

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

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

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.

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:

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

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. (4) 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.

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

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

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

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

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

17 2. 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 and pays the fee specified in s. 440.05 (1), if the person has a certification
20 specified in subd. 1. a. and if the person provides the following to the department:

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

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

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.

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.

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.

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. (4).

4 (b) The department shall promulgate rules that establish a code of ethics that
5 governs the professional conduct of persons licensed under sub. (4). In promulgating
6 rules under this paragraph, the department shall consider including as part or all
7 of the rules part or all of the code of ethics established by the Registry of Interpreters
8 for the Deaf, Inc., or its successor. The department shall periodically review the code
9 of ethics established by the Registry of Interpreters for the Deaf, Inc., or its successor,
10 and, if appropriate, revise the rules promulgated under this paragraph to reflect
11 revisions to that code of ethics.

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

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

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

23 440.08 **(2)** (a) 38j. Interpreter for the deaf or hard of hearing: September 1 of
24 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 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.

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

3 **SECTION 6. Initial applicability.**

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

6 **SECTION 7. Effective date.**

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

9 (END)