



2019 ASSEMBLY BILL 250

1 **AN ACT** *to repeal* 15.407 (9), 440.032 (1) (b), 440.032 (2) (b) 1., 440.032 (3) (a),
2 440.032 (3) (b) and 440.032 (6); *to amend* 440.032 (5); *to repeal and recreate*
3 440.032 (2) (c) and 440.032 (7) (b); and *to create* 440.032 (1) (am), 440.032 (1)
4 (bm), 440.032 (3) (c), 440.032 (3) (d), 440.032 (3) (e), 440.032 (3) (f), 440.032 (3m),
5 440.032 (4m), 440.032 (5m), 440.032 (6m) and 440.032 (7m) of the statutes;
6 **relating to:** examinations and licensure of sign language interpreters,
7 providing an exemption from emergency rule procedures, and granting
8 rule-making authority.

Analysis by the Legislative Reference Bureau

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

- 9 **SECTION 1.** 15.407 (9) of the statutes is repealed.
- 10 **SECTION 2.** 440.032 (1) (am) of the statutes is created to read:

ASSEMBLY BILL 250**SECTION 2**

1 440.032 (1) (am) “Committee” means the sign language interpreters advisory
2 committee established under sub. (6m).

3 **SECTION 3.** 440.032 (1) (b) of the statutes is repealed.

4 **SECTION 4.** 440.032 (1) (bm) of the statutes is created to read:

5 440.032 (1) (bm) “Interpreter training program” means any postsecondary
6 educational program that prepares individuals to provide sign language
7 interpretation services to a client.

8 **SECTION 5.** 440.032 (2) (b) 1. of the statutes is repealed.

9 **SECTION 6.** 440.032 (2) (c) of the statutes is repealed and recreated to read:

10 440.032 (2) (c) 1. The department may grant, on a case-by-case basis, a
11 temporary exemption from the licensure requirement under par. (a) to an individual
12 applying for a temporary exemption, subject to the following:

13 a. An individual’s application for a temporary exemption under this
14 subdivision shall be in writing, shall describe the reasons why the individual cannot
15 obtain a license under sub. (3) and describe any professional credential the
16 individual does possess, and shall specify the dates the individual intends to provide
17 sign language interpretation services.

18 b. The department shall approve or deny a temporary exemption under this
19 subdivision within 10 business days after receiving the application.

20 2. The department may grant, on a case-by-case basis after receiving advice
21 from the committee, a permanent exemption from the licensure requirement under
22 par. (a) to an individual applying for a permanent exemption, subject to the following:

23 a. An individual’s application for a permanent exemption under this
24 subdivision shall describe the reasons why the individual cannot obtain a license
25 under sub. (3).

ASSEMBLY BILL 250

1 b. If the applicant for a permanent exemption will be providing sign language
2 interpretations services to a single client only, the individual's application shall
3 identify that client.

4 **SECTION 7.** 440.032 (3) (a) of the statutes is repealed.

5 **SECTION 7m.** 440.032 (3) (b) of the statutes is repealed.

6 **SECTION 12.** 440.032 (3) (c) of the statutes is created to read:

7 440.032 (3) (c) *Sign language interpreter—intermediate hearing licenses.* The
8 department shall grant a sign language interpreter—intermediate hearing license
9 to an applicant who submits an application on a form provided by the department,
10 pays the fee determined by the department under 440.03 (9) (a), and satisfies any of
11 the following:

12 1. The applicant satisfies all of the following:

13 a. The applicant has received at least an associate degree in sign language
14 interpretation, or an equivalent degree, as determined by the department after
15 receiving advice from the committee.

16 b. The applicant provides evidence satisfactory to the department that the
17 applicant has successfully completed an interpreter training program.

18 c. The applicant has passed the basic performance examination of and is
19 certified by the Board for Evaluation of Interpreters, or its successor, or the applicant
20 has passed a substantially equivalent examination, as determined by the
21 department after receiving advice from the committee.

22 2. The applicant satisfies all of the following:

23 a. The applicant earned an associate degree in sign language interpretation
24 before the effective date of this subd. 2. a. [LRB inserts date].

ASSEMBLY BILL 250**SECTION 12**

1 b. The applicant has passed the basic performance examination of and is
2 certified by the Board for Evaluation of Interpreters, or its successor, or the applicant
3 has passed a substantially equivalent examination, as determined by the
4 department after receiving advice from the committee.

5 3. The applicant satisfies all of the following:

6 a. Before the effective date of this subd. 3. a. [LRB inserts date], the
7 applicant passed the basic performance examination of and is certified by the Board
8 for Evaluation of Interpreters, or its successor, or before the effective date of this
9 subd. 3. a. [LRB inserts date], the applicant passed a substantially equivalent
10 examination, as determined by the department after receiving advice from the
11 committee.

12 b. The department approves the applicant's licensure after review of all of the
13 circumstances and receiving advice from the committee.

14 **SECTION 13.** 440.032 (3) (d) of the statutes is created to read:

15 440.032 **(3)** (d) *Sign language interpreter—advanced hearing licenses.* The
16 department shall grant a sign language interpreter—advanced hearing license to an
17 applicant who submits an application on a form provided by the department, pays
18 the fee determined by the department under s. 440.03 (9) (a), and satisfies any of the
19 following:

20 1. The applicant satisfies all of the following:

21 a. The applicant has received at least an associate degree in sign language
22 interpretation, or an equivalent degree as determined by the department after
23 receiving advice from the committee.

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

ASSEMBLY BILL 250

1 c. The applicant has passed the advanced or master performance examination
2 of and is certified by the Board for Evaluation of Interpreters, or its successor; the
3 applicant has passed the examination for and holds the national interpreter
4 certification issued by the Registry of Interpreters for the Deaf, Inc., or its successor;
5 or the applicant has passed a substantially equivalent examination, as determined
6 by the department after receiving advice from the committee.

7 2. The applicant was issued before the effective date of this subdivision [LRB
8 inserts date], and maintains in good standing any of the following:

9 a. The national interpreter certification (NIC), advanced or master level
10 national interpreter certification (NIC-Advanced or NIC-Master), certificate of
11 interpretation (CI), certificate of transliteration (CT), comprehensive skills
12 certificate (CSC), master comprehensive skills certificate (MCSC), interpretation
13 certificate (IC), or transliteration certificate (TC), issued by the Registry of
14 Interpreters for the Deaf, Inc., or its successor.

15 b. The National Association of the Deaf III, IV, or V certification.

16 c. The advanced or master certification of the Board for Evaluation of
17 Interpreters or its successor.

18 **SECTION 14.** 440.032 (3) (e) of the statutes is created to read:

19 440.032 (3) (e) *Sign language interpreter—intermediate deaf licenses.* The
20 department shall grant a sign language interpreter—intermediate deaf license to an
21 applicant who submits an application on a form provided by the department, pays
22 the fee determined by the department under s. 440.03 (9) (a), and satisfies all of the
23 following:

24 1. The applicant holds a high school diploma or its equivalent, as determined
25 by the department after receiving advice from the committee.

ASSEMBLY BILL 250**SECTION 14**

1 2. The applicant submits evidence satisfactory to the department of the
2 applicant's successful completion of at least 40 hours of a deaf interpreter training
3 curriculum approved by the department after receiving advice from the committee.

4 3. The applicant submits evidence satisfactory to the department of the
5 applicant's successful completion of at least 16 hours of sign language interpretation
6 services-related training approved by the Registry of Interpreters for the Deaf, Inc.,
7 or its successor or the Board for Evaluation of Interpreters or its successor, or
8 substantially equivalent training, as determined by the department after receiving
9 advice from the committee.

10 4. The applicant submits evidence satisfactory to the department of the
11 applicant's successful completion of American sign language linguistics I and II or
12 substantially equivalent coursework, as determined by the department after
13 receiving advice from the committee.

14 5. The applicant provides to the department letters of recommendation
15 satisfactory to the department from at least 2 individuals who hold a sign language
16 interpreter—advanced deaf license, a certified deaf interpreter certification issued
17 by the Registry of Interpreters for the Deaf, Inc., or its successor, or an equivalent
18 certification, as determined by the department after receiving advice from the
19 committee. Taken in the aggregate, the letters of recommendation shall verify that
20 the applicant has successfully completed at least 25 hours of observing sign language
21 interpretation services provided to clients.

22 **SECTION 15.** 440.032 (3) (f) of the statutes is created to read:

23 440.032 (3) (f) *Sign language interpreter—advanced deaf licenses.* The
24 department shall grant a sign language interpreter—advanced deaf license to an
25 applicant who submits an application on a form provided by the department, pays

ASSEMBLY BILL 250

1 the fee determined by the department under s. 440.03 (9) (a), and satisfies all of the
2 following:

3 1. The applicant holds at least an associate degree or satisfies an alternate
4 pathway for education, as determined by the department after receiving advice from
5 the committee.

6 2. The applicant holds a certified deaf interpreter certification issued by the
7 Registry of Interpreters for the Deaf, Inc., or its successor or an equivalent
8 certification, as determined by the department after receiving advice from the
9 committee.

10 **SECTION 15m.** 440.032 (3m) of the statutes is created to read:

11 440.032 (3m) EXAM ADMINISTRATION IN WISCONSIN. The department of health
12 services shall administer in this state the performance examinations of the Board for
13 Evaluation of Interpreters or its successor, unless the department approves another
14 administrator of the examinations.

15 **SECTION 16.** 440.032 (4m) of the statutes is created to read:

16 440.032 (4m) SCOPE OF LICENSES. The department, after receiving advice from
17 the committee, may promulgate rules defining the scope of practice of each license
18 granted under sub. (3), subject to the following:

19 (a) *Sign language interpreter—intermediate hearing.* 1. Subject to subd. 2., a
20 sign language interpreter—intermediate hearing licensee may not provide sign
21 language interpretation services to clients in any medical setting, as determined by
22 the department after receiving advice from the committee, unless he or she is team
23 interpreting with a sign language interpreter—advanced hearing or sign language
24 interpreter—advanced deaf licensee.

ASSEMBLY BILL 250**SECTION 16**

1 2. A sign language interpreter—intermediate hearing licensee may not provide
2 sign language interpretation services to a client in any legal setting or setting related
3 to treatment, as defined in s. 51.01 (17), involving mental health, as determined by
4 the department after receiving advice from the committee.

5 (b) *Interpretation in legal settings.* No sign language interpreter—advanced
6 hearing, sign language interpreter—intermediate deaf, or sign language
7 interpreter—advanced deaf licensee may provide sign language interpretation
8 services to a client in any legal setting, as determined by the department after
9 receiving advice from the committee, unless he or she is also authorized, including
10 under a provisional status, by the supreme court to act as a qualified interpreter in
11 court proceedings under s. 885.38 (2).

12 (c) *Interpretation in mental health settings.* 1. No sign language
13 interpreter—intermediate deaf licensee may provide sign language interpretation
14 services to a client in any setting related to treatment, as defined in s. 51.01 (17),
15 involving mental health, as determined by the department after receiving advice
16 from the committee.

17 2. Beginning on September 1, 2023, no sign language interpreter—advanced
18 hearing or sign language interpreter—advanced deaf licensee may provide sign
19 language interpretation services to a client in any setting related to treatment, as
20 defined in s. 51.01 (17), involving mental health, as determined by the department
21 after receiving advice from the committee, unless the licensee satisfies requirements
22 established by the department by rule after receiving advice from the committee.

23 **SECTION 17.** 440.032 (5) of the statutes is amended to read:

24 440.032 (5) LICENSE RENEWAL. The renewal dates for licenses granted under
25 sub. (3) (a) are specified in s. 440.08 (2) (a) 68c. Renewal applications shall be

ASSEMBLY BILL 250

1 submitted to the department on a form provided by the department and shall include
2 the renewal fee determined by the department under s. 440.03 (9) (a) and evidence
3 satisfactory to the department that the person's certification or membership
4 specified in sub. (3) that is required for the license has not been revoked or
5 invalidated.

6 **SECTION 18.** 440.032 (5m) of the statutes is created to read:

7 440.032 (5m) IDENTIFICATION CARDS. The department, after receiving advice
8 from the committee, may promulgate rules requiring all interpreters licensed under
9 sub. (3) to have an identification card with them at all times while providing sign
10 language interpretation services to clients for compensation. The department shall
11 issue the identification card in the format determined by the department. The
12 identification card issued to a licensee for purposes of this subsection shall satisfy all
13 of the following conditions:

14 (a) Include all of the following:

- 15 1. The interpreter's full name.
- 16 2. The interpreter's licensure category, whether sign language
17 interpreter—intermediate hearing, sign language interpreter—advanced hearing,
18 sign language interpreter—intermediate deaf, or sign language
19 interpreter—advanced deaf.
- 20 3. Any applicable licensure restriction.
- 21 4. A statement whether the interpreter is authorized by the supreme court to
22 act as a qualified interpreter in court proceedings under s. 885.38 (2) and whether
23 that authorization is provisional.
- 24 5. Any other information required by the department.

ASSEMBLY BILL 250**SECTION 18**

1 (b) Be color-coded based on the interpreter's licensure category identified
2 under par. (a) 2. An intermediate license shall be yellow. An advanced license shall
3 be green.

4 **SECTION 19.** 440.032 (6) of the statutes is repealed.

5 **SECTION 20.** 440.032 (6m) of the statutes is created to read:

6 440.032 **(6m)** SIGN LANGUAGE INTERPRETERS ADVISORY COMMITTEE. (a) The
7 secretary shall appoint an advisory committee under s. 440.042 that shall be called
8 the sign language interpreters advisory committee. The committee shall consist of
9 the secretary or a designee and the following 8 members:

10 1. Five deaf or hard of hearing individuals who are or have been clients of a sign
11 language interpreter, at least one of whom is a graduate of a residential school for
12 the deaf or hard of hearing and at least one of whom is a graduate of a private or
13 public school that is not a residential school for the deaf or hard of hearing.

14 2. Two interpreters licensed under this section, at least one of whom holds a
15 license under sub. (3) (c) to (f).

16 3. One individual who is not deaf or hard of hearing and who has obtained, or
17 represents an entity that has obtained, sign language interpreter services for the
18 benefit of another who is deaf or hard of hearing.

19 (b) The committee shall do all of the following:

20 1. Advise the department on all of the following:

21 a. Matters related to the department's enforcement of this section.

22 b. Granting exemptions under sub. (2) (c).

23 c. Licensure requirements under sub. (3).

24 d. Promulgating the rules defining the scope of practice under sub. (4m).

25 e. Promulgating the rules relating to identification cards under sub. (5m).

ASSEMBLY BILL 250

1 f. Promulgating the rules governing professional conduct under sub. (7) (b).

2 2. Consult with the department concerning investigations under sub. (8).

3 (c) The committee shall submit to the secretary, upon request of the secretary
4 not more often than annually, a report on the operation of the committee.

5 **SECTION 21.** 440.032 (7) (b) of the statutes is repealed and recreated to read:

6 440.032 (7) (b) The department, after receiving advice from the committee, may
7 promulgate rules governing the professional conduct of individuals licensed under
8 sub. (3). The rules shall incorporate the rules of professional conduct adopted by the
9 National Association of the Deaf, or its successor, and the Registry of Interpreters for
10 the Deaf, or its successor, or a substantially equivalent organization, as determined
11 by the department after receiving advice from the committee.

12 **SECTION 21m.** 440.032 (7m) of the statutes is created to read:

13 440.032 (7m) SUBMITTING COMPLAINTS. The department shall facilitate the
14 submission of complaints concerning alleged violations of this section or rules
15 promulgated under this section, including by accepting complaints submitted by
16 mail.

17 **SECTION 22. Nonstatutory provisions.**

18 (2) ELIMINATION OF THE SIGN LANGUAGE INTERPRETER COUNCIL.

19 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
20 liabilities of the sign language interpreter council become the assets and liabilities
21 of the department of safety and professional services.

22 (b) *Tangible personal property.* On the effective date of this paragraph, all
23 tangible personal property, including records, of the sign language interpreter
24 council is transferred to the department of safety and professional services.

ASSEMBLY BILL 250**SECTION 22**

1 (c) *Contracts.* All contracts entered into by the sign language interpreter
2 council in effect on the effective date of this paragraph remain in effect and are
3 transferred to the department of safety and professional services. The department
4 of safety and professional services shall carry out all obligations under such a
5 contract unless modified or rescinded by the department to the extent allowed under
6 the contract.

7 (d) *Pending matters.* Each matter pending with the sign language interpreter
8 council on the effective date of this paragraph is transferred to the department of
9 safety and professional services and all materials submitted to or actions taken by
10 the sign language interpreter council with respect to the pending matter are
11 considered as having been submitted to or taken by the department of safety and
12 professional services.

13 (e) *Rules and orders.* All rules promulgated by the sign language interpreter
14 council that are in effect on the effective date of this paragraph remain in effect until
15 their specified expiration dates or until amended or repealed by the department of
16 safety and professional services. All orders issued by the sign language interpreter
17 council that are in effect on the effective date of this paragraph remain in effect until
18 their specified expiration dates or until modified or rescinded by the department of
19 safety and professional services.

20 (3) **EMERGENCY RULES.** The department of safety and professional services may
21 promulgate emergency rules under s. 227.24 necessary to implement this act.
22 Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this
23 subsection remain in effect until July 1, 2021, or the date on which permanent rules
24 take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the
25 department of safety and professional services is not required to provide evidence

ASSEMBLY BILL 250

1 that promulgating a rule under this subsection as an emergency rule is necessary for
2 the preservation of the public peace, health, safety, or welfare and is not required to
3 provide a finding of emergency for a rule promulgated under this subsection.

4 (4) TRANSITIONAL LICENSURE.

5 (a) *Sign language interpreter—intermediate hearing licenses.* On the effective
6 date of this paragraph, a sign language interpreter who, immediately prior to the
7 effective date of this paragraph, held a valid 151 Restricted License or a valid
8 exemption issued by the department of safety and professional services, is
9 considered to be a licensed sign language interpreter—intermediate hearing under
10 s. 440.032 (3) (c), and the department of safety and professional services shall issue
11 a license to the individual under s. 440.032 (3) (c) notwithstanding the fee and other
12 application requirements under that section of the statutes.

13 (b) *Sign language interpreter—advanced hearing licenses.* On the effective
14 date of this paragraph, a sign language interpreter who, immediately prior to the
15 effective date of this paragraph, held a valid 150 Renewable License issued by the
16 department of safety and professional services, is considered to be a licensed sign
17 language interpreter—advanced hearing under s. 440.032 (3) (d), and the
18 department of safety and professional services shall issue a license to the individual
19 under s. 440.032 (3) (d) notwithstanding the fee and other application requirements
20 under that section of the statutes.

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

ASSEMBLY BILL 250**SECTION 22**

1 interpreter—intermediate deaf under s. 440.032 (3) (e), and the department of safety
2 and professional services shall issue a license to the individual under s. 440.032 (3)
3 (e) notwithstanding the fee and other application requirements under that section
4 of the statutes.

5 (d) *Sign language interpreter—advanced deaf licenses.* On the effective date
6 of this paragraph, a sign language interpreter who is deaf, hard of hearing, or
7 deaf-blind and who, immediately prior to the effective date of this paragraph, held
8 a valid 150 Renewable License issued by the department of safety and professional
9 services, is considered to be a licensed sign language interpreter—advanced deaf
10 under s. 440.032 (3) (f), and the department of safety and professional services shall
11 issue a license to the individual under s. 440.032 (3) (f) notwithstanding the fee and
12 other application requirements under that section of the statutes.

13 (5) CREDENTIAL FEES. Subject to sub. (4), the department of safety and
14 professional services shall charge a fee of \$75 for each sign language interpreter
15 license the department issues under s. 440.032 (3) prior to determining a fee for that
16 license under s. 440.03 (9) (a).

17 (END)