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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - INTERPRETERS FOR THE DEAF

Introduced By: Senators Walaska, Felag, Ciccone, and McCaffrey

Date Introduced: February 26, 2015

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 5-71 of the General Laws entitled "Interpreters for the
2 Deaf" is hereby amended to read as follows:

3 ~~CHAPTER 5-71~~

4 ~~Interpreters for the Deaf~~

5 CHAPTER 5-71

6 LICENSURE OF INTERPRETERS FOR THE DEAF

7 SECTION 2. Sections 5-71-2, 5-71-3, 5-71-5, 5-71-8, 5-71-9, 5-71-13, 5-71-15, 5-71-16
8 and 5-71-18 of the General Laws in Chapter 5-71 entitled "Interpreters for the Deaf" are hereby
9 amended to read as follows:

10 **5-71-2. Declaration of policy and statement of purpose.** -- (a) It is declared the policy
11 of the state that the practice of interpreting and the practice of transliterating affects, including,
12 but not limited to, the public health, safety, welfare, civic, economic, social, academic and
13 recreational aspects of life, and shall be subject to licensure and regulation in the public's interest.

14 It is further declared that:

15 (1) Individuals who are deaf, deaf-blind, hard of hearing or other individuals with
16 disabilities whose primary language is sign language have a civil right to effective
17 communication;

18 (2) Consumers and those with whom they communicate require and are entitled to
19 competent, reliable interpreting services, and that the availability of competent, reliable,

1 credentialed interpreting services are necessary for consumers to realize their right to full and
2 equal participation in society.

3 (b) A purpose of this chapter is to provide minimum qualifications for interpreters and to
4 ensure the health, safety and welfare of the public.

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

7 (2) "Certified" means any ~~person~~ individual who is a certified member of the Registry of
8 Interpreters for the Deaf, Inc., (RID), its successor agency or other agencies as approved by the
9 department in consultation with the board.

10 (3) "Certified deaf interpreter", "deaf interpreter" or "deaf intermediary interpreter"
11 means any individual who is deaf or hard of hearing and who is a certified member of the
12 Registry of Interpreters for the Deaf, Inc. (RID) or its successor agency approved by the
13 department in consultation with the board.

14 ~~(3)(4)~~ (4) "Consumer" is an individual who is deaf, deaf-blind, hard of hearing, hearing or
15 ~~other an~~ individual with ~~disabilities whose primary language is sign language (e.g., American~~
16 ~~Sign Language, manually coded sign systems):~~ a disability who does not share a common means
17 of communication. This may include, without limitation, American Sign Language (ASL), visual,
18 gestural, auditory and tactile mode of communication.

19 ~~(4)(5)~~ (5) "Department" means the Rhode Island department of health.

20 ~~(5)(6)~~ (6) "Director" means the director of the department of health.

21 ~~(6)(7)~~ (7) "Educational Interpreter ~~for the Deaf~~" means an individual who has specialized
22 ~~license~~ certification (elementary and secondary education for grades kindergarten (K) through
23 twelve (12)) and is a certified member of RID or its successor agency approved by the department
24 in consultation with the board in the provision of sign language interpreting to students who are
25 deaf, hard-of-hearing or deaf-blind in grades preschool through twelve (12).

26 ~~(7)(8)~~ (8) "Emergency" means an urgent circumstance that demands immediate action in
27 order for a consumer to avoid imminent harm or loss. In the event of an emergency, the consumer
28 may elect to use the services of a nonlicensed interpreter ~~or transliterator~~ as set forth in
29 regulations promulgated by the department.

30 ~~(8)(9)~~ (9) "Interpreter ~~for the deaf~~" means any person who engages in the practice of
31 interpreting ~~for the deaf~~ as defined in ~~subsection (9)~~ subsections (10), (11), (14) and (15) of this
32 section below.

33 ~~(9)~~ ~~"Interpreter trainee" and "interpreter student" means any person, meeting the~~
34 ~~minimum requirements established by the department in consultation with the board who is~~

1 ~~currently enrolled in a nationally accredited interpreter training program and participating in the~~
2 ~~practicum portion of their studies.~~

3 (10) "Interpreting ~~for the deaf~~" means conveying spoken English into American Sign
4 Language (ASL) (~~voice to sign~~) or conveying American Sign Language into English (~~sign to~~
5 ~~voice~~), or interpreting English to and/or from a visual gestural system. ~~Such practice shall not~~
6 ~~include transliterating for the deaf.~~

7 (11) "Intermediary interpreting" means interpreting services rendered by a deaf person to
8 facilitate communication between another deaf person and a licensed interpreter.

9 ~~(11)~~(12) "Screened interpreter ~~or transliterator for the deaf~~" means any person who
10 presents proof of an active state screening or its equivalent and presents proof of successful
11 completion of an examination as approved by the department in consultation with the board.

12 ~~(12) "Transliterator for the deaf" means any person who engages in the practice of~~
13 ~~transliterating for the deaf as defined in subsection (13) below.~~

14 (13) "Screened deaf interpreter" means any person who is deaf or hard of hearing and
15 who presents proof of an active state screening or its equivalent and presents proof of successful
16 completion of an examination as approved by the department in consultation with the board.

17 ~~(13)~~(14) "Transliterating ~~for the deaf~~" means conveying spoken English into Manually
18 coded English (~~voice to sign~~), or conveying manually coded English into spoken English (sign-
19 to-voice), or conveying English on the lips so that it is accessible to speech reading (~~i.e. e.g.~~ oral
20 transliterating, or any auditory communication as a visual form in English such as cued speech).
21 ~~Such practice shall not include interpreting for the deaf.~~

22 (15) "Deaf-blind interpreting" means linguistic information through sign language
23 acquired by individuals who are deaf-blind through their preferred methods depending on the
24 causes of their combined vision and hearing loss, their background, and their education, such as
25 close-vision interpreting and tactile interpreting, while spoken language is conveyed into sign
26 language (e.g. ASL), and sign language (ASL) is conveyed into spoken language.

27 **5-71-5. Board of examiners -- Duties and powers -- Meetings -- Compensation of**

28 **members.** -- (a) The department with the assistance of the board shall administer, coordinate and
29 enforce the provisions of this chapter, evaluate the qualifications of applicants, and may issue
30 subpoenas, examine witnesses, and administer oaths, and investigate persons engaging in
31 practices which violate the provisions of this chapter.

32 (b) The department shall conduct hearings and shall keep records and minutes that are
33 necessary for the orderly dispatch of business.

34 (c) The department shall hold public hearings regarding rules and regulations.

1 (d) The department in consultation with the board, in accordance with the rule-making
2 provisions of the "Administrative Procedures Act", (chapter 35 of title 42), shall adopt
3 responsible rules and regulations, and may amend or repeal those rules and regulations.
4 Following their adoption, the rules and regulations shall govern and control the professional
5 conduct of every person who holds a license to practice interpreting or transliterating ~~for the deaf~~
6 in the state of Rhode Island.

7 (e) Regular meetings of the board shall be held, and special meetings may be held upon
8 the call of the chairperson as necessary to deal with such issues as violations of this chapter;
9 provided, that at least one regular meeting is held each calendar year.

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

14 (g) Board members shall serve on an honorable basis without compensation.

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

16 (i) The board shall conduct a training course for newly appointed and qualified members
17 within six (6) months of their appointment. The course shall be developed and conducted by the
18 chair of the ~~commission~~ board, approved by the ~~commission~~ department, and shall include
19 instruction in the subject areas of this chapter, and chapters 42-46, 36-14, and 38-2, and the
20 ~~commission's~~ board's rules and regulations. The director of the department of ~~administration~~
21 health shall, within ninety (90) days ~~of March 29, 2006~~, prepare and disseminate training
22 materials relating to the provisions of chapters 42-46, 36-14, and 38-2.

23 (j) Within ninety (90) days after the end of each fiscal year, the board shall approve and
24 submit an annual report to the governor, the speaker of the house of representatives, the president
25 of the senate, and the secretary of state of its activities during that fiscal year. The report shall
26 provide: an operating statement summarizing meetings or hearings held, including meeting
27 minutes, subjects addressed, decisions rendered, licenses considered and their dispositions, rules
28 or regulations promulgated, studies conducted, policies and plans developed, approved or
29 modified, and programs administered or initiated; a consolidated financial statement of all funds
30 received and expended including the source of the funds, a listing of any staff supported by these
31 funds, and a summary of any clerical, administrative or technical support received; a summary of
32 performance during the previous fiscal year including accomplishments, shortcomings and
33 remedies; a synopsis of hearings, complaints, suspensions or other legal matters related to the
34 authority of the board; a summary of any training courses held pursuant to the provisions of

1 paragraph 5-71-5(i); a briefing on anticipated activities in the upcoming fiscal year; and findings
2 and recommendations for improvements. The report shall be posted electronically on the general
3 assembly and the secretary of state's websites as prescribed in § 42-20-8.2. The director of the
4 department of ~~administration~~ [health](#) shall be responsible for the enforcement of this provision.

5 **5-71-8. Qualifications of applicants for licenses.** -- (a) To be eligible for licensure by
6 the board as an interpreter for the deaf or transliterator ~~for the deaf, or educational interpreter for~~
7 ~~the deaf~~, the applicant must submit written evidence on forms furnished by the department,
8 verified by oath, that the applicant meets all of the following requirements:

9 (1) Is of good moral character;

10 (2) Meets the ~~certification~~ ~~or~~ screened requirements as defined in regulations
11 promulgated by the department or meets the certification requirements set forth by RID or its
12 successor agency approved by the department in consultation with the board; ~~and~~

13 (3) Pays the department a license fee as set forth in § 23-1-54.;

14 (4) Adheres to the National Association of the Deaf (NAD), the Registry of Interpreters
15 for the Deaf, Inc., (RID) code of professional conduct; and

16 (5) Provides verification of a background check with the bureau of criminal investigation
17 in the office of attorney general at the time of the initial application for license.

18 (b) To be eligible for licensure by the board as an educational interpreter for the deaf, the
19 applicant must meet all of the requirements as described in subsection (a) and must further
20 present proof of successful completion of the educational interpreter performance assessment
21 (EIPA), written and performance tests, or a similar test as approved by the board, at a
22 performance level established by the board.

23 (c) An individual whose license, certification, permit, or equivalent form of permission
24 issued within another state has been revoked, suspended or currently placed on probation shall
25 not be eligible for consideration for licensure unless they have first disclosed to the department
26 about such disciplinary actions.

27 **5-71-9. Licensure and regulations of interpreters for the deaf.** -- (a) Licensure shall be
28 granted ~~in either transliterating or interpreting independently~~ when a person meets the
29 certification requirements as defined in regulations promulgated by the department. A person ~~may~~
30 ~~be licensed in both areas~~ only needs one license under "certified" or "screened" if he or she is
31 qualified as defined in subsection 5-71-8(a) and recognized by the RID and the NAD, or its
32 successor agency approved by the department in consultation with the board as outlined in § 5-
33 71-3.

34 (b) No person shall practice or hold him or herself out as being able to practice

1 interpreting, ~~for the deaf, or transliterating for the deaf, or~~ educational interpreting, ~~for the deaf or~~
2 intermediary interpreting as defined in § 5-71-3 unless he or she shall be licensed in accordance
3 with the provisions of this chapter. No person shall hold himself or herself out as being an
4 educational interpreter ~~for the deaf~~ as defined in § 5-71-3 unless he or she is licensed in
5 accordance with the provisions of this chapter.

6 (c) ~~Each~~ All licensed ~~interpreter for the deaf~~ interpreters upon commencing to practice,
7 and upon any change in address shall promptly notify the department of said change in home or
8 office address, and shall furnish any other information to the department that it may require.
9 ~~Every~~ All licensed ~~interpreter for the deaf~~ interpreters shall annually, before July 1st pay the
10 department a license renewal fee, as set forth in § 23-1-54 for each license, ~~corresponding to the~~
11 ~~area under which the person is practicing~~. The department may suspend the authority of any
12 licensed interpreter ~~for the deaf~~ to practice for failure to comply with any of the requirements of
13 this chapter or the regulations promulgated thereunder. The department makes available for
14 public inspection, a complete list of the names of all interpreters ~~for the deaf~~ licensed and
15 practicing in the state.

16 (d) Three (3) types of licensure may be issued to interpreters ~~and or transliterators for the~~
17 ~~deaf~~:

18 (1) A certified license shall be granted to interpreters ~~or transliterators~~ who have met the
19 certification requirements as set forth in regulations promulgated by the department. The two (2)
20 licenses under "certified" are called "certified interpreter" and "certified deaf interpreter";

21 (2) A screened license of limited duration determined by the board shall be granted to
22 interpreters who have met the educational requirements as set forth in regulations promulgated by
23 the department, and who have successfully completed a recognized state screening or state
24 equivalent as determined by the department in consultation with the board. The two (2) licenses
25 under "screened" are called "screened interpreter" and "screened deaf interpreter"; and

26 (3) ~~Beginning July 1, 2012, an~~ An educational interpreter license may be granted to
27 interpreters ~~or transliterators~~ who meet the requirements of subsection 5-71-8(b). This license is
28 called "educational interpreter".

29 (e) All certified licensed interpreters shall be required to complete continuing education,
30 as set forth ~~in regulations promulgated by the department~~ by RID, or its successor agency
31 approved by the department in consultation with the board. All licensed screened interpreters
32 shall be required to complete continuing education, as set forth in the regulations promulgated by
33 the department.

34 **5-71-13. Grounds for suspension or revocation of licenses.** -- (a) The board may

1 recommend to the director of the department of health the issuance, renewal, or revocation of a
2 license, or suspension, placement on probation, censure or reprimand a licensee, or any other
3 disciplinary action that the board may deem appropriate, for conduct that may result from, but not
4 necessarily be limited to:

5 (1) Obtaining his or her license by means of fraud, misrepresentation, or concealment of
6 material facts;

7 (2) Being guilty of fraud, misrepresentation, concealment or material misstatement of
8 facts or deceit in connection with his or her services rendered as an interpreter ~~for the deaf,~~
9 ~~transliterator for the deaf, or educational interpreter for the deaf;~~

10 (3) Being guilty of unprofessional conduct as defined by the rules established by the
11 department in consultation with the board, and/or has violated any standard of professional or
12 ethical conduct adopted by the National Registry of Interpreters for the Deaf;

13 (4) Violating the continuing education requirements of this chapter as defined in
14 subsection 5-71-9~~(d)~~(e), and rules and regulations as promulgated by the department;

15 (5) Violating any lawful order, or any provision of this chapter or of the rules or
16 regulations promulgated in this chapter;

17 (6) Aiding or assisting another person in violating any provision of this chapter or any
18 rule or regulation adopted under this chapter;

19 (7) Departure from or failure to conform to the current standards of acceptable and
20 prevailing practice of interpreting ~~for the deaf.~~

21 (b) Working under a license that is expired or on inactive status, working under a license
22 when certification is expired or on inactive status, and practicing interpreting without being
23 exempt under ~~chapter 5-71~~ § 5-71-10 shall be considered to be practicing without a license.

24 (c) The department shall respond to all recommendations from the board under this
25 section within thirty (30) calendar days.

26 **5-71-15. Persons and practices exempted.** -- The provisions of this chapter do not apply
27 to:

28 (1) Any certified interpreter and any certified deaf interpreter working as an interpreter
29 ~~or a transliterator~~ in court.

30 (2) Certified interpreters ~~or transliterators~~ and certified deaf interpreters performing as
31 volunteers without compensation.

32 (3) Certified interpreters ~~or transliterators~~ and any certified deaf interpreters performing
33 in an emergency as defined in subsection 5-71-3~~(6)~~(8) and as set forth in regulations promulgated
34 by the department.

1 (4) Nonlicensed individuals who are certified members of the Registry of Interpreters for
2 the Deaf, Inc., (RID) its successor agency or other agency as approved by the department in
3 consultation with the board, who may provide services for a maximum of twenty-five (25) hours
4 per calendar year.

5 **5-71-16. Relationship to other civil rights laws.** -- (a) This chapter does not limit or
6 qualify the rights of employees with disabilities nor consumers, including, but not limited to,
7 interpreter services, or the duties of providers to provide accommodations, auxiliary aids, or
8 services, pursuant to 42 U.S.C. § 12201, et seq., 29 U.S.C. § 794, article 1, § 2 of the Rhode
9 Island constitution; chapter 87 of title 42, chapter 24 of title 11, chapter 5 of title 28, § 42-46-13;
10 § 8-5-8, § 9-9-1.2 or other applicable federal or state law.

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

13 (1) A state and local governmental agency's taking appropriate steps to ensure that
14 communications with applicants, participants, employees, and members of the public with
15 disabilities are as effective as communications with others. State and local governmental agencies
16 shall furnish appropriate auxiliary aids and services where necessary to afford an individual with
17 a disability an equal opportunity to participate in and enjoy the benefits of a service, program or
18 activity conducted by a state or local governmental agency [and shall include the use of certified](#)
19 [deaf interpreters in legal proceedings](#). In determining what type of auxiliary aid or service is
20 necessary, a state or local governmental agency shall give primary consideration to the requests
21 of the individual;

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

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

33 **5-71-18. Privileged communications.** -- In the trial of every cause, both civil and
34 criminal, no licensed interpreter ~~for the deaf~~ shall be competent to testify concerning any

1 statement made to him or her in connection with the interpreter's interpretation or transliteration
2 ~~for the deaf~~, without the consent of the person making the statement. No duly licensed interpreter
3 ~~for the deaf~~ shall be allowed, in giving testimony to disclose any confidential communication,
4 properly entrusted to him or her in his or her professional capacity, and necessary and proper to
5 enable him or her to discharge the functions of his or her office in the usual course of practice or
6 discipline, without the consent of the person making the communication.

7 SECTION 3. This act shall take effect upon passage.

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LC001268/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO BUSINESSES AND PROFESSIONS - INTERPRETERS FOR THE DEAF

1 This act would amend the chapter on licensure to include new definitions that establish
2 qualifications for new categories such as "certified deaf interpreters", "screened deaf interpreters"
3 "intermediary interpreters", "deaf-blind interpreters" and "educational interpreters" in order to
4 serve those needing additional alternate forms of communication such as sign language, visual,
5 gestural, auditory and tactile methods of communication. In addition, it would update the
6 requirements for licensing by requiring that applicants obtain a BCI background check, adhere to
7 a code of professional conduct and disclose prior disciplinary action taken against them.

8 This act would take effect upon passage.

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