

TO: Legislative Colleagues

FROM: Rep. Brostoff, Rep. Skowronski, Rep. Kleefisch, Rep. Crowley, Rep. Bowen, Rep. Vorpapel, and Rep. Stuck, Sen. Testin

DATE: September 19, 2017

RE: Co-Sponsorship of LRB-4250 / LRB-4297 relating to: Sign Language Interpreter Licensing Tiers and Creation of the Sign Language Interpreters Examining Board

DEADLINE: Monday, October 2

The service sign language interpreters provide within many different settings is essential for our neighbors who are deaf, deaf-blind, or hard of hearing. Sometimes their work is more informal and requires less technical understanding, such as when an interpreter accompanies a consumer to a community event. Other settings require a higher level of expertise, such as interpreting in an emergency room or a court setting.

LRB-4250 / LRB-4297 would restructure the current system for licensing sign language interpreters to create different tiers of qualification. This change would permit more interpreters to attain licensure, getting them to work faster at the level they are best qualified to interpret, while providing consumer protections for the people who rely on them for their own jobs and personal lives.

This bill will also create the Sign Language Interpreter's Examining Board in order to periodically identify if updates are needed and to ensure that the regulatory body overseeing the licensing process has a complete understanding of the needs and nuances of sign language interpreting services. The board will have a mixed membership made up of three people who are deaf, deaf-blind, or hard of hearing, three people who hold an interpreter license, and one person who has hired an interpreter on behalf of another person.

If you would like to co-sponsor this bill, please reply to rep.brostoff@legis.wi.gov or sen.testin@legis.wi.gov by Monday, October 2. For your records, please note this draft was formerly numbered as LRB-2200.

Analysis by the Legislative Reference Bureau

This bill replaces the current licensure program for sign language interpreters licensed by the Department of Safety and Professional Services with a licensure program administered by the Sign Language Interpreters Examining Board, which is created in the bill. The board's membership consists of three deaf, hard of hearing, or deaf-blind individuals, three experienced sign language interpreters who are licensed under the bill, and one individual who is not deaf, hard of hearing, or deaf-blind and has obtained the services of a sign language interpreter on behalf of an individual who is deaf, hard of hearing, or deaf-blind.

Under the bill, the board grants the following licenses:

1. Sign language interpreter — intermediate hearing. The board must license an individual as a sign language interpreter — intermediate hearing if, among other requirements, the individual has received at least a bachelor's degree from an accredited college or university; the individual has successfully completed an interpreter training program; and the individual has passed the basic performance examination administered by the Board for Evaluation of Interpreters (BEI) or equivalent exam and is certified by BEI. The bill includes alternative paths to licensure as a sign language interpreter — intermediate hearing.

2. Sign language interpreter — advanced hearing. The board must license an individual as a sign language interpreter — advanced hearing if, among other requirements, the individual has received at least a bachelor's degree from an accredited college or university; the individual has successfully completed an interpreter training program; and the individual has passed the advanced or master performance examination administered by BEI and is certified by BEI, has passed the examination for and holds the national interpreter certification issued by the Registry of Interpreters for the Deaf, Inc. (RID), or has passed an exam the board determines is substantially equivalent. The bill includes alternative paths to licensure as a sign language interpreter — advanced hearing.

3. Sign language interpreter — intermediate deaf. The board must license an individual as a sign language interpreter — intermediate deaf if, among other requirements, the individual holds a high school diploma or its equivalent; the individual successfully completed at least 40 hours of a sign language interpreter training curriculum for deaf interpreters; the individual successfully completed at least 16 hours of sign language interpretation-related training approved by BEI or RID; and the individual provides to the board letters of recommendation from at least two individuals who hold a sign language interpreter — advanced deaf license, a certified deaf interpreter certification issued by RID, or an equivalent certification. Taken in the aggregate, the letters of recommendation must verify that the individual has successfully completed at least 25 hours of observing the provision of sign language interpretation services provided to clients.

4. Sign language interpreter — advanced deaf. The board must license an individual as a sign language interpreter — advanced deaf if, among other requirements, the individual holds at least an associate degree or satisfies an alternative pathway for education and the individual holds a certified deaf interpreter certification issued by RID or an equivalent certification, as determined by the board. The bill requires the board to promulgate rules defining the scope of practice of each of the licenses described above, subject to certain restrictions set forth in the bill.

The bill also establishes a committee to negotiate, develop, execute, and periodically review on behalf of the board a memorandum of understanding between the board and the Department of Public Instruction regarding DPI's licensure of educational sign language interpreters. An individual licensed by DPI and providing sign language interpretation services at a school or school-sponsored event is not required to be licensed by the board. The bill also includes other temporary and permanent exemptions from licensure.

Finally, in addition to enforcement powers and penalties that are similar to the powers provided to other examining boards and applicable penalties, the bill provides enforcement authority to the board with respect to the unauthorized practice of sign language interpretation or the unauthorized use of a title related to sign language interpretation. Under the bill, the board may conduct investigations, hold hearings, and make findings as to whether a person has engaged in a practice or used a title without a license required under the bill. If the board determines after a public hearing that a person has engaged in a practice or used a title without a required license, the board may issue a special order enjoining the person from the continuation of the practice or use of the title. Any person who violates such a special order may be required to pay a forfeiture of up to \$10,000 for each offense. The board, DSPS, the attorney general, or any district attorney may commence an action in the name of the state to recover the forfeiture. In lieu of holding a public hearing, the board may petition the circuit court for a temporary restraining order or an injunction. Any person who violates such a temporary restraining order or injunction may be fined between \$25 and \$5,000 or imprisoned for up to one year in the county jail or both. Similar, although not identical, enforcement authority is provided to DSPS under current law concerning the unauthorized practice or use of a title with respect to a profession regulated by DSPS or a board under DSPS.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.