



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3405/1
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2019 SENATE BILL 265

June 7, 2019 - Introduced by Senators TESTIN, JOHNSON, CARPENTER, L. TAYLOR and SMITH, cosponsored by Representatives SKOWRONSKI, BROSTOFF, THIESFELDT, DITTRICH, ANDERSON, BOWEN, BRANDTJEN, CABRERA, CROWLEY, EMERSON, HEBL, HINTZ, KOLSTE, KULP, LOUDENBECK, RAMTHUN, SARGENT, SNYDER, SPIROS, SPREITZER, STEFFEN, SUBECK, TITTL, TUSLER, VINING, VRUWINK and DOYLE. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

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

Analysis by the Legislative Reference Bureau

This bill makes all of the following changes to the laws regulating sign language interpreters:

1. Replaces the current program for renewable sign language interpreter licenses granted by the Department of Safety and Professional Services with new categories of sign language interpreter licenses. Under the bill, DSPS grants the following licenses:

a. Sign language interpreter—intermediate hearing. DSPS must license an individual as a sign language interpreter—intermediate hearing if, among other requirements, the individual has received at least a bachelor's degree from an

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accredited college or university or an equivalent degree; the individual has successfully completed an interpreter training program; and the individual has passed the basic performance examination administered by the Board for Evaluation of Interpreters (BEI) and is certified by BEI or has passed an examination DSPTS determines is substantially equivalent to the BEI basic performance examination. The bill includes alternative paths to licensure as a sign language interpreter—intermediate hearing.

b. Sign language interpreter—advanced hearing. DSPTS must license an individual as a sign language interpreter—advanced hearing if, among other requirements, the individual has received at least a bachelor's degree from an accredited college or university or an equivalent degree; the individual has successfully completed an interpreter training program; and the individual has passed the advanced or master performance examination administered by BEI and is certified by BEI, has passed the examination for and holds the national interpreter certification issued by the Registry of Interpreters for the Deaf, Inc. (RID), or has passed an exam DSPTS determines is substantially equivalent. The bill includes alternative paths to licensure as a sign language interpreter—advanced hearing.

c. Sign language interpreter—intermediate deaf. DSPTS must license an individual as a sign language interpreter—intermediate deaf if, among other requirements, the individual holds a high school diploma or its equivalent; the individual successfully completed at least 40 hours of a sign language interpreter training curriculum for deaf interpreters; the individual successfully completed at least 16 hours of sign language interpretation-related training approved by BEI or RID or substantially equivalent training; and the individual provides to DSPTS letters of recommendation from at least two individuals who hold a sign language interpreter—advanced deaf license, a certified deaf interpreter certification issued by RID, or an equivalent certification. Taken in the aggregate, the letters of recommendation must verify that the individual has successfully completed at least 25 hours of observing the provision of sign language interpretation services provided to clients.

d. Sign language interpreter—advanced deaf. DSPTS must license an individual as a sign language interpreter—advanced deaf if, among other requirements, the individual holds at least an associate degree or satisfies an alternative pathway for education and the individual holds a certified deaf interpreter certification issued by RID or an equivalent certification, as determined by DSPTS.

2. Requires DSPTS to promulgate rules defining the scope of practice of each of the licenses described above, subject to certain restrictions set forth in the bill.

3. Authorizes DSPTS to grant a renewable sign language interpreter license to an individual who, in addition to satisfying other requirements under current law, is certified by BEI.

4. Provides that a restricted sign language interpreter license may be renewed indefinitely. Under current law, the restricted license may be renewed only twice. The bill makes this change retroactively for an individual holding a valid restricted license on August 31, 2017.

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5. Authorizes DSPS to grant a restricted sign language interpreter license to an individual who, in addition to satisfying other requirements under current law, has at least passed the BEI's basic performance examination.

6. Requires DSPS to administer in Wisconsin the BEI's performance examinations.

5. Eliminates the Sign Language Interpreter Council and establishes the Sign Language Interpreters Advisory Committee, which advises DSPS and consults with DSPS concerning investigations related to sign language interpreters.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

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

3 440.032 (1) (am) "Committee" means the sign language interpreters advisory
4 committee established under sub. (6m).

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

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

7 440.032 (1) (bm) "Interpreter training program" means any postsecondary
8 educational program that prepares individuals to provide sign language
9 interpretation services to a client.

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

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

12 440.032 (2) (c) 1. The department may grant, on a case-by-case basis, a
13 temporary exemption from the licensure requirement under par. (a) to an individual
14 applying for a temporary exemption, subject to the following:

15 a. An individual's application for a temporary exemption under this
16 subdivision shall be in writing, shall describe the reasons why the individual cannot
17 obtain a license under sub. (3) and describe any professional credential the

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1 individual does possess, and shall specify the dates the individual intends to provide
2 sign language interpretation services.

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

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

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

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

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

15 **SECTION 8.** 440.032 (3) (b) (title) of the statutes is amended to read:

16 440.032 (3) (b) (title) *Restricted renewable licenses.*

17 **SECTION 9.** 440.032 (3) (b) 1. b. of the statutes is amended to read:

18 440.032 (3) (b) 1. b. The applicant is verified by the Wisconsin interpreting and
19 transliterating assessment at level 2 or higher in both interpreting and
20 transliterating or has passed at least the basic performance examination of the
21 Board for Evaluation of Interpreters, or its successor. The department shall
22 administer in this state the performance examinations of the Board for Evaluation
23 of Interpreters, or its successor.

24 **SECTION 10.** 440.032 (3) (b) 2. (intro.) of the statutes is amended to read:

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1 440.032 (3) (b) 2. (intro.) The department shall grant a restricted license as a
2 sign language interpreter, authorizing the holder to provide interpretation services
3 only under the supervision of an interpreter licensed under ~~par. (a)~~ pars. (c) to (f), to
4 an applicant who submits an application on a form provided by the department, pays
5 the fee determined by the department under s. 440.03 (9) (a), and submits evidence
6 satisfactory to the department of all of the following:

7 **SECTION 11.** 440.032 (3) (b) 3. of the statutes is repealed.

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

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

14 1. The applicant satisfies all of the following:

15 a. The applicant has received at least a bachelor's degree from an accredited
16 college or university, or an equivalent degree, as determined by the department after
17 receiving advice from the committee.

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

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

24 2. The applicant satisfies all of the following:

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

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

7 3. The applicant satisfies all of the following:

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

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

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

17 440.032 (3) (d) *Sign language interpreter—advanced hearing licenses.* The
18 department shall grant a sign language interpreter—advanced hearing license to an
19 applicant who submits an application on a form provided by the department, pays
20 the fee determined by the department under s. 440.03 (9) (a), and satisfies any of the
21 following:

22 1. The applicant satisfies all of the following:

23 a. The applicant has received at least a bachelor's degree from an accredited
24 college or university, or an equivalent degree as determined by the department after
25 receiving advice from the committee.

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

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

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

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

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

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

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

21 440.032 (3) (e) *Sign language interpreter—intermediate deaf licenses.* The
22 department shall grant a sign language interpreter—intermediate deaf license to an
23 applicant who submits an application on a form provided by the department, pays
24 the fee determined by the department under s. 440.03 (9) (a), and satisfies all of the
25 following:

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

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

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

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

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

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

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1 440.032 (3) (f) *Sign language interpreter—advanced deaf licenses.* The
2 department shall grant a sign language interpreter—advanced deaf license to an
3 applicant who submits an application on a form provided by the department, pays
4 the fee determined by the department under s. 440.03 (9) (a), and satisfies all of the
5 following:

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

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

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

14 440.032 (4m) SCOPE OF LICENSES. The department, after receiving advice from
15 the committee, shall promulgate rules defining the scope of practice of each license
16 granted under sub. (3), subject to the following:

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

23 2. A sign language interpreter—intermediate hearing licensee may not provide
24 sign language interpretation services to a client in any legal or mental health setting,
25 as determined by the department after receiving advice from the committee.

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

8 (c) *Interpretation in mental health settings.* 1. No sign language
9 interpreter—intermediate deaf licensee may provide sign language interpretation
10 services to a client in any mental health setting, as determined by the department
11 after receiving advice from the committee.

12 2. Beginning on September 1, 2023, no sign language interpreter—advanced
13 hearing or sign language interpreter—advanced deaf licensee may provide sign
14 language interpretation services to a client in any mental health setting, as
15 determined by the department after receiving advice from the committee, unless the
16 licensee satisfies requirements established by the department by rule. The rules
17 promulgated under this subdivision shall require a licensee to satisfy all of the
18 following:

19 a. Complete 40 hours of training on providing interpretation services to a client
20 in mental health settings.

21 b. Complete a 40-hour practicum under the supervision of a sign language
22 interpreter approved by the department on providing sign language interpretation
23 services to a client in mental health settings.

24 c. Pass a written examination determined by the department.

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1 d. Be able to accurately interpret specialized vocabulary used in psychiatric
2 settings.

3 e. Be aware of psychopathologies, including knowledge of the names of major
4 mental illnesses.

5 f. Be aware of how cultural influences might impact treatment.

6 g. Be aware of the difference between interpreting and communication
7 assistance.

8 h. Demonstrate familiarity with mental health assessment methods and the
9 impact of interpretation during an assessment.

10 i. Have exposure to mental health treatment approaches.

11 j. Have exposure to issues involving developmental disability and the role
12 culture and language have in providing services to a person with a developmental
13 disability.

14 k. Be able to identify care providers and identify mental health disciplines, and
15 be familiar with milieus and settings.

16 l. Be able to explain the role of an interpreter as a professional consultant.

17 m. Understand professional boundaries and be able to explain confidentiality,
18 privilege, abuse reporting requirements, and the duty to warn.

19 n. Demonstrate cross-cultural competencies.

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

21 440.032 (5) LICENSE RENEWAL. The renewal dates for licenses granted under
22 sub. (3) ~~(a)~~ are specified in s. 440.08 (2) (a) 68c. Renewal applications shall be
23 submitted to the department on a form provided by the department and shall include
24 the renewal fee determined by the department under s. 440.03 (9) (a) and evidence
25 satisfactory to the department that the person's certification or membership

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1 specified in sub. (3) that is required for the license has not been revoked or
2 invalidated.

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

4 440.032 (5m) IDENTIFICATION CARDS. The department, after receiving advice
5 from the committee, shall promulgate rules requiring all interpreters licensed under
6 sub. (3) to have an identification card with them at all times while providing sign
7 language interpretation services to clients for compensation. The department shall
8 issue the identification card. The identification card issued to a licensee for purposes
9 of this subsection shall satisfy all of the following conditions:

10 (a) Include all of the following:

11 1. The interpreter's full name.

12 2. The interpreter's licensure category, whether sign language
13 interpreter—intermediate hearing, sign language interpreter—advanced hearing,
14 sign language interpreter—intermediate deaf, or sign language
15 interpreter—advanced deaf.

16 3. Any applicable licensure restriction.

17 4. A statement whether the interpreter is authorized by the supreme court to
18 act as a qualified interpreter in court proceedings under s. 885.38 (2) and whether
19 that authorization is provisional.

20 5. Any other information required by the department.

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

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

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

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1 440.032 **(6m)** SIGN LANGUAGE INTERPRETERS ADVISORY COMMITTEE. (a) The
2 secretary shall appoint an advisory committee under s. 440.042 that shall be called
3 the sign language interpreters advisory committee. The committee shall consist of
4 the secretary or a designee and the following 8 members:

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

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

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

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

15 1. Advise the department on all of the following:

16 a. Matters related to the department's enforcement of this section.

17 b. Granting exemptions under sub. (2) (c).

18 c. Licensure requirements under sub. (3).

19 d. Promulgating the rules defining the scope of practice under sub. (4m).

20 e. Promulgating the rules relating to identification cards under sub. (5m).

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

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

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

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

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1 440.032 (7) (b) The department, after receiving advice from the committee,
2 shall promulgate rules governing the professional conduct of individuals licensed
3 under sub. (3). The rules shall incorporate the rules of professional conduct adopted
4 by the National Association of the Deaf, or its successor, and the Registry of
5 Interpreters for the Deaf, or its successor, or a substantially equivalent organization,
6 as determined by the department after receiving advice from the committee.

SECTION 22. Nonstatutory provisions.

7 (1) CONTRACT RELATING TO ADMINISTRATION OF EXAMINATIONS. No later than the
8 first day of the 4th month beginning after the effective date of this subsection, the
9 department of safety and professional services shall contract with the Board for
10 Evaluation of Interpreters, or its successor, for the department's administration of
11 the examinations of the Board for Evaluation of Interpreters in this state under s.
12 440.032 (3) (b) 1. b.

13 (2) ELIMINATION OF THE SIGN LANGUAGE INTERPRETER COUNCIL.

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

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

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

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

9 (e) *Rules and orders.* All rules promulgated by the sign language interpreter
10 council that are in effect on the effective date of this paragraph remain in effect until
11 their specified expiration dates or until amended or repealed by the department of
12 safety and professional services. All orders issued by the sign language interpreter
13 council that are in effect on the effective date of this paragraph remain in effect until
14 their specified expiration dates or until modified or rescinded by the department of
15 safety and professional services.

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

25 **SECTION 23. Initial applicability.**

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1 (1) RESTRICTED LICENSE RENEWALS. The treatment of s. 440.032 (3) (b) 3. and (5)
2 first applies retroactively to an individual holding a valid license under s. 440.032
3 (3) (b) 1. or 2. on August 31, 2017, and the department of safety and professional
4 services shall provide any such individual whose license expired under s. 440.032 (3)
5 (b) 3., 2017 stats., on September 1, 2017, with a reasonable opportunity to renew that
6 license.

7

(END)