

AN ACT to license sign language interpreters

WHEREAS, the Tennessee General Assembly finds that thousands of Tennesseans are individuals who are Deaf, Deaf-Blind, or Hard of Hearing; and

WHEREAS, the General Assembly recognizes that many of these individuals only access effective communication through the use of signed language to include but not be limited to American Sign Language; and

WHEREAS, the General Assembly further finds that Tennesseans who are Deaf, Deaf-Blind, or Hard of Hearing regularly participate in all aspects of life including but not limited to places of employment, mental health, and in all manner of society; and

WHEREAS, the General Assembly concludes that to fully and equally participate in all aspects of public life, individuals who are Deaf, Deaf-Blind, or Hard of Hearing who utilize sign language must be provided effective communication through a qualified sign language interpreter; and

WHEREAS, the General Assembly finds that to ensure the quality of services provided by sign language interpreters it is imperative that this profession must be licensed for practice within Tennessee; therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

Part 1 Definitions.

(1) "sign language" means a visual and manual system of communication used by Deaf, Deaf-Blind and Hard of Hearing individuals;

(2) “sign language interpreting” means facilitating communication between individuals who communicate through sign language and individuals who communicate through spoken language to convey all auditory and signed information so that both individuals can fully understand;

(3) “licensed sign language interpreter” is any person who holds a current, valid license to practice sign language interpreting;

(4) “licensed deaf interpreter” is any deaf person who holds a current, valid license to practice as a deaf interpreter;

(5) “licensed sign language interpreter - provisional” is any person who meets the requirements for a provisional license in sign language interpreting;

(6) “licensed sign language interpreter - temporary” is any person who meets the requirements for a temporary non-resident license in sign language interpreting; and

(7) “board” means the board of professional sign language interpreting

## Part 2 Licensure Categories and Requirements.

### (a) Qualification for sign language interpreting licensure.

(1) To be licensed as a sign language interpreter, an applicant shall:

- A. be at least 18 years of age; and
- B. provide evidence of permit to work in Tennessee and the United States; and
- C. complete a criminal background check; and
- D. hold active professionally recognized certification or present evidence of a minimum score of 4.0 on the Educational Interpreters Performance Assessment;

(2) RECIPROCITY EXEMPTION: applicants who are at least 18 years of age; eligible to work in Tennessee; and with a valid license, certificate, or equivalent granted by a state with which the board has entered into a reciprocal agreement. Applicants must provide evidence of holding an active license, certificate, or equivalent.

(3) PRACTICING INTERPRETER EXEMPTION: on or before July 1, 20\_\_ any person who is at least 18 years of age; eligible to work in Tennessee; and is engaged in the practice of sign language interpreting on or before July 1, 20\_\_, who does not meet the requirements set forth for licensure or licensure under a reciprocal agreement, and who provides:

- A. an affidavit setting forth documentation of at least 300 hours of work experience as a paid sign language interpreter during the prior five year period; and
- B. a completed criminal background check; and
- C. an affidavit of intent to comply with board established requirements for ethical practice;

(4) Applications for licensure shall be signed and sworn by the applicants and submitted on forms furnished by the board. All applicants who are found qualified to engage in the practice of sign language interpreting pursuant to this part shall be issued a license as a sign language interpreter. The license shall be valid for four (4) years from the date of issuance.

(b) Qualifications for deaf interpreting licensure.

(1) To be licensed as a deaf interpreter, an applicant shall:

- A. be deaf; and
- B. be at least 18 years of age; and

- C. provide evidence of permit to work in Tennessee and the United States; and
- D. complete a criminal background check; and
- E. provide satisfactory evidence of required sign language skills as measured by a nationally recognized sign language proficiency interview selected by the board; and
- F. submit an affidavit of intent to comply with board established requirements for ethical practice; and
- G. provide evidence of twenty (20) hours of professional development in interpreting annually.

(2) Applications for licensure shall be signed and sworn by the applicants and submitted on forms furnished by the board. All applicants who are found qualified to engage in the practice of sign language interpreting pursuant to this part shall be issued a license as a licensed sign language interpreter – deaf interpreter.

(3) Licensed deaf interpreters may only provide interpreting services with a hearing licensed sign language interpreter present.

(c) Qualification for licensure – provisional licensure.

(1) Individuals may obtain a sign language interpreting license - provisional for a period of three years. This license category may be approved for renewal one time for a period of an additional two years.

(2) To be licensed as a sign language interpreter - provisional, an applicant shall:

- A. be at least 18 years of age; and
- B. provide evidence of permit to work in Tennessee and the United States; and

- C. complete a criminal background check; and
- D. provide satisfactory evidence of required sign language skills as measured by a nationally recognized sign language proficiency interview selected by the board; and
- E. provide evidence of passing a recognized written professional ethics examination as determined by the board; and
- F. submit an affidavit of intent to comply with board established requirements for ethical practice.
- G. provide evidence of twenty (20) hours of professional development in interpreting annually

(3) Applications for licensure shall be signed and sworn by the applicants and submitted on forms furnished by the board. All applicants who are found qualified to engage in the practice of sign language interpreting pursuant to this part shall be issued a license as a licensed sign language interpreter - provisional.

(d) Qualification for licensure – temporary non-resident licensure.

(1) Individuals shall obtain a sign language interpreting license – temporary if working more than 21 days for a maximum ninety non-consecutive days in a calendar year. Petitions for extension beyond ninety days may be made to the board. Renewal is required on an annual basis. To be licensed as a sign language interpreter – temporary non-resident, an applicant shall:

- A. have permanent residence of a state other than Tennessee; and
- B. be at least 18 years of age; and

C. hold an active professionally recognized certification or present evidence of a minimum score of 4.0 on the Educational Interpreters Performance Assessment; and

D. submit an affidavit of intent to comply with board established requirements for ethical practice.

(2) Applications for licensure shall be signed and sworn by the applicants and submitted on forms furnished by the board. All applicants who are found qualified to engage in the practice of sign language interpreting pursuant to this part shall be issued a license as a licensed sign language interpreter - temporary.

(e) No person shall use the title of "sign language interpreter" or engage in the practice of or attempt to practice sign language interpreting for remuneration in this state or hold themselves out as a sign language interpreter unless the person is a licensed sign language interpreter, licensed deaf interpreter, licensed sign language interpreter - provisional, or licensed sign language interpreter - temporary.

(1) RELIGIOUS INTERPRETER EXCEPTION: sign language interpreters working exclusively for religious entities exempted from coverage of Title II of the Americans with Disabilities Act.

(2) EDUCATIONAL INTERPRETER EXCEPTION: sign language interpreters working exclusively in K-12 educational settings.

Part 3 License renewal -- Continuing education -- Notification of change of address.

(a) Each person holding a sign language interpreting license, a deaf interpreter license or sign language interpreting license – provisional shall apply for renewal of the license pursuant to dates established by the board. Licensees shall provide:

- (1) a fee for renewal and any required late fee; and
- (2) evidence of completion of a minimum of eighty (80) hours of professional development during the four years of licensure; and
- (3) complete a criminal background check; and
- (4) submit an affidavit of intent to comply with board established requirements for ethical practice; and

(b) Sign language interpreting license renewal is for a period of four years. Sign language interpreting license – provisional may be renewed for a maximum of one time for a two year period.

#### Part 4 Creation of Tennessee Board of Sign Language Interpreting

(a) There is hereby created a board to be known as the Tennessee Board of Sign Language Interpreting.

(b) The board shall consist of seven citizens of Tennessee representative of state demographics and the Deaf, Deaf-Blind, Hard of Hearing and sign language interpreting community across the state. The board is composed as follows:

- (1) two licensed sign language interpreters nominated by the Tennessee Registry of Interpreters for the Deaf. These individuals shall represent different grand regions of the state; and

(2) one licensed interpreter from an institution of higher learning nominated by the Tennessee Association on Higher Education and Disability or coordinator of sign language interpreting services from a higher education institution; and

(3) three Deaf, Deaf-Blind, or Hard of Hearing member nominated by the Tennessee Association of the Deaf; and

(4) one licensed sign language interpreter at-large nominated by the Tennessee Council for the Deaf, Deaf-Blind, and Hard of Hearing.

(5) in the event that any of these organizations cease to exist the Board will have the discretion to select an equivalent organization.

#### Part 5 Board Appointment and Removal

(a) Applications for membership on the board shall be submitted to the board. The board will submit applications with recommendations to the Governor for consideration. In making sign language interpreting board appointments, the Governor shall consider the recommendations of the board.

(b) Members shall be appointed by the Governor to complete the term of any vacated board position. The individual filling the vacated board position shall possess the same qualifications as those required for the vacated position.

(c) Upon recommendation of the board, the Governor may remove any board member for neglect of duty or malfeasance in office.

#### Part 6 Board Procedures

(a) Members shall serve four year terms on a staggered schedule. At the initial meeting members shall draw lots to designate the staggered terms:

(1) three members shall serve for two years; and

(2) four members shall serve for three years.

(b) The board shall meet not less than twice annually. The board shall receive no compensation for their services but they shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

#### Part 7 Board Duties

(a) The board shall promulgate rules and regulations necessary to implement, administer and otherwise effectuate the purposes of this part. All rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. The rules and regulations shall be published in the standards of professional practice and made available to all licensees.

(b) The board shall have the duty and responsibility to:

(1) act on matters concerning granting, suspending, reinstating and/or revoking a license; and

(2) establish and maintain requirements for professional behavior of interpreters including but not limited to conflict of interest provisions; and

(3) establish a procedure for the investigation of complaints against licensed interpreters; and

(4) establish a procedure for renewal; and

(5) set a fee schedule for granting licenses and renewal of licenses; and

- (6) compile and maintain a current public registry of licensed interpreters and permit holders; and
  - (7) maintain complete records of all proceedings of the board; and
  - (8) execute reciprocal agreements with states that license, certify, or register sign language interpreters; and
  - (9) develop procedures for appropriate exemptions to licensing requirements;
- and
- (10) adopt rules for professional development requirements.

#### Part 8 Fees and Use of Funds

(a) Reasonable fees for licensure, provisional licensure, temporary non-resident licensure, and licensure through reciprocal agreement pursuant to this part shall be established by the board. All monies collected pursuant to this part shall be deposited into the board of sign language interpreting fund. All expenses incurred by the board in implementing and administering this part shall be paid out of the fund; provided, that the expenses of the board shall not be in excess of the monies in the fund. The board may charge and collect the fees upon application for license, renewal of license, reinstatement of suspended license, which shall be deposited into the fund.

#### Part 9 Disposition and disbursement of monies collected -- Budget -- Contracting for services.

(a) Notwithstanding any other law to the contrary, all monies collected pursuant to this part shall be deposited in the state treasury in a separate fund to be known as the Tennessee Board of Sign Language Interpreting fund.

(b) Disbursements from this fund shall be made solely for the purpose of defraying expenses incurred in the implementation and enforcement of this part.

(c) No such expenses shall be payable from the general fund of the state, except for the initial expenses of the board prior to the collection of licensure fees sufficient to defray such expenses.

(d) Any part of the Tennessee Board of Sign Language Interpreting fund remaining at the end of a fiscal year shall not revert to the general fund of the state but shall be carried forward until expended in accordance with this part.

(e) The board shall budget annually, in advance, its expenditures for programs, services, allocated overhead or chargebacks and other normal operating expenses as determined by the board. These expenditures so established shall be budgeted at the beginning of the fiscal year by the board, not to exceed the fees to be received by the board, including the excesses accumulated in the fund of the board. The Commissioner of Finance and Administration shall inform the board annually, in advance for budgeting purposes, of the allocation of all overhead or chargebacks to the board.

(f) Subject to approval of the Comptroller of the Treasury and the Commissioner of Finance and Administration, the board may also contract for services to carry out this part.

#### Part 10 Penalties

(a) Any person who knowingly undertakes or attempts to undertake the practice of sign language interpreting for remuneration without first having procured a license shall be subject to a civil fine established by the board. Each day of practice is a separate offense. A person who is not licensed may not bring or maintain any action to recover payment for sign language interpreting services that the person performed in violation of this part.

(b) If a licensed sign language interpreter becomes unqualified to hold a license in the state of Tennessee, the board may suspend or revoke said license. An interpreter shall become unqualified if:

- (1) they are unable to show evidence of required credentials; or
- (2) they violated the established code of professional behavior established by the board; or
- (3) they are convicted of a felony or board determined disqualifying misdemeanor; or
- (4) they are placed on the Abuse Registry; or
- (5) they are placed on the Sexual Offender Registry; or
- (6) their license is revoked in a reciprocal state; or
- (7) fail to complete renewal requirements within 30 calendar days of the license expiration.

#### Part 11 Complaints

(a) Anyone may file a complaint regarding violation of the state sign language interpreter licensure requirements with the board within 180 calendar days of the incident. Complainant may withdraw the complaint at any time. The board will promulgate rules to establish the processing of complaints.

This act shall take effect \_\_\_\_\_.