

By: Representative Holland

To: Education

HOUSE BILL NO. 1174

1 AN ACT TO ESTABLISH THE INTERPRETERS FOR THE DEAF, HARD OF
2 HEARING, AND DEAFBLIND REGISTRATION ACT; TO PROVIDE DEFINITIONS;
3 TO PROVIDE THAT CERTAIN INDIVIDUALS WHO INTERPRET FOR THE DEAF
4 FOR A FEE MUST BE REGISTERED; TO PROVIDE CONFIDENTIALITY OF
5 COMMUNICATION FOR THE DEAF; TO PROVIDE PENALTIES FOR VIOLATING THE
6 ACT; TO PROVIDE RECIPROCITY FOR CERTAIN INTERPRETERS; AND FOR
7 RELATED PURPOSES.

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

9 SECTION 1. This chapter shall be known and may be cited as
10 the Interpreters for the Deaf, Hard of Hearing, and Deafblind
11 Registration Act.

12 SECTION 2. The purpose of this chapter is to establish the
13 criteria for which interpreters for the deaf are to be registered
14 for and ascribe to in this state.

15 SECTION 3. For the purpose of this chapter, the following
16 words shall have the meanings ascribed unless the context
17 otherwise requires:

18 (a) "Certification" means the level of credentials that
19 has been granted by the National Association of the Deaf or the
20 Registry of Interpreters for the Deaf. It further includes the
21 documentation that supports the certification level the
22 interpreter has achieved.

23 (b) "Deaf or Hard of Hearing Person" means a person who
24 has either no hearing or who has significant hearing loss so as to
25 need the services of an interpreter to communicate. "Deafblind
26 Person" means a person who has either the dual loss of hearing and
27 sight or who has significant hearing and vision losses so as to
28 need the services of an interpreter to communicate.

29 (c) "Interpreter Training Program" means a post
30 secondary degree program of at least two (2) years in duration
31 that is accredited by the Mississippi State Board for Community
32 and Junior Colleges, the Mississippi Institutions of Higher
33 Learning or in the case of a nonresident, a comparable agency in
34 another state.

35 (d) "Interpreter" means an individual certified by the
36 National Association of the Deaf, the Registry of Interpreters for
37 the Deaf or an individual who holds a valid Mississippi Quality
38 Assurance Screening level for the level of interpreting in which
39 they are engaged. Registered interpreters are required to adhere
40 to professional standards and the Code of Ethics as established by
41 the National Association of the Deaf and the Registry of
42 Interpreters for the Deaf. Interpreters will be registered by the
43 Mississippi registering authority to perform at prescribed levels
44 after providing evidence of their level of expertise.

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

52 (f) "Quality Assurance Level" means the level granted
53 through the Mississippi Quality Assurance Screening evaluation.
54 It further includes the documentation that supports the QA level
55 the interpreter has achieved.

56 (g) "Register" means the process whereby the
57 certification and Quality Assurance level of qualified
58 interpreters are documented and maintained so as to permit those
59 individuals to act as an interpreter for pay in the State of
60 Mississippi.

61 (h) "Registering Authority" means the agency that
62 registers the credentials an interpreter holds, issues the
63 registration documentation to do business in the State of
64 Mississippi, and maintains the records to support the
65 registration. The registering authority is the Mississippi
66 Department of Rehabilitation Services, Office on Deaf and Hard of
67 Hearing.

68 **SECTION 4.** (1) Beginning July 1, 2005, no person, except
69 those described in subsection (6) of this section shall do any of
70 the following with respect to providing interpreting services for
71 consumers who are deaf or hard of hearing for a fee or other
72 remuneration unless the person is registered under the provisions
73 of the Mississippi Interpreters for the Deaf, Hard of Hearing and
74 Deafblind Registration Act:

75 (a) Engage in the practice of or offer to engage in the
76 practice of interpreting for a fee;

77 (b) Use the title of interpreter in connection with the
78 person's name;

79 (c) Assume the identity of an interpreter;

80 (d) Use the title of interpreter in advertisements or
81 descriptions; or

82 (e) Perform the function of or convey the impression
83 that the person is an interpreter.

84 (2) On or after July 1, 2005, no person shall provide
85 interpreting services and/or represent himself or herself as an
86 interpreter for deaf or hard of hearing consumers for compensation
87 unless such person is registered with the Office on Deaf and Hard
88 of Hearing according to the provisions of this section. To
89 register as an interpreter, one must hold certification from the
90 National Association of the Deaf, National Registry of
91 Interpreters for the Deaf or a Quality Assurance Screening Level.

92 (3) In situations where there is extreme hardship or where
93 deaf and hard of hearing consumers would be left with no

94 interpreting services, a provisional permit may be granted on an
95 annual basis, provided that documentation of improved interpreting
96 skills is shown.

97 (4) The Registering Authority shall be charged with the
98 responsibility for keeping all records and verifying the accuracy
99 of the credentials of each applicant.

100 (5) Registration shall be for a period of two years, and
101 shall be renewable.

102 (6) The following individuals shall not be subject to the
103 requirements of subsections (1), (2) and (3) of this section:

104 (a) A person engaging in the practice of interpreting
105 for religious services who is not registered under the provisions
106 of the Mississippi Interpreters for the Deaf, Hard of Hearing and
107 Deafblind Registration Act;

108 (b) Students enrolled in an approved Interpreter
109 Training Program (ITP) and who are granted a student level
110 registration, provided the ITP has an instructor who also is
111 registered under the provisions of the Mississippi Interpreters
112 for the Deaf, Hard of Hearing and Deafblind Registration Act and
113 the student pays the appropriate fees; or

114 (c) A graduate of an approved Interpreter Training
115 Program (ITP) utilizing his or her student level for two years
116 without registering provided he or she is supervised by an
117 interpreter who is registered under the provisions of the
118 Mississippi Interpreters for the Deaf, Hard of Hearing and
119 Deafblind Registration Act and the graduate pays the appropriate
120 fees.

121 (7) The Registering Authority shall establish an Advisory
122 Council to assist in writing the rules and setting the fees for
123 registering. The Advisory Council shall have three (3) members.
124 One (1) shall be a deaf consumer; one (1) member shall be a
125 registered interpreter who is actively engaged in the interpreting
126 business; and one (1) shall be at-large. The Advisory Council may

127 ask additional persons who are knowledgeable about the process and
128 business of interpreting to assist them with the business of the
129 council as needed.

130 **SECTION 5.** A qualified interpreter who is employed to
131 interpret, transliterate, or relay a conversation between a person
132 who can hear and a consumer, who is deaf/hard of hearing or
133 deafblind, is a conduit for the conversation and may not disclose
134 or be compelled to disclose, through reporting or testimony or by
135 subpoena, the contents of the conversations, except an interpreter
136 working in conjunction with and paid by a state agency or primary
137 or secondary school for the therapeutic, educational or
138 rehabilitation purposes. This communication is confidential, but
139 may be shared with appropriate agency or educational staff working
140 to assist the deaf, hard of hearing or deafblind person.

141 **SECTION 6.** The Registering Authority shall develop forms and
142 assist in referring grievances to the appropriate professional
143 organization and/or authorities.

144 **SECTION 7.** Whoever is in violation of Sections 4 or 5 of
145 this act shall be guilty of a misdemeanor and upon conviction
146 shall be fined not less than Two Hundred Dollars (\$200.00) nor
147 more than One Thousand Dollars (\$1,000.00), and may be imprisoned
148 for not more than six (6) months.

149 **SECTION 8.** Mississippi shall recognize interpreters who are
150 licensed and/or certified in other states with equal or higher
151 certification than the interpreting levels prescribed by the rules
152 and regulations incumbent in this bill. A nonresident interpreter
153 may work up to fifteen (15) days per year without seeking a valid
154 permit from the Registering Authority. The person who utilizes a
155 nonresident interpreter is charged with the responsibility of
156 verifying the credentials and type of interpreting the interpreter
157 is qualified to do. If a nonresident interpreter works more than
158 fifteen (15) calendar days per year in the State of Mississippi
159 for compensation or other remuneration, the interpreter must

160 become registered under the provisions of the Mississippi
161 Interpreters for the Deaf, Hard of Hearing and Deafblind
162 Registration Act and pay the appropriate fees.

163 **SECTION 9.** The registering authority shall establish fair
164 and equitable rules and a fee schedule, not to exceed One Hundred
165 Dollars (\$100.00) to cover the cost of administering this act.
166 The rules and fee schedule shall be published for the general
167 public.

168 **SECTION 10.** This act shall take effect and be in force from
169 and after July 1, 2005.