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8/26

D-NOTE

2003 BILL

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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.

INSERT 1A

**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 bill requires DRL to grant two different types of licenses. The first type of license may be granted by DRL ~~only until three years after the bill's effective date~~. DRL must grant the 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 as level 1 or higher by an interpretation program administered by the Department of Health and Family Services; 3) has passed the written examination administered by the Registry of Interpreters for the Deaf, Inc. (RID); and 4) is a member of the RID and ~~participates in the RID's continuing education program~~. ~~This type of license is valid for three years and may not be renewed.~~

The second type of license must be renewed every two years by the license holder, and ~~may be granted by DRL before and after the three-year deadline for the~~

renewed only twice

under the bills

an associate or student

INSERT 1-C

INSERT 1D

DHS

**BILL**

INSERT 2A ✓

valid

~~any type of license~~ DRL must grant the second type of license to a person who pays a fee and provides evidence that he or she has one of the following 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, and DRL must then revoke the license.

or invalid-ated

INSERT 2B ✓

INSERT 2C ✓

The bill requires DRL to promulgate rules that establish a code of ethics that governs the professional conduct of all licensees. 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.

INSERT 2-1 ✓

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

1 SECTION 1. 440.032<sup>2x</sup> of the statutes is created to read:

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

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

BILL

*INSEPT 3-2*

*any of the following:  
① 1. An*

*INSEPT 3-6*

1 (b) This subsection does not apply to interpreters certified by the supreme court  
2 to act as qualified interpreters in court proceedings under s. 885.38 (2).

3 (3) LICENSURE REQUIREMENTS. (a) The department shall grant a license as an  
4 interpreter for the deaf or hard of hearing to a person who submits an application on  
5 a form provided by the department, pays the fee specified in s. 440.05 (1), and  
6 submits evidence satisfactory to the department that the person has one of the  
7 following ~~requirements~~: *valid*

8 1. Any certification granted by the Registry of Interpreters for the Deaf, Inc.,  
9 or its successor. *A valid*

10 2. Certification level 4 or 5 granted by the National Association of the Deaf or  
11 its successor. *valid*

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

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

18 a. The person 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 is verified by the Wisconsin interpreting and transliterating  
22 assessment as level 1 or higher in interpreting or transliterating.

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

*Continuing education*

**BILL**

*Complies with the requirements of*

*an associate or student*

1 d. The person is ~~an~~ member of the Registry of Interpreters for the Deaf, Inc., and  
2 ~~participates in~~ the certification maintenance program of the registry.

3 2. A license granted under subd. 1. ~~is valid for 3 years and is not required to~~  
4 ~~be, and may not be, renewed.~~ INSERT 4-3 ✓

5 3. ~~This paragraph does not apply after the first day of the 37th month beginning~~  
6 ~~after the effective date of this subdivision. [revisor inserts date]~~

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

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

16 (6) RULE MAKING. (a) The department may not promulgate rules that impose  
17 requirements for granting a license that are in addition to the requirements specified  
18 in sub. (3). *or invalidated ✓*

19 (b) The department shall promulgate rules that establish a code of ethics that  
20 governs the professional conduct of persons licensed under sub. (3). INSERT 4-20

21 (7) DISCIPLINARY PROCEEDINGS AND ACTIONS. Subject to the rules promulgated  
22 under s. 440.03 (1), the department may make investigations and conduct hearings  
23 to determine whether a violation of this section or any rule promulgated under this  
24 section has occurred and may reprimand a person who is licensed under sub. (3) or  
25 may deny, limit, suspend, or revoke a license granted under sub. (3) if it finds that

*or invalidated*

**BILL**

1 the applicant or licensee has violated this section or any rule promulgated under this  
2 section.

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

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

7 440.08 (2) (a) 38j. Interpreter for the deaf or hard of hearing: September 1 of  
8 each odd-numbered year; \$53.

9 **SECTION 3. Effective date.**

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

12 (END)

d-note  
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**INSERT 1A:**

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. In addition, under certain circumstances, the prohibition does not apply to persons used by the Department of Health and Family Services (DHFS) as interpreters for hearing-impaired persons.

**INSERT 1B:**

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.)

**INSERT 1C:**

complies with the continuing education 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.

**INSERT 1D:**

, unlike the first type of license, may continue to be renewed after the second renewal.

**INSERT 2A:**

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

**INSERT 2B:**



1 ~~FF~~ Also, until approximately <sup>two</sup> 2 years after the bill's effective date, DRL may grant  
 2 the second type of license to a person who was granted one of the certifications  
 3 described above before the bill's effective date, but who has not received an associate  
 4 degree in interpretation for the deaf or hard of hearing or has not received a  
 5 certificate of completion of an education and training program regarding such  
 6 interpretation. A person who is granted such a license must renew it every <sup>two</sup> 2 years,  
 7 and may continue to renew it after the <sup>second</sup> 2nd renewal.

**INSERT 2C:**

9 ~~AD~~ In promulgating the rules, DRL must consider including part or all of the code of  
 10 ethics established by the RID or its successor, and must periodically review that  
 11 code, and, if appropriate, revise the rules to reflect any revisions to the code.

**INSERT 2-1:**

**SECTION 1.** 46.295 (4) (am) of the statutes is created to read:

46.295 (4) (am) A person licensed by the department of regulation and licensing  
under s. 440.032 (3).

**SECTION 2.** 46.295 (4) (b) of the statutes is amended to read:

46.295 (4) (b) If an interpreter under par. (a) or (am) is unavailable, an  
interpreter for hearing-impaired persons whose qualifications have been  
determined appropriate by the department.

History: 1995 a. 27 ss. 2271, 2417; Stats. 1995 s. 46.295.

**INSERT 3-2:**

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

MS 3-2 cont.

1 3. A person specified in s. 46.295 (4) (a) or (b) who is used by the department  
2 of health and family services as an interpreter for hearing-impaired persons.

3 **INSERT 3-6:**

4 has received an associate degree in interpretation for the deaf or hard of hearing or  
5 has received a certificate of completion of an education and training program  
6 regarding such interpretation, and the person

7 **INSERT 4-3:**

8 may be renewed twice and is not valid upon the expiration of the ~~second~~ <sup>2nd</sup> renewal  
9 period.

10 **INSERT 4-20:**

11 In promulgating rules under this paragraph, the department shall consider  
12 including as part or all of the rules part or all of the code of ethics established by the  
13 Registry of Interpreters for the Deaf, Inc., or its successor. The department shall  
14 periodically review the code of ethics established by the Registry of Interpreters for  
15 the Deaf, Inc., or its successor, and, if appropriate, revise the rules promulgated  
16 under this paragraph to reflect revisions to that code of ethics.

17 **INSERT 5-8:**

18 **SECTION 3. Nonstatutory provisions.**

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

20 (a) Notwithstanding section 440.032 (3) (a) of the statutes, as created by this  
21 act, the department of regulation and licensing shall grant a license as an interpreter  
22 for the deaf and hard of hearing to a person who, not later than the first day of the  
23 24th month beginning after the effective date of this paragraph, pays the fee  
24 specified in section 440.05 (1) of the statutes and submits evidence satisfactory to the  
25 department that the person has any of the following:

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

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

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

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

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1414/3dn

MDK:.....

*Handwritten initials/signature*

Sen. Kedzie:

Please review this version of the draft to make sure that it achieves your intent. Note that the "provisional licenses" may only be renewed twice. Therefore, they are valid for at least <sup>four</sup> 4 years, but no longer than <sup>six</sup> 6 years, depending on when they are originally issued to license holders. This approach is the simplest way to work such licenses into the 1-year renewal scheme under current law. If this approach does not satisfy your intent, please let me know.

Also, note the creation of ss. 46.295 (4) (am) and 440.032 (2) (b) 3. and the amendment of s. 46.295 (4) (b), stats. The result of these changes is that DHFS is allowed to use an RID-certified interpreter, even if he or she is not licensed by DRL. Alternatively, DHFS may use a DRL-licensed interpreter. Also, if neither an RID-certified or DRL-licensed interpreter is available, DHFS may use any other interpreter whose qualifications are determined by DHFS to be appropriate. I discovered this issue while working on this redraft, and I am not sure whether my changes are consistent with your intent.

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1414/3dn  
MDK:jld:pg

August 25, 2003

Sen. Kedzie:

Please review this version of the draft to make sure that it achieves your intent. Note that the "provisional licenses" may only be renewed twice. Therefore, they are valid for at least four years, but no longer than six years, depending on when they are originally issued to license holders. This approach is the simplest way to work such licenses into the two-year renewal scheme under current law. If this approach does not satisfy your intent, please let me know.

Also, note the creation of ss. 46.295 (4) (am) and 440.032 (2) (b) 3. and the amendment of s. 46.295 (4) (b), stats. The result of these changes is that DHFS is allowed to use an RID-certified interpreter, even if he or she is not licensed by DRL. Alternatively, DHFS may use a DRL-licensed interpreter. Also, if neither an RID-certified or DRL-licensed interpreter is available, DHFS may use any other interpreter whose qualifications are determined by DHFS to be appropriate. I discovered this issue while working on this redraft, and I am not sure whether my changes are consistent with your intent.

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us

O-NOTE

4

2003 BILL

RM has been passed

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Regen

1 AN ACT *to amend* 46.295 (4) (b); and *to create* 46.295 (4) (am), 440.032 and  
2 440.08 (2) (a) 38j. of the statutes; **relating to:** licensing interpreters for the deaf  
3 or hard of hearing, granting rule-making 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. In addition, under certain circumstances, the prohibition does not apply to persons used by the Department of Health and Family Services (DHFS) as interpreters for hearing-impaired persons.

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 as level 1 or higher by an interpretation program administered by DHFS; 3) has passed the written examination administered by the

**BILL**

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 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:***

## BILL

1           ~~SECTION 1. 46.295 (4) (am) of the statutes is created to read:~~

2           ~~46.295 (4) (am) A person licensed by the department of regulation and licensing~~  
3           ~~under s. 440.032 (3).~~

4           ~~SECTION 2. 46.295 (4) (b) of the statutes is amended to read:~~

5           ~~46.295 (4) (b) If an interpreter under par. (a) or (am) is unavailable, an~~  
6           ~~interpreter for hearing-impaired persons whose qualifications have been~~  
7           ~~determined appropriate by the department.~~

8           SECTION 3. 440.032 of the statutes is created to read:

9           **440.032 Interpreting for the deaf or hard of hearing. (1) DEFINITION.** In  
10          this section, “Wisconsin interpreting and transliterating assessment” means a  
11          program administered by the department of health and family services to determine  
12          and verify the level of competence of communication access services providers who  
13          are not certified by the Registry of Interpreters for the Deaf, Inc., the National  
14          Association of the Deaf, or other similar nationally recognized certification  
15          organization.

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

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

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

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

✓ BILL

1 3. A person specified in s. 46.295 (4) (a) or (b) who is used by the department  
2 of health and family services as an interpreter for hearing-impaired persons.

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

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

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

14 3. Any valid certification granted by any other organization that the  
15 department determines is substantially equivalent to a certification specified in  
16 subd. 1. or 2. ✓

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

**BILL**

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

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

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

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

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

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

22 (b) The department shall promulgate rules that establish a code of ethics that  
23 governs the professional conduct of persons licensed under sub. (3).<sup>✓</sup> In promulgating  
24 rules under this paragraph, the department shall consider including as part or all  
25 of the rules part or all of the code of ethics established by the Registry of Interpreters

**BILL**

1 for the Deaf, Inc., or its successor. The department shall periodically review the code  
2 of ethics established by the Registry of Interpreters for the Deaf, Inc., or its successor,  
3 and, if appropriate, revise the rules promulgated under this paragraph to reflect  
4 revisions to that code of ethics.

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

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

15 **SECTION 4.** 440.08 (2) (a) 38j. of the statutes is created to read:

16 440.08 (2) (a) 38j. Interpreter for the deaf or hard of hearing: September 1 of  
17 each odd-numbered year; \$53.

18 **SECTION 5. Nonstatutory provisions.**

19 (1) WAIVER OF CERTAIN LICENSURE REQUIREMENTS.

20 (a) Notwithstanding section 440.032 (3) (a) of the statutes, as created by this  
21 act, the department of regulation and licensing shall grant a license as an interpreter  
22 for the deaf and hard of hearing to a person who, not later than the first day of the  
23 24th month beginning after the effective date of this paragraph, pays the fee  
24 specified in section 440.05 (1) of the statutes and submits evidence satisfactory to the  
25 department that the person has any of the following:



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1414/4dn

MDK: A...

JLD

Sen. Kedzie:

This version is identical to the previous version, except that the exemption for persons used by DHFS<sup>✓</sup> is eliminated. As a result, a person may not provide interpretation services for compensation for DHFS (or anybody else) unless he or she is licensed under the bill. This results because the bill's requirements apply in addition to the requirements that apply to DHFS under s. 46.295 (4)<sup>✓</sup>, which is not affected in this version.

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1414/4dn  
MDK:jld:pg

September 3, 2003

Sen. Kedzie:

This version is identical to the previous version, except that the exemption for persons used by DHFS is eliminated. As a result, a person may not provide interpretation services for compensation for DHFS (or anybody else) unless he or she is licensed under the bill. This results because the bill's requirements apply in addition to the requirements that apply to DHFS under s. 46.295 (4), which is not affected in this version.

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.state.wi.us](mailto:mark.kunkel@legis.state.wi.us)

## Kunkel, Mark

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**From:** Phillips, Matt  
**Sent:** Tuesday, September 02, 2003 4:47 PM  
**To:** Kunkel, Mark  
**Subject:** FW: Interpreter Licensure - WITA scores

-----Original Message-----

From: Colleen M. Keating [mailto:colleen.keating@wsd.k12.wi.us]  
Sent: Tuesday, September 02, 2003 4:35 PM  
To: Matt.Phillips@legis.state.wi.us  
Subject: Interpreter Licensure - WITA scores

Hello, Matt!

I've had a minute to look over Alice Sykora's (DHFS) feedback and I notice she brings up an important point that I overlooked when talking to you on the phone.

As currently drafted, the required score on the WITA for the provisional license is "level 1 or higher". [(3) (b) 1. b. line 25] In my previous e-mail I meant to clarify this, but let me give it a whirl again. A person who takes the WITA receives a double score. The first number is a score for interpreting skill level and the second for transliterating skill level. Each number can range from 1 (highest) to 4 (lowest). So a person could get a '3,2' or a '1,2' or any combination of ones, twos, threes and fours. For this license, we're asking for those who have at least one '1' (in either interpreting or transliterating) and the other score no less than a '2'. So there are three acceptable scores: 1,1 or 1,2 or 2,1. To say "level 1 or higher" is a mite too narrow. It makes it look like only a 1,1 is acceptable. Do you see what I mean? How do we clarify this in the draft?

Colleen Keating  
WSD Staff Interpreter  
(262) 728-7110

D-NOTE

2003 BILL

FRI  
Tomorrow  
9/5  
pm

RM  
has  
been  
run

Regen

- 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 as level 1 or higher by an interpretation 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 requirements of the

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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.

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

1

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

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1           **440.032 Interpreting for the deaf or hard of hearing.** (1) DEFINITION. In  
2 this section, <sup>✓</sup>“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:

**BILL**

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 ~~level 1 or higher in interpreting or transliterating~~ *follows: ✓*

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

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

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

24           (4) NOTIFICATION REQUIRED. A person who is licensed under sub. (3) shall notify  
25 the department in writing within 30 days if person's certification specified in sub. (3)

→ INSERT 4-16 ✓

**BILL**

1 (a) or membership specified in sub. (3) (b) 1. d. is revoked or invalidated. The  
2 department shall revoke a license granted under sub. (3) if such a certification or  
3 membership is revoked or invalidated.

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

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

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

21 (7) DISCIPLINARY PROCEEDINGS AND ACTIONS. Subject to the rules promulgated  
22 under s. 440.03 (1), the department may make investigations and conduct hearings  
23 to determine whether a violation of this section or any rule promulgated under this  
24 section has occurred and may reprimand a person who is licensed under sub. (3) or  
25 may deny, limit, suspend, or revoke a license granted under sub. (3) if it finds that

**BILL**

1 the applicant or licensee has violated this section or any rule promulgated under this  
2 section.

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

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

7 440.08 (2) (a) 38j. Interpreter for the deaf or hard of hearing: September 1 of  
8 each odd-numbered year; \$53.

9 **SECTION 3. Nonstatutory provisions.**

10 (1) WAIVER OF CERTAIN LICENSURE REQUIREMENTS.

11 (a) Notwithstanding section 440.032 (3) (a) 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 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.

**BILL**

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

3 **SECTION 4. Effective date.**

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

6 (END)

d-note  
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2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1414/5ins  
MDK:.....

1

**INSERT 1A:**

2 ~~NO~~ is verified at specified levels in interpreting<sup>✓</sup> and transliterating<sup>✓</sup> in a ~~NO~~

3

**INSERT 4-16:**

4 ~~NO~~ 1. If the person is verified as level 1 in interpreting, the person is verified as  
5 level 2 or higher in transliterating<sup>g</sup>; and ~~NO~~

6 ~~NO~~ 2. If the person is verified as level 1 in transliterating, the person is verified as  
7 level 2 or higher in interpreting.

(end ins 4-16)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1414/5dn

MDK: A:...

*JLD*

Sen. Kedzie:

This version is identical to the previous version, except for a change regarding the levels in the DHFS program that are required for the "provisional" license.

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1414/5dn  
MDK:jld:jf

September 4, 2003

Sen. Kedzie:

This version is identical to the previous version, except for a change regarding the levels in the DHFS program that are required for the "provisional" license.

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**Emery, Lynn**

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**From:** Phillips, Matt  
**Sent:** Thursday, September 04, 2003 4:16 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-1414/5 Topic: Licensure of deaf and hard of hearing interpreters

It has been requested by <Phillips, Matt> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-1414/5 Topic: Licensure of deaf and hard of hearing interpreters