

2003 SENATE BILL 255

September 23, 2003 – Introduced by Senators KEDZIE, STEPP and LASSA, cosponsored by Representatives LOTHIAN, KERKMAN, NASS, OWENS and HINES. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

1 **AN ACT to create** 440.032 and 440.08 (2) (a) 38j. of the statutes; **relating to:**
2 licensing interpreters for the deaf or hard of hearing, granting rule-making
3 authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under this bill, a person may not, for compensation, provide interpretation services for the deaf or hard of hearing unless the Department of Regulation and Licensing (DRL) has granted a license to the person. However, this prohibition does not apply to interpreters who are certified by the Wisconsin Supreme Court to act as qualified interpreters in court proceedings. The prohibition also does not apply to a person licensed by the Department of Public Instruction (DPI) as an educational interpreter for pupils who are deaf or hard of hearing.

The bill requires DRL to grant two different types of licenses. The first type of license may be renewed only twice by DRL after DRL initially grants the license. (Almost all professional and occupational licenses granted by DRL and boards in DRL must be renewed every two years under current law.) Under the bill, DRL must grant the first type of license to a person who pays a fee and provides evidence that he or she: 1) has an associate degree in interpretation for the deaf or hard of hearing or a certificate of completion of an education and training program regarding such interpretation; 2) is verified at specified levels in interpreting and transliterating in a program administered by DHFS; 3) has passed the written examination administered by the Registry of Interpreters for the Deaf, Inc. (RID); and 4) is an associate or student member of the RID and complies with the continuing education

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requirements of the RID's certification maintenance program. A person who is granted a license must notify DRL within 30 days if the person's membership in the RID is revoked or invalidated, and DRL must then revoke the license.

The second type of license must be renewed every two years by the license holder, and, unlike the first type of license, may continue to be renewed after the second renewal. DRL must grant the second type of license to a person who pays a fee and provides evidence that he or she 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. In addition, he or she must submit evidence that he or she has one of the following valid certifications: 1) any certification granted by the RID or its successor; 2) certification level 4 or 5 granted by the National Association of the Deaf or its successor; or 3) any certification granted by any other organization that DRL determines is substantially equivalent to one of the foregoing certifications. A person who is granted such a license must notify DRL within 30 days if the person's certification is revoked or invalidated, and DRL must then revoke the license.

Also, until approximately two years after the bill's effective date, DRL may grant the second type of license to a person who was granted one of the certifications described above before the bill's effective date, but who has not received an associate degree in interpretation for the deaf or hard of hearing or has not received a certificate of completion of an education and training program regarding such interpretation. A person who is granted such a license must renew it every two years, and may continue to renew it after the second renewal.

The bill requires DRL to promulgate rules that establish a code of ethics that governs the professional conduct of all licensees. In promulgating the rules, DRL must consider including part or all of the code of ethics established by the RID or its successor, and must periodically review that code, and, if appropriate, revise the rules to reflect any revisions to the code. In addition, DRL may take disciplinary action, including suspending or revoking a license, against a licensee who violates the bill's requirements, including the code of ethics. Any person who violates the bill's requirements, including a licensee, may be fined not more than \$200, imprisoned for not more than six months, or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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1 **440.032 Interpreting for the deaf or hard of hearing. (1) DEFINITION.** In
2 this section, “Wisconsin interpreting and transliterating assessment” means a
3 program administered by the department of health and family services to determine
4 and verify the level of competence of communication access services providers who
5 are not certified by the Registry of Interpreters for the Deaf, Inc., the National
6 Association of the Deaf, or other similar nationally recognized certification
7 organization.

8 **(2) LICENSE REQUIRED.** (a) No person may, for compensation, provide
9 interpretation services for the deaf or hard of hearing unless the person is licensed
10 by the department under sub. (3).

11 (b) This subsection does not apply to any of the following:

12 1. An interpreter certified by the supreme court to act as a qualified interpreter
13 in court proceedings under s. 885.38 (2).

14 2. A person licensed by the department of public instruction as an educational
15 interpreter for pupils who are deaf or hard of hearing, if the person’s interpretation
16 services are limited to educational interpreting for pupils who are deaf or hard of
17 hearing.

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

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1 1. Any valid certification granted by the Registry of Interpreters for the Deaf,
2 Inc., or its successor.

3 2. A valid certification level 4 or 5 granted by the National Association of the
4 Deaf or its successor.

5 3. Any valid certification granted by any other organization that the
6 department determines is substantially equivalent to a certification specified in
7 subd. 1. or 2.

8 (b) 1. The department shall grant a license as an interpreter for the deaf or hard
9 of hearing to a person who submits an application on a form provided by the
10 department, pays the fee specified in s. 440.05 (1), and submits evidence satisfactory
11 to the department that the person satisfies all of the following:

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

15 b. The person is verified by the Wisconsin interpreting and transliterating
16 assessment as follows: if the person is verified as level 1 in interpreting, the person
17 is verified as level 2 or higher in transliterating; and if the person is verified as level
18 1 in transliterating, the person is verified as level 2 or higher in interpreting.

19 c. The person has passed the written examination administered by the Registry
20 of Interpreters for the Deaf, Inc.

21 d. The person is an associate or student member of the Registry of Interpreters
22 for the Deaf, Inc., and complies with the continuing education requirements of the
23 certification maintenance program of the registry.

24 2. A license granted under subd. 1. may be renewed twice and is not valid upon
25 the expiration of the 2nd renewal period.

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1 **(4) NOTIFICATION REQUIRED.** A person who is licensed under sub. (3) shall notify
2 the department in writing within 30 days if person's certification specified in sub. (3)
3 (a) or membership specified in sub. (3) (b) 1. d. is revoked or invalidated. The
4 department shall revoke a license granted under sub. (3) if such a certification or
5 membership is revoked or invalidated.

6 **(5) LICENSE RENEWAL.** The renewal dates for licenses granted under sub. (3) are
7 specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the
8 department on a form provided by the department and shall include the renewal fee
9 specified in s. 440.08 (2) (a) and evidence satisfactory to the department that the
10 person's certification specified in sub. (3) (a) or membership specified in sub. (3) (b)
11 1. d. has not been revoked or invalidated.

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

15 (b) The department shall promulgate rules that establish a code of ethics that
16 governs the professional conduct of persons licensed under sub. (3). In promulgating
17 rules under this paragraph, the department shall consider including as part or all
18 of the rules part or all of the code of ethics established by the Registry of Interpreters
19 for the Deaf, Inc., or its successor. The department shall periodically review the code
20 of ethics established by the Registry of Interpreters for the Deaf, Inc., or its successor,
21 and, if appropriate, revise the rules promulgated under this paragraph to reflect
22 revisions to that code of ethics.

23 **(7) DISCIPLINARY PROCEEDINGS AND ACTIONS.** Subject to the rules promulgated
24 under s. 440.03 (1), the department may make investigations and conduct hearings
25 to determine whether a violation of this section or any rule promulgated under this

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1 section has occurred and may reprimand a person who is licensed under sub. (3) or
2 may deny, limit, suspend, or revoke a license granted under sub. (3) if it finds that
3 the applicant or licensee has violated this section or any rule promulgated under this
4 section.

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

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

9 440.08 **(2)** (a) 38j. Interpreter for the deaf or hard of hearing: September 1 of
10 each odd-numbered year; \$53.

11 **SECTION 3. Nonstatutory provisions.**

12 **(1) WAIVER OF CERTAIN LICENSURE REQUIREMENTS.**

13 **(a)** Notwithstanding section 440.032 (3) (a) of the statutes, as created by this
14 act, the department of regulation and licensing shall grant a license as an interpreter
15 for the deaf and hard of hearing to a person who, not later than the first day of the
16 24th month beginning after the effective date of this paragraph, pays the fee
17 specified in section 440.05 (1) of the statutes and submits evidence satisfactory to the
18 department that the person has any of the following:

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

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

23 3. Any valid certification that was granted by another organization before the
24 effective date of this subdivision, if the department determines that the other

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1 certification is substantially similar to a certification specified in subdivision 1. or
2 2.

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

5 **SECTION 4. Effective date.**

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

8 (END)