

Notes on LRB-2200 Sign Language Interpreter licensure

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Overview re the Draft

Interpreter Licensure Committee Responses in Blue

The draft has three main components:

1. Creation of a Sign Language Interpreters Examining Board, whose primary responsibilities would include:
 - a. Granting the following sign language interpreter licenses:
 - i. Sign language interpreter – intermediate hearing
 - ii. Sign language interpreter – advanced hearing
 - iii. Sign language interpreter – intermediate deaf
 - iv. Sign language interpreter – advanced deaf
 - b. Promulgate rules that would define the scope of practice of each of the licenses described above.
 - c. Enforcement authority regarding the practice and unauthorized practice of sign language interpreting.
2. 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.
3. A requirement that DHS shall administer the performance examinations of the Board for Evaluation of Interpreters.

Comments from DHS Staff Review on the Three Main Components Noted Above

1. The draft replaces the current DSPS licensure program for interpreters with a newly created program administered by the Sign Language Interpreters Examining Board. Associated issues include:
 - a. Sign Language Interpreters Examining Board membership is comprised of three professional sign language interpreters and four consumer members. Due to the nature of the work assigned to this council it would make sense to increase the number of trained professional representation while still ensuring the voice of the consumer.

Establishing a majority consumer board was advised in order to avoid federal antitrust liability since the board will have injunctive authority as well as authority to litigate against unlicensed practice. (See [*North Carolina State Board of Dental Examiners v. Federal Trade Commission*](#)) The controlling members of the board would be non-interpreting professionals to avoid any risk of perceived restraints on trade/market availability.

The model for the examining board started with the key stakeholders identified in the Sign Language Interpreter Council (SLIC). Here is a comparison of the different roles between SLIC and SLIEB:

Sign Language Interpreter Council (SLIC)	Sign Language Interpreter Examining Board (SLIEB)
<ul style="list-style-type: none"> ● 4 deaf consumer representatives (At least one graduate of deaf school and one graduate of mainstream school) ● 2 licensed interpreters ● 1 hearing consumer representative 	<ul style="list-style-type: none"> ● 3 deaf* consumer representatives ● 2 hearing Advanced-Licensed Interpreters ● 1 deaf Advanced-Licensed Interpreter ● 1 hearing consumer representative
<p>*deaf being defined as an all-encompassing term for those who identify as a deaf, hard of hearing, or deafblind individual who utilize the services of sign language interpreters.</p>	

See “[General Licensure Changes](http://wisrid.org/interpreterlicensure.html)” at <http://wisrid.org/interpreterlicensure.html>

Comparatively there is an increase in the number of professional interpreter representation that is currently not available on the advisory council. Additionally, concerns about the qualifications/knowledge of members serving on the board will be filtered through the consultation between the Governor’s office and the Wisconsin Association of the Deaf (WAD) and the Wisconsin Registry of Interpreters for the Deaf for appointed members of the board. Between these two reliable organizations, highly qualified public member and professional member candidates will be appointed.

- b. The examining board membership will be Governor appointed without Senate confirmation only after consulting with the Wisconsin Association of the Deaf (WAD) and the Wisconsin Registry of Interpreters for the Deaf (WisRID). Since the examining board has enforcement and investigation authority should the Senate make the confirmations to ensure impartiality and lessen any actual or perceived conflicts of interest that could result.

The LRB has updated the draft to reflect Senate confirmation as recommended by DSPS. See [LRB-4250](#) at <http://wisrid.org/interpreterlicensure.html> for most updated version.

- c. This bill creates four new sign language interpreter licenses that despite being similar levels (intermediate and advanced) they contain differences in educational requirements and scope of practice provisions.

The field of sign language interpreting has increased its expectations of practitioners to obtain knowledge and techniques acquired through formal study. This includes a set of language processing skills, decision making skills, and breadth/depth of technical knowledge. National standards for formal education began with changes in certification requirements. According to the Registry of Interpreters for the Deaf, Inc. (RID) membership passed a motion at the 2003 national conference established degree requirements for RID certification candidates. To read the entire motion and rollout timeline of degree requirements for both deaf and hearing interpreters can be found [here](#). As a national standard for interpreters, the licensure model appropriately places interpreters in categories based on education, training, and skill level.

Licensure for sign language interpreters cannot solely rely on credentialing systems to screen formal education because testing entities vary in minimum requirements. A good example is [this comparison table](#) of the RID versus BEI (Board for Evaluation of Interpreters) credentialing system requirements. (See *RID vs. BEI Comparison Chart* at <http://wisrid.org/interpreterlicensure.html>) Additionally, access to formalized interpreter education and training varies between deaf interpreters and hearing interpreters. Because these variables exist and to protect the interest of the public from substandard levels of knowledge and skill, the license structure establishes a clear pathway to the profession for both deaf and hearing interpreters while maintaining expectations of practitioners through proof of education.

2. The Memorandum of Understanding would be between the Department of Safety and Professional Services and the Department of Public Instruction. DHS would be happy to consult if requested, but will leave this up to the other Departments to weigh in on.

The MOU between the Sign Language Interpreter Examining Board of the Department of Safety and Professional Services and the Department of Public Instruction provides an opportunity to clarify the license restrictions/exemptions for interpreters when relating to K-12 educational environments. The MOU Committee members can request consultation from outside entities if necessary. This does not require DHS to be listed as a specific member of the committee nor should the MOU Committee be required to consult with DHS. DHS should, however, keep abreast of changes to the MOU which will allow DHS to have the most updated information to disseminate to their constituents. Since posting the MOU (and any updates) on both DPI and DSPS websites is mandated, the information will be accessible to staff members.

3. The Office for the Deaf and Hard of Hearing is currently pursuing replacing the Wisconsin Interpreting and Transliterating Assessment (WITA) with the Board for Evaluation of Interpreters (BEI). With the additional requirements for Continuing Education Units found in this draft it will be difficult for the Department to administer all of the responsibilities without an additional 1.0 FTE.

To be clear, the license itself does not require DHS/ODHH to track continuing education, rather, the responsibility falls on the individual interpreter to provide proof of attendance or other continuing education opportunities that are either RID or BEI endorsed. In fact, BEI certification maintenance programs accept RID approved continuing education opportunities (i.e. interpreters can attend a workshop with RID approved continuing education units and redeem credit towards their BEI certification renewal.)

All other state agencies that provide BEI certification programs require interpreters who are credentialed through their system to maintain continuing education hours for certification maintenance through the state agency. Here is the [RID vs. BEI Comparison Chart](#) for illustration.

In [April](#) and [May](#) of this year the Interpreter Licensure Committee had contacted ODHH regarding this specific issue and it was clear that ODHH would not be able to elaborate until contracts have been signed with the Texas BEI administration. If the contract has been signed, information about the certification maintenance program should be made available to the committee and public.

Another point to consider is that not all license categories require a certification. For example, the Intermediate-Deaf license does not have an interpreter certification requirement simply because one does not exist for entry level deaf interpreters. However, after fulfilling the requirements and obtaining a license, it is the expectation that Intermediate-Deaf licensed interpreters will maintain continuing education requirements equal to that of their peers. Again, practitioners have the option to choose RID or BEI endorsed continuing education opportunities and must provide evidence of completion for license renewal.

Because DHS/ODHH has not made it clear what their role is in regards to certification maintenance or minimum requirements for Wisconsin BEI certified interpreters, the requirement to prove continuing education hours for all license categories is justified to uphold standard expectations for interpreters.

Additional Thoughts: The Department received several calls and complaints regarding the lack of quality of current sign language interpreter services; it is not clear that this

current draft will create a system that will ensure improved quality. The current licensure program was created in 2009 and encourages interpreters to move from a restricted license to a renewable license by attaining advanced certification. The Department agrees that there is a need to improve the quality of interpreter services, but is unsure that this current draft will accomplish that goal.

Without more detailed information regarding the question of “qualified” interpreters, the committee cannot specifically reference licensure as the issue or the resolution. Wisconsin hiring entities and consumers may need further education from ODHH on what a “qualified” interpreter means for various situations. The license is intended for generalist practitioners who work in a variety of settings, it cannot guarantee “qualified” interpreters in every settings and much of that responsibility lies with the individual interpreter to determine whether they have the knowledge/skills for any given assignment.