or expansion of regulation, including the number of individuals or business entities that would be subject to regulation, the names and addresses of associations, organizations and other groups representing the practitioners and an estimate of the number of practitioners in each group.

Applicant Group Response:

Respondents for the applicant group indicated that there are approximately 25—30 full time cued speech transliterators and 5-6 part time transliterators in the State of Maine.

The names and addresses of groups representing the practitioners are (the number of practitioners represented is given in parentheses, although there is some degree of overlap in membership):

National Cued Speech Association (10)
23970 Hermitage Road
Cleveland, Ohio 44122-4008

Cued Speech Association of Maine (25)
RFD #2, Box 728
Chelsea, Maine 04330

Educational Cued Speech Transliterator
Committee
P.O. Box 234
Fairfield, Me 04937

New England Cued Speech Services (3)
36-749 Vassar Street
Cambridge, MA 02139

Maine Cued Speech Services (1)
P.O. Box 785
Fort Fairfield, ME 04742

NCSA Instructor Committee
Instructor of Cued Speech National
Certification Exam
36-749, 50 Vassar Street
Cambridge, MA 02319

Department Assessment:

L.D. 2478 proposed to regulate all persons who act as cued speech transliterators for the deaf and hard of hearing for compensation. Non resident transliterators (those who are residents of a state other than Maine and who do not transliterate for compensation in the State of Maine

for more than 160 hours per year), as well as persons providing communication assistance during a medical emergency, are exempt from licensure. In addition, volunteers, friends, family members and others who transliterate for the deaf and hard of hearing without compensation would not be subject to the provisions of the legislation. The legislation seeks to regulate only individuals and not agencies providing interpreter services or referrals.

The Department is not aware of any information that would contradict the estimates of the applicant group concerning the number of transliterators in the State and therefore estimates the potential pool of licensees to be between 25-35 individuals.

2. Specialized skill. Whether practice of the profession or occupation proposed for regulation or expansion of regulation requires such a specialized skill that the public is not qualified to select a competent practitioner without assurances that minimum qualifications have been met.

Applicant Group Response:

The practice of transliteration requires accuracy, consistency, uniformity, precision and speed in cueing, which can from take several weeks to several months to acquire. It requires 15-20 hours of instruction to learn the system of cued speech and formal training and workshops for cued speech transliterators and another 20-25 hours of coursework in deafness, deaf culture, and the interpreting process. Cued speech transliterators must understand standards of conduct in various settings (educational, public/private, etc.) and must be able to meet the needs of clients with varying degrees of skill and communication abilities.

Standards must be established so that there are assurances that minimum qualifications have been met and in order to ensure that the public has the means to select a competent practitioner.

Department Assessment:

Translitterators must be fluent in English and proficient in cued speech in order to adequately serve their clients. It is extremely difficult for persons who are not familiar with cued speech, but who must provide transliteration services for cued speech users, to assess the qualifications of a transliterator. There is a lack of awareness as to how the services of a cued speech transliterator may be obtained, as the Department experienced first hand in trying to procure a transliterator for its meeting to discuss the sunrise review criteria. In addition, there appears to be a lack of public awareness of the availability of certification of transliterators.

3. Public health; safety; welfare. The nature and extent of potential harm to the public if the profession or occupation is not regulated, the extent to which there is a threat to the public's health, safety or welfare and production of evidence of potential harm, including a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, other professional or occupational boards and professional

and occupational associations that have been lodged against practitioners of the profession or occupation in this State within the past 5 years.

Applicant Group Response:

Members of the applicant group assert that significant damage and lack of visual understanding of spoken language can occur if transliteration is not performed in a competent manner. For the deaf or hard-of-hearing individual to comprehend what is being said by a hearing person, the cueing of the transliterator must be proficient and precise. Concern was also expressed that, without regulation, there is a lack of equal access to the hearing community/auditory environment, particularly in the educational setting, as well as a substantial risk to cued speech users in legal and medical settings. Members of the applicant group also cited concerns about compliance with the Americans with Disabilities Act.

The applicant group felt that significant disadvantages might arise in the public school system because of the use of unqualified cued speech transliterators working in a school system.

Members of the applicant group indicated that there were no known complaints filed with state law enforcement agencies or regulators within the past 5 years.

Department Assessment:

The educational disadvantages of an unqualified transliterator to a deaf or hard of hearing student who uses cued speech are significant, and are the primary concern of the applicant group. Persons providing transliteration services to students should meet certain standards of proficiency in order to ensure that the child receives the full benefit of his or her education.

The Department recognizes that there are risks presented in legal and medical situations; however, these issues are of general applicability as a cued speech user's inability to effectively communicate if a qualified practitioner is not available is similar to the barriers faced by persons who speak foreign languages and cannot find an interpreter.

4. Voluntary and past regulatory efforts. A description of the voluntary efforts made by practitioners of the profession or occupation to protect the public through self-regulation, private certifications, membership in professional or occupational associations or academic credentials and a statement of why these efforts are inadequate to protect the public.

Applicant Group Response:

Cued speech transliterators have sought to self-regulate and set standards for their practice. A committee (ECSTC) was formed to provide guidelines and protocols, especially in school systems. An initial workshop was held in 1992 and various workshops have been held since that time. Monthly meetings have been held by the ECSTC since 1993. Despite the fact

that membership is voluntary and no dues are required, it has remained viable and continues to press for and support professional excellence.

These efforts are inadequate because the profession lacks credibility without regulation. As a result, school systems often reluctant to use or implement and deaf and hard of hearing children are often denied the opportunity or ability to function in public school on the grade level with their hearing peers. The situation is further heightened when one group of service providers is regulated (American Sign Language Interpreters) and another (cued speech transliterators) is not.

Occasional workshops and training sessions have been offered in Maine but are difficult for many people to attend due to geographic limitations.

Department Assessment:

Regulation does not necessarily equate credibility. The applicant group's response indicates that self-regulation has met with some degree of success. In addition, regulation of the profession does not mean that training and continuing education will become more readily available. In fact, it may impose a significant burden on persons seeking licensure or those who become licensed but need continuing education in order to maintain that licensure.

5. Cost; benefit. The extent to which regulation or expansion of regulation of the profession or occupation will increase the cost of goods or services provided by practitioners and the overall cost-effectiveness and economic impact of the proposed regulation, including the indirect costs to consumers.

Applicant Group Response:

Members of the applicant group assert that regulation should not increase the cost of transliterator services, but rather maintain current levels. Applicants believe that without regulation, the dollar value of a transliterator's skill may be decreased and that there would be insufficient financial remuneration and professional respect, thus reducing the number of qualified transliterators available and reducing access to their services. It was also suggested that regulation should increase the hourly cost of cued speech transliteration services, ultimately reducing turnover and need for re-training

In the educational setting, applicants asserted that while initial costs to schools may be increased if the schools are required to prepare, train, and hire qualified cued speech transliterators. Applicants indicate that they believe this will eventually serve to reduce special education budgets because students who receive full access to the language of their classroom environment will have fewer special education needs.

Department Assessment:

Generally, establishing requirements for licensure of a previously unregulated profession tends to reduce the pool of available practitioners and increase the expenses and overhead costs of the practitioner, thus increasing the cost of services provided. The pool of cued speech transliterators in Maine is already limited and the Department is concerned that regulation may reduce, rather than increase the number of practitioners. The maximum licensee pool is estimated by the applicant group to be 35 individuals at the present time, with a client base of approximately 75-100 individuals and businesses. The Department is concerned that regulation may have an impact which is in direct opposition to that sought by the applicant group.

6. Service availability of regulation. The extent to which regulation or expansion of regulation of the profession or occupation would increase or decrease the availability of services to the public.

Applicant Group Response:

The applicant group expressed the belief that regulation would increase job status and visibility; that if skill and professional ethics were assured through regulation, practitioners would be justified in charging more, making the profession more rewarding; that regulation would provide a known “bank” of cued speech transliterators; and that it would only increase the availability of services to the public by setting standard criteria and providing an arena for uniform accessibility.

Department Assessment:

Although regulation may serve to increase the status, visibility or recognition of the profession, the Department is concerned that the applicant group may not be fully cognizant of the likely impact of regulation upon such a small group of practitioners, as was discussed in the Department’s assessment of evaluation criteria number 6.

7. Existing laws and regulations. The extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from nonregulation and whether regulation can be provided through an existing state agency or in conjunction with presently regulated practitioners.

Applicant Group Response:

There are no existing laws or regulations for cued speech transliterators. A year ago licensure status was afforded to interpreters and attempts to include cued speech in that legislation were rejected. There is no regulation of cued speech transliterators in any New England state at the present time.

The State's special education regulations require that cued speech transliterators must be registered with the Department; however, no such regulatory structure exists. Members of the applicant group stated that separate regulation (from American Sign Language interpreters) is needed in order to protect cued speech transliterators and the clients they serve.

Department Assessment:

The most compelling arguments in support of regulation are those pertaining to the impact of inadequately trained practitioners serving as transliterators in the educational setting. An alternative to regulation is available, as a requirement of certification through national certification processes could provide assurances that minimum qualifications have been met, thus achieving the same objective.

The Department would also note that the purpose of regulation is to protect the public, not the members of the profession.

8. Method of regulation. Why registration, certification, license to use the title, license to practice or another type of regulation is being proposed, why that regulatory alternative was chosen and whether the proposed method of regulation is appropriate.

Applicant Group Response:

In support of the method of regulation, applicants assert that cued speech is an indispensable tool in mainstreaming deaf and hard of hearing children and in teaching them the English language, that the State's Department of Education imposes many stringent regulations on school special education directors with respect to the provision of such services, and that regulation is required in order for state administrators and school administrators to recognize cued speech transliteration as a true profession. Applicants have expressed the belief that it is necessary to establish a high level of regulation similar to that of American Sign Language interpreters.

Department Assessment:

Licensure by the Department, rather than by a regulatory board, is the least restrictive and least costly method of regulation available. However, the costs associated with regulation will be significant, as will be discussed in assessing evaluation criteria number 13.

The proposal would establish an advisory council, similar to that created under P.L. 1999, c. 399, which created a licensure category for American Sign Language interpreters. The potential costs associated with the establishment of an advisory council may serve to further increase the costs of regulation. Given the relatively small licensee pool, the Department believes that it could solicit input from interested parties on an informal basis and that an advisory council is not needed.

9. Other states. A list of other states that regulate the profession or occupation, the type of regulation, copies of other states' laws and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis.

Applicant Group Response:

Applicants indicated that Kentucky, Virginia, Louisiana, Maryland (DOE regulations), Minnesota, North Carolina, and Ohio regulate cued speech transliterators, although only Kentucky's laws were provided. Proponents also indicated that Georgia, California and New York may be considering such proposals.

Department Assessment:

Information obtained by the Department indicates that Alabama, Connecticut, Kentucky, Indiana, Minnesota, and Virginia currently regulate cued speech transliterators. The Department was unable to confirm the existence of regulation of the profession in the states of Louisiana, Maryland, North Carolina or Ohio. Some states, while not regulating the profession, may require the use of certified transliterators in certain educational or legal settings.

Most states that regulate the profession establish criteria for licensure through the requirement of national certification. Copies of the laws of Alabama, Connecticut, Kentucky, Indiana (by rule, rather than statute), Minnesota, and Virginia are included in Appendix E. Also included in Appendix E is a chart of licensure requirements for interpreters and transliterators developed by the National Association of the Deaf ("NAD") and guidelines adopted by NAD for state regulation of interpreters.

10. Previous efforts. The details of any previous efforts in this State to implement regulation of the profession or occupation.

Applicant Group Response:

Applicants indicated that attempts were made to include cued speech transliterators in PL 1999, c. 399, which applied to deaf interpreters (American Sign Language).

Department Assessment:

The Department is aware that attempts were made to include cued speech transliterators in P.L. 1999, c. 399, and concurs with the response of the applicant group.

11. Mandated benefits. Whether the profession or occupation plans to apply for mandated benefits.

Applicant Group Response:

No plans to seek Medicaid reimbursement

Department Assessment:

Medicaid may provide some level of reimbursement to physicians for interpretive services; however, most health insurers and managed care companies do not.

12. Minimal competence. Whether the proposed requirements for regulation exceed the standards of minimal competence and what those standards are.

Applicant Group Response:

Proposed standards meet or exceed the national certification standards for accuracy and fluency and are similar to models used in other states

Department Assessment:

The proposed legislation incorporates national certification as the primary qualification for licensure and is therefore consistent with generally accepted standards of minimal competence.

13. Financial analysis. The method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by current or proposed licensees through dedicated revenue mechanisms.

Applicant Group Response:

Require licensure or registration through the Office of Licensing and Registration.

Department Assessment:

Under the laws governing to the operations of the Office of Licensing Regulation, each regulatory program must be self-sustaining. 10 M.R.S.A. § 8003-F. If cued speech transliterators are the sole licensee pool regulated, as is proposed, the Department estimates that the costs of licensure would be prohibitively expensive for such a small pool of licensees. It is estimated that the license fee would be approximately \$500-\$600 per license. This would cover only the costs of licensure; it would not include the costs of obtaining the training or certification necessary to qualify for licensure, which members of the applicant group estimated to be approximately \$400-\$500.

In order to mitigate the costs of regulation, the Department feels it would be more appropriate to establish any regulation of cued speech transliterators in the same chapter as the regulation of American Sign Language interpreters. This would enable the Department to administer similar regulatory functions in the most cost effective manner by pooling the costs among both licensee pools. This would also serve to help control the costs associated with regulation for both groups of practitioners and the estimated costs of licensure for cued speech transliterators would be the same as for American Sign Language Interpreters, which is currently \$200 per year.

V. Recommendations of the Commissioner

Generally under the independent assessment method of sunrise review, the Commissioner must not only evaluate the information by the applicant group, but must also recommend to the Committee whether action should be taken on a proposal. If the Commissioner's recommendation supports regulation, the report must include any legislation required to implement that recommendation. The recommendations must reflect the least restrictive method of regulation consistent with the public interest. In this instance, however, no legislative proposal exists at the present time, and the Committee must make a determination as to whether it wishes to put forth such a proposal.

In assessing the sunrise review evaluation criteria, the Department believes that the *least* restrictive form of regulation would entail amendment of the Department of Education's rule governing supportive services (Rule Chapter 101, § 6.7(B)) to require that cued speech transliterators achieve and maintain national certification. This would address the primary concerns of the applicant group, while minimizing the regulatory burden on practitioners and the costs for both practitioners and their clients. That having been said, however, this State has previously determined that regulation of American Sign Language interpreters is appropriate and necessary. The Department sees little basis for regulating practitioners of professions who serve the essentially the same clientele, but use different languages to do so, in such a disparate fashion. Furthermore, the Department does not believe that deaf and hard of hearing persons who use one form of communication should be afforded greater protection than those who use another.

Based upon the foregoing, it is the recommendation of the Commissioner of Professional and Financial Regulation that should the Committee wish to pursue regulation of cued speech transliterators, it utilize the regulatory structure proposed in L.D. 2478 as considered by the 119th Legislature, with the following amendments:

- The legislation should designate the provisions governing licensure of American Sign Language interpreters as sub-chapter I of Title 32, chapter 22 and designate the provisions applicable to Cued Speech transliterators as sub-chapter II of Title 32, chapter 22.
- The proposed section 1536, sub-section 4, which would establish an Advisory Council should be eliminated, as should Section 2 of the legislation.

Appendix A

Statutory Provisions Governing the Independent Assessment form of Sunrise Review

*51789 32 M.R.S.A. § 60-J

**MAINE REVISED STATUTES
ANNOTATED
TITLE 32. PROFESSIONS AND
OCCUPATIONS
CHAPTER 1-A. GENERAL
PROVISIONS
SUBCHAPTER II. SUNRISE
REVIEW PROCEDURES**

*Current through 1999 1st Reg. Sess. of 119th
Legislature*

§ 60-J. Evaluation criteria

Pursuant to Title 5, section 12015, subsection 3, any professional or occupational group or organization, any individual or any other interested party, referred to in this section as the "applicant group," that proposes regulation of any unregulated professional or occupational group or substantial expansion of regulation of a regulated professional or occupational group shall submit with the proposal written answers and information pertaining to the evaluation criteria enumerated in this section to the appropriate committee of the Legislature. The technical committee, the Commissioner of Professional and Financial Regulation, referred to in this subchapter as the "commissioner," and the joint standing committee, before it makes its final recommendations to the full Legislature, also shall accept answers and information pertaining to the evaluation criteria from any party that opposes such regulation or expansion and from any other interested party. All answers and information submitted must identify the applicant group, the opposing party or the interested party making the submission and the proposed regulation or expansion of regulation that is sought or opposed. The commissioner may develop standardized questions designed to solicit information concerning the evaluation criteria. The preauthorization evaluation criteria are:

1. Data on group. A description of the professional or occupational group proposed for

regulation or expansion of regulation, including the number of individuals or business entities that would be subject to regulation, the names and addresses of associations, organizations and other groups representing the practitioners and an estimate of the number of practitioners in each group;

2. Specialized skill. Whether practice of the profession or occupation proposed for regulation or expansion of regulation requires such a specialized skill that the public is not qualified to select a competent practitioner without assurances that minimum qualifications have been met;

3. Public health; safety; welfare. The nature and extent of potential harm to the public if the profession or occupation is not regulated, the extent to which there is a threat to the public's health, safety or welfare and production of evidence of potential harm, including a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, other professional or occupational boards and professional and occupational associations that have been lodged against practitioners of the profession or occupation in this State within the past 5 years;

*51790 4. Voluntary and past regulatory efforts. A description of the voluntary efforts made by practitioners of the profession or occupation to protect the public through self-regulation, private certifications, membership in professional or occupational associations or academic credentials and a statement of why these efforts are inadequate to protect the public;

5. Cost; benefit. The extent to which regulation or expansion of regulation of the profession or occupation will increase the cost of goods or services provided by practitioners and the overall cost-effectiveness and economic impact of the proposed regulation, including the indirect costs to consumers;

6. Service availability of regulation. The extent to which regulation or expansion of regulation of the profession or occupation would increase or

decrease the availability of services to the public;

7. Existing laws and regulations. The extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from nonregulation and whether regulation can be provided through an existing state agency or in conjunction with presently regulated practitioners;

8. Method of regulation. Why registration, certification, license to use the title, license to practice or another type of regulation is being proposed, why that regulatory alternative was chosen and whether the proposed method of regulation is appropriate;

9. Other states. A list of other states that regulate the profession or occupation, the type of regulation, copies of other states' laws and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis;

10. Previous efforts. The details of any previous efforts in this State to implement regulation of the profession or occupation;

11. Mandated benefits. Whether the profession or occupation plans to apply for mandated benefits;

12. Minimal competence. Whether the proposed requirements for regulation exceed the standards of minimal competence and what those standards are; and

13. Financial analysis. The method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by current or proposed licensees through dedicated revenue mechanisms.

CREDIT(S)

1998 Main Volume

1995, c. 686, § 2.

<General Materials (GM) - References, Annotations, or Tables>

REFERENCES

LIBRARY REFERENCES

1998 Main Volume

Licenses ☞ 1-42(7).
WESTLAW Topic No. 238.
C.J.S. Agriculture § 4.5.
C.J.S. Architects §§ 2-5, 7-15, 68.
*51791 Licenses §§ 2-87.
Trading Stamps and Coupons §§ 5, 9.

*51792 32 M.R.S.A. § 60-K

**MAINE REVISED STATUTES
ANNOTATED
TITLE 32. PROFESSIONS AND
OCCUPATIONS
CHAPTER 1-A. GENERAL
PROVISIONS
SUBCHAPTER II. SUNRISE
REVIEW PROCEDURES**

*Current through 1999 1st Reg. Sess. of 119th
Legislature*

**§ 60-K. Commissioner's independent
assessment**

1. Fees. Any applicant group whose regulatory proposal has been directed to the commissioner for independent assessment shall pay an administrative fee determined by the commissioner, which may not exceed \$500. The commissioner may waive the fee if the commissioner finds it in the public's interest to do so. Such a finding by the commissioner may include, but is not limited to, circumstances in which the commissioner determines that:

A. The applicant group is an agency of the State; or

B. Payment of the application fee would impose unreasonable hardship on members of the applicant group.

2. Criteria. In conducting the independent assessment, the commissioner shall apply the evaluation criteria established in section 60-J to

all of the answers and information submitted to the commissioner or otherwise collected by the commissioner pursuant to section 60-J.

3. Recommendations. The commissioner shall prepare a final report, for the joint standing committee of the Legislature that requested the evaluation, that includes any legislation required to implement the commissioner's recommendation. The commissioner may recommend that no legislative action be taken on a proposal. If the commissioner finds that final answers to the evaluation criteria are sufficient to support some form of regulation, the commissioner shall recommend an agency to be responsible for the regulation and the level of regulation to be assigned to the applicant group. The recommendations of the commissioner must reflect the least restrictive method of regulation consistent with the public interest.

CREDIT(S)

1998 Main Volume


1995, c. 686, § 2.

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WESTLAW Topic No. 238.
C.J.S. Agriculture § 4.5.
Architects §§ 2-5, 7-15, 68.
Licenses §§ 2-87.
Trading Stamps and Coupons §§ 5, 9.

Appendix B

Request of the Committee for Sunrise Review

SENATE

CAROL A. KONTOS, DISTRICT 26, CHAIR
SUSAN W. LONGLEY, DISTRICT 11
BRUCE W. MACKINNON, DISTRICT 33

SUSAN Z. JOHANNESMAN, LEGISLATIVE ANALYST
SHELLEY SIMPSON, COMMITTEE CLERK



HOUSE

GARY L. O'NEAL, LIMESTONE, CHAIR
ROSAIRE J. SIROIS, CARIBOU
VERDI L. TRIPP, TOPSHAM
RONALD E. USHER, WESTBROOK
BRIAN BOLDUC, AUBURN
JEAN GINN MARVIN, CAPE ELIZABETH
DAVID E. BOWLES, SANFORD
HAROLD A. CLOUGH, SCARBOROUGH
STAVROS J. MENDROS, LEWISTON
KEVIN L. SHOREY, CALAIS

STATE OF MAINE

ONE HUNDRED AND NINETEENTH LEGISLATURE

COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

MEMORANDUM

TO: Commissioner S. Catherine Longley
Department of Professional and Financial Regulation

FROM: Senator Carol A. Kontos, Senate Chair *Cal*
Representative Gary L. O'Neal, House Chair *Go*
Joint Standing Committee on Business and Economic Development

DATE: March 31, 2000

SUBJ: Independent Assessment

Pursuant to Public Law 1995, Chapter 686, the Joint Standing Committee on Business and Economic Development identified LD 2478, An Act to License Cued Speech Translitterators for the Deaf and Hard-of-hearing as subject to the sunrise review process.

The committee held an informal meeting to review the legislation and, pursuant to 5 MRSA §12015, sub-§3, paragraph B, the committee requests that you conduct an independent assessment of the bill. The committee has contacted the proposing party requesting a response to the review criteria identified in 32 MRSA §60-J (a copy of the request is enclosed) and has additionally requested that the responses be forwarded to you for your use in the independent assessment (copy enclosed).

Please submit a final report to the Joint Standing Committee on Business and Economic Development by December 15, 2000. If you recommend regulation of the profession, or if your recommendations otherwise require implementing legislation, please include the necessary legislation with your report in accordance with 32 MRSA §60-K, sub-§3.

Thank you for your attention to this matter.

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Appendix C

L.D. 2478

**“An Act to License Cued Speech Transliterators
for the Deaf and Hard-of-hearing”**



119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2478

S.P. 948

In Senate, January 12, 2000

An Act to License Cued Speech Transliterations for the Deaf and Hard-of-hearing.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KONTOS of Cumberland.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA c. 22-A is enacted to read:

CHAPTER 22-A

CUED SPEECH TRANSLITERATORS

§1535. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.

2. Cued speech. "Cued speech" is a visual communication system that, in English, uses 8 handshapes in 4 locations, known as cues, in combination with the natural mouth movements of speech to represent all the sounds of a spoken language.

3. Cued speech transliterator. "Cued speech transliterator" means a person who acts as an intermediary between a person who is deaf or hard-of-hearing and another person and who represents any auditory communication as a visual form using cued speech.

4. Department. "Department" means the Department of Professional and Financial Regulation.

5. National Cued Speech Association. "National Cued Speech Association" means the recognized national association that establishes standards for cued speech transliterators or its successor organization with the same mission and goals.

6. Person who is deaf. "Person who is deaf" means a person whose sense of hearing is nonfunctional for the purposes of expressive and receptive communication and whose primary means of communication is speech, speechreading, vibrotactile or sign language.

7. Person who is hard-of-hearing. "Person who is hard-of-hearing" means a person who has a mild to severe hearing loss, who may or may not primarily use visual communication and who may or may not use assistive listening devices.

8. Transliterating. "Transliterating" means the process that includes using cued speech to facilitate expressive and receptive communication between a person who is deaf or hard-of-hearing and a hearing person who is using spoken English

or another spoken language. This process includes conveying auditory environmental stimuli.

§1536. Commissioner; powers and duties

The commissioner has the following powers and duties in addition to other powers and duties set forth in this chapter.

1. Rules. The commissioner may adopt rules in accordance with the Maine Administrative Procedure Act necessary to carry out the purposes of this chapter. Rules adopted under this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

2. Licensure. The commissioner shall license a person who has successfully complied with the application process established by the department, paid the required fees established by the department under section 1542 or 1543 and met the qualifications for licensure as set forth in section 1538 or 1539. The commissioner shall make available, at cost, a directory that contains the names of all individuals licensed pursuant to this chapter.

3. Employees. The commissioner may appoint, subject to the Civil Service Law, employees necessary to carry out the purposes of this chapter. Those employees are department employees.

4. Advisory council. The commissioner, as necessary, may select transliterators and other interested parties to serve on an advisory council to advise and consult with the commissioner concerning the regulation of transliterators. Service on the council is not in itself a conflict of interest regardless of the occupations or associations of the members.

§1537. Privileged communication

Individuals licensed under this chapter are included under the evidentiary communications privilege set out in Title 5, section 48, subsection 4.

§1538. Requirements for licensure; limited cued speech transliterator

To be eligible for licensure as a limited cued speech transliterator under this chapter, an applicant must be at least 18 years of age and must provide:

1. High school diploma. Proof of a high school diploma or the equivalent;

2. Sworn statement. A sworn, signed statement that the applicant has read, understands and agrees to abide by the Code of Ethics of the Registry of Interpreters for the Deaf, Inc. or a comparable or successor organization recognized by the commissioner;

3. Proof of education and training in cued speech. Written proof of the applicant's education and training in cued speech, consisting of either:

A. Proof of completion of at least 45 clock hours of instruction in cued speech in which the instruction was conducted by:

(1) An instructor certified by the National Cued Speech Association or certifying bodies that are recognized by the National Cued Speech Association; or

(2) A cued speech transliterator certified by the National Cued Speech Association; or

B. A passing score accepted by the National Cued Speech Association as a prerequisite for certification programs on the Basic Cued Speech Proficiency Rating or a comparable test recognized by the commissioner; and

4. Proof of education and training in the interpreting process. Written proof of completion of at least 45 clock hours of instruction in the interpreting process, which must include instruction in deafness, the ethics of interpreting and deaf culture, conducted through an accredited college, accredited university or accredited or approved high school or conducted by certification maintenance course sponsors approved by the National Cued Speech Association, or NCSA, or certifying bodies that are recognized by the NCSA, the Registry of Interpreters for the Deaf, Inc., the National Association of the Deaf, Inc. or a comparable or successor organization recognized by the commissioner. Credit may not be given for interpreting instruction completed prior to 5 years from the date of application.

§1539. Requirements for licensure; certified cued speech transliterator

To be eligible for licensure as a certified cued speech transliterator under this chapter, an applicant must be at least 18 years of age and must provide:

1. High school diploma. Proof of a high school diploma or the equivalent;

2 2. Sworn statement. A sworn, signed statement that the
4 applicant has read, understands and agrees to abide by the Code
6 of Ethics of the Registry of Interpreters for the Deaf, Inc., or
 a comparable or successor organization recognized by the
 commissioner; and

8 3. Proof of certification. Documented proof of
10 certification by the National Cued Speech Association, or NCSA,
12 or certifying bodies that are recognized by the NCSA, documented
14 proof of a minimum certification level of 4 from the National
 Association of the Deaf, Inc. or documented proof of comparable
 certification by a comparable or successor organization
 recognized by the commissioner.

16 §1540. License required

18 After December 31, 2000, a person may not provide
20 transliterating services as defined in this chapter for
22 compensation or remuneration unless properly licensed in
 accordance with this chapter.

24 §1541. Exemptions to licensure

26 1. Nonresident transliterators. This chapter does not
28 apply to transliterators who are residents of a jurisdiction
30 other than this State and who do not transliterate for
 compensation or remuneration in the State for more than 160 hours
 per year. Service during declared state or national emergencies
 does not count toward the 160-hour limitation.

32 2. Medical emergencies. This chapter does not apply to a
34 person providing communication assistance during a medical
36 emergency. For purposes of this chapter, a "medical emergency"
 means a situation in which a person's medical condition could be
 significantly compromised by delaying assessment and treatment.

38 §1542. Applications for licensure; fees

40 An applicant for initial licensure under this chapter shall
42 submit a written application with supporting documents to the
44 department on forms provided by the department. The applicant
46 shall pay a nonrefundable application fee established by the
 department in an amount not to exceed \$50 and an initial license
 fee not to exceed \$200.

48 §1543. Renewal

50 All licenses issued under this chapter must be renewed
 annually on or before June 30th of each year or at such other

time as the commissioner may designate. The annual license renewal fee must be established by the department by rule and may not exceed \$200. The commissioner shall notify each licensee, at the licensee's last known address, 30 days in advance of the expiration of the license. Renewal notices must be on forms provided by the department. A license not renewed by June 30th automatically expires. The department may renew an expired license if the renewal application is returned within 90 days after the license expiration date and upon payment of a late fee of \$10 in addition to the renewal fee. A person who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter.

§1544. Continuing education

1. Limited cued speech transliterators. An applicant for renewal of a limited cued speech transliterator license is required to show proof of completion of at least 15 clock hours annually of continuing education in cued speech or the interpreting process.

2. Certified cued speech transliterators. An applicant for renewal of a certified cued speech transliterator license is required to show proof of 6 clock hours of continuing education and proof of continued certification by either the National Cued Speech Association or a comparable or successor organization recognized by the commissioner.

§1545. Violations

A person who violates section 1540 is guilty of a Class E crime. The State may bring an action in Superior Court to enjoin any person from violating this chapter regardless of whether procedures have been instituted in the Administrative Court or whether criminal proceedings have been introduced.

§1546. Revocation and reissuance

The department may suspend or revoke licensure pursuant to Title 5, section 10004. In addition, the department may refuse to issue or renew a license pursuant to Title 10, section 8003 or the Administrative Court may revoke, suspend or refuse to renew the license of an interpreter for:

1. Fraud. The practice of fraud in obtaining a license under this chapter;

2. Incompetency. A court finding of mental incompetency;

2 3. Criminal conviction. Conviction of a crime, subject to
the limitations of Title 5, chapter 341, that if committed in the
State is punishable by one year or more of imprisonment;

4
6 4. Violation. Violation of this chapter or any rule
adopted by the department; or

8 5. Unethical conduct. A finding of a violation of the Code
of Ethics of the Registry of Interpreters for the Deaf, Inc.

10 **§1547. Disclosure**

12
14 A transliterator licensed pursuant to this chapter shall
disclose that person's license category, training and experience
16 to consumers and to a person engaging the transliterator's
services. The department shall develop the content and form of
the disclosure pursuant to the Maine Administrative Procedure
18 Act. Rules adopted pursuant to this section are routine
technical rules pursuant to Title 5, chapter 375, subchapter II-A.

20 **§1548. Conversion of registrants to limited licenses**

22
24 On December 31, 2000, transliterators who have registered
with the department pursuant to chapter 22 and who do not possess
the educational and training requirements set forth in section
26 1538 or 1539 are eligible for the limited cued speech
transliterator license. Those who obtain limited licensure
28 status pursuant to this section must comply with all other
licensure requirements and must complete the education and
30 training requirements set forth in section 1538 or 1539 within 3
years of obtaining a limited license or be subject to nonrenewal.

32
34 **Sec. 2. Department of Professional and Financial Regulation;**
report. The Department of Professional and Financial Regulation
36 shall report to the joint standing committee of the Legislature
having jurisdiction over professional regulatory matters by
February 15, 2003. The report must be developed by the
38 Commissioner of Professional and Financial Regulation in
consultation with the advisory council, created pursuant to the
40 Maine Revised Statutes, Title 32, section 1536, subsection 4, and
must include, but is not limited to, a review of the adequacy of
42 licensure standards set forth in the Maine Revised Statutes,
Title 32, chapter 22-A, and an assessment of the continued
44 efficacy of an exemption from licensure for nonresident cued
speech transliterators. The report may include suggested
46 legislation based on the recommendations of the department. The
joint standing committee of the Legislature having jurisdiction
48 over professional regulatory matters may submit legislation based
on the recommendations of the report.

Appendix D

Sunrise Review Evaluation Questionnaire and Applicant Group Responses

**L.D. 2478, "An Act to License Cued Speech Translitterators
for the Deaf and Hard-of-Hearing"**

Sunrise Review Evaluation Survey

A. General Information

1. Group or Organization Represented:

2. Position on legislation. Does this group or organization support or oppose the creation of a licensure category for cued speech translitterators?

B. Evaluation Criteria (32 M.R.S.A. § 60-J)

1. Data on group proposed for regulation. Please provide a description of the professional or occupational group proposed for regulation or expansion of regulation, including:

- (a) The number of individuals or business entities that would be subject to regulation;
- (b) the names and addresses of associations, organizations and other groups representing the practitioners; and
- (c) An estimate of the number of practitioners in each group.

2. Specialized skill. Please describe whether practice of the profession or occupation proposed for regulation or expansion of regulation requires such a specialized skill that the public is not qualified to select a competent practitioner without assurances that minimum qualifications have been met.

3. Threat to public health, safety, or welfare. Please describe:

- (a) the nature and extent of potential harm to the public, if any, if the profession or occupation is not regulated; and
- (b) The extent to which there is a threat to the public's health, safety or welfare (*Please provide evidence of the potential harm, including:* a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, other professional or occupational boards and professional and occupational associations that have been lodged against practitioners of the profession or occupation in *this State* within the past 5 years).

4. Voluntary and past regulatory efforts. Please provide a description of the voluntary efforts made by practitioners of the profession or occupation to protect the public through self-regulation, private certifications, membership in professional or occupational associations or academic credentials and a statement of why these efforts are inadequate to protect the public.

5. Costs and benefits of regulation. Please describe the extent to which regulation or expansion of regulation of the profession or occupation will increase the cost of goods or services provided by practitioners and the overall cost-effectiveness and economic impact of the proposed regulation, including the indirect costs to consumers.

6. Service availability under regulation. Please describe the extent to which regulation or expansion of regulation of the profession or occupation would increase or decrease the availability of services to the public.

7. Existing laws and regulations. Please discuss the extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from nonregulation and whether regulation can be provided through an existing state agency or in conjunction with presently regulated practitioners.

8. Method of regulation. Please describe why registration, certification, license to use the title, license to practice or another type of regulation is being proposed, why that regulatory alternative was chosen and whether the proposed method of regulation is appropriate.

9. **Other states.** Please provide a list of other states that regulate the profession or occupation, the type of regulation, copies of other states' laws and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis.

10. **Previous efforts to regulate.** Please provide the details of any previous efforts in this State to implement regulation of the profession or occupation.

11. **Mandated benefits.** Please indicate whether the profession or occupation plans to apply for mandated benefits.

12. Minimal competence. Please describe whether the proposed requirements for regulation exceed the standards of minimal competence and what those standards are.

13. Financial analysis. Please describe the method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by current or proposed licensees through dedicated revenue mechanisms.

Date: _____, 2000

Completed by:

Name:

Title:

**L.D. 2478 "An Act to License Cued Speech
Translitterators for the Deaf and Hard of Hearing"**

Sunrise Review Evaluation Survey

A. General Information

1. Group or Organization Represented

- Maine Cued Speech Services
P.O. Box 785
Fort Fairfield, ME 04742

2. Position on legislation Does this group or organization support or oppose the creation of a licensure category for Cued Speech Translitterators?

- We support the creation of licensure and certification category for CSTs working in all public and private settings with all ages of children and adults who cue in the state of Maine.

B. Evaluation Criteria

1. Data on group proposed for regulation. Please provide a description of the professional or occupational group proposed for regulation or expansion of regulation, including:

a) The number of individuals or business entities that would be subject to regulation;

- Estimated 75 individuals or business entities in Maine

b) The names and addresses of associations, organizations and other groups representing the practitioners

National Cued Speech Association (NCSA)
 23970 Hermitage Road
 Cleveland, OH 44122-4008
 (estimated ~1500 members)
www.cuedspeech.org

Cued Speech Association of Maine
 RFD #2, Box 728
 Chelsea, ME 04330
 (~ 160 members)

Educational Cued Speech Transliterator Committee New England Cued Speech Services
 P. O. Box 234
 Fairfield, ME 04937
 (~38 members)

36-749, 50 Vassar Street
 Cambridge, MA 02139
 (5 board members/staff)

Maine Cued Speech Services
 P.O. Box 785
 Fort Fairfield, ME 04742
 (17 board members/staff)

NCSA Instructor Committee
 Instr. of Cued Sp. Nat. Cert. Exam
 36-749, 50 Vassar Street
 Cambridge, MA 02319

c) An estimate of the number of practitioners in each group (see B. b.)

2. Specialized skill. Please describe whether practice of the profession or occupation proposed for regulation or expansion of regulation requires such a specialized skill that the public is not qualified to select a competent practitioner without assurances that minimum qualifications have been met.

- Must first complete 20 hour course to learn the Cued Speech system.
- Must complete formal trainings and workshops for CSTs
- Must abide by the Registered Interpreters of the Deaf (RID) Code of Ethics
- Must understand conduct standards for CSTs in educational settings and public/private sector settings
- Additional coursework must also be completed in deafness, deaf culture, and the interpreting process in general.
- CST must be fluent and demonstrate fluency and proficiency according to established mechanics standards of the National Cued Speech Association. Fluency depends on use; complete fluency in cueing a spoken language can range from 6 weeks to 6 months, depending on consistency of use.
- Must meet the needs of clients with varying degrees of skills and communication abilities

- Must be aware of the special skills needed to convey auditory environmental stimuli, dialects, accents, and multiple speakers
- Must know strategies for voicing for clients
- Must complete training in cuereading skills
- Professional must maintain national standards for Cued Speech Transliteratorors as established by various national certifying bodies.
- Competant evaluators of CSTs are very hard to find so transliterators must have a method for certification which will provide a bank of certified transliterators who can then serve as assessors and supervisors of non-certified (but certifiable) transliterators.

3. Threat to public health, safety, or welfare. Please describe:

- a) the nature and extent of potential harm to the public, if any, if the profession or occupation is not regulated
 - an unqualified CST would be unable to provide equal access to the auditory environment in the educational setting resulting in students facing failure and schools facing lawsuits.
 - Without qualified CSTs, the Americans with Disabilities Act, which includes access for people who are deaf/hard of hearing, would not be upheld
 - without qualified CSTs in the public schools, children would not receive benefit from public education similar to their hearing peers (FAPE and IDEA)
 - if a CST is unable to transliterate information correctly or quickly enough, clients in medical and legals settings may be subject to life-threatening situations and the ramifications thereof

b) the extent to which there is a threat to the public's health, safety, or welfare.

- Numerous situations in Maine have resulted in serious educational programming changes as a result of unqualified, uncertified CSTs working in the public schools with children who are deaf. These children ended up being placed in more restrictive environments without access to their home public school classroom with their hearing agemates.

4. Voluntary and past regulatory efforts. Please provide a description of the voluntary efforts made by practitioners of the profession or occupation to protect the public through self-regulation, private certifications, membership in professional or occupational associations or academic credentials and a statement of why these efforts are inadequate to protect the public.

- In June, 1992, grant monies from the University of Southern Maine provided an initial workshop for CSTs statewide which was well-attended and well-received.
- Since then, workshop facilitators have been hired from out of state to conduct trainings toward certification.
- Occasional workshops have been offered in Maine and other New England states but are difficult for many to attend due to geographic/distance limitations
- Since 1993, monthly meetings have been held by ECSTC (Educ. CST Committee).
- Some CSTs have taken and passed national certification exams held out of state.
- Most CSTs working in the public schools are hired as Educational Technicians I, II, or III depending on their academic background and are payed differently according to their school department's payscale. None are presently certified in Maine.

5. Costs and benefits of regulation.

- Initial costs to schools may be more if they must prepare, train and ultimately hire qualified, certified CSTs
- However, by hiring qualified staff, the special education budget will eventually be reduced over time because of fewer specials education needs for each of the students who are finally provided with full access to the language of their classroom environments
- In addition, there will be less turnover of CST's because they will be paid better and gain the respect they deserve as professionals

- The biggest benefit of all is that certified CSTs would provide clear, consistent access to cued instruction and students who are deaf or hard of hearing would have the opportunity to develop age appropriate language skills leading to further educational opportunities and access to the job market

6. **Service availability under regulation.** Please describe the extent to which regulation or expansion of regulation of the profession or occupation would increase or decrease the availability of services to the public.

- Regulation of CSTs would increase job status and visibility.
- More people would see transliterators and Cued Speech being used
- University of Southern Maine students in the Linguistics program training to become ASL interpreters would be able to learn to cue and include Cued Speech in their skill set thereby adding a larger number of potential certifiable CSTs to the bank of professionals

7. **Existing laws and regulations.** Please discuss the extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from nonregulation and whether regulation can be provided through an existing state agency or in conjunction with presently regulated practitioners.

- The recently passed P.L. 1999 "An act to license interpreters for the deaf and hard of hearing" does not include Cued Speech Translitterators.
- There is presently no existing regulation or state law for Cued Speech Translitterators in Maine or any New England state.
- Maine Special Education Regulations only state that Cued Speech Translitterators must be registered (which is now passe).
- Maine needs a separate law to protect and support CSTs and the clients they serve.

8. **Method of regulation.** Please describe why registration, certification, license to use the title, license to practice or another type of regulation is being proposed, why that regulatory alternative was chosen and whether the proposed method of regulation is appropriate.

- There has never been any method of regulation for CSTs in Maine.
- There must be a high level of regulation similar, in some ways, to that of sign language interpreters. (P.L. 1999)
- In order for state administrators, school administrators, and especially special education directors to recognize CSTs as a true profession, regulation is mandatory.

9. **Other states.** Please provide a list of other states that regulate the profession or occupation, the type of regulation, copies of others states' laws and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before and after analysis.

Ohio	Georgia and California are in the planning stages
Kentucky	New York proposed regulation is under review
Virginia	
Louisiana	
Maryland (DOE regulations)	
Minnesota	

10. **Previous efforts to regulate.** Please provide the details of any previous efforts in this state to implement regulation of the profession or occupation.

Time line of events:

9/98	Pam Rosen called Pat Slater to discuss needs for CST certification
12/98	Meeting with writers and supporters of ASL interpreter bill, Pat Slater and Pattie Fasold attended
2/15/99	Pam Rosen submitted "Report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Business and Economic Development Regarding the Registration of Interpreters for the Deaf and Hard of Hearing" Cued Speech Transliterations were addressed in this report.
3/18/99	Hearing on ASL bill
4/5/99	Polly Earl sent packet of Cued Speech (CS) info and letter of support for proposed CS amendment to each member of Joint Standing Committee on Business and Economic Development
4/9/99	Follow up meeting held with John Shattuck, Wayne Cowart, Doug Newton, Pat Slater, Pattie Fasold, ASL bill supporters urged CS folks get their own bill and not push for inclusion of CS in ASL bill
4/26/99	Maine Cued Speech Services enlisted the help of Susan B. Mitchell and Associates, to lobby for CS
4/27/99	P.Earl sent e-mail document to long list of people involved with ASL bill and CS supporters P.Earl discussed situation with John Shattuck by phone

4/28/99 Hearing then work session attended by CS supporters and Susan Mitchell
 5/20/99 ASL interpreter bill enacted without including Cued Speech amendment
 6/3/99 P.L. 1999 (ASL bill) approved by the Governor
 9/22/99 P.Earl called Kate Brogan, aide to Sen. Kontos to find out how to submit
 our own bill
 9/28/99 PJE submitted draft of CST bill to Sen. Kontos
 11/15/99 Hearing to hear appeals was held; our appeal was accepted! Bill will go to
 legislature in January, 2000.
 12/7/99 K. Brogan called P.Earl for clarification on definitions of "deaf" and
 "vibrotactile"
 1/12/00 L.D. 2478 "An act to license Cued Speech transliterators for the deaf and
 hard of hearing" was approved for introduction by a majority of the
 Legislative Council
 3/9/00 CST bill turned down, sent to committee for Sunrise Review procedure
 3/17/00 P.Earl called Senator Kontos to get explanation of Sunrise Review
 3/21/00 P.Earl called Susan Johannesman who further explained Sunrise Review
 and how independent assessment will be conducted
 3/21/00 P.Earl called Anne Head and left message
 3/21/00 P.Earl called Tory Gray and left message
 3/24/00 A.Head called P.Earl to discuss independent assessment
 3/31/00 Memo from Sen. Kontos to Commissioner Longley written re: request for
 Independent assessment of CST bill
 7/28/00 Letter from Kristine Ossenfort including Survey for interested parties to
 complete by 8/18/00. Meeting will be on 8/31/00 to discuss results of
 survey

11. Mandated benefits. Please indicate whether the profession or occupation plans to apply for mandated benefits.

- No reimbursement for Medicaid.

12. Minimal competence. Please describe whether the proposed requirements for regulation exceed the standards of minimal competence and what those standards are.

- Maine's proposed standards are the same as the national certification standards for accuracy and fluency similar to models used in other states.
- Maine's proposed standards exceed the standards for certification (see B. 2.)

13. Financial analysis. Please describe the method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by current or proposed licensees through dedicated revenue mechanisms.

- Require registration through the Office of Licensing and Registration. CSTs must become licensed, then certified over time as the proposed bill states.

Date: 8/25/, 2000

Completed by:



Polly J. Earl

Executive Director

Maine Cued Speech Services / Nat'l

CSA

**L.D. 2478, "An Act to License Cued Speech Transliterators
For the Deaf and Hard-of-Hearing"**

Sunrise Review Evaluation Survey

A. General Information

1. Group or Organization Represented:

Educational Cued Speech Transliterators Committee (E.C.S.T.C.)

2. Position on legislation: Does this group or organization support or oppose the creation of a licensure category for cued speech transliterators?

This group strongly supports the creation of a licensure category for Cued Speech Transliterators. Individuals within the group have been involved in attending meetings, Hearings, and in calling or emailing legislators for several years.

B. Evaluation Criteria (32 M.R.S.A. 60-J)

1. Data on group proposed for regulation. Please provide a description of the professional or occupational group proposed for regulation or expansion or regulation, including:

(a) The number of individuals or business entities that would be subject to regulation;

About 75 individuals.

(b) The names and addresses of associations, organizations and other groups representing the practitioners; and

1. The National Cued Speech Association (NCSA), 23970 Hermitage Rd., Cleveland, OH.44122
2. The Maine Cued Speech Association, c/o Suzanne Leptewicz, RR2, Box 728, Chelsea, ME. 04330
3. Educational Cued Speech Transliterators Committee (ECSTC), c/o Pat Slater, P.O. Box 234, Fairfield, ME. 04937-0234
4. Maine Cued Speech Services, Polly Earl, Executive Director, P.O. Box 610, Fort Fairfield, ME. 04742

(c) An estimate of the number of practitioners in each group.

N.C.S.A. - 1500

ME.C.S.A. - 150

E.C.S.T.C. - 30

ME.C.S.S. - 17

2. Specialized skill. Please describe whether practice of the profession or occupation proposed for regulation or expansion of regulation requires such a specialized skill that the public is not qualified to select a competent practitioner without assurance that minimum qualifications have been met.

Cued Speech transliteration requires about 15 hours of instruction to learn the "system". However, the specialized skill of transliterating involves accuracy, fluency and speed, which can take from several weeks to several months to acquire. In addition, the transliterator must be familiar with the constraints that deafness places on learning a language that cannot be heard,

and with the particular needs of his/her deaf or hard of hearing consumer. The Code of Ethics enforced on Sign Language Interpreters under the Registry of Interpreters of the Deaf is applied to Nationally Certified Cued Speech Transliterators, with supplemental ethical practices specific to Cued Speech transliteration.

- This relatively short instructional period has frequently led to "the public" hiring incompetent practitioners in the misguided hope that they will become competent while performing their job.

3. Threat to public health, safety, or welfare. Please describe:

- (a) the nature and extent of potential harm to the public, if any, if the profession or occupation is not regulated; and**

There is a group of deaf and hard of hearing consumers who depend on Cued Speech to provide them equal access to the hearing community. In any situation where harm could result from a lack of communication (hospitals and courts of law being prime examples) the lack of a Cued Speech transliterator, skilled in cueing and knowledgeable of the Code of Ethics, could result in death or unjust legal proceedings.

- (b) The extent to which there is a threat to the public's health, safety or welfare (Please provide evidence ... within the past 5 years).**

This reporter has no evidence or description of complaints filed with the state law enforcement authorities etc.

However, in the "mainstream" Public School situation many instances (though undocumented) occur, within this reporter's cognizance, where a deaf child is not given full access to the sound environment, or to the English Language through which he/she must learn his/her academics, and become socially integrated with hearing peers, because the Cued Speech Transliterator, or cueing Ed. Tech., is inadequately trained, and the school administrators do not feel compelled to provide training, because there is no regulation or licensing.

- 4. Voluntary and past regulatory efforts. Please provide a description of the voluntary efforts made by practitioners of the profession or occupation to protect the public through self-regulation, private certifications, membership in professional or occupational associations or academic credentials and a statement of why these efforts are inadequate to protect the public.**

From 1993-1997, in the State of Maine, between 8 & 10 Cued Speech Transliterators took annual, week long training sessions in Cued Speech transliteration, toward National Certification. Though subsidized in part by a grant from the State for training and certification of Sign Language Interpreters and Cued Speech Transliterators, the transliterators chose to take and paid for the courses and ultimately for the National Cued Speech Transliterators Certification Exam. out of their own pockets. (There was no requirement to do this). Despite the fact that membership in E.C.S.T.C. is voluntary, and that no dues are required, this sub-committee has stayed viable for 7 years, and continues to press for and support professional excellence.

These efforts are inadequate to protect the public because, if there is no legislation for regulation and licensing the profession of Cued Speech Transliterator has no credibility in the eyes of such people as Directors of Special Education. As a result, deaf and hard of hearing children are frequently denied an opportunity to function in a regular public school, on grade level with their hearing peers (which only Cued Speech can enable a deaf child to do). This deplorable situation is heightened when legislation is passed for one group of deaf consumers and not another, as was the case when the Sign Language Interpreters Bill was passed and the Cued Speech Transliterators amendment was denied.

5. Costs and benefits of regulation. Please describe the extent to which regulation or expansion of regulation of the profession or occupation will increase the cost of goods or services provided by practitioners and the overall cost-effectiveness and economic impact of the proposed regulation, including the indirect costs to consumers.

Regulation should increase the cost per hour to provide transliteration services, whether in a classroom or a court of law. The current hourly rate of pay in schools is abysmal. Overall cost-effectiveness would be the reduction of constant turn-overs, and retraining of new persons because of practitioners leaving for less stressful, better paying positions. Indirect costs to consumers may take the form of training at different skill levels, and annual license fee. If schools pay these costs because of regulation requirements, then the profession of Cued Speech transliteration gains more credibility and more people seek it out.

Because those deaf and hard-of-hearing consumers who are served by skilled and informed Cued Speech Translitterators learn the English language as their first language, and perform in school on a level with their peers, and communicate with the hearing population through speech, the Special Education Budget for this section of the deaf and hard-of-hearing community would be significantly reduced, when regulation forced School Districts to provide skilled, certified, and licensed practitioners of Cued Speech.

6. Service availability under regulation. Please describe the extent to which regulation or expansion of regulation of the profession or occupation would increase or decrease the availability of services to the public.

Currently, Cued Speech Translitterators are difficult to find for long term positions (in schools), substitute positions (in schools), or emergency situations. The main reason is the lack of financial incentive. Hourly pay is low, no benefits or mileage is paid, and the practice of the skill is hazardous to the health of the individual if she/he is the sole provider of the service. If skill and professional ethics could be assured because of licensing and regulation, practitioners could justifiably charge more, which in turn would make the profession more rewarding. Regulation would also ensure registration, thereby providing a known "bank" of Cued Speech Translitterators for availability.

7. Existing laws and regulations. Please discuss the extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from nonregulation and whether regulation can be provided through an existing state agency or in conjunction with presently regulated practitioners.

The existing law, PL 1999, for Sign Language Interpreters, signed into law in the summer of 1999, is inadequate to redress potential harm because, although several Cued Speech Translitterators did register and submit their fees by January 1, 1999, the wording in the Law specifically excludes Cued Speech Translitterators. Three attempts were made by proponents and supporters of Cued Speech to be regulated in conjunction with the Sign Language Interpreters (after all, although a different communication tool is being used, it is still the deaf and hard-of-hearing consumer who is being served - one chooses to use Sign Language as his first language, the other chooses to use the spoken English language), but were rejected.

8. Method of regulation. Please describe why registration, certification, license to use the title, license to practice or another type of regulation is being proposed, why that regulatory alternative was chosen and whether the proposed method of regulation is appropriate.

Regulation, licensure, and certification of Cued Speech Translitterators, as a rider to the Sign Language Interpreters Bill, was chosen primarily because the State Dept. of Special Education imposes many stringent regulations on Directors of Special Education in the schools. [Cued Speech is an indispensable tool to enable deaf and hard-of-hearing children in the 'mainstream'

school setting to learn the English language and be fully mainstreamed so they become productive members of the hearing community.] If this law is passed and regulations are put into effect at the State level, School Administrators and Directors of Special Education will be forced to "sit up and pay attention" to the needs of another group within the overall deaf and hard-of-hearing community. When money must be paid annually for licensing; and when legal ramifications would result with non-compliance; a whole new light would be shed on the viability and credibility of this profession.

9. Other states. Please provide a list of other states...

This is being provided by another "reporter" to this survey.

10. Previous efforts to regulate. Please provide the details of any previous efforts in this State to implement regulation of the profession or occupation.

1. September 1998: Received a call from Pam Rosen, Dept. of Education, that Cued Speech Translitterators would be expected to be licensed by January 1, 1999. Cued Speech mailing list was requested.
2. September and October 1998: Pattie Fasold (mother of a deaf Cued Speech consumer and Cued Speech Translitterator for another) in email and telephone contact with Pam Rosen and Anne Head and Pat Slater over this matter.
3. November 1998: Cued Speech Translitterators received a packet from the State indicating they must be licensed by January 1, 1999. Several complied, submitting fees which were not returned, and receiving licenses to practice as Sign Language Interpreters.
4. December 1998: Pattie Fasold and Pat Slater sat in on what was supposedly the last Task Force meeting of those working to support and pass the Sign Language Interpreters Bill. At this meeting they were told the word "translitterator" in their document did not mean Cued Speech Translitterators. Mrs. Fasold and Ms. Slater asked that that be specified in further documentation, since Cued Speech Translitterators were being asked to submit fees for something they did not qualify for, and did not include them.
5. March 18, 1999: Several Cued Speech supporters called Committee members (Senator Kontos' Committee) or attended a Review Hearing on the wording of the proposed Sign Language Interpreters' Bill, to draw attention to the discriminatory wording of the exclusion of Cued Speech Translitterators.
6. April 9, 1999: Pattie Fasold and Pat Slater met with John Shattuck (DVR), Wayne Cowart (USM) and Doug Newton (Pine Tree Society - Deaf Services) at DVR, at their request. A strong appeal was made to the Cued Speech supporters not to interfere with the passing of the Sign Language Interpreters' Bill, but to wait to see if it passed. Once it passed, then we could make application as an amendment to that Bill.
7. September 28, 1999: Amendment wording was submitted to the Committee by Polly Earl. It was rejected.
8. November 15, 1999: An appeal to accept the draft was made and accepted.
9. March 9, 2000: Polly Earl was informed that the Amendment had been turned down. No supporter of the Cued Speech amendment to the Sign Language Interpreter's bill had been present at the legislative hearing. Polly Earl and other supporters had repeatedly asked Senator Kontos' office to inform them of the date of the Hearing and were assured that they would be informed. That did not happen. As a result, there appeared to be no interest and support at that very crucial meeting.
11. Mandated benefits. Responded to by other "reporters"
12. Minimal competence. Please describe whether the proposed requirements for regulation exceed the standards of minimal competence and what those standards are.

The proposed requirements for regulation are the same as the National Cued Speech Certification standards. The proposed Bill will be the standard, and thereby exceed any current standards, because there are none.

13. Financial analysis.

This question has been addressed by another "reporter" to this survey. Presumably, if School Districts are required to have their Cued Speech practitioners meet regulation and licensing, they would also pay the State Dept. of Registration and Licensure the fee, annually.

Date: August 24, 2000

Completed by: *Patricia A. Slater*

Name: PATRICIA A. SLATER

Title: TEACHER OF THE DEAF

**L.D.2478, An Act to license Cued Speech Transliterators
For the Deaf and Hard-of-Hearing**

Sunrise Review Evaluation Survey

A. General Information

1. Group or Organization Represented:

Parent - Member of Cued Speech Association of Maine

2. Position on legislation. Does this group or organization support or oppose the creation of a licensure category for cued speech transliterators?

Support

B. Evaluation Criteria (32 M.R.S.A. §60-J)

1. Data on group proposed for regulation. Please provide a description of the professional or occupational group proposed for regulation or expansion of regulation, including:

- (a) The number of individuals or business entities that would be subject to regulation;

There are approximately 25 to thirty individuals in the State who serve as full time transliterators and another five or six who transcribe part time.

- (b) the names and addresses of associations, organizations and other groups representing the practitioners; and

Cued Speech Association of Maine
Suzette Laptewicz, President
PO Box 728
Chelsea, ME 04330

Educational Cued Speech Transliterators' Committee (ECSTC)
Attn. Patricia Slater, Coordinator
PO Box 234, Benton Neck Road
Fairfield, ME 04937

National Cued speech Association
Pam Beck, Executive Director
23970 Hermitage Road
Cleveland, Ohio 44122

- (c) An estimate of the practitioners in each group.

Cued Speech Assoc. of Maine - approx. 60 members

ECSCT - approx 25 members

National Cued Speech Assoc. - many

2. Specialized skill. Please describe whether practice of the profession or occupation proposed for regulation or expansion of regulation requires such a specialized skill that the public is not qualified to select a competent practitioner without assurances that minimum qualifications have been met.

The practice of transliteration requires specialized accuracy, consistency, uniformity and precision in cueing. Standards must be met so that minimum qualifications have been met and the public has a measure by which to select a competent practitioner.

3. Threat to public health, safety, or welfare. Please describe.

- (a) the nature and extent of potential harm to the public, if any, if the profession or occupation is not regulated; and

Significant damage and lack of visually understanding spoken language can occur if transliteration is not performed in a competent manner. For the deaf or hard-of-hearing individual to comprehend what is being said by a hearing person the cueing of the transliterator must be proficient and precise.

- (b) The extent to which there is a threat to the public's health, safety or welfare
(*Please provide evidence of potential harm, including: a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, other professional or occupational boards and professional and occupational associations that have been lodged against practitioners of the profession or occupation in this State within the past five years.*)

Cued Speech has been in use for 22 years in Maine. During these years, the parents of the children and young adults using cued speech have sought to encourage competency in transliteration in a non adversarial manner. Therefore, complaints have generally been handled on an individual basis.

4. Voluntary and past regulatory efforts. Please provide a description of the Voluntary efforts made by practitioners of the profession or occupation to protect the public through self-regulation, private certifications, membership in professional or occupational associations of academic credentials and a statement of why these efforts are inadequate.

Cued speech transliterators have sought to self-regulate and set standards for their practice. They formed an association committee ECSTC to provide guidelines and protocols especially in school systems. They have certification status through the Dept. of Professional and Financial Regulation which now needs to be advanced to licensure to ensure quality standards are adhered to in schools and other institutions.

5. Costs and benefits of regulation. Please describe the extent to which regulation or expansion of regulation of the profession or occupation will increase the cost of goods or services provided by practitioners and the overall cost-effectiveness of economic impact of the proposed regulation, including the indirect costs to consumers.

Regulation should not of itself increase the cost of transliterator services but rather maintain current levels. Without regulation, the dollar value of their skill might be decreased and thus access to their services would be reduced as there would be insufficient financial remuneration and professional respect to warrant entering the profession.

6. Service availability under regulation. Please describe the extent to which regulation or expansion of regulation of the profession or occupation would increase or decrease the availability of services to the public.

Regulation can only increase the availability of services to the public by setting standard criteria and providing an arena for uniform accessibility.

7. Existing laws and regulations. Please describe the extent to which existing legal remedies are inadequate to prevent or regress the kinds of harm potentially resulting from nonregulation and whether regulation can be provided through an existing state agency or in conjunction with presently regulated practitioners.

There are no existing laws or regulations for cued speech transliterators. A year ago licensure status was afforded to interpreters. All good faith attempts to include transliterators in that licensure law were thwarted by the enabling constituency.

8. Method of regulation. Please describe why registration, certification, license to use the title, license to practice or another type of regulation is being proposed, why that regulatory alternative was chosen and whether the proposed method of regulation is appropriate.

The proposed method of regulation is appropriate and L.D. 2478 sets sufficient standards.

9. Other states. Please provide a list of other states that regulate the profession or occupation, the type of regulation, copies of other states' laws and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis.

To the best of my knowledge
California, Kentucky, Louisiana, Ohio, Maryland, North Carolina and Virginia
with Georgia working on it.

10. Previous efforts to regulate. Please provide the details of any previous efforts in this State to implement regulation of the profession or occupation.

There were some steps at setting qualifications through Special Education Regulations but these were diluted in the latest revision of the Regulations.

11. Mandated benefits. Please indicate whether the profession or occupation plans to apply for mandated benefits.

Do not know what these are.

12. Minimal competence. Please describe whether the proposed requirements for regulation exceed the standards of minimal competence and what those standards are.

The proposed legislation meets the standards.

13. Financial analysis. Please describe the method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by current or proposed licensees through dedicated revenue mechanisms.

No idea

Appendix E

Requirements of Other States

Alabama Licensure Law

Section 34-16-1

Short title; construction.

THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER AND HAS NOT BEEN CODIFIED BY THE LEGISLATURE OF ALABAMA.

(a) This chapter shall be known as the "Alabama Licensure for Interpreters and Translators Act."

(b) This chapter shall be liberally construed and implemented to promote the purposes and policies set forth herein. (Act 98-675, §1.)

Section 34-16-2

Legislative intent.

THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER AND HAS NOT BEEN CODIFIED BY THE LEGISLATURE OF ALABAMA.

The Legislature declares that it is in the best interest of the public health, safety, and welfare to regulate the practice of interpreting and transliterating on behalf of consumers who are hard of hearing, deaf, or speech disabled by licensing and permitting the providers of interpreting and transliterating services, and establishing and monitoring interpreting and transliterating standards in the State of Alabama.

(Act 98-675, §2.)

Section 34-16-3

Definitions.

THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER AND HAS NOT BEEN CODIFIED BY THE LEGISLATURE OF ALABAMA.

For purposes of this chapter, the following terms shall have the following meanings:

(1) BOARD. The Alabama Licensure Board for Interpreters and Translators, created pursuant to Section 34-16-4.

(2) CODE OF ETHICS. The tenets established by the Registry of the Interpreters for the Deaf which set guidelines governing professional conduct for interpreters and transliterators, and any other code of ethics approved by the board.

(3) CONSUMER. A hard of hearing, deaf, or speech disabled person or any other person or an agency that requires the services of an interpreter or transliterator to effectively communicate and comprehend signed or spoken discourse.

(4) CONTINUING EDUCATION PROGRAM or CEP. A program approved by the board to improve the skill level of licensees and permit holders.

(5) FUND. The Alabama Licensure Board for Interpreters and Translators Fund, created pursuant to Section 34-16-9.

(6) INTERMEDIARY INTERPRETER. A person who is credentialed as an interpreter and who serves in an intermediary capacity between another deaf person and another licensed or permitted interpreter or between two or more deaf persons.

(7) INTERPRETER. A person who is credentialed as a professional interpreter and who engages in the practice of interpreting among consumers. Fluency in all languages interpreted is required.

(8) INTERPRETING or TRANSLITERATING. The process of providing accessible communication between and among consumers who do not share a common means of communication. For the purposes of this chapter, interpreting means those processes known as interpretation and transliteration and includes communication modalities, including, but not limited to, visual, gestural, and tactile channels.

(9) NATIONALLY RECOGNIZED CERTIFICATION. A certification awarded to individuals who successfully complete an evaluation of interpreting skills at a professional level. The term includes a Registry of Interpreters for the Deaf certification, or an equivalent such as the National Association for the Deaf/Alabama Association for the Deaf Interpreter Assessment Program Level 4 or Level 5, or Cued Speech Certification at a national level.

(10) ORGANIZATIONS. The Alabama Association of the Deaf (AAD), a state chapter of the National Association of the Deaf (NAD); Alabama Registry of Interpreters for the Deaf (ALRID), an affiliate state chapter of the Registry of Interpreters for the Deaf, Inc., (RID).

(11) SIGN LANGUAGE. Includes all of the following communication systems:

a. American Sign Language (ASL) Based. The language of the deaf community that is linguistically independent from English. The term refers to the visual gestural language used in the United States and parts of Canada and

includes all regional variations.

b. English Based Sign Systems. Includes, but is not limited to, all visual representations of the English language such as manually coded English, Pidgin Sign English, and Oral Interpreting.

c. Sign Language. A generic term used to describe a continuum of visual-manual language and communication systems.

d. Cued Speech. A system of handshapes which represents groups of consonant sounds, combined with hand placements which represent groups of vowel sounds, used with natural speech to represent a visual model of spoken language.

(12) TRANSLITERATOR. A person who is credentialed as a professional transliterator and who engages in the practice of transliteration between consumers utilizing two different modes of the same language. Fluency in both modes of language is required.

(Act 98-675, §3.)

Section 34-16-4

Licensure Board of Interpreters and Transliterators - Created; members; terms; officers; meetings; duties; expenses. THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER AND HAS NOT BEEN CODIFIED BY THE LEGISLATURE OF ALABAMA.

(a) There is created the Alabama Licensure Board for Interpreters and Transliterators.

(b) The board shall consist of nine members appointed by the Governor as follows:

(1) Four members certified as interpreters or transliterators at a professional level by a nationally recognized certification, one of whom shall work in an educational setting. A list of three nominations for each of these positions shall be submitted to the Governor by ALRID.

(2) Three deaf or hard of hearing members who are knowledgeable in the field of professional interpreting. A list of three nominations for each of these positions shall be submitted to the Governor by AAD.

(3) Two members at-large who have an interest in and are experienced in dealing with issues that affect the deaf, hard of hearing, and interpreting communities.

(c) All members of the board shall be citizens of the United States and the State of Alabama.

(d) A list of three nominees for each position except for the at-large positions shall be submitted to the Governor by the designated organizations by October 1, 1998. The initial terms shall begin January 1, 1999. All appointees to the board shall be citizens of the United States and residents of the state.

(e) The initial members of the board shall serve the following terms as designated by the Governor:

(1) Four of the initial members shall serve for two years.

(2) Three of the initial members shall serve for three years.

(3) Two of the initial members shall serve for four years.

(f) Subsequent terms of office shall be four years. No board member may serve more than two consecutive terms. In the event of a vacancy, the Governor shall fill the vacancy from the remaining names on the list of nominees for that position. Each board member shall serve until his or her successor is duly appointed and qualified.

(g) At its first meeting each year, the board will elect a chair, a vice chair, and a secretary. No member shall be elected to serve more than two consecutive years in the same office.

(h) After the initial appointments to the board are made, the board shall meet by January 31 of the following year for the purpose of organizing and transacting business as may properly come before it. Subsequently, the board shall meet not less than twice annually, and as frequently as it deems necessary, at such time and places as it designates.

A quorum necessary to transact business shall consist of six of the members of the board.

The board shall have all of the following duties:

(1) Act on matters concerning licensure and permitting, and the process of granting, suspending, reinstating, and revoking a license or permit.

(2) Set a fee schedule for granting licenses and permits and renewals of licenses and permits. The fees shall be sufficient to cover the cost of the continued operation and administration of the board.

(3) Develop a mechanism for processing applications for licenses, permits, and renewals.

(4) Establish a procedure to enable the investigation of complaints concerning the violation of ethical practices for licensed or permitted interpreters.

(5) Maintain a current register of licensed interpreters and a current register of permitted interpreters. These registers shall be matters of public record.

(6) Maintain a complete record of all board proceedings.

(7) Submit an annual report detailing the proceedings of the board to the Governor and file a copy with the Secretary of State.

(8) Adopt continuing education requirements no later than October 1 of the year in which the initial board is appointed. These requirements shall be implemented by January 1 of the year following for renewal of a license or permit.

(i) Board members shall receive the same travel expenses and per diem as state employees pursuant to Article 2 of Chapter 7 of Title 36 and incidental and clerical expenses necessarily incurred in carrying out this chapter. The compensation and expenses shall be paid out of the funds of the board. Reimbursement shall not be made if available funds are insufficient for this purpose.

(Act 98-675, §4.)

Section 34-16-5

License required; issuance; fee; renewal; ethics examination.

THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER AND HAS NOT BEEN CODIFIED BY THE LEGISLATURE OF ALABAMA.

(a) After March 15, 1998, any person who provides interpreting or transliterating services for remuneration shall be required annually to be licensed or permitted by the board unless that person is exempt from licensure or permitting pursuant to Section 34-16-7.

(b) The initial license shall be issued upon submission of an application, an affidavit documenting current validation of a nationally recognized certification as approved by the board, and payment of the required nonrefundable annual fee by March 15. Licenses shall be renewed annually, no later than March 15, upon submission of an application and an affidavit documenting current nationally recognized certification at a professional level as approved by the board, payment of the required nonrefundable annual fee, and participation in a continuing education program approved by the board.

(c) All applicants for licensure who are initially certified after January 1, 1995, shall submit an affidavit documenting that the applicant has passed an interpreter code of ethics exam approved by the board.

(Act 98-675, §5.)

Section 34-16-6

Permit to practice; renewal; fee.

THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER AND HAS NOT BEEN CODIFIED BY THE LEGISLATURE OF ALABAMA.

(a) Any person who practices as an interpreter or transliterator for remuneration on August 1, 1998, but who does not otherwise meet the requirements for licensure, may obtain a renewable permit to practice interpretation or transliteration. An initial permit shall be issued upon submission of the application, documentation of a high school diploma or GED, current employment as an interpreter, and payment of the nonrefundable annual fee. Any person who does not obtain an initial permit by March 15, 1999, may obtain a nonrenewable provisional permit to practice interpretation or transliteration upon the submission of the application, documentation of a high school diploma or GED, payment of the nonrefundable fee, and submission of three letters of recommendation from licensed interpreters that verify the skill level of the applicant.

(b) In subsequent years, permit holders and nonrenewable permit holders may apply for a renewable annual permit that shall require the submission of an affidavit and supporting materials documenting that the applicant has passed an interpreter code of ethics exam as approved by the board and an interpreting performance assessment approved by the board, the payment of the required nonrefundable annual fee, and the participation in a continuing education program approved by the board. The affidavit shall be submitted no later than March 15 annually.

(c) Subsequent renewal of a permit by a cued speech transliterator shall require submission of an affidavit and supporting materials documenting that the applicant has passed an interpreter code of ethics exam as approved by the board and payment of the required nonrefundable annual fee and participation in a continuing education program approved by the board. The affidavit shall be submitted no later than March 15 annually.

(Act 98-675, §6.)

Section 34-16-7

Exemptions.

THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER AND HAS NOT BEEN CODIFIED BY THE LEGISLATURE OF ALABAMA.

The following persons shall be exempt from licensure or permitting pursuant to this chapter:

(1) Any student who is enrolled in a formal American sign language program, a formal interpreter training program, or a formal interpreter or transliterator internship program. The student shall be allowed to interpret or transliterate

as part of his or her training for a maximum of 16 weeks in an educational setting or 120 hours in an agency or business.

(2) Any person who interprets or transliterates solely in a church, synagogue, temple, or other religious setting.

(3) Any person residing outside of the State of Alabama may provide interpreting and transliterating services for up to 14 working days per calendar year without a license.

(4) Any person desiring to interpret for remuneration where circumstances do not allow for fulfillment of the stated requirements for licensure or permitting may petition the board for exemption status.

(Act 98-675, §7.)

Section 34-16-8

Reciprocity agreements authorized.

THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER AND HAS NOT BEEN CODIFIED BY THE LEGISLATURE OF ALABAMA.

(a) The board may enter into a reciprocal agreement with any state, agency, or other organization that licenses, certifies, or registers professional interpreters or transliterators, or both, if the board finds that the state, agency, or organization has substantially the same requirements or more stringent requirements.

(b) The reciprocity agreement shall provide that the board shall license anyone who is currently licensed, certified, or registered in that state or by that agency or other organization if that state, agency, or other organization agrees to license, certify, or register any practitioners who are currently licensed pursuant to this chapter.

(c) The board shall set by regulation the fees appropriate in processing reciprocity.

(Act 98-675, §8.)

Section 34-16-9

Annual fee; fund.

THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER AND HAS NOT BEEN CODIFIED BY THE LEGISLATURE OF ALABAMA.

(a) The annual fee may be increased or decreased by the board, provided, the board shall not set an annual fee at an amount which would not provide sufficient revenues to pay all the costs and expenses incurred by the board in enforcing this chapter.

(b) The annual fee shall cover a license or permit for the 12-month period beginning March 15 of each year.

(c) There is created in the State Treasury the Alabama Licensure Board for Interpreters and Transliterators Fund. All fees collected by the board shall be paid into the State Treasury to the credit of the fund. Monies in the fund shall be subject to withdrawal only upon warrant of the State Comptroller to be issued upon certification of the secretary or treasurer of the board.

(d) Any funds remaining in the State Treasury to the credit of the board at the end of each year in excess of two hundred fifty thousand dollars (\$250,000) shall be available to provide for the education and training of interpreters and transliterators in postsecondary programs. At all times the board may retain a sum not in excess of two hundred fifty thousand dollars (\$250,000) to meet any emergency which may affect the efficient operation of the board. No funds shall be withdrawn or expended except as budgeted and allocated pursuant to Sections 41-4-80 to 41-4-96, inclusive, and Sections 41-19-1 to 41-19-12, inclusive, and only in amounts as stipulated in the general appropriations bill or other appropriations bills. There shall be appropriated from the fund to the board for the fiscal years 1997-1998 and 1998-1999 an amount deemed necessary by the board to fund the costs of its operations.

(Act 98-675, §9.)

Section 34-16-10

Application for license or permit; issuance rejection.

THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER AND HAS NOT BEEN CODIFIED BY THE LEGISLATURE OF ALABAMA.

(a) Any person may apply for a license or a permit pursuant to this chapter by filing a written application on a form prescribed by the board not less than 30 days prior to the next meeting of the board. The application shall be accompanied by the payment of the annual nonrefundable license fee or permit fee. The credentials of the applicant shall be reviewed according to the rules of the board.

(b) If the board finds the credentials in order, a license or permit shall be issued to the applicant.

(c) If the board rejects the credentials, the applicant will be notified in writing informing him or her of the reasons for rejection.

(Act 98-675, §10.)

Section 34-16-11

Charges of fraud, deceit, etc., against holder of license or permit; hearing; appeal; reapplication.

THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER AND HAS NOT BEEN CODIFIED BY THE LEGISLATURE OF ALABAMA.

(a) Any person may bring charges of fraud, deceit, negligence, incompetence, or misconduct against a licensee or permit holder. All charges shall be made in writing or by video tape and sworn to by the person making the charges. All charges shall be submitted to the chair of the board within 90 days of the alleged occurrence. After a review of the charges, the board shall conduct a hearing at which it may dismiss the charges, or may impose a fine not to exceed one thousand dollars (\$1,000), or may suspend or revoke the license or permit of the person charged.

(b) The licensee or permit holder may appeal a decision of the board imposing an administrative fine or revoking or suspending a license or permit by submitting a request to the board for reconsideration within 90 days following the decision of the board. If no resolution is achieved, further appeals shall be submitted to the circuit court in the jurisdiction of the residence of the licensee or permit holder. Any licensee or permit holder whose application for renewal of licensure or permitting was denied or whose license or permit was revoked may reapply after 12 months. The board may then reissue a license or permit or rescind any disciplinary action if a majority of the members, which shall be no less than four members, vote in favor of the action. (Act 98-675, §11.)

Section 34-16-12

Rules and regulations.

THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER AND HAS NOT BEEN CODIFIED BY THE LEGISLATURE OF ALABAMA.

The board may promulgate rules and regulations necessary to implement this chapter and accomplish its objectives. The rules and regulations shall be published in the Standards of Professional Practice and made available to all licensees and permit holders. The rulemaking powers of the board are subject to the Administrative Procedure Act, Sections 41-22-1 to 41-22-27, inclusive.

(Act 98-675, §12.)

Section 34-16-13

Violations; penalties.

THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER AND HAS NOT BEEN CODIFIED BY THE LEGISLATURE OF ALABAMA.

After January 1, 1999, any person who undertakes or attempts to undertake the practice of interpreting or transliterating for remuneration among consumers without first having procured a valid license or permit, or who knowingly presents or files false information with the board for the purpose of obtaining a license or permit, or who violates this chapter shall be guilty of a Class C misdemeanor. A person who is not licensed or permitted may not bring or maintain an action to enforce any contract for interpreting or transliterating services which he or she entered into in violation of this chapter. Whenever it appears to the board that any interpreter or transliterator has violated or is about to violate this chapter, the board may, in its own name, petition the circuit court of the county where the violation occurred or is about to occur to issue a temporary restraining order enjoining the violation.

(Act 98-675, §13.)

Section 34-16-14

Actions by board to recover damages; liability of board members.

THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER AND HAS NOT BEEN CODIFIED BY THE LEGISLATURE OF ALABAMA.

(a) The board may sue and be sued in its own name to recover actual or compensatory damages, including interest and court costs, sustained within the State of Alabama as the result of conduct of any licensee or permit holder who violates this chapter or the rules and regulations of the board.

(b) All members of the board shall be immune from civil liability while acting within the scope of their duties as board members.

(Act 98-675, §14.)

Section 34-16-15

Notification of conviction or pending civil action; breach of professional ethics, etc.

THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER AND HAS NOT BEEN CODIFIED BY

THE LEGISLATURE OF ALABAMA.

(a) A licensee or permit holder shall notify the board within 10 days of any felony conviction, and within 10 days of a civil action being brought against the licensee or permit holder, if the civil action arose from an interpreting or transliterating transaction or involves the goodwill of a licensee or permit holder or an existing interpreting or transliterating business or agency. The notification shall be in writing, sent by certified mail, and include a copy of the judgement.

(b) Allegations of breach of professional ethics or conduct incompatible with the Standards of Professional Practice as determined by the board may be brought against a licensee or permit holder by any individual, business, or agency.

(Act 98-675, §15.)

Section 34-16-16

Sunset provision.

THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER AND HAS NOT BEEN CODIFIED BY THE LEGISLATURE OF ALABAMA.

The board shall be an enumerated board pursuant to Sections 41-20-1 to 41-20-16, inclusive, and shall be reviewed at the same time as the State Board of Medical Examiners.

(Act 98-675, §16.)

Connecticut

MATTERS RELATING TO EDUCATION, OR THEIR DESIGNEES, SHALL JOINTLY CONVENE A MEETING OF THE COUNCIL NOT LATER THAN OCTOBER 1, 1998. The council shall meet at least six times a year to review and evaluate the coordinated delivery of technical and technological education to meet the employment needs of business and industry. THE COUNCIL SHALL ALSO EXPLORE WAYS TO: (1) ENCOURAGE STUDENTS TO PURSUE TECHNICAL CAREERS, INCLUDING THE DEVELOPMENT OR EXPANSION OF ALTERNATIVE TRAINING METHODS THAT MAY IMPROVE THE DELIVERY AND ACCESSIBILITY OF VOCATIONAL-TECHNICAL TRAINING; (2) ENSURE A SUCCESSFUL TRANSITION FOR STUDENTS FROM THE REGIONAL VOCATIONAL-TECHNICAL SCHOOLS TO POST SECONDARY EDUCATION; AND (3) IMPROVE PUBLIC AWARENESS REGARDING MANUFACTURING CAREERS. On or before January 1, [1991] 1999, and annually thereafter, the [Board of Governors of Higher] COMMISSIONER OF Education shall report, IN ACCORDANCE WITH SECTION 11-4a, to the joint standing [committee] COMMITTEES of the General Assembly having cognizance of matters relating to education AND COMMERCE on the activities of the council in the prior year.

Sec. 73. (NEW) (a) For the purposes of this section:

(1) "Interpreting" means the translating or transliterating of English concepts to specialized vocabulary used by a person who is deaf or hard of hearing or means the translating of a deaf or hard of hearing person's specialized vocabulary to English concepts. Specialized vocabulary concepts include, but are not limited to, the use of American Sign Language, English-based sign language, cued speech, oral transliterating and information received tactually;

(2) "Legal setting" means any criminal or civil action involving the Superior Court or its agents, any investigation conducted by a duly authorized law enforcement agency, employment related hearings and appointments requiring the presence of an attorney; and

(3) "Medical setting" means medical related situations including mental health treatment, psychological evaluations, substance abuse treatment, crisis intervention and appointments or treatment requiring the presence of a doctor or nurse.

(b) Commencing October 1, 1998, and annually thereafter, all persons providing interpreting services shall register with the Commission on the Deaf and Hearing Impaired. Such registration shall be on a form prescribed or furnished by the commission and shall include the registrant's name, address, phone number, place of employment as interpreter and interpreter certification or credentials. Commencing July 1, 2001, and annually thereafter, the commission shall issue identification cards for those who register in accordance with this section.

(c) On and after July 1, 2001, no person shall provide interpreting services unless such person is registered with the commission according to the provisions of this section and (1) has passed the National Registry of Interpreters for the Deaf written generalist test and holds a level three certification provided by the National Association of the Deaf and documents the achievement of two

continuing education units per year for a maximum of five years of commission approved training, (2) has passed the National Registry of Interpreters for the Deaf written generalist test and is a graduate of an accredited interpreter training program and documents the achievement of two continuing education units per year for a maximum of five years of commission approved training, (3) holds a level four certification or higher from the National Association of the Deaf, (4) holds certification by the National Registry of Interpreters for the Deaf, (5) for situations requiring an oral interpreter only, holds oral certification from the National Registry of Interpreters for the Deaf, (6) for situations requiring a cued speech transliterator only, holds certification from the National Training, Evaluation and Certification Unit and has passed the National Registry of Interpreters for the Deaf written generalist test, or (7) holds a reverse skills certificate or is a certified deaf interpreter under the National Registry of Interpreters of the Deaf.

(d) On and after July 1, 2001, no person shall provide interpreting services in a medical setting unless such person is registered with the commission according to the provisions of this section and holds (1) a comprehensive skills certificate from the National Registry of Interpreters for the Deaf, (2) a certificate of interpretation or a certificate of transliteration from the National Registry of Interpreters for the Deaf, (3) a level five certification from the National Association of the Deaf, (4) a reverse skills certificate or is a certified deaf interpreter under the National Registry of Interpreters of the Deaf, (5) for situations requiring an oral interpreter only, oral certification from the National Registry of Interpreters for the Deaf, or (6) for situations requiring a cued speech transliterator only, certification from the National Training, Evaluation and Certification Unit and has passed the National Registry of Interpreters for the Deaf written generalist test.

(e) No person shall provide interpreting services in a legal setting unless such person is registered with the commission according to the provisions of this section and holds (1) a comprehensive skills certificate from the National Registry of Interpreters for the Deaf, (2) a certificate of interpretation and a certificate of transliteration from the National Registry of Interpreters for the Deaf, (3) a level five certification from the National Association of the Deaf, (4) a reverse skills certificate or is a certified deaf interpreter under the National Registry of Interpreters of the Deaf, (5) for situations requiring an oral interpreter only, oral certification from the National Registry of Interpreters for the Deaf, or (6) for situations requiring a cued speech transliterator only, certification from the National Training, Evaluation and Certification Unit and has passed the National Registry of Interpreters for the Deaf written generalist test.

(f) The requirements of this section shall apply to persons who receive compensation for the

provision of interpreting services and include those who provide interpreting services as part of their job duties.

Sec. 74. (NEW) Upon the request of any person or any public or private entity, the Commission on the Deaf and Hearing Impaired shall provide interpreting services to assist such person or entity to the extent such persons who provide interpreting services are available. Any person or entity receiving interpreting services through the commission shall reimburse the commission for such services at a rate set by the commission. The commission shall adopt regulations in accordance with the provisions of chapter 54 of the general statutes to establish the manner of rate setting.

Sec. 75. Subsection (g) of section 4-89 of the general statutes is repealed and the following is substituted in lieu thereof:

(g) The provisions of this section shall not apply to appropriations to the Commission on the Deaf and Hearing Impaired in an amount not greater than the amount of reimbursements of prior year expenditures for the services of interpreters received by the commission during the fiscal year pursuant to [subsection (b) of section 46a-31] SECTION 69 OF THIS ACT and such appropriations shall not lapse until the end of the fiscal year succeeding the fiscal year of the appropriation.

Sec. 76. Section 46a-27 of the general statutes is repealed and the following is substituted in lieu thereof:

A state commission is hereby created as a state-wide coordinating agency to advocate, strengthen and implement state policies affecting deaf and hearing impaired individuals and their relationship to the public, industry, health care and educational opportunity. Said commission shall be within the Department of Social Services for administrative purposes only. The commission may provide necessary services to deaf and hearing impaired persons including, but not limited to, nonreimbursable interpreter services and message relay services for persons using telecommunications devices for the deaf. [The commission shall adopt regulations in accordance with the provisions of chapter 54 to define the formula to be used to determine the amount of money to be charged for reimbursable interpreter services and the conditions under which nonreimbursable interpreter services shall be provided.]

Sec. 77. Section 46a-30 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The commission may receive moneys from any source, including gifts, grants, bequests and reimbursements which moneys may be expended for the purposes designated by the donor or to effectuate the provisions of sections 46a-27 to [46a-33] 46a-32, inclusive.

(b) The commission is empowered to expend its appropriation and receipts to initiate and support the provisions of said sections by contract or other arrangement and to contract for and engage consultants.

Sec. 78. On or before September 1, 1998, the plan developed for the city of Hartford for the expenditure of school readiness grant funds

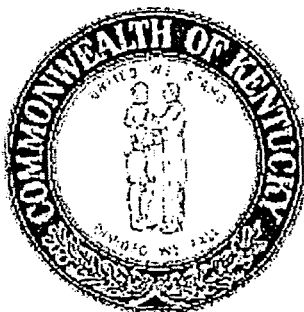
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Kentucky

 COMMONWEALTH OF KENTUCKY

The Kentucky Board of Interpreters for the Deaf and Hard of Hearing

P.O. Box 1360
Frankfort KY 40602

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An agency administered by:

Division of Occupations and
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Contact Information Sheet (PDF Format)

Board Members (PDF Format)

Kentucky Registry of Interpreters for the Deaf (KYRID)

Kentucky Commission of the Deaf and Hard of Hearing (KCDHH)

Kentucky Revised Statutes (PDF Format)

- 300 Definitions for KRS 309.300 to 309.319.
- 301 Licensing for interpreters required -- Exceptions.
- 302 Kentucky Board of Interpreters for the Deaf and Hard of Hearing.
- 304 Powers and duties of board -- Administrative regulations.
- 306 Fees credited to revolving fund.
- 308 Kentucky Board of Interpreters for the Deaf and Hard of Hearing Policy Committee.
- 310 Duties of policy committee.
- 312 Eligibility for license and temporary license.
- 314 Renewal and reinstatement of license -- Continuing education.
- 316 Classification of offenses -- Investigation of wrongdoing -
- Hearing -- Sanctions -- Hearing for denial of application.
- 318 Board's disciplinary powers -- Reasons for sanctions --
Appeal to Franklin Circuit Court.
- 319 Penalty.

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309.300 Definitions for KRS 309.300 to 309.319.

As used in KRS 309.300 to 309.319, unless the context otherwise requires:

- (1) "Board" means Kentucky Board of Interpreters for the Deaf and Hard of Hearing.
- (2) "Committee" means Kentucky Board of Interpreters for the Deaf and Hard of Hearing Policy Committee.
- (3) "Consumer" means a person who is deaf, hard of hearing, or who requires special communication techniques in order to communicate.
- (4) "Interpreter" means a person who engages in the practice of interpreting.
- (5) "Interpreting" means the translating or transliterating of English concepts to any necessary specialized vocabulary used by a consumer or the translating of a consumer's specialized vocabulary to English concepts. Necessary specialized vocabularies include, but are not limited to, American Sign Language, English-based sign language, cued speech, and oral interpreting.
- (6) "Nationally recognized certification" means certification granted by a national organization that is based on a skills assessment of the applicant. These organizations include, but are not limited to, the Registry of Interpreters for the Deaf, the National Association of the Deaf, and the National Training, Evaluation, and Certification Unit.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 11, sec. 1, effective July 15, 1998.

309.301 Licensing for interpreters required -- Exceptions.

- (1) Effective July 1, 2003, no person shall represent himself or herself as an interpreter or engage in the practice of interpreting as defined in KRS 309.300 unless he or she is licensed in accordance with the provisions of KRS 309.300 to 309.319.
- (2) The provisions of KRS 309.300 to 309.319 shall not apply to:
 - (a) Nonresident interpreters working in the Commonwealth less than twenty (20) days per year;
 - (b) Interpreters working at religious activities;
 - (c) Interpreters working as volunteers without compensation. However, all volunteers interpreting for state agencies must be eligible for licensure as described in KRS 309.312;
 - (d) Interpreters working in an emergency. An emergency is a situation where the consumer decides that the delay necessary to obtain a licensed interpreter is likely to cause injury or loss to the consumer; or
 - (e) The activities and services of an interpreter intern or a student in training who is:
 1. Enrolled in a program of study in interpreting at an accredited institution of higher learning;
 2. Interpreting under the supervision of a licensed interpreter as part of a supervised program of study; and
 3. Identified as an interpreter intern or student in training.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 11, sec. 2, effective July 15, 1998.

309.302 Kentucky Board of Interpreters for the Deaf and Hard of Hearing.

- (1) There is hereby created a board to be known as the "Kentucky Board of Interpreters for the Deaf and Hard of Hearing."
- (2) The board shall consist of seven (7) members appointed by the Governor as follows:
 - (a) Five (5) practicing interpreters who hold current nationally recognized certification and have at least five (5) years interpreting experience;
 - (b) One (1) deaf interpreter with past or current nationally recognized certification; and
 - (c) One (1) consumer with knowledge about interpreter issues.
- (3) After the initial term of each appointment, all members shall be appointed for a term of four (4) years.
- (4) Board members shall not be allowed to succeed themselves but a former member may be reappointed to the board if that member has not served in the preceding four (4) years.
- (5) The members of the board shall receive no compensation for their services on the board, but they shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.
- (6) The board shall annually elect a chairman, a vice chairman, and a secretary-treasurer from the members of the board.
- (7) The board shall hold at least one (1) meeting annually and additional meetings as the board may deem necessary. The additional meetings may be held upon call of the chairman or upon written request of a quorum. Four (4) members of the board shall constitute a quorum to conduct business.
- (8) Upon recommendation of the board, the Governor may remove any member of the board for neglect of duty or malfeasance in office.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 11, sec. 3, effective July 15, 1998.

309.304 Powers and duties of board -- Administrative regulations.

- (1) The board shall administer and enforce the provisions of this chapter and shall have the responsibility of evaluating the qualifications of applicants for licensure and the issuance of licenses.
- (2) The board may issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths, and investigate allegations of practices violating the provisions of this chapter.
- (3) The board shall promulgate necessary and reasonable administrative regulations in accordance with KRS Chapter 13A and this chapter to effectively carry out and enforce the provisions of KRS 309.300 to 309.319, including regulations to establish authorized fees. Fees shall not exceed amounts necessary to generate sufficient funds to effectively carry out and enforce the provisions of KRS 309.300 to 309.319.
- (4) The board may conduct hearings in accordance with KRS Chapter 13B and keep records and minutes necessary to carry out the functions of KRS 309.300 to 309.312.
- (5) The board may renew licenses and require continuing education as a condition for renewal.
- (6) The board may suspend or revoke licenses, or impose supervisory or probationary conditions upon licensees, or impose administrative disciplinary fines, issue written reprimands, or any combination thereof.
- (7) The board may seek injunctive relief in Franklin Circuit Court to stop the unlawful practice of interpreting by unlicensed persons.
- (8) The board may employ any persons it deems necessary to carry on the work of the board, and shall define their duties and fix their compensation.
- (9) Beginning in 1999, on October 1 of each year, the board shall submit a report to the Legislative Research Commission indicating:
 - (a) The current number of licensed interpreters; and
 - (b) The number of complaints received against interpreters and any disciplinary action taken within the previous calendar year.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 11, sec. 4, effective July 15, 1998.

309.306 Fees credited to revolving fund.

- (1) All fees and other moneys received by the board under the provisions of KRS 309.300 to 309.319 shall be deposited in the State Treasury to the credit of a revolving fund for the use of the board.
- (2) No part of this revolving fund shall revert to the general fund of this Commonwealth.
- (3) This revolving fund shall pay for the reimbursement of board members for actual and necessary expenses incurred in the performance of their official duties, the compensation of all of the employees of the board, and those operational expenses incurred in fulfilling the board's duties as described in administrative regulation.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 11, sec. 5, effective July 15, 1998.

309.308 Kentucky Board of Interpreters for the Deaf and Hard of Hearing Policy Committee.

- (1) There is hereby created a committee to be known as the "Kentucky Board of Interpreters for the Deaf and Hard of Hearing Policy Committee."
- (2) The committee shall consist of eleven (11) members as follows:
 - (a) The president or a designee of:
 1. Kentucky Association of the Deaf; and
 2. Kentucky Registry of Interpreters for the Deaf;
 - (b) A representative from:
 1. Kentucky Commission on the Deaf and Hard of Hearing (KCDHH);
 2. Eastern Kentucky University Interpreter Training Program;
 3. Kentucky Department of Education;
 4. Kentucky Department of Vocational Rehabilitation;
 5. Kentucky School for the Deaf;
 6. Cabinet for Families and Children; and
 7. Cabinet for Health Services; and
 - (c) Two members-at-large, who are consumers, appointed by the board.
- (3) The members of the committee shall receive no compensation for their services on the committee. The member from the Kentucky Association of the Deaf, the member from the Kentucky Registry of Interpreters for the Deaf, and the members-at-large shall be reimbursed for actual and necessary expenses incurred in the performance of their committee duties.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 11, sec. 6, effective July 15, 1998.

309.310 Duties of policy committee.

- (1) The committee shall provide ongoing advice and input to the board regarding the criteria for licensure and the ratio between consumer demand and the existing supply of licensed interpreters or those eligible for licensure.
- (2) The committee shall make recommendations to the board regarding the content of relevant administrative regulations.
- (3) The committee shall provide ongoing review of professional development and support systems for interpreters including existing public and private education programs and training resources within the Commonwealth.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 11, sec. 7, effective July 15, 1998.

309.312 Eligibility for license and temporary license.

- (1) To be eligible for licensure by the board as an interpreter, the applicant shall submit an application which includes:
 - (a) An application fee; and
 - (b) Current certification from a nationally recognized organization at the requisite level for sign language interpreters, oral interpreters, or cued speech transliterators as determined by the board and promulgated by administrative regulation.
- (2) The board shall issue an interpreter license to an applicant who fulfills these requirements: The front of the license shall clearly list all certifications held by the licensee.
- (3) The board may issue a temporary license as an interpreter to an applicant who is certified at a level below that required for licensure in subsection (1) of this section. A temporary license shall be available for a person who is training under the supervision of a licensed interpreter under circumstances defined by the board in administrative regulation. A temporary license is valid for only a certain period until the licensee achieves the minimum level of certification required for licensure under subsection (1) of this section. A temporary license is not renewable although extensions may be granted under circumstances defined by administrative regulation.
 - (a) For graduates of a baccalaureate interpreter training program, a temporary license shall be valid for up to one (1) year.
 - (b) For graduates of an associate of arts interpreter training program, a temporary license shall be valid for up to two (2) years.
 - (c) For nondegree applicants, a temporary license shall be valid for up to two (2) years.
- (4) Upon payment of the application fee, the board shall grant licensure to an applicant holding a valid license, certificate, or equivalent issued by another state if it is based upon standards equivalent to or exceeding the standards required by KRS 309.300 to 309.319.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 11, sec. 8, effective July 15, 1998.

309.314 Renewal and reinstatement of license -- Continuing education.

- (1) Each person licensed as an interpreter shall annually, on or before July 1, submit to the board current proof of nationally recognized certification and pay a fee for the renewal of the interpreter license. The amount of the fee shall be promulgated by administrative regulation of the board. All licenses not renewed by July 1 of each year shall expire.
- (2) A sixty (60) day grace period shall be allowed after July 1, during which time individuals may continue to practice and may renew their licenses upon payment of the renewal fee plus a late renewal fee as promulgated by administrative regulation of the board.
- (3) All licenses not renewed by August 31 shall terminate based on the failure of the individual to renew in a timely manner. Upon termination, the licensee is no longer eligible to practice in the Commonwealth.
- (4) After the sixty (60) day grace period, but before five (5) years from the date of termination, individuals with a terminated license may have their licenses reinstated upon payment of the renewal fee plus a reinstatement fee as promulgated by administrative regulation of the board.
- (5) A suspended license is subject to expiration and termination and may be renewed as provided in KRS 309.300 to 309.319. Renewal shall not entitle the licensee to engage in the practice of interpreting until the suspension has ended or is otherwise removed by the board and the right to practice is restored by the board.
- (6) A revoked license is subject to expiration and termination but shall not be renewed. If it is reinstated, the licensee shall pay the reinstatement fee as set forth in subsection (4) of this section and the renewal fee as set forth in subsection (1) of this section.
- (7) The board may require that a person applying for renewal or reinstatement of licensure show evidence of completion of continuing education as prescribed by the board by administrative regulation.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 11, sec. 9, effective July 15, 1998.

**309.316 Classification of offenses -- Investigation of wrongdoing -- Hearing --
Sanctions -- Hearing for denial of application..**

- (1) The board shall by administrative regulation classify types of offenses and the recommended administrative action. The type of action to be taken shall be based on the nature, severity, and frequency of the offense. Administrative action authorized in this section shall be in addition to any criminal penalties provided in KRS 309.300 to 309.319 or under other provisions of law.
- (2) The board may investigate allegations of wrongdoing upon complaint or upon its own volition. The board shall establish procedures for receiving and investigating complaints by administrative regulation.
- (3) If the board's investigation reveals evidence supporting the complaint, the board shall set the matter for hearing in accordance with the provisions of KRS Chapter 13B before suspending, revoking, imposing probationary or supervisory conditions or an administrative fine, issuing a written reprimand, or any combination of actions regarding any license under the provisions of this chapter.
- (4) If, after an investigation that includes opportunity for the licensee to respond, the board determines that a violation took place but was not of a serious nature, it may issue a written admonishment to the licensee. A copy of the admonishment shall be placed in the permanent file of the licensee. The licensee shall have the right to file a response to the admonishment within thirty (30) days of its receipt and to have the response placed in the permanent licensure file. The licensee may alternatively, within thirty (30) days of the receipt, file a request for hearing with the board. Upon receipt of this request, the board shall set aside the written admonishment and set the matter for hearing under the provisions of KRS Chapter 13B.
- (5) After denying an application under the provisions of KRS 309.300 to 309.319, the board may grant a hearing to the denied applicant in accordance with the provisions of KRS Chapter 13B.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 11, sec. 10, effective July 15, 1998.

309.318 Board's disciplinary powers -- Reasons for sanctions -- Appeal to Franklin Circuit Court.

- (1) The board may refuse to issue a license or suspend, revoke, impose probationary conditions upon, impose an administrative fine, issue a written reprimand, or any combination thereof regarding any licensee upon proof that the licensee has:
 - (a) Been convicted of a crime as described in KRS 335B.010(4) or an offense that otherwise directly relates to the occupation of interpreter. A plea of "no contest" may be treated as a conviction for purposes of disciplinary action;
 - (b) Knowingly misrepresented or concealed a material fact in obtaining a license or in reinstatement thereof;
 - (c) Committed any fraudulent act or practice;
 - (d) Been incompetent or negligent in the practice of interpreting;
 - (e) Violated any state statute or administrative regulation governing the practice of interpreting;
 - (f) Violated the code of ethics of the national organization issuing the licensee's certification as incorporated in administrative regulation; or
 - (g) Violated any federal or state law considered by the board to be applicable to the practice of interpreting.
- (2) When the board issues a written reprimand to the licensee, a copy of the reprimand shall be placed in the permanent file of the licensee. The licensee shall have the right to submit a response within thirty (30) days of its receipt and to have that response filed in the permanent file.
- (3) At any time during the investigative or hearing processes, the board may accept an assurance of voluntary compliance from the licensee which effectively deals with the complaint.
- (4) The board may reconsider, modify, or reverse its probation, suspensions, or other disciplinary action.
- (5) Five (5) years from the date of a revocation, any person whose license has been revoked may petition the board for reinstatement. The board shall investigate the petition and may reinstate the license upon a finding that the individual has complied with any terms prescribed by the board and is again able to competently engage in the practice of interpreting.
- (6) Any party aggrieved by a disciplinary action of the board may bring an action in Franklin Circuit Court in accordance with the provisions of KRS Chapter 13B.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 11, sec. 11, effective July 15, 1998.

309.319 Penalty.

Any person who shall violate or aid in the violation of any of the provisions of KRS 309.301 shall be guilty of a Class B misdemeanor.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 11, sec. 12, effective July 15, 1998.

Proposed Rule
LSA Document # 99-147

Indiana
(Rule)

DIGEST

Adds 460 IAC 2-3 concerning the certification standards, code of ethics, and grievance procedures that will govern certified interpreters to persons who are deaf or hard of hearing in the state of Indiana.

SECTION 1. 460 IAC 2-3 IS ADDED TO READ AS FOLLOWS:

Rule 3. Interpreter Standards for the Deaf and Hard of Hearing

460 IAC 2-3-1 Purpose

Authority: IC 12-12-7-5
Affected: IC 12-12-7

Sec. 1. The purpose of this rule is to establish standards pursuant to IC 12-12-7-5 that determine the necessary standards of behavior, competency and proficiency in sign language and oral interpreting and ensure quality, professional interpreting services in order to protect the public and persons who are deaf or hard of hearing from misrepresentation.

460 IAC 2-3-2 Definitions and acronyms

Authority: IC 12-12-7-5
Affected: IC 12-12-7; IC 20-10.1-7-17; IC 20-12-72

Sec. 2. (a) The definitions and acronyms in this section apply throughout this rule unless specifically noted.

- (b) "ASL" means American Sign Language.
- (c) "BIS" means Board of Interpreter Standards.
- (d) "CEU" means continuing education unit.
- (e) "DHHS" means Deaf and Hard of Hearing Services.
- (f) "ITP" means interpreter training program.
- (g) "NAD" means National Association of the Deaf.
- (h) "RID" means Registry of Interpreters for the Deaf.
- (i) "TEC" means Testing and Evaluation Certificate.
- (o) "Consumer" means the persons for and between whom the interpreter is facilitating communication, and includes both hearing and deaf consumers.
- (j) "Interpreter" refers to both interpreters and transliterators.
- (r) "Payee" means a person who contracts with a freelance interpreter on behalf of a public or private agency, organization or

business for a particular assignment involving one or more deaf clients and one or more hearing consumers.

(s) "Setting" means the context within which an interpreting assignment takes place.

460 IAC 2-3-3 Certification Requirements

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 3. (a) In order to receive certification as an interpreter under this rule by the State of Indiana, an individual must register with DHHS in the manner prescribed by DHHS and fulfill at least one of the following criteria:

- (1) Pass the RID written generalist test, hold NAD Level III, and obtain 2 CEUs per year for up to five (5) years;
 - (2) Pass the RID written generalist test, be a graduate of an accredited ITP, and obtain 2 CEUs per year for up to five (5) years;
 - (3) Hold NAD Level IV or above;
 - (4) Hold RID certification;
 - (5) Hold RID oral certification for situations requiring an oral interpreter only;
 - (6) Hold certification from TEC and have passed the RID written generalist test for situations requiring a Cued Speech Transliterator.
- (b) Commencing July 1, 2007, in order to receive certification by the State of Indiana, an individual must fulfill the requirements in subsection (a), and also hold a bachelor's degree from an accredited college or university. An interpreter who has met the requirements of subsection (a) prior to July 1, 2007, shall be exempt from the additional requirement of this subsection.
- (c) Interpreters holding NAD or RID certifications must maintain these certifications in good standing in order to maintain their certification by the State of Indiana, including fulfilling the continuing education requirements of NAD or RID.
- (d) Fulfillment of the requirements of subdivision (a)(1) or (a)(2) of this section shall allow an interpreter to be certified by the State of Indiana for a maximum period of five (5) years from the date originally certified. At or before the conclusion of this period, an interpreter must fulfill the requirements of at least one of subdivisions (a)(3) through (a)(6) of this section to continue certification by the State of Indiana.
- (e) An interpreter certified by the State of Indiana shall renew such certification at least every two (2) years in the manner prescribed by DHHS.

460 IAC 2-3-4 Certificate; Professional Qualifications

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 4. (a) After being certified by the State of Indiana, an interpreter shall be issued a certificate signed by the DHHS deputy director and DDARS director evidencing such certification. An interpreter shall also be issued an identification card signed by the DHHS deputy director and DDARS director which the interpreter shall carry with him or her during interpreting assignments as proof of certification.

(b) An interpreter shall accurately present his or her Indiana identification card, certificate, professional qualifications and/or credentials upon request.

460 IAC 2-3-5 Code of Ethics; Confidentiality

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 5. (a) An interpreter shall maintain the confidentiality of all information covered during an interpreting assignment and all information about interpreting services being performed including identity of those consumers present, regardless of perceived importance, except for the following:

(1) An interpreter may reveal information to his or her employer, members of the employer's staff, or a professional team designated by the employer for purposes of record keeping, program management or supervision.

(2) An interpreter may share information with peer interpreters employed by the same employer which is necessary to best serve consumers in an ongoing interpreting situation or assignment.

(3) Unless the consumer otherwise directs, an interpreter may disclose factual information or professional assessment of the language and communication process regarding the current interpreting assignment to the payee of the interpreter or the payee's designee. Disclosure of further information requires consent of the consumer.

(4) Information which is public or not otherwise confidential under this rule or any other rule or law may be disclosed.

460 IAC 2-3-6 Code of Ethics; Rendering of Interpreting Services; Language Used

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 6. (a) Interpreting services shall be rendered faithfully, conveying all communication messages with the exact spirit, intent and affect of the communicator.

(b) An interpreter shall withdraw from an assignment if his or her personal feelings interfere with performing the duties in subsection (a).

(c) An interpreter shall use the language or mode of communication most readily understood or preferred by all consumers involved.

460 IAC 2-3-7 Code of Ethics; Impartiality of Interpreter

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 7. (a) The interpreted message shall be transmitted impartially without the interjection of personal advice, counsel or opinions of the interpreter.

(b) An interpreter shall not omit or add to anything that is signed or vocalized by a party, even when asked to do so by other parties involved.

(c) An interpreter shall not attempt to take on any dual role but shall act only as interpreter to assist in communications between parties involved.

(d) An interpreter may communicate directly with a party involved in order to clarify to that party the interpreter's role of facilitating communication.

(e) An interpreter should refrain from providing interpreter services in situations where family members or close personal or professional relationships may affect impartiality. However, this is not to be construed as a ban on interpreting for family, friend or close associates in emergency situations or where the interpreter is otherwise compelled to interpret for such people.

460 IAC 2-3-8 Code of Ethics; Appropriateness of assignment for interpreter

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 8. In determining whether to accept an interpreting assignment, an interpreter must use discretion in considering his or her skill level, the setting of the assignment, the expected content and subject matter of the assignment, and the consumers involved, and shall not accept an assignment when any of these factors make it inappropriate to do so in the best interests of the consumers involved.

460 IAC 2-3-9 Code of Ethics; Compensation Requests

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 9. An interpreter shall request compensation for services using accepted business practices and in a professional and judicious manner, taking into account usual fees commensurate with their level of skill, level of certification, amount of experience, nature of assignment, and geographic region. Terms of compensation shall be arranged in advance of the interpreting assignment whenever possible.

460 IAC 2-3-10 Code of Ethics; Professional Development

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 10. An interpreter, in order to maintain his certification, shall pursue advanced knowledge, increased skills competency and the maintenance of high professional standards through active participation in workshops, professional meetings, interaction with professional colleagues and reading literature in the field. As part of this, an interpreter shall

obtain continuing education as required in Section 3 of this rule.

460 IAC 2-3-11 Code of Ethics; Interpreter Manner and Behavior

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 11. (a) Interpreting services shall be provided completely, impartially and professionally in a manner appropriate to the situation, including behavior suitable to the particular circumstances of the interpreting assignment.

(b) An interpreter shall attempt to become familiar with the anticipated discussion topic, type of activity, level of formality, expected behaviors, and any presentational materials prior to commencement of the interpreting assignment.

(c) An interpreter shall dress in a manner that will be as unobtrusive to communication facilitation as possible and that will assure the best possible background for signing, including proper skin to clothing color contrasts and avoiding clothing patterns which may tire the eyes of deaf consumers.

(d) An interpreter shall consider background, positioning and lighting to assure all are adequately within comfortable, nondistracting range for all parties involved.

(e) An interpreter shall assure that all consumers are duly advised that the interpreter assumes a position of neutrality in the relationship between all consumers, despite the fact that a given consumer may have hired the interpreter for the current or previous interpreting assignment, and consumers must be given the option of acceptance or rejection of the interpreter.

460 IAC 2-3-12 Code of Ethics; Appropriate Use of Interpreter

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 12. In situations where the consumer of interpreting services is not familiar with the use of an interpreter, the interpreter should share information on the appropriate use of an interpreter to help make the interpreting process successful. This should be done prior to commencing the interpreting assignment.

460 IAC 2-3-13 Grievances; Grievance Committee; Composition; Term

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 13. (a) DHHS shall create a grievance committee, of which the DHHS deputy director shall be the chair, consisting of a minimum of five (5) other members, which must consist of at least the following:

(1) At least two members who are deaf or hard of hearing and who have experience using interpreters;

(2) Two members must hold either NAD or RID certification; and

(3) One member may be a professional other than an interpreter, but must be knowledgeable of the interpreter standards set forth in this rule.

(b) The term of grievance committee members shall be three (3) years. However, the initial committee will have three members to be determined by the committee who shall serve two (2) years and the remaining members shall serve three (3) years. After the initial term of each appointment, all members shall be appointed for a term of three (3) years and may be appointed for one (1) additional term. If a member of the committee resigns, dies, or is removed, the new appointee shall serve the remainder of the unexpired term. Board members shall not be eligible for reappointment for at least one (1) year after serving two (2) consecutive terms.

(c) DHHS shall seek training in negotiation and mediation for the committee members.

460 IAC 2-3-14 Grievances; Jurisdiction of Grievance Committee

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 14. The jurisdiction of the grievance committee referred to in this rule extends to interpreters certified and working in the state of Indiana.

460 IAC 2-3-15 Grievances; Procedures; Complaint and Response

Authority: IC 12-12-7-5; IC 4-21.5-3-34

Affected: IC 12-12-7

Sec. 15. (a) A complaint may be filed by the following:

- (1) Any person utilizing interpreting services; or
- (2) Any person clearly demonstrating a direct or personal interest in the occurrence specified in the complaint.

(b) The complaint must be in writing and filed with the grievance committee referred to in Section 13 of this rule.

(c) The complaint must include the following:

- (1) The name, address and phone number of each person against whom charges are being filed.
- (2) The date and location of the alleged violation.
- (3) The specific action or actions in question making reference to a portion or portions of this rule alleged to have been violated.

(d) The complaint may be filed any time up to ninety (90) days after the date of the alleged violation.

(e) If a matter of extreme urgency should arise requiring immediate review by the grievance committee, the aggrieved party must attach to the complaint a request in writing for immediate review and the specific reasons for the urgency.

(f) Within thirty (30) days of receiving the complaint, each person against whom charges are made may file a response to the allegations against him or her.

(g) The response shall address, either by admitting, denying, or further explaining, each relevant aspect of each allegation stated in the complaint.

(h) The response must be sent to the grievance committee with a copy to the person who filed the complaint.

460 IAC 2-3-16 Grievances; Committee Action

Authority: IC 12-12-7-5; IC 4-21.5-3-34

Affected: IC 12-12-7

Sec. 16. (a) After a complaint has been received and a response has been filed or the thirty day period has elapsed for a filing response, the DHHS deputy director as grievance committee chairperson shall review the documents and make an initial decision on the merits of the pleadings.

(b) If the DHHS deputy director finds that no violation of this rule occurred and no cause of action exists, the complaint shall be dismissed and all parties notified in writing.

(c) Upon dismissal of the complaint, the complainant may request a hearing by the full grievance committee within thirty days of dismissal.

(d) If the DHHS deputy director determines that an investigation is warranted, the formal charges and grounds upon which they are based shall be set forth in writing and sent to the grievance committee and all parties involved, and the grievance committee may hold a hearing pursuant to Section 17 of this rule.

460 IAC 2-3-17 Grievances; Hearing Procedure

Authority: IC 12-12-7-5; IC 4-21.5-3-34

Affected: IC 12-12-7

Sec. 17. (a) The complainant and respondent, whether or not participating in person, may be advised and represented at the party's own expense by counsel or, unless prohibited by law, by another representative. Representatives may participate in all proceedings.

(b) Any party may present any affidavits, documents or other written evidence as to any relevant aspect of a charge or defense asserted.

(c) Any party may present witnesses to give testimony as to any relevant aspect of the charge or defense asserted.

(d) The grievance hearing shall meet at a location most convenient to all parties involved.

(e) All parties involved shall be given at least two weeks notice of the scheduled hearing date, time and location.

(f) The complainant and the respondent shall bear their own costs and expenses in connection with the grievance process.

460 IAC 2-3-18 Grievances; Decision of Grievance Committee; Recommendation**Authority:** IC 12-12-7-5; IC 4-21.5-3-34**Affected:** IC 12-12-7

Sec. 18. (a) The grievance committee shall carefully review all documents and evidence presented.

(b) Committee members other than the DHHS deputy director may vote on the grievance. The committee's decision shall require a majority vote. If there is no majority following the vote of the committee members, the DHHS deputy director shall cast a vote to determine the majority.

(c) The committee's decision on the charges shall become a written recommendation to the DHHS deputy director and shall identify in detail the charges, the evidence used in reaching a decision and the relevant standard for ethical behavior citation.

(d) The DHHS deputy director shall review the committee's recommendation and either adopt it, modify it, or dissolve it. The DHHS deputy director may remand the matter, with or without instructions, to the grievance committee for further proceedings.

(e) The DHHS deputy director shall issue a final decision on the grievance. One copy shall be kept for the committee's records and a copy shall be given to each party. If copies are mailed, they must be sent via certified mail, return receipt requested.

460 IAC 2-3-19 Grievances; Enforcement; Disciplinary Actions**Authority:** IC 12-12-7-5; IC 4-21.5-3-34**Affected:** IC 12-12-7

Sec. 19. (a) When the standards of ethical behavior set forth in this rule are found by the grievance committee to have been violated, the committee may recommend to the DHHS deputy director that disciplinary action be taken against an interpreter, based upon the severity of the interpreter's misconduct.

(b) The available disciplinary actions that the DHHS deputy director may take include the following:

(1) Verbal warning: an oral reprimand given by the DHHS deputy director.

(2) Written reprimand: a written notification of unsatisfactory performance.

(3) Probation: a trial period of a length of time specified by the DHHS deputy director during which the interpreter is required to fulfill a set of conditions or to improve work performance or on-the-job behavior.

(4) Suspension or Revocation: suspension or revocation of state of Indiana interpreter certification and referral to the grievance committee of the national organization, either RID or NAD, whose certification is held.

460 IAC 2-3-20 Grievances; Appeals**Authority:** IC 12-12-7-5

Affected: IC 12-12-7; IC 4-21.5

Sec. 20. An interpreter that has received disciplinary action from the DHHS deputy director may request a reconsideration of the decision to the director of DDARS. The director of DDARS shall provide a response to the request within fifteen (15) days of the date the request is received, including a notice of the right to appeal the decision. An interpreter that is dissatisfied with the decision on reconsideration may appeal the decision. The appeal shall be conducted in accordance with IC 4-21.5.

Return

Minnesota Statutes 2000, Table of ChaptersTable of contents for Chapter 122A*Minnesota***122A.31 American sign language/English interpreters.**

Subdivision 1. Requirements for American sign language/English interpreters. (a) In addition to any other requirements that a school district establishes, any person employed to provide American sign language/English interpreting or sign transliterating services on a full-time or part-time basis for a school district after July 1, 2000, must:

(1) hold current interpreter and transliterator certificates awarded by the Registry of Interpreters for the Deaf (RID), or the general level interpreter proficiency certificate awarded by the National Association of the Deaf (NAD), or a comparable state certification from the commissioner of children, families, and learning; and

(2) satisfactorily complete an interpreter/transliterator training program affiliated with an accredited educational institution.

(b) To provide American sign language/English interpreting or transliterating services on a full-time or part-time basis, a person employed in a school district during the 1999-2000 school year must only comply with paragraph (a), clause (1). The commissioner shall grant a nonrenewable, one-year provisional certificate to individuals who have not attained a current applicable transliterator certificate pursuant to paragraph (a), clause (1). During the one-year provisional period, the interpreter/transliterator must develop and implement an education plan in collaboration with a mentor under paragraph (d). This paragraph shall expire on June 30, 2001.

(c) Graduates of an interpreter/transliterator program affiliated with an accredited education institution shall be granted a two-year provisional certificate by the commissioner. During the two-year provisional period, the interpreter/transliterator must develop and implement an education plan in collaboration with a mentor under paragraph (d). This paragraph applies to spring semester 2000 graduates and thereafter.

(d) A mentor of a provisionally certified interpreter/transliterator must be an interpreter/transliterator who has either NAD level IV or V certification or RID certified interpreter and certified transliterator certification and have at least three years interpreting/transliterating experience in any educational setting. The mentor, in collaboration with the provisionally certified interpreter/transliterator, shall develop and implement an education plan designed to meet the requirements of paragraph (a), clause (1), and include a weekly on-site mentoring process.

(e) A school district may not employ an interpreter/transliterator who has not been certified under paragraph (a), (b), or (c).

Subd. 2. Oral or cued speech transliterators. In addition to any other requirements that a school district establishes, any person employed to provide oral transliterating or cued speech transliterating services on a full-time or

part-time basis for a school district after July 1, 2000, must hold a current applicable transliterator certificate awarded by the national certifying association or comparable state certification from the commissioner of children, families, and learning.

Subd. 3. **Qualified interpreters.** The department of children, families, and learning and the resource center: deaf and hard of hearing shall work with existing interpreter/transliterator training programs, other training/educational institutions, and the regional service centers to ensure that ongoing staff development training for educational interpreters/transl iterators is provided throughout the state.

Subd. 4. **Reimbursement.** (a) For purposes of revenue under section 125A.78, the department of children, families, and learning must only reimburse school districts for the services of those interpreters/transl iterators who satisfy the standards of competency under this section.

(b) Notwithstanding paragraph (a), a district shall be reimbursed for the services of interpreters with a nonrenewable provisional certificate and interpreters/transl iterators employed to mentor the provisional certified interpreters.

HIST: 1994 c 647 art 3 s 17; 1Sp1995 c 3 art 16 s 13; 1998 c 397 art 8 s 72,101; art 11 s 3; 1998 c 398 art 5 s 55; 2000 c 489 art 3 s 1,2

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TITLE 5
Businesses and Professions

Rhode
Island

CHAPTER 5-71
Interpreters for the Deaf

SECTION 5-71-1

§ 5-71-1 Short title. – This chapter is known and may be cited as the "Licensure of Interpreters for the Deaf Act".

TITLE 5

Businesses and Professions

CHAPTER 5-71

Interpreters for the Deaf

SECTION 5-71-2

§ 5-71-2 Declaration of policy and statement of purpose. – (a) It is declared the policy of the state that the practice of interpreting affects, including, but not limited to, the public health, safety, welfare, civic, economic, social, academic and recreational aspects of life, and is subject to licensure and regulation in the public's interest. It is further declared that:

(1) Individuals who are deaf, hard of hearing or other individuals with disabilities who use special communication techniques in order to communicate and individuals whose primary language is sign language have a civil right to effective communication;

(2) Consumers and those with whom they communicate require and are entitled to competent, reliable interpreting services, and that the availability of competent, reliable, credentialed interpreting services are necessary for consumers to realize their right to full and equal participation in society.

(b) A purpose of this chapter is to provide minimum qualifications for interpreters and to ensure that members of the interpreting profession perform with a high degree of competency.

TITLE 5

Businesses and Professions

CHAPTER 5-71

Interpreters for the Deaf

SECTION 5-71-3

§ 5-71-3 Definitions. – (1) "Board" means the state board of examiners for interpreters for the deaf.

(2) "Director" means the director of the department of health.

(3) The practice of "Interpreting for the deaf" means interpreting English into American Sign Language (ASL) or interpreting American Sign Language into English, or interpreting English to or from a visual gestural system.

(4) The practice of "Transliterating for the deaf" means transliterating English into Manually coded English such as Pidgin Signed English, or transliterating manually coded English into spoken English (sign-to-voice), or transliterating English to and or from a non-manual communication system such as Cued Speech.

Any application that is represented to the public by title or by description of services, methods, or procedures for facilitating communication between signing and non-signing person is considered the practice of interpreting for the deaf. A practice is deemed the "practice of interpreting for the deaf" if services are offered under any title, similar titles, or description of services incorporating the words "interpreter for the deaf", "signer", "ASL (American Sign Language) interpreter", or any similar titles or descriptions of services.

(5) "Interpreter for the Deaf" means any person who engages in the practice of interpreting or transliterating for the deaf as defined in subsections (3) and (4) above.

(6) "Interpreter trainee" and "interpreter student" means any person, meeting the minimum requirements established by the state board of examiners for interpreting for the deaf who is currently enrolled in a recognized interpreter training program.

(7) "Special licenses" means any specialized means of communicating with persons using sign language or non-sign language systems and includes: "Tactile communication" (such as is used by deaf-blind persons), "Cued Speech" (an oral method utilizing hand cues for visually similar phonemes), "Oral interpreting" (which is non-manual and relies on speech and speechreading), or other specialized communication modalities utilized with deaf persons.

(8) "Consumer" is an individual who is deaf, hard of hearing or other individual with disabilities who use special communication techniques in order to communicate, and individuals whose primary language is sign language (e.g., American Sign Language, manually coded sign systems).

TITLE 5

Businesses and Professions

CHAPTER 5-71

Interpreters for the Deaf

SECTION 5-71-4

§ 5-71-4 Board of examiners – Creation – Compensation – Appointment, terms and qualifications of members. – (a) There exists within the state department of health a board of examiners of interpreters for the deaf. The board consists of nine (9) persons who are residents of the state of Rhode Island for at least two (2) years prior to their appointments. Two (2) nationally certified interpreters, one screened interpreter, one interpreter eligible under § 5-71-12, three (3) consumers, one (1) special license holder and one consumer of specialized communication modalities as defined in § 5-71-3. The certified members hold certification from the National Registry of Interpreters for the Deaf, and hold an active and valid license in this state, except for the first appointed members who are persons who are engaged in rendering interpreting services for a period of at least five (5) years, and are qualified for license under the provisions of this chapter. The Screened member holds valid screening from a recognized state-screening, and holds an active and valid license in this state, except for the first appointed member who is a person who has been engaged in rendering interpreting services for a period of at least five (5) years, and is qualified for license under the provisions of this chapter. The special licensed member has expertise in one of the communication modalities defined in § 5-71-3(7), or another specialized communication modality.

(b) The first board and all future members are appointed in the following manner:

(1) The speaker of the house appoints one nationally certified interpreter member and one consumer member upon the advice of deaf consumer organizations such as the Rhode Island Association of the Deaf.

(2) The senate majority leader appoints one nationally certified interpreter member, one consumer member upon the advice of deaf consumer organizations, and one parent of a deaf or hard of hearing child;

(3) The house minority leader appoints the grandparent interpreter eligible under § 5-71-12; and

(4) The governor appoints the screened interpreter member, one special license holder, and one consumer of specialized communication modalities upon the advice of organizations of persons who utilize interpreters for the deaf to facilitate communication.

(c) Initially:

(1) The two (2) nationally certified interpreters and the consumer of specialized communication modalities members of the board serve for a term of one year;

(2) The screened interpreter member, and the consumer members appointed by the speaker and the senate majority leader serve for a term of two (2) years; and

(3) The grandparent interpreter member, the parent member, and the special license holder member serve for a term of three (3) years.

(d) All appointments made after this are for the term of three (3) years. Members serve until the expiration of the term for which they have been appointed or until their successor is appointed. No person is appointed to serve more than two (2) consecutive terms. When a vacancy upon the board occurs, a replacement is appointed for the remainder of that term as prescribed in this section.

(e) The board reorganizes annually during the month of December and elects a chairperson and vice chairperson for the subsequent calendar year.

(f) Five (5) members of the board constitute a quorum to do business.

(g) The director of the department of health, with the approval of the governor may remove any member of the board for dishonorable conduct, incompetency, or neglect of duty.

TITLE 5

Businesses and Professions

CHAPTER 5-71

Interpreters for the Deaf

SECTION 5-71-5

§ 5-71-5 Board of examiners – Duties and powers – Meetings – Compensation of members. –

- (a) The board administers, coordinates and enforces the provisions of this chapter, evaluates the qualifications of applicants, and may issue subpoenas, examine witnesses, and administer oaths, and investigates persons engaging in practices which violate the provisions of this chapter.
- (b) The board conducts hearings and keeps records and minutes that are necessary for the orderly dispatch of business.
- (c) The board holds public hearings regarding rules and regulations.
- (d) The board, with the approval of the director of the department of health, in accordance with the rule-making provisions of the Administrative Procedures Act, chapter 35 of title 42, adopts responsible rules and regulations, and may amend or repeal those rules and regulations. Following their adoption, the rules and regulations govern and control the professional conduct of every person who holds a license to practice interpreting or transliterating for the deaf in the state of Rhode Island. Rules and regulations are kept on file within the department of health, division of licensure and regulation, and are available for public inspection.
- (e) The examination instrument used for testing is not available for public inspection and may be changed as the board deems necessary.
- (f) Every licensed interpreter for the deaf, upon commencing to practice, immediately notifies the board of his or her address or addresses. Every licensed interpreter for the deaf practicing as previously stated annually, before July first (1st), pays to the board a license fee which does not exceed thirty dollars (\$30.00) commencing in January, 1998. Each licensed interpreter for the deaf promptly notifies the board of any change in his/her office address or addresses, and furnishes any other information to the board that it may require. The board may suspend the authority of any licensed interpreter for the deaf to practice for failure to comply with any of the above requirements. The board makes available for public inspection, a complete list of the names of all interpreters for the deaf licensed and practicing in the state, arranged alphabetically by name.
- (g) Regular meetings of the board are held at the time and places that it prescribes and special meetings may be held upon the call of the chairperson as necessary to deal with such issues as violations of this chapter; provided, that at least one regular meeting is held each calendar year.
- (h) The board has its first meeting on or before December 31, 1996, and has its rules and regulations, and written examination adopted no later than December 31, 1997. Licensure and examinations commence after January 1, 1998.

(i) The conferral or enumeration of specific powers in this chapter is not construed as a limitation of the general powers conferred by the section. No member of the board is liable to civil action for any act performed in good faith in the performance of his or her duties as prescribed by this chapter.

(j) Board members serve on an honorable basis without compensation.

(k) The board may request legal advice and assistance from the appropriate legal officer.

TITLE 5

Businesses and Professions

CHAPTER 5-71

Interpreters for the Deaf

SECTION 5-71-6

§ 5-71-6 Board of examiners – Seal – Authentication of records. – The board adopts the state seal by which it authenticates its proceedings. Copies of the proceedings, records and acts of the board, and certificates purporting to relate the facts concerning those proceedings, records, and acts, signed by the secretary and authenticated by that seal, are evidence in all courts of this state.

TITLE 5

Businesses and Professions

CHAPTER 5-71

Interpreters for the Deaf

SECTION 5-71-7

§ 5-71-7 Disposition of moneys received. – All moneys received by the board are deposited in the treasury of the state.

TITLE 5

Businesses and Professions

CHAPTER 5-71

Interpreters for the Deaf

SECTION 5-71-8

§ 5-71-8 Qualifications of applicants for licenses. – To be eligible for licensure by the board as an interpreter or transliterator for the deaf, the applicant must:

- (1) Submit an application indicating interpreting or transliterating experience, and
- (2) Submit three (3) letters of recommendations, at least two (2) of which are from consumers attesting to the person's ethical behavior, and skills as they relate to interpreting or translating for the deaf, and
- (3) Submit written verification of successful completion of the national registry of interpreters for the deaf evaluation, or successful completion of a recognized state screening or state equivalent within the United States, and
- (4) Present evidence of completion of course work in American sign language, deaf culture, and the code of ethics. The course work may be completed as part of an interpreter training program, or through individual workshops sponsored by a recognized organization or agency or other training recognized by the national registry of interpreters for the deaf, or
- (5) The board reviews each applicant as to his/her qualifications for the practice of interpreting or transliterating for the deaf. Interpreters and or transliterators who do not present evidence of completion of coursework in American sign language, deaf culture and the code of ethics, or who do not present evidence of successful completion of the national registry of interpreters for the deaf generalist written examination, are required to complete a written examination. The examination is devised or approved by the board, and includes the areas containing categories of information on which the candidate is tested.
 - (i) Area A contains information that is concerned with American sign language. Separate examinations are given for interpreting and transliterating in area A. The examination in area A is concerned with material related to: (a) psychological and sociological aspects of language use; (b) language use, and non-language systems which are manually coded; (c) grammatical and psycholinguistic application of sign usage, and other related linguistic information the board deems necessary.
 - (ii) Area B contains information that is concerned with deaf culture. The examination in area B is concerned with material related to: (a) the influence of educational experience and language; (b) cultural norms and mores; (c) psychological and sociological aspects of culture in the deaf community, and other related material the board deems necessary.
 - (iii) Area C contains fields of information that are concerned with the code of ethics. The

examination in area C is concerned with material related to: (a) the code of ethics for interpreters as established by the national registry of interpreters for the deaf; (b) the application of the code of ethics in the provision of interpreting or transliterating services, and other related ethics information the board deems necessary.

TITLE 5

Businesses and Professions

CHAPTER 5-71

Interpreters for the Deaf

SECTION 5-71-10

§ 5-71-10 Reciprocity. – The board recommends regulations providing for a procedure for waiver of the requirements of § 5-71-9 for applicants who hold a valid license, certificate, or equivalent issued within another state; provided, that the requirements under which that license, certificate, or equivalent was issued, meet or exceed the standards required by this chapter with the approval of the director.

TITLE 5

Businesses and Professions

CHAPTER 5-71

Interpreters for the Deaf

SECTION 5-71-11

§ 5-71-11 National certification in lieu of course work – Special licenses. – (a) The board accepts current and valid certification from the national registry of interpreters for the deaf in lieu of the course work, written examination and screening or quality assurance testing. Interpreters or transliterators with the certification are granted certified licenses as an interpreter and/or transliterator for the deaf.

(b) Special licenses may be sought by persons dealing with specific communication modalities associated with the practice of interpreting or transliterating, as defined in § 5-71-3. The board may provide a special limited license for this practice of interpreting or transliterating to those claiming specific expertise in tactile communication, non-sign modalities such as cued speech, or oral interpreting. The special licenses are only granted until the time that formal, generally recognized as evaluative methods for these modalities are instituted. Those special licenses state the limitations as to the specific modality for which the licensee claims expertise. Those licenses come under the general terms of the laws and regulations created by this chapter, except for the educational and evaluation section, but are not required to demonstrate any knowledge or expertise in any other communication modality other than that which they claim as an area of specialty. The board establishes separate educational requirements for specific modalities to assess the validity of the expertise claimed by the specialist.

(c) Students who are enrolled in interpreter training programs apply for a temporary license which is valid while enrolled and practicing under the auspices of an interpreter training program recognized by the national registry of interpreters for the deaf.

TITLE 5

Businesses and Professions

CHAPTER 5-71

Interpreters for the Deaf

SECTION 5-71-12

§ 5-71-12 Grandparent licensing. – (a) The first licenses granted by the board provide a specific period for experienced interpreters or transliterators who do not meet the evaluation or educational requirements, but have five (5) years of experience interpreting and or transliterating. Experience means a minimum of two hundred (200) hours of interpreting per year. The persons are granted a registered license. These interpreters are not required to complete the written examination, which is waived for these interpreters, but must participate in the continuing education required for all licensed interpreters under this chapter. This registered license is valid for three (3) years and six (6) months, enabling the person to meet the requirements for licensure. At the end of this period, he or she must meet the evaluation requirements (i.e., certification or screening) established by this chapter and the board to obtain licensure.

(b) Persons meeting the qualifications requirements as defined in this chapter, and who have written verification of passing a state screening or state equivalent, but who have not successfully passed the written and performance evaluation of the national registry of interpreters for the deaf are granted the license.

(c) The provisions of this section apply to persons working as interpreters in elementary or secondary education classrooms who meet the requirements of this section.

TITLE 5

Businesses and Professions

CHAPTER 5-71

Interpreters for the Deaf

SECTION 5-71-13

§ 5-71-13 Grounds for suspension or revocation of licenses. – The board may recommend to the director of the department of health the issuance, renewal, or revocation of a license, or suspension, placement on probation, censure or reprimand a licensee, or any other disciplinary action that the board deems appropriate, for conduct that may result from, but not necessarily be limited to:

- (1) Obtaining his or her license by means of fraud, misrepresentation, or concealment of material facts;
- (2) Is guilty of fraud, misrepresentation, concealment or material misstatement of facts or deceit in connection with his or her services rendered as an interpreter or transliterator for the deaf;
- (3) Is guilty of unprofessional conduct as defined by the rules established by the board, and/or has violated any standard of professional or ethical conduct adopted by the national registry of interpreters for the deaf;
- (4) Has violated the continuing education requirements of this chapter as defined in § 5-71-9(d);
- (5) Has violated any lawful order, or any provision of this chapter or of the rules or regulations promulgated in this chapter;
- (6) Aiding or assisting another person in violating any provision of this chapter or any rule or regulation adopted under this chapter.

TITLE 5

Businesses and Professions

CHAPTER 5-71

Interpreters for the Deaf

SECTION 5-71-14

§ 5-71-14 Revocation and suspension procedure – Appeals from initial and reinstatement decisions. – (a) Notice, in writing, of a contemplated revocation or suspension of a license, of the particular cause, and of the date of a hearing, are sent by registered or certified mail to the licensee at his or her last known address at least fifteen (15) days before the date of the hearing. The individual against whom a charge is filed has a right to appear before the board in person or by counsel, or both, may produce witnesses and evidence on his or her behalf, and may question witnesses. No license is revoked or suspended without a hearing, but the non-appearance of the licensee, after notice, does not prevent a hearing. All matters upon which the decision is based are introduced in evidence at the proceeding. The licensee is notified in writing of the board's decision within ninety (90) days after the hearing. The board, on a case by case basis for good cause shown, in writing, may extend the time for issuing its decision an additional ninety (90) days. The board may make any rules and regulations that it deems proper for the filing of charges and the conduct of hearings.

(b) After issuing an order of revocation or suspension, the board may also file a petition in equity in the superior court in a county in which the respondent resides or transacts business, to ensure appropriate injunctive relief to expedite and secure the enforcement of its order, pending the final determination.

(c) An application for reinstatement may be made to the board, which may, upon the affirmative vote of at least the majority of its members, grant a reinstatement.

(d) An applicant for an initial license, which was denied, has the right to request a hearing. The board's decision is in writing within ninety (90) days after the hearing and is based on evidence in the record.

(e) The director may suspend a license temporarily without a hearing for a period not to exceed thirty (30) days upon notice to the licensee, following a finding by the board, adopted by the director that there exists a significant threat to the public safety.

(f) An applicant for reinstatement who has been denied reinstatement, has the right to request a hearing. The board's decision is in writing within ninety (90) days after the hearing and is based on evidence in the record.

(g) Any appeal from the action of the board is in accordance with the provisions of chapter 35 of title 42.

TITLE 5

Businesses and Professions

CHAPTER 5-71

Interpreters for the Deaf

SECTION 5-71-15

§ 5-71-15 Persons and practices exempted. – The provisions of this chapter do not apply to:

(1) A qualified person licensed in this state under any other law engaging in the profession or business for which he or she is licensed.

(2) Any person working as an interpreter or a transliterator in court.

(3) Interpreters or transliterators performing as volunteers without compensation.

(4) Interpreters or transliterators performing in an emergency. Emergency circumstances are circumstances in which the consumer decides the delay necessary to obtain a licensed interpreter is likely to cause injury or loss to the consumer.

TITLE 5

Businesses and Professions

CHAPTER 5-71

Interpreters for the Deaf

SECTION 5-71-16

§ 5-71-16 Relationship to other civil rights laws. – (a) This chapter does not limit or qualify the rights of employees with disabilities nor consumers, including, but not limited to, interpreter services, or the duties of providers to provide accommodations, auxiliary aids, or services, pursuant to 42 U.S.C. § 12201, et seq., 29 U.S.C. § 794, article 1, § 2 of the Rhode Island constitution; § 42-87-1, et seq., § 11-24-1, et seq., § 28-5-1, et seq., § 42-46-13; § 8-5-8, § 9-9-1.2 or other applicable federal or state law.

(b) The obligations of these cited federal or state civil rights laws include, but are not limited to:

(1) A state and local governmental agency's taking appropriate steps to ensure that communications with applicants, participants, employees, and members of the public with disabilities are as effective as communications with others. State and local governmental agencies furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program or activity conducted by a state or local governmental agency. In determining what type of auxiliary aid or service is necessary, a state or local governmental agency gives primary consideration to the requests of the individual;

(2) A public accommodation taking those steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or treated differently than other individuals because of the absence of auxiliary aids and services, unless the public accommodations can demonstrate that taking those steps would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or would result in an undue burden, i.e., significant difficulty or expense. A public accommodation furnishes appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities; and

(3) An employer and/or employment agency making reasonable accommodations, including the provision of interpreters for the deaf, for their employees with disabilities where necessary to ensure effective communication with individuals with disabilities.

TITLE 5

Businesses and Professions

CHAPTER 5-71

Interpreters for the Deaf

SECTION 5-71-17

§ 5-71-17 Severability. – If any provision of this chapter or of any rule or regulation made under this chapter, or the application of this chapter to any person or circumstances, is held valid by a court of competent jurisdiction, the remainder of the chapter, rule, or regulation, and the application of that provision to other persons or circumstances, are not affected thereby.

§ 63.1-85.4:1. Statewide **interpreter** service. VA

The Department is authorized to establish, maintain and coordinate a statewide service to provide courts, state and local legislative bodies and agencies, both public and private, and hearing-impaired persons who request the same with qualified **interpreters** for the hearing impaired out of such funds as may be appropriated to the Department for these purposes.

Those courts and state and local agencies which have funds designated to employ qualified **interpreters** shall pay for the actual cost of such **interpreter**. The Department is further authorized to establish and maintain lists of qualified **interpreters** for the hearing impaired to be available to the courts, state and local legislative bodies and agencies, both public and private, and to hearing-impaired persons.

The Department is authorized to charge a reasonable fee for the administration of quality assurance screening of **interpreters**. Such fees shall be applied to the costs of administering the statewide **interpreter** service.

For purposes of this section, a qualified **interpreter** shall be one who holds at least one of the following credentials:

1. Certification from any national organization whose certification process has been recognized by the Department for the Deaf and Hard-of-Hearing; or
2. A current screening level awarded by the Virginia Quality Assurance Screening Program of the Department for the Deaf and Hard-of-Hearing; or
3. A screening level or recognized evaluation from any other state when (i) the credentials meet the minimum requirements of Virginia Quality Assurance Screening and (ii) the credentials are valid and current in the state issued.

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Table of State Laws and Regulations on Requirements of Interpreters

KEYWORDS for table, below:

Officially — a direct statement that recognizes NAD and/or RID as a requirement for interpreters.

For Scope:

ALL — All settings without exemptions

Unofficially — an indirect statement that recognizes NAD and/or RID but does not state that they are required for interpreters OR a direct statement saying "national certifying/credential body"

ALL* -- All settings with exemptions

Adm. — Administrative proceedings of state agencies, departments, legislative board, commissions, etc.

"Other Systems — 1. State Quality Assurance Certificate and/or 2. A body that oversees/authorizes/determines the requirements of qualified interpreters.

Legal — legal proceedings: courts

Interpreter — the definitions of qualified/certified interpreters

Education — school setting

Medical — hospital, doctors' office, and health care services

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State — agencies and departments are
under the State

Organizations — tax exempt
organizations

Employment — customers' employment

STATE	LAWS/RÉGULATIONS	SCOPE	NAD?	RID?	OTHER SYSTEMS?
Alabama 10/99	Section 34-16-1 "Alabama Licensure for Interpreters and Transliterators Act"	ALL*	Officially	Officially	Cued Speech Certification. Licensure issued by the Alabama Board of Interpreters & Transliterators.
Alaska 10/99	1. 4 AAC 52.255 "Interpreters" — special education and related services 2. <i>HB 126/SSHB 126 "An Act relating to sign language interpreters; establishing the Alaska State Board of American Sign Language Interpreters; and providing for an effective date." (to amend AS 08.19). Pending</i>	1. Education 2. ALL*	1. No 2. Officially (& must be a member of RID)	1. Officially 2. Officially	1. Must be approved by the Special Ed. Dept based on the standards of Board of Ed's Advisory Board for DHH 2. No
Arizona 2/00	1. 12-242 "Interpreters for deaf persons; proceedings; definitions" 2. 36-1946 "Interpreters for the deaf; duties of council; certifications" 3. <i>S.B. 1151 "An Act"— Interpreter License amending section 12-242;</i>	1. Legal 2. N/A 3. All*	1. No 2. No 3. No	1. No 2. No 3. No	1. Authorized by Arizona Council for the Deaf 2. Same as above 3. Same as above.

36-1946; other
sections"PENDING.

Arkansas	1. 25-15-102 "Interpreters for the deaf"	1. Adm.& Legal	1. No	1. Officially	1. Arkansas RID
	2. 16-89-105 "Interpreters in criminal actions—Interpreters for the deaf"	2. Legal	2. No	2. Officially	2. Arkansas RID
California	1. A.B. 538 "An act to add Section 45452 to the Education Code, relating to classified school employees" FAILED	1. Education 2. Legal	1. Officially 2. No	1. Officially 2. No	1. No 2. Determined & approved by Judicial Council
	2. Evidence Code, Section 750-755.5				
Colorado	1. 13-90-204 "Appointment of interpreters-when"	Legal	1. No	1. No	1. No
	2. 22-20-116 "Minimum standards for educational interpreters for the deaf in public schools"	Education	2. No	2. No	2. No
Connecticut	Chapter 814a Title 46a Section 33a —Interpreter License. Effective date: Oct, 1, 1998—must register w/ Commission on DHH; July 1, 2001—must meet requirement of certifications.	ALL	Officially	Officially	Interpreters must register with the Commission on Deaf and Hard of Hearing
Delaware	1. Title 10, Section 8907 "Interpreters for deaf persons in legal proceeding; fees."	1. Legal	1. No	1. No	1. No
	2. Title 14, Section 1331 "Stercke school for the hearing impaired; special staff."	2. School 3. State Events	2. No 3. No	2. No 3. No	2. No 3. No
	3. Title 29, Section 606 "Interpreters for significant state events for the hearing				

	impaired					
District of Columbia	DC Code Title 31, Chapter 27, Section 1-12 "Interpreters"	Legal	No	No	Level of competence & certification determined by Office of Interpreter Services	
10/99						
Florida	Evidence Code: 90.6063 "Interpreter services for deaf persons"	Legal	No	Officially	Florida RID	
10/99						
Georgia	Evidence Code: 24-9-100 "Use of sign language & intermediary interpreters in administrative & judicial proceedings"	Adm. & Legal	No	Officially	Georgia RID	
10/99						
Hawaii	Chapter 11-218 "Utilization of sign language/english and oral interpreter services"	State & organizations- c (3)	No	Officially	Hawaii QA	
10/99						
Idaho	Title 9 Evidence Chapter 2 Witnesses; 9-205 "Interpreters"	Legal	No	No	No	
10/99						
Illinois	1. 225 ILCS 442/ "Interpreters for the Deaf Act"	1. ALL*	1. Officially	1. Officially	Interpreter Skills Assessment Screening (ISAS)	
10/99						
Indiana	1. IC 22-9-5 "Employment Discrimination Against Disabled Persons"	1. Employment	1. No	1. No	1. No	
10/99		2. Legal	2. No	2. No	2. No	
	2. IC 34-45 "Witnesses"					
Iowa	<i>SB 2110 (Amended Section 622B.1) "Deaf Interpreters-Standards"</i>	Adm. & Legal	Officially	Officially	QA Screening	
10/99	PENDING					
Kansas	75-4355 —interpreters for court proceedings	Legal	No	No	Registered/certified by Commission for the Deaf	

4/00						
Kentucky	KRS 309.300 — 309.319. Interpreter License.	All*	Officially	Officially	No	
9/99						
Louisiana	R.S. 46:2361 — 46:2372 "Louisiana Interpreter's Law"	Legal & State	No	Officially	Based on recommendation of LA Commission for the Deaf	
11/99						
Maine	1. 5 M.R.S.A. Chapter 3, Section 48 "Interpreter service for the deaf and hard of hearing"	1. Interpreter	1. No	1. Unofficially	1. No	
10/99		2. Adm. & Legal	2. No	2. Unofficially	2. No	
	2. 32 M.R.S.A. Chapter 22 "ASL, English Interpreters and Transliterators"					
Maryland	1. Labor & Employment 3- 707	1. Employment	1. No	1. Unofficially	1. No	
10/99		2. Legal	2. No	2. No	2. No	
	2. Courts & Judicial Proceedings Section 9-114	3. Legal	3. No	3. No	3. No	
	3. Crimes & Punishments — Article 27, Section 632A	4. Legal	4. No	4. No	4. No	
	4. Senate Bill 280 "Court Interpreters" — pending					
Massachusetts	General Laws Chapter 221, Section 92A "Interpreters for the deaf or hearing impaired"	Adm. & Legal	No	No	Determined by the Office of Deafness- based on the recommendations of MRID & MSAD	
10/99						
Michigan	Act 204 of 1982, 393.501 — 393.509 "Deaf Persons' Interpreters Act"	Adm. & Legal	Unofficially	Unofficially	"an organization nationally recognized for the certification of persons who interpret for deaf persons"	
10/27/99						
Minnesota	1. H.F. No. 206 "Certification and Registration of	1. All*	1. Officially	1. Officially	1. Testing, Evaluation and Certification Unit	

9/99

**Registration of
Interpreters" PENDING**

Education

2. Officially

2. Officially

Certification Unit
(cued speech
certificate)2. Educational Interpreters
Law 122A.31 Skilled school
interpreters: effective on
July 1, 2003

2. No

MississippiMississippi Code Section
13-1-301

Legal

No

Officially

Mississippi
Registry of
Interpreters for the
Deaf

10/99

Missouri1. 209.285 — 209.339
RSMo "Certification &
Licensing of Interpreters for
the Deaf"

1. All*

1. No

1. No

1. Certification &
license issued by
Missouri State
Committee of
Interpreters/MCD

10/99

2. N/A

2. No

2. No

2. Missouri Interpreter
Certification System: 5 CSR
100-200.030. Effective on
Jan 30, 1997.

3. N/A

3. No

3. Officially

2. The Certification
test (MICS) to be
used by the Board
for Certification of
Interpreters, as the
only certifying
authority.3. Grandfather Clause: 5
CSR 100-200.110 — honor
current RID certification and
waive MICS test.

3. No

MontanaMontana Code Annotated
Part 5 "Interpreters for the
Deaf in Official
Proceedings" 49-4-501

Legal

No

No

MAD & MRID
provide the dept of
public health &
human services a
list of qualified
interpreters

10/99

Nebraska1. L.B. 54 — provide
interpreters for courts-
passed

1. Legal

1. No

1. No

1. No

10/99

2. Education &
Legal

2. Officially

2. Officially

**2. L.B. 782 — licensure of
interpreters — pending**3. Education &
Legal

3. No

3. No

2, Neb. QA
Screening; EIPA;
licensed by
Commission for
DHH3. Statute 20-150 —
qualified educational
interpreters3. Administrated by
CDHH**Nevada**1. NRS 50.045-50.054
"Interpreters"

1. Legal

1. No

1. No

1. No

11/99	2. NRS 1.500-1.560 "Interpreters and Translators"	2. Legal	2. No	2. No	2. No
New Hampshire	1. New Hampshire Law Chapter 521-A Interpreters for Deaf Persons	1. Adm. & legal	1. No	1. Officially	1. NH RID and Department of Education
10/99	2. Title 15 Education, Chapter 200C Vocational Rehabilitation Programs, Section 200-C:19 "Program for the Deaf and Hard of Hearing"	2. N/A	2. No	2. No	2. NH RID
New Jersey	34:1-69.9 — 69.17 "Labor & Workmen's Compensation"	Adm. & legal	No	Officially	NJ RID
10/99					
New Mexico	38-9-1 to 38-9-10 NMSA 1978 Deaf Interpreter Act	Adm. & legal	No	No	No
10/99					
New York	1. Judiciary Law Section 390	1. Legal	1. Unofficially	1. Unofficially	1. NY state credentialing authority
12/7/99	2. State Administrative Procedure Act Section 301 (6)	2. Adm.	2. Unofficially	2. Unofficially	2. Same as above
North Carolina	NCGS Chapter 8B "Interpreters for Deaf Persons"	Adm. & Legal	No	Officially	NC Interpreter Classification System & National Cued Speech Association
4/00					
North Dakota	<i>S.B. 2320 "Licensing interpreters for deaf individuals." Failed.</i>	All*	Officially	Officially	No
9/99					
Ohio	Teacher Education & Licensure Standards Administrative Code Chapter 3301-24: Associate license for interpreters with associate degree in	Education	No	No	No
10/99					

	interpreting.				
Oklahoma	1. Statute 22-1278 "Interpreters for deaf mutes (courts)"	1. Legal	1. No	1. No	1. Appointed by court from a list submitted by OAD
10/99		2. Adm. & legal	2. No	2. Officially	
	2. Statute 63-2408 "Definitions"				2. ORID
Oregon	No Data Available				
4/00					
Pennsylvania	1. <i>S.B. No. 467 — Interpreter License. FAILED.</i>	1. All	1. No	1. Officially	1. State Board of Sign Lang. & Oral Interpreters
10/99		2. State	2. Officially	2. Officially	
	2. Management Directive 205.32 "Hiring Sign Language Interpreters/ Transliterators"	3. All	3. Officially	3. Officially	2. No 3. No
	3. <i>Pennsylvania Standards for Interpreters & Transliterators Act — DRAFT.</i>				
Rhode Island	Chapter 5-71 Interpreters for the Deaf	All*	No	Officially	No
4/00					
South Carolina	Regulations for Court Interpreters- Section 15-27- 15 of the 1976 Code is amended; effective on May 28, 1996	Legal	No	Officially	SCAD-IAP Level IV or V
9/99					
South Dakota	South Dakota Code 1-36A	All*	Unofficially	Unofficially	Department of Human Services examines & certifies interpreters
10/99					
Tennessee	Tennessee Code 24-1-103 Deaf Persons-Providing oral or deaf sign language interpreters in administrative and judicial proceedings.	Adm. & legal	No	Officially	Tenn RID
10/99					

Texas 10/99	1. Human Resources Code: Chapter 82 "Confidentiality of interpreted, transliterated, or relayed conversations"	1. N/A	1. No	1. No	1. Certifications issued by Board for Eval. Of interpreters or approved by TCDHH.
	2. Education Code: Chapter 135 & Chapter 131	2. Education	2. No	2. Officially	
	3. Civil Practice and Remedies Code: Chapter 21 Interpreters	3. Legal	3. No	3. Officially	
	4. Code of Criminal Procedure: Chapter 38 Evidence in criminal actions	4. Legal	4. No	4. Officially	2. Level III, IV, V, certificate issued by Texas Board for Evaluation of Interpreters (TCDHH) 3. Same as #3 4. Same as #3
Utah 11/99	1. 78-24a-1 — 78-24a-11 "Interpreters for Hearing-Impaired"	1. Legal	1. No	1. No	1. Qualifications determined by Department of Rehab. Services & deaf person
	2. 53A-26a-101 "Interpreter Services for the Hearing Impaired Act"	2. Education	2. No	2. No	
	3. 53A-24-102 "State Office of Rehabilitation Act"	3. Education	3. No	3. No	2. Qualifications determined & certified by State Board of Ed 3. DSDHH maintain a register of qualified interpreters
Vermont 4/00	01.V.S.A. Sections 00331 — 00338 "Interpreters for Judicial, Administrative and Legislative Proceedings"	Legal, Adm. & Legislative Proceedings	No	Unofficially	VT Commission of Deaf and Hard of Hearing, VRID/RID set the standard for qualified interpreters
Virginia 11/99	1. 63.1-85.4:1 — Statewide interpreter service	1. All	1. Unofficially	1. Unofficially	1. Monitored by DDHH: any National certification or Virginia QA Screening Program of the
	2. 8.01-384.1 "Interpreters for deaf in civil proceedings"	2. Legal	2. No	2. No	
		3. Legal	3. No	3. No	

		3. 19.2-164.1 "Interpreters for the deaf"	Legal	4. No	4. No	DDHH
		4. 37.1-67.5 "Interpreters for deaf persons in commitment or certification proceedings"				2. Courts are given a list of interpreters by DDHH
						3. Same as #2
						4. Same as #2
Washington		1. RCW 2.42.110 & RCW 2.42.130 "Definitions/qualifications"	1. Legal & Adm.	1. No	1. Officially	1. "Certified by the state"
	11/99		2. Legal	2. No	2. Officially	2. No
		2. WAC 388-08-525 "Interpreters"	3. Medical	3. Officially	3. Officially	3. No
		3. WAC 388-555-1000 "Definitions"				
West Virginia		1. 57-5-7 "Evidence & Witnesses: Interpreters required"	1. Legal	1. No	1. Officially	1. WVRID or approved by the chief of services for D/HH of WV
	11/99		2. Legal & State-related places	2. Officially	2. Officially	
		2. 5-14-1 "West Virginia Commission for the Deaf and Hard of Hearing"		3. Officially	3. Officially	2. WV Commission for D/HH maintains the list of qualified & certified interpreters
		3. 5-14A-1. "West Virginia Interpreter for the Deaf Act"	3. Legal & Adm.			3. No
Wisconsin		1. 885.37(5)(b)	1. Legal & state-related agencies	1. No	1. No	1. Dept of Health & Family Services maintains a list of qualified interpreters
	11/99	2. 46.295 "Interpreters for the hearing-impaired"	2. All	2. No	2. Officially	
				3. No	3. Officially	
		3. PI 3.03(2)(e), (6)(b)2 and (9) and PI 3.305: effective on July 1, 1992.	3. Education			2. Same as #1
						3. Wisconsin Interpreting & Transliterating assessment at a level 4

Wyoming No data available

4/00

Table prepared by Lisa Parker, April 2000

Back to:

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[Developing State Legislation on Certifying and Licensing Interpreters](#)
(article/overview)

[NAD Guidelines for Developing State Legislation on Certifying and Licensing Interpreters](#)

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Developing State Legislation on Certifying and Licensing Interpreters

The issue of qualified sign language interpreters has been always critical for the deaf community. The deaf community and the interpreter community share the same concern about developing state legislation on certifying and licensing interpreters. Both communities strive for the best quality of interpreters for the deaf and hard of hearing consumers but promote the growth of the numbers of qualified interpreters. The shortage of qualified interpreters has been a crisis across America for years.

The Americans with Disabilities Act (ADA) basically gives deaf and hard of hearing individuals the right to a qualified interpreter. However, the definition of "qualified interpreter" is very broad and does not establish the standards for the interpreters before they are hired to provide interpreting services. Some states passed laws to further define the "qualified interpreter" by establishing the standards. The standards established by these states are greatly varied. A few states recognize certifications from both NAD and RID, some states recognize certifications from only RID, and some states do not even honor any nationally recognized certifications. Moreover, many states do not recognize both certifications from NAD and RID in all settings such as legal, administrative proceedings, education, and private and public entities. Most states recognize both certifications for only one or two settings. There are only four states have comprehensive laws on certifying and licensing interpreters for all settings. These states are Alabama, Connecticut, Kentucky, and Rhode Island.

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[NAD Guidelines for Developing State Legislation on Certifying and Licensing Interpreters](#)

[Table of State Laws and Regulations on Requirements of Interpreters](#)

Today, more states are interested in developing their state legislation on certifying and licensing interpreters for all

legislation on certifying and licensing interpreters for all settings. The National Association of the Deaf has been receiving many requests for the information for developing their state legislation on certifying and licensing interpreters.

Based on a high demand for the information, NAD had a graduate social work intern, Lisa Parker from Gallaudet University, do research on state laws. Lisa compiled the laws and regulations from all but two states. She developed a chart with the state laws and regulations.

The research indicates that there are two different approaches which are: A legislation that just recognizes current standards; and a legislation that recognizes current standards and assigns authority to an existing Board, state agency, or commission for the Deaf. Which approach is best? Both approaches have their advantages and disadvantages. The first approach, a legislation that recognizes current standards may be more effective for those states that do not have an existing overseeing body such as a Board, state agency, or commission for the deaf. The second approach may be applicable for those states that have an existing Board, state agency, or commission for the Deaf to certify and/or license interpreters.

The deaf and interpreter communities seem to agree on recognizing both NAD and RID certifications for the standards in state legislation. However, there is still an issue on whether we should promote the states to license the interpreters. The NAD does not have a position on this issue but encourages the states to consider both options of certifying and licensing and explore the advantages and disadvantages as well.

The national Registry of Interpreters for the Deaf has developed a legislation model. In addition to the RID's model legislation shown in its website, the NAD recommends the states to also consider some criteria developed by Lisa Parker with agreement from the NAD and NAD's Law Center.

The criteria that need to also be included in the legislation are: Provisional/transitional license; minimum standard of qualifications for nonresidential interpreters; English-based communication modes; the nationally recognized certification for cued speech transliterators—the National Training, Evaluation, and Certification Unit (TECUnit); the Board composition; reciprocity for certification/license from other states; and privileged communication.

As for the criteria, **provisional/transitional license** needs to be included for those non-certified interpreters who currently working or in interpreter training. This will minimize a sudden shortage of interpreters after the effective date of the law

shortage of interpreters after the effective date of the law. Also, it will give non-certified interpreters an opportunity to practice their interpreting skills before they are tested for national certification.

Minimum standard of qualification/certification needs to be included for nonresidential interpreters including interpreters who do remote/relay interpreting services. They may be applicable and useful for the anticipated heavy use of remote/relay interpreting services in the future.

English-based communication modes such as cued speech, Pidgin Sign English, and Sign English need to be recognized and included for the certification requirements. This will help protect the interest of all individuals who are deaf and hard of hearing.

The nationally recognized certification for **cued speech transliterators**—the National Training, Evaluation and Certification Unit (TECUnit)—needs to be recognized and included along with NAD and RID certifications.

If a state wishes to use the second approach on assigning authority to a Board, state agency, or commission for the Deaf, **the composition of the Board** shall be 51% Deaf/hard of hearing wherever possible. Wherever not possible, there cannot be less than 40% of Deaf/hard of hearing Board members.

Reciprocity for certification/license from other states needs to be included in the legislation. That will encourage the flexibility of the standards and the mutual interactions among states.

Privileged communication is critical for both deaf and hard of hearing consumers and interpreters. For privileged communication, confidentiality of conversation and criminal penalty should be clearly defined. That would protect the confidentiality of consumers and also protect the interpreters from being forced to disclose the information through testimony or by subpoena.

These criteria mentioned above are strongly recommended to be included in the legislation on certifying/licensing the interpreters.

Lisa Parker of Georgia did her internship at the office of the National Association of the Deaf from September 1999 to April 2000. She graduated from Gallaudet University with a master degree in social work in this past May and a bachelor degree in psychology in 1996. She has a special interest in mental health and social policy that affects the deaf and hard of hearing population. She is currently starting a new job as a clinical therapist at Mt. Sinai Hospital, Psychiatric and Behavioral Health service for deaf



and hard of hearing in Chicago, Illinois.

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NAD Guidelines for Developing State Legislation on Certifying and Licensing Interpreters

Completed by NAD Intern, Lisa A. Parker, MSW, April 2000

In addition to the national Registry of Interpreters for the Deaf (RID)'s model legislation (<http://rid.org/model.html>), the National Association of the Deaf recommends the states to also consider the following:

- **"Provisional/transitional" license** needs to be included for those non-certified interpreters who are currently working or in interpreter training. This will minimize a sudden shortage of interpreters after the effective date of the law. Also, it will give non-certified interpreters an opportunity to practice their interpreting skills before they are tested for a national certification.
- **Minimum standard of qualification/certification** needs to be included for nonresidential interpreters including interpreters who do remote/relay interpreting services.
- **English-based communication modes** such as cued speech, Pidgin Sign English, and Sign Exact English need to be recognized and included for the certification requirements.
- The nationally recognized **certification for cued speech transliterators** -- the National Training, Evaluation and Certification Unit (TECUnit) -- needs to be included along with NAD and RID) certifications.
- **Board Composition:** Wherever possible, 51% of Board

members shall be Deaf/hard of hearing. Wherever not possible, there cannot be less than 40% of Deaf/hard of hearing Board members.

- o **Reciprocity** for certification/license from other states needs to be recognized.
- o **Privileged communication** needs to be included:
- o **Confidentiality of conversations:** A qualified - interpreter who is employed to interpret, transliterate, or relay a conversation between a person who can hear and a person who is deaf/hard of hearing or speech impaired is a conduit for the conversation and may not disclose or be compelled to disclose, through reporting or testimony or by subpoena, the contents of the conversations.
- o **Criminal penalty:** A qualified interpreter who is employed to interpret, transliterate, or relay a conversation between a person who can hear and a person who is deaf/hard of hearing or speech impaired commits an offense if the qualified interpreter discloses the contents of the conversation, unless the qualified interpreter obtains the consent of each party to the conversation.

Guidelines

Model I: Legislation recognizing current standards

Model II: Legislation currently assigning authority to a Board, state agency, or commission for the Deaf

The Advantages and Disadvantages of Certifications and Licensure

Recommended Links

MODEL I: Legislation recognizing current standards

The criteria include:

a. Definitions: Deaf and hard of hearing; qualified interpreter; interpreting/transliterating; nationally recognized certification; Interpreter Preparation Program/Interpreter Education Program.

b. Scope: All settings including administrative and legal proceedings, education, medical, etc.

c. Qualifications: Level-3 NAD or higher certification; RID certification; the National Training, Evaluation and Certification Unit.

d. Exemptions: Religious settings.

e. Grandfather clause: A designated time period that allows non-certified interpreters who are currently working (before the law is passed and becomes effective) to continue interpreting -- to prevent a sudden shortage of interpreters.

f. Grievance System/Mediation: Depending on your state's procedure of filing a complaint against a person who violates the law.

g. Penalty: the first-degree misdemeanor.

h. Privileged communication: Very critical, because that will protect the confidentiality of communications between an interpreter and consumers.

i. Effective date: If no grandfather clause, there should be an extended effective date such as five years after the bill is passed.

Pros

- Is good for states that do not have a board or a commission for the Deaf
- Avoids the complexities of establishing a board or commission
- Relieves the state from the burden of high costs

Cons

- Does not have an overseeing body to control the standards of interpreters or bring disciplinary actions against persons who violate code of ethics or the law

MODEL II: Legislation currently assigning authority to a Board, state agency, or commission for the Deaf

The criteria include:

a. Definitions: Deaf and hard of hearing; qualified interpreter; interpreting/transliterating; nationally recognized certification; Interpreter Preparation Program/Interpreter Education Program; Board.

b. Composition of the Board

1. Board appointments
2. Term of office
3. Power and duties
4. Compensation

c. Licensure

1. **Scope** -- All settings including administrative and legal proceedings, educational, medical, etc.
2. **Qualifications**: Level-3 NAD or higher certification; RID certification; the National Evaluation, Training and Certification Unit.
3. **Exemptions**: religious settings; student in interpreter training/interpreter intern, unusual circumstance/emergency situations; non-residential interpreters.
4. **Grandfather clause**: A designated time period to provide non-certified interpreters who are working currently (before the law is passed and enacted)—provisional permit. That will prevent a sudden shortage of interpreters.
5. **Provisional/transitional license**: a temporary license for non-certified interpreters are currently working-to give them enough time to obtain a national certification.
6. **Penalty**: the first-degree misdemeanor
7. **Privileged communication**: Very critical, because it protects the confidentiality of communications between an interpreter and consumers.

Pros

- Ability to oversee interpreters and have more control over the standards
- More flexibility to modify the standards and other policies

Cons

- High costs
- Complexities

The Advantages and Disadvantages of Certifications and Licensure

Certifications:

Pros

- Can be done without an overseeing body
- Are given by a nationally recognized certifying organization

Cons

- Non-certified interpreters may not be allowed to interpret.
- They won't be able to practice their skills before they take a national certification test.

Licensure:

Pros

- Gives non-certified interpreters a limited period to practice interpreting until they receive their certification
- License fees may be used to provide interpreting training and continuing education workshops

Cons

- Can be given by only an overseeing body -- cannot be done without the overseeing body

NAD recommends you to look at some comprehensive laws on interpreter certifications and licensure and RID's model legislation.

Alabama <http://www.cosda.org> (go to Interpreter Licensure)

Kentucky

<http://www.state.ky.us/agencies/kcdhh/infolink/lawsaffec.html#state>

Connecticut

<http://www.cslnet.ctstateu.edu/statutes/title46a/t46a-p6.htm#l1>

Rhode Island <http://www.rilin.state.ri.us/statutes/TITLE5/5-71/INDEX.HTM>

RID <http://rid.org/model.html>

Back to: