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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2634

03/20/2019 Authored by Daniels
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to occupational licensing; creating the Board of Sign Language Interpreters
1.3 and Transliterators; requiring licensure; authorizing rulemaking; providing
1.4 penalties; amending Minnesota Statutes 2018, section 546.44, subdivision 1;
1.5 proposing coding for new law as Minnesota Statutes, chapter 156B.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. [156B.01] DEFINITIONS.

1.8 (a) For the purposes of this chapter, the following terms have the meanings given.

1.9 (b) "Board" means the Board of Sign Language Interpreters and Transliterators established
1.10 under this chapter.

1.11 (c) "Consumer" means an individual utilizing interpreting services.

1.12 (d) "Cued speech transliterator" means a transliterator who uses techniques to convey
1.13 the sounds that make of the words someone is saying so that another person can understand
1.14 what was being said in the same language that it was said in.

1.15 (e) "Department" means the Department of Health.

1.16 (f) "Interpreter training program" means a postsecondary education program training
1.17 individuals to interpret or transliterate.

1.18 (g) "Interpreting" means facilitating communication between individuals who
1.19 communicate by sign language and other individuals using sign language, spoken words,
1.20 and printed words.

1.21 (h) "Licensee" means any person licensed to practice interpreting or transliterating for
1.22 deaf, deafblind, hard-of-hearing, and hearing individuals in this state.

2.1 (i) "Oral transliteration" means transliterators who are qualified, trained professionals,
 2.2 have a demonstrated ability to transliterate a spoken message from a person who hears to
 2.3 a person who is deaf or hard-of-hearing, and have the ability to understand and repeat the
 2.4 message and intent of the speech and mouth movements of a person who is deaf or
 2.5 hard-of-hearing.

2.6 (j) "Transliterating" means facilitating communication between individuals who
 2.7 communicate via spoken words from one language into another, including printed words.
 2.8 Transliterating includes both oral transliteration and cued speech transliteration.

2.9 **Sec. 2. [156B.05] BOARD OF INTERPRETERS AND TRANSLITERATORS**
 2.10 **CREATED; TERMS.**

2.11 (a) A Board of Interpreters and Transliterators is established to consist of seven members,
 2.12 appointed by the governor as follows:

2.13 (1) two interpreters, one of whom is hearing and one of whom is deaf, and both of whom
 2.14 are recommended by a professional association of interpreters;

2.15 (2) one postsecondary instructor of an interpreting training program in the state;

2.16 (3) one consumer in the state with a high volume of interpreting requests; and

2.17 (4) three consumers in the state, two of whom are deaf consumers and one of whom is
 2.18 a deafblind consumer.

2.19 (b) Membership terms, compensation of members, removal of members, the filling of
 2.20 membership vacancies, and fiscal year and reporting requirements shall be as provided in
 2.21 sections 214.07 to 214.09. The provision of staff, administrative services, and office space;
 2.22 the review and processing of complaints; the setting of board fees; and other provisions
 2.23 relating to board operations shall be as provided in chapter 214.

2.24 (c) Members appointed to fill vacancies caused by death, resignation, or removal shall
 2.25 serve during the unexpired term of their predecessors.

2.26 **Sec. 3. [156B.10] BOARD DUTIES.**

2.27 The board shall administer this chapter. The board shall:

2.28 (1) adopt rules consistent with this chapter and chapter 14 that are necessary for the
 2.29 performance of the board's duties;

3.1 (2) act on matters concerning licensure and the process of applying for, granting,
 3.2 suspending, imposing supervisory or probationary conditions upon, reinstating, and revoking
 3.3 a license;

3.4 (3) administer the provisions of this chapter regarding documentation required to
 3.5 demonstrate competence as an interpreter or a transliterator, and process of applications for
 3.6 licenses and license renewals;

3.7 (4) establish and maintain as a matter of public record a registry of interpreters and
 3.8 transl iterators licensed under this chapter;

3.9 (5) develop continuing education requirements as a condition of license renewal; and

3.10 (6) evaluate requirements for licensure in other states to determine if reciprocity may
 3.11 be granted.

3.12 **Sec. 4. [156B.15] REQUIREMENTS FOR LICENSURE.**

3.13 Subdivision 1. **Requirements.** Every person providing interpreting or transliterating
 3.14 services for compensation shall be licensed pursuant to this chapter. The board shall adopt
 3.15 rules pursuant to chapter 14 establishing procedures for the licensing of new and existing
 3.16 interpreters. Prior to obtaining licensure, an applicant shall successfully pass an examination
 3.17 prescribed and approved by the board, demonstrating the competencies in this section. The
 3.18 board shall adopt rules regarding application procedures and license terms, which must be
 3.19 renewed every two years. The requirements of this chapter are in addition to those in section
 3.20 122A.31.

3.21 Subd. 2. **Voice-to-sign interpretation.** An applicant for a voice-to-sign interpreters
 3.22 license shall demonstrate proficiency at:

3.23 (1) message equivalence: producing a true and accurate signed form of the spoken
 3.24 message, maintaining the integrity of content and meaning, and exhibiting few omissions,
 3.25 substitutions, or other errors;

3.26 (2) affect: producing nonmanual grammar consistent with the intent and emotion of the
 3.27 speaker, and exhibiting no distracting mannerisms;

3.28 (3) vocabulary choice: making correct sign choices appropriate to the setting and
 3.29 consumers, applying facial grammar consistent with sign choice, selecting signs that remain
 3.30 true to speaker's intent, and demonstrating lexical variety; and

3.31 (4) fluency: displaying confidence in production, exhibiting a strong command of
 3.32 American Sign Language or manual codes for English, applying nonmanual behaviors

4.1 consistent with the speaker's intent, and demonstrating understanding of and sensitivity to
4.2 cultural differences.

4.3 Subd. 3. **Sign-to-voice interpretation.** An applicant for a sign-to-voice interpreters
4.4 license shall demonstrate proficiency at:

4.5 (1) message equivalence: producing a true and accurate spoken form of the signed
4.6 message, maintaining the integrity of content and meaning, and exhibiting few omissions,
4.7 substitutions, or other errors;

4.8 (2) affect: producing inflection consistent with the intent and emotion of the speaker,
4.9 and exhibiting no distracting mannerisms;

4.10 (3) vocabulary choice: making correct word choices appropriate to the setting and
4.11 consumers, using vocal inflection consistent with word choice, selecting words that remain
4.12 true to the speaker's intent, and demonstrating lexical variety; and

4.13 (4) fluency: displaying confidence in production, exhibiting a strong command of English
4.14 in both spoken and written forms, applying vocal inflections consistent with the speaker's
4.15 intent, and demonstrating understanding of and sensitivity to cultural differences.

4.16 Subd. 4. **Sign-to-sign interpretation.** An applicant for a sign-to-sign interpretation
4.17 license shall demonstrate the following competencies:

4.18 (1) native or native-like competency in ASL, or a second signed language, including
4.19 spontaneous use of pragmatic and sociolinguistic features of ASL, or a second signed
4.20 language discourse including prosody, accent, transition markers, discourse markers, and
4.21 turn taking;

4.22 (2) adeptness and flexibility in working across a range of registers, genres, and variations
4.23 of ASL, or a second signed language, attributable to consumer's age, gender, ethnicity and
4.24 cultural background, region, socioeconomic status, physical and cognitive health, and
4.25 education levels;

4.26 (3) ability to recognize and negotiate cultural behaviors, values, mores, and discourse
4.27 features and styles for effective communication;

4.28 (4) creativity and flexibility in the use of alternative visual communication strategies to
4.29 convey complex concepts to consumers including but not limited to drawing, mime, and
4.30 props;

4.31 (5) ability to read and write English for sight translation of standard forms and instructions
4.32 and written translation of the deaf consumer's responses; and

5.1 (6) ability to effectively explain and discuss the following concepts to a variety of
5.2 stakeholders in an articulate, professional manner:

5.3 (i) process of consumer assessment and the rationale for using particular interpreting
5.4 strategies and interventions;

5.5 (ii) roles, functions, and processes of the interpreting team;

5.6 (iii) rationale for the decision to use consecutive or simultaneous interpreting; and

5.7 (iv) extent to which interpreters' linguistic negotiation and consumer language constraints
5.8 may limit appropriate stakeholder use of portions of the interpretation.

5.9 Subd. 5. **Professional conduct.** An applicant for a license under this section shall
5.10 demonstrate:

5.11 (1) proficiency in functioning as a communicator of messages between the sender and
5.12 receiver and educating consumers of services about the functions and logistics of the
5.13 interpreting process;

5.14 (2) an impartial demeanor, refraining from interjecting opinions or advice and from
5.15 aligning with one party over another. An applicant shall treat all people fairly and respectfully
5.16 regardless of their relationship to the interpreting assignment, and present a professional
5.17 appearance that is not visually distracting and is appropriate to the setting. An applicant
5.18 shall exhibit knowledge and application of federal and state laws pertaining to the interpreting
5.19 profession; and

5.20 (3) proficiency in understanding and applying ethical behavior and integrity appropriate
5.21 for a licensee. An applicant shall demonstrate discretion in accepting and meeting interpreter
5.22 services requests, and shall engage actively in lifelong learning.

5.23 Subd. 6. **Violation; penalties.** A person who violates any portion of this chapter is guilty
5.24 of a misdemeanor. The board may assess a penalty of up to \$50 for each violation of this
5.25 chapter.

5.26 Sec. 5. **[156B.20] FEES.**

5.27 Subdivision 1. **Fees.** (a) Beginning July 1, 2022, the initial and renewal fees for
5.28 interpreters licensed under section 156B.15 or 156B.25 is \$90.

5.29 (b) The renewal late fee for the registry is \$30.

5.30 (c) The board shall not charge an applicant a fee to take the examination required under
5.31 section 156B.15, subdivision 1, unless the applicant fails the examination on the first try

6.1 and decides to retake it. The board may charge an examination fee of \$35, for each subsequent
6.2 retaking of the examination following the initial attempt.

6.3 Subd. 2. **Nonrefundable.** The fees in this section are nonrefundable.

6.4 Subd. 3. **Fee proration.** The board shall not prorate any of the fees required under this
6.5 section.

6.6 Subd. 4. **Deposit; appropriation.** Fees received under this chapter shall be deposited
6.7 in the state government special revenue fund and are appropriated to the board for purposes
6.8 of section 156B.10.

6.9 Sec. 6. **[156B.25] TEMPORARY LICENSE.**

6.10 Beginning July 1, 2022, an individual who does not meet the requirements for licensure
6.11 by examination pursuant to section 156B.15 may apply for or renew a temporary license.
6.12 The temporary license shall authorize the licensee to practice as a sign language interpreter
6.13 or transliterator under the direct supervision of a sign language interpreter or transliterator
6.14 licensed under section 156B.15. The temporary license shall be valid for two years and may
6.15 only be renewed one time in accordance with standards established by rule. An individual
6.16 shall not practice for more than a total of four years under a temporary license. The board
6.17 may revoke a temporary license if it determines that the temporary licensee has violated
6.18 standards established by rule. The board may adopt rules for temporary licensure to
6.19 implement this section.

6.20 Sec. 7. **[156B.30] EXCEPTIONS.**

6.21 This chapter does not prohibit any of the following:

6.22 (1) any person residing outside the state holding a current license from another state that
6.23 meets Minnesota's requirements from providing interpreting or transliterating services in
6.24 this state for up to 14 days per calendar year without a license issued under this chapter;

6.25 (2) any person from interpreting or transliterating solely in a religious setting with the
6.26 exception of those working in schools that receive government funding; and

6.27 (3) volunteers working without compensation, including emergency situations, until a
6.28 licensed interpreter is obtained.

6.29 Sec. 8. Minnesota Statutes 2018, section 546.44, subdivision 1, is amended to read:

6.30 Subdivision 1. **Qualifications.** No person shall be appointed as a qualified interpreter
6.31 pursuant to sections 546.42 to 546.44 unless that person is licensed under chapter 156B,

- 7.1 readily able to communicate with the disabled person, translate the proceedings for the
- 7.2 disabled person, and accurately repeat and translate the statements of the disabled person
- 7.3 to the officials before whom the proceeding is taking place.