

2019 DRAFTING REQUEST**Bill**

For: **Ken Skowronski (608) 266-8590** Drafter: **kpaczusk**
 By: **Sarah** Secondary Drafters:
 Date: **4/3/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Skowronski@legis.wisconsin.gov**
 Carbon copy (CC) to: **michael.duchek@legis.wisconsin.gov**
konrad.paczuski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Licensure of 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>
/?	kpaczusk 4/11/2019	kfollett 4/12/2019			
/P1	kpaczusk 5/10/2019	wjackson 5/13/2019	mbarman 4/12/2019		State
/P2	kpaczusk 5/23/2019	anienaja 5/23/2019	mbarman 5/13/2019		State
/1			jmurphy 5/23/2019	mbarman 5/28/2019	State
/2		wjackson	dwalker	dwalker	State

Vers. Drafted

Reviewed
5/28/2019

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5/28/2019

Required

FE Sent For:

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intro

<END>

Paczuski, Konrad

From: Gibbs, Sarah <Sarah.Gibbs@legis.wisconsin.gov>
Sent: Tuesday, April 02, 2019 3:55 PM
To: Duchek, Michael <Michael.Duchek@legis.wisconsin.gov>
Cc: Gallagher, Michael <Michael.Gallagher@legis.wisconsin.gov>
Subject: FW: Our proposed revisions for Interpreter Licensure.

Hello Gentlemen,

I am looking at getting a new draft of this piece of legislation from last session. MG was the author last session and currently MD you are working on a similar bill with our office and Rep. Brostoff's office. This is a separate bill and needs to be kept within this office only. Below is an email from Katy Schmidt with all the changes the group would like to see. We are also looking to keep the SLIC and not use the SLIEB. Is there a way to give the responsibilities of the board they are asking for to the council? Below is the bill.

<https://docs.legis.wisconsin.gov/2017/related/proposals/sb465.pdf>

Thanks so much,
Sarah

From: Joel Kleefisch <jkleefisch.jk@gmail.com>
Sent: Monday, April 01, 2019 3:33 PM
To: Gibbs, Sarah <Sarah.Gibbs@legis.wisconsin.gov>
Subject: Fwd: Our proposed revisions for Interpreter Licensure.

----- Forwarded message -----

From: **Katy Schmidt** <president@wisdeaf.org>
Date: Mon, Apr 1, 2019, 8:36 AM
Subject: Our proposed revisions for Interpreter Licensure.
To: Joel Kleefisch <jkleefisch.jk@gmail.com>
Cc: WisRID President <president@wisrid.org>, Katie Voss <katievoss@gmail.com>, Michael Maffucci <wheresmaff@gmail.com>

Joel-

Here is our proposed revisions. Most of them are "cleaning up" the language. It was very difficult process to narrow it down, so I appreciate your patience and support. If you have any questions feel free to contact us. Thank you.

1- (clean up)- Under 471.02 (3)a remove the language after the first sentence with the additions (red). It should read as following- a. An individual providing interpretation services FOR PUPIL(s) at any school or school-sponsored event if the individual is licensed by the department of public instruction as an educational interpreter. Consequently removing this entire section: 471.07

Rationale- The DPI has recently sent out a memo that they accept DSPS licensure, and the word "pupil" will clearly address the issues we had. Pupil matches the language used in PI-34.

Under 471.053 under section 2 and 3, replace "submit evidence satisfactory" with "attest".

Rationale: RID/BEI and renewal cycles does not line up, and it is undue burden on the interpreters to track CEU for two different entities. By using the word, attest, the interpreters will have to acknowledge on their renewal application that the certification status is active and will be active. If caught interpreting without active certification, the SLIEB may nab the individual for failing to properly attest if a complaint arises.

2- Under 471.03 (Temporary Exemptions)- the "21 days" should be removed.

Rationale: By removing the specific number of days, it allows the SLIEB to determine the amount of time the temporary exemption should be valid. It gives SLIEB the flexibility to address situations that may occur in the future if there are any moratorium or gaps in specific setting, by setting a longer but temporary time period that a permanent exemption would not be appropriate for.

3- Under 471.05 (Scope of license), in the 2nd section, "certified" should be changed to "qualified" and "certification" after provisional should be changed to "status".

Rationale- there are no such thing like a provisional certification that is issued by the supreme court, but rather the supreme court has a status roster of interpreters qualified to interpret in court and legal setting.

3rd section should be added to read the following: Interpretation in Mental Health. Only advanced level sign language interpreter (both hearing and deaf) may provide interpretation services to a client in any mental health setting as determined by the board. Effective 9/1/2023, Only the sign language interpreters that holds qualified mental health interpreter status as determined by the SLIEB may provide interpretation services to a client in mental Health Setting. The SLIEB shall follow the standards outlined in the Alabama Statues Code, Code of Ala. 1975, §22-50-11, Adm Code:Chapter 580-3-24.

Rationale: Mental Health is identified by the deaf community as a high risk setting that requires high level of competency by the interpreters comparable to the Legal setting. Recognizing that there are limited training opportunities in state of Wisconsin, giving the community 4 years should be sufficient period of time to obtain necessary requirement to qualify as an Mental Health Interpreter.

4) Under 471.053, a section should be added to read the following: For each renewal period, for intermediate hearing, an advanced performance examination as determined by SLIEB must be taken prior to each renewal period to ensure minimum competency is maintained.

Rationale: Instead of having time limit as current enacted, performance examination is a method to ensure the interpreter maintain minimum competency and continues to improve their skills to pursue higher level certification.

Add: Under this bill, a person who hires an interpreter to provide interpretation services must, if a client who receives interpretation services from the hired interpreter notifies the person that the client considers the interpreter to be unqualified or unsatisfactory, make a different interpreter available to the client.

Rationale: This clause allows for greater self-determination by the client to ensure optimal communication access and appropriate language/cultural match. Forcing the individual to have an interpreter that is inappropriate match is traumatic experience, especially in high risk setting.

If we have any flexibility, I would like to add the following changes to

471.04 (1)(a)1. The applicant has received at least a bachelor's degree from an accredited college or university, or equivalent as determined by the board.

471.04 (2)(a)1. The applicant has received at least a bachelor's degree from an accredited college or university, or equivalent as determined by the board.

Rationale: The RID NIC test allows for an alternative pathway for bachelor's degree.

471.05, Interpretation in legal settings. No sign language interpreter — advanced hearing, sign language interpreter — intermediate deaf, or sign language interpreter — advanced deaf licensee may provide interpretation services to a client in any legal setting, as determined by the board, unless he or she is also ~~certified~~ qualified, including a provisional ~~certification~~-status, by the supreme court to act as a qualified interpreter in court proceedings under s. 885.38 (2).

It implies that this clause is only applicable to the interpreters in the court proceedings. I want to be clear, maybe you can recommend some clarifying language, to ensure that the legal interpreters are used from the time miranda warning is being verbalized, all the way to the court proceeding, to include arrest, booking, interrogations, any forensic interviews or examination, and attorney and client interactions, etc. Do you have any recommendation for clarifying language to ensure that those instances or any other additional possible legal related interaction will use appropriate qualified interpreters.

--

Katy Schmidt
President
Wisconsin Association of the Deaf

www.wisdcaf.org



Phone call with Rep. Skowronski's office 4/3

Additional Instructions:

Add a representative of DSPS to the Sign Language Interpreters Examining Board.

ALABAMA DEPARTMENT OF MENTAL HEALTH
AND MENTAL RETARDATION
ADMINISTRATIVE CODE

CHAPTER 580-3-24
CERTIFICATION OF MENTAL HEALTH INTERPRETERS FOR
PERSONS WHO ARE DEAF

TABLE OF CONTENTS

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580-3-24-.01 Introduction. People who have limited English proficiency, including those who are deaf, have been limited in their ability to access mental health services. When they do obtain services, they usually require an interpreter. The quality of interpretive services has a substantial and direct bearing on the outcome of services provided and can have life-or-death consequences when the interpretation is inaccurate. This rule is intended to establish minimum competencies and training for interpreters working in mental health settings.

Author: DMH/MR Office of Deaf Services

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: New Rule: Filed November 19, 2003; effective December 24, 2003.

580-3-24-.02 Definitions.

(1) "Awareness," goes beyond familiarity in that it also includes beginning to internalize the information regarding a field and to have begun thinking through how it affects one's professional and personal behavior although it does not necessarily include having resolved issues raised.

(2) "Communication assistance," is a process whereby someone who is trained to work with people who are deaf and have minimal language skills, teaches and enhances visual gestural communication skills in those people in order to enable them to better function in a given setting.

(3) "Consecutive interpreting," means the interpreter will produce the target interpretation sequentially with the source language speaker. The source language speaker will speak a sentence or a thought and pause while the interpretation is made and then will speak the next sentence or phrase.

(4) "Exposure," is having some knowledge of a field's existence and its place in the setting and, possibly, some of the vocabulary used in the field.

(5) "Demonstration" (or "compliance"), is showing the skill has been learned and is incorporated into the interpreter's practice.

(6) "Familiarity," is having actual experience with a field and/or practitioners in that field.

(7) "Interpreting," is the process of taking a spoken message from one language and producing an equivalent rendition in another spoken language.

(8) "Limited English Proficient," are those individuals who cannot speak, hear, read, write, or understand the English language at a level that permits them to interact effectively with DMH/MR employees, providers and contractors. People who are deaf or hard of hearing and who prefer to use American Sign Language or its derivatives are considered Limited English Proficient for the purposes of this rule.

(9) "Narrative interpreting," is when there is no direct or easy interpretation of the source language into the target language or the source language is sufficiently dysfluent or arcane as to render interpretation impossible. Narrative interpretation can occur simultaneously or consecutively.

(10) "Qualified Mental Health Interpreter" is an interpreter who holds certification by the Office of Deaf Services attesting to successful completion of training and examination outlined in this rule.

(11) "Simultaneous interpreting," means interpreting into the target language at the same time the source language is being spoken.

(12) "Source language," is the language that is being interpreted from.

(13) "Target language," is the language that is being interpreted to.

(14) "Translation," is the process of taking a written message in one language and producing an equivalent written version in another.

(15) "Understanding," is having sufficient knowledge of a field to be able to explain the discipline, including its limits and its relationship to other disciplines.

Author: DMH/MR Office of Deaf Services

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: New Rule: Filed November 19, 2003; effective December 24, 2003.

580-3-24-.03 Professional Competencies/Knowledge. In order to effectively provide interpretation from one language to another in mental health settings, certain levels of fluency and knowledge are necessary. The interpreter shall demonstrate professional competencies/knowledge at the level indicated.

(1) Sign language interpreters must be licensed as interpreters in Alabama or otherwise eligible to work at an equivalent level as set forth in the Code of Ala. 1975, §34-16-1 et seq. The interpreter must demonstrate understanding of mentoring and supervision.

(2) Interpreters working in other languages shall hold an appropriate certification in their field, if one is available. If no certification is available for the language(s) the interpreter is working in it is expected that the interpreter will successfully pass a screening test approved by the Office of Deaf Services.

(3) Interpreters must demonstrate interpreting methods and appropriate use of simultaneous (first person and third person), consecutive (first person and third person), and narrative (third person) interpreting.

(4) Interpreters must demonstrate familiarity with mental health issues and treatment options in Alabama, as follows:

(a) Mental illness services.

1. The interpreter must be able to accurately interpret specialized vocabulary used in psychiatric settings in both the source and the target languages.

2. The interpreter must be aware of psychopathologies, including knowledge of the names of the major mental illnesses treated by the Department of Mental Health/Mental Retardation in both the target and source languages and familiarity with symptomology of major mental illnesses experienced by the consumers of services provided by the Department of Mental Health/Mental Retardation as presented within the psycholinguistic context of the target language group.

3. The interpreter must demonstrate familiarity with assessment methods and understanding of the impact of interpretation when doing assessment.

4. The interpreter must have exposure to treatment approaches and demonstrate awareness of how cultural influences might impact treatment.

(b) Substance Abuse Services

1. The interpreter must be able to accurately interpret specialized vocabulary used in addiction treatment in both the source and the target languages.

2. The interpreter must have familiarity with addiction theory and issues involving addiction.

3. The interpreter must have familiarity with assessment methods and how cultural influences might impact assessment.

4. The interpreter must have exposure to treatment approaches and demonstrate awareness of how cultural influences might impact treatment.

(i) The interpreter must be familiar with inpatient settings, with the various staff that will be working in those settings, and how interpreting and cultural differences can influence therapeutic relationships in those settings.

(ii) The interpreter must be familiar with outpatient settings, with self-help and support groups and the specialized vocabulary used in those groups, and how interpreting and cultural differences can influence therapeutic relationships in those settings.

(c) Mental Retardation Services.

1. The interpreter must have exposure to issues involving mental retardation and developmental disability and the role culture and language plays in providing services to people with mental retardation.

2. The interpreter shall be aware of the difference between interpreting and, communication assistance/language intervention.

(5) The interpreter shall be able to identify care providers, identify mental health disciplines, and be familiar with milieus and settings.

(6) The interpreter must be able to explain role of an interpreter as a professional consultant.

(7) The interpreter must understand professional boundaries and must be able to explain confidentiality and privilege, including at a minimum, abuse reporting, the duty to warn, and, protections specific to Alabama statute.

Author: DMH/MR Office of Deaf Services

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: New Rule: Filed November 19, 2003; effective December 24, 2003.

580-3-24-.04 Cultural Competencies/Knowledge. The interpreter must demonstrate cross-cultural competencies.

(1) The interpreter must be able to explain the impact of stereotypes on mental health service delivery.

(2) The interpreter must understand cultural views of mental illness, mental retardation, and addiction specific to the populations the interpreter works with and must be aware of various constructs of deafness and hearing loss relative to majority/minority cultures and pathological models.

(3) The interpreter must demonstrate understanding of the sociological impact of cross cultural mental health service provision and the impact of an interpreter on the therapeutic dyad.

Author: DMH/MR Office of Deaf Services

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: New Rule: Filed November 19, 2003; effective December 24, 2003.

580-3-24-.05 Conduct Competencies/Knowledge.

(1) The interpreter must demonstrate knowledge of personal safety issues, including an understanding of at-risk conduct and personal boundaries as they apply to mental health interpreting work and an awareness of de-escalation techniques and universal precautions.

(2) The interpreter must demonstrate professional boundaries and judgment particularly in professional collaboration through pre- and post-conferencing.

(3) The interpreter must demonstrate the ability to assess effectiveness of communication.

(a) The interpreter must demonstrate the ability to appropriately match the interpreting method with the client and the setting and must understand the impact of emotionally charged language.

(b) The interpreter must demonstrate the ability to discuss unusual or changed word or sign selection.

(c) The interpreter must demonstrate the ability to discuss linguistic dysfluency or any marked change in linguistic fluency within a psycholinguistic context.

1. The interpreter must demonstrate ability to convey information without alteration, emotional language without escalation, and ambiguous or emotionless language.

2. The interpreter must demonstrate ability to isolate peculiar features of eccentric or dysfluent language use.

(4) The interpreter must demonstrate ability to read client case documentation and record appropriate documentation of linguistic significance.

(a) The interpreter must demonstrate knowledge of confidentiality as defined by state and federal law.

(b) The interpreter must understand the difference between personal records and records shared with other interpreters and other professionals. They must understand the ramifications of keeping personal records, and must demonstrate knowledge of what records may and may not be kept pertaining to consumers.

(5) The interpreter must be aware of personal mental health issues and maintaining their personal mental health.

(a) The interpreter must understand how personal issues may impact the interpreting process.

(b) The interpreter must be aware of counter-transference in the interpreter and must be familiar with transference to the clinician or to the interpreter.

Author: DMH/MR Office of Deaf Services

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: New Rule: Filed November 19, 2003; effective December 24, 2003.

580-3-24-.06 Training And Certification Of Qualified Mental Health Interpreters.

(1) An interpreter desiring recognition as a qualified mental health interpreter must accumulate a minimum of 40 clock hours of training in the content areas enumerated in sections 580-3-24 -.01 through 580-3-24-.05.

(a) The Office of Deaf Services will offer training to meet the requirements of this rule no less than once per calendar year.

(b) Interpreters who would like to apply other training toward this requirement must make application to the Office of Deaf Services listing training completed including course content. Training must be of equivalent course content and must be approved by the Office of Deaf Services. Interpreters will still be required to pass a comprehensive written evaluation as described in section 580-3-23-.06(4) of this chapter.

(2) An interpreter desiring recognition as a qualified mental health interpreter must complete a forty (40) hour practicum under the supervision of a practicum supervisor approved by the Office of Deaf Services. The practicum site must be primarily clinical in nature and be approved by the practicum supervisor selected by the participant. The work must be direct interpreting and cannot be "social" or "interactive" time.

(3) Practicum supervisors must be approved by the Office of Deaf Services and may include an interpreter who holds certification as a qualified mental health interpreter issued by the Office of Deaf Services, an interpreter who is known to the Office of Deaf Services as having significant experience and knowledge in the field of mental health, an interpreter who also holds a degree in psychology, clinical social work, psychiatry or counseling, or a staff interpreter assigned to the Office of Deaf Services or a DMH/MR facility.

(4) Upon completion of the required training and practicum, the interpreter who desires recognition as a qualified mental health interpreter must pass a comprehensive written examination covering sections 580-3-24-.01 through 580-3-24-.05

Author: DMH/MR Office of Deaf Services

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: New Rule: Filed November 19, 2003; effective December 24, 2003.

580-3-24-.07 Certification Maintenance And Renewal.

(1) A certification under §580-3-23-.06 is valid for twelve (12) months.

(2) At least ninety (90) days prior to the expiration of a qualified mental health interpreter's certification, the

Office of Deaf Services will mail a reminder to the interpreter with a request for submission of documentation attesting to completion of certification maintenance requirements. Failure to receive said notification does not remove the requirement that appropriate documentation be submitted to the Office of Deaf Services in a timely manner.

(3) An interpreter can maintain certification by submitting documentation to the Office of Deaf Services of any of the following activities.

(a) Working in clinical settings at least forty (40) hours in the 12 months following issuance of certification or renewal, or

(b) Attending forty (40) clock hours of mental health related training, or

(c) A combination of the above equaling forty (40) contact hours.

Author: DMH/MR Office of Deaf Services

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: New Rule: Filed November 19, 2003; effective December 24, 2003.



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~~2017 SENATE BILL 465~~

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IN: 4/11/2019
OUT: 4/12/2019

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.

one representative of DSPS,

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

or an equivalent degree

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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.

*or an
equivalent
degree*

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 provides that an
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.

INS
A → 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.

crime tag →

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). (1)

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 (4). (1)

11 (2).

12 3. One sign language interpreter — advanced deaf licensed under s. 471.04 (4). (1)

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SECTION 1

1 4. One public member who is not deaf, hard of hearing, or deaf-blind and who
2 has obtained, or represents an entity that has obtained, interpretation services for
3 the benefit of an individual who is deaf, hard of hearing, or deaf-blind.

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4 (c) The governor shall nominate the members under par. (b) only after
5 consultation with the Wisconsin Association of the Deaf, Inc., or its successor, and
6 the Wisconsin Registry of Interpreters for the Deaf, Inc., or its successor, concerning
7 the nominations.

8 (d) No member appointed under par. (b) may be an individual who is employed
9 by or represents the department of safety and professional services.

1. to 4.

10 SECTION 2. 15.407 (9) of the statutes is repealed.

11 SECTION 3. 440.032 of the statutes, as affected by 2017 Wisconsin Act (this
12 act), is repealed.

pe 9

13 SECTION 4. 440.032 (3) (b) 3. of the statutes is amended to read:

14 440.032 (3) (b) 3. A license granted under subd. 1. or 2. may be renewed twice
15 3 times and is not valid upon the expiration of the 2nd 3rd renewal period.

16 SECTION 5. Chapter 471 of the statutes is created to read:

17 CHAPTER 471

18 SIGN LANGUAGE INTERPRETERS

19 EXAMINING BOARD

20 471.01 Definitions. In this chapter:

21 (1) "Board" means the sign language interpreters examining board.

(2) e

22 (1m) "Board for Evaluation of Interpreters" means the Board for Evaluation
23 of Interpreters or its successor.

(3) e

24 (2) "Client" means a deaf, hard of hearing, or deaf-blind individual for whom
25 another individual provides interpretation services, and, to the extent the context

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

7 (6) (4m) "Registry of Interpreters for the Deaf" means the Registry of Interpreters
 8 for the Deaf, Inc., or its successor.

9 (7) (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^{yes}
 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^{yes} or is exempt from licensure under sub. (3) (a)
 20 or (b) or s. 471.03 or 471.035.^{yes}

21 (3) (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.

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SECTION 5

1 (4) (3) No license is required under this section for any of the following:

2 (a) An individual providing interpretation services ^{for pupils} 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.

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1 (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^{yes} and describe any professional credential the individual does
 4 possess, and shall specify the dates the individual intends to provide interpretation
 5 services.

6 (2) (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^{e-04} 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^{✓ yes}.

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^{yes} 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, ^{or an equivalent degree as determined by the board}

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

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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, *or an equivalent degree as determined by the board*

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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.

SENATE BILL 465

SECTION 5

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. ^{e 440.05 (1) (a)} 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.

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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 ^{e06}
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 ^{e07}
471.05 **Scope of license.** The board shall promulgate rules defining the scope
9 of practice of each license granted under s. 471.04^{e05}, 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 ^a clients^e 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 ^{a authorized} certified,
22 including ^{under} a provisional ^{a status} certification, by the supreme court to act as a qualified
23 interpreter in court proceedings under s. 885.38 (2).

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1 ^{e 08} **471.053 License renewal; continuing education.** (1) The renewal date for
 2 a license granted under s. 471.04^{yes} 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 ^{attest} (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^{yes} within the 12 months immediately preceding the renewal date specified

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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.

INS 13-5 a

6 **471.057** *e09* **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 *e5* 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** *e10* **Identification cards.** The board shall promulgate rules requiring all
17 interpreters licensed under s. 471.04 *e5* 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.

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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^{e11} Professional conduct.** The board shall promulgate rules governing
10 the professional conduct of individuals licensed under s. 471.04^{ges}. 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.

INS 14-121

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.

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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^{e13} 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^{e5} or deny, limit, suspend, or revoke
22 a license granted under s. 471.04^{e5} 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.

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SECTION 5

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^{e 14} 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.

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1 **471.095^{e-15} 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~~^{471.05} 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.**

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

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

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

(4) PROVISIONAL APPOINTMENTS.

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

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

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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 ^{g.s.} section 471.04 (1) ^{es} of the statutes, and the
10 department of safety and professional services shall issue a license to the individual
11 under ^{g.s.} section 471.04 (1) ^{es} 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 ^{g.s.} section 471.04 (2) ^{es} of the statutes, and the
18 department of safety and professional services shall issue a license to the individual
19 under ^{g.s.} section 471.04 (2) ^{es} 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

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SECTION 7

1 ~~section~~ ^{es.} 471.04 [✓] (3) ~~of the statutes,~~ and the department of safety and professional
 2 services shall issue a license to the individual under ~~section~~ ^{es.} 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~~ ^{es.}
 10 471.04 ^{es.} (4) ~~of the statutes,~~ and the department of safety and professional services
 11 shall issue a license to the individual under ~~section~~ ^{es.} 471.04 [✓] (4) ~~of the statutes~~
 12 notwithstanding the fee and other application requirements under that section of the
 13 statutes.

(6) OTHER TRANSITIONAL PROVISIONS.

(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

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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.

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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~~²⁰²¹, 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.

SECTION 8. Initial applicability.

16
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 ⁽¹⁾ of this act take effect on the day after
24 publication.

25 (END)

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2654/P1ins
KP:...

1 INS A

Under the bill, a person who hires a sign language interpreter to provide interpretation services must, if a client who receives interpretation services from the hired interpreter notifies the person that the client considers the interpreter to be unqualified or unsatisfactory, make a different sign language interpreter available to the client.

2

3 END INS A

4 INS 4-3

5 5. One member who is a representative of the department of safety and
6 professional services.

7 END INS 4-3

8 INS 11-23

✓
****NOTE: Under s. 471.07 (2) of the draft, a person may provide interpretation services to a client in any legal setting only if the person is a licensed sign language interpreter and is authorized by the Wisconsin Supreme Court under s. 885.38. ✓

9 (3) INTERPRETATION IN MENTAL HEALTH SETTINGS. (a) No sign language
10 interpreter—intermediate deaf licensee may provide interpretation services to a
11 client in any mental health setting, as determined by the board.

12 (b) Beginning on September 1, 2023, no sign language interpreter—advanced
13 hearing or sign language interpreter—advanced deaf licensee may provide
14 interpretation services to a client in any mental health setting, as determined by the
15 board, unless the licensee satisfies requirements established by the board by rule.
16 The rules promulgated under this paragraph shall require a licensee to do all of the
17 following:

****NOTE: The standards listed below are based on the direction in the instructions that the board should follow the standards of the Alabama Department of Mental Health. If you would like modifications, please let me know.

- 1 1. Complete 40 hours of training on providing interpretation services to a client
- 2 in mental health settings.
- 3 2. Complete a 40-hour practicum under the supervision of an sign language
- 4 interpreter approved by the board on providing interpretation services to a client in
- 5 mental health settings.
- 6 3. Pass a written examination determined by the board.
- 7 4. Be able to accurately interpret specialized vocabulary used in psychiatric
- 8 settings.
- 9 5. Be aware of all of the following:
- 10 a. Psychopathologies, including knowledge of the names of major mental
- 11 illnesses.
- 12 b. How cultural influences might impact treatment.
- 13 c. The difference between interpreting and communication assistance.
- 14 6. Demonstrate familiarity with mental health assessment methods and the
- 15 impact of interpretation during an assessment.
- 16 7. Have exposure to all of the following:
- 17 a. Mental health treatment approaches.
- 18 b. Issues involving developmental disability and the role culture and language
- 19 have in providing services to a person with a developmental disability.
- 20 8. Be able to identify care providers, identify mental health disciplines, and be
- 21 familiar with milieus and settings.
- 22 9. Be able to explain the role of an interpreter as a professional consultant.
- 23 10. Understand professional boundaries and be able to explain confidentiality,
- 24 privilege, abuse reporting requirements, and the duty to warn.
- 25 11. Demonstrate cross-cultural competencies.

1 END INS 11-23

2 INS 13-5

3 (4) The board may not renew a sign language interpreter^{intermediate}
4 hearing license under s. 471.05 (1), unless an applicant for renewal takes during the
5 2-year period immediately preceding the renewal date at least one advanced
6 performance examination approved by the board, whether or not the applicant
7 passes the examination. This subsection does not apply to an applicant for renewal
8 of a license that expires on the first renewal date after the date on which the board
9 initially granted the license.

10 END INS 13-5

11 INS 14-12

12 **471.12 Substitution of interpreter hired for a client.** A person other than
13 a client who hires a sign language interpreter to provide interpretation services
14 shall, if a client who receives interpretation services from the hired interpreter
15 notifies the person that the client considers the interpreter to be unqualified or
16 unsatisfactory for providing interpretation services to the client, make available a
17 different sign language interpreter to the client.

18 END INS 14-12