

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**HOUSE BILL 1313
RATIFIED BILL**

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.
- (3) Educational interpreter or transliterator. – A person who provides accessible communication, using the most understandable language model, to individuals in prekindergarten through grade 12 or in any institution of higher education.
- (4) Interpreter. – A person who practices the act of interpreting as defined in this section.
- (5) Interpreting. – The process of providing accessible communication, between and among persons who are deaf or hard-of-hearing and those who are hearing. This process includes, but is not limited to, communication between American Sign Language and English. It may also involve various other modalities that involve visual, gestural, and tactile methods.
- (6) License. – A certificate that evidences approval by the Board that a person has successfully completed the requirements set forth in G.S. 90D-7 entitling the person to perform the functions and duties of an interpreter or transliterator.

- (7) Provisional license. – A certificate issued by the Board under G.S. 90D-8 enabling a person to perform the functions and duties of an interpreter or transliterator until the person has successfully completed all of the requirements set forth in G.S. 90D-7.
- (8) Transliterating. – The process of providing accessible communication between one or more hearing persons and one or more deaf or hard-of-hearing persons using a form of manually coded English.
- (9) Transliterator. – A person who practices the act of transliterating as defined in this section.

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

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

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

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

"§ 90D-5. Creation of the Board.

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

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

- (1) A member of the North Carolina Association of the Deaf (NCAD) who is deaf and familiar with the interpreting process. This member shall be appointed by the Governor and serve for a term of two years.
- (2) An interpreter who is a member of the North Carolina Registry of Interpreters for the Deaf, Inc., (NCRID) with five years experience in a community setting and who is licensed to practice as an interpreter or transliterator under this Chapter. This member shall be appointed by the Governor and serve for a term of three years.
- (3) An employee of the North Carolina Department of Health and Human Services. This member shall be appointed by the Governor, upon recommendation of the Secretary of the Department, and serve a term of three years.
- (4) An interpreter or transliterator for deaf-blind individuals who is licensed to practice as an interpreter or transliterator under this Chapter or a deaf-blind individual who is a member of the North Carolina Deaf-Blind Association and who has knowledge of the interpreting process. This member shall be appointed by the General Assembly, upon recommendation of the President Pro Tempore of the Senate, and serve for a term of three years.
- (5) A cued speech or oral transliterator licensed to practice as an interpreter or transliterator under this Chapter. This member shall be

appointed by the General Assembly, upon recommendation of the President Pro Tempore of the Senate, and serve for a term of two years.

- (6) A member of Self Help for Hard of Hearing (SHHH) with knowledge of the interpreting process and deafness. This member shall be appointed by the General Assembly, upon recommendation of the President Pro Tempore of the Senate, and serve for a term of three years.
- (7) An interpreter who is a member of the North Carolina Registry of Interpreters for the Deaf, Inc., (NCRID) with five years experience in an educational setting in grades K-12 and who is licensed to practice as an interpreter or transliterator under this Chapter. This member shall be appointed by the General Assembly, upon recommendation of the Speaker of the House of Representatives, and serve for a term of two years.
- (8) A faculty member of an Interpreter Training Program (ITP), an Interpreter Preparation Program (IPP), or a qualified or professional certified instructor of the American Sign Language Teachers Association (ASLTA). This member shall be appointed by the General Assembly, upon recommendation of the Speaker of the House of Representatives, and serve for a term of two years.
- (9) A public member. This member shall be appointed by the General Assembly, upon recommendation of the Speaker of the House of Representatives, and serve a term of two years. For purposes of this section, a public member shall not be licensed under this Chapter or have an immediate family member who is deaf or hard-of-hearing.

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

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

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

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

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

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

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

"§ 90D-6. Powers of the Board.

The Board shall have the power and duty to:

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

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

"§ 90D-7. Requirements for licensure.

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

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

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

(c) The Department of Justice may provide a criminal record check to the Board for a person who has applied for a new, provisional, or renewal license through the Board. The Board shall provide to the Department of Justice, along with the request, the fingerprints of the applicant, any additional information required by the Department of Justice, and a form signed by the applicant consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the State or national repositories. The applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The Board shall keep all information pursuant to this subdivision privileged, in accordance with applicable State law and federal guidelines, and the information shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

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

"§ 90D-8. Provisional license.

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

- (1) Is at least 18 years of age.
- (2) Is of good moral character as determined by the Board.
- (3) Completes two continuing education units approved by the Board. These units must be completed for each renewable year.
- (4) Satisfies one of the following:
 - a. Holds a quality assurance North Carolina Interpreter Classification System (NCICS) level C classification.
 - b. Holds a valid National Association of the Deaf (NAD) level 2 or 3 certification.
 - c. Holds a current Educational Interpreter Performance Assessment (EIPA) level 3 or above classification.
 - d. Holds the following certificates for cued language transliterating coursework: Educational Interpreting Defined, Cued Language Transliterator (CLT) Skill Development I, II, and III, and Ethical Decision Making I.
 - e. Holds at least a two-year interpreting degree from a regionally accredited institution.

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

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

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

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

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

"§ 90D-10. Expenses and fees.

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

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

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

"§ 90D-11. License renewal.

Each license issued under this Chapter shall be renewed on or before October 1 of each year. All applications for renewal shall be filed with the Board and shall be accompanied by the renewal fee as required by G.S. 90D-10 and written proof of satisfactory completion of continuing education requirements adopted by the Board.

Licenses that are not renewed shall automatically lapse, and the licensee shall be required to reapply for licensure in accordance with rules adopted by the Board.

"§ 90D-12. Disciplinary action.

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

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

"§ 90D-13. Injunctive relief.

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

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

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

As used in this Chapter:

- (1) "Appointing authority" means the presiding judge or clerk of superior court in a judicial proceeding, or a hearing officer, examiner, commissioner, chairman, presiding officer or similar official in a legislative or administrative proceeding.
- (2) "Deaf person" means a person whose hearing impairment is so significant that the individual is impaired in processing linguistic information through hearing, with or without amplification.
- (3) "Qualified interpreter" means an interpreter ~~certified as qualified under standards and procedures promulgated by the Department of Health and Human Services. If the appointing authority finds that an interpreter possessing these qualifications is not available, an interpreter without these qualifications may be called and used as a qualified interpreter if the interpreter's actual qualifications have otherwise been determined to be adequate for the present need.~~ licensed under Chapter 90D of the General Statutes. If the appointing authority finds that a licensed interpreter is not available, an unlicensed interpreter may be called and used as a qualified interpreter if the interpreter's actual qualifications have otherwise been determined to be adequate for the present need. In no event will an interpreter be considered qualified if the interpreter is unable to communicate effectively with and simultaneously and accurately interpret for the deaf person.

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

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

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

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

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

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

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

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

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

- (1) To review existing programs for persons who are deaf or hard of hearing in the State, and make recommendations to the Secretary of the Department of Health and Human Services and to the Superintendent of the Department of Public Instruction for improvements to such programs;
- (2) Repealed by Session Laws 1999-237, s. 11.4(b).
- (3) To provide a network of resource centers for local access to services such as interpreters, information and referral, telephone relay, and advocacy for persons who are deaf or hard of hearing;
- (4) To collect, study, maintain, publish and disseminate information relative to all aspects of deafness;
- (5) To promote public awareness of the needs of, resources and opportunities available to persons who are deaf or hard of hearing;
- (6) To provide technical assistance to agencies and organizations in the development of services to persons who are deaf or hard of hearing;
- (7) To administer the Telecommunications Program for the Deaf pursuant to G.S. 143B-216.34; and
- (8) ~~To establish training and evaluation standards for determination of competency of individuals serving as interpreters for persons who are deaf or hard of hearing.~~ provide training and skill development

programming to enhance the competence of individuals who aspire to be licensed or who are currently licensed as interpreters or transliterators under Chapter 90D of the General Statutes."

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

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

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

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

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

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

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

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

In the General Assembly read three times and ratified this the 2nd day of October, 2002.

Beverly E. Perdue
President of the Senate

James B. Black
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____ .m. this _____ day of _____, 2002