ARKANSAS STATE BOARD OF HEALTH
ADVISORY BOARD FOR INTERPRETERS BETWEEN HEARING INDIVIDUALS AND INDIVIDUALS WHO ARE DEAF, DEAFBLIND, HARD OF HEARING, OR ORAL DEAF

RULES GOVERNING THE ADVISORY BOARD FOR INTERPRETERS BETWEEN HEARING INDVIDUALS AND INDIVIDUALS WHO ARE DEAF, DEAFBLIND, HARD OF HEARING, OR ORAL DEAF
AND
RULES GOVERNING THE LICENSURE OF PROVISIONAL AND QUALIFIED INTERPRETERS

Promulgated Under the Authority of
Arkansas Code Annotated § 20-14-801 et seq. (Act 1314 of 2013)

Effective May 30, 2014

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I. Purpose and Jurisdiction

A. **Purpose.** The practice of interpreting affects the public health, safety, and welfare and civic, economic, social, academic, and recreational aspects of life. Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf, individuals with disabilities who use special techniques in order to communicate, and individuals whose primary language is sign language have a civil right to effective communication. Further, individuals with hearing disabilities and those with whom they communicate require and are entitled to competent reliable interpreting services. Therefore, Arkansas finds the practice of interpreting should be subject to licensure and regulation to protect the public's interest by providing minimum qualifications for interpreters and to ensure that members of the interpreting profession perform with a high degree of competency.

B. **Jurisdiction.** These Rules regulate the licensing of interpreters for individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf and impose penalties for persons or entities that violate these Rules.

C. **Limitations.** These Rules do not establish minimum qualifications for interpreters in the K-12 school setting. Those qualifications have been established by the Arkansas Department of Education. Please contact ADE for the most current guidelines.

II. Definitions

(1) "**Cued speech**" means the system of handshapes that represent groups of consonant sounds and hand placements that represent groups of vowel sounds that is used with natural speech to represent a visual model of spoken language;

(2) "**Deaf interpreter**" means a Deaf individual who facilitates communication between another Deaf person and a licensed qualified interpreter or between two (2) or more Deaf persons;

(3) "**Deaf individual**" means an individual who has a documented hearing loss so severe that the individual is unable to process speech and language through hearing, with or without amplification;

(4) "**Deafblind individual**" means an individual who has a combined loss of vision and hearing that prevents the individual's vision or hearing from being used as a primary source for accessing information;

(5) "**Hard of Hearing individual**" means an individual who has a hearing loss, may primarily use visual communication, and may use assistive devices;

(6) "**Interpret**" means to provide language equivalency between a hearing individual and an individual who is Deaf, Deafblind, Hard of Hearing, or Oral Deaf using techniques that include without limitation:

A. American Sign Language;
B. English-based sign language;
C. Cued speech; and
D. Oral interpreting;

(7) **"Interpreting agency"** means an entity that provides qualified interpreter services for a fee;

(8) "**Hiring entity**" means any entity that hires or employs qualified interpreters;

(9) **"Oral Deaf individual"** means an individual whose sense of hearing is nonfunctional for the purpose of communication and whose primary method of communication is speech reading and spoken English;

(10) **"Oral interpreting"** means the use of oral transliteration with special techniques to make the English language visible for persons who communicate as speech readers;

(11) **"Licensed Provisional Interpreter"** means an individual who is Deaf, Deafblind, Hard of Hearing or Oral Deaf and is provisionally licensed under these Rules and subject to Ark. Code Ann. § 20-14-801 et seq.; and

(12) **"Licensed Qualified Interpreter"** means an individual who is licensed under these Rules and subject to Ark. Code Ann. § 20-14-801 et seq.

III. Advisory Board for Interpreters

A. Pursuant to Ark. Code Ann. § 20-14-801 et seq. (Act 1314 of 2013), the Advisory Board for Interpreters between Hearing individuals and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf (hereinafter referred to as the "Advisory Board for Interpreters") shall be created within the Department of Health.

B. **Members.** The Advisory Board of Interpreters shall consist of seven (7) members appointed by the Director of the Department of Health (hereinafter referred to as the "Director") as follows:

(1) Four (4) licensed qualified interpreters appointed from a list of eight (8) submitted by the Arkansas Registry of Interpreters for the Deaf in conjunction with the Arkansas Association of the Deaf;

(2) Two (2) members appointed from a list of four (4) submitted by the Arkansas Association of the Deaf in conjunction with the Arkansas Registry of Interpreters for the Deaf who are Deaf persons, Hard of Hearing persons, or Oral Deaf persons not licensed under this subchapter; and

(3) One (1) member appointed from a list of two (2) submitted by the

Arkansas Association of the Deaf in conjunction with the Arkansas Registry of Interpreters for the Deaf who are neither individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf and who are not licensed under this subchapter.

C. **Terms.** Each member shall serve a term of three (3) years. A member shall not serve more than two (2) consecutive terms.

D. **Quorum.** Four (4) members of the Advisory Board for Interpreters constitute a quorum for the transaction of business.

E. **Vacancy.** If a vacancy occurs on the Advisory Board for Interpreters, the Director shall appoint to complete the term vacated a person who possesses the same qualifications as those required for the position to which he or she is appointed.

F. **Meetings**. The Advisory Board shall hold meetings at the offices of the Department of Health in Little Rock, Arkansas or at other places as the Advisory Board for Interpreters may determine. Meetings for review of documents and recommendations may be done via technology, in lieu of face to face, provided those meetings comply with the open meeting requirement of the Arkansas Freedom of Information Act.

The Department of Health shall provide meeting facilities and staff for such meetings of the Advisory Board for Interpreters for the purpose of keeping records.

IV. Powers and Duties of the Advisory Board for Interpreters

The Advisory Board for Interpreters shall:

A. Recommend rules for the operation of the Advisory Board for Interpreters.

B. Review and recommend to the Director:

1. Acceptance or rejection of applications for licensure and renewal of licenses for interpreters for the Deaf, Deafblind, Hard of Hearing and Oral Deaf;
2. Criteria for issuance and renewal of licenses for licensed qualified interpreters;
3. Criteria for issuance and continuance of provisional licenses;
4. Fees for licensure and licensure renewal;
5. Suspension or revocation of licenses;
6. Procedures for receiving and investigating complaints under the Arkansas Administrative Procedure Act;
7. Rules to ensure that an interpreting agency provides only licensed

qualified interpreters for services;

8. Rules regarding conflicts of interest regarding members of the Advisory Board for interpreters; and
9. A professional code of conduct.

V. Conflicts of Interest Regarding Members of the Advisory Board for Interpreters

A. Membership on the Advisory Board for Interpreters is solely at the invitation and discretion of the Director. In order to avoid any potential conflict of interest with the responsibilities of the Advisory Board for Interpreters, the following statement has been adopted to guide the Advisory Board for Interpreters on issues of potential influences on judgment, disclosure and recusal.

B. **Declaration.** Appointees to the Advisory Board of Interpreters must be free from conflicts of interest and undue influence and sign a Conflict of Interest Declaration (attached hereto as Appendix A). Said Declaration shall be signed annually

C. Conflicts of interest are identified as follows:

1. A sitting member on a credentialing panel. This includes, but is not limited to, persons who serve as raters when evaluating interpreters sitting for the QAST, RID Certification, EIPA or BEI.

2. An employer with the authority to hire or employ interpreters. This includes, but is not limited to, persons who hire or fire interpreters for colleges or universities, video relay service (VRS) call centers, human resource departments for public school systems, or any individual working for an entity with the authority to hire or employ interpreters.

3. An owner and/or individual who runs an interpreter agency. This includes, but is not limited to persons who run an interpreter agency in which interpreters are subcontracted to work for the business.

D. **Disclosure:** Members shall **disclose in writing** to the Advisory Board for Interpreters any person to whom they are closely related or organization with which they are affiliated which presently transacts business with the Department of Health or might reasonably be expected to do so in the future. Each disclosure shall be updated and resubmitted on an annual basis.

E. An affiliation with an organization will be considered to exist when a member or his or her immediate family or close relative is an officer, director, trustee, partner, employee or agent of the organization, or owns five percent of the voting stock or controlling interest in the organization or has any other substantial interest or dealings with an organization.

F. **Abstaining from Participation:** Any member shall abstain from voting and

actively participating on any matter in which said member may be considered to have a conflict of interest.

G. **Abstaining Declaration:** An abstaining declaration shall be made for the record at the beginning of any such motion or discussion and shall be recorded in the official minutes of the meeting.

H. **Other Affiliations:** A member shall not serve in a fund development or grants management capacity for another non-profit or health care organization if such service would represent a conflict of interest.

I. If, during their service on the Advisory Board, a members' situation changes in such a manner as to create a conflict of interest, the member shall immediately inform the Director.

VI. Application for Qualified Interpreter Licensure

A. Any individual desiring to practice interpreting within the state of Arkansas may submit an application for licensure (attached hereto as Appendix B).

B. The Advisory Board for Interpreters shall recommend to the Director, after review of said application, issuance of a license to an applicant who submits proof of the following:

1. A completed application with appropriate required fees;
2. Documentation of credential(s) held and sustained by continuing education units (CEUs);
3. Documentation of CEUs if credential(s) held does not have CEU requirements to maintain said credential(s); and
4. Acknowledgment of adherence to the professional ethical practices set forth in these Rules.

C. **Expiration.** A license issued under these Rules expires on December 31 of the calendar year on which it was issued.

D. **Renewal.** A license issued under these Rules is to be renewed upon expiration of the calendar year.

E. **Late Renewal.** If for some reason a licensee fails to renew by January 31 of the calendar year, the licensee shall submit the application with a statement explaining the reason for late renewal and the renewal fee and late fee. There is no guarantee that late application requests will be automatically approved. Each request will be evaluated separately and independent from others. If a request for a late renewal is denied, the licensee will be given notice and an opportunity for a hearing.

Applications submitted after March 1 of the calendar year shall be treated as applications for initial licensure and subject to all applicable fees.

VII. Application for Provisional Licensure

A. **Definition.** An individual desiring to apply for a Provisional Interpreter's License is any individual who is Deaf or Hard of Hearing that practices in providing interpreting services, thus practicing as a "Deaf interpreter." The Provisional Interpreter's License will only be available for individuals who are Deaf or Hard of Hearing and who are not yet credentialed by any of the credentialing entities listed in Section IX.

B. **Requirements.** Any individual who is Deaf, Deafblind or Hard of Hearing may apply for a provisional licensure to practice as a "Deaf interpreter" and must submit the following:

1. A completed application with appropriate required fees;

2. Documentation of fifteen (15) hours of interpreter training;

3. Documentation of ten (10) hours of supervised observation/interpreting with a seasoned, RID credentialed interpreter; and

4. Two (2) letters of recommendation from seasoned RID credentialed interpreters.

C. **Expiration.** A license issued under these Rules expires on December 31 of the calendar year on which it was issued.

D. **Renewal.** A license issued under these Rules is to be renewed upon expiration of the calendar year.

E. **Late Renewal.** If for some reason a licensee fails to renew by January 31 of the calendar year, the licensee shall submit the application with a statement explaining the reason for late renewal and the renewal fee and late fee. There is no guarantee that late application requests will be automatically approved. Each request will be evaluated separately and independent from others. If a request for a late renewal is denied, the licensee will be given notice and an opportunity for a hearing.

Applications submitted after March 1 of the calendar year shall be treated as applications for initial licensure and subject to all applicable fees.

VIII. Recognized Credentials.

Credentials obtained by practicing interpreters currently recognized by the Advisory Board for Interpreters include:

1. Arkansas Rehabilitation Services Quality Assurance Screening Test (QAST);

2. Educational Interpreter Performance Assessment;

3. National Association of the Deaf;
4. National Cued Speech Association;

5. Registry of Interpreters for the Deaf, Inc.;
6. Texas Board for Evaluation of Interpreters.

IX. Continuing Education Units

Licensed Qualified Interpreters must maintain Continuing Education Units (CEUs) through the credentials held. Documentation of CEUs obtained shall be submitted on an annual basis at renewal by providing transcripts or tracking systems used by the credentialing bodies. If a Licensed Qualified Interpreter does not have documentation to submit from a credentialing body, then a total of ten (10) clock hours (10 clock hours = 1.0 CEU) of continuing education must be completed on an annual basis. Documentation of the 10 clock hours shall be submitted at the time of renewal.

X. Code of Conduct

A. A Licensed Qualified Interpreter shall make a true interpretation, in an understandable manner, to an individual who is Deaf, Deafblind, Hard of Hearing, or Oral Deaf for whom the Licensed Qualified Interpreter is appointed. The Licensed Qualified Interpreter will interpret accurately the statements of the individual who is Deaf or Hard of Hearing who desires that his or her statements be made into spoken language, to the best of the Licensed Qualified Interpreter's skill and judgment.

B. All information that a Licensed Qualified Interpreter gathers, learns from, or relays to an individual who is Deaf, Deafblind, Hard of Hearing, or Oral Deaf during an administrative, civil, or criminal proceeding shall remain confidential and privileged unless the individual who is Deaf, Deafblind, Hard of Hearing, or Oral Deaf desires that the information be communicated to other persons.

C. Interpreters shall accept, refuse or withdraw from assignments based upon their experience, capabilities and credentials (as determined by his or her level of proficiency). A summary of the credentials held and what has been identified as appropriate assignments for those credentials can be found in Section XI of these Rules.

D. Upon request of any consumer or hiring entity, an interpreter shall show proof of his or her Arkansas license indicating qualifications and credentials.

E. This Code of Conduct incorporates by reference the NAD-RID Code of Professional Conduct of the Registry of Interpreters for the Deaf, with no amendments or editions thereto.

XI. Summary of Credentials

Sign language interpreters' credentials are based on levels of proficiency, and in order to protect the health, welfare and safety of the consumers, interpreters shall only accept assignments appropriate for their proficiency based upon accepted credentials for licensure

Upon request of any consumer or hiring entity, an interpreter shall show proof of his or her Arkansas license that will indicate qualifications. The following list of settings for qualifications is not all-inclusive.

A. QAST I; BEI I

Routine Eye Exam, Lab Work
Physical Therapy, Audiological (hearing exam), Dental Care
Support Services –, Orientation, Tutoring, Life/Work Skills
Basic Job Readiness Training (semi-skilled technical or unskilled labor), Interview Application for Services
Social Services – Independent Living Basic Living Skills, Bus Card
Civic Club Meetings, Recreation, Socialization

B. QAST II; BEI II; BEI Basic

Inquiries regarding eligibility for services
Support Services – Diagnostics, Evaluations, Academic Counseling
Continuing Education Workshops
Group Meetings, On-the-job Training
Sheltered Workshop
Employment Related/Union Meetings
Routine Physical, Hospital Admissions
Child Birth Classes
All settings listed in Subsection XI(A)

C. QAST III; BEI III; BEI Advanced

Driver License Testing
Social Services –Food Stamps, Social Security, Medicare/Medicaid, TEA/SNAP benefits
Employment Related Job Interview/Application

Civil Investigations
Meetings with Parole/Probation Officers
Campus Police or other law enforcement investigations
Civil Weddings performed in or out of a courtroom
Governmental Proceedings
Legislation
Tax Assessment/Appeal Proceedings
Medical – Emergency Room, General rounds and Surgery
Therapy – Physical, Chemotherapy, Chiropractic, Ontological
Speaker or Lectures

Postsecondary Education
TV News
All settings listed in Subsections XI(A) & XI(B)

D. QAST IV-V; BEI IV-V; BEI Master

Social Services Disputes
Polygraph Testing
Post Bond
Discrimination Proceedings – Prior to court
Mental Health
Minor Civil matters outside of the Courts
Graduate and Post-Graduate Education
Restraining Order Application
Domestic/Family Violence Calls and Investigations
Abuse Calls and Investigations
All settings listed in Subsections XI(A), XI(B), & XI(C)

F. RID Credentials

Legal Proceedings in/out of the courts
Pre-Trial Release
Peace Bonds/Restraining Orders, Copyrights/Patents
Child Custody or Child Welfare
Mental Health Therapy
Jury Duty
All settings listed in Subsections XI(A), XI(B), XI(C), XI(D), & XI(E).

*****All in-court cases must adhere to Act 237: An Act to Amend the Process for Appointment, Certification, and Regulation of Court Interpreters; and for other purposes.***

XII. Fees

All fees are to be paid at the time of application or request for services. Fees are non-refundable and are not pro-rated. Annual fees follow a calendar year. Additional fees will be assessed for insufficient funds if such should happen. Current fee structures are:

Initial Application and Licensure Fee (includes application and first year annual fee)	$125.00
Annual Fee (Renewal on the calendar year)	$ 90.00
Upgrade Fee (If an individual receives a higher credential prior to the end of the year and wishes to reflect the higher credential on their license)	$ 35.00
Annual Late Fee (Dependent upon Advisory Board for Interpreters review)	$ 25.00
Replacement Card Fee	$ 10.00
Insufficient Funds Fee (NSF will require payment in the form of a Money Order or Cashier's Check)	$ 35.00

XIII. Complaint Process.

A. Complaints may be filed when an individual, hiring agency, or interpreting agency:

1. violates the Professional Code of Conduct;
2. knowingly hires an interpreter who is not qualified; or
3. engages in the practice of interpreting without a license.

B. The following may file a complaint:

1. Any Deaf or Hard of Hearing consumer of interpreting services;
2. Any hearing consumer of interpreting services; or
3. Any person having direct interest in the occurrence specified in the complaint.

C. The complaint must specify the time, place, and person(s) involved, and must describe the actions which constitute the alleged offense.

D. All complaints are to be filed in writing with the Advisory Board for Interpreters using the Complaint Form (attached hereto as Appendix C), and should be filed within ninety (90) days of the alleged offense.

E. Any person filing a complaint regarding ethical practices of a licensed qualified interpreter may also file a complaint with the respective credentialing entity.

F. All complaints shall be reviewed and investigated by a member of the Advisory Board.

G. If a complaint and investigation results in penalties being assessed against an individual or entity, that individual or entity shall be provided notice and the opportunity for a hearing before the Advisory Board for Interpreters, whose decision can be appealed to the Arkansas Board of Health by the individual.

The Advisory Board member who reviewed and investigated the complaint shall recuse himself or herself from voting at the hearing of the matter.

H. Publication of final orders that result in sanctions shall be posted on the licensure website. However, any confidential information contained in the complaint shall be removed.

XIV. Penalties

A. **Amount of Penalty.** Any individual who is not licensed and who admits to interpreting without a license or is found by the Advisory Board to have held himself or herself out to the public as a licensed qualified interpreter is guilty of a violation and shall be fined not less than one hundred dollars ($100) and not more than five hundred dollars ($500).

B. **Suspension of Penalty.** The fine assessed may be suspended if the person found in violation complies with the law within thirty (30) days of the finding.

C. An interpreting agency that admits to or is found to be knowingly hiring or providing interpreting services for an individual who is Deaf, Deafblind, Hard of Hearing, or Oral Deaf through an individual not licensed under these Rules, is guilty of a violation and shall be fined not less than five hundred dollars ($500) and not more than one thousand dollars ($1,000).

CERTIFICATION

I hereby certify that the foregoing Rules were duly adopted by the Arkansas State Board of Health on the 24th day of April 2014.

Nathaniel Smith, MD, MPH
Secretary, State Board of Health