



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2009 Wisconsin Act 360**  
[2009 Senate Bill 389]

**Sign Language Interpreters**

### **Licensing Requirement and Exceptions**

2009 Wisconsin Act 360 provides that no person may, for compensation, provide sign language interpretation services for a client unless the person is licensed by the Department of Regulation and Licensing (DRL).

No license is required under the Act for any of the following: (1) a person interpreting in a court proceeding if the person is certified by the Supreme Court to act as a qualified interpreter in court proceedings; (2) a person interpreting at any school or school-sponsored event if the person is licensed by the Department of Public Instruction (DPI) as an educational interpreter; (3) a person interpreting at a religious service or a religious function, including educational or social events sponsored by a religious organization; (4) a support service provider interpreting for the purpose of facilitating communication between an individual who provides interpretation services and a client of the individual; and (5) a person who, in the course of employment, provides interpretation services during an emergency unless the interpretation services are provided during a period that exceed 24 hours.

### **Sign Language Interpreter Council**

The Act creates a Sign Language Interpreter Council in DRL consisting of the Secretary of DRL or a designee and eight members specified in the Act nominated by the Governor, subject to the advice and consent of the Senate. The Council is required to make recommendations to DRL regarding the promulgation of rules establishing a code of ethics, advise DRL regarding the promulgation and implementation of rules regarding the practice of sign language interpreters, advise the Legislature regarding legislation affecting sign language interpreters, promulgate rules establishing a process and criteria for granting exemptions to the licensing requirement, and assist DRL in alerting sign language interpreters and the deaf community to changes in the law affecting the practice of sign language interpreters.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

The Council may grant a temporary exemption to an individual who is not a resident of Wisconsin that authorizes provision of interpretation services for a period not to exceed 20 days, if the individual is certified by the Registry of Interpreters for the Deaf, Inc. (referred to as “the Registry” in this memorandum) or the National Association of the Deaf, or their successors. The Council may not grant an individual more than two temporary exemptions under this provision per year. In addition, the Council is authorized to grant a temporary or permanent exemption to an individual who is a resident of Wisconsin that authorizes the individual to provide interpretation services for a period specified by the Council or for persons specified by the Council.

### **Renewable Licenses**

DRL is required to grant a renewable license to an applicant who pays the specified fee and who satisfies any of the following:

- Has received an associate degree in sign language interpretation or has received a certificate of completion of an education and training program regarding interpretation, and the applicant has valid certification granted by the Registry, a valid certification level 3, 4, or 5 by the National Association of the Deaf, or any other organization that DRL determines is substantially equivalent to certification by either of those organizations.

Also, under the Act, if an applicant submits to DRL evidence of one of the three certifications specified above by December 1, 2012, and pays the specified fee, DRL is required to grant the applicant a renewable license.

- Has a valid certification by the Registry and provides evidence satisfactory to DRL of a diagnosis by a physician that the applicant is deaf or hard of hearing.
- Has not received an associate degree or a certificate of completion of an education and training program described above, but otherwise satisfies specified statutory requirements if, within 24 months after establishing residency in Wisconsin, the applicant provides evidence satisfactory to DRL that he or she holds one of the three certifications specified above, that the applicant obtain the certification prior to establishing residency in Wisconsin, and that the applicant held the certification at the time the applicant established residency in Wisconsin.

### **Restricted Licenses**

DRL is required to grant a restricted license to an applicant who pays the specified fee and who satisfies either of the following:

- Submits evidence satisfactory to DRL of all of the following: (1) the applicant has received an associate degree in sign language interpretation or has received a certificate of completion of an education and training program regarding interpretation; (2) the applicant is verified by the Wisconsin interpreting and transliterating assessment at level 2 or higher in both interpreting and transliterating; (3) the applicant has passed the written examination administered by the Registry; and (4) the applicant is an associate or student member of the Registry. The term “Wisconsin interpreting and transliterating assessment” is defined as a program administered by the Department of Health Services (DHS) to determine and verify the level of competence of communication access service providers who are not certified by specified organizations.

- Submits evidence satisfactory to DRL of all of the following: (1) the applicant has been diagnosed by a physician as deaf or hard of hearing; (2) the applicant has completed eight hours of training sponsored by the Registry on the role and function of deaf interpreters; (3) the applicant has completed eight hours of training sponsored by the Registry on professional ethics; (4) the applicant has obtained letters of recommendation from at least three individuals who have held national certification for at least five years and who are members in good standing of the Registry, if the letters together document that the applicant has completed at least 40 hours of mentoring, including at least 20 hours observing professional work and at least 10 hours observing certified deaf interpreters; (5) the applicant has completed at least 40 hours of training consisting of workshops sponsored by the Registry or other relevant courses; (6) the applicant is an associate or student member of the Registry; and (7) the applicant has a high school diploma or an equivalent. The licensee may provide interpretation services only under the supervision of an interpreter licensed under a renewable license.

A restricted license may be renewed twice and is not valid upon the expiration of the second renewal period.

### **Other Provisions**

DRL is prohibited from promulgating rules that impose requirements for granting a license that are in addition to those specified in the statute. After considering the recommendations of the Council, DRL is required to promulgate rules establishing a code of ethics for licensees. In promulgating the rule establishing the code of ethics, DRL must consider including as part or all of the rule part or all of the code of ethics established by the Registry.

The Act also allows DRL to make investigations, conduct hearings, and take disciplinary action against licensees or applicants. In addition, a person who violates the statute or rules promulgated under the statute may be fined not more than \$200, imprisoned for not more than six months, or both.

The current statutes provide that if an interpreter for a person with a language difficulty, limited English proficiency, or a hearing or speaking impairment, interprets as an aid to a communication that is privileged by statute, rules adopted by the Supreme Court, or the U.S. or State Constitution, the interpreter may be prevented from disclosing the communication by any person who has the right to claim the privilege. The interpreter may claim the privilege only on behalf of the person who has that right. Act 360 states that in addition to this current privilege, a person who is licensed as a sign language interpreter may not disclose any aspect of a confidential communication facilitated by the interpreter unless all parties to the confidential communication consent to the disclosure or unless a court determines that the disclosure is necessary for the proper administration of justice.

***Effective date:*** The Act takes effect on December 1, 2010.

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June 1, 2010

RNS:jal:jb