

1 **INTERPRETER SERVICES FOR THE HEARING IMPAIRED**

2 **AMENDMENTS**

3 2013 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ronda Rudd Menlove**

6 Senate Sponsor: Aaron Osmond

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions relating to the provision of interpreter services for the
11 hearing impaired.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ modifies provisions that establish certification requirements for certified interpreters
15 for the hearing impaired; and

16 ▶ provides an exemption from certification requirements for an interpreter who is
17 providing interpreter services for certain religious entities.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **53A-26a-102**, as enacted by Laws of Utah 1994, Chapter 306

25 **53A-26a-301**, as enacted by Laws of Utah 1994, Chapter 306

26 **53A-26a-305**, as last amended by Laws of Utah 2010, Chapter 324

28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **53A-26a-102** is amended to read:

30 **53A-26a-102. Definitions.**

31 As used in this chapter:

32 (1) "Advisory board" or "board" means the Interpreters Certification Board created in
33 Section 53A-26a-201.

34 (2) "Certified interpreter" means a person who is certified as meeting the certification
35 requirements of this chapter.

36 (3) "Hearing impaired" means a hearing loss which:

37 (a) necessitates the visual acquisition of language; or

38 (b) adversely affects the acquisition of language but which does not preclude the
39 auditory acquisition of language.

40 (4) "Interpreter services" means ~~[those services provided for payment by an individual~~
41 ~~holding one's self out to be a certified interpreter to facilitate effective communication between~~
42 ~~hearing and hearing impaired persons]~~ services that facilitate effective communication between
43 a hearing person and a person who is hearing impaired as defined by Subsection (3), through
44 American Sign Language or a language system or code that is modeled after American Sign
45 Language, in whole or in part, or is in any way derived from American Sign Language.

46 Section 2. Section **53A-26a-301** is amended to read:

47 **53A-26a-301. Certification required -- Classes of certification.**

48 (1) ~~[Certification is required to provide interpretive services, except]~~ Except as
49 specifically provided in Section 53A-26a-305, an individual is required to be certified as a
50 certified interpreter if that individual provides interpreter services and a state or federal law
51 requires the interpreter to be certified or qualified.

52 (2) The State Board of Education shall issue a certification to any person who qualifies
53 under this chapter in classifications determined by the board based upon recommendations
54 from the advisory board.

55 Section 3. Section **53A-26a-305** is amended to read:

56 **53A-26a-305. Exemptions from certification -- Temporary or restricted**
57 **certification.**

58 (1) The following individuals may engage in the practice of a certified interpreter,
59 subject to the stated circumstances and limitations, without being certified under this chapter:

60 (a) an individual serving in the Armed Forces of the United States, the United States
61 Public Health Service, the United States Department of Veterans Affairs, or other federal
62 agencies while engaged in activities regulated under this chapter as a part of employment with
63 that federal agency if the person holds a valid certificate or license to provide interpreter
64 services issued by any other state or jurisdiction recognized by the State Board of Education;

65 (b) a student engaged in providing interpreter services while in training in a recognized
66 school approved by the State Board of Education to the extent the student's activities are
67 supervised by qualified faculty, staff, or designee, and the services are a defined part of the
68 training program;

69 (c) an individual engaged in an internship, residency, apprenticeship, or on-the-job
70 training program approved by the State Board of Education while under the supervision of
71 qualified persons;

72 (d) an individual residing in another state and certified or licensed to provide
73 interpreter services in that state, who is called in for a consultation by an individual certified to
74 provide interpreter services in this state, and the services provided are limited to that
75 consultation;

76 (e) an individual who is invited by a recognized school, association, or other body
77 approved by the State Board of Education to conduct a lecture, clinic, or demonstration on
78 interpreter services if the individual does not establish a place of business or regularly engage
79 in the practice of providing interpreter services in this state; [~~and~~]

80 (f) an individual licensed in another state or country who is in this state temporarily to
81 attend to the needs of an athletic team or group, except that the individual may only attend to
82 the needs of the team or group, including all individuals who travel with the team or group,
83 except as a spectator[-]; or

84 (g) an individual who is providing interpreter services for a religious entity, to the
85 extent that the religious entity is specifically exempted from liability under federal law.

86 (2) (a) An individual temporarily in this state who is exempted from certification under
87 Subsection (1) shall comply with each requirement of the jurisdiction from which the
88 individual derives authority to practice.

89 (b) Violation of any limitation imposed by this section is grounds for removal of
90 exempt status, denial of certification, or another disciplinary proceeding.

91 (3) (a) Upon the declaration of a national, state, or local emergency, the State Board of
92 Education, in collaboration with the advisory board, may suspend the requirements for
93 permanent or temporary certification of persons who are certified or licensed in another state.

94 (b) Individuals exempt under Subsection (3)(a) shall be exempt from certification for
95 the duration of the emergency while engaged in providing interpreter services for which they
96 are certified or licensed in the other state.

97 (4) The State Board of Education, after consulting with the advisory board, may adopt
98 rules for the issuance of temporary or restricted certifications if their issuance is necessary to or
99 justified by:

100 (a) a lack of necessary available interpretive services in any area or community of the
101 state, if the lack of services might be reasonably considered to materially jeopardize
102 compliance with state or federal law; or

103 (b) a need to first observe an applicant for certification in a monitored or supervised
104 practice of providing interpretive services before a decision is made by the board either to grant
105 or deny the applicant a regular certification.