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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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<b>2019 Assembly Bill 250</b>	<b>Assembly Amendments 1 and 2</b>
<i>Memo published: June 24, 2019</i>	<i>Contact: Andrea Brauer, Staff Attorney Dan Schmidt, Principal Analyst</i>

2019 Assembly Bill 250 makes numerous changes to the regulation and licensing of sign language interpreters. Assembly Amendments 1 and 2 modify some of the provisions in the bill, as described below.

### EXAMINATIONS

The bill requires the Department of Safety and Professional Services (DSPS) to administer in Wisconsin the performance examinations of the Board for Evaluation of Interpreters, or its successor (BEI).

Assembly Amendment 1 requires instead that the Department of Health Services (DHS) administer the BEI performance exams in Wisconsin, unless DHS approves another administrator for the exams.

### SIGN LANGUAGE INTERPRETER LICENSE LEVELS

#### Current Law

Currently, DSPS issues four types of sign language interpreter licenses, two of which are “restricted” and two of which are “renewable.”

#### **Restricted Licenses**

DSPS issues two types of restricted licenses: (1) a “restricted-deaf” license for individuals who have been diagnosed by a physician as deaf or hard of hearing; and (2) a “restricted-hearing” license for hearing individuals. These licenses are restricted in that they may only be renewed twice, and restricted-deaf licensees also may only work under supervision. The education and training required to obtain a restricted license is lower than what is required to obtain a renewable license. For example, an applicant for a restricted-hearing license must have

passed the written exam of the Registry of Interpreters for the Deaf, Inc. (Registry), but does not have to have passed the Registry's second exam, which is a performance exam.

### **Renewable Licenses**

DSPS likewise issues two types of renewable licenses: (1) a "renewable-deaf" license for individuals who have been diagnosed by a physician as deaf or hard of hearing; and (2) a "renewable-hearing" license for hearing individuals. Renewable licenses may be renewed indefinitely and require more education and training than restricted licenses. For example, among other licensure criteria, an applicant for a renewable-hearing license must have passed both the written and performance exams administered by the Registry.

### **The Bill**

Under the bill, DSPS issues six types of sign language interpreter licenses: two "restricted renewable" licenses; two intermediate licenses; and two advanced licenses.

### **Restricted Renewable Licenses**

The bill replaces the two current "restricted" licenses with two "restricted renewable" licenses, which may be renewed indefinitely. Under the bill, restricted renewable licenses are issued under almost the same criteria as the current restricted licenses, except that an applicant for a "restricted renewable-hearing" license may choose to take the basic performance exam of the BEI rather than the Wisconsin Interpreting and Transliterating Exam. "Restricted renewable-deaf" licensees are restricted in that they may only work under supervision. The bill does not specify restrictions for the restricted renewable-hearing license.

### **Intermediate Sign Language Interpreter Licenses**

The bill creates two new intermediate level sign language interpreter licenses: one for sign language interpreters who are deaf or hard of hearing; and another for hearing sign language interpreters. These licenses are renewable. To obtain an intermediate license, hearing individuals generally must complete a degree, or other qualifying education or training, and pass the basic performance exam of the BEI. Deaf or hard of hearing individuals can generally qualify for an intermediate level license if they have a high school diploma or equivalent, have completed a sufficient number of hours of qualifying education, and submit adequate letters of recommendation.

### **Advanced Sign Language Interpreter Licenses**

The bill likewise creates two advanced level sign language interpreter licenses: one for sign language interpreters who are deaf or hard of hearing; and another for hearing sign language interpreters. These licenses are renewable.

The criteria for a hearing person to obtain an advanced license generally includes completing a degree, or other qualifying education or training, and passing the advanced or

master performance exam of the BEI. Alternatively, an applicant can show that he or she was issued a qualifying certification from a national organization before the act goes into effect.

Generally, a deaf or hard of hearing person can qualify for an advanced license if he or she has an associate degree, or other qualifying education, and holds a certified deaf interpreter certificate issued by the Registry or an equivalent certification.

### **Assembly Amendment 1**

Assembly Amendment 1 eliminates the “restricted renewable” licenses. It retains the intermediate and advanced sign language interpreter licenses, as described above, and adds transitional provisions for current licensees, as follows:

- **Sign language interpreter-intermediate hearing.** Any person who, immediately prior to the effective date of the amendment, held a restricted-hearing license or had an exemption to licensure is considered to be a licensed sign language interpreter-intermediate hearing.
- **Sign language interpreter-intermediate deaf.** Any person who, immediately prior to the effective date of the amendment, held a restricted-deaf license or had an exemption to licensure is considered to be a licensed sign language interpreter-intermediate deaf.
- **Sign language interpreter-advanced hearing.** Any person who, immediately prior to the effective date of the amendment, held a renewable-hearing license or exemption is considered to be a licensed sign language interpreter-advanced hearing.
- **Sign language interpreter-advanced deaf.** Any person who, immediately prior to the effective date of the amendment, held a renewable-hearing license or exemption is considered to be a licensed sign language interpreter-advanced deaf.

### **Assembly Amendment 2**

Assembly Amendment 2 alters the bill’s minimum degree requirements for sign language interpreter- intermediate hearing and sign language interpreter-advanced hearing licenses from “a bachelor’s degree from an accredited college or university,” to “an associate degree in sign language interpretation.”

## **PRACTICE IN A MENTAL HEALTH SETTING**

The bill authorizes DSPS to determine the scope of practice for each sign language interpreter license level, with some limitations related to practice in legal, medical, and mental health settings. With regard to qualification to practice in a mental health setting, under the bill, licensees must complete 40 hours of training and a 40-hour practicum, pass a written exam, and show that they satisfy other required characteristics, such as an awareness of psychopathologies and the names of major mental illnesses.

### **Assembly Amendment 1**

Assembly Amendment 1 clarifies that these additional requirements apply when the interpreter is providing services in a setting related to treatment involving mental health, defined to mean “those psychological, educational, social, chemical, medical or somatic techniques designed to bring about rehabilitation of a mentally ill, alcoholic, drug dependent or developmentally disabled person.”

### **Assembly Amendment 2**

Assembly Amendment 2 eliminates the specific qualifications for the sign language interpreter-advanced hearing and sign language interpreter-advanced deaf licensees to practice in a setting related to treatment involving mental health. The amendment replaces the specific qualifications with requirements that will be established by DSPS, by rule, after receiving advice from the Sign Language Interpreters Advisory Committee.

### **SUBMITTING COMPLAINTS**

Assembly Amendment 1 specifies that DSPS must facilitate the submission of complaints concerning alleged violations of the rules of conduct by a licensed sign language interpreter, including by accepting complaints submitted by mail.

### **CREDENTIAL FEES**

Assembly Amendment 1 generally requires DSPS to charge a fee of \$75 for each sign language interpreter license it issues until DSPS performs a fee study.

### **RULEMAKING AUTHORITY**

Assembly Amendment 2 replaces rule promulgation requirements with permissive rule promulgation authority in regard to scope of practice, identification cards, and professional conduct under the bill.

### **BILL HISTORY**

2019 Assembly Bill 250 was introduced by Representative Skowronski on May 30, 2019. Assembly Amendment 1 was introduced by Representative Skowronski on June 7, 2019. On June 12, 2019, the Assembly Committee on Workforce Development recommended adoption of the amendment and passage of the bill, as amended, each on a vote of Ayes, 14; Noes, 0. Assembly Amendment 2 was introduced by Representatives Thiesfedt and Brostoff on June 19, 2019, and adopted, with Assembly Amendment 1, in the Assembly on June 20, 2019, by a voice vote.

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