

Report From Agency

**STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
DEPARTMENT OF SAFETY AND : CR 22-001
PROFESSIONAL SERVICES :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The objective of the proposed rule is to: 1) revise the existing rules SPS 200, 201 and 202 to implement the statutory changes under 2019 Wisconsin Act 17; 2) to revise existing codes to improve usability; 3) to align the rules with current drafting standards; and, 4) to ensure the rules are consistent with current industry practice.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Department held a public hearing on February 4, 2022. The following people either testified at the hearing, or submitted written comments:

- Amy Fryman, RID Certified Interpreter: CI, CT, SC:L, Chief Operations Officer/Co-Owner, Professional Interpreting Enterprise
- Chantel Wiedmeyer, NIC, Office for the Deaf and Hard of Hearing, Wisconsin Department of Health Services
- Stephanie Zito, MS, NIC, Certified Sign Language Interpreter

The Department summarizes the comments received either by hearing testimony or by written submission as follows:

- Amy Fryman submitted comments regarding the issue of there not being exceptions in the rules for a deaf interpreter to team with a hearing interpreter in a

mental health setting if they have had the required training but have not yet received their advanced interpreter license from DSPS.

- Chantel Wiedmeyer submitted a comment regarding the fact that the Wisconsin Interpreting and Transliterating Assessment (WITA) is included in the definitions section of the rule, when there were previous discussions about taking the definition out because the assessment is no longer offered.
- Stephanie Zito submitted comments on three issues. First, they requested clarification on what happens to an interpreter's license if the Alabama certification for mental health interpreting is no longer available. Second, that definitions of and requirements for Video Remote Interpreting (VRI) and Video Relay Services (VRS) are not covered, and they should be. Third, when considering the identification cards, they were seeking clarification on when they would be effective, whether a physical card or digital copy are required and whether it is appropriate to add language to the unprofessional conduct section for failure of the interpreter to provide an identification card.

The Department explains modifications to its rule-making proposal prompted by public comments as follows:

- The “summary of, and comparison with, existing or proposed federal regulation” section of the rule analysis was updated to include federal regulations on Telecommunications Relay Services
- The definition for “Wisconsin Interpreting and Transliterating Assessment” was not added to SPS 200.02
- Definitions for “Video Relay Services” and “Video Remote Interpreting” were added to SPS 203.01
- SPS 203.03 was reorganized and updated to clarify the steps for when someone has their Alabama mental health interpreting certification and when they do not
- SPS 203.04 was created to cover requirements for Video Relay Services and Video Remote Interpreting
- SPS 204.01 was updated to clarify that digital copies of identification cards are not sufficient, and a physical copy of the card needs to be worn at all times while the interpreter is providing services to clients

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A