

5712

2013-2014 Regular Sessions

I N S E N A T E

June 6, 2013

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to the licensing of sign language interpreters and creating a state board for sign language interpreting

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new article 167 to
2 read as follows:

3 ARTICLE 167

4 SIGN LANGUAGE INTERPRETERS

5 SECTION 8800. INTRODUCTION.

6 8801. DEFINITIONS.

7 8802. PRACTICE OF SIGN LANGUAGE INTERPRETING.

8 8803. STATE BOARD FOR SIGN LANGUAGE INTERPRETING.

9 8804. LICENSING REQUIREMENTS.

10 8805. EXEMPT PERSONS.

11 S 8800. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF SIGN
12 LANGUAGE INTERPRETER. THE GENERAL PROVISIONS FOR ALL PROFESSIONS
13 CONTAINED IN ARTICLE ONE HUNDRED THIRTY OF THIS TITLE APPLY TO THIS
14 ARTICLE.

15 S 8801. DEFINITIONS. AS USED IN THIS ARTICLE:

16 (1) "CLIENT" MEANS A DEAF OR HARD OF HEARING PERSON FOR WHOM AN INTER-
17 PRETER PROVIDES SIGN LANGUAGE INTERPRETATION SERVICES.

18 (2) "BOARD" MEANS THE BOARD FOR SIGN LANGUAGE INTERPRETING.

19 S 8802. PRACTICE OF SIGN LANGUAGE INTERPRETING. (1) ONLY A PERSON
20 LICENSED OR OTHERWISE AUTHORIZED UNDER THIS ARTICLE SHALL PRACTICE SIGN
21 LANGUAGE INTERPRETING OR USE THE TITLE OF SIGN LANGUAGE INTERPRETER.

22 (2) NO PERSON MAY, FOR COMPENSATION, PROVIDE SIGN LANGUAGE INTERPRETA-
23 TION SERVICES FOR A CLIENT UNLESS THE PERSON IS LICENSED BY THE DEPART-
24 MENT.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD11398-01-3

1 S 8803. STATE BOARD FOR SIGN LANGUAGE INTERPRETING. (1) A STATE BOARD
2 FOR SIGN LANGUAGE INTERPRETING SHALL BE APPOINTED BY THE BOARD OF
3 REGENTS ON RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF ASSIST-
4 ING THE BOARD OF REGENTS AND THE DEPARTMENT ON MATTERS OF PROFESSIONAL
5 LICENSING AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION SIXTY-FIVE
6 HUNDRED EIGHT OF THIS TITLE. THE BOARD SHALL CONSIST OF NOT LESS THAN
7 SEVEN MEMBERS WHO SHALL SERVE THREE YEAR TERMS, ONE OF WHOM SHALL BE THE
8 EXECUTIVE DIRECTOR OF THE OFFICE OF PROFESSIONS OR A DESIGNEE OF THE
9 COMMISSIONER AND THE FOLLOWING SEVEN MEMBERS WHO SHALL BE NOMINATED BY
10 THE GOVERNOR AND APPOINTED WITH THE ADVICE AND CONSENT OF THE TEMPORARY
11 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY:

12 (A) THREE DEAF OR HARD OF HEARING INDIVIDUALS WHO ARE CURRENTLY OR
13 HAVE PREVIOUSLY BEEN CLIENTS OF A SIGN LANGUAGE INTERPRETER, AT LEAST
14 ONE OF WHOM IS A GRADUATE OF A RESIDENTIAL SCHOOL FOR THE DEAF AND AT
15 LEAST ONE OF WHOM IS A GRADUATE OF A PRIVATE OR PUBLIC SCHOOL THAT IS
16 NOT A RESIDENTIAL SCHOOL FOR THE DEAF;

17 (B) TWO SIGN LANGUAGE INTERPRETERS WHO HAVE BEEN LICENSED UNDER
18 SECTION EIGHTY-EIGHT HUNDRED FOUR OF THIS ARTICLE, AT LEAST ONE OF WHOM
19 HOLDS A PROFESSIONAL LICENSE; AND

20 (C) ONE INDIVIDUAL WHO IS A MEMBER OF THE EMPIRE STATE ASSOCIATION FOR
21 THE DEAF.

22 (2) THE BOARD SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT REGARDING
23 THE PROMULGATION OF RULES ESTABLISHING A CODE OF ETHICS THAT GOVERNS THE
24 PROFESSIONAL CONDUCT OF SIGN LANGUAGE INTERPRETERS LICENSED UNDER THIS
25 ARTICLE AND SHALL PROMULGATE RULES ESTABLISHING A PROCESS AND CRITERIA
26 FOR GRANTING LICENSING EXEMPTIONS UNDER SECTION EIGHTY-EIGHT HUNDRED
27 FIVE OF THIS ARTICLE.

28 S 8804. LICENSING REQUIREMENTS. TO QUALIFY FOR A LICENSE AS A SIGN
29 LANGUAGE INTERPRETER, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIRE-
30 MENTS:

31 (1) PROFESSIONAL LICENSES. (A) THE DEPARTMENT SHALL GRANT A PROFES-
32 SIONAL LICENSE AS A SIGN LANGUAGE INTERPRETER TO AN APPLICANT WHO: (I)
33 SUBMITS AN APPLICATION ON A FORM PROVIDED BY THE DEPARTMENT;

34 (II) PAYS A FEE OF ONE HUNDRED FORTY DOLLARS TO THE DEPARTMENT FOR
35 ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION AND FOR AN INITIAL
36 LICENSE, A FEE OF SEVENTY DOLLARS FOR EACH REEXAMINATION, A FEE OF ONE
37 HUNDRED FIFTEEN DOLLARS FOR AN INITIAL LICENSE FOR PERSONS NOT REQUIRING
38 ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION, AND A FEE OF ONE
39 HUNDRED FIFTY-FIVE DOLLARS FOR EACH FIVE YEAR REGISTRATION PERIOD;

40 (III) POSSESSES A VALID CERTIFICATION GRANTED BY THE REGISTRY OF
41 INTERPRETERS FOR THE DEAF, INC., OR ITS SUCCESSOR, OR ANY VALID CERTIF-
42 ICATION GRANTED BY ANY OTHER ORGANIZATION THAT THE DEPARTMENT DETERMINES
43 IS SUBSTANTIALLY EQUIVALENT TO A CERTIFICATION GRANTED BY THE REGISTRY
44 OF INTERPRETERS FOR THE DEAF, INC.

45 (B) THE DEPARTMENT SHALL GRANT A PROFESSIONAL LICENSE AS A SIGN
46 LANGUAGE INTERPRETER TO AN APPLICANT WHO: (I) SUBMITS AN APPLICATION ON
47 A FORM PROVIDED BY THE DEPARTMENT;

48 (II) PAYS A FEE OF ONE HUNDRED FORTY DOLLARS TO THE DEPARTMENT FOR
49 ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION AND FOR AN INITIAL
50 LICENSE, A FEE OF SEVENTY DOLLARS FOR EACH REEXAMINATION, A FEE OF ONE
51 HUNDRED FIFTEEN DOLLARS FOR AN INITIAL LICENSE FOR PERSONS NOT REQUIRING
52 ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION, AND A FEE OF ONE
53 HUNDRED FIFTY-FIVE DOLLARS FOR EACH FIVE YEAR REGISTRATION PERIOD;

54 (III) POSSESSES A VALID CERTIFICATION GRANTED BY THE REGISTRY OF
55 INTERPRETERS FOR THE DEAF, INC., OR ITS SUCCESSOR; AND

1 (IV) PROVIDES SATISFACTORY EVIDENCE TO THE DEPARTMENT OF A DIAGNOSIS
2 BY A PHYSICIAN THAT THE APPLICANT IS DEAF OR HARD OF HEARING.

3 (C) THE DEPARTMENT SHALL GRANT A PROFESSIONAL LICENSE AS A SIGN
4 LANGUAGE INTERPRETER TO AN OUT-OF-STATE APPLICANT WHO: (I) SUBMITS AN
5 APPLICATION ON A FORM PROVIDED BY THE DEPARTMENT;

6 (II) PAYS A FEE OF ONE HUNDRED FORTY DOLLARS TO THE DEPARTMENT FOR
7 ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION AND FOR AN INITIAL
8 LICENSE, A FEE OF SEVENTY DOLLARS FOR EACH REEXAMINATION, A FEE OF ONE
9 HUNDRED FIFTEEN DOLLARS FOR AN INITIAL LICENSE FOR PERSONS NOT REQUIRING
10 ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION, AND A FEE OF ONE
11 HUNDRED FIFTY-FIVE DOLLARS FOR EACH FIVE YEAR REGISTRATION PERIOD; AND

12 (III) WITHIN TWENTY-FOUR MONTHS AFTER ESTABLISHING RESIDENCY IN THE
13 STATE, PROVIDES EVIDENCE SATISFACTORY TO THE DEPARTMENT THAT THE APPLI-
14 CANT POSSESSES A VALID CERTIFICATION GRANTED BY THE REGISTRY OF INTER-
15 PRETERS FOR THE DEAF, INC., OR ITS SUCCESSOR, OR ANY VALID CERTIFICATION
16 GRANTED BY ANY OTHER ORGANIZATION THAT THE DEPARTMENT DETERMINES IS
17 SUBSTANTIALLY EQUIVALENT TO A CERTIFICATION GRANTED BY THE REGISTRY OF
18 INTERPRETERS FOR THE DEAF, INC., OR THEIR SUCCESSORS, AND THAT THE
19 APPLICANT POSSESSED THE CERTIFICATION AT THE TIME THE APPLICANT ESTAB-
20 LISHED RESIDENCY IN THIS STATE.

21 (2) PROVISIONAL LICENSES. (A) THE DEPARTMENT SHALL GRANT A PROVISIONAL
22 LICENSE AS A SIGN LANGUAGE INTERPRETER TO AN APPLICANT WHO: (I) SUBMITS
23 AN APPLICATION ON A FORM PROVIDED BY THE DEPARTMENT;

24 (II) PAYS A FEE OF ONE HUNDRED FORTY DOLLARS TO THE DEPARTMENT FOR
25 ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION AND FOR AN INITIAL
26 LICENSE, A FEE OF SEVENTY DOLLARS FOR EACH REEXAMINATION, A FEE OF ONE
27 HUNDRED FIFTEEN DOLLARS FOR AN INITIAL LICENSE FOR PERSONS NOT REQUIRING
28 ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION, AND A FEE OF ONE
29 HUNDRED FIFTY-FIVE DOLLARS FOR EACH TWO YEAR REGISTRATION PERIOD;

30 (III) SUBMITS EVIDENCE SATISFACTORY TO THE DEPARTMENT THAT THE APPLI-
31 CANT HAS PASSED THE WRITTEN EXAMINATION ADMINISTERED BY THE REGISTRY OF
32 INTERPRETERS FOR THE DEAF, INC., OR ITS SUCCESSOR; AND

33 (IV) IS AN ASSOCIATE OR STUDENT MEMBER OF THE REGISTRY OF INTERPRETERS
34 FOR THE DEAF, INC., OR ITS SUCCESSOR.

35 (B) THE DEPARTMENT SHALL GRANT A PROVISIONAL LICENSE AS A SIGN
36 LANGUAGE INTERPRETER TO AN APPLICANT WHO: (I) SUBMITS AN APPLICATION ON
37 A FORM PROVIDED BY THE DEPARTMENT;

38 (II) PAYS A FEE OF ONE HUNDRED FORTY DOLLARS TO THE DEPARTMENT FOR
39 ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION AND FOR AN INITIAL
40 LICENSE, A FEE OF SEVENTY DOLLARS FOR EACH REEXAMINATION, A FEE OF ONE
41 HUNDRED FIFTEEN DOLLARS FOR AN INITIAL LICENSE FOR PERSONS NOT REQUIRING
42 ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION, AND A FEE OF ONE
43 HUNDRED FIFTY-FIVE DOLLARS FOR EACH TWO YEAR REGISTRATION PERIOD;

44 (III) SUBMITS EVIDENCE SATISFACTORY TO THE DEPARTMENT THAT THE APPLI-
45 CANT HAS COMPLETED EIGHT HOURS OF TRAINING SPONSORED BY THE REGISTRY OF
46 INTERPRETERS FOR THE DEAF, INC., OR ITS SUCCESSOR, ON THE ROLE AND FUNC-
47 TION OF DEAF INTERPRETERS;

48 (IV) SUBMITS EVIDENCE SATISFACTORY TO THE DEPARTMENT THAT THE APPLI-
49 CANT HAS COMPLETED EIGHT HOURS OF TRAINING SPONSORED BY THE REGISTRY OF
50 INTERPRETERS FOR THE DEAF, INC., OR ITS SUCCESSOR, ON PROFESSIONAL
51 ETHICS;

52 (V) HAS OBTAINED LETTERS OF RECOMMENDATION FROM AT LEAST THREE INDI-
53 VIDUALS WHO HAVE HELD NATIONAL CERTIFICATION FOR AT LEAST FIVE YEARS AND
54 WHO ARE MEMBERS IN GOOD STANDING OF THE REGISTRY OF INTERPRETERS FOR THE
55 DEAF, INC., OR ITS SUCCESSOR, IF THE LETTERS TOGETHER DOCUMENT THAT THE
56 APPLICANT HAS COMPLETED AT LEAST FORTY HOURS OF MENTORING, INCLUDING AT

1 LEAST TWENTY HOURS OBSERVING PROFESSIONAL WORK AND AT LEAST TEN HOURS
2 OBSERVING CERTIFIED DEAF INTERPRETERS;

3 (VI) HAS COMPLETED AT LEAST FORTY HOURS OF TRAINING CONSISTING OF
4 WORKSHOPS SPONSORED BY THE REGISTRY OF INTERPRETERS FOR THE DEAF, INC.,
5 OR ITS SUCCESSOR;

6 (VII) IS AN ASSOCIATE OR STUDENT MEMBER OF THE REGISTRY OF INTERPRET-
7 ERS FOR THE DEAF, INC., OR ITS SUCCESSOR; AND

8 (VIII) POSSESSES A HIGH SCHOOL DIPLOMA OR AN EQUIVALENCY DEGREE.

9 (C) A PROVISIONAL LICENSE GRANTED PURSUANT TO PARAGRAPH (A) OR (B) OF
10 THIS SUBDIVISION MAY BE RENEWED A MAXIMUM OF TWO TIMES. A LICENSEE
11 SHALL NOTIFY THE DEPARTMENT IN WRITING WITHIN THIRTY DAYS IF SUCH
12 LICENSEE'S CERTIFICATION OR MEMBERSHIP REQUIREMENTS ARE REVOKED OR
13 INVALIDATED, UPON WHICH THE DEPARTMENT SHALL REVOKE ANY PROVISIONAL
14 LICENSE ISSUED PURSUANT TO PARAGRAPH (A) OR (B) OF THIS SUBDIVISION.

15 S 8805. EXEMPT PERSONS. (1) THE DEPARTMENT MAY GRANT A TEMPORARY
16 EXEMPTION TO AN INDIVIDUAL WHO IS NOT A RESIDENT OF THIS STATE FOR A
17 PERIOD NOT TO EXCEED TWENTY DAYS IF THE INDIVIDUAL IS CERTIFIED BY THE
18 REGISTRY OF INTERPRETERS FOR THE DEAF, INC., OR ITS SUCCESSOR. THE
19 DEPARTMENT MAY NOT GRANT AN INDIVIDUAL MORE THAN TWO TEMPORARY
20 EXEMPTIONS PER YEAR PURSUANT TO THIS SUBDIVISION.

21 (2) THE DEPARTMENT MAY GRANT A TEMPORARY OR PERMANENT EXEMPTION TO AN
22 INDIVIDUAL WHO IS A RESIDENT OF THIS STATE FOR A PERIOD SPECIFIED BY THE
23 DEPARTMENT.

24 S 2. This act shall take effect on the one hundred twentieth day after
25 it shall have become a law.