

2009 DRAFTING REQUEST

Bill

Received: **02/16/2009**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Neal Kedzie (608) 266-2635**

By/Representing: **Matt Phillips**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kedzie@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Licensure of deaf and hard of hearing interpreters

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 03/17/2009	jdye 03/23/2009		_____			
/P1	csundber 08/26/2009	jdye 08/27/2009	mduchek 03/24/2009	_____	sbasford 03/24/2009		State
/1	csundber 09/14/2009	jdye 09/14/2009	rschluet 08/27/2009	_____	lparisi 08/27/2009		State
/2	csundber	jdye	phenry	_____	mbarman		State

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	09/15/2009	09/16/2009	09/15/2009 _____		09/15/2009		
/3	csundber 10/01/2009	jdyer 10/05/2009	phenry 09/16/2009 _____		lparisi 09/16/2009		State
/4			phenry 10/06/2009 _____		mbarman 10/06/2009	lparisi 10/07/2009	
			phenry 10/06/2009 _____		lparisi 10/06/2009		

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intro*

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Handwritten notes and signatures:
4/10/2 jld
Don 10/5
Hand 10/5

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1/?	csundber	PI jld	AD	AD P.H.			

3/24

FE Sent For:

<END>

Sundberg, Christopher

From: Kunkel, Mark
Sent: Monday, February 16, 2009 4:38 PM
To: Sundberg, Christopher; Kuczenski, Tracy
Subject: Licensing of deaf intepreters based on 03s0299/4

Attachments: Drafting request.doc

Matt of Sen. Kedzie's office sent the attached request to me. I told him I would forward it to the Reg. & Licensing drafters. When you decide which of you does it, can you let Matt know?

Here's additional info he gave me on the phone:

Regarding the special exemptions (see item 3 on page 1 of the attached), he wants to allow a board (see additions to the bill, item 3, on page 2 of the attached) to grant case-by-case exemptions from licensure for individuals or businesses. An example of a business would be an employer who hires deaf interpreters. I did not get a clear answer on the grounds for which an exemption should be granted, and I suggested that maybe the board (or the dept.) can promulgate rules for figuring out who qualifies for a case-by-case exemption. However, I'm not sure whether the board that is mentioned is a "normal" Reg & Licensing board (e.g., note that the secretary of DRL sits on the board), so you may have to give this more thought. In any event, he was clear that the board, and not the dept., should decide who gets a case-by-case exemption.

Regarding item 3.A., page 2, additions to the bill: he explained that he uses the term "public/private school" to mean a school that is not a deaf residential school.

Regarding item 3.E., I'm not sure whether you need to specify that it is okay for the board to conduct business electronically. If the board is a "normal" board with quorum requirements expressed in ch. 15, is it okay for a quorum to be achieved electronically, or do members have to be physically present in the same room? And if the board is not a normal ch. 15 board, what do you need to say about this? I don't know.

Let me know if you have any questions about the above.

-- Mark

From: Phillips, Matt
Sent: Monday, February 16, 2009 3:27 PM
To: Kunkel, Mark
Subject:



Drafting request.doc
(42 KB)

Changes to LRBs0299/4 to 2003 Senate Bill 255

- ✓1. Page 1, lines 8 and 9: Delete if associated with item #2 (opt-out)
- ✓2. Page 2 line 14 thru Page 3 line 2: Delete (opt-out)
- ✓3. Page 2, line 13: Four additional license exemptions need to be created:
 - Interpreters for religious services. The exemption should cover actual worship, as well as traditional church functions such as Sunday schools, potlucks, bible study classes etc. The exemption should not include any professional services that the religious organization undertakes, such as running a nursing home or counseling services.
 - Support service providers – these are individuals who assist deaf-blind individuals, and would facilitate conversations between deaf-blind individuals and a certified interpreter. (See bottom)
 - Good Samaritan exemption with a 24 hour limit. This would be individuals who, in the course of other employment, may be asked to interpret to a deaf individual in an emergency situation – For instance, a paid firefighter or a police officer. (Illinois has a similar provision).
 - Special exemptions granted by the Deaf or Hard of Hearing Interpreter Licensure Board (see item #3 in Additions below).
- ✓4. Page 3, line 12: Add “3,” between the word level and the number 4.
- ✓5. Page 3, line 21 and 22: modify to say diagnosis must only be by a physician and remove the audiogram requirement.
- ✓6. Page 3 line 23 through page 4 line 5: delete (duplication – certification includes these requirements)
7. Page 5, lines 7 to 11: Remove and replace with the following.
 - A interpreter who is deaf may obtain a provisional license if:
 - the person has been diagnosed by a physician as deaf or hard of hearing;
 - has completed an 8-hour RID-sponsored training on the role and function of deaf interpreters;
 - has completed an 8-hour RID-sponsored training on the Code of Professional Conduct;
 - submits letters of recommendation from at least 3 interpreters who have held national certification for at least 5 years and are members of RID in good standing which document evidence of at least 40 hours of mentoring, 20 of which must be observation of professional work and of said 20, 10 must be observation of certified deaf interpreters;

- submits verification of at least 40 hours of training in the form of RID-sponsored workshops or other relevant courses including certificates of completion with dates, locations and durations;
 - is an associate or student member of the RID; and,
 - has a high school degree or an equivalent.
- Deaf interpreters with provisional licenses may only work in tandem with permanently licensed interpreters.

✓8. Page 6, lines 22 – 24: Does the annual fee language need to be modified? It is my understanding that the 2007-09 biennial budget modified the practice how fees are set.

✓9. Page 7, line 19: Add “3,” between the word level and the number 4.

Additions to the Bill:

- ✓1. Add language throughout the bill after “Wisconsin Interpreting and Transliterating Assessment” to specify “or it’s successor”, similar to current RID and NAD language.
- ✓2. Exempt from licensure occasional out-of-state interpreters with national certification – eligible to be granted 2 waivers a year, not to exceed 20 days for each waiver. This means that out-of-state interpreters who wished to exceed this threshold would be required to get a WI License.
- 3. Creation of the Deaf or Hard of Hearing Interpreter Licensure Board.
 - A. Consists of 9 members: Secretary of the Department of Regulation and Licensing, or his or her designee; 5 deaf consumers representing various regions of the state (suggested not required), at least 1 having graduated from a deaf residential school and at least 1 having graduated from a public/private school; 2 licensed interpreters, of which one must hold a permanent license; 1 non-deaf consumer of interpreting services.
 - B. Responsibilities include: working with the department to draft and implement administrative rules; authority to grant special exemptions to the licensure law upon written request by citizens of the state (exemptions will be case specific and can either be for a specified period of time or permanent); make recommendations as needed to the Legislature for modifications to the Licensure law; make recommendations to the Legislature as needed regarding interpreter shortage in WI; create by-laws regarding how the board will operate and guidelines regarding the granting of special exemptions; any other duties that are necessary.
 - C. Terms will be 3 years in length and staggered.
 - D. Appointed by the Governor, confirmed by the Senate.
 - E. Board may conduct business in person or electronically.

4. Require DRL, in consultation with the Board, to educate the deaf community (including interpreters) regarding the law change.

Support Service Provider

Resources:

<http://nationaldb.org/>

<http://nationaldb.org/ISSelectedTopics.php?topicCatID=68>

Someone who

- Provides support that enhances independence (e.g., facilitating communication, providing sighted guidance, and transportation to/from events)
- Provides services to deaf-blind youth and adults who are able to make independent decisions
- Facilitates interaction between a deaf-blind person and the environment
- Is encouraged to receive basic training in the area of deaf-blindness, including communication strategies, sighted-guide techniques, and cultural issues
- Has varying educational and vocational experiences
- Abides by standards established by the coordinating agency
- May belong to the coordinating agency's network of SSPs May interact with other SSPs during local or national events
- Provides assistance in various settings, including the home and community
- Is usually a volunteer, unless funds have been allocated
- Is usually not required to attend further training but is encouraged to improve communication skills and interact with the deaf-blind community
- Remains impartial but has more flexibility than an interpreter
- Is expected to keep information confidential
- Is expected to act in a "professional" manner, but may develop personal relationships
- Does not teach but does provide access to the environment to empower the deaf-blind person
- May provide feedback/opinions when asked



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2149

CTS + RPN:n
jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS-
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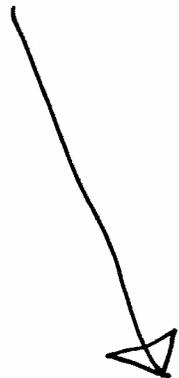
Gen
1 AN ACT ...; relating to: (??) INSERT R.C. ✓

✓ anal: prelim →
Analysis by the Legislative Reference Bureau

✓ The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

WEND



In: 3/17/09

9 10
2003 - 2004 LEGISLATURE

-2149/P1

LRBs029974 RmNR
MD&RPN folders stays
CTS

~~PRELIMINARY DRAFT~~

~~SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 255~~

LPS-
check
auto refs

January 30, 2004 - Offered by ~~COMMITTEE ON~~ HEALTH, CHILDREN, FAMILIES, AGING
AND LONG TERM CARE.

INSERT
R.C.

~~ANNEX
PRELIM~~

1 AN ACT to renumber 905.015; and to create 440.032, 440.08 (2) (a) 38j. and
2 905.015 (2) of the statutes; relating to: licensing interpreters for the deaf or
3 hard of hearing, creating an evidentiary privilege for communications with
4 those interpreters, granting rule-making authority, and providing a penalty.

creating a deaf and hard of hearing interpreter council

~~The people of the state of Wisconsin, represented in senate and assembly do
enact as follows.~~

5 SECTION 1. 440.032 of the statutes is created to read:

6 440.032 Interpreting for the deaf or hard of hearing. (1) DEFINITIONS.

7 In this section:

INS
1-4

8 (a) "Client" means a deaf or hard of hearing person for whom a person
9 provides interpretation services.

10 (b) "Wisconsin interpreting and transliterating assessment" means a program
11 administered by the department of health and family services to determine and
12 verify the level of competence of communication access services providers who are

(b) "Council" means the deaf and hard of hearing interpreter council.

INS 2-3 ✓

1 not certified by the Registry of Interpreters for the Deaf, Inc., or its successor, the
2 National Association of the Deaf or its successor, or other similar nationally
3 recognized certification organization.

4 (2) LICENSE REQUIRED. (a) Except as provided in par. (b), no person may, for
5 compensation, provide interpretation services for a client unless the person is
6 licensed by the department under sub. (1) or complies with the requirements of sub.

7 (3).
8 (b) No license is required under this subsection for any of the following:

9 1. A person interpreting in a court proceeding if the person is certified by the
10 supreme court to act as a qualified interpreter in court proceedings under s. 885.38

11 (2).

12 2. A person interpreting at any school or school-sponsored event if the person
13 is licensed by the department of public instruction as an educational interpreter.

14 (3) WAIVERS. (a) A person who is not licensed by the department under sub.
15 (4) may provide interpretation services for a client, or a group of clients, if the client,
16 or any member of the group, consents in writing on a form that contains all of the
17 following:

18 1. A description of the circumstances for which interpretation services are to
19 be provided.

20 2. A statement that the client is aware of the licensure requirements of this
21 section and that the client consents to waiver of the requirements.

22 3. The signatures of the client, the person providing the interpretation services,
23 and, if applicable, any 3rd party, or representative of a 3rd party, who is paying for
24 the services.

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11 (b) A waiver under par. (a) is valid only for the circumstances that are described
12 under par. (a) 1.

13 LICENSURE REQUIREMENTS. (a) Renewable licenses. 1. The department shall
14 grant a license as an interpreter for the deaf or hard of hearing to a person who
15 submits an application on a form provided by the department, pays the fee specified
16 in s. 440.05 (1), and submits evidence satisfactory to the department that the person
17 has received an associate degree in interpretation for the deaf or hard of hearing or
18 has received a certificate of completion of an education and training program
19 regarding such interpretation, and the person has one of the following:

20 a. Any valid certification granted by the Registry of Interpreters for the Deaf,
21 Inc., or its successor.

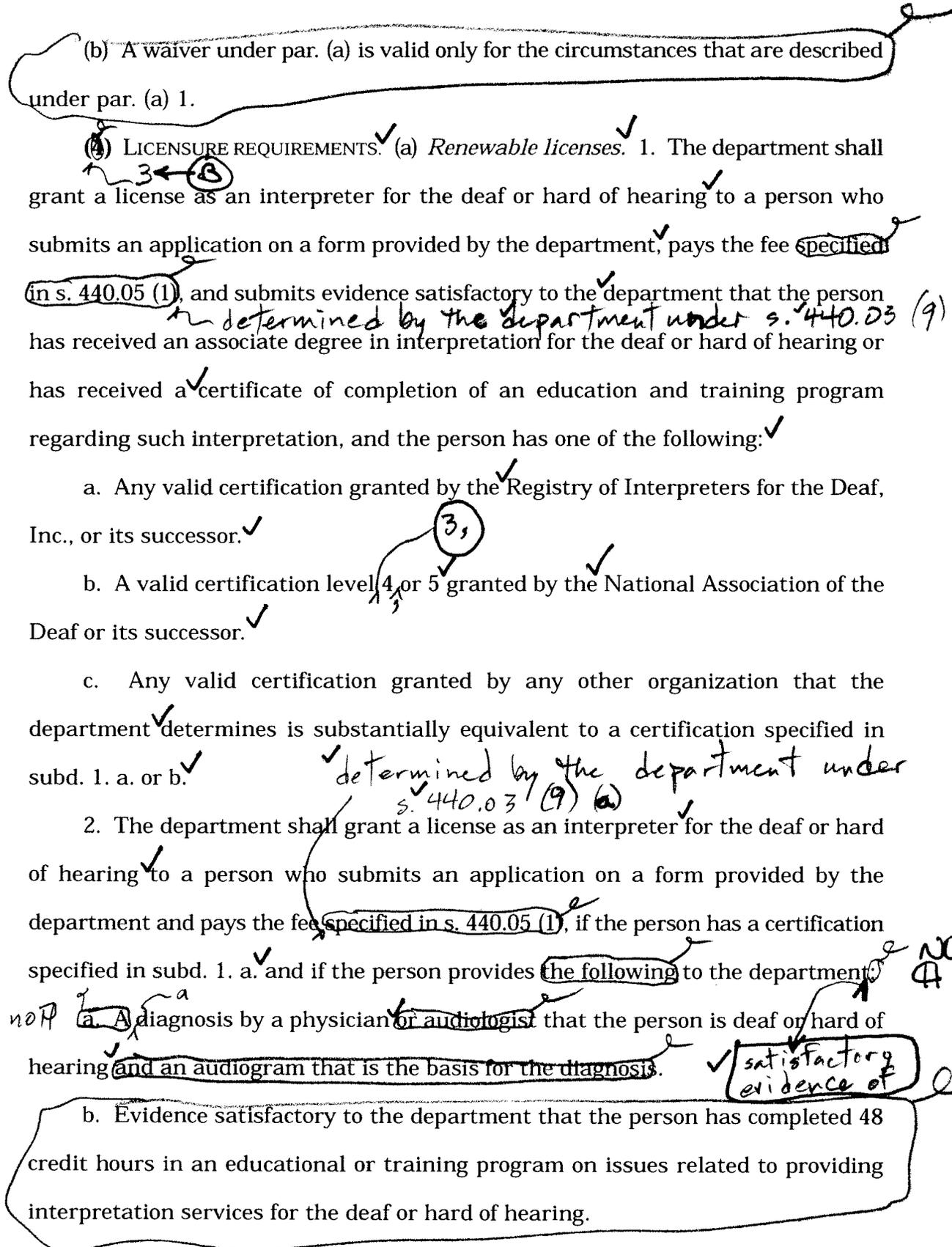
22 b. A valid certification level 4 or 5 granted by the National Association of the
23 Deaf or its successor.

24 c. Any valid certification granted by any other organization that the
25 department determines is substantially equivalent to a certification specified in
26 subd. 1. a. or b.

27 2. The department shall grant a license as an interpreter for the deaf or hard
28 of hearing to a person who submits an application on a form provided by the
29 department and pays the fee specified in s. 440.05 (1), if the person has a certification
30 specified in subd. 1. a. and if the person provides the following to the department:

31 a. A diagnosis by a physician or audiologist that the person is deaf or hard of
32 hearing and an audiogram that is the basis for the diagnosis.

33 b. Evidence satisfactory to the department that the person has completed 48
34 credit hours in an educational or training program on issues related to providing
35 interpretation services for the deaf or hard of hearing.



(g) (a)

NO
A

satisfactory
evidence of

1 c. Evidence satisfactory to the department that the person has completed 8
 2 hours of training on the role and function of deaf interpreters and 8 hours of training
 3 on the code of ethics established by the Registry of Interpreters for the Deaf, Inc., or
 4 its successor, including evidence documenting the dates, locations, and durations of
 5 the training.

6 3. The department shall grant a license as an interpreter for the deaf or hard
 7 of hearing to a person who has not received an associate degree in interpretation for
 8 the deaf or hard of hearing or a certificate of completion of an education and training
 9 program regarding such interpretation, but who otherwise satisfies the
 10 requirements in subd. 1. (intro.), if the person provides evidence satisfactory to the
 11 department that the person did not establish residence in this state until after the
 12 first day of the 24th month beginning after the effective date of this subdivision....

13 [revisor inserts date], and that the person had, before the first day of the 24th month
 14 beginning after the effective date of this subdivision.... [revisor inserts date], one of
 15 the certifications specified in subd. 1. a., b., or c.

determined by the department under s. 440.03 (9)(a)

16 (b) ~~Nonrenewable~~ licenses. 1. The department shall grant a license as an
 17 interpreter for the deaf or hard of hearing to a person who submits an application on
 18 a form provided by the department, pays the fee specified in s. 440.05 (1), and
 19 submits evidence satisfactory to the department that the person satisfies all of the
 20 following:

21 a. The person has received an associate degree in interpretation for the deaf
 22 or hard of hearing or has received a certificate of completion of an education and
 23 training program regarding such interpretation.

24 b. The person is verified by the Wisconsin interpreting and transliterating
 25 assessment at level 2 or higher in both interpreting and transliterating.

INS
5-7

1 c. The person has passed the written examination administered by the Registry
2 of Interpreters for the Deaf, Inc. or its successor.

3 d. The person is an associate or student member of the Registry of Interpreters
4 for the Deaf, Inc., or its successor, and complies with the continuing education
5 requirements of the certification maintenance program of the registry or its
6 successor.

7 2. The department shall grant a license as an interpreter for the deaf or hard
8 of hearing to a person who satisfies the requirements specified in subd. 1., except for
9 the requirements specified in subd. 1. a. and b., if the person provides to the
10 department the diagnosis, audiogram, and evidence specified in par. (a) 2. a., b., and
11 c.

12 3. A license granted under subd. 1. or 2. may be renewed twice and is not valid
13 upon the expiration of the 2nd renewal period.

14 (5) NOTIFICATION REQUIRED. A person who is licensed under sub. (4) shall notify
15 the department in writing within 30 days if the person's certification or membership
16 specified in sub. (4) that is required for the license is revoked or invalidated. The
17 department shall revoke a license granted under sub. (4) if such a certification or
18 membership is revoked or invalidated.

19 (6) LICENSE RENEWAL. The renewal dates for licenses granted under sub. (4) (a)
20 are specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the
21 department on a form provided by the department and shall include the renewal fee
22 specified in s. 440.08 (2) (a) and evidence satisfactory to the department that the
23 person's certification or membership specified in sub. (4) that is required for the
24 license has not been revoked or invalidated.

INS
5-24

(10) (1) ORIGINAL

1 (7) RULE MAKING. (a) The department may not promulgate rules that impose
 2 requirements for granting a license that are in addition to the requirements specified
 3 in sub. (1). ⁽³⁾ After considering the recommendations of the
 4 council,
 5 (b) The department shall promulgate rules that establish a code of ethics that
 6 governs the professional conduct of persons licensed under sub. (1). ⁽³⁾ In promulgating
 7 rules under this paragraph, the department shall consider including as part or all
 8 of the rules part or all of the code of ethics established by the Registry of Interpreters
 9 for the Deaf, Inc., or its successor. The department shall periodically review the code
 10 of ethics established by the Registry of Interpreters for the Deaf, Inc., or its successor,
 11 and, if appropriate, revise the rules promulgated under this paragraph to reflect
 12 revisions to that code of ethics.

13 (8) DISCIPLINARY PROCEEDINGS AND ACTIONS. Subject to the rules promulgated
 14 under s. 440.03 (1), the department may make investigations and conduct hearings
 15 to determine whether a violation of this section or any rule promulgated under this
 16 section has occurred and may reprimand a person who is licensed under sub. (1) or
 17 may deny, limit, suspend, or revoke a license granted under sub. (1) if it finds that
 18 the applicant or licensee has violated this section or any rule promulgated under this
 19 section.

20 (9) PENALTY. A person who violates this section or any rule promulgated under
 21 this section may be fined not more than \$200 or imprisoned for not more than 6
 22 months or both.

23 SECTION 2. 440.08 (2) (a) 38j. of the statutes is created to read:

24 440.08 (2) (a) 38j. Interpreter for the deaf or hard of hearing: September 1 of
 each odd-numbered year; \$53.

25 SECTION 3. 905.015 of the statutes is renumbered 905.015 (1).

1 SECTION 4. 905.015 (2) of the statutes is created to read:

2 905.015 (2) In addition to the privilege under sub. (1), a person who is licensed
3 as an interpreter for the deaf or hard of hearing under s. 440.032 (4) may not disclose
4 any aspect of a confidential communication facilitated by the interpreter for a person
5 who is deaf or hard of hearing unless one of the following conditions applies:

6 (a) All parties to the confidential communication consent to the disclosure.

7 (b) A court determines that the disclosure is necessary for the proper
8 administration of justice.

9 SECTION 5. Nonstatutory provisions.

10 (1) WAIVER OF CERTAIN LICENSURE REQUIREMENTS.

11 (a) Notwithstanding section 440.032 (4) (a) 1. of the statutes, as created by this
12 act, the department of regulation and licensing shall grant a license as an interpreter
13 for the deaf and/or hard of hearing to a person who, not later than the first day of the
14 24th month beginning after the effective date of this paragraph, pays the fee
15 specified in section 440.05 (1) of the statutes and submits evidence satisfactory to the
16 department that the person has any of the following:

17 1. Any valid certification that was granted by the Registry of Interpreters for
18 the Deaf, Inc., or its successor, before the effective date of this subdivision.

19 2. A valid certification level 4 or 5 granted by the National Association of the
20 Deaf or its successor before the effective date of this subdivision.

21 3. Any valid certification that was granted by another organization before the
22 effective date of this subdivision, if the department determines that the other
23 certification is substantially similar to a certification specified in subdivision 1. or

24 2.

↑ a.r.

↑ a.r.

INSERT
8-2 ✓

8

a.r. ✓

1

(b) A license granted under paragraph (a) is considered to be granted under section 440.032 (4) (a) 1. of the statutes, as created by this act. ✓

2

3

SECTION 6. Initial applicability.

4

(1) The treatment of section 905.015 (2) of the statutes first applies to communications made on the effective date of this subsection. ✓

5

6

SECTION 7. Effective date.

7

(1) This act takes effect on the first day of the 7th month beginning after publication. ✓

8

9

(END) ✓

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2149/Plins
CTS:.....

1 **Insert 1-4:**

2 **SECTION 1.** 15.407 (9) of the statutes is created to read:

3 15.407 (9) DEAF AND HARD OF HEARING INTERPRETER COUNCIL. There is created
4 a deaf and hard of hearing interpreter council in the department of regulation and
5 licensing consisting of the secretary of regulation and licensing or a designee of the
6 secretary and the following 8 members nominated by the governor, and with the
7 advice and consent of the senate appointed, for 3-year terms:

8 (a) Five deaf or hard of hearing individuals who are or have been clients of deaf
9 or hard of hearing interpreter services, at least one of whom is a graduate of a
10 residential school for the deaf or hard of hearing and at least one of whom is a
11 graduate of a private or public school that is not a residential school for the deaf or
12 hard of hearing.

13 (b) Two interpreters licensed under s. 400.032.

14 (c) One individual who is or has been a client of a deaf or hard of hearing
15 interpreter services and who is not deaf or hard of hearing.

16 **Insert 2-3:**

17 *****NOTE: Because "Wisconsin interpreting and transliterating assessment" is
18 defined in generic terms as a program administered by DHS to determine and verify
19 competence, it seems unnecessary to add "or a successor." Do you agree?
20
21

17 **Insert 2-13:**

18 3. A person interpreting at a religious service or at a religious function,
19 including educational or social events sponsored by a religious organization. This
20 subdivision does not apply to a person interpreting for a religious organization at a
21 professional service provided or sponsored by the religious organization.



1 4. A person interpreting for the purpose of facilitating a conversation between
2 an individual who provides interpretation services and a client of the individual.

****NOTE: I'm not sure I understand this exception. Is the person described really providing interpretation services for compensation? If not, no exception is necessary. Perhaps it would be helpful to include in the bill a definition of "interpretation services," especially in light of the bill's prohibition of (and provision of criminal penalties for) providing interpretation services without a license.

3 5. A person interpreting in the course of the person's employment, if the
4 primary purpose of the person's employment is unrelated to interpreting.

****NOTE: Again, is the person described really providing interpretation services for compensation?

5 (c) 1. The council may grant a temporary waiver to an individual who is not a
6 resident of this state that authorizes the individual to provide interpretation services
7 for a period not to exceed 20 days, if the individual is certified by the Registry of
8 Interpreters for the Deaf, Inc., or its successor, or the National Association of the Deaf
9 or its successor. The council may not grant an individual more than two waivers
10 under this subdivision per year.

11 2. The council may grant a temporary or permanent waiver to an individual
12 who is a resident of this state that authorizes the individual to provide interpretation
13 services for a period specified by the council.

****NOTE: Should the draft contain guidance for the council as to the circumstances under which the council should grant a waiver under the above provision? (end ins 2-13)

14 **Insert 5-7:**

15 2. The department shall grant a restricted license as an interpreter for the deaf
16 or hard of hearing, authorizing the holder to engage in interpreting only under the
17 supervision of an interpreter licensed under par. (a), to a person who submits an
18 application on a form provided by the department, pays the fee determined by the
19 department under s. 440.03 (9) (a), and submits evidence satisfactory to the
20 department of all of the following:



****NOTE: Is the supervision requirement the only restriction that should apply to licensees under the above language?

1 a. The interpreter has been diagnosed by a physician as deaf or hard of hearing.

2 b. The interpreter has completed 8 hours of training sponsored by the Registry
3 of Interpreters for the Deaf, Inc., or its successor, on the role and function of deaf
4 interpreters.

5 c. The interpreter has completed 8 hours of training sponsored by the Registry
6 of Interpreters for the Deaf, Inc., or its successor, on professional ethics.

7 d. The interpreter has obtained letters of recommendation from at least 3
8 individuals who have held national certification for at least 5 years and who are
9 members in good standing of the Registry of Interpreters for the Deaf, Inc., or its
10 successor, if the letters together document that the person has completed at least 40
11 hours of mentoring, including at least 20 hours observing professional work and at
12 least 10 hours observing certified deaf interpreters.

13 e. The interpreter has completed at least 40 hours of training consisting of
14 workshops sponsored by the Registry of Interpreters for the Deaf, Inc., or its
15 successor, or other relevant courses, as evidenced by certificates of completion that
16 specify the dates, locations, and durations of the workshops.

****NOTE: Might it be sufficient to simply require evidence satisfactory to the department that an interpreter has completed the requisite training? It could be problematic if RID were to change the format of the paperwork it provides to those who complete training so that the paperwork no longer matched what the statutes describe.

17 f. The interpreter is an associate or student member of the Registry of
18 Interpreters for the Deaf, Inc., or its successor, and has a high school diploma or an
19 equivalent.

(end ins 5-7)

Insert 5-24:

20
21 (6) COUNCIL. The council shall do all of the following:



1 (a) Make recommendations to the department regarding the promulgation of
2 rules establishing a code of ethics that governs the professional conduct of persons
3 licensed under sub. (1). (3)

4 (b) Advise the department regarding the promulgation and implementation of
5 rules regarding the practice of interpreters for the deaf or hard of hearing.

6 (c) Advise the legislature regarding legislation affecting interpreters for the
7 deaf or hard of hearing.

8 (d) Promulgate rules establishing a process and criteria for granting waivers
9 under sub. (2) (c) 2.

10 (e) Assist the department in alerting deaf and hard of hearing interpreters to
11 changes in the law affecting the practice of deaf and hard of hearing interpreters.

for the deaf or hard of hearing

***NOTE: The drafting instructions specify that the council should be permitted to conduct business in person or electronically. It appears that current law does not prohibit a body from conducting business electronically, provided the meeting is "reasonably accessible" to the public under s. 19.82 (3). What sort of technology do you have in mind here? How would it be made accessible to the public?

(end of insert 5-24)

Insert 8-2:

DEAF AND HARD OF HEARING INTERPRETER COUNCIL.

(a) *Staggered terms.* Notwithstanding the length of terms specified for the members of the deaf and hard of hearing interpreter council under section 15.407 (9) (a), (b), and (c) of the statutes, as created by this act, 3 of the initial members shall be appointed for terms expiring on July 1, 2010, 3 of the initial members shall be appointed for terms expiring on July 1, 2011, and the remaining 2 initial members shall be appointed for terms expiring on July 1, 2012.

(b) *Initial members.* Notwithstanding section 15.407 (9) of the statutes, as created by this act, the initial members appointed to the radiography examining board under section 15.407 (9) (c) of the statutes, as created by this act, may be

deaf and hard of hearing interpreter council

1 persons who are engaged in the practice of interpretation for the[✓]deaf or hard of
2 hearing[✓] and who are not licensed under section 440.032 (3)[✓] of the statutes, as created
3 by this act.

Sundberg, Christopher

From: Phillips, Matt
Sent: Monday, July 20, 2009 4:23 PM
To: Sundberg, Christopher
Subject: Drafting Request

Attachments: Changes to LRB 2149.doc

Christopher:

Earlier this year you drafted LRB 2149 for Senator Kedzie. Attached are some changes to that draft he would like to see made. Once you are back in the office, if you want to give me a call to discuss, I would be happy to walk you through the changes.

Thanks

Matt Phillips
Policy Advisor
Senator Neal Kedzie
11th Senate District



Changes to LRB
2149.doc (38 KB...

Changes to LRB 2149/P1:

Page 2, Line 1: Would like language encouraging a regional representation of these 5 members.

Page 2, Line 6: One must be permanent

Page 3, Line 11: Need to change language of this exemption to specifically cover Support Service Providers.

Support Service Provider

Resources:

<http://nationaldb.org/>

<http://nationaldb.org/ISSelectTopics.php?topicCatID=68>

Someone who:

- Provides support that enhances independence (e.g., facilitating communication, providing sighted guidance, and transportation to/from events)
- Provides services to deaf-blind youth and adults who are able to make independent decisions
- Facilitates interaction between a deaf-blind person and the environment
- Is encouraged to receive basic training in the area of deaf-blindness, including communication strategies, sighted-guide techniques, and cultural issues
- Has varying educational and vocational experiences
- Abides by standards established by the coordinating agency
- May belong to the coordinating agency's network of SSPs May interact with other SSPs during local or national events
- Provides assistance in various settings, including the home and community
- Is usually a volunteer, unless funds have been allocated
- Is usually not required to attend further training but is encouraged to improve communication skills and interact with the deaf-blind community
- Remains impartial but has more flexibility than an interpreter
- Is expected to keep information confidential
- Is expected to act in a "professional" manner, but may develop personal relationships
- Does not teach but does provide access to the environment to empower the deaf-blind person
- May provide feedback/opinions when asked

Page 3, line 15: Good Samaritan exemption

- Want to specifically exclude individuals in emergency situations for not more than 24 hours. This could be firefighter, police, nurse, dr, etc.

✓ **Page 3 and 4:** Is it possible to use the word exemptions rather than waivers?

2. ✓ **Page 6 note:** disregard

✓ **Page 7 Note:** That change is fine.

✓ **Page 8, line 10:** and member of the deaf community

Additions to the Bill:

1. Add language throughout the bill after "Wisconsin Interpreting and Transliterating Assessment" to specify "or it's successor", similar to current RID and NAD language.

2.

DN: successor language added to definition; unnecessary elsewhere.

Remove from bill

✓ Page 6, lines 2 to 4: delete from "and complies with . . . successor"

Notes:

Page 2 Note: No – covered above.

Page 3 Notes: Need changes - covered above.

Page 4 Note: No

Page 6 Note: disregard

Page 7 Note: That change is fine.

Page 8 Note: Disregard until later.



ln: 8/25/09

State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2149/P1
CTS&RPN:jld:md

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2009 BILL

INS
A ✓

Regen

X

1 AN ACT to renumber 905.015; and to create 15.407 (9), 440.032, 440.08 (2) (a)
2 38j. and 905.015 (2) of the statutes; relating to: licensing interpreters for the
3 deaf or hard of hearing, creating an evidentiary privilege for communications
4 with those interpreters, creating a Deaf and Hard of Hearing Interpreter
5 Council, granting rule-making authority, and providing a penalty. ✓

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 SECTION 1. 15.407 (9) of the statutes is created to read:

(a) ✓

7 15.407 (9) DEAF AND HARD OF HEARING INTERPRETER COUNCIL. There is created
8 a deaf and hard of hearing interpreter council in the department of regulation and
9 licensing consisting of the secretary of regulation and licensing or a designee of the
10 secretary and the following 8 members nominated by the governor, and with the
11 advice and consent of the senate appointed, for 3-year terms:

① ¶ (a) Five deaf or hard of hearing individuals who are or have been clients of deaf
2 or hard of hearing interpreter services, at least one of whom is a graduate of a
3 residential school for the deaf or hard of hearing and at least one of whom is a
4 graduate of a private or public school that is not a residential school for the deaf or
5 hard of hearing.

⑥ ¶ (b) Two interpreters licensed under s. 400.032. ^{at least one of whom holds a renewable license under s. 440.032 (3)(a)}

⑦ ¶ (c) One individual who is or has been a client of a deaf or hard of hearing
8 interpreter services and who is not deaf or hard of hearing.

9 SECTION 2. 440.032 of the statutes is created to read:

10 440.032 Interpreting for the deaf or hard of hearing. (1) DEFINITIONS.

11 In this section:

12 (a) "Client" means a deaf or hard of hearing person for whom a person provides
13 interpretation services. ¶ (c) "Support service provider" means an individual who
is trained to act as a link between a person who is deaf and blind and
the person's environment

14 (b) "Council" means the deaf and hard of hearing interpreter council.

15 ¶ (d) "Wisconsin interpreting and transliterating assessment" means a program
16 administered by the department of health services to determine and verify the level
17 of competence of communication access services providers who are not certified by
18 the Registry of Interpreters for the Deaf, Inc., or its successor, the National
19 Association of the Deaf or its successor, or other similar nationally recognized
20 certification organization. ^{or a successor program administered by the department of health services}

****NOTE: Because "Wisconsin interpreting and transliterating assessment" is defined in generic terms as a program administered by DHS to determine and verify competence, it seems unnecessary to add "or its successor." Do you agree?

21 (2) LICENSE REQUIRED. (a) Except as provided in pars. (b) and (c), no person may,
22 for compensation, provide interpretation services for a client unless the person is
23 licensed by the department under sub. (3).

¶ (b) If possible, the governor shall nominate individuals under par. (a) 1. to 3. from diverse locations within the state.

NDUE

1 (b) No license is required under this subsection for any of the following:

2 1. A person interpreting in a court proceeding if the person is certified by the
3 supreme court to act as a qualified interpreter in court proceedings under s. 885.38
4 (2).

5 2. A person interpreting at any school or school-sponsored event if the person
6 is licensed by the department of public instruction as an educational interpreter.

7 3. A person interpreting at a religious service or at a religious function,
8 including educational or social events sponsored by a religious organization. This
9 subdivision does not apply to a person interpreting for a religious organization at a
10 professional service provided or sponsored by the religious organization.

11 4. A person interpreting for the purpose of facilitating a conversation between
12 an individual who provides support service provider interpretation services and a client of the individual.

→ ******NOTE:** I'm not sure I understand this exception. Is the person described really providing interpretation services for compensation? If not, no exception is necessary. Perhaps it would be helpful to include in the bill a definition of "interpretation services," especially in light of the bill's prohibition of (and provision of criminal penalties for) providing interpretation services without a license.

13 5. A person interpreting in the course of the person's employment, if the
14 primary purpose of the person's employment is unrelated to interpreting.

→ ******NOTE:** Again, is the person described really providing interpretation services for compensation?

15 (c) 1. The council may grant a temporary waiver to an individual who is not a
16 resident of this state that authorizes the individual to provide interpretation services
17 for a period not to exceed 20 days, if the individual is certified by the Registry of
18 Interpreters for the Deaf, Inc., or its successor, or the National Association of the Deaf
19 or its successor. The council may not grant an individual more than 2 waivers under
20 this subdivision per year.

temporary exemptions

¶ 6. A person who provides interpretation services during an emergency that is affecting a person who is deaf or hard of hearing, unless the interpretation services are provided during a period that exceeds

2. The council may grant a temporary or permanent waiver to an individual who is a resident of this state that authorizes the individual to provide interpretation services for a period specified by the council.

→ ****NOTE: Should the draft contain guidance for the council as to the circumstances under which the council should grant a waiver under the above provision?

(3) LICENSURE REQUIREMENTS. (a) *Renewable licenses*. 1. The department shall grant a license as an interpreter for the deaf or hard of hearing to a person who submits an application on a form provided by the department, pays the fee determined by the department under s. 440.03 (9) (a), and submits evidence satisfactory to the department that the person has received an associate degree in interpretation for the deaf or hard of hearing or has received a certificate of completion of an education and training program regarding such interpretation, and the person has one of the following:

- a. Any valid certification granted by the Registry of Interpreters for the Deaf, Inc., or its successor.
- b. A valid certification level 3, 4, or 5 granted by the National Association of the Deaf or its successor.
- c. Any valid certification granted by any other organization that the department determines is substantially equivalent to a certification specified in subd. 1. a. or b.

2. The department shall grant a license as an interpreter for the deaf or hard of hearing to a person who submits an application on a form provided by the department and pays the fee determined by the department under s. 440.03 (9) (a), if the person has a certification specified in subd. 1. a. and if the person provides to

an applicant

applicant

applicant

an applicant

applicant

applicant

1 the department satisfactory evidence of a diagnosis by a physician that the ~~person~~ ^{applicant}
2 is deaf or hard of hearing.

3 3. The department shall grant a license as an interpreter for the deaf or hard
4 of hearing to ~~a person~~ ^{an applicant} who has not received an associate degree in interpretation for
5 the deaf or hard of hearing or a certificate of completion of an education and training
6 program regarding such interpretation, but who otherwise satisfies the
7 requirements in subd. 1. (intro.), if the ~~person~~ ^{applicant} provides evidence satisfactory to the
8 department that the ~~person~~ ^{applicant} did not establish residence in this state until after the
9 first day of the 24th month beginning after the effective date of this subdivision
10 [LRB inserts date], and that the ~~person~~ ^{applicant} had, before the first day of the 24th month
11 beginning after the effective date of this subdivision [LRB inserts date], one of the
12 certifications specified in subd. 1. a., b., or c. ✓

13 (b) *Restricted licenses.* 1. The department shall grant a license as an
14 interpreter for the deaf or hard of hearing to ~~a person~~ ^{an applicant} who submits an application on
15 a form provided by the department, pays the fee determined by the department
16 under s. 440.03 (9) (a), and submits evidence satisfactory to the department of all of
17 the following:

18 a. The ~~person~~ ^{applicant} has received an associate degree in interpretation for the deaf
19 or hard of hearing or has received a certificate of completion of an education and
20 training program regarding such interpretation.

21 b. The ~~person~~ ^{applicant} is verified by the Wisconsin interpreting and transliterating
22 assessment at level 2 or higher in both interpreting and transliterating.

23 c. The ~~person~~ ^{applicant} has passed the written examination administered by the Registry
24 of Interpreters for the Deaf, Inc., or its successor.

1 d. The person is an associate or student member of the Registry of Interpreters
 2 for the Deaf, Inc., or its ^{applicant} successor, and complies with the continuing education
 3 requirements of the certification maintenance program of the registry or its
 4 successor ^{provide interpretation services}

5 2. The department shall grant a restricted license as an interpreter for the deaf
 6 or hard of hearing, authorizing the holder to engage in interpreting only under the
 7 supervision of an interpreter licensed under par. (a), to a person who submits an
 8 application on a form provided by the department, pays the fee determined by the
 9 department under s. 440.03 (9) (a), and submits evidence satisfactory to the
 10 department of all of the following:

→ ****NOTE: Is the supervision requirement the only restriction that should apply to licensees under the above language?

- 11 a. The interpreter has been diagnosed by a physician as deaf or hard of hearing.
- 12 b. The interpreter has completed 8 hours of training sponsored by the Registry
 13 of Interpreters for the Deaf, Inc., or its ^{applicant} successor, on the role and function of deaf
 14 interpreters.
- 15 c. The interpreter has completed 8 hours of training sponsored by the Registry
 16 of Interpreters for the Deaf, Inc., or its ^{applicant} successor, on professional ethics.
- 17 d. The interpreter has obtained letters of recommendation from at least 3
 18 individuals who have held national certification for at least 5 years and who are
 19 members in good standing of the Registry of Interpreters for the Deaf, Inc., or its
 20 successor, if the letters together document that the person has completed at least 40
 21 hours of mentoring, including at least 20 hours observing professional work and at
 22 least 10 hours observing certified deaf interpreters.

① e. The ~~interpreter~~ ^{applicant} has completed at least 40 hours of training consisting of
 2 workshops sponsored by the Registry of Interpreters for the Deaf, Inc., or its
 ③ successor, or other relevant courses, as evidenced by certificates of completion that
 ④ specify the dates, locations, and durations of the workshops.

→ ****NOTE: Might it be sufficient to simply require evidence satisfactory to the department that an interpreter has completed the requisite training? It could be problematic if RID were to change the format of the paperwork it provides to those who complete training so that the paperwork no longer matched what the statutes describe.

⑤ f. The ~~interpreter~~ ^{applicant} is an associate or student member of the Registry of
 ⑥ Interpreters for the Deaf, Inc., or its successor, ^{and} has a high school diploma or an
 7 equivalent. IP g. The applicant

8 3. A license granted under subd. 1. or 2. may be renewed twice and is not valid
 9 upon the expiration of the 2nd renewal period.

10 (4) NOTIFICATION REQUIRED. A person who is licensed under sub. (3) shall notify
 11 the department in writing within 30 days if the person's certification or membership
 12 specified in sub. (3) that is required for the license is revoked or invalidated. The
 13 department shall revoke a license granted under sub. (3) if such a certification or
 14 membership is revoked or invalidated.

15 (5) LICENSE RENEWAL. The renewal dates for licenses granted under sub. (3) (a)
 16 are specified in s. 440.08 (2) (a) 38j. Renewal applications shall be submitted to the
 17 department on a form provided by the department and shall include the renewal fee
 18 determined by the department under s. 440.03 (9) (a) and evidence satisfactory to the
 19 department that the person's certification or membership specified in sub. (3) that
 20 is required for the license has not been revoked or invalidated.

21 (6) COUNCIL. The council shall do all of the following:

1 (a) Make recommendations to the department regarding the promulgation of
2 rules establishing a code of ethics that governs the professional conduct of persons
3 licensed under sub. (3).

4 (b) Advise the department regarding the promulgation and implementation of
5 rules regarding the practice of interpreters for the deaf or hard of hearing.

6 (c) Advise the legislature regarding legislation affecting interpreters for the
7 deaf or hard of hearing.

8 (d) Promulgate rules establishing a process and criteria for granting waivers
9 under sub. (2) (c) 2.

10 (e) Assist the department in alerting interpreters for the deaf or hard of hearing
11 to changes in the law affecting the practice of interpreters for the deaf or hard of
12 hearing.

*and the deaf community
in this state*

***NOTE: The drafting instructions specify that the council should be permitted to
conduct business in person or electronically. It appears that current law does not prohibit
a body from conducting business electronically, provided the meeting is "reasonably
accessible" to the public under s. 19.82 (3). What sort of technology do you have in mind
here? How would it be made accessible to the public?

13 (7) RULE MAKING. (a) The department may not promulgate rules that impose
14 requirements for granting a license that are in addition to the requirements specified
15 in sub. (3).

16 (b) After considering the recommendations of the council, the department shall
17 promulgate rules that establish a code of ethics that governs the professional conduct
18 of persons licensed under sub. (3). In promulgating rules under this paragraph, the
19 department shall consider including as part or all of the rules part or all of the code
20 of ethics established by the Registry of Interpreters for the Deaf, Inc., or its successor.
21 The department shall periodically review the code of ethics established by the

1 Registry of Interpreters for the Deaf, Inc., or its successor, and, if appropriate, revise
2 the rules promulgated under this paragraph to reflect revisions to that code of ethics.

3 **(8) DISCIPLINARY PROCEEDINGS AND ACTIONS.** Subject to the rules promulgated
4 under s. 440.03 (1), the department may make investigations and conduct hearings
5 to determine whether a violation of this section or any rule promulgated under this
6 section has occurred and may reprimand a person who is licensed under sub. (3) or
7 may deny, limit, suspend, or revoke a license granted under sub. (3) if it finds that
8 the applicant or licensee has violated this section or any rule promulgated under this
9 section.

10 **(9) PENALTY.** A person who violates this section or any rule promulgated under
11 this section may be fined not more than \$200 or imprisoned for not more than 6
12 months or both.

13 **SECTION 3.** 440.08 (2) (a) 38j. ^X of the statutes is created to read:

14 440.08 (2) (a) 38j. Interpreter for the deaf or hard of hearing: September 1 of
15 each odd-numbered year.

16 **SECTION 4.** 905.015 of the statutes is renumbered 905.015 (1).

17 **SECTION 5.** 905.015 (2) of the statutes is created to read:

18 905.015 (2) In addition to the privilege under sub. (1), a person who is licensed
19 as an interpreter for the deaf or hard of hearing under s. 440.032 (3) may not disclose
20 any aspect of a confidential communication facilitated by the interpreter for a person
21 who is deaf or hard of hearing unless one of the following conditions applies:

22 (a) All parties to the confidential communication consent to the disclosure.

23 (b) A court determines that the disclosure is necessary for the proper
24 administration of justice.

25 **SECTION 6. Nonstatutory provisions.**

1 (1) WAIVER OF CERTAIN LICENSURE REQUIREMENTS.

2 (a) Notwithstanding section 440.032 (3) (a) 1. of the statutes, as created by this
3 act, the department of regulation and licensing shall grant a license as an interpreter
4 for the deaf or hard of hearing to a person who, not later than the first day of the 24th
5 month beginning after the effective date of this paragraph, pays the fee specified in
6 section 440.05 (1) of the statutes and submits evidence satisfactory to the
7 department that the person has any of the following:

8 1. Any valid certification that was granted by the Registry of Interpreters for
9 the Deaf, Inc., or its successor, before the effective date of this subdivision.

10 2. A valid certification level 3, 4, or 5 granted by the National Association of the
11 Deaf or its successor before the effective date of this subdivision.

12 3. Any valid certification that was granted by another organization before the
13 effective date of this subdivision, if the department determines that the other
14 certification is substantially similar to a certification specified in subdivision 1. or
15 2.

16 (b) A license granted under paragraph (a) is considered to be granted under
17 section 440.032 (3) (a) 1. of the statutes, as created by this act.

18 (2) DEAF AND HARD OF HEARING INTERPRETER COUNCIL.

19 (a) *Staggered terms.* Notwithstanding the length of terms specified for the
20 members of the deaf and hard of hearing interpreter council under section 15.407 (9)

21 (a) ^{✓ 1., 2., and 3.} (b), and (c) of the statutes, as created by this act, 3 of the initial members shall
22 be appointed for terms expiring on July 1, 2010, 3 of the initial members shall be
23 appointed for terms expiring on July 1, 2011, and the remaining 2 initial members
24 shall be appointed for terms expiring on July 1, 2012.

1 (b) *Initial members.* Notwithstanding section 15.407 (9) of the statutes, as
2 created by this act, the initial members appointed to the deaf and hard of hearing
3 interpreter council under section 15.407 (9) ^{e (a) ✓} (c) of the statutes, as created by this act,
4 may be persons who are engaged in the practice of interpretation for the deaf or hard
5 of hearing and who are not licensed under section 440.032 (3) of the statutes, as
6 created by this act.

7 **SECTION 7. Initial applicability.**

8 (1) The treatment of section 905.015 (2) of the statutes first applies to
9 communications made on the effective date of this subsection.

10 **SECTION 8. Effective date.**

11 (1) This act takes effect on the first day of the 7th month beginning after
12 publication.

13 (END)