

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 411

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO SIGN LANGUAGE INTERPRETING; AMENDING SECTION 54-2905, IDAHO
2 CODE, TO REMOVE A REFERENCE TO A GENERAL AND PROVISIONAL LICENSE AND TO
3 PROVIDE AN EXEMPTION FOR A PERSON WORKING IN AN IDAHO PUBLIC SCHOOL SET-
4 TING WHO ENGAGES IN THE PRACTICE OF SIGN LANGUAGE INTERPRETING AND MEETS
5 THE REQUIREMENTS OF AND IS INTERPRETING WITHIN THE SCOPE OF THE IDAHO
6 EDUCATIONAL INTERPRETER ACT; AND AMENDING SECTION 54-1916A, IDAHO
7 CODE, TO REVISE A MINIMUM AGE AND TO MAKE A TECHNICAL CORRECTION.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 54-2905, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 54-2905. EXEMPTIONS. (1) Nothing in this chapter shall be construed to
13 restrict:

14 (a) Any person licensed or regulated by the state of Idaho from engag-
15 ing in the profession or practice for which he or she is licensed or
16 regulated including, but not limited to, any certified or accredited
17 teacher of the deaf, nurse, physician, occupational therapist, physi-
18 cal therapist, surgeon, or any other licensed or regulated practitioner
19 of the healing arts;

20 (b) Any employee working under the direct supervision of those per-
21 sons referred to in this section, as long as such employee does not
22 hold himself or herself out as an audiologist, speech-language pathol-
23 ogist, speech-language pathologist aide or assistant, sign language
24 interpreter, hearing aid dealer or fitter, or a person engaged in the
25 practice of audiology, speech-language pathology, sign language inter-
26 preting, or hearing aid dealing and fitting; or

27 (c) Any person working in an Idaho public school setting who has re-
28 ceived and holds, in good standing, a pupil personnel services certifi-
29 cate with a speech-language pathologist endorsement or audiologist en-
30 dorsement, or any person working as a speech-language pathologist aide
31 or speech-language pathologist assistant, as those terms are defined in
32 section 54-2903, Idaho Code, in a public school setting under the direc-
33 tion and supervision of a person with such endorsement in good standing.
34 Such persons, while practicing in the public school setting, shall be
35 exempt from all provisions of this chapter; provided however, that
36 any such person working in an Idaho public school setting with a pupil
37 personnel services certificate with a speech-language pathologist en-
38 dorsement or audiology endorsement, or a speech-language pathologist
39 aide or speech-language pathologist assistant, shall be prohibited
40 from practicing independently in a setting other than a public school
41 unless such person is duly licensed as set forth in this chapter.

1 (2) Licensure shall not be required for persons pursuing a course of
 2 study leading to a degree in audiology, speech-language pathology, sign lan-
 3 guage interpreting, or hearing aid dealing and fitting at a college or uni-
 4 versity with a curriculum acceptable to the board provided that:

5 (a) Activities and services otherwise regulated by this chapter con-
 6 stitute a part of a planned course of study at that institution;

7 (b) Such persons are designated by a title such as "intern," "trainee,"
 8 "student," or by other such title clearly indicating the status appro-
 9 priate to their level of education; and

10 (c) Such persons work under the supervision of a person licensed by
 11 this state to practice audiology, speech-language pathology, sign
 12 language interpreting, or hearing aid dealing and fitting in accor-
 13 dance with administrative rules governing supervision as adopted by the
 14 board. The supervising audiologist, speech-language pathologist, sign
 15 language interpreter, or hearing aid dealer and fitter accepts full
 16 responsibility for the activities and services provided by such persons
 17 supervised.

18 (3) Nothing in this chapter shall restrict a person residing in another
 19 state or country and authorized to practice audiology, speech-language
 20 pathology, sign language interpreting, or hearing aid dealing or fitting
 21 in that jurisdiction, who is called in consultation by a person licensed in
 22 this state to practice audiology, speech-language pathology, sign language
 23 interpreting, or hearing aid dealing and fitting, or who for the purpose of
 24 furthering audiology, speech-language pathology, sign language interpret-
 25 ing, or hearing aid dealing and fitting education is invited into this state
 26 to conduct a lecture, clinic or demonstration, while engaged in activities
 27 in connection with the consultation, lecture, clinic or demonstration, as
 28 long as such person does not open an office or appoint a place to meet clients
 29 or receive calls in this state.

30 (4) The provisions of this chapter regarding licensure of sign language
 31 interpreters shall not apply to the following:

32 (a) A person holding a current ~~general license, unless the license is~~
 33 ~~provisional,~~ is allowed to interpret in a preschool and/or K-12 setting
 34 pursuant to section 33-1304, Idaho Code.

35 (b) A person working in an Idaho public school setting who engages in
 36 the practice of sign language interpreting and meets the requirements
 37 of and is interpreting within the scope of the Idaho educational inter-
 38 preter act, chapter 13, title 33, Idaho Code.

39 (bc) A person who is deaf or hard of hearing and does not possess inter-
 40 preter certification or credentials may, at the discretion of the board
 41 by rule, perform in the role of a deaf interpreter.

42 (ed) A student enrolled in a sign language interpreter educational
 43 program provided by an accredited college or university performing sign
 44 language interpretation as an integral part of the student's course of
 45 study and as supervised by a licensed sign language interpreter.

46 (de) Individuals licensed and/or state or nationally certified as sign
 47 language interpreters in another state authorizing such individuals to
 48 practice sign language interpreting in Idaho for a period not to exceed
 49 thirty (30) days pursuant to such terms and requirements as set forth in
 50 the rules of the board.

- 1 (ef) A person providing services to the activities and services of any
 2 religious denomination or sect;
- 3 (fg) Interpreting in an inconsequential situation, which means the
 4 level of significance is such that a licensed interpreter would not be
 5 deemed necessary for effective communication during that interaction.
 6 Inconsequential situations may include, but are not limited to: order-
 7 ing food at a restaurant, checking into a hotel or purchasing an item
 8 from a retailer;
- 9 (gh) A person providing services in a private, noncommercial, family
 10 event; or
- 11 (hi) Exigent emergency circumstances for temporary interpreting ser-
 12 vices until a qualified interpreter can be obtained.
- 13 (5) Interpreters and video remote interpreting services performing in-
 14 terpretation for the judicial department will be selected and assigned and
 15 will provide interpreting services pursuant to rules and orders promulgated
 16 by the Idaho supreme court to ensure full access to the courts and court ser-
 17 vices for all deaf and hard of hearing persons as required by the due process
 18 provisions of the United States and Idaho constitutions and the provisions
 19 of the Americans with disabilities act (ADA).

20 SECTION 2. That Section 54-2916A, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 54-2916A. QUALIFICATIONS FOR LICENSURE -- SIGN LANGUAGE INTER-
 23 PRETER. To be eligible for licensure as a sign language interpreter, the
 24 applicant shall:

- 25 (1) File a written application with the board on forms prescribed and
 26 furnished by the board. A nonrefundable application fee shall accompany the
 27 completed written application. Such fees shall be established by the admin-
 28 istrative rules of the board and shall be in such amounts as are reasonable
 29 and necessary for the proper execution and enforcement of this chapter;
- 30 (2) Provide verification acceptable to the board of the following:
- 31 (a) Be Having attained at least twenty-one (21) eighteen (18) years of
 32 age;
- 33 (b) Good moral character;
- 34 (c) Never having had a license or certification revoked or otherwise
 35 sanctioned as part of disciplinary action from this or any other state;
- 36 (d) Never having been convicted, found guilty or received a withheld
 37 judgment for any felony; and
- 38 (e) Never having been found by the board to have engaged in conduct pro-
 39 hibited by this chapter.

40 The board may take into consideration the rehabilitation of the applicant
 41 and other mitigating circumstances when considering applications for licen-
 42 sure.

43 (3) Provide evidence satisfactory to the board of having successfully
 44 passed a nationally recognized competency examination approved by the board
 45 or achieved certification defined by board rule;

46 (4) Provide educational documentation satisfactory to the board that
 47 the applicant has successfully graduated from a four-year course at an ac-
 48 credited high school or the equivalent; and

1 (5) Provide documentation that the applicant has successfully passed
2 an examination approved by the board.