

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1313
Committee Substitute Favorable 9/3/02

Short Title: Interpreter/Transliterator Licensure.

(Public)

Sponsors:

Referred to:

April 12, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE INTERPRETER AND TRANSLITERATOR
3 LICENSURE ACT FOR PERSONS WHO ARE DEAF OR HARD-OF-HEARING
4 AND TO MAKE CONFORMING CHANGES TO CHAPTER 8B AND CHAPTER
5 143B.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. The General Statutes are amended by adding a new Chapter to
8 read:

9 "Chapter 90D.

10 "Interpreters and Transliterators.

11 "§ 90D-1. Title.

12 This Chapter may be cited as the 'Interpreter and Transliterator Licensure Act'.

13 "§ 90D-2. Declaration of purpose.

14 The practice of manual or oral interpreting and transliterating services affects the
15 public health, safety, and welfare, and therefore the licensure of these practices is
16 necessary to ensure minimum standards of competency and to provide the public with
17 safe and accurate manual or oral interpreting or transliterating services. It is the purpose
18 of this Chapter to provide for the regulation of persons offering manual or oral
19 interpreting or transliterating services to individuals who are deaf, hard-of-hearing, or
20 dependent on the use of manual modes of communication in this State.

21 "§ 90D-3. Definitions.

22 The following definitions apply in this Chapter:

23 (1) Board. – The North Carolina Interpreter and Transliterator Licensing
24 Board.

25 (2) Cued speech. – A tool that utilizes a phonetically based system to
26 enable spoken language to appear visibly through the use of eight

- 1 handshapes in four locations in combination with natural mouth
2 movements to allow sounds of spoken language to appear differently.
3 (3) Educational interpreter or transliterator. – A person who provides
4 accessible communication, using the most understandable language
5 model, to individuals in prekindergarten through grade 12 or in any
6 institution of higher education.
7 (4) Interpreter. – A person who practices the act of interpreting as defined
8 in this section.
9 (5) Interpreting. – The process of providing accessible communication,
10 between and among persons who are deaf or hard-of-hearing and those
11 who are hearing. This process includes, but is not limited to,
12 communication between American Sign Language and English. It may
13 also involve various other modalities that involve visual, gestural, and
14 tactile methods.
15 (6) License. – A certificate that evidences approval by the Board that a
16 person has successfully completed the requirements set forth in G.S.
17 90D-7 entitling the person to perform the functions and duties of an
18 interpreter or transliterator.
19 (7) Provisional license. – A certificate issued by the Board under G.S.
20 90D-8 enabling a person to perform the functions and duties of an
21 interpreter or transliterator until the person has successfully completed
22 all of the requirements set forth in G.S. 90D-7.
23 (8) Transliterating. – The process of providing accessible communication
24 between one or more hearing persons and one or more deaf or hard-of-
25 hearing persons using a form of manually coded English.
26 (9) Transliterator. – A person who practices the act of transliterating as
27 defined in this section.

28 **"§ 90D-4. License required; exemptions.**

29 (a) Except as provided in Chapter 8B of the General Statutes, no person shall
30 practice or offer to practice as an interpreter or transliterator for a fee or other
31 consideration, represent himself or herself as a licensed interpreter or transliterator, or
32 use the title 'Licensed Interpreter for the Deaf', 'Licensed Transliterator for the Deaf', or
33 any other title or abbreviation to indicate that the person is a licensed interpreter or
34 transliterator unless that person is currently licensed under this Chapter.

35 (b) The provisions of this Chapter do not apply to:

- 36 (1) Persons providing interpreting or transliterating services in religious
37 proceedings.
38 (2) Persons providing interpreting or transliterating services in mentoring
39 or training programs approved by the Board.
40 (3) An intern under the supervision of a person licensed under this Chapter
41 to provide interpreting or transliterating services.
42 (4) Persons providing interpreting or transliterating services in an
43 emergency situation until a licensed interpreter or transliterator can be

1 obtained. An emergency situation is one where the deaf or hard-of-
2 hearing person is in substantial danger of death or irreparable harm if
3 interpreting or transliterating services are not provided immediately.

4 (5) Educational interpreters or transliterators.

5 **"§ 90D-5. Creation of the Board.**

6 (a) The North Carolina Interpreter and Transliterator Licensing Board is created.

7 (b) Composition and Terms. – The Board shall consist of nine members who
8 shall serve staggered terms. The initial Board members shall be selected on or before
9 January 1, 2003, as follows:

10 (1) A member of the North Carolina Association of the Deaf (NCAD) who
11 is deaf and familiar with the interpreting process. This member shall
12 be appointed by the Governor and serve for a term of two years.

13 (2) An interpreter who is a member of the North Carolina Registry of
14 Interpreters for the Deaf, Inc., (NCRID) with five years experience in a
15 community setting and who is licensed to practice as an interpreter or
16 transliterator under this Chapter. This member shall be appointed by
17 the Governor and serve for a term of three years.

18 (3) An employee of the North Carolina Department of Health and Human
19 Services. This member shall be appointed by the Governor, upon
20 recommendation of the Secretary of the Department, and serve a term
21 of three years.

22 (4) An interpreter or transliterator for deaf-blind individuals who is
23 licensed to practice as an interpreter or transliterator under this Chapter
24 or a deaf-blind individual who is a member of the North Carolina
25 Deaf-Blind Association and who has knowledge of the interpreting
26 process. This member shall be appointed by the General Assembly,
27 upon recommendation of the President Pro Tempore of the Senate, and
28 serve for a term of three years.

29 (5) A cued speech or oral transliterator licensed to practice as an
30 interpreter or transliterator under this Chapter. This member shall be
31 appointed by the General Assembly, upon recommendation of the
32 President Pro Tempore of the Senate, and serve for a term of two
33 years.

34 (6) A member of Self Help for Hard of Hearing (SHHH) with knowledge
35 of the interpreting process and deafness. This member shall be
36 appointed by the General Assembly, upon recommendation of the
37 President Pro Tempore of the Senate, and serve for a term of three
38 years.

39 (7) An interpreter who is a member of the North Carolina Registry of
40 Interpreters for the Deaf, Inc., (NCRID) with five years experience in
41 an educational setting in grades K-12 and who is licensed to practice
42 as an interpreter or transliterator under this Chapter. This member shall
43 be appointed by the General Assembly, upon recommendation of the

1 Speaker of the House of Representatives, and serve for a term of two
2 years.

3 (8) A faculty member of an Interpreter Training Program (ITP), an
4 Interpreter Preparation Program (IPP), or a qualified or professional
5 certified instructor of the American Sign Language Teachers
6 Association (ASLTA). This member shall be appointed by the General
7 Assembly, upon recommendation of the Speaker of the House of
8 Representatives, and serve for a term of two years.

9 (9) A public member. This member shall be appointed by the General
10 Assembly, upon recommendation of the Speaker of the House of
11 Representatives, and serve a term of two years. For purposes of this
12 section, a public member shall not be licensed under this Chapter or
13 have an immediate family member who is deaf or hard-of-hearing.

14 Upon the expiration of the terms of the initial Board members, each member shall be
15 appointed for a term of three years and shall serve until a successor is appointed and
16 qualified. No member may serve more than two consecutive full terms.

17 (c) Qualifications. – All members of the Board who are required to be licensed
18 under this Chapter shall reside or be employed in North Carolina and shall remain in
19 active practice and in good standing with the Board as a licensee during their terms.

20 (d) Vacancies. – A vacancy shall be filled in the same manner as the original
21 appointment. Appointees to fill vacancies shall serve the remainder of the unexpired
22 term and until their successors have been duly appointed and qualified.

23 (e) Removal. – The Board may remove any of its members for neglect of duty,
24 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings
25 as a licensee shall be disqualified from participating in the official business of the Board
26 until the charges have been resolved.

27 (f) Compensation. – Each member of the Board shall receive per diem and
28 reimbursement for travel and subsistence as provided in G.S. 93B-5.

29 (g) Officers. – The officers of the Board shall be a chair, a vice-chair, and other
30 officers deemed necessary by the Board to carry out the purposes of this Chapter. All
31 officers shall be elected by the Board for two-year terms and shall serve until their
32 successors are elected and qualified.

33 (h) Meetings. – The Board shall hold at least two meetings each year to conduct
34 business. The Board shall establish procedures governing the calling, holding, and
35 conducting of regular and special meetings. A majority of the Board shall constitute a
36 quorum.

37 **"§ 90D-6. Powers of the Board.**

38 The Board shall have the power and duty to:

39 (1) Administer this Chapter.

40 (2) Adopt, amend, or repeal rules necessary to carry out the provisions of
41 this Chapter, subject to the provisions of Chapter 150B of the General
42 Statutes.

- 1 (3) Employ and fix the compensation of personnel that the Board
2 determines is necessary to carry into effect the provisions of this
3 Chapter and to incur other expenses necessary to effectuate this
4 Chapter.
- 5 (4) Examine and determine the qualifications and fitness of applicants for
6 licensure, renewal of licensure, and reciprocal licensure.
- 7 (5) Issue, renew, deny, suspend, or revoke licenses and carry out any
8 disciplinary actions authorized by this Chapter.
- 9 (6) Set fees as authorized in G.S. 90D-10.
- 10 (7) Conduct investigations for the purpose of determining whether
11 violations of this Chapter or grounds for disciplining licensees exist.
- 12 (8) Maintain a record of all proceedings and make available to licensees
13 and other concerned parties an annual report of all Board action.
- 14 (9) Keep on file in its office at all times a complete record of the names,
15 addresses, license numbers, and renewal license numbers of all persons
16 entitled to practice under this Chapter.
- 17 (10) Adopt a seal containing the name of the Board for use on all licenses
18 and official reports issued by the Board.
- 19 (11) Adopt rules for continuing education requirements.

20 **"§ 90D-7. Requirements for licensure.**

21 (a) Upon application to the Board and the payment of the required fees, an
22 applicant may be licensed as an interpreter or transliterator if the applicant meets all of
23 the following qualifications:

- 24 (1) Is 18 years of age or older.
- 25 (2) Is of good moral character as determined by the Board.
- 26 (3) Meets one of the following criteria:
 - 27 a. Holds a valid National Association of the Deaf (NAD), level 4
28 or 5 certification.
 - 29 b. Is nationally certified by the Registry of Interpreters for the
30 Deaf, Inc., (RID).
 - 31 c. Has a national certification recognized by the National Cued
32 Speech Association (NCSA).
 - 33 d. Holds a quality assurance North Carolina Interpreter
34 Classification System (NCICS) level A or B classification in
35 effect on January 1, 2000.

36 (b) Effective July 1, 2008, any person who applies for initial licensure as an
37 interpreter or transliterator shall hold at least a two-year degree from a regionally
38 accredited institution.

39 **"§ 90D-8. Provisional license.**

40 (a) Upon application to the Board and the payment of the required fees, an
41 applicant may be issued a one-time provisional license as an interpreter or transliterator
42 if the applicant meets all of the following qualifications:

- 43 (1) Is at least 18 years of age.

- 1 (2) Is of good moral character as determined by the Board.
 2 (3) Completes two continuing education units approved by the Board.
 3 These units must be completed for each renewable year.
 4 (4) Satisfies one of the following:
 5 a. Holds a quality assurance North Carolina Interpreter
 6 Classification System (NCICS) level C classification.
 7 b. Holds a valid National Association of the Deaf (NAD) level 2
 8 or 3 certification.
 9 c. Holds a current Educational Interpreter Performance
 10 Assessment (EIPA) level 3 or above classification.
 11 d. Holds the following certificates for cued language
 12 transliterating coursework: Educational Interpreting Defined,
 13 Cued Language Transliterating (CLT) Skill Development I, II,
 14 and III, and Ethical Decision Making I.
 15 e. Holds at least a two-year interpreting degree from a regionally
 16 accredited institution.

17 (b) A provisional license issued under this section shall be valid for one year.
 18 Upon expiration, a provisional license may be renewed for an additional one-year
 19 period in the discretion of the Board. However, a provisional license shall not be
 20 renewed more than three times. The Board may, in its discretion, grant an extension
 21 after the third time the provisional license has been renewed under circumstances to be
 22 established in rules adopted by the Board.

23 (c) Effective July 1, 2008, any person who applies for initial licensure on a
 24 provisional basis as an interpreter or transliterator shall hold at least a two-year degree
 25 from a regionally accredited institution.

26 **"§ 90D-9. Reciprocity; licensure of nonresident.**

27 (a) The Board may issue a license to a qualified applicant who resides in this
 28 State and holds an interpreter or transliterator license in another state if that state has
 29 standards of competency that are substantially equivalent to those provided in this
 30 Chapter.

31 (b) The Board may issue a license to a nonresident if the person meets the
 32 requirements of this Chapter or the person resides in a state that recognizes licenses
 33 issued by the Board.

34 **"§ 90D-10. Expenses and fees.**

35 (a) All salaries, compensation, and expenses incurred or allowed for the purposes
 36 of this Chapter shall be paid by the Board exclusively out of the fees received by the
 37 Board as authorized by this Chapter or from funds received from other sources. In no
 38 case shall any salary, expense, or other obligations of the Board be charged against the
 39 General Fund.

40 (b) The Board may impose the following fees not to exceed the amounts listed
 41 below:

- | | | |
|------------------|----------------------------|-----------------|
| 42 (1) | <u>License</u> | <u>\$225.00</u> |
| 43 (2) | <u>Provisional license</u> | <u>\$225.00</u> |

1	(3)	<u>License renewal</u>	<u>\$150.00</u>
2	(4)	<u>Provisional license renewal</u>	<u>\$150.00</u>
3	(5)	<u>Duplicate license</u>	<u>\$10.00.</u>

4 **"§ 90D-11. License renewal.**

5 Each license issued under this Chapter shall be renewed on or before October 1 of
6 each year. All applications for renewal shall be filed with the Board and shall be
7 accompanied by the renewal fee as required by G.S. 90D-10 and written proof of
8 satisfactory completion of continuing education requirements adopted by the Board.
9 Licenses that are not renewed shall automatically lapse, and the licensee shall be
10 required to reapply for licensure in accordance with rules adopted by the Board.

11 **"§ 90D-12. Disciplinary action.**

12 The Board may deny, suspend, revoke, or refuse to license an interpreter or
13 transliterator or applicant for any of the following:

- 14 (1) Giving false information to or withholding information from the Board
15 in procuring or attempting to procure a license.
16 (2) Having been convicted of or pled guilty or no contest to a crime that
17 indicates the person is unfit or incompetent to perform interpreter or
18 transliterator services or that indicates the person has deceived or
19 defrauded the public.
20 (3) Having been disciplined by the Registry of Interpreters for the Deaf,
21 Inc., (RID).
22 (4) Demonstrating gross negligence, incompetency, or misconduct in
23 performing interpreter or transliterator services.
24 (5) Failing to pay child support after having been ordered to do so by a
25 court of competent jurisdiction.
26 (6) Willfully violating any provisions of this Chapter or rules adopted by
27 the Board.

28 **"§ 90D-13. Injunctive relief.**

29 If the Board finds that a person who does not have a license issued under this
30 Chapter claims to be a licensed interpreter or transliterator or is engaging in practice as
31 an interpreter or transliterator in violation of this Chapter, the Board may apply in its
32 own name to the superior court for a temporary restraining order or other injunctive
33 relief to prevent the person from continuing illegal practices. The action may be brought
34 in the county where the illegal or unlawful acts are alleged to have been committed, in
35 the county where the defendant resides, or in the county where the Board maintains its
36 offices and records. The court may grant injunctions regardless of whether criminal
37 prosecution or other action has been or may be instituted as a result of a violation."

38 **SECTION 2.** G.S. 8B-1 reads as rewritten:

39 **"§ 8B-1. Definitions; right to interpreter; determination of competence.**

40 As used in this Chapter:

- 41 (1) "Appointing authority" means the presiding judge or clerk of superior
42 court in a judicial proceeding, or a hearing officer, examiner,

1 commissioner, chairman, presiding officer or similar official in a
2 legislative or administrative proceeding.

3 (2) "Deaf person" means a person whose hearing impairment is so
4 significant that the individual is impaired in processing linguistic
5 information through hearing, with or without amplification.

6 (3) "Qualified interpreter" means an interpreter ~~certified as qualified under~~
7 ~~standards and procedures promulgated by the Department of Health~~
8 ~~and Human Services. If the appointing authority finds that an~~
9 ~~interpreter possessing these qualifications is not available, an~~
10 ~~interpreter without these qualifications may be called and used as a~~
11 ~~qualified interpreter if the interpreter's actual qualifications have~~
12 ~~otherwise been determined to be adequate for the present need.~~
13 licensed under Chapter 90D of the General Statutes. If the appointing
14 authority finds that a licensed interpreter is not available, an unlicensed
15 interpreter may be called and used as a qualified interpreter if the
16 interpreter's actual qualifications have otherwise been determined to be
17 adequate for the present need. In no event will an interpreter be
18 considered qualified if the interpreter is unable to communicate
19 effectively with and simultaneously and accurately interpret for the
20 deaf person.

21 A deaf person who does not utilize sign language may request an
22 aural/oral interpreter. Before this interpreter is appointed, the
23 appointing authority shall satisfy itself that the aural/oral interpreter is
24 competent to interpret the proceedings to the deaf person and to
25 present the testimony, statements, and any other information tendered
26 by the deaf person."

27 **SECTION 3.** G.S. 8B-6 reads as rewritten:

28 **"§ 8B-6. List of interpreters; coordination of interpreter services.**

29 The Department of Health and Human Services shall prepare and maintain an
30 up-to-date list of qualified and available interpreters. A copy of the list shall be provided
31 to each clerk of superior ~~court~~ court and to the North Carolina Interpreter and
32 Transliterator Licensing Board created in Chapter 90D of the General Statutes. When
33 requested by an appointing authority to provide an interpreter the Division of Services
34 for the Deaf and the Hard of Hearing shall assist in arranging for an interpreter at the
35 time and place needed through its program of community services for the hearing
36 impaired."

37 **SECTION 4.** G.S. 8B-10 reads as rewritten:

38 **"§ 8B-10. ~~North Carolina Interpreter Classification System application and~~**
39 **~~assessment fee.~~Training and Licensing Preparation Program fees.**

40 The Division of Services for the Deaf and the Hard of Hearing of the Department of
41 Health and Human Services may charge ~~an applicant for participation in the North~~
42 ~~Carolina Interpreter Classification System Program a fee of fifty dollars (\$50.00). Ten~~
43 ~~dollars (\$10.00) of this fee is an application fee and forty dollars (\$40.00) of this fee is~~

1 ~~an assessment fee to cover the cost of administering the Program. The fee is payable~~
2 ~~when an applicant applies for participation in the Program a fee of no more than fifty~~
3 ~~dollars (\$50.00) to individuals who participate in interpreter training or workshops~~
4 ~~offered by the North Carolina Training and Licensing Preparation Program. The~~
5 ~~Division may charge a fee of no more than one hundred dollars (\$100.00) for a~~
6 ~~diagnostic evaluation offered under the Program. This fee is for voluntary diagnostic~~
7 ~~services only. These fees are to cover the cost of administering the Program and are~~
8 ~~payable when a participant takes part in a planned activity."~~

9 **SECTION 5.** G.S. 143B-216.33(a) reads as rewritten:

10 "(a) There is hereby created within the Department of Health and Human
11 Services, the Division of Services for the Deaf and the Hard of Hearing. The Division
12 shall have the powers and duties including the following:

- 13 (1) To review existing programs for persons who are deaf or hard of
14 hearing in the State, and make recommendations to the Secretary of
15 the Department of Health and Human Services and to the
16 Superintendent of the Department of Public Instruction for
17 improvements to such programs;
- 18 (2) Repealed by Session Laws 1999-237, s. 11.4(b).
- 19 (3) To provide a network of resource centers for local access to services
20 such as interpreters, information and referral, telephone relay, and
21 advocacy for persons who are deaf or hard of hearing;
- 22 (4) To collect, study, maintain, publish and disseminate information
23 relative to all aspects of deafness;
- 24 (5) To promote public awareness of the needs of, resources and
25 opportunities available to persons who are deaf or hard of hearing;
- 26 (6) To provide technical assistance to agencies and organizations in the
27 development of services to persons who are deaf or hard of hearing;
- 28 (7) To administer the Telecommunications Program for the Deaf pursuant
29 to G.S. 143B-216.34; and
- 30 (8) ~~To establish training and evaluation standards for determination of~~
31 ~~competency of individuals serving as interpreters for persons who are~~
32 ~~deaf or hard of hearing.~~ provide training and skill development
33 programming to enhance the competence of individuals who aspire to
34 be licensed or who are currently licensed as interpreters or
35 translitterators under Chapter 90D of the General Statutes."

36 **SECTION 6.** G.S. 115C-110 is amended by adding a new subsection to
37 read:

38 "(n) Each interpreter or translitterator employed by a local educational agency, to
39 provide services to hearing-impaired students, must annually complete 15 hours of job-
40 related training that has been approved by the local educational agency."

41 **SECTION 7.** A person practicing interpreter or translitterator services on the
42 effective date of this act who submits the following evidence to the Board and pays the
43 required fee within 18 months of the effective date of this act, shall be licensed without

1 having to satisfy the requirements of subdivision (a)(3) of G.S. 90D-7 as enacted in
2 Section 1 of this act:

- 3 (1) Evidence that the person meets the qualifications in subdivisions (a)(1)
4 and (a)(2) of G.S. 90D-7.
- 5 (2) Evidence that the person has been actively engaged as an interpreter or
6 transliterater in this State for at least 200 hours for each of the two
7 years immediately preceding the effective date of this act. The
8 evidence must be verified in writing by sources approved by the
9 Board.
- 10 (3) Two letters of recommendation from sources approved by the Board.
- 11 (4) A fee of seventy-five dollars (\$75.00) for the registration. This fee
12 shall be in lieu of the fee for a license authorized in G.S. 90D-10 of the
13 act.

14 A person who obtains a license by meeting the requirements of this section must comply
15 with the continuing education requirements set by the Board. Any practicing person
16 who does not register with the Board within 18 months of the effective date of this act
17 shall be required to complete all requirements prescribed by the Board and to otherwise
18 comply with the provisions of Chapter 90D, enacted by Section 1 of this act.

19 **SECTION 8.** The Department of Public Instruction must provide the Board
20 with a copy of the State Board of Education's approved educational requirements and
21 standards for interpreters and transliterators employed by the local educational agencies,
22 who provide support services for hearing-impaired students.

23 **SECTION 9.** Notwithstanding the language in G.S. 90D-5, as enacted in
24 Section 1 of this act, the initial Board members who are required to be licensed under
25 that section, must only have satisfied the requirements for licensure in G.S. 90D-7(a)(1)
26 and (3) of this act.

27 **SECTION 10.** G.S. 90D-5 and G.S. 90D-6, as enacted in Section 1 of this
28 act, and Sections 7, 8, 9, and 10 of this act are effective when the act becomes law. The
29 remainder of the act becomes effective July 1, 2003.