



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2019 Wisconsin Act 17
[2019 Assembly Bill 250]

**Sign Language Interpreter
Licensing**

2019 Wisconsin Act 17 makes numerous changes to the regulation and licensing of sign language interpreters.

CREATION OF THE SIGN LANGUAGE INTERPRETER COUNCIL

Under **prior law**, sign language interpreters were licensed and regulated by the Department of Safety and Professional Services (DSPS) with the advice of the Sign Language Interpreter Council (Council).

The act replaces the Council with the Sign Language Interpreters Advisory Committee (Committee), which consists of the DSPS secretary, five qualifying deaf or hard of hearing individuals, two qualifying licensed sign language interpreters, and one hearing individual who has obtained, or represents an entity that has obtained, sign language interpreter services. The Committee is tasked with advising DSPS on various licensure matters, consulting with DSPS on investigations, and submitting to DSPS periodic reports on its operations.

SIGN LANGUAGE INTERPRETER LICENSE TYPES

Under **prior law**, DSPS issued sign language interpreter licenses that were either “restricted” or “renewable,” with different licensure criteria depending on whether the applicant was a hearing individual or had been diagnosed by a physician as deaf or hard of hearing. Thus, under prior law, the sign language interpreter license types were: (1) restricted-hearing; (2) restricted-deaf; (3) renewable-hearing; and (4) renewable-deaf. Less education and training was required for the restricted licenses, which could only be renewed twice. In addition, restricted-deaf licensees were required to work under supervision.

The act replaces the restricted licenses with “intermediate” licenses, and replaces the renewable licenses with “advanced” licenses. In effect, the licenses are replaced as follows: (1)

This memo provides a brief description of the act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

restricted-hearing becomes intermediate-hearing; (2) restricted-deaf becomes intermediate-deaf; (3) renewable-hearing becomes advanced-hearing; and (4) renewable-deaf becomes advanced-deaf. Under the act, all of these licenses are renewable indefinitely. The act makes a number of changes to the criteria for licensure, including that it specifically accepts certification by the Board for Evaluation of Interpreters (BEI) or its successor. In addition, the act automatically transitions licensees to their appropriate new license level and includes provisions, which generally accept certifications issued by national organizations prior to the act's effective date.

BEI EXAM ADMINISTRATION

The act requires the Department of Health Services to administer the BEI performance exams in Wisconsin, unless DSPS approves another exam administrator.

SCOPE OF PRACTICE

Under **prior law**, licensees were generally authorized to provide any sign language interpreter services that they were competent to provide, except that restricted-deaf licensees were required to work under supervision.

The act authorizes DSPS to define the scope of practice for each license type by rule, after receiving advice from the Committee, with some limitations related to practice in legal, medical, and mental health settings.¹

EXEMPTIONS TO SIGN LANGUAGE INTERPRETER LICENSURE

Prior law authorized the Council to grant an out-of-state resident, who was certified by a qualifying national organization, up to two 20-day exemptions to licensure per year. The Council was also authorized to grant a temporary or permanent licensure exemption to a Wisconsin resident for a specific time period or to provide services to a specific person.

The act authorizes DSPS to grant a temporary exemption to licensure on a case-by-case basis. DSPS may also grant a permanent exemption to licensure on a case-by-case basis after receiving advice from the Committee. An applicant must submit a written application that includes certain information, such as an explanation of the reasons why the applicant cannot obtain a license and, if applicable, the client to whom services will be provided.

IDENTIFICATION CARDS

The act authorizes DSPS, after receiving advice from the Committee, to promulgate rules requiring licensees to have an identification card with them at all times when providing sign language interpreting services. The card would be color-coded based on the license type.

¹ Under both prior law and the act, the Wisconsin Supreme Court certifies qualified interpreters in court proceedings.

CODE OF ETHICS AND COMPLAINT SUBMISSION

Prior law required DSPS to promulgate rules that establish a code of ethics for licensees after considering recommendations of the Council. DSPS was also required to consider including in its rules the code of ethics established by the Registry of Interpreters for the Deaf, Inc. (Registry), or its successor.

The act likewise requires DSPS to promulgate rules that establish a code of ethics for licensees after considering advice from the Committee. Under the act, DSPS must incorporate the rules of professional conduct adopted by the National Association of the Deaf, or its successor, and the Registry, or its successor, or a substantially equivalent organization. The act also specifies that DSPS must facilitate the submission of complaints against licensees, including by accepting complaints submitted by mail.

Effective date: July 19, 2019

Prepared by: Andrea Brauer, Staff Attorney

July 25, 2019

AB:mcm;ksm