

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 152, As Amended in the Senate

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO LICENSURE OF SIGN LANGUAGE INTERPRETERS; PROVIDING LEGISLATIVE
2 INTENT; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER
3 56, TITLE 54, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS,
4 TO PROVIDE A SCOPE OF PRACTICE FOR SIGN LANGUAGE INTERPRETERS, TO PRO-
5 VIDE EXEMPTIONS FOR LICENSURE, TO REQUIRE A LICENSE TO PRACTICE AS A
6 SIGN LANGUAGE INTERPRETER, TO ESTABLISH THE SIGN LANGUAGE INTERPRETER
7 LICENSING BOARD, TO PROVIDE FOR POWERS OF THE BOARD, TO SPECIFY REQUIRE-
8 MENTS FOR LICENSURE, TO PROVIDE FOR ENDORSEMENT LICENSURE, TO PROVIDE
9 FOR A PROVISIONAL LICENSE, TO PROVIDE FOR LICENSE RENEWAL, TO ESTABLISH
10 FEES FOR LICENSURE, TO PROVIDE FOR DENIAL OF A LICENSE AND DISCIPLINE,
11 TO PROVIDE CONFIDENTIAL COMMUNICATIONS BY LICENSEES AND TO PROHIBIT
12 CERTAIN ACTS.
13

14 Be It Enacted by the Legislature of the State of Idaho:

15 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that
16 this act shall be known and may be cited as the "Sign Language Interpreters
17 Act" and shall be liberally construed and implemented to promote the pur-
18 poses set forth in this chapter. The Legislature declares that it is in
19 the best interest of the public health, safety, and welfare to regulate the
20 practice of interpreting on behalf of consumers who are hearing, deaf, hard
21 of hearing, deaf-blind, or speech disabled by licensing and provisionally
22 licensing the providers of sign language interpreting services and estab-
23 lishing and monitoring sign language interpreting standards in the State of
24 Idaho.

25 SECTION 2. That Title 54, Idaho Code, be, and the same is hereby amended
26 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
27 ter 56, Title 54, Idaho Code, and to read as follows:

28 CHAPTER 56
29 SIGN LANGUAGE INTERPRETERS

30 54-5601. SHORT TITLE. This chapter shall be known and may be cited as
31 the "Sign Language Interpreters Act."

32 54-5602. DEFINITIONS. (1) "Board" means the licensure board for sign
33 language interpreters as created in this chapter.

34 (2) "Bureau" means the Idaho bureau of occupational licenses as created
35 in section 67-2602, Idaho Code.

36 (3) "Code of ethics" includes the code of professional conduct for edu-
37 cational interpreters as provided by rules of the board.

38 (4) "Consumer" means a hearing, deaf, hard of hearing, deaf-blind, or
39 speech-disabled person; or a person or an entity that requires the services

1 of an interpreter to effectively communicate and comprehend signed, writ-
2 ten, and/or spoken discourse.

3 (5) "Continuing education units" or "CEUs" means a unit of measurement
4 for educational activities that meet established criteria for increasing
5 knowledge and competency.

6 (6) "Credential" means a qualification received after an evaluation
7 has been conducted by an entity that provides evidence of an individual's
8 minimum interpreting proficiency. The credentials may include, but are not
9 limited to, EIPA 3.5, RID NIC, RID SC:L, RID CSC, or NAD IV.

10 (7) "Deaf interpreter" means a professional who is deaf and is licensed
11 by the board.

12 (8) "Educational Interpreter Performance Assessment" (EIPA) means a
13 proficiency assessment for PreK-12 educational interpreting based on a five
14 point Likert scale. For purposes of this chapter, an interpreter meeting the
15 requirements of the Idaho Educational Interpreter Act, chapter 13, title 33,
16 Idaho Code, provides sufficient minimum evidence of competency.

17 (9) "General setting" means medical, legal, mental health, business
18 and commercial, governmental, postsecondary education settings, video
19 relay call centers and other settings not to include PreK-12 educational
20 settings, or religious settings as required and defined by the Americans
21 with Disabilities Act (ADA). Interpreting provided via remote interpreting
22 is considered a general setting.

23 (10) "Idaho Registry of Interpreters for the Deaf" (IdahoRID) means the
24 affiliate chapter of the Registry of Interpreters for the Deaf, Inc., serv-
25 ing as an interpreter advocacy and professional organization and as incorpo-
26 rated at the time of enactment.

27 (11) "Interpreter" means a professional who is licensed by the board;
28 using a source language message and, after working through a complex physi-
29 cal and mental process, expresses an equivalent message into the target lan-
30 guage, maintaining essential elements of meaning and intent. An educational
31 interpreter is an interpreter who works in a school setting, PreK-12.

32 (12) "Interpreting" means the process of providing effective communi-
33 cation between and among persons who are deaf, hard of hearing or deaf-blind,
34 speech impaired and those who can hear. The process includes, but is not lim-
35 ited to, communication between American sign language or other forms of man-
36 ual communication and English. The process may also involve various other
37 modalities that involve visual, gestural and tactile methods.

38 (13) "Interpreting referral agency" includes any organization that
39 arranges, contracts with, or employs interpreters to provide interpreting
40 services for a third party.

41 (14) "Nationally recognized certification" means certification or
42 professional credential awarded to individuals who successfully complete
43 an evaluation of interpreting skills at a professional level. The term
44 includes a credential issued, recognized, or both by the registry of inter-
45 preters for the deaf.

46 (15) "Person" means an individual and does not mean an association of
47 individuals or a legal entity.

48 (16) "PreK-12 educational setting" means a school setting, public or
49 private, within Idaho, not to include postsecondary education.

1 (17) "Sign language" or "American sign language" or "ASL" means a
2 visual-gestural language which incorporates facial grammatical markers,
3 physical affect markers, spatial linguistic information, and finger-
4 spelling, as well as signs made with the hands. ASL is a distinct language
5 with its own grammar and syntax.

6 (18) "State association of the deaf" or "association" means an associa-
7 tion of the deaf acting as a consumer advocacy organization serving the deaf
8 and hard of hearing population of Idaho and as incorporated at the time of en-
9 actment.

10 54-5603. SCOPE OF PRACTICE. (1) On and after July 1, 2016, a person
11 who provides interpreting services in a general setting or a PreK-12 setting
12 must be licensed by the board unless that person is exempt pursuant to the
13 provisions of this chapter.

14 (2) A license shall be renewed annually upon submission of documenta-
15 tion of current validation of a national/state recognized credential as ap-
16 proved by the board; documentation of a minimum of one (1) CEU; and payment of
17 the nonrefundable renewal fee pursuant to the board rules and procedures.

18 (3) A PreK-12 license must be renewed annually upon submission of: doc-
19 umentation of meeting the minimum standard as defined in chapter 13, title
20 33, Idaho Code, the Idaho educational interpreter act, and shall be renewed
21 in compliance with section 56-5611, Idaho Code.

22 54-5604. EXEMPTIONS FOR LICENSURE. The provisions of this act shall
23 not apply to the following:

24 (1) A person holding a current general license, unless the license is
25 provisional, is allowed to interpret in a preschool and/or K-12 setting pur-
26 suant to section 33-1304, Idaho Code.

27 (2) A person who is deaf or hard of hearing and does not possess inter-
28 preter certification or credentials may, at the discretion of an Idaho-li-
29 censed interpreter who holds a license appropriate for the setting, perform
30 in the role of a deaf interpreter.

31 (3) A student enrolled in an accredited sign language interpreter ed-
32 ucational program if sign language interpreting services performed by the
33 student are an integral part of the student's course of study and are per-
34 formed under the direct supervision of a licensed sign language interpreter
35 assigned to supervise the student;

36 (4) A visiting sign language interpreter permanently residing outside
37 of the state and operating as a consultant or providing services from out-
38 side the state that employ sign language interpreters. However, if a visit-
39 ing sign language interpreter permanently residing outside the state pro-
40 vides services for more than thirty (30) calendar days in this state in a
41 twelve (12) month period, the sign language interpreter must be licensed by
42 the board; and

43 (5) Nothing in this chapter shall be construed to apply to the activi-
44 ties and services of any religious denomination or sect or in a private, non-
45 commercial, family event (retained by the family).

46 (6) Exigent emergency circumstances for temporary interpreting ser-
47 vices by family or friends until a qualified interpreter can be obtained.

1 54-5605. SIGN LANGUAGE INTERPRETER LICENSE REQUIRED. On and after
2 July 1, 2016, a license shall be required to engage in the practice of sign
3 language interpreting. No person shall engage in the practice of or hold
4 himself out as a sign language interpreter unless he is licensed in accor-
5 dance with the provisions of this chapter. No person may use in connection
6 with his name or place of business, the title sign language interpreter,
7 licensed sign language interpreter or any words, letters, abbreviations
8 or insignia indicating or implying that a person holds a sign language in-
9 terpreter license, unless such person holds a sign language interpreter
10 license.

11 54-5606. BOARD -- ORGANIZATION AND MEETINGS. (1) There is hereby es-
12 tablished in the department of self-governing agencies, bureau of occupa-
13 tional licenses, the sign language interpreter licensing board.

14 (2) The board shall consist of five (5) members, three (3) of whom shall
15 be fully licensed sign language interpreters, two (2) of whom shall be deaf
16 or hard of hearing. All board members shall be residents of this state.

17 (3) Initial appointments to the board shall be for the following terms:
18 one (1) sign language interpreter member for a term ending in one (1) year;
19 one (1) sign language interpreter member and a deaf or hard of hearing member
20 for a term ending in two (2) years; and one (1) sign language interpreter mem-
21 ber and one (1) deaf and hard of hearing member for a term ending in three (3)
22 years. Thereafter, the term of office for each member of the board shall be
23 three (3) years.

24 (4) Board members shall be appointed by the governor and shall serve at
25 the pleasure of the governor.

26 (5) Each sign language interpreter member of the board shall:

27 (a) Except for the initial appointments, be currently licensed and in
28 good standing to engage in the practice of sign language interpreting in
29 this state. The initial sign language interpreter members of the board
30 must meet the qualifications for licensure under this act; and

31 (b) At the time of appointment have been actively engaged in the prac-
32 tice of sign language interpreting for at least three (3) years out of
33 the last five (5) years.

34 (6) In the event of the death, resignation or removal of any board mem-
35 ber before the expiration of the term to which the member is appointed, the
36 vacancy shall be filled for the unexpired portion of the term in the same man-
37 ner as the original appointment.

38 (7) The board shall meet annually and at such times as deemed necessary
39 and advisable by the chairman, or by a majority of its members, or by the gov-
40 ernor. Notice of all meetings shall be given in the manner prescribed by law.
41 A majority of the board shall constitute a quorum at any meeting or hearing.

42 (8) Members of the board shall be reimbursed for expenses as provided in
43 section 59-509(b), Idaho Code.

44 54-5607. BOARD POWERS. The board shall have the following powers:

45 (1) To receive applications for licensure, determine the qualifica-
46 tions of persons applying for licensure, provide licenses to applicants
47 qualified under the provisions of this chapter and reinstate and deny li-
48 censes;

- 1 (2) To establish by rule and collect fees as prescribed by this chapter;
2 (3) To maintain records necessary to carry out its duties under this
3 chapter;
4 (4) To pass upon the qualifications and fitness of applicants for li-
5 censes and to adopt rules requiring annual continuing education as a condi-
6 tion for the renewal of licenses issued under this chapter;
7 (5) To prescribe by rule the minimum number of and qualifications for
8 CEUs to be required of each sign language interpreter seeking to obtain or
9 renew a license in the state of Idaho and for the approval of continuing edu-
10 cation courses;
11 (6) To examine for, deny, approve, issue, revoke and suspend licenses
12 pursuant to this chapter and to conduct investigations and hearings in con-
13 nection with such actions in compliance with chapter 52, title 67, Idaho
14 Code;
15 (7) To establish requirements for reinstatement and renewal of li-
16 censes;
17 (8) To adopt and revise such rules as may be necessary to carry into ef-
18 fect the provisions of this chapter in compliance with chapter 52, title 67,
19 Idaho Code. The rules shall include, but shall not be limited to, a code of
20 ethics for licensed sign language interpreter as well as standards of prac-
21 tice;
22 (9) In any proceeding before the board authorized by this chapter, the
23 board or its designee may administer oaths or affirmations to witnesses ap-
24 pearing before it;
25 (10) The board may recover the reasonable costs and fees, including at-
26 torney's fees, incurred by the board in the investigation and prosecution of
27 a licensee upon the finding of a violation of this chapter or a rule adopted
28 or an order issued by the board under this chapter;
29 (11) To take such action as may be necessary to enforce the provisions of
30 this chapter and to regulate the practice of a sign language interpreter;
31 (12) In a final order, the board may impose a civil penalty not to exceed
32 one thousand dollars (\$1,000) for each violation by a licensee of this chap-
33 ter or of rules adopted by the board; and
34 (13) To authorize, by written agreement, the bureau of occupational li-
35 censes as its agent to act in its interest and, in its discretion, to contract
36 with the bureau of occupational licenses for those services deemed necessary
37 for the proper administration of this chapter.

38 54-5608. REQUIREMENTS FOR ISSUANCE OF A LICENSE. In addition to such
39 other information as the board may require by rule, each applicant under this
40 act shall:

- 41 (1) Submit an application in the form prescribed by the board;
42 (2) Pay the fee determined by board rule; and
43 (3) Provide evidence satisfactory to the board of having successfully
44 passed a nationally recognized competency examination approved by the board
45 or achieved certification defined by board rule.
46 (4) To obtain a license as an interpreter, an applicant must possess an
47 accepted credential as determined by the board. An initial general license
48 will be issued upon submission of an application; documentation of current
49 validation of a national/state recognized credential as approved by the

1 board; a sworn statement that the applicant has read, understands and agrees
2 to abide by the code of ethics for sign language interpreters; and payment of
3 the required nonrefundable fee pursuant to the board regulations and proce-
4 dures.

5 (5) On and after July 1, 2016, a person who provides interpreting ser-
6 vices in a PreK-12 educational setting must be licensed by the board. An
7 initial license must be issued upon submission of: an application; docu-
8 mentation of meeting the minimum standard as defined in chapter 13, title
9 33, Idaho Code, the Idaho educational interpreter act; a sworn statement
10 that the applicant has read, understands and agrees to abide by the code of
11 ethics; and payment of the required nonrefundable fee pursuant to the board
12 rules and procedures.

13 54-5609. ENDORSEMENT LICENSURE. An applicant who satisfies the board
14 that he is licensed or registered under the laws of another state, territory
15 or jurisdiction of the United States, which in the opinion of the board im-
16 poses substantially equivalent licensing requirements as this act may, upon
17 the payment of the required fee and the approval of the application, be li-
18 censed by endorsement pursuant to this act.

19 54-5610. PROVISIONAL LICENSE. (1) The board may grant to a person who
20 has the necessary skills and training, a provisional sign language inter-
21 preter license to practice, upon filing an application with the board, meet-
22 ing the qualifications established by board rule and payment of the fee es-
23 tablished by board rule.

24 (2) The provisional license shall be valid for one (1) year from the
25 date of its issue and may be renewed at the discretion of the board for two (2)
26 additional one (1) year periods up to a maximum of two (2) renewals for a to-
27 tal provisional licensure for three (3) years. A provisional license shall
28 expire automatically upon the issuance of a full license.

29 (3) Graduates of a recognized interpreter education program may apply
30 and be granted a provisional license within one (1) year of graduation.

31 54-5611. LICENSE RENEWAL. (1) All licenses issued under the provi-
32 sions of this chapter shall be subject to annual renewal and shall expire on
33 the licensee's birthday unless renewed in the manner prescribed by the board
34 regarding applications for renewal, continuing education and fees and shall
35 be done in compliance with section 67-2614, Idaho Code.

36 (2) In addition to such other requirements as the board may establish by
37 rule, each applicant must certify when seeking license renewal that in the
38 period since the license was issued or last renewed the applicant has com-
39 pleted the amount of board approved continuing education required by board
40 rule. The board may waive all or a portion of these requirements or grant an
41 extension of time in which to complete these requirements upon a finding of
42 good cause.

43 54-5612. FEES. (1) The board shall establish by rule fees for licen-
44 sure under the provisions of this chapter as follows:

45 (a) An application fee not to exceed one thousand dollars (\$1,000);

1 (b) A fee for an initial full license not to exceed one thousand dollars
2 (\$1,000);

3 (c) A fee for a provisional license and an endorsement license not to
4 exceed one thousand dollars (\$1,000);

5 (d) The fee for annual renewal of licenses not to exceed one thousand
6 dollars (\$1,000); and

7 (e) Fees charged pursuant to paragraph (b) or (c) of this subsection
8 shall be in addition to the application fee.

9 (2) All fees received under the provisions of this chapter shall be non-
10 refundable and shall be deposited in the state treasury to the credit of the
11 occupational license account in the dedicated fund, and all costs and ex-
12 penses incurred by the board under the provisions of this chapter shall be
13 a charge against and paid from the account for such purposes, and the funds
14 collected hereunder shall be immediately available for the administration
15 of this chapter, the provisions of any other law notwithstanding.

16 54-5613. DENIAL OF LICENSE AND DISCIPLINARY PROCEEDINGS. (1) The
17 board may refuse to issue, refuse to renew, revoke, suspend or otherwise
18 sanction a licensee upon the following grounds:

19 (a) Fraud or deception in procuring or renewing the license;

20 (b) Being found guilty, convicted, placed on probation, having entered
21 into a guilty plea that is accepted by the court, or having received a
22 withheld judgment or suspended sentence of a felony by a court of compe-
23 tent jurisdiction;

24 (c) Gross incompetence or unprofessional conduct;

25 (d) Fraud or deceit in connection with services rendered as a sign lan-
26 guage interpreter or in establishing qualifications for licensure un-
27 der this chapter;

28 (e) Violation of any of the provisions of this chapter or any of the
29 rules promulgated by the board under the authority of this chapter;

30 (f) Failure to comply with a board order;

31 (g) Having had a license revoked, suspended or otherwise disciplined by
32 the board or the proper authorities of another state, territory or coun-
33 try;

34 (h) Habitual drunkenness or addiction to habit-forming drugs, either
35 of which impair the ability to perform work without danger to himself or
36 the public;

37 (i) Aiding or abetting any person not licensed or otherwise authorized
38 under this chapter in the practice of sign language interpreting in the
39 state of Idaho;

40 (j) Having a license or certification in a related field revoked or sus-
41 pended or otherwise disciplined in Idaho or any other state; or

42 (k) Unethical or unprofessional conduct as defined by board rule or the
43 code of ethics established by board rule.

44 (2) The board may reinstate any revoked or suspended license upon such
45 terms as it may determine.

46 (3) The board may by rule provide a procedure for an applicant to re-
47 quest an exemption review for a felony or lesser crime conviction. The ap-
48 plicant shall bear the burden and financial responsibility of providing all

1 evidence, documentation and proof of suitability for licensure required by
2 the board for exemption review.

3 54-5614. CONFIDENTIAL COMMUNICATIONS. No licensee shall disclose
4 any information they may have acquired from a client consulting with them
5 in their professional capacity that was necessary to enable them to render
6 services in their professional capacity to those persons except:

7 (1) With the written consent of that client or, in the case of death
8 or disability, the written consent of the client's personal representative,
9 other person or entity authorized to sue or the beneficiary of an insurance
10 policy on the client's life, health or physical condition;

11 (2) That a licensee shall not be required to treat as a confidential
12 communication which reveals the contemplation or execution of a crime or
13 harmful act except that no licensee shall disclose any privileged communica-
14 tion learned of through the provision of interpreting services which would
15 be privileged under any constitutional provision, statute or court rule;

16 (3) When the client is a minor under the laws of this state, and the in-
17 formation acquired by the licensee indicates that the minor was the victim or
18 subject of a crime, the licensee may testify fully in relation to such infor-
19 mation upon any examination, trial or other proceeding in which the commis-
20 sion of such a crime is the subject of the inquiry;

21 (4) When the client waives the privilege by bringing charges or other
22 claims against the licensee; or

23 (5) To the board or its authorized agent in connection with an investi-
24 gation or other proceeding by the board or its agent under this chapter.

25 54-5615. CERTAIN ACTS PROHIBITED. It shall be unlawful and a misde-
26 meanor for any person to engage in any of the following acts:

27 (1) To represent himself to be a licensed sign language interpreter
28 without having first obtained a license in compliance with the provisions of
29 this chapter;

30 (2) To practice, attempt or offer to practice sign language inter-
31 preting as defined in this chapter without having at the time of so doing, a
32 valid, unexpired, unrevoked and unsuspended license issued under this chap-
33 ter; or

34 (3) To use in connection with his name or place of business, the title
35 sign language interpreter, licensed sign language interpreter or any words,
36 letters, abbreviations or insignia that may reasonably be confused with a
37 designation provided by this chapter or indicating or implying that the per-
38 son holds a sign language interpreting license unless he is licensed in ac-
39 cordance with this chapter.

40 A hiring entity or interpreter referral service retaining services of
41 an unlicensed interpreter.