

By: Senator(s) Burton

To: Public Health and Welfare

SENATE BILL NO. 2794

1 AN ACT TO PROVIDE THAT NO PERSON SHALL PROVIDE INTERPRETING  
2 SERVICES FOR CONSUMERS WHO ARE DEAF OR HARD OF HEARING FOR A FEE  
3 UNLESS THE PERSON IS REGISTERED WITH THE OFFICE ON DEAF AND HARD  
4 OF HEARING OF THE MISSISSIPPI DEPARTMENT OF REHABILITATION  
5 SERVICES; TO ESTABLISH CERTAIN STANDARDS FOR REGISTRATION; TO  
6 AUTHORIZE THE APPOINTMENT OF AN ADVISORY COUNCIL TO ASSIST IN  
7 DEVELOPING RULES FOR THE PROGRAM; TO PROVIDE FOR CONFIDENTIALITY;  
8 TO PROVIDE CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH THE  
9 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** As used in this section:

12 (a) "Certification" means the level of credentials that  
13 has been granted by the National Association of the Deaf or the  
14 Registry of Interpreters for the Deaf. It further includes the  
15 documentation that supports the certification level the  
16 interpreter has achieved.

17 (b) "Deaf or hard of hearing person" means a person who  
18 has either no hearing or who has significant hearing loss so as to  
19 need the services of an interpreter to communicate. "Deafblind  
20 person" means a person who has either the dual loss of hearing and  
21 sign or who has significant hearing and vision losses so as to  
22 need the services of an interpreter to communicate.

23 (c) "Interpreter training program" means a  
24 postsecondary degree program of at least two (2) years in duration  
25 that is accredited by the Mississippi State Board for Community  
26 and Junior Colleges, the Mississippi institutions of higher  
27 learning or, in the case of a nonresident, a comparable agency in  
28 another state.

29 (d) "Interpreter" means an individual certified by the  
30 National Association of the Deaf, the Registry of Interpreters for

31 the Deaf or an individual who holds a valid Mississippi Quality  
32 Assurance Screening level for the level of interpreting in which  
33 they are engaged. Registered interpreters are required to adhere  
34 to professional standards and the Code of Ethics as established by  
35 the National Association of the Deaf and the Registry of  
36 Interpreters for the Deaf. Interpreters will be registered by the  
37 Mississippi registering authority to perform at prescribed levels  
38 after providing evidence of their level of expertise.

39 (e) "Interpreting" is the process of providing  
40 accessible communication between and among consumers who are deaf  
41 or hard of hearing and those who are hearing. This process  
42 includes, but is not limited to, communication between persons who  
43 use American Sign Language, English, cued speech and oral  
44 communication. It may also involve various other modalities that  
45 involve visual, gestural and tactile methods.

46 (f) "Quality assurance level" means the level granted  
47 through the Mississippi Quality Assurance Screening evaluation.  
48 It further includes the documentation that supports the QA level  
49 the interpreter has achieved.

50 (g) "Register" means the process whereby the  
51 certification and Quality Assurance level of qualified  
52 interpreters are documented and maintained so as to permit those  
53 individuals to act as an interpreter for pay in the State of  
54 Mississippi.

55 (h) "Registering authority" means the agency that  
56 registers the credentials an interpreter holds, issues the  
57 registration documentation to do business in the State of  
58 Mississippi, and maintains the records to support the  
59 registration. The registering authority is the Mississippi  
60 Department of Rehabilitation Services, Office on Deaf and Hard of  
61 Hearing.

62 (2) (a) Commencing on July 1, 2005, no person, except as  
63 noted in subsection (2)(f), shall do any of the following with

64 respect to providing interpreting services for consumers who are  
65 deaf or hard of hearing for a fee or other remuneration unless the  
66 person is registered with the registering authority:

67 (i) Engage in the practice of, or offer to engage  
68 in the practice of, interpreting for a fee.

69 (ii) Use the title of interpreter in connection  
70 with the person's name.

71 (iii) Assume the identity of an interpreter.

72 (iv) Use the title of interpreter in  
73 advertisements or descriptions.

74 (v) Perform the function of or convey the  
75 impression that the person is an interpreter.

76 (b) On or after July 1, 2005, no person shall provide  
77 interpreting services and/or represent himself or herself as an  
78 interpreter for deaf or hard of hearing consumers for compensation  
79 unless such person is registered with the registering authority  
80 according to the provisions of this section. To register as an  
81 interpreter, one must: hold certification from the National  
82 Association of the Deaf or National Registry of Interpreters for  
83 the Deaf or a Quality Assurance Screening Level.

84 (c) In situations where there is extreme hardship or  
85 where deaf and hard of hearing consumers would be left with no  
86 interpreting services, a provisional permit may be granted on an  
87 annual basis, provided that documentation of improved interpreting  
88 skills is shown.

89 (d) The registering authority shall be charged with the  
90 responsibility for keeping all records and verifying the accuracy  
91 of the credentials of each applicant.

92 (e) Registration shall be for a period of two (2)  
93 years, and is renewal.

94 (f) The following shall be exceptions to subsection  
95 (2)(a)(b)(c):

96 (i) A person may engage in the practice of  
97 interpreting for religious services without being registered under  
98 the provision of this section.

99 (ii) Students enrolled in an approved Interpreter  
100 Training Program (ITP) are granted a student level registration  
101 provided the ITP has an instructor who also is registered under  
102 the provisions of this section and the student pays the  
103 appropriate fees.

104 (iii) A graduate of an approved Interpreter  
105 Training Program (ITP) can continue to utilize their student level  
106 for two (2) years without registering provided they are supervised  
107 by an interpreter who is registered under the provisions of this  
108 section and the graduate pays the appropriate fees.

109 (g) The registering authority shall establish an  
110 Advisory Council to assist in writing the rules and setting the  
111 fees for registering. The Advisory Council shall have three (3)  
112 members. One (1) member shall be a deaf consumer; one (1) member  
113 shall be a registered interpreter who is actively engaged in the  
114 interpreting business; and one (1) member shall be at large. The  
115 Advisory Council may ask additional persons who are knowledgeable  
116 about the process and business of interpreting to assist them with  
117 the business of the council as needed.

118 (3) A qualified interpreter who is employed to interpret,  
119 transliterate or relay a conversation between a person who can  
120 hear and a consumer, who is deaf/hard of hearing or deafblind, is  
121 a conduit for the conversation and may not disclose or be compelled  
122 to disclose, through reporting or testimony or by subpoena, the  
123 contents of the conversations, except an interpreter working in  
124 conjunction with and paid by a state agency or primary or  
125 secondary school for the therapeutic, educational or  
126 rehabilitation purposes. This communication is confidential, but  
127 may be shared with the appropriate agency or educational staff  
128 working to assist the deaf, hard of hearing or deafblind person.

129           (4) The registering authority shall develop forms and assist  
130 in referring grievances to the appropriate professional  
131 organization and/or authorities.

132           (5) Whoever is in violation of subsection (2) or (3) is  
133 guilty of a misdemeanor and, upon conviction thereof, shall be  
134 fined not less than Two Hundred Dollars (\$200.00) nor more than  
135 One Thousand Dollars (\$1,000.00), and may be imprisoned for not  
136 more than six (6) months.

137           (6) Mississippi shall recognize interpreters who are  
138 licensed and/or certified in other states with equal or higher  
139 certification than the interpreting levels prescribed by the rules  
140 and regulations incumbent in this act. A nonresident interpreter  
141 may work up to fifteen (15) days per year without seeking a valid  
142 permit from the registering authority. The person who utilizes a  
143 nonresident interpreter is charged with the responsibility of  
144 verifying the credentials and type of interpreting the interpreter  
145 is qualified to do. If a nonresident interpreter works more than  
146 fifteen (15) calendar days per year in the State of Mississippi  
147 for compensation or other remuneration, the interpreter must  
148 become registered under the provisions of this section and pay the  
149 appropriate fees.

150           (7) The registering authority shall establish fair and  
151 equitable rules and a fee schedule, not to exceed One Hundred  
152 Dollars (\$100.00) per annual registration, to cover the cost of  
153 administering this act. The rules and fee schedule will be  
154 published for the general public.

155           **SECTION 2.** This act shall take effect and be in force from  
156 and after July 1, 2005.