

DRAFT - Sign Language Interpreters working in WA State:

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This is an act related to interpreters known as and may be cited as the “Sign Language Interpreter Licensure Act” and must be liberally construed and implemented to promote the purposes set forth in this bill: creating a board; providing a purpose; providing member qualifications and terms; requiring the board to adopt rules and policies related to granting licenses to interpret, requirements for active and inactive status, authorizing provisional permits, providing fees, providing penalties and prohibiting certain actions and providing an effective date.

Therefore, the Legislature declares that it is in the best interest of the public health, safety, and welfare to regulate the practice of interpreting on behalf of consumers who are hearing, deaf, hard of hearing, deaf-blind, or speech disabled by licensing and provisionally licensing the providers of sign language interpreting services and establishing and monitoring sign language interpreting standards and quality assurance in the State. This bill would provide for the regulation of sign language interpreters, who offer sign language interpreting services for the hearing, deaf, hard-of-hearing, and Deaf-Blind s to consumers.

Section 1. For purposes of this law, the following definitions apply:

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- (1) 'ASLTA' means American Sign Language Teachers Association, a national organization that evaluates and certifies teachers of American Sign Language (ASL.)
- (2) 'Board' means the Licensure Board for Sign Language Interpreters as established in this article.
- (3) 'CEUs' or 'continuing education units' means a nationally recognized unit of measurement for educational activities that meet established criteria for increasing knowledge and competency. CEUs are approved by a sponsor that is approved by Registry of Interpreters for the Deaf (RID), and/or the Board. Generally, ten hours of instruction time is equivalent to 1.0 CEUs.
- (4) 'Code of Ethics' includes the NAD-RID Code of Professional Conduct, the Code of Professional Conduct for Educational Interpreters, EIPA Guidelines of Professional Conduct for Professional Interpreters, or other currently-accepted and ratified standards of professional conduct by the Registry of Interpreters of the Deaf or as established by the Educational Interpreter Performance Assessment Diagnostic Center at Boys Town National Research Hospital as well as from other national interpreter certification entities. In case of disagreement between standards, the EIPA standards will prevail in PreK-12 settings; in all other settings, RID standards will prevail.
- (5) "Consumer" means a deaf, hard-of-hearing, deaf-blind, speech disabled person, or a hearing person or entity that requires the services of sign language interpreter in order to communicate. This may require the services of a sign language interpreter to effectively communicate with and comprehend discourse between American Sign Language, S.E.E. or other communication mode and English.
- (6) 'Credential' means a qualification received after an evaluation has been conducted by an entity that provides evidence of an individuals' minimum interpreting proficiency. The credentials may include, but are not limited to, EIPA 3.5, RID NIC, RID SC:L, RID CSC, or NAD IV. To obtain a license, an interpreter must first possess an accepted credential as determined by the Board. Refer to (15) in this section.
- (7) 'Deaf interpreter' means a professional who is deaf and is credentialed as such; she or he may work with an interpreter who can hear and speak. The deaf interpreter is needed when the situation or communication mode of a deaf consumer is so unique that it requires specialized skills to ensure an accurate interpretation.
- (8) 'Department' means the Department of Licensing as created in WA State WAC-308 and RCW Title 43 - Chapter 43.24
- (9) 'Educational Interpreter Performance Assessment' (EIPA) means a proficiency assessment for Elementary through secondary school educational interpreting based on a five point Likert scale. For purposes of this article, an interpreter meeting the requirements of the *Washington State Qualifications for Educational Interpreters, HB 1144 and Washington Professional Educator Standards Board — Adoption of standards for educational interpreters RCW 28A.410.271* provides sufficient minimum evidence of competency.
- (10) 'General setting' means medical, legal, mental health, business and commercial, governmental, post-secondary education settings, video relay call centers and other settings not to include PreK-12 educational settings, or religious settings. Interpreting provided via remote interpreting is considered a general setting.
- (11) 'Interpreting referral agency' includes any organization that arranges, contracts with, or employs interpreters to provide interpreting services for a third-party.

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- (12) 'Interpreter' means a professional who is credentialed as such; using a source language message and, after working through a complex physical and mental process, expresses an equivalent message into the target language, maintaining essential elements of meaning and intent. An Educational Interpreter is an Interpreter who works in a school setting, PreK-12.
- (13) 'Interpreter Training Program', or "ITP" means a postsecondary degree program of at least three years specializing and training to become sign language interpreters.
- (14) 'Provisional, Intermediate and Master levels Interpreter Licenses': Master interpreter license means that the legal interpreter license WAC 308-103-140 and RCWs > Title 2 > Chapter 2.42 allows the interpreter to interpret in courts or any legal settings as well as any other interpreter situations that are not legal related. Intermediate interpreter license allows an RID certified interpreter to provide interpreting services in any situation except for legal settings and EIPA credentialed interpreters to provide services in K-12 settings. Provisional interpreter license means that the interpreter has passed the written test of the NIC test or other national interpreter certification evaluation entity such as EIPA and is either team working or mentoring with an interpreter who holds a intermediate or master license.
- (15) 'Nationally recognized certification' means certification or professional credential awarded to individuals who successfully complete a skills assessment of interpreting skills at a professional level. The term includes a credential issued, recognized, or both by the these organizations: Registry of Interpreters for the Deaf (RID), the National Association of the Deaf (NAD), the American Consortium of Certified Interpreters (ACCI), Educational Interpreter Proficiency Assessment and/or other national interpreter certification entities.
- (16) 'PreK-12 educational setting' means a school setting, public or private, within Washington, not to include post-secondary education.
- (17) 'Sign Language' (American Sign Language or ASL) means a visual-gestural language which incorporates facial grammatical markers, physical affect markers, spatial linguistic information, and fingerspelling, as well as signs made with the hands. ASL is a distinct language with its own grammar and syntax, which is not based on, nor derived from, spoken English and recognized as linguistically a language on its own.
- (18) 'Sign language interpreting' means the translating or translating of English concepts to any necessary specialized vocabulary used by a consumer or the translating of a consumer's specialized vocabulary to English concepts. Necessary specialized vocabularies include, but are not limited to American Sign Language, English-based signing, cued speech, and oral interpreting. The interpreter must have the ability to interpret between the specialized vocabulary and written or spoken English effectively, accurately, and impartially, both receptively and expressively. The process may also involve various other modalities that involve visual, gestural, and tactile methods.
- (19) 'Video-interpreter' means an interpreter using remote video technology who assists an individual who is deaf or hard of hearing and an individual who is hearing to communicate with each other when at least one of the three parties is in a remote location.

- (20) 'Washington State Association of the Deaf (WSAD) or the National Association of the Deaf acting as a consumer advocacy organization serving the deaf and hard-of-hearing population of Washington and as incorporated at the time of enactment.
- (21) 'Washington State Registry of Interpreters for the Deaf' (WSRID) means the affiliate chapter of the Registry of Interpreters for the Deaf, Inc., serving as an interpreter advocacy and professional organization and as incorporated at the time of enactment.

Section 2. Creation of Board for Licensure of Sign Language Interpreters

- A. There is created the Board for Licensure of Sign Language Interpreters, referred to hereinafter as "the Board".
- B. The Board shall consist of five members appointed by the Governor. These members shall consist of two deaf or hard of hearing individuals and three shall be licensed interpreters.
1. WSRID shall submit a total of three nominations to the Governor. One nominee must be a licensed interpreter who works primarily in general settings and one nominee must be a licensed interpreter who works primarily in a PreK-12 educational setting. One nominee must be a deaf or hard of hearing individual who has demonstrated high knowledge of the field of professional interpreting.
 2. WSAD shall submit a total of two nominations to the Governor. One nominee must be a licensed interpreter in the community or PreK-12. One nominee must be a deaf or hard of hearing individual who has demonstrated high knowledge of the field of professional interpreting.
- C. The Board members shall serve terms of four years in a staggered form (no member may serve more than two terms consecutively).
- D. The Board shall annually elect officers from among themselves such as a chairman, vice chairman, and other officers the Board determines necessary. The Board may adopt an official seal and shall adopt rules and procedures reasonably necessary for the performance of its duties and the governance of its operations and proceedings.
- E. The Board shall meet at least twice annually and as frequently as it considers necessary, in such ways and at such times and places as it designates. Three members constitute a quorum for the transaction of business.
- F. The Board members are entitled to per diem, subsistence, and mileage as is provided by law in accordance with RCW 43.03.240, RCW 43.03.050 and 43.03.060 for members of state Boards, committees, and commissions.
- G. The Board members are required to attend meetings or to provide proper notice and justification of his or her inability to do so. Upon recommendation from the board, The Governor may replace a member of the Board.
- H. Vacancies must be filled for the unexpired portion of the term in the manner of the original appointment. The partial term will be considered one of the terms toward the two-consecutive-terms limit.
- I. The Board shall:

- (1) be responsible for the monitoring and establishing minimum standards such as education, examinations and work history for the practice of sign language interpreters in the state and the process of granting, suspending, reinstating, and revoking a legal and generalist license or provisional license;
- (2) set a fee schedule in regulation for granting and renewing licenses and provisional licenses. The fees must be sufficient to cover the cost of the continued operation and administration of the Board;
- (3) regulate persons who offer sign language interpreting services to the public and to impose penalties on anyone violating those regulations;
- (4) ensure that a person shall not interpret for the deaf and hard of hearing without a license. A person shall not falsely identify themselves as a licensed interpreter, practice as an interpreter even at the request of the deaf person, or use another person's license. An interpreting referral agency shall not use unlicensed interpreters, falsely claim that their interpreters are licensed, or use other interpreter's licenses to conduct business;
- (5) establish a procedure to enable the investigation of complaints concerning the violation of ethical practices for licensed or provisionally licensed interpreters;
- (6) maintain a current register of licensed interpreters and a current register of provisionally licensed interpreters; these registers are matters of public record; and
- (7) maintain a complete record of all Board proceedings.

Section 3. Administration of Board by Washington Department of Licensure

- A. WA Department of Licensing is authorized agent of the Board. The Department shall provide all administrative, fiscal, investigative, inspectional, clerical, secretarial, and license renewal operations and activities.
- B. Fees must be assessed, collected and adjusted on behalf of the Board by the Department of Licensing.

Section 4. Effective Date

A person providing interpreting service in any type of setting must be licensed by the Board unless exempt pursuant to Section 11 to begin on _____.

Section 5. Proficiency Levels

- A. These licenses shall be given to those who have applied for licensure:
 1. Provisional License Interpreters with a valid provisional license.
 2. Intermediate License Interpreters with a valid intermediate license. This may include RID certified interpreters as well as EIPA credentials for K-12 educational interpreters
 3. Master Proficiency Level Interpreters with a valid license with a master proficiency level that include legal and RID NIC certified interpreters.
- B. Upon request of any consumer or hiring entity, an interpreter shall show proof of his or her WA interpreter license indicating proficiency level.

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- C. As sign language interpreters' credentials are based on proficiency level, in order to protect the health, welfare and safety of the deaf and hard of hearing consumers, interpreters shall only accept assignments appropriate for their proficiency level based upon accepted certifications for licensure. Interpreters should accept, refuse or withdraw from assignments based upon their experience, capabilities and credentials

Section 6. Scope of Regulation

- A. Effective (date), a person must be licensed as a sign language interpreter/transliterater pursuant to this chapter in order to do any of the following:
- (1) Engage in the practice of, or offer to engage in the practice of, sign language interpreting/transliterating for a consumer for compensation.
 - (2) Use the title "sign language interpreter," or a similar title in connection with his or her name.
 - (3) Assume the identity of a sign language interpreter.
 - (4) Use the title "sign language interpreter" in advertisements or descriptions.
 - (5) Convey the impression that he or she is a sign language interpreter.
- (B) A person who is licensed or certified in another state in sign language interpreting and who provides sign language interpreting in this state under either of the following conditions:
- (1) The person provides sign language interpreting in this state for a period of not more than 30 nonconsecutive days in a calendar year.
 - (2) The person provides sign language interpreting by teleconference if the sign language interpreting services provided by that person are necessary because a sign language interpreter is unavailable to provide those services in person.
- (C) The following persons are exempt from the requirements of this:
- (1) A person who provides sign language interpreting solely for religious organizations as a volunteer.
 - (2) A person who meets all of the following requirements:
 - (a) Has graduated from an Interpreter Training Program or an Interpreter Preparation Program with an associate's degree or higher.
 - (b) Is teamed with and mentored by a licensed sign language interpreter pursuant to this chapter.
 - (c) Identifies himself or herself to any referral agency or potential client as being mentored by a licensed sign language interpreter.
 - (d) Within five years from his or her ITP graduation date, obtains national credentials as a sign language interpreter.

Section 7. License Requirements

Effective _____

- (A) A person who provides sign language interpreting services in a general setting must be licensed by the Board unless that person is exempt pursuant to section 11 of this article.
- (B) An initial license will be issued upon submission of:

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- (1) an application;
 - (2) documentation of current validation of a national/state recognized credential as approved by the Board;
 - (3) has submitted to a statewide criminal history background check through DSHS which then shall return the results to the board to determine whether the applicant meets licensure requirements;
 - (4) a sworn statement that the applicant has read, understands, and agrees to abide by the code of ethics for sign language interpreters; and
 - (5) payment of the required nonrefundable fee pursuant to the Board regulations and procedures.
- (C) A license must be renewed annually upon submission of:
- (1) documentation of current validation of a national/state recognized credential as approved by the Board;
 - (2) documentation of a minimum of one (1) CEU; and
 - (3) payment of the nonrefundable renewal fee pursuant to the Board regulations and procedures.

Effective _____

- (A) A person who provides interpreting services in a PreK-12 educational setting must be licensed by the Board.
- (B) An initial license must be issued upon submission of:
- (1) an application;
 - (2) documentation of meeting the minimum standard as defined in the *Washington State Qualifications for Educational Interpreters, HB 1144* and Washington professional educator standards board — Adoption of standards for educational interpreters RCW 28A.410.271;
 1. has submitted to a statewide criminal history background check through DSHS which then shall return the results to the board to determine whether the applicant meets licensure requirements;
 - (4) a sworn statement that the applicant has read, understands, and agrees to abide by the code of ethics; and
 - (5) payment of the required nonrefundable fee pursuant to the Board regulations and procedures.
- (C) A license must be renewed *annually* upon submission of:
- (1) documentation of meeting the minimum standard as defined in the *Washington State Qualifications for Educational Interpreters, HB 1144* and Washington professional educator standards board — Adoption of standards for educational interpreters RCW 28A.410.271;
 - (2) documentation of a minimum of one (1) CEU; and
 - (3) payment of the nonrefundable renewal fee pursuant to the Board regulations and procedures.

Section 8. Expired License

- (A) A licensee has sixty days after the expiration of the license to renew. During this sixty day period, the licensee may continue to practice and may renew the license by submitting the necessary documentation, payment of the nonrefundable fee, plus a late renewal fee as the Board shall provide for in regulation.
- (B) A license not renewed within sixty days is automatically terminated based on the failure of an individual to renew in a timely manner. Upon termination, the licensee is no longer eligible to practice in Washginton.

- (C) A licensee whose license has lapsed for more than sixty days but not more than two years after the most recent issue date due to nonpayment of fees can be granted reinstatement by submission of the necessary documentation and repayment of the past due fees plus a late renewal fee. License reinstatement will not be retroactive to the original license date.
- (D) A license that was not renewed within two years of the most recent issue date is invalid and only may be reinstated upon receipt of an application for licensure submitted under the license requirements in effect at the time the renewal request is submitted and accompanied by the annual license fee and reinstatement fee.

Section 9. Provisional License

- (A) The Board shall issue a PreK-12 or general provisional license to a person who is practicing as an interpreter as of July 1, 2016, if the person does not otherwise meet the requirements for licensure in either setting, and the person submits:
 - (1) an application detailing relevant training and experience to justify the granting of a provisional license;
 - (2) payment of the nonrefundable provisional license fee; and
 - (3) for a provisional license, a sworn statement that the applicant has read, understands, and agrees to abide by the code of ethics, as identified in Section 1 of this act.
- (B) A provisional license may be issued for a period of twelve months. If within that time the interpreter still does not meet the requirements for licensure, the interpreter may apply for an additional twelve month provisional license. An individual may hold a provisional license for a maximum period of twenty-four (24) months.
- (C) To obtain a renewal provisional license, an applicant must submit:
 - (1) an application;
 - (2) payment of the nonrefundable provisional license renewal fee;
 - (3) documentation of the minimum of one (1) CEU;
 - (4) for a provisional license, a sworn statement that the applicant has read, understands, and agrees to abide by the code of ethics; and
 - (5) plan of how the individual will achieve the minimum standard necessary and obtain an interpreting license.

Section 10. Suspension of License

- (A) The Board may deny, revoke, or suspend an interpreter's license or provisional license or impose another reasonable limitation on an interpreter's license or provisional license if the interpreter engages in any of the following conduct and this conduct is likely to endanger the health, welfare, or safety of the public:
 - (1) using a false, fraudulent, or forged statement or engaging in a fraudulent, deceitful, or dishonest act in connection with a licensure requirement;
 - (2) having an addiction to alcohol or drugs to such an extent as to render the licensee unfit to practice as an interpreter;
 - (3) having a physical or mental disability that renders further practice by the licensee dangerous to the public;

- (4) violating the applicable Code of Ethics for the profession of interpreters in that setting;
 - (5) engaging in dishonorable, unethical, or unprofessional conduct that is likely to deceive or harm the individual or the public;
 - (6) using a false or fraudulent statement in a document connected with the practice of interpreter services;
 - (7) intentionally violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate a provision of this article;
 - (8) committing an act, during the course of practice conducted pursuant to a license issued under this article, that constitutes fraud, dishonest dealing, illegality, incompetence, or gross negligence; or
 - (9) engaging in an activity that is beyond the scope of practice as set forth in this article.
- (B) The suspension or revocation of an interpreter's license or the imposition of probationary conditions upon an interpreter may be decided by the Board after a hearing is conducted.

Section 11. Exemptions

- (A) The following are exempt from licensure or provisional licensure under this article:
- (1) a student who is enrolled in an interpreter training, internship program, or both, is allowed to interpret as part of his or her training, pursuant to the Board's regulations and procedures, provided all hours are supervised by a Washington-licensed interpreter who holds a license appropriate for that setting, not holding a provisional license;
 - (2) an individual participating in a Board-approved mentoring program, under the direct supervision of an Washington-licensed interpreter who holds a license appropriate for that setting;
 - (3) a person who interprets solely in a church, synagogue, temple, mosque, or other worship setting as a volunteer;
 - (4) a person interpreting a private, non-commercial, family event and retained by the family;
 - (5) a person holding current nationally-recognized credential and who resides outside of the State may provide interpreting services for up to thirty working days per calendar year without a license per Section 6B;
 - (6) a person holding a current Pre K-12 license, unless the license is provisional, may petition the Board for a one-time, temporary exemption to interpret in a general setting for up to ninety working days;
 - (7) a person holding a current general license, unless the license is provisional, is allowed to interpret in a preschool and/or K-12 setting pursuant to Washington Code HB 1144; and
 - (8) a person who is deaf or hard-of-hearing and does not possess interpreter certification or credentials performing in the role of a deaf interpreter may petition the Board for a one-time, temporary exemption to interpret in a general setting for up to ninety working days.

Section 12. Renewals

- (A) Every license of a sign language interpreter for the deaf issued under the Act shall expire on (birthdate of interpreter or December 31) of each year. The holder of a license may renew the license during the 60 days

preceding the expiration date by providing proof of a current acceptable certificate and of completion of the continuing education hours set forth in Section 7 C, and payment of the required fee.

- (B) Every provisional license of a sign language interpreter for the deaf issued under the Act shall expire 12 months from date of issuance. The holder of a provisional license may renew the provisional license during the 60 days preceding the expiration date by providing proof of a current acceptable certificate and of completion of the continuing education hours set forth in Section 9, and payment of the required fee.
- (C) It is the responsibility of each registrant to notify the Board/DOL of any change of address. Failure to receive a renewal form from the Board shall not constitute an excuse for failure to submit a renewal application as prescribed by the Board and pay the renewal fee.
- (D) Practicing after a license has expired shall be considered the unlicensed practice of sign language interpreting and subject to discipline pursuant to Section 15 of the Act.

Section 13. Endorsement

- (A) The Board may enter into an endorsement agreement with license applicants from specific Board-approved states that license, or certify professional interpreters. The endorsement agreement provides that the Board may license a person who is currently licensed, certified, or registered by the particular state pursuant to Board regulations and procedures.
- (B) The Board shall establish fees appropriate for processing endorsement licenses. The licensing and provisional licensing fees may be increased or decreased upon the recommendation of the Bureau. The Board shall set fees at an amount which will provide sufficient revenues to cover the costs and expenses incurred by the Board in enforcing this article.

Section 14. Grievance Process

- (A) A person may bring charges of fraud, deceit, negligence, incompetence, or misconduct against a licensee or provisional licensee. The person making the charges should be a party to the actual incident resulting in charges being brought. All charges must be documented in written or recorded format and sworn to by the person making the charges. Charges must be submitted to the Department of Licensing within one year of the alleged occurrence. In particularly egregious circumstances, the Board may agree to consider charges beyond the one year period at its discretion. After a review of the charges, the Board may conduct a hearing at which it may:
 - (1) dismiss the charges;
 - (2) impose a fine not to exceed the maximum determined by the Department of Licensing;
 - (3) suspend or revoke the license or provisional license of the person charged; or
 - (4) a combination of (2), and (3).
- (B) The licensee or provisional licensee may appeal a decision of the Board in accordance with the Title 34, Chapter 34.5 of the Annotated Revised Code of Washington - Administrative Procedures Act.

- (C) The Board will retain all fines issued pursuant to this section. The fines revenue will be used to offset costs associated with operating the licensing program.
- (D) If a grievance is brought against a person who is found to be unlicensed, information will be provided to local authorities for criminal prosecution under Section 15 and 16.

Section 15. Fines and Penalties

- (A) A person is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars if he or she:
 - (1) undertakes or attempts to undertake the practice of interpreting among consumers without first having procured a valid license or provisional license;
 - (2) knowingly presents or files false information with the Board for the purpose of obtaining a license or provisional license; or
 - (3) violates a provision of this article.
- (B) A hiring entity or interpreter referral service retaining services of an unlicensed interpreter is subject to fines or penalties to be determined by the Board.
- (C) If it appears to the Board that an interpreter, hiring entity, or interpreter referral service has violated or is about to violate a provision of this article, the Board may petition an administrative law judge for a temporary restraining order enjoining the violation.
- (D) A person who is not licensed or provisionally licensed may not bring or maintain an action to enforce a contract for interpreting services which he entered into in violation of this chapter.
- (E) The Board will retain all fines issued pursuant to this section. The fines revenue will be used to offset costs associated with operating the licensure program.

Section 16. Legal and Criminal Disclosures

- (A) A licensee or provisional licensee shall notify the Board within ten days of a felony conviction and within ten days of a civil action being brought against the licensee or provisional licensee, if the civil action arose from an interpreting transaction or involves the goodwill of a licensee or provisional licensee or an interpreter referral agency. The notification must be in writing and sent by certified mail and must include a copy of the judgment.
- (B) Allegations of a breach of professional ethics or conduct incompatible with the regulations promulgated by the Board may be brought against a licensee or provisional licensee by an individual, business, or agency.

Section 17. Fees credited to revolving fund:

- A. All fees and other moneys received by the Department of Licensing under the provision of this bill shall be deposited in _____ to the credit of a revolving fund for the use of the Board.
- B. No part of this revolving fund shall revert to the general fund of this state.

C. This revolving fund shall pay for the reimbursement of the Board for actual and necessary expenses incurred in the performance of their duties, the compensation of all the board members under this program, and those operational expenses incurred in fulfilling the duties.

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