

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1313
Committee Substitute Favorable 9/3/02
Senate Finance Committee Substitute Adopted 9/25/02

Short Title: Interpreter/Transliterator Licensure.

(Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE INTERPRETER AND TRANSLITERATOR
LICENSURE ACT FOR PERSONS WHO ARE DEAF OR HARD-OF-HEARING
AND TO MAKE CONFORMING CHANGES TO CHAPTER 8B AND CHAPTER
143B.

The General Assembly of North Carolina enacts:

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

"Chapter 90D.

"Interpreters and Transliterators.

"§ 90D-1. Title.

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

"§ 90D-2. Declaration of purpose.

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

"§ 90D-3. Definitions.

The following definitions apply in this Chapter:

- (1) Board. – The North Carolina Interpreter and Transliterator Licensing Board.
- (2) Cued speech. – A tool that utilizes a phonetically based system to enable spoken language to appear visibly through the use of eight handshapes in four locations in combination with natural mouth movements to allow sounds of spoken language to appear differently.

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

26 **§ 90D-4. License required; exemptions.**

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

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

- 34 (1) Persons providing interpreting or transliterating services in religious
35 proceedings.
- 36 (2) Persons providing interpreting or transliterating services in mentoring
37 or training programs approved by the Board.
- 38 (3) An intern under the supervision of a person licensed under this Chapter
39 to provide interpreting or transliterating services.
- 40 (4) Persons providing interpreting or transliterating services in an
41 emergency situation until a licensed interpreter or transliterator can be
42 obtained. An emergency situation is one where the deaf or hard-of-
43 hearing person is in substantial danger of death or irreparable harm if
44 interpreting or transliterating services are not provided immediately.

1 (5) Educational interpreters or transliterators.

2 **"§ 90D-5. Creation of the Board.**

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

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

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

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

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

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

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

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

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

43 (8) A faculty member of an Interpreter Training Program (ITP), an
44 Interpreter Preparation Program (IPP), or a qualified or professional

1 certified instructor of the American Sign Language Teachers
2 Association (ASLTA). This member shall be appointed by the General
3 Assembly, upon recommendation of the Speaker of the House of
4 Representatives, and serve for a term of two years.

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

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

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

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

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

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

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

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

33 **"§ 90D-6. Powers of the Board.**

34 The Board shall have the power and duty to:

- 35 (1) Administer this Chapter.
36 (2) Adopt, amend, or repeal rules necessary to carry out the provisions of
37 this Chapter, subject to the provisions of Chapter 150B of the General
38 Statutes.
39 (3) Employ and fix the compensation of personnel that the Board
40 determines is necessary to carry into effect the provisions of this
41 Chapter and to incur other expenses necessary to effectuate this
42 Chapter.
43 (4) Examine and determine the qualifications and fitness of applicants for
44 licensure, renewal of licensure, and reciprocal licensure.

- 1 (5) Issue, renew, deny, suspend, or revoke licenses and carry out any
2 disciplinary actions authorized by this Chapter.
- 3 (6) Set fees as authorized in G.S. 90D-10.
- 4 (7) Conduct investigations for the purpose of determining whether
5 violations of this Chapter or grounds for disciplining licensees exist.
- 6 (8) Maintain a record of all proceedings and make available to licensees
7 and other concerned parties an annual report of all Board action.
- 8 (9) Keep on file in its office at all times a complete record of the names,
9 addresses, license numbers, and renewal license numbers of all persons
10 entitled to practice under this Chapter.
- 11 (10) Adopt a seal containing the name of the Board for use on all licenses
12 and official reports issued by the Board.
- 13 (11) Adopt rules for continuing education requirements.

14 **"§ 90D-7. Requirements for licensure.**

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

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

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

33 (c) The Department of Justice may provide a criminal record check to the Board
34 for a person who has applied for a new, provisional, or renewal license through the
35 Board. The Board shall provide to the Department of Justice, along with the request, the
36 fingerprints of the applicant, any additional information required by the Department of
37 Justice, and a form signed by the applicant consenting to the check of the criminal
38 record and to the use of the fingerprints and other identifying information required by
39 the State or national repositories. The applicant's fingerprints shall be forwarded to the
40 State Bureau of Investigation for a search of the State's criminal history record file, and
41 the State Bureau of Investigation shall forward a set of the fingerprints to the Federal
42 Bureau of Investigation for a national criminal history check. The Board shall keep all
43 information pursuant to this subdivision privileged, in accordance with applicable State

1 law and federal guidelines, and the information shall be confidential and shall not be a
2 public record under Chapter 132 of the General Statutes.

3 The Department of Justice may charge each applicant a fee for conducting the
4 checks of criminal history records authorized by this subsection.

5 **"§ 90D-8. Provisional license.**

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

9 (1) Is at least 18 years of age.

10 (2) Is of good moral character as determined by the Board.

11 (3) Completes two continuing education units approved by the Board.
12 These units must be completed for each renewable year.

13 (4) Satisfies one of the following:

14 a. Holds a quality assurance North Carolina Interpreter
15 Classification System (NCICS) level C classification.

16 b. Holds a valid National Association of the Deaf (NAD) level 2
17 or 3 certification.

18 c. Holds a current Educational Interpreter Performance
19 Assessment (EIPA) level 3 or above classification.

20 d. Holds the following certificates for cued language
21 transliterating coursework: Educational Interpreting Defined,
22 Cued Language Transliterator (CLT) Skill Development I, II,
23 and III, and Ethical Decision Making I.

24 e. Holds at least a two-year interpreting degree from a regionally
25 accredited institution.

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

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

35 **"§ 90D-9. Reciprocity; licensure of nonresident.**

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

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

43 **"§ 90D-10. Expenses and fees.**

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

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

8	(1)	<u>License</u>	<u>\$225.00</u>
9	(2)	<u>Provisional license</u>	<u>\$225.00</u>
10	(3)	<u>License renewal</u>	<u>\$150.00</u>
11	(4)	<u>Provisional license renewal</u>	<u>\$150.00</u>
12	(5)	<u>Duplicate license</u>	<u>\$10.00.</u>

13 **"§ 90D-11. License renewal.**

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

20 **"§ 90D-12. Disciplinary action.**

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

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

37 **"§ 90D-13. Injunctive relief.**

38 If the Board finds that a person who does not have a license issued under this
39 Chapter claims to be a licensed interpreter or transliterator or is engaging in practice as
40 an interpreter or transliterator in violation of this Chapter, the Board may apply in its
41 own name to the superior court for a temporary restraining order or other injunctive
42 relief to prevent the person from continuing illegal practices. The action may be brought
43 in the county where the illegal or unlawful acts are alleged to have been committed, in
44 the county where the defendant resides, or in the county where the Board maintains its

1 offices and records. The court may grant injunctions regardless of whether criminal
2 prosecution or other action has been or may be instituted as a result of a violation."

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

4 **"§ 8B-1. Definitions; right to interpreter; determination of competence.**

5 As used in this Chapter:

6 (1) "Appointing authority" means the presiding judge or clerk of superior
7 court in a judicial proceeding, or a hearing officer, examiner,
8 commissioner, chairman, presiding officer or similar official in a
9 legislative or administrative proceeding.

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

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

28 A deaf person who does not utilize sign language may request an
29 aural/oral interpreter. Before this interpreter is appointed, the
30 appointing authority shall satisfy itself that the aural/oral interpreter is
31 competent to interpret the proceedings to the deaf person and to
32 present the testimony, statements, and any other information tendered
33 by the deaf person."

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

35 **"§ 8B-6. List of interpreters; coordination of interpreter services.**

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

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

1 **"§ 8B-10. ~~North Carolina Interpreter Classification System application and~~**
2 **~~assessment fee.~~Training and Licensing Preparation Program fees.**

3 The Division of Services for the Deaf and the Hard of Hearing of the Department of
4 Health and Human Services may charge ~~an applicant for participation in the North~~
5 ~~Carolina Interpreter Classification System Program a fee of fifty dollars (\$50.00). Ten~~
6 ~~dollars (\$10.00) of this fee is an application fee and forty dollars (\$40.00) of this fee is~~
7 ~~an assessment fee to cover the cost of administering the Program. The fee is payable~~
8 ~~when an applicant applies for participation in the Program.~~a fee of no more than fifty
9 dollars (\$50.00) to individuals who participate in interpreter training or workshops
10 offered by the North Carolina Training and Licensing Preparation Program. The
11 Division may charge a fee of no more than one hundred dollars (\$100.00) for a
12 diagnostic evaluation offered under the Program. This fee is for voluntary diagnostic
13 services only. These fees are to cover the cost of administering the Program and are
14 payable when a participant takes part in a planned activity."

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

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

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

42 **SECTION 6.** G.S. 115C-110 is amended by adding a new subsection to

43 read:

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

4 **SECTION 7.** A person practicing interpreter or transliterator services on the
5 effective date of this act who submits the following evidence to the Board and pays the
6 required fee within 18 months of the effective date of this act, shall be licensed without
7 having to satisfy the requirements of subdivision (a)(3) of G.S. 90D-7 as enacted in
8 Section 1 of this act:

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

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

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

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

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