

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: SPS Chapters 200-202

Relating to: Sign Language Interpreters

Rule Type: Both Emergency and Permanent

1. Finding/nature of emergency (Emergency Rule only):

2019 Wisconsin Act 17 provides for emergency rule authority without providing evidence that an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare or without providing a finding of emergency.

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to: 1) revise the existing rules SPS 200, 201 and 202 to implement the statutory changes under 2019 Wisconsin Act 17; 2) to revise existing codes to improve usability; 3) to align the rules with current drafting standards; and, 4) to ensure the rules are consistent with current industry practice.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Wisconsin Statutes s. 440.032 includes requirements for obtaining a sign language interpreter's license, the scope of that license, identification card requirements, and establishes a sign language interpreter advisory council. SPS 200 addresses sign language interpreters, authority and definitions; SPS 201 addresses unprofessional conduct; and SPS 202 addresses state residency exemptions. These rules must be revised to be consistent with the changes in statutory requirements under Act 17 and improve usability and consistency with current industry practice.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 227.11(2)(a), Wis. Stats. authorizes the Department of Safety and Professional Services to promulgate rules interpreting the provisions of any statute the Department enforces or administers.

Under s. 440.03 (7)(b), Wis. Stats., "The department, after receiving advice from the committee, may 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." Additionally,

under s. 440.032 (4m) “Scope of licenses. The department, after receiving advice from the committee, may promulgate rules defining the scope of practice of each license granted under sub. (3).”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

Staff time anticipated to develop rules is 60 hours, depending on the complexity of the rules developed.

6. List with description of all entities that may be affected by the proposed rule :

Individuals seeking licensure and current sign language interpreters license holders would be affected by the proposed rule.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

There are no existing or proposed federal requirements.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The rule implementation is not anticipated to have a significant economic impact to entities, including impacts to small businesses.

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