

2017 DRAFTING REQUEST

Bill

For: **Patrick Testin (608) 266-3123** Drafter: **mgallagh**
 By: **Jeff** Secondary Drafters:
 Date: **9/18/2017** May Contact:
 Same as LRB: **-4250**

Submit via email: **YES**
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 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Sign language interpreters.

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mgallagh 9/18/2017	aernstr 9/18/2017	lparisi 9/18/2017	dwalker 9/18/2017	State

FE Sent For:

<END>

*at
intro*



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4250/P3

MPG:ahc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

4297/1

* CMR
* No changes

1 **AN ACT to repeal** 15.407 (9) and 440.032; **to amend** 440.032 (3) (b) 3. and 905.015
2 (2) (intro.); and **to create** 15.405 (18) and chapter 471 of the statutes; **relating**
3 **to:** regulation of sign language interpretation services, providing an exemption
4 from emergency rule procedures, granting rule-making authority, and
5 providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This bill replaces the current licensure program for sign language interpreters licensed by the Department of Safety and Professional Services with a licensure program administered by the Sign Language Interpreters Examining Board, which is created in the bill. The board's membership consists of three deaf, hard of hearing, or deaf-blind individuals, three experienced sign language interpreters who are licensed under the bill, and one individual who is not deaf, hard of hearing, or deaf-blind and has obtained the services of a sign language interpreter on behalf of an individual who is deaf, hard of hearing, or deaf-blind.

Under the bill, the board grants the following licenses:

1. Sign language interpreter — intermediate hearing. The board must license an individual as a sign language interpreter — intermediate hearing if, among other requirements, the individual has received at least a bachelor's degree from an accredited college or university; the individual has successfully completed an interpreter training program; and the individual has passed the basic performance examination administered by the Board for Evaluation of Interpreters (BEI) or

equivalent exam and is certified by BEI. The bill includes alternative paths to licensure as a sign language interpreter — intermediate hearing.

2. Sign language interpreter — advanced hearing. The board must license an individual as a sign language interpreter — advanced hearing if, among other requirements, the individual has received at least a bachelor's degree from an accredited college or university; the individual has successfully completed an interpreter training program; and the individual has passed the advanced or master performance examination administered by BEI and is certified by BEI, has passed the examination for and holds the national interpreter certification issued by the Registry of Interpreters for the Deaf, Inc. (RID), or has passed an exam the board determines is substantially equivalent. The bill includes alternative paths to licensure as a sign language interpreter — advanced hearing.

3. Sign language interpreter — intermediate deaf. The board must license an individual as a sign language interpreter — intermediate deaf if, among other requirements, the individual holds a high school diploma or its equivalent; the individual successfully completed at least 40 hours of a sign language interpreter training curriculum for deaf interpreters; the individual successfully completed at least 16 hours of sign language interpretation-related training approved by BEI or RID; and the individual provides to the board letters of recommendation from at least two individuals who hold a sign language interpreter — advanced deaf license, a certified deaf interpreter certification issued by RID, or an equivalent certification. Taken in the aggregate, the letters of recommendation must verify that the individual has successfully completed at least 25 hours of observing the provision of sign language interpretation services provided to clients.

4. Sign language interpreter — advanced deaf. The board must license an individual as a sign language interpreter — advanced deaf if, among other requirements, the individual holds at least an associate degree or satisfies an alternative pathway for education and the individual holds a certified deaf interpreter certification issued by RID or an equivalent certification, as determined by the board.

The bill requires the board to promulgate rules defining the scope of practice of each of the licenses described above, subject to certain restrictions set forth in the bill.

The bill also establishes a committee to negotiate, develop, execute, and periodically review on behalf of the board a memorandum of understanding between the board and the Department of Public Instruction regarding DPI's licensure of educational sign language interpreters. An individual licensed by DPI and providing sign language interpretation services at a school or school-sponsored event is not required to be licensed by the board. The bill also includes other temporary and permanent exemptions from licensure.

Finally, in addition to enforcement powers and penalties that are similar to the powers provided to other examining boards and applicable penalties, the bill provides enforcement authority to the board with respect to the unauthorized practice of sign language interpretation or the unauthorized use of a title related to sign language interpretation. Under the bill, the board may conduct investigations,

hold hearings, and make findings as to whether a person has engaged in a practice or used a title without a license required under the bill. If the board determines after a public hearing that a person has engaged in a practice or used a title without a required license, the board may issue a special order enjoining the person from the continuation of the practice or use of the title. Any person who violates such a special order may be required to pay a forfeiture of up to \$10,000 for each offense. The board, DSPS, the attorney general, or any district attorney may commence an action in the name of the state to recover the forfeiture.

In lieu of holding a public hearing, the board may petition the circuit court for a temporary restraining order or an injunction. Any person who violates such a temporary restraining order or injunction may be fined between \$25 and \$5,000 or imprisoned for up to one year in the county jail or both.

Similar, although not identical, enforcement authority is provided to DSPS under current law concerning the unauthorized practice or use of a title with respect to a profession regulated by DSPS or a board under DSPS.

For further information see the *state* 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:

1 **SECTION 1.** 15.405 (18) of the statutes is created to read:

2 15.405 (18) SIGN LANGUAGE INTERPRETERS EXAMINING BOARD. (a) In this
3 subsection, "interpretation services" has the meaning given in s. 471.01 (3).

4 (b) There is created a sign language interpreters examining board in the
5 department of safety and professional services consisting of the following members
6 appointed for 4-year terms:

7 1. Three public members who are deaf, hard of hearing, or deaf-blind. All of
8 the members appointed under this subdivision shall have experience as individual
9 clients of sign language interpreters providing interpretation services.

10 2. Two sign language interpreters — advanced hearing licensed under s. 471.04
11 (2).

12 3. One sign language interpreter — advanced deaf licensed under s. 471.04 (4).

1 requires, includes the parent or guardian of a deaf, hard of hearing, or deaf-blind
2 individual if the individual is a minor.

3 (3) "Interpretation services" means any kind of sign language interpretation
4 services provided to a client, whether provided by a hearing or deaf interpreter.

5 (4) "Interpreter training program" means any postsecondary educational
6 program that prepares individuals to perform interpretation services.

7 (4m) "Registry of Interpreters for the Deaf" means the Registry of Interpreters
8 for the Deaf, Inc., or its successor.

9 (5) "Support service provider" means an individual who is trained to act as a
10 link between an individual who is deaf-blind and that individual's environment.

11 **471.02 License required.** (1) No individual may, for compensation, provide
12 interpretation services to a client unless the individual is licensed under s. 471.04
13 or is exempt from licensure.

14 (2) No individual may use the title "sign language interpreter," "interpreter for
15 the deaf," "hearing interpreter," "deaf interpreter," "American sign language
16 interpreter," "ASL English interpreter," or describe or imply that he or she is an
17 individual who provides interpretation services to clients, or represent himself or
18 herself as an individual who provides interpretation services to clients unless the
19 individual is licensed under s. 471.04 or is exempt from licensure under sub. (3) (a)
20 or (b) or s. 471.03 or 471.035.

21 (2m) If interpretation services are provided via live remote video conferencing,
22 an individual providing interpretation services shall be licensed under this section
23 if any of the following applies at the time the interpretation services are provided:

24 (a) The client is located in this state.

25 (b) The individual providing interpretation services is located in this state.

1 **(3)** No license is required under this section for any of the following:

2 (a) An individual providing interpretation services at any school or
3 school-sponsored event if the individual is licensed by the department of public
4 instruction as an educational interpreter. Subject to s. 471.07 (3), the board and the
5 department of public instruction shall enter into a memorandum of understanding
6 defining the scope of practice of a license issued by the department of public
7 instruction under this paragraph. The department, on behalf of the board, and the
8 department of public instruction shall post the memorandum of understanding on
9 their Internet sites.

10 (b) An individual providing interpretation services at a religious service or at
11 a religious function, including educational or social events sponsored by a religious
12 organization. This paragraph does not apply to an individual providing
13 interpretation services for a religious organization at a professional function
14 provided or sponsored by the religious organization.

15 (c) A support service provider providing interpretation services for the purpose
16 of facilitating communication between an individual who provides interpretation
17 services and a client of the individual.

18 (d) An individual who, in the course of the individual's employment, provides
19 interpretation services during an emergency unless the interpretation services are
20 provided during a period that exceeds 24 consecutive hours.

21 **471.03 Temporary exemptions.** The board may grant, on a case-by-case
22 basis, a temporary exemption from the licensure requirement under s. 471.02 to an
23 individual applying for a temporary exemption, subject to the following:

24 **(1)** The board may not grant the same individual temporary exemptions that
25 total more than 21 days in the aggregate each year.

1 (2) An individual's application for a temporary exemption under this section
2 shall be in writing, shall describe the reasons why the individual cannot obtain a
3 license under s. 471.04 and describe any professional credential the individual does
4 possess, and shall specify the dates the individual intends to provide interpretation
5 services.

6 (3) The board shall approve or deny a temporary exemption under this section
7 within 10 business days after receiving the application.

8 **471.035 Permanent exemptions.** The board may grant, on a case-by-case
9 basis, a permanent exemption from the licensure requirements under s. 471.02 to an
10 individual applying for a permanent exemption, subject to the following:

11 (1) An individual's application for a permanent exemption under this section
12 shall describe the reasons why the individual cannot obtain a license under s. 471.04.

13 (2) If the applicant for permanent exemption will be providing interpretation
14 services to a single client only, the individual's application shall identify that client.

15 **471.04 Licensure.** The board shall grant licenses for the provision of
16 interpretation services under the following license categories:

17 (1) SIGN LANGUAGE INTERPRETER — INTERMEDIATE HEARING. The board shall grant
18 a sign language interpreter — intermediate hearing license to an applicant who
19 submits an application on a form provided by the board, pays the fee determined by
20 the department under s. 440.05 (1) (a), and satisfies any of the following:

21 (a) The applicant satisfies all of the following conditions:

22 1. The applicant has received at least a bachelor's degree from an accredited
23 college or university.

24 2. The applicant provides evidence satisfactory to the board that the applicant
25 has successfully completed an interpreter training program.

1 3. The applicant has passed the basic performance examination of and is
2 certified by the Board for Evaluation of Interpreters, or the applicant has passed a
3 substantially equivalent examination, as determined by the board.

4 (b) The applicant satisfies all of the following conditions:

5 1. The applicant earned an associate degree in sign language interpretation
6 before the effective date of this subdivision [LRB inserts date].

7 2. The applicant has passed the basic performance examination of and is
8 certified by the Board for Evaluation of Interpreters, or the applicant has passed a
9 substantially equivalent examination, as determined by the board.

10 (c) The applicant satisfies all of the following conditions:

11 1. Before the effective date of this subdivision [LRB inserts date], the
12 applicant passed the basic performance examination of and is certified by the Board
13 for Evaluation of Interpreters, or before the effective date of this subdivision [LRB
14 inserts date], the applicant passed a substantially equivalent examination, as
15 determined by the board.

16 2. The board approves the applicant's licensure after review of all of the
17 circumstances.

18 **(2) SIGN LANGUAGE INTERPRETER — ADVANCED HEARING.** The board shall grant a
19 sign language interpreter — advanced hearing license to an applicant who submits
20 an application on a form provided by the board, pays the fee determined by the
21 department under s. 440.05 (1) (a), and satisfies any of the following:

22 (a) The applicant satisfies all of the following conditions:

23 1. The applicant has received at least a bachelor's degree from an accredited
24 college or university.

1 2. The applicant provides evidence satisfactory to the board that the applicant
2 has successfully completed an interpreter training program.

3 3. The applicant has passed the advanced or master performance examination
4 of and is certified by the Board for Evaluation of Interpreters, the applicant has
5 passed the examination for and holds the national interpreter certification issued by
6 the Registry of Interpreters for the Deaf, or the applicant has passed a substantially
7 equivalent examination, as determined by the board.

8 (b) The applicant was issued before the effective date of this paragraph [LRB
9 inserts date], and maintains in good standing any of the following:

10 1. The national interpreter certification (NIC), advanced or master level
11 national interpreter certification (NIC-Advance or NIC-Master), certificate of
12 interpretation (CI), certificate of transliteration (CT), comprehensive skills
13 certificate (CSC), master comprehensive skills certificate (MSCS), interpretation
14 certificate (IC), or transliteration certificate (TC), issued by the Registry of
15 Interpreters for the Deaf.

16 2. The National Association of the Deaf III, IV, or V certification.

17 3. The advanced or master certification of the Board for Evaluation of
18 Interpreters.

19 **(3) SIGN LANGUAGE INTERPRETER — INTERMEDIATE DEAF.** The board shall grant a
20 sign language interpreter — intermediate deaf license to an applicant who submits
21 an application on a form provided by the board, pays the fee determined by the
22 department under s. 440.03 (9) (a), and satisfies all of the following:

23 (a) The applicant holds a high school diploma or its equivalent, as determined
24 by the board.

1 (b) The applicant submits evidence satisfactory to the board of the applicant's
2 successful completion of at least 40 hours of a deaf interpreter training curriculum
3 approved by the board.

4 (c) The applicant submits evidence satisfactory to the board of the applicant's
5 successful completion of at least 16 hours of interpretation services-related training
6 approved for continuing education credits by the Registry of Interpreters for the Deaf
7 or the Board for Evaluation of Interpreters.

8 (d) The applicant submits evidence satisfactory to the board of the applicant's
9 successful completion of American sign language linguistics I and II or substantially
10 equivalent coursework, as determined by the board.

11 (e) The applicant provides to the board letters of recommendation satisfactory
12 to the board from at least 2 individuals who hold a sign language interpreter —
13 advanced deaf license, a certified deaf interpreter certification issued by the Registry
14 of Interpreters for the Deaf, or an equivalent certification as determined by the
15 board. Taken in the aggregate, the letters of recommendation shall verify that the
16 applicant has successfully completed at least 25 hours of observing interpretation
17 services provided to clients.

18 **(4) SIGN LANGUAGE INTERPRETER — ADVANCED DEAF.** The board shall grant a sign
19 language interpreter — advanced deaf license to an applicant who submits an
20 application on a form provided by the board, pays the fee determined by the
21 department under s. 440.03 (9) (a), and satisfies all of the following:

22 (a) The applicant holds at least an associate degree or satisfies an alternative
23 pathway for education, as determined by the board.

1 (b) The applicant holds a certified deaf interpreter certification issued by the
2 Registry of Interpreters for the Deaf or an equivalent certification, as determined by
3 the board.

4 **471.045 Exam administration in Wisconsin.** The department of health
5 services shall administer in this state the performance examinations of the Board for
6 Evaluation of Interpreters, unless the board approves another administrator of the
7 examinations.

8 **471.05 Scope of license.** The board shall promulgate rules defining the scope
9 of practice of each license granted under s. 471.04, subject to the following:

10 (1) SIGN LANGUAGE INTERPRETER — INTERMEDIATE HEARING. (a) A sign language
11 interpreter — intermediate hearing licensee may not provide interpretation services
12 to clients in any medical setting, as determined by the board, unless he or she is team
13 interpreting with a sign language interpreter — advanced hearing or sign language
14 interpreter — advanced deaf.

15 (b) A sign language interpreter — intermediate hearing licensee may not
16 provide interpretation services to clients in any legal or mental health setting, as
17 determined by the board.

18 (2) INTERPRETATION IN LEGAL SETTINGS. No sign language interpreter —
19 advanced hearing, sign language interpreter — intermediate deaf, or sign language
20 interpreter — advanced deaf licensee may provide interpretation services to a client
21 in any legal setting, as determined by the board, unless he or she is also certified,
22 including a provisional certification, by the supreme court to act as a qualified
23 interpreter in court proceedings under s. 885.38 (2).

1 **471.053 License renewal; continuing education.** (1) The renewal date for
2 a license granted under s. 471.04 is specified in s. 440.08 (2) (a) 68c., and the renewal
3 fee is determined by the department under s. 440.03 (9) (a).

4 (2) If the initial license of an applicant for license renewal required the
5 applicant to hold a certification issued by the Board for Evaluation of Interpreters,
6 Registry of Interpreters for the Deaf, or another organization, the applicant shall
7 submit evidence satisfactory to the board that the applicant's certification that is
8 required for the license has not been revoked or invalidated or otherwise expired.

9 (3) The board shall promulgate rules requiring each applicant for license
10 renewal to submit to the board evidence satisfactory to the board of the applicant's
11 completion of at least 30 hours of continuing education during the 2-year period
12 immediately preceding the renewal date specified under s. 440.08 (2) (a) 68c., subject
13 to the following:

14 (a) For each renewal period, up to 5 hours of continuing education may be
15 satisfied by community volunteering in the deaf, hard of hearing, or deaf-blind
16 community or with a professional sign language interpretation community
17 organization.

18 (b) For each renewal period, up to 5 hours of continuing education may be
19 satisfied by mentoring, as determined by the board.

20 (c) Continuing education hours earned through workshops, conferences, and
21 college courses shall have been approved as continuing education by the Registry of
22 Interpreters for the Deaf or the Board for Evaluation of Interpreters for purposes of
23 certifications issued by those entities.

24 (d) An applicant for renewal who obtained his or her initial license under s.
25 471.04 within the 12 months immediately preceding the renewal date specified

1 under s. 440.08 (2) (a) 68c. need not satisfy the continuing education requirements
2 under this subsection.

3 (e) On a case-by-case basis, the board may grant an extension of time to satisfy,
4 or a waiver of, some or all of the continuing education requirements under this
5 subsection.

6 **471.057 Reciprocal licensure.** (1) Upon application and payment of the fee
7 specified in s. 440.05 (2), the board may grant the appropriate category of license
8 under s. 471.04 to an individual who holds a license or other credential granted by
9 a governmental authority in a jurisdiction outside this state that qualifies the
10 applicant to provide interpretation services to clients under that category of license
11 granted by the board.

12 (2) The board may enter into a reciprocal agreement with the officials of a
13 jurisdiction outside this state for licensing interpreters and may grant a license to
14 an individual licensed in that jurisdiction according to the terms of that agreement.

15 (3) The board shall promulgate rules implementing this section.

16 **471.06 Identification cards.** The board shall promulgate rules requiring all
17 interpreters licensed under s. 471.04 to have an identification card with them at all
18 times while providing interpretation services to clients for compensation. The board
19 shall issue the identification card. The identification card issued to a licensee for
20 purposes of this section shall satisfy all of the following conditions:

21 (1) Include all of the following:

22 (a) The interpreter's full name.

23 (b) The interpreter's licensure category, whether sign language interpreter —
24 intermediate hearing, sign language interpreter — advanced hearing, sign language
25 interpreter — intermediate deaf, or sign language interpreter — advanced deaf.

1 (c) Any applicable licensure restriction.

2 (d) A statement whether the interpreter is certified by the supreme court to act
3 as a qualified interpreter in court proceedings under s. 885.38 (2) and whether that
4 certification is provisional.

5 (e) Any other information required by the board.

6 **(2)** Be color-coded based on the interpreter's licensure category identified
7 under sub. (1) (b). An intermediate license shall be yellow. An advanced license shall
8 be green.

9 **471.065 Professional conduct.** The board shall promulgate rules governing
10 the professional conduct of individuals licensed under s. 471.04. The rules shall
11 incorporate the rules of professional conduct adopted by the National Association of
12 the Deaf, or its successor, and Registry of Interpreters for the Deaf.

13 **471.07 Memorandum of understanding advisory committee.** (1) In this
14 section, "memorandum of understanding" means the memorandum of
15 understanding established under s. 471.02 (3) (a).

16 **(2)** The secretary shall appoint a committee under s. 440.042, consisting of the
17 following members:

18 (a) One member of the board, appointed by the board.

19 (b) One representative of the department of public instruction, appointed by
20 the state superintendent of public instruction.

21 (c) One member of the deaf and hard-of-hearing education council, appointed
22 by that council.

23 (d) One interpreter licensed under s. 471.04, appointed by the board.

1 (e) One individual who is licensed by the department of public instruction as
2 an educational interpreter, appointed by the state superintendent of public
3 instruction.

4 (f) One member of the deaf, hard of hearing, and deaf-blind community who
5 attended public schools and received the services of an educational interpreter
6 licensed by the department of public instruction, appointed by the board.

7 (g) One member of the deaf, hard of hearing, and deaf-blind community who
8 is a parent of a child attending public school, appointed by the board.

9 **(3)** The committee appointed under sub. (1) shall do all of the following:

10 (a) On behalf of the board negotiate, develop, and execute the memorandum of
11 understanding established under s. 471.02 (3) (a).

12 (b) Meet at least once every 2 years to review the memorandum of
13 understanding established under s. 471.02 (3) (a) and make recommendations to the
14 board and the department of public instruction concerning changes to the
15 memorandum of understanding.

16 **471.08 Disciplinary actions and proceedings.** (1) Subject to the rules
17 promulgated under s. 440.03 (1), the board may make investigations and conduct
18 hearings to determine whether a violation of this chapter or any rule promulgated
19 under this chapter has occurred.

20 **(2)** Subject to the rules promulgated under s. 440.03 (1), the board may
21 reprimand an interpreter licensed under s. 471.04 or deny, limit, suspend, or revoke
22 a license granted under s. 471.04 if the board finds that an applicant for a license or
23 a licensee has done any of the following:

24 (a) Intentionally made a material misstatement in an application for a license
25 or license renewal.

1 (b) Subject to ss. 111.321, 111.322, and 111.335, been arrested or convicted of
2 an offense the circumstances of which substantially relate to the provision of
3 interpretation services to clients.

4 (c) Subject to ss. 111.321, 111.322, and 111.34, provided interpretation services
5 to a client while the interpreter's ability to do so was impaired by alcohol or other
6 drugs.

7 (d) Been adjudicated mentally incompetent by a court of competent
8 jurisdiction. A certified copy of the record of an adjudication of incompetency is
9 conclusive evidence of incompetence under this paragraph.

10 (e) Advertised in a manner that is false or misleading.

11 (f) Obtained or attempted to obtain compensation through fraud or deceit.

12 (g) Failed to cooperate with the board in an investigation under this section.

13 (h) Aided another person in violating this chapter or any rule promulgated
14 under this chapter.

15 (i) Violated this chapter or any rule promulgated under this chapter or violated
16 any other law of this state, any law of another state, or any federal law that
17 substantially relates to the provision of interpretation services to clients.

18 (3) In addition to or in lieu of a reprimand or other action under sub. (2), the
19 board may establish by rule other penalties, including a forfeiture not to exceed
20 \$1,000 for each violation, for a violation under sub. (2).

21 **471.09 Penalty.** A person who violates this chapter or any rule promulgated
22 under this chapter may be fined not more than \$10,000 or imprisoned for not more
23 than 6 months or both.

1 **471.095 Injunction.** (1) The board may conduct investigations, hold
2 hearings, and make findings as to whether a person has engaged in a practice or used
3 a title without a license required under s. 471.02.

4 (2) If, after holding a public hearing, the board determines that a person has
5 engaged in a practice or used a title without a license required under s. 471.02, the
6 board may issue a special order enjoining the person from the continuation of the
7 practice or use of the title.

8 (3) In lieu of holding a public hearing, if the board has reason to believe that
9 a person has engaged in a practice or used a title without a license required under
10 s. 471.02, the board may petition the circuit court for a temporary restraining order
11 or an injunction as provided in ch. 813.

12 (4) (a) Any person who violates a special order issued under sub. (2) may be
13 required to forfeit not more than \$10,000 for each offense. Each day of continued
14 violation constitutes a separate offense. The board, department, attorney general,
15 or any district attorney may commence an action in the name of the state to recover
16 a forfeiture under this paragraph.

17 (b) Any person who violates a temporary restraining order or an injunction
18 issued by a court upon a petition under sub. (3) may be fined not less than \$25 nor
19 more than \$5,000 or imprisoned for not more than one year in the county jail or both.

20 **SECTION 6.** 905.015 (2) (intro.) of the statutes is amended to read:

21 905.015 (2) (intro.) In addition to the privilege under sub. (1), a person who is
22 licensed as an interpreter under s. 440.032 (3) 471.04 may not disclose any aspect of
23 a confidential communication facilitated by the interpreter unless one of the
24 following conditions applies:

25 **SECTION 7. Nonstatutory provisions.**

1 (1) DEFINITION. In subsections (2) to (7), “board” means the sign language
2 interpreters examining board.

3 (2) CREDENTIALS OF INITIAL MEMBERS. Notwithstanding section 15.405 (18) (b)
4 2. or 3. of the statutes, the initial members appointed to the board under section
5 15.405 (18) (b) 2. or 3. of the statutes need not be licensed under section 471.04 of the
6 statutes, but shall be sign language interpreters licensed under section 440.032,
7 2015 stats.

8 (3) STAGGERING OF TERMS. Notwithstanding the length of terms specified for the
9 members of the board under section 15.405 (18) (b) (intro.) of the statutes, 2 of the
10 initial members shall be appointed for terms expiring on July 1, 2020; 2 of the initial
11 members shall be appointed for terms expiring on July 1, 2021; 2 of the initial
12 members shall be appointed for terms expiring on July 1, 2022; and one of the initial
13 members shall be appointed for a term expiring on July 1, 2023.

14 (4) PROVISIONAL APPOINTMENTS.

15 (a) Notwithstanding the requirement of advice and consent of the senate under
16 section 15.08 (1) of the statutes, the initial members of the board nominated by the
17 governor may be provisionally appointed by the governor, subject to later senate
18 confirmation. Any provisional appointment shall be in full force until withdrawn by
19 the governor or acted upon by the senate, and if confirmed by the senate shall
20 continue for the remainder of the unexpired term of the member and until a successor
21 is appointed and qualifies. A provisional appointee may exercise all the powers and
22 duties of board membership to which the person is appointed during the time in
23 which the appointee qualifies.

24 (b) A provisional appointment made under paragraph (a) that is withdrawn by
25 the governor shall, upon withdrawal, lapse and create a vacancy for provisional

1 appointment of another initial member of the board. Any provisional appointment
2 made under paragraph (a) that is rejected by the senate shall, upon rejection, lapse
3 and create a vacancy for provisional appointment of another initial board member.

4 (5) TRANSITIONAL LICENSURE.

5 (a) *Sign language interpreter — intermediate hearing.* On the effective date of
6 this paragraph, a sign language interpreter who, immediately prior to the effective
7 date of this paragraph, held a valid 151 Restricted License issued by the department
8 of safety and professional services, is considered to be a licensed sign language
9 interpreter — intermediate hearing under section 471.04 (1) of the statutes, and the
10 department of safety and professional services shall issue a license to the individual
11 under section 471.04 (1) of the statutes notwithstanding the fee and other
12 application requirements under that section of the statutes.

13 (b) *Sign language interpreter — advanced hearing.* On the effective date of this
14 paragraph, a sign language interpreter who, immediately prior to the effective date
15 of this paragraph, held a valid 150 Renewable License issued by the department of
16 safety and professional services, is considered to be a licensed sign language
17 interpreter — advanced hearing under section 471.04 (2) of the statutes, and the
18 department of safety and professional services shall issue a license to the individual
19 under section 471.04 (2) of the statutes notwithstanding the fee and other
20 application requirements under that section of the statutes.

21 (c) *Sign language interpreter — intermediate deaf.* On the effective date of this
22 paragraph, a sign language interpreter who is deaf, hard of hearing, or deaf-blind
23 and who, immediately prior to the effective date of this paragraph, held a valid 151
24 Restricted License issued by the department of safety and professional services, is
25 considered to be a licensed sign language interpreter — intermediate deaf under

1 section 471.04 (3) of the statutes, and the department of safety and professional
2 services shall issue a license to the individual under section 471.04 (3) of the statutes
3 notwithstanding the fee and other application requirements under that section of the
4 statutes.

5 (d) *Sign language interpreter — advanced deaf.* On the effective date of this
6 paragraph, a sign language interpreter who is deaf, hard of hearing, or deaf-blind
7 and who, immediately prior to the effective date of this paragraph, held a valid 150
8 Renewable License issued by the department of safety and professional services, is
9 considered to be a licensed sign language interpreter — advanced deaf under section
10 471.04 (4) of the statutes, and the department of safety and professional services
11 shall issue a license to the individual under section 471.04 (4) of the statutes
12 notwithstanding the fee and other application requirements under that section of the
13 statutes.

14 (6) OTHER TRANSITIONAL PROVISIONS.

15 (a) *Department of safety and professional services.*

16 1. 'Pending matters.' Each matter pending with the department of safety and
17 professional services on the effective date of this subdivision that is primarily related
18 to the regulation of sign language interpreters, as determined by the secretary of
19 safety and professional services, is transferred to the board and all materials
20 submitted to or actions taken by the department of safety and professional services
21 with respect to the pending matter are considered as having been submitted to or
22 taken by the board.

23 2. 'Rules and orders.' All rules promulgated by the department of safety and
24 professional services that are primarily related to the regulation of sign language
25 interpreters, as determined by the secretary of safety and professional services, and

1 that are in effect on the effective date of this subdivision remain in effect until their
2 specified expiration dates or until amended or repealed by the board. All orders
3 issued by the department of safety and professional services that are primarily
4 related to the regulation of sign language interpreters, as determined by the
5 secretary of safety and professional services, and that are in effect on the effective
6 date of this subdivision remain in effect until their specified expiration dates or until
7 modified or rescinded by the board.

8 (b) *Elimination of the sign language interpreter council.*

9 1. 'Assets and liabilities.' On the effective date of this subdivision, the assets
10 and liabilities of the sign language interpreter council become the assets and
11 liabilities of the board.

12 2. 'Tangible personal property.' On the effective date of this subdivision, all
13 tangible personal property, including records, of the sign language interpreter
14 council is transferred to the board.

15 3. 'Contracts.' All contracts entered into by the sign language interpreter
16 council in effect on the effective date of this subdivision remain in effect and are
17 transferred to the board. The board shall carry out all obligations under such a
18 contract unless modified or rescinded by the board to the extent allowed under the
19 contract.

20 4. 'Pending matters.' Each matter pending with the sign language interpreter
21 council on the effective date of this subdivision is transferred to the board and all
22 materials submitted to or actions taken by the sign language interpreter council with
23 respect to the pending matter are considered as having been submitted to or taken
24 by the board.

1 5. 'Rules and orders.' All rules promulgated by the sign language interpreter
2 council that are in effect on the effective date of this subdivision remain in effect until
3 their specified expiration dates or until amended or repealed by the board. All orders
4 issued by the sign language interpreter council that are in effect on the effective date
5 of this subdivision remain in effect until their specified expiration dates or until
6 modified or rescinded by the board.

7 (7) EMERGENCY RULES. The board may promulgate emergency rules under
8 section 227.24 of the statutes necessary to implement this act. Notwithstanding
9 section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this
10 subsection remain in effect until July 1, 2019, or the date on which permanent rules
11 take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the
12 statutes, the board is not required to provide evidence that promulgating a rule
13 under this subsection as an emergency rule is necessary for the preservation of the
14 public peace, health, safety, or welfare and is not required to provide a finding of
15 emergency for a rule promulgated under this subsection.

16 **SECTION 8. Initial applicability.**

17 (1) RESTRICTED LICENSE RENEWALS. The treatment of section 440.032 (3) (b) 3.
18 (by SECTION 4) of the statutes first applies retroactively to an individual holding a
19 valid license under section 440.032 (3) (b) 1. or 2. of the statutes on August 31, 2017.

20 **SECTION 9. Effective dates.** This act takes effect on the first day of the 7th
21 month beginning after publication, except as follows:

22 (1) RESTRICTED LICENSE RENEWALS. The treatment of section 440.032 (3) (b) 3.
23 (by SECTION 4) of the statutes and SECTION 8 of this act take effect on the day after
24 publication.

25 (END)

Walker, Dan

From: Schultz, Jeff
Sent: Monday, September 18, 2017 1:19 PM
To: LRB.Legal
Subject: Draft Review: LRB -4297/1

Please Jacket LRB -4297/1 for the SENATE.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4297/1
MPG:ahc

corrected copy

11-28-2017

2017 SENATE BILL 465

October 18, 2017 - Introduced by Senators TESTIN, JOHNSON, VINEHOUT, LARSON and CARPENTER, cosponsored by Representatives BROSTOFF, SKOWRONSKI, KLEEFISCH, CROWLEY, BOWEN, VORPAGEL, STUCK, SUBECK, ROHRKASTE, ANDERSON, SPIROS, SPREITZER, GENRICH, SARGENT, HINTZ, ZAMARRIPA, RIPP, C. TAYLOR, SINICKI, KOLSTE, RIEMER, E. BROOKS, HEBL and GOYKE. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

- 1 **AN ACT to repeal** 15.407 (9) and 440.032; **to amend** 440.032 (3) (b) 3. and 905.015
- 2 (2) (intro.); and **to create** 15.405 (18) and chapter 471 of the statutes; **relating**
- 3 **to:** regulation of sign language interpretation services, providing an exemption
- 4 from emergency rule procedures, granting rule-making authority, and
- 5 providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This bill replaces the current licensure program for sign language interpreters licensed by the Department of Safety and Professional Services with a licensure program administered by the Sign Language Interpreters Examining Board, which is created in the bill. The board's membership consists of three deaf, hard of hearing, or deaf-blind individuals, three experienced sign language interpreters who are licensed under the bill, and one individual who is not deaf, hard of hearing, or deaf-blind and has obtained the services of a sign language interpreter on behalf of an individual who is deaf, hard of hearing, or deaf-blind.

Under the bill, the board grants the following licenses:

- 1. Sign language interpreter — intermediate hearing. The board must license an individual as a sign language interpreter — intermediate hearing if, among other requirements, the individual has received at least a bachelor's degree from an accredited college or university; the individual has successfully completed an interpreter training program; and the individual has passed the basic performance examination administered by the Board for Evaluation of Interpreters (BEI) or

and is certified
by BEI

SENATE BILL 465

has passed an examination the board determines is substantially equivalent to the BEI basic performance examination

equivalent exam and is certified by BEI The bill includes alternative paths to licensure as a sign language interpreter — intermediate hearing.

2. Sign language interpreter — advanced hearing. The board must license an individual as a sign language interpreter — advanced hearing if, among other requirements, the individual has received at least a bachelor's degree from an accredited college or university; the individual has successfully completed an interpreter training program; and the individual has passed the advanced or master performance examination administered by BEI and is certified by BEI, has passed the examination for and holds the national interpreter certification issued by the Registry of Interpreters for the Deaf, Inc. (RID), or has passed an exam the board determines is substantially equivalent. The bill includes alternative paths to licensure as a sign language interpreter — advanced hearing.

3. Sign language interpreter — intermediate deaf. The board must license an individual as a sign language interpreter — intermediate deaf if, among other requirements, the individual holds a high school diploma or its equivalent; the individual successfully completed at least 40 hours of a sign language interpreter training curriculum for deaf interpreters; the individual successfully completed at least 16 hours of sign language interpretation-related training approved by BEI or RID; and the individual provides to the board letters of recommendation from at least two individuals who hold a sign language interpreter — advanced deaf license, a certified deaf interpreter certification issued by RID, or an equivalent certification. Taken in the aggregate, the letters of recommendation must verify that the individual has successfully completed at least 25 hours of observing the provision of sign language interpretation services provided to clients.

4. Sign language interpreter — advanced deaf. The board must license an individual as a sign language interpreter — advanced deaf if, among other requirements, the individual holds at least an associate degree or satisfies an alternative pathway for education and the individual holds a certified deaf interpreter certification issued by RID or an equivalent certification, as determined by the board.

The bill requires the board to promulgate rules defining the scope of practice of each of the licenses described above, subject to certain restrictions set forth in the bill.

The bill also establishes a committee to negotiate, develop, execute, and periodically review on behalf of the board a memorandum of understanding between the board and the Department of Public Instruction regarding DPI's licensure of educational sign language interpreters. An individual licensed by DPI and providing sign language interpretation services at a school or school-sponsored event is not required to be licensed by the board. The bill also includes other temporary and permanent exemptions from licensure.

Finally, in addition to enforcement powers and penalties that are similar to the powers provided to other examining boards and applicable penalties, the bill provides enforcement authority to the board with respect to the unauthorized practice of sign language interpretation or the unauthorized use of a title related to sign language interpretation. Under the bill, the board may conduct investigations,



11-29-2017
After changes

2017 SENATE BILL 465

October 18, 2017 - Introduced by Senators TESTIN, JOHNSON, VINEHOUT, LARSON and CARPENTER, cosponsored by Representatives BROSTOFF, SKOWRONSKI, KLEEFISCH, CROWLEY, BOWEN, VORPAGEL, STUCK, SUBECK, ROHRKASTE, ANDERSON, SPIROS, SPREITZER, GENRICH, SARGENT, HINTZ, ZAMARRIPA, RIPP, C. TAYLOR, SINICKI, KOLSTE, RIEMER, E. BROOKS, HEBL and GOYKE. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

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2 (2) (intro.); and **to create** 15.405 (18) and chapter 471 of the statutes; **relating**
3 **to:** regulation of sign language interpretation services, providing an exemption
4 from emergency rule procedures, granting rule-making authority, and
5 providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This bill replaces the current licensure program for sign language interpreters licensed by the Department of Safety and Professional Services with a licensure program administered by the Sign Language Interpreters Examining Board, which is created in the bill. The board's membership consists of three deaf, hard of hearing, or deaf-blind individuals, three experienced sign language interpreters who are licensed under the bill, and one individual who is not deaf, hard of hearing, or deaf-blind and has obtained the services of a sign language interpreter on behalf of an individual who is deaf, hard of hearing, or deaf-blind.

Under the bill, the board grants the following licenses:

1. Sign language interpreter — intermediate hearing. The board must license an individual as a sign language interpreter — intermediate hearing if, among other requirements, the individual has received at least a bachelor's degree from an accredited college or university; the individual has successfully completed an interpreter training program; and the individual has passed the basic performance examination administered by the Board for Evaluation of Interpreters (BEI) and is

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certified by BEI or has passed an examination the board determines is substantially equivalent to the BEI basic performance examination. The bill includes alternative paths to licensure as a sign language interpreter — intermediate hearing.

2. Sign language interpreter — advanced hearing. The board must license an individual as a sign language interpreter — advanced hearing if, among other requirements, the individual has received at least a bachelor's degree from an accredited college or university; the individual has successfully completed an interpreter training program; and the individual has passed the advanced or master performance examination administered by BEI and is certified by BEI, has passed the examination for and holds the national interpreter certification issued by the Registry of Interpreters for the Deaf, Inc. (RID), or has passed an exam the board determines is substantially equivalent. The bill includes alternative paths to licensure as a sign language interpreter — advanced hearing.

3. Sign language interpreter — intermediate deaf. The board must license an individual as a sign language interpreter — intermediate deaf if, among other requirements, the individual holds a high school diploma or its equivalent; the individual successfully completed at least 40 hours of a sign language interpreter training curriculum for deaf interpreters; the individual successfully completed at least 16 hours of sign language interpretation-related training approved by BEI or RID; and the individual provides to the board letters of recommendation from at least two individuals who hold a sign language interpreter — advanced deaf license, a certified deaf interpreter certification issued by RID, or an equivalent certification. Taken in the aggregate, the letters of recommendation must verify that the individual has successfully completed at least 25 hours of observing the provision of sign language interpretation services provided to clients.

4. Sign language interpreter — advanced deaf. The board must license an individual as a sign language interpreter — advanced deaf if, among other requirements, the individual holds at least an associate degree or satisfies an alternative pathway for education and the individual holds a certified deaf interpreter certification issued by RID or an equivalent certification, as determined by the board.

The bill requires the board to promulgate rules defining the scope of practice of each of the licenses described above, subject to certain restrictions set forth in the bill.

The bill also establishes a committee to negotiate, develop, execute, and periodically review on behalf of the board a memorandum of understanding between the board and the Department of Public Instruction regarding DPI's licensure of educational sign language interpreters. An individual licensed by DPI and providing sign language interpretation services at a school or school-sponsored event is not required to be licensed by the board. The bill also includes other temporary and permanent exemptions from licensure.

Finally, in addition to enforcement powers and penalties that are similar to the powers provided to other examining boards and applicable penalties, the bill provides enforcement authority to the board with respect to the unauthorized practice of sign language interpretation or the unauthorized use of a title related to

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sign language interpretation. Under the bill, the board may conduct investigations, hold hearings, and make findings as to whether a person has engaged in a practice or used a title without a license required under the bill. If the board determines after a public hearing that a person has engaged in a practice or used a title without a required license, the board may issue a special order enjoining the person from the continuation of the practice or use of the title. Any person who violates such a special order may be required to pay a forfeiture of up to \$10,000 for each offense. The board, DSPS, the attorney general, or any district attorney may commence an action in the name of the state to recover the forfeiture.

In lieu of holding a public hearing, the board may petition the circuit court for a temporary restraining order or an injunction. Any person who violates such a temporary restraining order or injunction may be fined between \$25 and \$5,000 or imprisoned for up to one year in the county jail or both.

Similar, although not identical, enforcement authority is provided to DSPS under current law concerning the unauthorized practice or use of a title with respect to a profession regulated by DSPS or a board under DSPS.

For further information see the *state* 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:

1 **SECTION 1.** 15.405 (18) of the statutes is created to read:

2 **15.405 (18) SIGN LANGUAGE INTERPRETERS EXAMINING BOARD.** (a) In this
3 subsection, “interpretation services” has the meaning given in s. 471.01 (3).

4 (b) There is created a sign language interpreters examining board in the
5 department of safety and professional services consisting of the following members
6 appointed for 4-year terms:

7 1. Three public members who are deaf, hard of hearing, or deaf-blind. All of
8 the members appointed under this subdivision shall have experience as individual
9 clients of sign language interpreters providing interpretation services.

10 2. Two sign language interpreters — advanced hearing licensed under s. 471.04
11 (2).

12 3. One sign language interpreter — advanced deaf licensed under s. 471.04 (4).

