

## Chapter SPS 201

### SIGN LANGUAGE INTERPRETERS; UNPROFESSIONAL CONDUCT

SPS 201.01 Unprofessional conduct is prohibited.

**Note:** Chapter RL 201 was renumbered chapter SPS 201 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

#### SPS 201.01 Unprofessional conduct is prohibited.

Unprofessional conduct includes any of the following:

(1) Conduct in the practice of sign language interpretation which evidences a lack of knowledge or ability to apply professional principles or skills.

(2) Failing to notify the department in writing within 30 days of any certification, verification, or membership required for licensure being revoked, suspended, expired, or invalidated. This may include certification, verification, or membership by or in National Association of the Deaf, Registry of Interpreters for the Deaf, Inc., Wisconsin Interpreting and Transliterating Assessment, Board for Evaluation of Interpreters, or any other certification determined to be substantially similar to certification by the National Association of the Deaf or Registry of Interpreters for the Deaf, Inc. by the department.

(3) Failing to notify the department in writing within 48 hours of being convicted of a felony or misdemeanor as required by s. 440.03 (13) (am), Stats.

**Note:** Required notice under this section should be given by completing and submitting Department of Safety and Professional Services form #2704DLSC which can be found at <http://dps.wi.gov>.

(4) Violating the terms of any disciplinary order or rule of the department.

(5) Disclosing any aspect of a confidential communication facilitated by the DSPS-licensed interpreter unless one of the following conditions apply:

(a) All parties to the confidential communication consent to the disclosure.

(b) A court determines that the disclosure is necessary for the proper administration of justice.

(c) Disclosure is necessary to comply with state or federal mandatory reporting requirements.

(6) Failing to convey the content of communications accurately, using language most readily understood by consumers, accounting for their requests or needs regarding language preferences, and correcting errors discreetly and expeditiously.

(7) Failing to facilitate communication in a way that allows for meaningful and equitable access to communication that will support the full interaction and independence of consumers.

(8) Discriminating in the provision of services on the basis of the race, color, national origin, gender, religion, age, disability, or sexual orientation of any party to an interpreting situation.

(9) Providing services when not competent to do so due to physical, mental, or emotional incapacity.

(10) Providing services while the DSPS-licensed interpreter's ability to provide such services is impaired by alcohol or other drugs.

(11) Providing services which are inconsistent with the DSPS-licensed interpreter's skill levels or for which the DSPS-licensed interpreter is not qualified to perform services given the language used, communication mode and setting, or consumer needs.

(12) Failing to monitor the accuracy of the message, and correct such message as necessary, while functioning as a team member.

(13) Failing to request deaf interpreters, when necessary to fully convey the message or to address exceptional communication challenges such as may arise from cognitive disabilities, emerging or limited language proficiency, lack of formal instruction or language, or the use of foreign sign language.

(14) Failing to obtain the consent of all parties to an interpreting situation before allowing an intern to observe or participate in an assignment.

(15) Performing services in situations that involve an actual or perceived conflict of interest unless there is disclosure to all participants and agreement to proceed regardless of the conflict of interest or perceived conflict of interest. DSPS-licensed interpreters may not proceed to perform services if the party for whom the services are being provided may not have the mental capacity to appreciate the actual or perceived conflict of interest.

(16) Performing services in a medical, mental health treatment, or legal setting for a minor family member or individual under the interpreter's legal guardianship, if there is an existing conflict of interest or if it would create a conflict of interest under sub. (15).

(18) Assuming dual or conflicting roles in interdisciplinary settings.

(19) Using confidential interpreted information for personal, monetary, or professional gain or for the benefit of professional affiliations or entities.

(20) Acting as an advocate while functioning as a DSPS-licensed interpreter or as an interpreting team member.

(21) Being convicted of any state or federal crime which substantially relates to the practice of sign language interpreting, subject to ss. 111.321, 111.322, and 111.335, Stats.

(22) Failing to maintain ethical business practices whether in private practice or as an employee of an agency or other entity.

(23) Failing to accurately represent the DSPS-licensed interpreter's qualifications, such as certification, education, and experience, failing to provide documentation of the DSPS-licensed interpreter's qualifications when requested, or failing to ensure that the DSPS-licensed interpreter's qualifications are accurately represented by any agencies or entities that contract for or schedule the DSPS-licensed interpreter's services.

(24) Engaging in any harassing, intimidating, or coercive business tactics.

(25) Failing to comply with continuing education requirements as mandated for its members by the Registry of Interpreters for the Deaf, Inc., the National Association of the Deaf, or their successors, or any other certifying organization that the department determines to be substantially equivalent to the Registry of Interpreters for the Deaf, Inc., the National Association of the Deaf, or their successors.

(26) Failing to maintain a professional demeanor when working with consumers, colleagues, interns, or students.

(27) Failing to honor professional commitments or terminating assignments, unless fair and justifiable grounds exist.

(28) Failing to inform appropriate parties in a timely manner when delayed or unable to fulfill assignments.

(29) Failing to cooperate in a timely manner with the department's investigation of a complaint filed against a credential holder, after a request by the department. There is a rebuttable pre-

sumption that a credential holder who takes longer than 30 days to respond to a request of the department has not acted in a timely manner.

**History:** CR 11-018: cr. Register September 2011 No. 669, eff. 10-1-11; correction in (5), (10), (11), (15), (17), (20), (23) made under s. 13.92 (4) (b) 6., Stats., Register November 2011 No. 671; **CR 22-001: am. (2) to (4), cr. (5) (c), am. (16), r. (17), am. (21), cr. (26) to (29) Register July 2023 No. 811, eff. 8-1-23.**