

RULES AND REGULATIONS FOR LICENSING INTERPRETERS FOR THE DEAF

(R5-71-ID)



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Health

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INTRODUCTION

These *Rules and Regulations for Licensing Interpreters for the Deaf* are promulgated pursuant to the authority conferred under Chapters 42-35 and 5-71 of the General Laws of Rhode Island, as amended. These regulations are established for the purpose of adopting prevailing standards and qualifications pertaining to the licensure of interpreters for the deaf and to ensure that members of the interpreting profession perform with a high degree of competency in this state.

The Act does not limit or qualify the rights of employees with disabilities nor consumers, including but not limited to interpreter services, or the duties of providers to provide such accommodations, auxiliary aids, or services, pursuant to 42 U.S.C. section 12201, *et seq.*; 29 U.S.C. section 794; Article I, Section 2, of the Rhode Island Constitution; RIGL section 42-87-1, *et seq.*, section 11-24-1, *et seq.*, 28-5-1, *et seq.*, section 42-46-13, section 8-5-8, section 9-9-1.2; or other applicable federal or state laws. The obligations of the above cited federal or state civil rights laws include, but are not limited to:

- (a) a state and local governmental agency taking appropriate steps to ensure that communications with applicants, participants, employees, and members of the public with disabilities are as effective as communications with others. State and local governmental agencies shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program or activity conducted by a state or local governmental agency. In determining what type of auxiliary aid or service is necessary, a state or local governmental agency shall give primary consideration to the requests of the individual;
- (b) a public accommodation taking those steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the public accommodations can demonstrate that taking those steps would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or would result in an undue burden (i.e., significant difficulty or expense). A public accommodation shall furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities; and
- (c) an employer and/or employment agency making reasonable accommodations, including the provision of interpreters for the deaf, for their employees with disabilities where necessary to ensure effective communication with individuals with disabilities.

In accordance with the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, consideration was given to: (1) alternative approaches to the regulations; and (2) duplication or overlap with other state regulations. Based upon available information, no known alternative approach, duplication or overlap was identified. The protection of the health, safety and welfare of the public necessitates the adoption of these regulations.

These regulations shall supersede all previous rules and regulations for licensing interpreters for the deaf promulgated by the Department of Health and filed with the Rhode Island Secretary of State.

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PART I *Definitions*

Section 1.0 *Definitions*

Wherever used in these rules and regulations, the following terms shall be construed as follows:

- 1.1 **"Act"** refers to Chapter 5-71 of the Rhode Island General Laws, as amended, entitled, "Licensure of Interpreters for the Deaf Act."
- 1.2 **"American Sign Language (ASL)"** means the visual/gestural language used by deaf/Deaf people in the United States and Canada, with semantic, syntactic, morphological, and phonological rules which are distinct from English.
- 1.3 **"Board"** means the state Board of Examiners for Interpreters for the Deaf established pursuant to the provisions of section 5-17-4 of the Act.
- 1.4 **"Certified"** means any person who is a certified member of the Registry of Interpreters for the Deaf, Inc., (RID), its successor agency, or other agencies as approved by the Department in consultation with the Board.
- 1.5 **"Consumer"** is an individual who is deaf, hard of hearing or other individual with disabilities whose primary language is sign language (e.g., American Sign Language, manually coded sign systems).
- 1.6 **"Director"** means the Director of the Rhode Island Department of Health.
- 1.7 **"Department"** means the Rhode Island Department of Health.
- 1.8 **"Emergency"** means an urgent circumstance that demands immediate action in order for a consumer to avoid imminent harm or loss.
- 1.9 **"Interpreter for the Deaf"** means any person who engages in the practice of interpreting for the deaf as defined in section 1.11 herein (below).
- 1.10 **"Interpreter trainee"** and **"interpreter student"** means any person meeting the minimum requirements established by the Department in consultation with the Board who is currently enrolled in a nationally accredited interpreter training program and participating in the practicum portion of their studies.
- 1.11 The practice of **"interpreting for the deaf"** means conveying spoken English into American Sign Language (ASL) (voice-to-sign) or conveying American Sign Language into English (sign-to-voice), or interpreting English to and/or from a visual gestural system. Such practice shall not include transliterating for the deaf.
- 1.12 **"Manually Coded English (MCE)"** or **"other manually coded sign systems"** means any form of visual/gestural communication used by deaf or hard-of-hearing persons in the United States and Canada, with semantic and syntactic rules based either partly or entirely upon English. Such systems, include, but are not limited to, CASE (Conceptually Accurate Signed

English), Pidgin Signed English (PSE), Signing Essential English, Signing Exact English, Sign Supported English, Signed English, and the Rochester method.

- 1.13 **"Person"** means any individual, firm, corporation, partnership, organization or body politic.
- 1.14 **"Screened interpreter or screened transliterator for the deaf"** means any person who presents proof of an active state screening or its equivalent and presents proof of successful completion of an examination as approved by the Department in consultation with the Board.
- 1.15 **"Transliterator for the deaf"** means any person who engages in the practice of transliterating for the deaf as defined below:
 - 1.15.1 The practice of **"transliterating for the deaf"** means conveying spoken English into manually coded English (voice-to-sign) or conveying manually coded English into spoken English (sign-to-voice), or conveying English on the lips so that it is accessible to speech reading (i.e. oral transliterating). Such practice shall not include interpreting for the deaf.

Part II ***Professional Licensure Requirements***

Section 2.0 ***Qualifications of Applicants for Licensure***

Certified

- 2.2 To be eligible for licensure by the Department as a certified interpreter or transliterator for the deaf, the applicant shall:
- a) Be of good moral character;
 - b) Meet the certification requirements as defined herein; and
 - c) Submit written verification of successful completion of the National Registry of Interpreters for the Deaf Performance Evaluation (written and performance).

Screened

- 2.3 To be eligible for licensure by the Department as a screened interpreter or transliterator for the deaf, the applicant shall:
- a) Be of good moral character;
 - b) Meet the screened requirements as defined herein;
 - c) successful completion of a recognized state screening or state equivalent within the United States. For the purposes of these rules and regulations, a state screening or a state equivalent shall be current and valid.
- and*
- d) Submit written verification of successful completion of the National Registry of Interpreters for the Deaf Performance Evaluation (written) **OR** present evidence of completion of coursework in American Sign Language, Deaf Culture, and the Code of Ethics. Such coursework may be completed as part of an interpreter training program, or through individual workshops sponsored by a recognized organization or agency or other training recognized by the National Registry of Interpreters for the Deaf.

Section 3.0 ***Persons and Practices Exempted***

- 3.1 The provisions of the Act and the rules and regulations herein do not apply to:
- a) Any person working as an interpreter or a transliterator in court (in accordance with the provisions of sections 8-5-8 or 9-9-1.2 of the Rhode Island General Laws, as amended.
 - b) Interpreters or transliterators performing as volunteers without compensation.
 - c) Interpreters or transliterators performing in an emergency as defined herein.

- d) Nonlicensed individuals who are certified members of the Registry of Interpreters for the Deaf, Inc., (RID) its successor agency or other agency as approved by the Department in consultation with the Board, who may provide services for a maximum of twenty-five (25) hours per calendar year.

Emergencies

- 3.2 In the event of an emergency, the consumer may elect to use the services of a nonlicensed interpreter or transliterator.

Section 4.0 Licensure

- 4.1 Licensure shall be granted in either transliterating or interpreting independently. A person may be licensed in both areas if he or she is qualified as defined in section 5-71-8 of the Act and section 2.0 herein.
- 4.2 No person shall practice or hold him or herself out as being able to practice interpreting or transliterating for the deaf as defined in section 5-71-3 of the Act unless he or she is licensed in accordance with the provisions of the Act.
- 4.3 Each licensed interpreter for the deaf upon commencing to practice, and upon any change in address shall promptly notify the Department of said change in home or office address, and shall furnish any other information to the Department that it may require.
- 4.4 Every licensed interpreter for the deaf shall annually, before July 1st pay the Department a license renewal fee of fifty dollars (\$50.00).
- 4.5 The Department may suspend the authority of any licensed interpreter for the deaf to practice for failure to comply with any of the requirements of the Act or the regulations promulgated herein.

Privileged Communications

- 4.6 In the trial of every cause, both civil and criminal, no licensed interpreter for the deaf shall be competent to testify concerning any statement made to him or her in connection with the interpreter's interpretation or transliteration for the deaf, without the consent of the person making the statement. No duly licensed interpreter for the deaf shall be allowed, in giving testimony to disclose any confidential communication, properly entrusted to him or her in his or her professional capacity, and necessary and proper to enable him or her to discharge the functions of his or her office in the usual course of practice or discipline, without the consent of the person making the communication.

Categories of Licensure

- 4.7 Three types of licensure may be issued to interpreters and/or transliterators for the deaf. These types include:

- 1) A certified license shall be granted to interpreters or transliterators who are certified members of the National Registry of Interpreters for the Deaf;
- 2) A screened license shall be granted to interpreters/translitterators who: 1. have met the educational requirements as defined herein, or who have successfully completed the written examination of the RID; and 2. who have successfully completed a recognized state screening or state equivalent.
 - a) Those persons who have not successfully completed the written examination of the RID shall meet the requirements of section 2.3 (d) herein.
- 3) A temporary (student) license shall be granted to persons who are currently enrolled in an accredited interpreter training program to practice interpreting and transliterating. Persons who receive such temporary license shall be supervised by the interpreter training program. Such licensure is only valid while the person is enrolled as a student in the practicum portion of the program and is supervised by a nationally certified interpreter who holds a Rhode Island license.

Section 5.0 ***Application and Fees***

- 5.1 Application for licensure by the Board as an interpreter or transliterator for the deaf/Deaf shall be made on forms provided by the Department. These forms shall be completed, notarized and submitted to the Department.
 - a) Such application shall be accompanied by the following:
 - 1) A recent passport-type photograph of the applicant;
 - 2) Documentation of certified membership from the National Registry of Interpreters for the Deaf (RID); or a recognized state screening or state equivalent and documentation of successful completion of the requirements set forth in section 2.3 (d) herein;
 - 3) A non-refundable fee of fifty dollars (\$50.00) made payable by check or money order to the General Treasurer, State of Rhode Island. In no case shall said fee be returned.
 - b) The Department may issue a license to the applicant that shall expire on July 1st of the next calendar year.
 - c) A temporary license may be renewed for persons who are currently enrolled in an accredited interpreter training program in accordance with section 4.7(3) herein.

Section 6.0 ***Expiration and Renewal of License***

- 6.1 Every person licensed under the provisions of the Act who desires to continue licensure as an interpreter or transliterator for the deaf/Deaf shall present evidence satisfactory to the Board that the interpreter or transliterator for the deaf/Deaf has completed a prescribed course of continuing education in accordance with the requirements of section 8.1 herein.

- 6.2 The license of every person licensed under the provisions of the Act shall expire on the first day of July of the next year following the date of his/her license.
- 6.3 On or before the first day of May in each year, the Department shall mail an application for renewal of license to every person to whom a license has been issued or renewed during the current year. Every person so licensed who desires to renew his/her license shall file with the Department such renewal application duly executed. Such application shall include payment of the fee of fifty dollars (\$50.00) on or before the first day of June in each year. Upon receipt of such application and payment of said fee, the accuracy of the application shall be verified and the Department shall grant a renewal license effective July 1st and expiring twelve (12) months thereafter.
- 6.4 The Department may suspend the authority of any licensed interpreter for the deaf/Deaf to practice for failure to comply with any of the above requirements.

Section 7.0 ***Endorsement***

- 7.1 Applicants who hold a valid license, certificate, or equivalent issued within another state, provided that the requirements under which that license, certificate, or equivalent was issued meet or exceed the standards required by the Act, and who otherwise meet the requirements of the rules and regulations herein, may be issued a license under the provisions of the Act and the rules and regulations herein.

Section 8.0 ***Continuing Education Requirements***

- 8.1 Beginning July 1, 2008, all licensees shall be required to complete five (5) hours of continuing education each year.
- a) Courses deemed acceptable for continuing education shall be those approved by the National Registry of Interpreters for the Deaf.
- 8.2 It shall be the sole responsibility of the individual licensee to obtain documentation from the approved sponsoring or co-sponsoring organization, agency, or institution of his/her participation in a continuing education program and/or activity that shall include no less than the date, time, subject matter, name of lecturer or teacher, the number of hours of credit earned, and such other pertinent data.
- a) Such documentation shall be safeguarded by the licensee for review by the Board as may be requested.
- b) Such documents shall furthermore be retained by each licensee for no less than three (3) years and shall be subject to random audit by the Board.
- 8.3 Licensees initially licensed after the July 1st renewal date shall be exempt from the continuing education requirements stated herein until the date of the next renewal cycle (i.e., June 30th of the next year).

- 8.4 A license renewal may be denied to any applicant who fails to provide satisfactory evidence of continuing education relevant to interpreting for the deaf/Deaf as required herein.
- 8.5 An extension of time to complete the continuing education requirements may be granted to a licensee solely at the discretion of the Department, in consultation with the Board, for reasons of hardship or other extenuating circumstances.

Part III *Grounds for Suspension and Severability*

Section 9.0 *Grounds for Suspension or Revocation of Licenses*

9.1 All complaints concerning a licensee's professional practice shall be received by the Department in writing or by videotape. Each complaint received shall be logged, recording at a minimum the following information:

- Licensee's name;
- Name of the complaining party;
- Date of incident; and
- Statement of complaint.

9.2 The Board may recommend to the Director the issuance, renewal, or revocation of a license, or suspension, placement on probation, censure or reprimand of a licensee, or such other disciplinary action as the Board may deem appropriate, for conduct that may result from, but not necessarily be limited to:

- a) Obtaining his/her license by means of fraud, misrepresentation, or concealment of material facts;
- b) Being guilty of fraud, misrepresentation, concealment or material misstatement of facts or deceit in connection with his/her services rendered as an interpreter or transliterator for the deaf;
- c) Being guilty of unprofessional conduct as defined below, and/or has violated any standard of professional or ethical conduct adopted by the National Registry of Interpreters for the Deaf;
 - 1) Unprofessional conduct is defined as including, but not limited to:
 - (i) The use of any false or fraudulent statement in any document connected with the practice of interpreting or transliterating for the deaf/Deaf ;
 - (ii) The willful violation of a privileged communication;
 - (iii) The willful violation of confidentiality;
 - (iv) Knowingly performing any act which in any way aids or assists an unlicensed person to practice interpreting or transliterating for the deaf/Deaf in violation of the Act;
 - (v) The practice of interpreting or transliterating for the deaf/Deaf under a false or assumed name;
 - (vi) The advertising for the practice of interpreting or transliterating for the deaf/Deaf in a deceptive or unethical manner;

- (vii) Habitual intoxication or addiction to the use of drugs or performing the duties and functions of an interpreter for the deaf/Deaf while under the influence of alcohol or other drugs;
 - (viii) Presenting an unprofessional or otherwise distracting appearance that interferes with the provision of services to the client;
 - (ix) Repeated violations of any of the rules or regulations of the Department or the violation of any section of the Act;
 - (x) Gross incompetence in the practice of his/her profession; or
 - (xi) Repeated acts of gross misconduct in the practice of his/her profession.
- d) Violating the continuing education requirements of section 5-71-9(d) of the Act;
 - e) Violating any lawful order, or any provision of the Act or of the rules or regulations promulgated herein;
 - f) Aiding or assisting another person in violating any provision of the Act or any rule or regulation adopted herein.
 - g) Departure from or failure to conform to the current standards of acceptable and prevailing practice of interpreting for the deaf.

Section 10.0 ***Practices and Procedures***

- 10.1 All hearings and reviews required under the provisions of Chapter 5-71 of the General Laws of Rhode Island, as amended, shall be held in accordance with the provisions of the *Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP.)*

Section 11.0 ***Severability***

- 11.1 If any provision of this chapter or of any rule or regulation made thereunder, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the remainder of the chapter, rule, or regulation, and the application of that provision to other persons or circumstances, shall not be affected thereby.