2019 SENATE BILL 265


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

Analysis by the Legislative Reference Bureau

This bill makes all of the following changes to the laws regulating sign language interpreters:
1. Replaces the current program for renewable sign language interpreter licenses granted by the Department of Safety and Professional Services with new categories of sign language interpreter licenses. Under the bill, DSPS grants the following licenses:
   a. Sign language interpreter—intermediate hearing. DSPS 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
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accredited college or university or an equivalent degree; 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 certified by BEI or has passed an examination DSPS determines is substantially equivalent to the BEI basic performance examination. The bill includes alternative paths to licensure as a sign language interpreter—intermediate hearing.

b. Sign language interpreter—advanced hearing. DSPS 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 or an equivalent degree; 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 DSPS determines is substantially equivalent. The bill includes alternative paths to licensure as a sign language interpreter—advanced hearing.

c. Sign language interpreter—intermediate deaf. DSPS 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 or substantially equivalent training; and the individual provides to DSPS 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 provision of sign language interpretation services provided to clients.

d. Sign language interpreter—advanced deaf. DSPS 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 DSPS.

2. Requires DSPS to promulgate rules defining the scope of practice of each of the licenses described above, subject to certain restrictions set forth in the bill.

3. Authorizes DSPS to grant a renewable sign language interpreter license to an individual who, in addition to satisfying other requirements under current law, is certified by BEI.

4. Provides that a restricted sign language interpreter license may be renewed indefinitely. Under current law, the restricted license may be renewed only twice. The bill makes this change retroactively for an individual holding a valid restricted license on August 31, 2017.
5. Authorizes DSPS to grant a restricted sign language interpreter license to an individual who, in addition to satisfying other requirements under current law, has at least passed the BEI’s basic performance examination.

6. Requires DSPS to administer in Wisconsin the BEI’s performance examinations.

5. Eliminates the Sign Language Interpreter Council and establishes the Sign Language Interpreters Advisory Committee, which advises DSPS and consults with DSPS concerning investigations related to sign language interpreters.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 15.407 (9) of the statutes is repealed.

SECTION 2. 440.032 (1) (am) of the statutes is created to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 8.** 440.032 (3) (b) (title) of the statutes is amended to read:

440.032 (3) (b) (title) *Restricted renewable licenses.*

**SECTION 9.** 440.032 (3) (b) 1. b. of the statutes is amended to read:

440.032 (3) (b) 1. b. The applicant is verified by the Wisconsin interpreting and
transliterating assessment at level 2 or higher in both interpreting and
transliterating or has passed at least the basic performance examination of the
Board for Evaluation of Interpreters, or its successor. The department shall
administer in this state the performance examinations of the Board for Evaluation
of Interpreters, or its successor.

**SECTION 10.** 440.032 (3) (b) 2. (intro.) of the statutes is amended to read:
440.032 (3) (b) 2. (intro.) The department shall grant a restricted license as a sign language interpreter, authorizing the holder to provide interpretation services only under the supervision of an interpreter licensed under par. (a) pars. (c) to (f), to an applicant who submits an application on a form provided by the department, pays the fee determined by the department under s. 440.03 (9) (a), and submits evidence satisfactory to the department of all of the following:

SECTION 11. 440.032 (3) (b) 3. of the statutes is repealed.

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

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

1. The applicant satisfies all of the following:
   a. The applicant has received at least a bachelor’s degree from an accredited college or university, or an equivalent degree, as determined by the department after receiving advice from the committee.
   b. The applicant provides evidence satisfactory to the department that the applicant has successfully completed an interpreter training program.
   c. The applicant has passed the basic performance examination of and is certified by the Board for Evaluation of Interpreters, or its successor, or the applicant has passed a substantially equivalent examination, as determined by the department after receiving advice from the committee.

2. The applicant satisfies all of the following:
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1. The applicant earned an associate degree in sign language interpretation before the effective date of this subd. 2. a. .... [LRB inserts date].

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

3. The applicant satisfies all of the following:
   a. Before the effective date of this subd. 3. a. .... [LRB inserts date], the applicant passed the basic performance examination of and is certified by the Board for Evaluation of Interpreters, or its successor, or before the effective date of this subd. 3. a. .... [LRB inserts date], the applicant passed a substantially equivalent examination, as determined by the department after receiving advice from the committee.

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

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

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

1. The applicant satisfies all of the following:
   a. The applicant has received at least a bachelor’s degree from an accredited college or university, or an equivalent degree as determined by the department after receiving advice from the committee.
b. The applicant provides evidence satisfactory to the department that the applicant has successfully completed an interpreter training program.

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

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

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

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

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

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

440.032 (3) (e) Sign language interpreter—intermediate deaf licenses. The department shall grant a sign language interpreter—intermediate deaf license to an applicant who submits an application on a form provided by the department, pays the fee determined by the department under s. 440.03 (9) (a), and satisfies all of the following:
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1. The applicant holds a high school diploma or its equivalent, as determined by the department after receiving advice from the committee.

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

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

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

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

SECTION 15. 440.032 (3) (f) of the statutes is created to read:
440.032 (3) (f) Sign language interpreter—advanced deaf licenses. The department shall grant a sign language interpreter—advanced deaf license to an applicant who submits an application on a form provided by the department, pays the fee determined by the department under s. 440.03 (9) (a), and satisfies all of the following:

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

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

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

440.032 (4m) Scope of licenses. The department, after receiving advice from the committee, shall promulgate rules defining the scope of practice of each license granted under sub. (3), subject to the following:

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

2. A sign language interpreter—intermediate hearing licensee may not provide sign language interpretation services to a client in any legal or mental health setting, as determined by the department after receiving advice from the committee.
(b) **Interpretation in legal settings.** No sign language interpreter—advanced hearing, sign language interpreter—intermediate deaf, or sign language interpreter—advanced deaf licensee may provide sign language interpretation services to a client in any legal setting, as determined by the department after receiving advice from the committee, unless he or she is also authorized, including under a provisional status, by the supreme court to act as a qualified interpreter in court proceedings under s. 885.38 (2).

(c) **Interpretation in mental health settings.** 1. No sign language interpreter—intermediate deaf licensee may provide sign language interpretation services to a client in any mental health setting, as determined by the department after receiving advice from the committee.

2. Beginning on September 1, 2023, no sign language interpreter—advanced hearing or sign language interpreter—advanced deaf licensee may provide sign language interpretation services to a client in any mental health setting, as determined by the department after receiving advice from the committee, unless the licensee satisfies requirements established by the department by rule. The rules promulgated under this subdivision shall require a licensee to satisfy all of the following:

   a. Complete 40 hours of training on providing interpretation services to a client in mental health settings.

   b. Complete a 40-hour practicum under the supervision of a sign language interpreter approved by the department on providing sign language interpretation services to a client in mental health settings.

   c. Pass a written examination determined by the department.
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1. Be able to accurately interpret specialized vocabulary used in psychiatric settings.

2. Be aware of psychopathologies, including knowledge of the names of major mental illnesses.


4. Be aware of the difference between interpreting and communication assistance.

5. Demonstrate familiarity with mental health assessment methods and the impact of interpretation during an assessment.

6. Have exposure to mental health treatment approaches.

7. Have exposure to issues involving developmental disability and the role culture and language have in providing services to a person with a developmental disability.

8. Be able to identify care providers and identify mental health disciplines, and be familiar with milieus and settings.

9. Be able to explain the role of an interpreter as a professional consultant.

10. Understand professional boundaries and be able to explain confidentiality, privilege, abuse reporting requirements, and the duty to warn.

11. Demonstrate cross-cultural competencies.

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

12. 440.032 (5) LICENSE RENEWAL. The renewal dates for licenses granted under sub. (3) (a) are specified in s. 440.08 (2) (a) 68c. Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a) and evidence satisfactory to the department that the person’s certification or membership
specified in sub. (3) that is required for the license has not been revoked or
invalidated.

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

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

(a) Include all of the following:
   1. The interpreter’s full name.
   2. The interpreter’s licensure category, whether sign language
      interpreter—intermediate hearing, sign language interpreter—advanced hearing,
      sign language interpreter—intermediate deaf, or sign language
      interpreter—advanced deaf.
   3. Any applicable licensure restriction.
   4. A statement whether the interpreter is authorized by the supreme court to
      act as a qualified interpreter in court proceedings under s. 885.38 (2) and whether
      that authorization is provisional.
   5. Any other information required by the department.
(b) Be color-coded based on the interpreter’s licensure category identified
under par. (a) 2. An intermediate license shall be yellow. An advanced license shall
be green.

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

SECTION 20. 440.032 (6m) of the statutes is created to read:
440.032 (6m) Sign Language Interpreters Advisory Committee. (a) The secretary shall appoint an advisory committee under s. 440.042 that shall be called the sign language interpreters advisory committee. The committee shall consist of the secretary or a designee and the following 8 members:

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

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

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

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

1. Advise the department on all of the following:
   a. Matters related to the department's enforcement of this section.
   b. Granting exemptions under sub. (2) (c).
   c. Licensure requirements under sub. (3).
   d. Promulgating the rules defining the scope of practice under sub. (4m).
   e. Promulgating the rules relating to identification cards under sub. (5m).
   f. Promulgating the rules governing professional conduct under sub. (7) (b).

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

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

SECTION 21. 440.032 (7) (b) of the statutes is repealed and recreated to read:
440.032 (7) (b) The department, after receiving advice from the committee, shall promulgate rules governing the professional conduct of individuals licensed under sub. (3). The rules shall incorporate the rules of professional conduct adopted by the National Association of the Deaf, or its successor, and the Registry of Interpreters for the Deaf, or its successor, or a substantially equivalent organization, as determined by the department after receiving advice from the committee.

SECTION 22. Nonstatutory provisions.

(1) Contract relating to administration of examinations. No later than the first day of the 4th month beginning after the effective date of this subsection, the department of safety and professional services shall contract with the Board for Evaluation of Interpreters, or its successor, for the department’s administration of the examinations of the Board for Evaluation of Interpreters in this state under s. 440.032 (3) (b) 1. b.

(2) Elimination of the sign language interpreter council.

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

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

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

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

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

(3) **Emergency rules.** The department of safety and professional services may
promulgate emergency rules under s. 227.24 necessary to implement this act.
Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this
subsection remain in effect until July 1, 2021, or the date on which permanent rules
take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the
department of safety and professional services is not required to provide evidence
that promulgating a rule under this subsection as an emergency rule is necessary for
the preservation of the public peace, health, safety, or welfare and is not required to
provide a finding of emergency for a rule promulgated under this subsection.

**SECTION 23. Initial applicability.**
(1) **Restricted license renewals.** The treatment of s. 440.032 (3) (b) 3. and (5)
first applies retroactively to an individual holding a valid license under s. 440.032
(b) 1. or 2. on August 31, 2017, and the department of safety and professional
services shall provide any such individual whose license expired under s. 440.032 (3)
(b) 3., 2017 stats., on September 1, 2017, with a reasonable opportunity to renew that
license.

(END)