

State of Wisconsin



2019 Assembly Bill 250

Date of enactment: **July 17, 2019**
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2019 WISCONSIN ACT 17

AN ACT *to repeal* 15.407 (9), 440.032 (1) (b), 440.032 (2) (b) 1., 440.032 (3) (a), 440.032 (3) (b) and 440.032 (6); *to amend* 440.032 (5); *to repeal and recreate* 440.032 (2) (c) and 440.032 (7) (b); and *to create* 440.032 (1) (am), 440.032 (1) (bm), 440.032 (3) (c), 440.032 (3) (d), 440.032 (3) (e), 440.032 (3) (f), 440.032 (3m), 440.032 (4m), 440.032 (5m), 440.032 (6m) and 440.032 (7m) of the statutes; **relating to:** examinations and licensure of sign language interpreters, providing an exemption from emergency rule procedures, and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.407 (9) of the statutes is repealed.

SECTION 2. 440.032 (1) (am) of the statutes is created to read:

440.032 (1) (am) "Committee" means the sign language interpreters advisory committee established under sub. (6m).

SECTION 3. 440.032 (1) (b) of the statutes is repealed.

SECTION 4. 440.032 (1) (bm) of the statutes is created to read:

440.032 (1) (bm) "Interpreter training program" means any postsecondary educational program that prepares individuals to provide sign language interpretation services to a client.

SECTION 5. 440.032 (2) (b) 1. of the statutes is repealed.

SECTION 6. 440.032 (2) (c) of the statutes is repealed and recreated to read:

440.032 (2) (c) 1. The department may grant, on a case-by-case basis, a temporary exemption from the licensure requirement under par. (a) to an individual

applying for a temporary exemption, subject to the following:

a. An individual's application for a temporary exemption under this subdivision shall be in writing, shall describe the reasons why the individual cannot obtain a license under sub. (3) and describe any professional credential the individual does possess, and shall specify the dates the individual intends to provide sign language interpretation services.

b. The department shall approve or deny a temporary exemption under this subdivision within 10 business days after receiving the application.

2. The department may grant, on a case-by-case basis after receiving advice from the committee, a permanent exemption from the licensure requirement under par. (a) to an individual applying for a permanent exemption, subject to the following:

a. An individual's application for a permanent exemption under this subdivision shall describe the reasons why the individual cannot obtain a license under sub. (3).

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

b. If the applicant for a permanent exemption will be providing sign language interpretations services to a single client only, the individual's application shall identify that client.

SECTION 7. 440.032 (3) (a) of the statutes is repealed.

SECTION 7m. 440.032 (3) (b) of the statutes is repealed.

SECTION 12. 440.032 (3) (c) of the statutes is created to read:

440.032 (3) (c) *Sign language interpreter—intermediate hearing licenses.* The department shall grant a sign language interpreter—intermediate hearing license to an applicant who submits an application on a form provided by the department, pays the fee determined by the department under 440.03 (9) (a), and satisfies any of the following:

1. The applicant satisfies all of the following:

a. The applicant has received at least an associate degree in sign language interpretation, or an equivalent degree, as determined by the department after receiving advice from the committee.

b. The applicant provides evidence satisfactory to the department that the applicant has successfully completed an interpreter training program.

c. The applicant has passed the basic performance examination of and is certified by the Board for Evaluation of Interpreters, or its successor, or the applicant has passed a substantially equivalent examination, as determined by the department after receiving advice from the committee.

2. The applicant satisfies all of the following:

a. The applicant earned an associate degree in sign language interpretation before the effective date of this subd. 2. a. [LRB inserts date].

b. The applicant has passed the basic performance examination of and is certified by the Board for Evaluation of Interpreters, or its successor, or the applicant has passed a substantially equivalent examination, as determined by the department after receiving advice from the committee.

3. The applicant satisfies all of the following:

a. Before the effective date of this subd. 3. a. [LRB inserts date], the applicant passed the basic performance examination of and is certified by the Board for Evaluation of Interpreters, or its successor, or before the effective date of this subd. 3. a. [LRB inserts date], the applicant passed a substantially equivalent examination, as determined by the department after receiving advice from the committee.

b. The department approves the applicant's licensure after review of all of the circumstances and receiving advice from the committee.

SECTION 13. 440.032 (3) (d) of the statutes is created to read:

440.032 (3) (d) *Sign language interpreter—advanced hearing licenses.* The department

shall grant a sign language interpreter—advanced hearing license to an applicant who submits an application on a form provided by the department, pays the fee determined by the department under s. 440.03 (9) (a), and satisfies any of the following:

1. The applicant satisfies all of the following:

a. The applicant has received at least an associate degree in sign language interpretation, or an equivalent degree as determined by the department after receiving advice from the committee.

b. The applicant provides evidence satisfactory to the department that the applicant has successfully completed an interpreter training program.

c. The applicant has passed the advanced or master performance examination of and is certified by the Board for Evaluation of Interpreters, or its successor; the applicant has passed the examination for and holds the national interpreter certification issued by the Registry of Interpreters for the Deaf, Inc., or its successor; or the applicant has passed a substantially equivalent examination, as determined by the department after receiving advice from the committee.

2. The applicant was issued before the effective date of this subdivision [LRB inserts date], and maintains in good standing any of the following:

a. The national interpreter certification (NIC), advanced or master level national interpreter certification (NIC—Advanced or NIC—Master), certificate of interpretation (CI), certificate of transliteration (CT), comprehensive skills certificate (CSC), master comprehensive skills certificate (MCSC), interpretation certificate (IC), or transliteration certificate (TC), issued by the Registry of Interpreters for the Deaf, Inc., or its successor.

b. The National Association of the Deaf III, IV, or V certification.

c. The advanced or master certification of the Board for Evaluation of Interpreters or its successor.

SECTION 14. 440.032 (3) (e) of the statutes is created to read:

440.032 (3) (e) *Sign language interpreter—intermediate deaf licenses.* The department shall grant a sign language interpreter—intermediate deaf license to an applicant who submits an application on a form provided by the department, pays the fee determined by the department under s. 440.03 (9) (a), and satisfies all of the following:

1. The applicant holds a high school diploma or its equivalent, as determined by the department after receiving advice from the committee.

2. The applicant submits evidence satisfactory to the department of the applicant's successful completion of at least 40 hours of a deaf interpreter training curriculum approved by the department after receiving advice from the committee.

3. The applicant submits evidence satisfactory to the department of the applicant's successful completion of at least 16 hours of sign language interpretation services-related training approved by the Registry of Interpreters for the Deaf, Inc., or its successor or the Board for Evaluation of Interpreters or its successor, or substantially equivalent training, as determined by the department after receiving advice from the committee.

4. The applicant submits evidence satisfactory to the department of the applicant's successful completion of American sign language linguistics I and II or substantially equivalent coursework, as determined by the department after receiving advice from the committee.

5. The applicant provides to the department letters of recommendation satisfactory to the department from at least 2 individuals who hold a sign language interpreter—advanced deaf license, a certified deaf interpreter certification issued by the Registry of Interpreters for the Deaf, Inc., or its successor, or an equivalent certification, as determined by the department after receiving advice from the committee. Taken in the aggregate, the letters of recommendation shall verify that the applicant has successfully completed at least 25 hours of observing sign language interpretation services provided to clients.

SECTION 15. 440.032 (3) (f) of the statutes is created to read:

440.032 (3) (f) *Sign language interpreter—advanced deaf licenses.* The department shall grant a sign language interpreter—advanced deaf license to an applicant who submits an application on a form provided by the department, pays the fee determined by the department under s. 440.03 (9) (a), and satisfies all of the following:

1. The applicant holds at least an associate degree or satisfies an alternate pathway for education, as determined by the department after receiving advice from the committee.

2. The applicant holds a certified deaf interpreter certification issued by the Registry of Interpreters for the Deaf, Inc., or its successor or an equivalent certification, as determined by the department after receiving advice from the committee.

SECTION 15m. 440.032 (3m) of the statutes is created to read:

440.032 (3m) **EXAM ADMINISTRATION IN WISCONSIN.** The department of health services shall administer in this state the performance examinations of the Board for Evaluation of Interpreters or its successor, unless the department approves another administrator of the examinations.

SECTION 16. 440.032 (4m) of the statutes is created to read:

440.032 (4m) **SCOPE OF LICENSES.** The department, after receiving advice from the committee, may promulgate rules defining the scope of practice of each license granted under sub. (3), subject to the following:

(a) *Sign language interpreter—intermediate hearing.* 1. Subject to subd. 2., a sign language interpreter—intermediate hearing licensee may not provide sign language interpretation services to clients in any medical setting, as determined by the department after receiving advice from the committee, unless he or she is team interpreting with a sign language interpreter—advanced hearing or sign language interpreter—advanced deaf licensee.

2. A sign language interpreter—intermediate hearing licensee may not provide sign language interpretation services to a client in any legal setting or setting related to treatment, as defined in s. 51.01 (17), involving mental health, as determined by the department after receiving advice from the committee.

(b) *Interpretation in legal settings.* No sign language interpreter—advanced hearing, sign language interpreter—intermediate deaf, or sign language interpreter—advanced deaf licensee may provide sign language interpretation services to a client in any legal setting, as determined by the department after receiving advice from the committee, unless he or she is also authorized, including under a provisional status, by the supreme court to act as a qualified interpreter in court proceedings under s. 885.38 (2).

(c) *Interpretation in mental health settings.* 1. No sign language interpreter—intermediate deaf licensee may provide sign language interpretation services to a client in any setting related to treatment, as defined in s. 51.01 (17), involving mental health, as determined by the department after receiving advice from the committee.

2. Beginning on September 1, 2023, no sign language interpreter—advanced hearing or sign language interpreter—advanced deaf licensee may provide sign language interpretation services to a client in any setting related to treatment, as defined in s. 51.01 (17), involving mental health, as determined by the department after receiving advice from the committee, unless the licensee satisfies requirements established by the department by rule after receiving advice from the committee.

SECTION 17. 440.032 (5) of the statutes is amended to read:

440.032 (5) **LICENSE RENEWAL.** The renewal dates for licenses granted under sub. (3) (a) are specified in s. 440.08 (2) (a) 68c. Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a) and evidence satisfactory to the department that the person's certification or membership specified in sub. (3) that is required for the license has not been revoked or invalidated.

SECTION 18. 440.032 (5m) of the statutes is created to read:

440.032 (5m) **IDENTIFICATION CARDS.** The department, after receiving advice from the committee, may

promulgate rules requiring all interpreters licensed under sub. (3) to have an identification card with them at all times while providing sign language interpretation services to clients for compensation. The department shall issue the identification card in the format determined by the department. The identification card issued to a licensee for purposes of this subsection shall satisfy all of the following conditions:

(a) Include all of the following:

1. The interpreter's full name.
2. The interpreter's licensure category, whether sign language interpreter—intermediate hearing, sign language interpreter—advanced hearing, sign language interpreter—intermediate deaf, or sign language interpreter—advanced deaf.
3. Any applicable licensure restriction.
4. A statement whether the interpreter is authorized by the supreme court to act as a qualified interpreter in court proceedings under s. 885.38 (2) and whether that authorization is provisional.
5. Any other information required by the department.

(b) Be color-coded based on the interpreter's licensure category identified under par. (a) 2. An intermediate license shall be yellow. An advanced license shall be green.

SECTION 19. 440.032 (6) of the statutes is repealed.

SECTION 20. 440.032 (6m) of the statutes is created to read:

440.032 (6m) SIGN LANGUAGE INTERPRETERS ADVISORY COMMITTEE. (a) The secretary shall appoint an advisory committee under s. 440.042 that shall be called the sign language interpreters advisory committee. The committee shall consist of the secretary or a designee and the following 8 members:

1. Five deaf or hard of hearing individuals who are or have been clients of a sign language interpreter, at least one of whom is a graduate of a residential school for the deaf or hard of hearing and at least one of whom is a graduate of a private or public school that is not a residential school for the deaf or hard of hearing.

2. Two interpreters licensed under this section, at least one of whom holds a license under sub. (3) (c) to (f).

3. One individual who is not deaf or hard of hearing and who has obtained, or represents an entity that has obtained, sign language interpreter services for the benefit of another who is deaf or hard of hearing.

(b) The committee shall do all of the following:

1. Advise the department on all of the following:
 - a. Matters related to the department's enforcement of this section.
 - b. Granting exemptions under sub. (2) (c).
 - c. Licensure requirements under sub. (3).
 - d. Promulgating the rules defining the scope of practice under sub. (4m).
 - e. Promulgating the rules relating to identification cards under sub. (5m).

f. Promulgating the rules governing professional conduct under sub. (7) (b).

2. Consult with the department concerning investigations under sub. (8).

(c) The committee shall submit to the secretary, upon request of the secretary not more often than annually, a report on the operation of the committee.

SECTION 21. 440.032 (7) (b) of the statutes is repealed and recreated to read:

440.032 (7) (b) The department, after receiving advice from the committee, may promulgate rules governing the professional conduct of individuals licensed under sub. (3). The rules shall incorporate the rules of professional conduct adopted by the National Association of the Deaf, or its successor, and the Registry of Interpreters for the Deaf, or its successor, or a substantially equivalent organization, as determined by the department after receiving advice from the committee.

SECTION 21m. 440.032 (7m) of the statutes is created to read:

440.032 (7m) SUBMITTING COMPLAINTS. The department shall facilitate the submission of complaints concerning alleged violations of this section or rules promulgated under this section, including by accepting complaints submitted by mail.

SECTION 22. Nonstatutory provisions.

(2) ELIMINATION OF THE SIGN LANGUAGE INTERPRETER COUNCIL.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the sign language interpreter council become the assets and liabilities of the department of safety and professional services.

(b) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the sign language interpreter council is transferred to the department of safety and professional services.

(c) *Contracts.* All contracts entered into by the sign language interpreter council in effect on the effective date of this paragraph remain in effect and are transferred to the department of safety and professional services. The department of safety and professional services shall carry out all obligations under such a contract unless modified or rescinded by the department to the extent allowed under the contract.

(d) *Pending matters.* Each matter pending with the sign language interpreter council on the effective date of this paragraph is transferred to the department of safety and professional services and all materials submitted to or actions taken by the sign language interpreter council with respect to the pending matter are considered as having been submitted to or taken by the department of safety and professional services.

(e) *Rules and orders.* All rules promulgated by the sign language interpreter council that are in effect on the effective date of this paragraph remain in effect until their

specified expiration dates or until amended or repealed by the department of safety and professional services. All orders issued by the sign language interpreter council that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until modified or rescinded by the department of safety and professional services.

(3) EMERGENCY RULES. The department of safety and professional services may promulgate emergency rules under s. 227.24 necessary to implement this act. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until July 1, 2021, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the department of safety and professional services is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(4) TRANSITIONAL LICENSURE.

(a) *Sign language interpreter—intermediate hearing licenses.* On the effective date of this paragraph, a sign language interpreter who, immediately prior to the effective date of this paragraph, held a valid 151 Restricted License or a valid exemption issued by the department of safety and professional services, is considered to be a licensed sign language interpreter—intermediate hearing under s. 440.032 (3) (c), and the department of safety and professional services shall issue a license to the individual under s. 440.032 (3) (c) notwithstanding the fee and other application requirements under that section of the statutes.

(b) *Sign language interpreter—advanced hearing licenses.* On the effective date of this paragraph, a sign language interpreter who, immediately prior to the effective date of this paragraph, held a valid 150 Renewable

License issued by the department of safety and professional services, is considered to be a licensed sign language interpreter—advanced hearing under s. 440.032 (3) (d), and the department of safety and professional services shall issue a license to the individual under s. 440.032 (3) (d) notwithstanding the fee and other application requirements under that section of the statutes.

(c) *Sign language interpreter—intermediate deaf licenses.* On the effective date of this paragraph, a sign language interpreter who is deaf, hard of hearing, or deaf-blind and who, immediately prior to the effective date of this paragraph, held a valid 151 Restricted License or a valid exemption issued by the department of safety and professional services, is considered to be a licensed sign language interpreter—intermediate deaf under s. 440.032 (3) (e), and the department of safety and professional services shall issue a license to the individual under s. 440.032 (3) (e) notwithstanding the fee and other application requirements under that section of the statutes.

(d) *Sign language interpreter—advanced deaf licenses.* On the effective date of this paragraph, a sign language interpreter who is deaf, hard of hearing, or deaf-blind and who, immediately prior to the effective date of this paragraph, held a valid 150 Renewable License issued by the department of safety and professional services, is considered to be a licensed sign language interpreter—advanced deaf under s. 440.032 (3) (f), and the department of safety and professional services shall issue a license to the individual under s. 440.032 (3) (f) notwithstanding the fee and other application requirements under that section of the statutes.

(5) CREDENTIAL FEES. Subject to sub. (4), the department of safety and professional services shall charge a fee of \$75 for each sign language interpreter license the department issues under s. 440.032 (3) prior to determining a fee for that license under s. 440.03 (9) (a).