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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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<b>2003 Senate Bill 255</b>	<b>Senate Substitute Amendment 1</b>
<i>Memo published:</i> February 3, 2004	<i>Contact:</i> Laura Rose, Deputy Director (266-9791)

**2003 Senate Bill 255** relates to licensing interpreters for the deaf or hard of hearing.

**Senate Substitute Amendment 1** requires interpreters for the deaf or hard of hearing to be licensed by the Department of Regulation and Licensing (DRL). The substitute amendment contains the following provisions:

- **Renewable licenses:** A person may obtain a license renewable every two years by complying with the following requirements: submitting an application on a form provided by the department; paying the fee specified in s. 440.05 (1), Stats.; and submitting evidence to DRL that the person has received an associate degree in interpretation for the deaf or hard of hearing or has received a certificate of completion of an education and training program regarding such interpretation, and the person has one of the following: (a) any valid certification granted by the Registry of Interpreters for the Deaf, Inc., (RID) or its successor; (b) a valid certification level 4 or 5 granted by the National Association of the Deaf (NAD) or its successor; or (c) any valid certification granted by any other organization that the department determines is substantially equivalent to a certification specified in (a) or (b). A person may also obtain a renewable license if the person has been diagnosed as deaf or hard of hearing, has the RID certification specified in (a), and has completed 48 credit hours in an educational or training program on issues related to providing interpretation services for the deaf or hard of hearing, and eight hours of training on the role and function of deaf interpreters, and eight hours of training on the code of ethics established by the RID.
- **Provisional license:** A person may obtain a provisional license by complying with the following: submitting an application on a form provided by the department, paying the fee specified in s. 440.05 (1), Stats., and submitting evidence to the DRL that the person satisfies all of the following (a) the person has received an associate degree in interpretation for the deaf or hard of hearing or has received a certificate of completion of an education and training program regarding such interpretation; (b) the person is verified by the Wisconsin

interpreting and transliterating assessment at level 2 or higher in both interpreting and transliterating; (c) the person has passed the written examination administered by the RID; and (d) the person is an associate or student member of the RID, and complies with the continuing education requirements of the certification maintenance program of the RID.

- A person who is certified as a court interpreter by the Wisconsin Supreme Court does not need a license to act as an interpreter in a court setting.
- A person who is licensed by the Department of Public Instruction as an educational interpreter does not need a license to act as interpreter in a school setting or at a school-sponsored event.
- A person does not need a license to act as an interpreter if the client, or any member of a group of clients, consents in writing on a form that contains all of the following: (a) a description of the circumstances for which interpretation services are to be provided; (b) a statement that the client is aware of the licensure requirements of this section and that the client consents to waiver of the requirements; (c) the signatures of the client, the person providing the interpretation services, and, if applicable, any third party, or representative of a third party, who is paying for the services.
- The following persons are “grandfathered” and do not have to meet the licensure requirements under the bill if, not later than the first day of the 24th month beginning after the effective date of this paragraph, the person pays the fee specified in s. 440.05 (1), Stats., and submits evidence satisfactory to the department that the person has any of the following: (a) any valid certification that was granted by the RID before the effective date of the bill; (b) a valid certification level 4 or 5 granted by the NAD before the effective date of the bill; and (c) any valid certification that was granted by another organization before the effective date of the bill, if the DRL determines that the other certification is substantially similar to a certification specified under (a) or (b).
- The DRL must promulgate a code of ethics for interpreters, by rule.
- A person who violates either the provisions relating to licensure, or the code of ethics for interpreters, may be subject to a fine of up to \$200, imprisonment up to six months, or both.
- The substitute amendment creates an evidentiary privilege for a person who is licensed as an interpreter for the deaf or hard of hearing. The interpreter may not disclose any aspect of a confidential communication facilitated by the interpreter for a person who is deaf or hard of hearing unless one of the following conditions applies: (a) all parties to the confidential communication consent to the disclosure; and (b) a court determines that the disclosure is necessary for the proper administration of justice.

### **Legislative History**

Senate Bill 255, amended by Senate Substitute Amendment 1, was recommended for passage by the Senate Committee on Health, Children, Families, Aging and Long Term Care by a vote of Ayes, 9; Noes, 0, on January 30, 2004.