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ANGUS S. KING, JR.
GOVERNOR

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S. CATHERINE LONGLEY
COMMISSIONER

February 16, 1999

Honorable Angus S. King, Jr.
Office of the Governor
State House Station #1
Augusta, Maine 04333

Honorable Carol A. Kontos, Senate Chair
Honorable Gary L. O'Neal, House Chair
Joint Standing Committee on Business and Economic Development
State House - Room 124
Augusta, Maine 04333

Re: 1997 P.L. Chapter 749, "An Act to Register Interpreters for the Deaf
and Hard of Hearing"/Technical Review Committee

Dear Governor King, Senator Kontos and Representative O'Neal:

Pursuant to Section 4 of 1997 P.L. Chapter 749, a Technical Review Committee on interpreters was established to determine the method by which the State should regulate interpreters for the deaf and hard of hearing. I am pleased to submit the report of the Technical Committee dated February 12, 1999, together with recommended legislation for the Business and Economic Development Committee to consider this legislative session. The work of the Technical Committee has been extensive and well thought out, and I hope you will give serious consideration to their recommendations.



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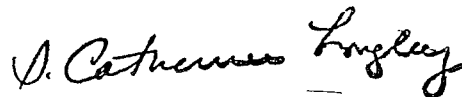
Offices located at:

122 NORTHERN AVENUE, GARDINER, MAINE

MAR 17 1999

Pursuant to 1997 P.L. 749, Section 4(2), we are prepared to present this report to you at your convenience.

Sincerely,

A handwritten signature in cursive script, reading "S. Catherine Longley". The signature is written in dark ink and is positioned above the printed name.

S. Catherine Longley
Commissioner

Enclosure

Cc: Members, Joint Standing Committee on Business and Economic
Development
Technical Review Committee Members
Sally Tubbesing, Executive Director of Legislative Council
Law and Legislative Library

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**REPORT OF THE
TECHNICAL REVIEW COMMITTEE ON
INTERPRETERS FOR THE DEAF AND HARD-OF-HEARING**

**A REVIEW OF THE METHOD BY WHICH THE
STATE OF MAINE SHOULD
REGULATE INTERPRETERS
AND
RECOMMENDATIONS TO THE 119th LEGISLATURE
PURSUANT TO
P.L. 1997 Ch. 749**

**SUBMITTED TO THE COMMISSIONER OF
THE DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

February 1999

REPORT OF THE TECHNICAL REVIEW COMMITTEE

This Report contains a description of the work of the Technical Review Committee as required by P.L. 1997, Ch. 749, enacted on July 9, 1998, by the 118th Legislature.

The Report is in four parts:

- Section 1: Background information regarding the work of the Technical Review Committee.
- Section 2: Recommended elements of the regulatory program for interpreters.
- Section 3: Proposed Legislation drafted by the Technical Review Committee for legislative consideration.
- Section 4: Other issues discussed by the Technical Review Committee.

The Report is accompanied by the following:

- Appendix A: Enabling Legislation authorizing formation of the Technical Review Committee
- Appendix B: Membership of the Technical Review Committee
- Appendix C: Overview of Sessions and Discussion
- Appendix D: Explanation of Certificates Awarded by the National Registry of Interpreters for the Deaf to Certified Interpreters and Transliterators

Section 1: Background of the Technical Review Committee

The Technical Review Committee on Interpreters was established by the Commissioner of the Department of Professional and Financial Regulation to determine the method by which the State should regulate interpreters for the deaf and hard-of-hearing pursuant to P.L. 1997, Ch. 749. A copy of the enabling legislation is attached to this Report as Appendix A. The Committee met seven times from September 1998 through February 1999 and discussed various components of professional regulation, components of interpreter training, regulatory models used in other states, existing national certification standards, issues related to the need for interpreters in the State of Maine, and other related matters.

Comments on the unique demographic and geographic features of Maine were part of these discussions, as these factors make interpreter regulation more difficult than in other states. Two recurring themes were: 1) the limited number of professionally-certified interpreters in Maine (Maine currently has seventeen nationally-certified interpreters in practice); and 2) the absence of interpreter training in general, particularly in northern and more rural regions of Maine.

The Technical Review Committee shared information and discussed the following topics:

1. the statutory purpose of state-regulated licensure, e.g. the public protection function of licensure,
2. the distinctions between licensure, certification, and registration (all forms of state-regulated licensure),
3. models for implementing licensure programs, e.g. administration and regulation functions using a “governing board” versus an “administrative, no-board” model,
4. cost-benefit factors, e.g. self-supporting programs supported by licensing fees versus programs supported in full or in part by general funds or revenue from other sources,
5. existing Maine legislation related to professional regulation and current provisions or realities involving competing jurisdictions,
6. levels of licensure as they might relate to levels of harm to deaf citizens if appropriate interpreter services are not available,
7. Special Education Regulations, Chapter 101, Maine Department of Education, and lines of authority and responsibility for personal decisions in education,
8. issues of supply and demand, with or without licensure, and considerations as to the impact of licensure model recommendations on the pool of currently available or prospective interpreters.

Membership of the Technical Review Committee and an overview of meeting minutes can be found in Appendices B and C, respectively.

Section 2: Recommended Elements of Regulatory Program for Interpreters for the Deaf and Hard-of-Hearing

1. Regulatory Model

The Committee reviewed material on deaf interpreter regulatory programs in other states. Only a handful of states has adopted a formal licensure program for deaf interpreters. The Committee agreed that the preferred regulatory model is a staff-managed licensure program without a licensing board. There are significant factors present in the current environment in Maine that support a model of regulation without a governing board including, the limited size of the profession to be regulated, costs associated with regulation and the potential difficulty of finding professional members without conflicting interests or collegial relationships with those being regulated. There was also agreement that the costs of a full licensing board would be prohibitive, but that the issue could be revisited within a reasonable period of time.

The Committee agreed that the Commissioner of the Department of Professional and Financial Regulation should be allowed to appoint an advisory council to consult with staff with regard to rulemaking and disciplinary issues, as needed.

There was consensus that the regulatory model should be kept as simple as possible. Many levels of licensure will not necessarily assure a proper match between the deaf consumer and interpreter. In the end, the match is highly individualized and complicated. The match must evolve from information provided by the agency, hospital or provider and from the deaf person having input into whether or not the interpreter meets his/her language needs.

2. Funding of Program

Funding for any new regulatory program is determined by the program's location within State Government. There are two options: 1) a program supported by general funds allocated by the Legislature, or 2) a program located within a state agency limited by law to use dedicated application and license fees (dedicated revenue) for program support. There is consensus to continue the Interpreter for the Deaf and Hard-of-Hearing program within the dedicated revenue mechanism. The Committee recommends an initial application fee cap of \$50 and an initial license fee cap of \$300 for all license categories. The Department has prepared a draft budget of \$23,000 annually.

3. Location of Program

The Committee's preference is for the regulatory program for interpreters to be assigned to the Office of Licensing and Registration ("OLR") in the Department of Professional and Financial Regulation. OLR is an umbrella agency with an in-house, full-time staff which currently administers 42 similar regulatory programs funded through dedicated revenue.

4. Periodic Review of Program

The Committee envisions that all aspects of the regulatory program are subject to periodic review. In addition, the Committee recommends requiring a report by the Commissioner or the Commissioner's designee, which should include recommendations for possible changes in the program, including evaluation of standards of practice, after administrative experience with the program is obtained. The recommendation is to require the report no more than four years after implementation of the proposed licensure program.

5. Sunset of Current Registration Requirements

Under the existing registration process, approximately 75 individuals have registered as interpreters for the deaf and hard-of-hearing as of January 21, 1999. Those individuals have submitted information describing their training and experience, as is currently required under existing regulation. If the proposed legislation accompanying this Report is enacted by the Legislature, the current registration model under 32 MRSA §1521, et seq. will terminate on June 30, 2000, the proposed effective date of the legislation. In order to preserve the pool of persons serving the deaf community as interpreters, the Committee recommends that all registered individuals as of the effective date of the proposed legislation be automatically licensed as Limited Interpreters (See Section 9 (B) (1)). Registrants transitioned into the "limited" license category will have three years within which to meet the educational requirements of that category.

6. Complaint Process

All regulatory programs placed within the responsibility of the Office of Licensing and Registration (See 10 MRSA §8003) are subject to uniform administrative complaint procedures. That process would be followed if complaints against licensees are filed with the Office.

7. Rulemaking Authority

The Commissioner or the Commissioner's designee should have explicit rulemaking authority to carry out the legislative mandate of the proposed legislation designed to regulate interpreters.

8. Unlicensed Practice Issues

The Committee expressed concern about individuals who may not take steps to become licensed but who may still provide interpreting services as unlicensed individuals. It is the Committee's recommendation that information relating to instances of unlicensed practice be reported to OLR staff for referral to the Department of the Attorney General, consistent with provisions of Title 10 that cover all regulatory programs within the Office of Licensing and Registration.

9. Licensing Standards

The licensing standards proposed will only apply to Interpreters for the Deaf and Hard-of-Hearing and Deaf Interpreters who interpret for compensation. The requirements will not apply to persons utilizing cued speech.

The language and interpreting needs of an individual deaf person in a given situation are unique. The notion of competent interpreters, thus, must be understood in a context where the individual interpreter is qualified to meet the needs of the particular person and situation. A regulatory framework with varied levels of licensure would help identify and clarify those interpreters with limited skills and those with more advanced skills. Notwithstanding these levels of skill, there will be situations where a person with advanced training does not have a vocabulary or contextual understanding to interpret in very specialized situations.

A. Levels of Licensure

The Committee determined that two separate levels of licensure may be appropriate; an entry "limited" level, and a "certified" level based on an existing RID (Registry of Interpreters for the Deaf) certification. There is no consensus regarding the highest specialization level, which would be based on an existing RID specialty certification.

There was consensus that the entry level standard should have higher standards than those currently in effect under the existing registration set forth in 32 MRSA §§1521, et seq.

B. Standards

1. Limited Interpreter

Limited Interpreters have not demonstrated their overall competence through any formal, recognized testing or assessment procedure for interpreters. The level of competence of individual interpreters may vary widely and the appropriateness of individuals' skills for a given assignment must be determined on a case-by-case basis. The interpreter has a responsibility to decline assignments where the linguistic needs of the interpreter's clients are beyond the interpreter's current skill level and content knowledge. The interpreter's clients also have the responsibility to make a good faith effort to determine whether the interpreter's training, experience and current skill level are commensurate with a particular assignment.

For this level, the Committee recommends: 1) 100 hours of instruction in American Sign Language achieved in one of two ways: a) where the instruction is conducted by an instructor recognized by the American Sign Language Teachers Association; an interpreter certified by the Registry of Interpreters for the Deaf, Inc., or the National Association of the Deaf; or b) where a certified interpreter attests that the applicant has an American Sign Language skill level

equivalent to a student completing 100 hours of American Sign Language instruction; 2) 100 hours of interpreting process including instruction in deaf culture and the ethics of the interpreting process. The instruction of interpreting process must be conducted under the auspices of an accredited college, university or high school approved by the Maine Department of Education, or by a certification maintenance course sponsor.

2. Certified Interpreter

A Certified Interpreter is one whose skills have been tested and approved by a recognized national organization applying a nationally recognized standard of minimum competence. There are however, several national organizations whose certificates qualify interpreters for licensure as Certified Interpreters in Maine and there are several different types of certificates. The nature and purpose of each of these recognized national certificates varies, therefore a Certified Interpreter's skills and training may not be appropriate for every type of assignment. Though a Certified Interpreter has demonstrated general competence to interpret in a wide variety of circumstances, there are also various specialized circumstances (especially, but not solely, in medical, mental health and legal settings) that may call for higher standards of training and experience. It is the responsibility of the interpreter and his/her clients to determine for each assignment whether the interpreter's skills and training are appropriate.

The Committee recommends that Certified Interpreters shall be those who document that they have been certified by the Registry of Interpreters for the Deaf, Inc., or by the National Association of the Deaf at Level 4.

10. Code of Ethics

Many professions have developed codes of ethics that are incorporated into regulatory standards of conduct. The Registry of Interpreters for the Deaf, Inc. has developed and adopted a comprehensive Code of Ethics that governs professional interpreters for the deaf and hard-of-hearing. The Committee recommends that all applicants for licensure, regardless of skill level, certify in writing that they have read the RID Code of Ethics and agree to abide by those standards.

11. Professional Disclosure Statement

Disclosure of qualifications between a professional and a client is a requirement for many regulated professions. The Committee recommends that disclosure provisions be integrated into the regulatory process for interpreters. These provisions would require the registrant or licensee to disclose his or her level of training and experience to the consumer and/or to the person engaging the service. Such disclosure of qualifications affords the consumer the opportunity to examine the licensed individual's level of training and experience before accepting services. Information required to be disclosed will be the subject of rulemaking by the Department under the Maine Administrative Procedure Act.

12. Continuing Education

The Committee recommends that 15 clock hours of instruction in American Sign Language and/or interpreting be required on an annual basis, for “limited” licensees who have completed their initial licensing requirements. Certified interpreters are not subject to any additional continuing educational requirements beyond those required to maintain their national certification.

13. Exemptions from Licensure Requirements

a) Interpreters Based Outside the State

The Committee discussed the need to make use of as many interpreters as possible who may be working or residing in neighboring jurisdictions. The Committee recommends, therefore, that interpreters who are based outside the State of Maine be permitted to practice interpreting for compensation in Maine for up to 160 hours per year without being required to become licensed in Maine. Any out-of-state interpreter who works in Maine 160 or more hours per-year would be subject to all licensure requirements.

b) Medical Emergencies

The Committee recommends an exemption for individuals providing communication assistance to deaf and hard-of-hearing individuals during medical emergencies. For purposes of the proposed Act, a medical emergency refers to situations in which a person’s medical condition could be significantly compromised by delaying assessment and treatment.

Section 3: Proposed Legislation to Accompany Recommendations of Technical Review Committee (see following pages)

An Act to License Interpreters for the Deaf and Hard-of-Hearing

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

Sec. 1. 5 MRSA § 48, sub-§ 5, is amended to read:

5. Provide information. The Division of Deafness must provide information to the public, including state agencies and individuals who work with interpreters, regarding the ~~registration licensure~~ requirements provided under Title 32, chapter 22.

Sec. 2. 10 MRSA § 8001, sub-§ 38, is amended by amending the last blocked paragraph to read:

The Office of Licensing and Registration also administers the following regulatory functions: licensure of athletic trainers; registration of massage therapists; ~~registration licensure~~ of interpreters for the deaf and hard-of-hearing; registration of persons pursuant to the Charitable Solicitations Act; and registration of transient sellers, including door-to-door home repair transient sellers.

Sec. 3. 32 MRSA c. 22, is amended to read:

CHAPTER 22

AMERICAN SIGN LANGUAGE, ENGLISH INTERPRETERS AND TRANSLITERATORS

§ 1521. 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.

1-A. Deaf interpreter. "Deaf interpreter" means a person whose sense of hearing is nonfunctional for the purpose of communication, whose primary means of communication is visual or tactile and who provides intermediary interpreting.

2. Deaf person. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of communication and whose primary means of communication is visual or tactile.

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

4. Hard-of-hearing person. "Hard-of-hearing person" means a person who has a functional hearing deficit, who may or may not primarily use visual communication and who may or may not use assistive devices.

5. Interpreting. "Interpreting" means the process of providing accessible communication between and among persons who are deaf, hard of hearing and can hear, and who do not share a common means of communication. This process includes, without limitation, interpreting and transliterating and visual-gestural, auditory and tactile communication where a linguistic intermediary between a deaf or hard of hearing person and another person, translates the spoken, signed, gestured or written utterances of either person into a linguistic form other than that which the person uses as their primary and preferred form of communication. For purposes of this chapter interpreting or transliterating does not mean communication using cued speech.

6. Interpreter or transliterator. "Interpreter or transliterator" means a person who provides any of the following services:

- A. English-based transliterating, which includes but is not limited to conveying a message by visible representations of the English language such as manually coded English and oral transliteration. This process conveys information from one mode of English to another mode of English;
- B. American Sign Language-based interpreting, which is the process of conveying information between American Sign Language and English; or
- C. Intermediary interpreting, which means interpreting services rendered by a deaf person interpreter to facilitate communication between another deaf person and another registered licensed interpreter or between 2 or more deaf persons.

§ 1522. 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, section 8071.

2. **Registration Licensure.** The commissioner shall register license a person who has successfully complied with the application process established by the department, paid the required fees established by the department under sections 1527 and 1528 and met the qualifications for registration licensure as set forth in section 1524. The commissioner shall

make available, at cost, a directory that contains the names of all individuals ~~registered~~ 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 considered to be department employees.

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

§ 1523. **Privileged communication**

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

§ 1524. **Requirements for ~~registration~~ licensure; limited interpreter and limited transliterator**

To be eligible for ~~registration~~ licensure as a limited interpreter or limited transliterator under this chapter, an applicant must be at least 18 years of age and must provide the following:

1. **High school diploma.** Proof of a high school diploma or the equivalent;
2. ~~**Repealed. References.** Letters of reference from 3 persons for whom the applicant has worked on a compensated basis as an interpreter. Two of the references must be persons who are deaf or hard of hearing and one of the references must be a person whose hearing is fully functional. All references must contain, at a minimum, the name, address and phone number of the person giving the reference and a brief description of the quality of the services provided by the applicant;~~
3. **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.; and
4. ~~**Summary of experience**~~ **Proof of education and training in American Sign Language.** A written summary. Written proof of the applicant's interpreting education and experience with proof of completion of at least 16 hours of interpreter education that specifically addresses the development of interpreter communication skills, training in American Sign Language, consisting of either:

- A. Proof of completion of at least 100 clock hours of instruction in American Sign Language, where the instruction was conducted by:

- (1). an instructor recognized by the American Sign Language Teachers Association;
- (2) an interpreter certified by either 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; or
- (3) by an instructor of courses conducted through an accredited college, accredited university, accredited or approved high school or conducted by certification maintenance course sponsors approved by 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; or

B. The applicant may submit a letter attesting that the applicant's skill level is equivalent to a person who has completed 100 hours of instruction in American Sign Language. The letter must be prepared and signed by:

- (1). an instructor recognized by the American Sign Language Teachers Association;
- (2) an interpreter certified by either 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; or
- (3) by an instructor of courses conducted through an accredited college, accredited university, accredited or approved high school or conducted by certification maintenance course sponsors approved by 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.

5. Proof of education and training in the interpreting process. Written proof of completion of at least 100 clock hours of instruction in the interpreting process, which shall include instruction in deaf culture and the ethics of interpreting, conducted through an accredited college, accredited university, accredited or approved high school or conducted by certification maintenance course sponsors approved by 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 process clock hours which were completed prior to five years from the date of application.

§ 1524-A. Requirements for licensure; limited deaf interpreter

To be eligible for licensure as a limited deaf interpreter under this chapter, an applicant must be at least 18 years of age and must provide the following:

- 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.; and

3. Proof of education and training in American Sign Language. Written proof of the applicant's education and training in American sign language, consisting of a letter attesting that the applicant's skill level is equivalent to a person who has completed 100 hours of instruction in American Sign Language. The letter must be prepared and signed by:

(1) an instructor recognized by the American Sign Language Teachers Association;

(2) an interpreter certified by either 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; or

(3) by an instructor of courses conducted through an accredited college, accredited university, accredited or approved high school or conducted by certification maintenance course sponsors approved by 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.

4. Proof of education and training in the interpreting process. Written proof of completion of at least 100 clock hours of instruction in the interpreting process, which shall include instruction in deaf culture and the ethics of interpreting, conducted through an accredited college, accredited university, accredited or approved high school or conducted by certification maintenance course sponsors approved by 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 process clock hours which were completed prior to five years from the date of application.

§ 1524-B. Requirements for licensure; certified interpreter, certified deaf interpreter and certified transliterator

To be eligible for licensure as a certified interpreter, certified deaf interpreter or certified transliterator under this chapter, an applicant must be at least 18 years of age and must provide the following:

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.; and

3. Proof of Certification. Documented proof of certification by the Registry of Interpreters for the Deaf, Inc., documented proof of a minimum certification level of 4 from the

National Association of the Deaf, Inc. or comparable certification by a comparable or successor organization recognized by the commissioner.

§ 1525. Registration License required

After ~~January 1, 1999~~ June 30, 2000, a person may not provide interpreting services as defined in this chapter for compensation or remuneration unless properly ~~registered~~ licensed in accordance with this chapter.

§ 1525-A. Exemptions to licensure

1. **Non-resident interpreters.** This chapter does not apply to interpreters who are residents of a jurisdiction other than this state and who do not interpret for compensation or remuneration in the State for more than 160 hours per year. Service during declared state or national emergencies shall not count toward the twenty day limitation.

2. **Medical emergencies.** This chapter does not apply to a person providing communication assistance during a medical emergency. For purposes of this chapter, a medical emergency is where a person's medical condition could be significantly compromised by delaying assessment and treatment.

§ 1527. Applications for ~~registration and temporary registration~~ licensure; fees

An applicant for initial licensure, pursuant to sections 1524, 1524-A or 1524-B, ~~or temporary registration~~ shall submit a written application with supporting documents to the department on forms provided by the department. The applicant shall pay a nonrefundable application fee established by the department in an amount not to exceed \$50, and an initial ~~registration or temporary registration~~ license fee not to exceed ~~\$100~~ \$300.

§ 1528. Renewal

All ~~registrations~~ licenses ~~except temporary registrations~~ must be renewed annually on or before ~~March 31st~~ June 30th of each year or at such other time as the commissioner may designate. The annual ~~registration~~ license renewal fee must be established by the department by rulemaking and may not exceed ~~\$100~~ \$300. The commissioner shall notify each ~~registrant~~ licensee, at the ~~registrant's~~ licensee's last known address, 30 days in advance of the expiration of the ~~registration~~ license. Renewal notices must be on forms provided by the department. A ~~registration~~ license not renewed by ~~March 31st~~ June 30th automatically expires. The department may renew an expired ~~registration~~ license if the renewal application is returned within 90 days after the ~~registration~~ 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 ~~registration~~ license expiration date is subject to all requirements governing new applicants under this chapter.

§ 1528-A. Continuing Education

1. Limited interpreters. An application for renewal of a limited interpreter, limited transliterator or limited deaf interpreter license must show proof of completion of at least 15 hours annually of continuing education in American Sign Language or the interpreting process. This section does not apply to any limited licensee who has not completed the educational and training requirements set forth in section 1524, subsection 4 or section 1524-A, subsection 3.

2. Certified Interpreters. An applicant for renewal of a certified interpreter, certified deaf interpreter or certified transliterator license is not required to show proof of continuing education, but is required to show proof of continued certification by either 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.

§ 1529. Violations

A person who violates section 1525 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.

§ 1530. Revocation and reissuance

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

1. Fraud. The practice of fraud in obtaining a registration under this chapter;
2. Incompetency. A court finding of mental incompetency;
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. Violation. Violation of this chapter or any rule adopted by the department; or
5. Unethical conduct. A finding of a violation of the Code of Ethics of the Registry of Interpreters for the Deaf, Inc.

§ 1531. Disclosure. All interpreters licensed pursuant to this chapter shall disclose their license category, training and experience to consumers and to the person or persons engaging the interpreter's services. The content and form of the disclosure shall be developed by the department pursuant to the Administrative Procedures Act rulemaking provisions. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, section 8071.

§ 1532. Conversion of registrants to limited licensees. On January 1, 2000, interpreters, deaf interpreters and transliterators who have registered with the Department pursuant to 1997 Public Law Chapter 749 and who do not possess the educational and training requirements set forth in section 1524, subsection 4 or 1524-A, subsection 3, shall nonetheless be eligible for the limited interpreter, limited transliterator or limited deaf interpreter license. Interpreters, deaf interpreters and transliterators who obtain limited licensure status pursuant to this section shall comply with all other licensure requirements and must complete the education and training requirements set forth in section 1524, subsection 4 or 1524-A, subsection 3 within three years of obtaining a limited interpreter license or be subject to non-renewal.

Sec. 4. Department of Professional and Financial Regulation; report.

The Department of Professional and Financial Regulation must report to the joint standing committee of the Legislature having jurisdiction over professional regulatory matters by February 15, 2003. The report shall be developed by the commissioner in consultation with the Advisory Council and shall include, but is not limited to, a review of the adequacy of licensure standards set forth in Title 32, chapter 22, and an assessment of the continued efficacy of an exemption from licensure for non-resident interpreters. The report may include legislation based on the recommendations of the department. The joint standing committee of the Legislature having jurisdiction over professional regulatory matters may submit legislation based on the recommendations of the report.

Sec. 5. Effective Date. This Act takes effect on June 30, 2000.

SUMMARY

This bill enacts the recommendations of the technical review committee on interpreters established pursuant to 1997 P.L. Chapter 749. That committee was charged with determining the method by which the State should regulate interpreters for the deaf and hard-of-hearing.

This bill will replace the existing interpreter registration process with a licensing process, effective June 30, 2000. There will be two levels of licensure, limited and certified. Applicants for limited licensure must have 100 hours of instruction in ASL or be certified as having equivalent skills, and must have 100 hours of instruction in the interpreting process. Applicants for certified licensure must show proof of national certification as an interpreter or transliterator. Licensees will be held to a code of ethics.

All persons who are registered under the current regulatory scheme when this bill becomes effective will be eligible for limited licensure. Those persons will have three years from the date of their licensure to meet the standard education and training requirements, if they have not already done so.

This bill excludes practitioners of cued speech from the definition of interpreter for purposes of the chapter. The intent is not to regulate practitioners of cued speech at this time.

Section 4: Other Issues

The Committee was able to resolve most but not all issues deemed important to address in this Report. The Committee did not reach agreement on the definition of "volunteer." Thus, the proposed legislation is silent on the issue. Nor was the Committee able to reach agreement on the need for licensure standards for specialized certified interpreters. Similarly, the statute is silent on this issue. The Committee accepted position statements from individual committee members as a record of committee discussions. Set forth below are position statements regarding the volunteer issue and the specialized certified interpreter issue.

Specialized Certified Interpreter:

A Specialized Certified Interpreter is one whose skills have been tested and approved by the Registry of Interpreters for the Deaf, Inc., a recognized national organization that applies a nationally recognized standard of competence in certain specialized areas. Currently, the only RID specialty certification available is a legal specialization. The Committee did not reach consensus regarding whether to recommend this category at this time. There is currently one Maine interpreter who holds a specialized certification. However, there is a significant number (10-15) certified interpreters who also have significant training and experience in legal interpreting.

The following position statements have been submitted by individual members of the Committee.

Position Statement:

From: Doug Newton

To: Technical Review Committee

Subject: Proposal to raising the bar for interpreters working in legal settings

Dear Committee Members:

I feel that it is imperative that interpreters working in legal settings need to possess additional qualifications prior to interpreting in courts, for attorneys and for police agencies. The risk to consumers and legal procedures is extremely high.

It is also true that the RID legal certification test is relatively new and there are few in New England who have taken and passed the Legal Certification Test.

However, because of the specialized nature of the setting it seems critical that we require at minimum that interpreters possess 1) certification from the RID [Comprehensive Skills Certificate (CSC), Reverse Skills Certificate (RSC), Provisional Certificate of Deaf Interpreting (CLIP), Certificate of Interpreting (CI), Certificate of Transliterating (CT)] AND 2) a minimum number of hours of education specific to legal interpreting as approved through the RID Certification Maintenance Program (CMP) specifically. I would suggest in the neighborhood of 40 to 80 hours.

A little context would be helpful. In practice these requirements are already in affect. I administer a contract through the Department of Labor to provide interpreters in legal settings. As a general practice I require and will not refer interpreters to interpret legal assignments unless they first possess 1) Certification listed above from RID, 2) training specific to interpreting in legal settings, and 3) prior experience interpreting in legal settings. I do allow a little flexibility for Deaf interpreters as development of training and certification systems lag that for hearing interpreters.

I would also suggest that this provision be reviewed at the 4 year mark as we have suggested throughout the process. It would seem likely that the RID Legal Certification test will have had sufficient time to test interpreters working as legal interpreters that we should have an adequate supply.

cc: [illegible]
to: [illegible]
[illegible]

Position Statement:

February 15, 1999

Anne L. Head
Director, Office of Licensing and Registration
State of Maine Department of Professional and Financial Regulation
35 State House Station
Augusta, Maine 04333-0035

Dear Ms. Head:

Thank you for your January 27 e-mail inviting submission of position statements on the two issues unresolved by the Technical Review Committee on Interpreters for the Deaf and Hard of Hearing. On behalf of MHA, An Association of Maine Hospitals and Health Care Organizations and the Maine Medical Association, we welcome the opportunity to provide input on these important issues.

The first unresolved issue before us is the question of a statutory exemption for volunteer interpreters. We believe that the licensing system should clearly exempt volunteers from all statutory and regulatory provisions for three reasons. First, a licensure statute traditionally governs the qualifications and practice of a *licensee*. Extending licensing provisions to regulate the actions of volunteers would be counter to the purpose of a licensure statute.

Second, we remain very concerned about restricting access to the limited supply of qualified interpreters in Maine. The practice of providing interpretive services is an emerging profession and Maine currently has less than one hundred registered interpreters. The number of Maine residents needing interpretive services is unknown. The only available relevant statistic is that there are approximately 106, 812 Maine residents affected by a hearing loss. (population estimate according to the legislatively required Report on the Mission and Service of the Division of Deafness completed September 15, 1998 by the Maine Department of Labor, Bureau of Rehabilitation Services) Given this information, and the fact that there is no available data on the number of qualified interpreters who choose to volunteer their time and services in Maine, we believe that a statutory limitation on volunteer services would be particularly unwise at this time.

Third, we would like to respond to concerns about volunteers' potential inability to interpret effectively. Although one goal of a licensing system is to provide some quality control over a licensee's performance, a license does not guarantee an interpreter's ability to interpret effectively. Similarly, people who choose to volunteer their services cannot be assumed to be incompetent to provide those services. In any case, the Americans with Disabilities Act provide the appropriate and powerful legal remedy for those who believe that a volunteer interpreter provided ineffective communication in any place of public accommodation.

In related discussions, some members of the Technical Review Committee advocated that the licensing statute prohibit all hospital employees from attempting to communicate with patients in sign language, *unless* the employee was directly providing care to the deaf patient at that time. We could not agree to such a provision, and it is our understanding that it does not appear in the proposed legislation. We objected to their proposal for two reasons. First, we could not accept allowing employees in all settings, *except* hospitals, to assist their co-workers in communicating with deaf individuals. If there is a rational basis for a statutory prohibition against such communication assistance in the workplace, the law should apply that requirement equally to all Maine workplaces.

Second, given the limited supply of paid interpreters in Maine and the concentration of that supply in the southern region of the state, a law forbidding hospital employees from assisting their co-workers communicate with a deaf patient appears particularly unwise. It is possible that such a law would prohibit the only possible method of communication with a deaf patient.

Moving to the second unresolved issue, we agree with Ms. Valar's suggestion to omit the Specialized Certified Interpreter level of licensure at this time for two reasons. First, according to the national office of the Registry of Interpreters for the Deaf, there is just one interpreter in Maine who holds the *only* specialty certification available, the certification to interpret in legal settings. In fact, there are less than twenty interpreters in Maine who hold the general category of national certification in interpreting. Therefore, to explicitly or implicitly limit *any* setting to use only the services of a nationally certified interpreter, either the specialty certification or the general certification, severely restricts the available supply of qualified interpreters to that setting.

Second, assuming that the one interpreter with specialty certification is not providing *all* of the interpretive services necessary in Maine's legal system qualified interpreters without the national specialty certification currently and adequately provide interpretive services for legal issues in Maine. However, if there is a Specialized Certified Interpreter level of state licensure, it could well expose the qualified interpreters currently providing services in the legal setting to an unwarranted risk of liability.

Again, thank you for the opportunity to provide comment on these two important and unresolved issues before the Technical Review Committee.

Sincerely,

Jean Truscott, R.N., M.Ed.
MHA Representative
Vice President of Patient Care
St. Joseph's Hospital

Gordon Smith, Esq.
Executive Vice President
Maine Medical Association

Position Statement:

2/4/99

Anne L. Head
Director
Office of Licensing and Registration
Dept. of Professional and Financial Regulation
35 State House Station
Augusta, ME 04333

Dear Anne:

Following is a position paper on the **volunteer interpreter issue**. I'd like this to be included in the draft of the committee's final report that is to be discussed at the committee's final meeting 2/12.

The text below is identical to the text I circulated to the committee 2/1 except for the title line and some changes to the first sentence.

Best Regards,

Wayne Cowart

Position Paper on Volunteer Interpreters

Following up on some recent discussions around the issue of volunteer interpreters I'd like to offer the following proposal and incorporate this document in the report that the Technical Review Committee forwards to the legislature.

I propose that the bill should be silent on the question of volunteers, beyond what we've already built in. The proposal we've worked out is clearly constructed as a regulation applying only to those who work for pay or compensation as interpreters. No problem arises for clear cases of volunteers - those who are working in situations where no pay or compensation is involved. For example, we dropped the proposed language on religious settings on the grounds (as I understood the discussion) that these cases were already covered so long as the interpreter was a true volunteer.

As I understand the question before us, the issues are 1) should we exempt individuals who act as interpreters in their regular job setting so long as they are not regularly employed as interpreters, and 2) if so, exactly how shall we define this exemption. Hereafter I'll use the expression 'volunteer interpreter' in the special sense relevant here.

Here's why I believe we should simply leave the bill silent on this matter:

1) Even with no exemption for volunteer interpreters the new licensing mechanism should produce little shrinkage in the pool of available interpreters.

We have already created a very liberal licensing system, one that makes it possible for people with virtually no relevant training to qualify for the entry level category. If the individuals who are presently serving as volunteer interpreters have any qualifications for that role, they should be able to get registered and (when the new legislation is in place) licensed in the entry level category. Note also that leaving the bill silent on volunteers would not prevent organizations from relying on volunteers to provide direct services to Deaf individuals (that is, it wouldn't affect people who use sign but don't interpret).

2) Using volunteer interpreters who cannot meet the licensing criteria we've proposed is almost certainly a disservice to Deaf individuals those volunteers might attempt to serve.

The prospect of harm is clearly present in any medical or legal setting where an individual who cannot meet our minimal standards attempts to play the role of interpreter. By requiring volunteer interpreters to be licensed we at least gain the advantage of some awareness of the code of ethics. We encourage volunteers to consider carefully whether their skills are truly adequate to the encounters they are asked to interpret and increase the likelihood that a fully qualified interpreter will be called when needed.

3) Creating an exemption for volunteer interpreters will tend to increase the legal exposure of organizations that employ those individuals.

It is hard to imagine how the standard of effective communication could be met by an interpreter who could not qualify for licensing under our proposal. Making the proposed exception simply facilitates the use of interpreters who have a higher likelihood of failing to provide appropriate service and of contributing to an actionable injury to the Deaf client, patient or consumer. Note that the lawsuit against MMC that resulted in the recent consent decree arose from reliance on a volunteer interpreter.

There is no reason to think that hospital employees who make themselves available as volunteer interpreters have reliably higher skill levels than those of the interpreter in this case.

Thus, it seems to me that creating an exception for volunteer interpreters serves no one well, but at best enables a false sense of security in using a certain category of unqualified interpreter.

APPENDIX A

P.L. 1997 Ch. 749, effective July 9, 1998



APPROVED

APR 15 '98

BY GOVERNOR

CHAPTER

749

PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-EIGHT

S.P. 481 - L.D. 1483

An Act to Register Interpreters for the Deaf and
Hard-of-Hearing

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

Sec. 1. 5 MRSA §48, sub-§5 is enacted to read:

5. Provide information. The Division of Deafness must provide information to the public, including state agencies and individuals who work with interpreters, regarding the registration requirements provided under Title 32, chapter 22.

Sec. 2. 10 MRSA §8001, sub-§38, as amended by PL 1997, c. 245, §19, is further amended by amending the last blocked paragraph to read:

The Office of Licensing and Registration also administers the following regulatory functions: licensure of athletic trainers; registration of massage therapists; registration of interpreters for the deaf and hard-of-hearing; registration of persons pursuant to the Charitable Solicitations Act; and registration of transient sellers, including door-to-door home repair transient sellers.

Sec. 3. 32 MRSA c. 22 is enacted to read:

CHAPTER 22

AMERICAN SIGN LANGUAGE, ENGLISH
INTERPRETERS AND TRANSLITERATORS

§1521. 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. Deaf person. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of communication and whose primary means of communication is visual.

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

4. Hard-of-hearing person. "Hard-of-hearing person" means a person who has a functional hearing deficit, who may or may not primarily use visual communication and who may or may not use assistive devices.

5. Interpreting. "Interpreting" means the process of providing accessible communication between and among persons who are deaf, hard-of-hearing and can hear, and who do not share a common means of communication. This process includes, without limitation, interpreting and transliterating and visual-gestural, auditory and tactile communication.

6. Interpreter or transliterator. "Interpreter or transliterator" means a person who provides any of the following services:

A. English-based transliterating, which includes but is not limited to conveying a message by visible representations of the English language such as manually coded English and oral transliteration. This process conveys information from one mode of English to another mode of English;

B. American Sign Language-based interpreting, which is the process of conveying information between American Sign Language and English; or

C. Intermediary interpreting, which means interpreting services rendered by a deaf person to facilitate communication between another deaf person and another registered interpreter or between 2 or more deaf persons.

§1522. 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, section 8071.

2. Registration. The commissioner shall register a person who has successfully complied with the application process established by the department, paid the required fees established by the department under sections 1527 and 1528 and met the qualifications for registration as set forth in section 1524. The commissioner shall make available, at cost, a directory that contains the names of all individuals registered 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 considered to be department employees.

§1523. Privileged communication

Individuals registered under this chapter are included under the evidentiary communications privilege outlined in Title 5, section 48, subsection 4.

§1524. Requirements for registration

To be eligible for registration under this chapter, an applicant must be at least 18 years of age and must provide the following:

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

2. References. Letters of reference from 3 persons for whom the applicant has worked on a compensated basis as an interpreter. Two of the references must be persons who are deaf or hard-of-hearing and one of the references must be a person whose hearing is fully functional. All references must contain, at a minimum, the name, address and phone number of the person giving the reference and a brief description of the quality of the services provided by the applicant;

3. 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.; and

4. Summary of experience. A written summary of the applicant's interpreting education and experience, with proof of completion of at least 16 hours of interpreter education that specifically addresses the development of interpreter communication skills.

§1525. Registration required

After January 1, 1999, a person may not provide interpreting services as defined in this chapter for compensation unless properly registered in accordance with this chapter.

§1526. Temporary registration

A person who has not completed the requirements for registration under this chapter may apply for a temporary registration. The holder of a temporary registration may provide interpreting services for compensation for a term of 2 years. A temporary registration is not renewable.

§1527. Applications for registration and temporary registration: fees

An applicant for initial or temporary registration shall submit a written application with supporting documents to the department on forms provided by the department. The applicant shall pay a nonrefundable application fee established by the department in an amount not to exceed \$50, and an initial registration or temporary registration fee not to exceed \$100.

§1528. Renewal

All registrations except temporary registrations must be renewed annually on or before March 31st of each year or at such other time as the commissioner may designate. The annual registration renewal fee must be established by the department by rulemaking and may not exceed \$100. The commissioner shall notify each registrant, at the registrant's last known address, 30 days in advance of the expiration of the registration. Renewal notices must be on forms provided by the department. A registration not renewed by March 31st automatically expires. The department may renew an expired registration if the renewal application is returned within 90 days after the registration 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 registration expiration date is subject to all requirements governing new applicants under this chapter.

§1529. Violations

A person who violates section 1525 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.

§1530. Revocation and reissuance

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

1. Fraud. The practice of fraud in obtaining a registration under this chapter;
2. Incompetency. A court finding of mental incompetency;
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. Violation. Violation of this chapter or any rule adopted by the department; or
5. Unethical conduct. A finding of a violation of the Code of Ethics of the Registry of Interpreters for the Deaf, Inc.

Sec. 4. Technical review committee.

1. Establishment. The Commissioner of Professional and Financial Regulation shall establish a technical review committee on interpreters. The technical review committee is charged with determining the method by which the State should regulate interpreters.

2. Report. No later than February 15, 1999, the technical review committee shall submit a written report together with recommended legislation to the Governor and the joint standing committee of the Legislature having jurisdiction over business and economic development matters with a copy to the Executive Director of the Legislative Council and the Law and Legislative Reference Library. The technical review committee shall make an oral report to the joint standing committee of the Legislature having jurisdiction over business and economic development matters no later than March 1, 1999. The joint standing

committee of the Legislature having jurisdiction over business and economic development matters may submit legislation based on the recommendations of the technical review committee.

Sec. 5. Department of Education; report. The Department of Education must report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over business and economic development matters by February 15, 1999. Items in this report must include, without limitation, the following:

1. The qualifications and experience of educational technicians and others working as interpreters in kindergarten to grade 12 schools;

2. The need for additional training for educational technicians and others working as interpreters in kindergarten to grade 12 schools;

3. The availability of funding for interpreters' training program development in Maine;

4. A review of the impact of standards for interpreters in educational settings, both for the training of interpreters in education and for the classification and credentialing of interpreters in education;

5. A review of student performance on the Maine Education Assessment and local assessments relating to interpreting services; and

6. A report on the expansion of the capacity for professional development of interpreters throughout the University of Maine System, including the possibility of coordinating efforts with other interpreter training institutions in the State.

Sec. 6. Working capital advances. The State Controller is authorized to advance from the General Fund Unappropriated Surplus the following amounts to be used for any necessary start-up costs associated with the registration of interpreters required under the Maine Revised Statutes, Title 32, chapter 22: \$17,000 to the Office of Licensing and Registration within the Department of Professional and Financial Regulation. Funds advanced for this purpose must be returned to the General Fund Unappropriated Surplus from the first \$17,000 received by the State under Title 32, chapter 22.

Sec. 7. Appropriation. The following funds are

appropriated from the General Fund to carry out the purposes of this Act.

1998-99

**PROFESSIONAL AND FINANCIAL REGULATION,
DEPARTMENT OF**

**Administrative Services - Professional
and Financial Regulation**

All Other \$22,620

Appropriates funds for the costs of establishing and providing staff for a technical review committee on interpreters.

**DEPARTMENT OF PROFESSIONAL AND FINANCIAL
REGULATION
TOTAL**

\$22,620

Sec. 8. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1998-99

**PROFESSIONAL AND FINANCIAL REGULATION,
DEPARTMENT OF**

Division of Licensing and Enforcement

All Other 17,000

Allocates funds for the costs of registering interpreters for the deaf and hard-of-hearing.

**DEPARTMENT OF PROFESSIONAL AND
FINANCIAL REGULATION
TOTAL**

\$17,000

APPENDIX B

APPOINTED MEMBERS OF THE TECHNICAL REVIEW COMMITTEE

Jonathan Connick
Maine Center on Deafness
Portland, Maine

Doug Newton
Pine Tree Society
Portland, Maine

Wayne Cowart
University of Southern Maine
Portland, Maine

David Sherry
Narragansett School
Gorham, Maine

Mary MacKay
RID-certified Interpreter
Portland, Maine

Gordon Smith
Maine Medical Association
Manchester, Maine

Hon. Bruce MacKinnon
Garnsey Insurance
Sanford, Maine

Jean Truscott
Maine Hospital Association
Bangor, Maine

Lois Morin
Pine Tree Society
Portland, Maine

Christina Valar Breen, Esq.
Department of Professional and
Financial Regulation
Augusta, Maine

FACILITATOR: Susan Hollins, Ph.D

APPENDIX C

OVERVIEW OF SESSIONS AND DISCUSSIONS

1st Session: MEETING OF SEPTEMBER 3, 1998:

Each member introduced him/herself and provided information regarding 1) background, interest, and expertise in regulation of interpreters for the deaf and 2) real or potentially perceived conflicting financial interests with the outcome of the committee's work. Individual committee members disclosed they are nationally-certified interpreters, two members are administrators for agencies that supply interpreters, one member is connected with a university which will receive funding for training interpreters, and two members represent professional groups or organizations whose costs are influenced by increased standards for interpreters. All participants commented that their overarching concern and reason for involvement was public policy in the State of Maine.

The first meeting included broad discussion of the task at hand – an overview of professional regulation and various components of regulation, issues pertinent to interpreting and the deaf community, and the status of interpreters/interpreting in Maine and training available.

The facilitator provided information on various aspects and components of government licensing and regulation, explaining that the regulatory functions are sometimes not well understood. Regulation involves not only setting and reviewing standards for practice and giving out licenses of some type, but also receiving complaints, investigating complaints, and possibly invoking sanctions against regulated professionals if the laws or rules of the profession are significantly violated.

The financial aspects of professional regulation was discussed. Anne Head, Director of the Office of Licensing and Registration, confirmed that the Department of Professional and Financial Regulation is a dedicated revenue department and that each regulatory program in the Office of Licensing and Registration is self-supported through license and application fees and that all workers are state employees. There is no general fund support for this State office.

During the first session, the committee identified additional information needed in order to make more specific recommendations:

1. knowledge of statutory models and components related thereto from different states,
2. areas where there is the potential of greatest harm to deaf persons when the interpreter is not fully competent,
3. training opportunities (interpreting/ASL/transliteration) both in-state and out-of-state, initial training and continuing training,

4. knowledge of issues related to competing jurisdictions and statutory regulations already in place in Maine,
5. value of licensing – what will it actually accomplish? what economic result will occur?
6. complaint handling – will this improve interpreting or offer protection to concerns of deaf consumers or have a chilling effect on persons providing or procuring services?
7. exceptions – what exceptions are currently allowable in specific industries where interpreter services are essential, e.g. medical, legal, education,
8. ethical/professional norms – standards for professional conduct,
9. distinctions between literal interpreting and language-to-language transliteration – the need for specific semantic training,
10. minimal standards – what are the absolute minimal standards for anyone earning money as an “interpreter” and how much should the current entry level standards be increased?

Session #2: MEETING OF SEPTEMBER 24, 1998:

At the second session, selected topics pertinent to interpreter regulation were identified and discussed: disclosure, exemptions, standards, levels of harm related to levels of standards.

The committee received clarification about the process of investigation, which is controlled by state guidelines and standards already in place. There is no distinction in the investigative process as a function of the form of license program – registration, certification, or licensure. Investigations follow the same guidelines regardless of the license type. Also, investigations under the professional regulation system must follow the same procedures regardless of the persons conducting the investigation. Investigations are in response to consumer complaints, data from different states and Maine indicate that very few consumers actually complaint to the Office of Professional Regulation.

A key issue for the deaf community is the match between the deaf individual’s interpreting needs, the situation, and the interpreter.

Session #3: MEETING OF OCTOBER 26, 1998:

Much of this meeting’s discussion focused on the Technical Review Committee’s progress to date, the key issues for the next meeting, and specific concerns and suggestions for group process and use of interpreters during committee meetings.

Session #4: MEETING OF NOVEMBER 5, 1998:

Higher entry level standards were clarified in detail during this session; this was considered the most important aspect of a regulatory model proposal. Discussions focused on how to raise standards without decreasing the supply of interpreters. It was decided that it was important that persons complying with new, higher standards should be given ample time to locate and complete training programs.

Examinations to demonstrate the new entry standards were ruled out, even though an exam can be developed to measure levels of knowledge and skill. Examinations for purposes of licensing

must be standardized and normed to be valid; this is a time-consuming and very expensive process. It was decided to have very concrete requirements that were not subjective and could reasonably guarantee a level of skill or knowledge, e.g. 100 hours of training in American Sign Language by a RID-certified interpreter instead of an individual language proficiency exam.

Session #5: MEETING OF DECEMBER 21, 1998:

Technical details that distinguish transliterators from interpreters were discussed. Approximately 20-30 Maine children, adolescents, and adults use transliterators. There was continuing debate as to whether or not the legislative model should include licensure provisions for transliterators as well as interpreters and/or whether or not adding these additional components would make the initial regulatory model proposal too complex. The committee scanned selected components from the interpreter legislation of other states.

At this meeting, representatives of the Department of Education explained the three levels of educational technicians employed throughout Maine's public schools and the meaning of these designations:

Ed Tech I:	high school education
Ed Tech II:	two years of post secondary education
Ed Tech III:	three years of post secondary education.

The Department of Education also explained that Maine supports improvements but does not support special education standards that exceed Federal special education standards due to cost implications for public schools. With respect to training requirements for school districts personnel, the committee was advised of distinctions among school districts not only in terms of who they employ, but also in terms of the presence or negotiated agreements which control continuing education requirements, e.g. release time, reimbursement for required training, etc. The Department has entered into an agreement with the University of Southern Maine for training of interpreters.

Committee members had detailed and thoughtful discussions regarding medical exemptions and exceptions – situations and persons who should and should not be subject to new regulatory provisions. Clearly, the use of interpreters in medical settings and during medical or other declared emergencies is a complex issue, currently governed by a variety of existing state and federal statutes.

Session #6: MEETING OF JANUARY 22, 1999:

Anne Head, Director, made a presentation about the administration and financing of the Office of Licensing and Registration (OLR). OLR is a separate and distinct state agency. It has one budget which is divided and assessed among regulatory programs. Within that one budget, there are 42 subaccounts. OLR has 59 full-time employees assigned the responsibility of keeping all regulatory programs functioning and responsive to the public 52 weeks per year. Each regulatory program has different specific licensing features and characteristics, but there are common procedural and financial features as well. For example, the complaint process

administered by OLR is standardized for all programs, whether with or without board or commission.

The budget and budget distribution is fairly complex. It is not possible to separate each program for purposes of budget development and separately divide each collective office expense. Common costs for all regulatory programs include; personnel, office equipment, etc., are shared. OLR takes all expenses including salaries, payment for space, legal services, telephones, computer services, and applies these costs to all regulated professions. Each regulatory program must be self-supporting through license and application fees to pay its allocated share of OLR operating costs.

The formula used to allocate overhead costs of OLR takes three factors into consideration: 1) number of license records maintained; 2) the volume of the regulatory program's work in relation to the volume of the entire pool of programs' work; and 3) other factors. With an overall budget of approximately \$5,000,000, the Office's system of self-support is considered a "fee for service" system, very different from State programs whose budget is supported by general funds. Under the guidelines for OLR fees generated by one regulatory program may not be used to offset the costs of any other regulatory program. As a result, the smaller the professional group being regulated, the higher the fees for each individual in this professional group must be to assure the profession generates sufficient revenue to support its share of OLR administrative costs.

Director Anne Head presented a worksheet outlining a reasonable estimate of immediate and longer-range costs for the regulation of interpreters, should the program be located within OLR and discussed the range of fees that would be necessary to cover those costs. Assuming 100 licensees, \$23,000 would need to be generated. The legislature needs to consider whether the cost of regulation is reasonable in comparison to the benefit to the public. State budgeting guidelines recommend each regulatory program maintain a balance equaling six months of expenses in order to assure coverage of employee costs.

Committee members again discussed medical exemptions and standards for volunteers.

Throughout all sessions, the right and necessity of deaf persons to have access to qualified interpreter services that meet situational needs was underscored. This concern is a driving force for setting forth specific standards for education and experience, and discussing how deaf individuals can be more involved in decision-making to determine whether an interpreter is qualified to meet their individual and situational needs.

APPENDIX D

EXPLANATION OF CERTIFICATES AWARDED BY THE NATIONAL REGISTRY OF INTERPRETERS FOR THE DEAF TO CERTIFIED INTERPRETERS AND TRANSLITERATORS

EXPLANATION OF CERTIFICATES AWARDED BY THE NATIONAL REGISTRY OF INTERPRETERS FOR THE DEAF TO CERTIFIED INTERPRETERS AND TRANSLITERATORS

The certificates described below are an indication that the interpreter or transliterator was assessed by a group of professional peers according to a nationally recognized standard of minimum competence. The individual's performance was deemed to meet or exceed this national standard.

RID Certificates are recognized as valid certificates provided the interpreter/transliterator meets all requirements of membership. All interpreters and transliterators are required to adhere to the **RID Code of Ethics** governing ethical behavior within the profession. Violations of the Code of Ethics could result in a complaint filed against the interpreter/transliterator through the RID Ethical Practices System.

The RID National Testing System (NTS) strives to maintain adherence to nationally recognized testing industry standards of **validity, reliability and equity**. As a result, an independent psychometrician (**test development expert**) is retained by RID and oversees test development and revision processes. RID maintains affiliation with the National Organization for Competency Assurance (NOCA), the entity that sets national criteria for validity, reliability and fairness in testing and credentialing.

CI (Certificate of Interpretation)

Holders of this certificate are recognized as fully certified in Interpretation and have demonstrated the ability to interpret between American Sign Language (ASL) and spoken English in both sign-to-voice and voice-to-sign. The interpreter's ability to transliterate is not considered in this certification. Holders of the CI are recommended for a broad range of interpretation assignments.

CT (Certificate of Transliteration)

Holders of this certificate are recognized as fully certified in Transliteration and have demonstrated the ability to transliterate between English-based sign language and spoken English in both sign-to-voice and voice-to-sign. The transliterator's ability to interpret is not considered in this certification. Holders of the CT are recommended for a broad range of transliteration assignments.

CI and CT (Certificate of Interpretation and Certificate of Transliteration)

Holders of both full certificates (as listed above) have demonstrated competence in both interpretation and transliteration and have the same flexibility of job acceptance as holders of the CSC listed on the following page. Holders of the CI and CT are recommended for a broad range of interpretation and transliteration assignments.

CLIP (Conditional Legal Interpreting Permit)

Holders of this conditional permit have completed an RID recognized training program designed for interpreters and transliterators who work in legal settings. Generalist certification (CI and CT, or CSC) is required prior to enrollment in the training program. This permit is valid until August 30, 1996. CLIP holders must take and pass the new legal certification examination in order to maintain certification in the specialty area of interpreting in legal settings. Holders of this conditional permit are recommended for a broad range of assignments in the legal setting.

CDI-P (Certified Deaf Interpreter-Provisional)

Holders of this provisional certification are interpreters **who are Deaf or Hard of Hearing** and who have demonstrated a minimum of one year experience working as an interpreter, completion of at least 8 hours of training on the RID Code of Ethics, and 8 hours of training in general interpretation as it relates to the interpreter who is Deaf or Hard of Hearing. Provisional certification is valid until one year after the Certified Deaf Interpreter (CDI) examination is made available. **Provisional certificate holders must take and pass the CDI examination in order to remain certified as a Deaf Interpreter.** Holders of this provisional certificate are recommended for a broad range of assignments where an interpreter who is Deaf or Hard of Hearing would be beneficial.

CDI (Certified Deaf Interpreter)

Holders of this certification are interpreters who are Deaf or Hard of Hearing and who have demonstrated a minimum of one year experience working as an interpreter, completion of at least 8 hours of training on the RID Code of Ethics, and 8 hours of training in general interpretation as it relates to the interpreter who is Deaf or Hard of Hearing. Holders of this certificate are recommended for a broad range of assignments where an interpreter who is Deaf or Hard of Hearing would be beneficial.

CSC (Comprehensive Skills Certificate)

Holders of **this full certificate have demonstrated the ability to interpret between American Sign Language and spoken English and to transliterate between spoken English and an English-based sign language.** The CSC examination was offered until 1985. Holders of this certificate are recommended for a broad range of interpreting and transliterating assignments.

MCSC (Master Comprehensive Skills Certificate)

The MCSC examination was designed with the intent of testing for a higher standard of performance than the CSC. Holders of this certificate were required to hold the CSC prior to taking this exam. Holders of this certificate are recommended for a broad range of interpreting and transliterating assignments.

SC:L (Specialist Certificate: Legal)

Holders of this specialist certificate have demonstrated specialized knowledge of legal settings and great familiarity with language used in the legal system. Generalist certification and documented training and experience is required prior to sitting for this exam. Holders of the SC:L are recommended for a broad range of assignments in the legal setting.

PROVISIONAL SC:L (Provisional Specialist Certificate: Legal)

Holders of this provisional certificate hold generalist certification and have completed RID approved training required prior to sitting for the SC:L exam. This provisional certification is valid until August 30, 1996 in order to obtain certification in the specialty area of interpreting in legal settings. Holders of this certificate are recommended for assignments in the legal setting.

OIC (Oral Interpreting Certificate)

Holders of this generalist certificate have demonstrated ability to transliterate a spoken message from a person who hears to a person who is Deaf or Hard of Hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is Deaf or Hard of Hearing.

IC/TC (Interpretation Certificate/ Transliteration Certificate)

Holders of this partial certificate have demonstrated ability to transliterate between English and a signed code of English and the ability to interpret between American Sign Language and spoken English. This individual received scores on the CSC examination which prevented the awarding of full CSC certification. **The IC/TC is no longer offered.**

IC (Interpretation Certificate)

Holders of this partial certificate have demonstrated ability to interpret between American Sign Language and spoken English. This individual received scores on the CSC examination which prevented the awarding of full CSC certification or partial IC/TC certification. **The IC is no longer offered.**

TC (Transliteration Certificate)

Holders of this partial certificate have demonstrated the ability to transliterate between spoken English and a signed code for English. This individual received scores on the CSC examination which prevented the awarding of full CSC certification or partial IC/TC certification. **The TC is no longer offered.**