

# HOUSE RESEARCH

## Bill Summary

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**Authors:** Entenza and others  
**Subject:** Certification and Registration of ASL/English Interpreters and Sign, Cued Speech and Oral Transliterators  
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### Overview

This bill creates a certification and registration process at the Minnesota Department of Health for American sign language/English interpreters, sign transliterators, cued speech transliterators and oral transliterators.

Beginning July 1, 2001, the bill requires interpreters and transliterators to hold the appropriate national certification in order to provide interpreting or transliterating services in the state. Beginning July 1, 2003, the bill also requires interpreters and transliterators to meet the specified education requirements in order to provide those services in the state. The bill creates a temporary provisional certification process that will be in effect from January 1, 2000, to June 30, 2003.

Criminal and civil penalties will apply to persons who violate the requirements of the certification and registration process. The Deaf and Hard-of-Hearing Services Division at the Minnesota Department of Human Services is charged with establishing and operating a state mediation process to resolve consumer complaints.

The bill makes a \$75,000 general fund appropriation to the Deaf and Hard-of-Hearing Services Division to establish mentorship programs to help new training program graduates obtain the required certification to provide interpreting or transliterating services.

- 1 Definitions.** (Creates new § 256C.20) For the purposes of the certification and registration of American sign language/English interpreters, sign transliterators, cued speech transliterators and oral transliterators, defines the following terms:
  - accredited post-secondary education institution

American sign language (ASL)/English interpreting services  
commissioner (defined as the commissioner of health)  
copy signing  
cued speech  
cued speech transliterator services  
intermediary interpreting  
oral transliteration services  
remuneration  
sign transliterating services

**2 Certification required.** (Creates new § 256C.31) Effective July 1, 2001, prohibits a person from providing:

American sign language (ASL)/English interpreting or sign transliterating services;  
cued speech transliterating services; or  
oral transliterating services

unless the person holds the appropriate certification or provisional certification and registers with the commissioner of health, or the person meets one of the exceptions listed in section 4.

**3 Certification standards.** (Creates new § 256C.32)

**Subd. 1. National certification. Paragraph (a)** requires, beginning July 1, 2001, that a person hold the appropriate certification in order to provide the kinds of interpreting or transliterating services listed in paragraphs (b) to (d).

**Paragraph (b)** specifies three alternative certifications that would permit the holder to provide ASL/English interpreting or sign transliterating services.

**Paragraph (c)** specifies one type of certificate that would permit the holder to provide cued speech transliterator services. Also specifies that a comparable national certificate may be substituted, if one is developed and implemented that is approved by the commissioner of health.

**Paragraph (d)** specifies one type of certificate that would permit the holder to provide oral transliterator services. Also specifies that a comparable national certificate may be substituted, if one is developed and implemented that is approved by the commissioner of health.

**Subd. 2. Education requirement. Paragraph (a)** requires that, beginning July 1, 2003, in order to provide ASL/English interpreter, sign transliterator, or oral transliterator services for the first time in the state, the person must:

- (1) hold the appropriate national certification; and
- (2) have graduated with at least an associate degree from an interpreter or transliterator training program at an accredited post-secondary education institution.

**Paragraph (b)** requires that, beginning July 1, 2003, in order to provide cued speech transliterator services for the first time in the state, the person must:

- (1) hold the appropriate national certification; and
- (2) have satisfactorily completed an accredited training program for cued speech transliterators.

**Subd. 3. State registration. Paragraph (a)** requires, beginning July 1, 2001, that an interpreter or transliterator who works for remuneration in the state must annually register evidence that the person hold an appropriate national certification with the health department.

**Paragraph (b)** requires, beginning July 1, 2003, that a person who is registering with the health department for the first time must also register evidence that the person has met the appropriate education requirements.

**Subd. 4. Disclosure of registration information.** Requires the commissioner of health to disclose the name and certification status of a registrant to an interpreter referral agency, or to any other organization, agency or person that asks for verification of the registrant's certification status.

**4 Exceptions.** (Creates new § 256C.33)

**Subd. 1. Activities excluded.** Specifies six exceptions to the certification and registration requirements listed in sections 3 and 5:

- (1) interpreting or transliterating assistance that is provided in a medical emergency until the services of a certified interpreter or transliterator can be obtained;
- (2) interpreting or transliterating services provided in the state, if the person is currently licensed or certified in another state, territory or country, and if the person provides the services in the state for no more than ten days in a calendar year;
- (3) intermediary interpreting or copy signing by a deaf person;
- (4) interpreting or transliterating for a religious organization that is not a school;
- (5) interpreting or transliterating by a student intern or trainee while the person is enrolled in an interpreting or transliterating program at an accredited post-secondary institution, provided that the student performed under the supervision of a certified, registered interpreter or transliterator, and that they are part of a supervised program of study; and
- (6) interpreting or transliterating on a voluntary basis without remuneration.

**Subd. 2. Other exceptions.** In **paragraph (a)**, requires that an interpreter or transliterator who is currently licensed or certified in another state, and who wishes to practice in Minnesota for more than ten days/year, must:

- (1) register the license or certificate with the department of health within 30 calendar days of beginning to practice as an interpreter or transliterator in the state; and
- (2) comply with the certification and registration requirements in sections 3 and 5 within nine months of beginning to practice in the state.

In **paragraph (b)**, clarifies that a person who holds a provisional certificate under the next section is exempt from the certification requirements in section 3 for as long as the person's provisional certificate is valid.

In **paragraph (c)**, specifies that a skilled school interpreter is exempt from the requirements of this bill only to the extent that the interpreter is providing K-12 educational interpreting or transliterating services.

**5 Provisional certification.** (Creates a new § 256C.34) Creates a temporary provisional certification process that will be in effect from January 1, 2000, to June 30, 2003.

**Subd. 1. General requirements.** Specifies that, from January 1, 2001, to June 30, 2003, a person who has graduated from an accredited post-secondary institution with at least an associate's degree in interpreting or transliterating, and who wishes to provide ASL/English interpreting, sign transliterating or oral transliterating services, has two years from the date of graduation to obtain the required certification.

Permits a person to provide interpreting or transliterating services for two years after graduating without being certified and registered, if the person holds a provisional certificate. Specifies that a provisional certificate may be issued at any time in the two-

year post-graduation period, but it is not effective for more than two years past the graduation date.

**Subd. 2. Requirements for initial certificate for first year.** In **paragraph (a)**, requires the commissioner of health to issue a one-year provisional certificate to a person who provides:

- (1) a graduation certificate from an interpreter training program at an accredited post-secondary education institution;
- (2) evidence of having passed the Registry for Interpreters of the Deaf (RID) written exam; and
- (3) evidence of having passed the novice II level of the National Association of the Deaf (NAD) interpreter certificate proficiency exam.

In **paragraph (b)**, specifies that for a person who satisfies only clauses (1) and (2) in paragraph (a), the commissioner shall issue a 120-day temporary provisional certificate. When a person satisfies all clauses in paragraph (a) within two years of graduating, requires the commissioner to issue a provisional certificate.

**Subd. 3. Renewal requirements for certificate.** In **paragraph (a)**, requires the commissioner of health to renew the provisional certificate one year after issuing it, for a person who:

- (1) provides evidence of having completed at least 12 hours of continuing education credits in the past year; and
- (2) provides information on 12 additional hours of continuing education credits the person plans to complete while holding the renewed provisional certificate.

In **paragraph (b)**, specifies that to be accepted, continuing education credits must be offered by an accredited post-secondary education institution with an interpreter training program, or they must be approved by a national certifying organization for sign language interpreters and transliterators or for cued speech transliterators.

**6 Relationship to other laws.** (Creates new § 256C.35) Provides that sections 1 to 8 of this bill do not limit or qualify the rights of employees or consumers with disabilities to receive assistance such as interpreter services. Also provides that these sections do not limit or qualify the duties of providers to make available accommodations, auxiliary aids or services under the Minnesota Human Rights Act, the federal Rehabilitation Act, the Americans with Disabilities Act, or other applicable federal or state laws.

**7 Penalties.** (Creates new § 256C.36)

**Subd. 1. Criminal penalty.** Makes a person who violates sections 1 to 8 of this bill guilty of a misdemeanor.

**Subd. 2. Civil penalty.** Permits the commissioner of health to request an injunction to restrain and enjoin violations of sections 1 to 8 of this bill. Permits the commissioner to bring the action without proof of actual damages to another person.

**8 Duties of the deaf and hard of hearing services division.** (Creates a new § 256C.37)

**Subd. 1. Consumer protection.** Requires the deaf and hard-of-hearing services division at the state department of human services (DHS) to establish nonbinding competency guidelines for interpreters and transliterators, to help consumers and others who are hiring interpreters to determine whether the person's skills are appropriate for different types of assignments. Also requires this division to establish and operate a state mediation process to resolve complaints filed by consumers. This process is to be based on the national code of ethics or the state code of conduct.

**Subd. 2. Recognition of specialization.** Authorizes the deaf and hard-of-hearing services division at DHS to establish qualifications for areas of specialization in interpreting and

transliterating, and to specify ways to recognize the specialization. Provides that specialization constitutes an additional endorsement to a certification, and must not be required for an interpreter or transliterator to practice in speciality areas.

**9 Coordination with Minnesota State Colleges and Universities.** Encourages the MnSCU board of trustees to establish entrance competencies in ASL and English for persons applying to MnSCU's sign language interpreter service training programs.

**10 Study and report.** In **paragraph (a)**, requires the Minnesota commission serving deaf and hard-of-hearing people, in consultation with representatives of the specified groups, to study ways to improve the quality of sign language interpreting and transliterating services in Minnesota. Specifies that the study must include analysis and recommendations concerning two issues:

- (1) how to address concerns that if the provisional certification program (in section 5 of the bill) is ended, a shortage of sign language interpreters and transliterators might result; and
- (2) ways to improve the training, quality and availability of sign language interpreting and transliterating services throughout the state.

In **paragraph (b)**, requires the commission to submit the study to the legislature by January 1 of next year. Also requires the commission to submit recommendations to the legislature by that date on whether and how deaf intermediary interpreters should be certified.

**11 Appropriation.** Makes a \$75,000 general fund appropriation for an unspecified period to the deaf and hard-of-hearing services division to establish one or more mentorship programs. The mentorship programs are to help new graduates of interpreter training programs to obtain the certification that is required in sections 1 to 8 of this bill. Permits grants to be awarded to establish these mentorship programs.