

SIGN LANGUAGE INTERPRETER AND TRANSLITERATOR STATE REGISTRATION
ACT - OMNIBUS AMENDMENTS

Act of Nov. 23, 2010, P.L. 1355, No. 124

Cl. 63

Session of 2010

No. 2010-124

SB 642

AN ACT

Amending the act of July 2, 2004 (P.L.492, No.57), entitled "An act providing for State registration of individuals providing sign language interpreting and transliterating services to individuals who are deaf or hard of hearing; and imposing duties on the Office for the Deaf and Hard of Hearing in the Department of Labor and Industry," further providing for definitions, for responsibilities of Office for the Deaf and Hard of Hearing and for State registration required; providing for provisional registration; and further providing for change of personal information, for registration violations and for suspension, denial, nonrenewal or revocation of State registration.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2 of the act of July 2, 2004 (P.L.492, No.57), known as the Sign Language Interpreter and Transliterators State Registration Act, amended July 7, 2006 (P.L.605, No.92), is amended to read:

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Applicant." An individual who applies for State registration in accordance with section 5 **or provisional registration under section 5.1.**

"Department." The Department of Labor and Industry of the Commonwealth.

"Interpreting." The process of conveying English in grammatically correct American Sign Language and the process of conveying American Sign Language in English.

"Office." The Office for the Deaf and Hard of Hearing within the Department of Labor and Industry.

"Qualified sign language interpreter." An individual [registered] **who is State-registered** under this act **and** who engages in sign language interpretation.

"Qualified transliterator." An individual [registered] **who is State-registered** under this act who engages in transliteration.

"Registrant." An individual [registered] **who is State-registered** under this act as either a qualified sign language interpreter or a qualified transliterator.

"Sign language interpreter." An individual who provides individuals who are deaf and hard of hearing with interpreting or transliterating services.

"Transliterating." The process of conveying a spoken message from a person who hears to a person who is deaf or hard of hearing and the ability to repeat the message and intent of the speech, mouth movements or English-based signed system of the person who is deaf or hard of hearing.

Section 2. Section 3 of the act is amended to read:

Section 3. Office responsibilities.

The office shall do all of the following:

- (1) Administer this act.
- (2) Register applicants in accordance with [section 5] **sections 5 and 5.1.**
- (3) Maintain a list of all registrants **and individuals who have obtained a provisional registration** and make the list available upon request to the public and to Federal, State and local agencies.
- (4) Promulgate regulations necessary to carry out the provisions of this act.

Section 3. Section 4(b) (3) and (8) of the act, amended July 7, 2006 (P.L.605, No.92), are amended and the subsection is amended by adding a paragraph to read:

Section 4. State registration required.

* * *

(b) Exceptions.--The following individuals are exempt from the State registration requirements of subsection (a):

* * *

(3) An individual engaged in interpreting or transliterating as part of a supervised internship or practicum at an accredited college or university [or the registry of interpreters for the deaf or the National Association of the Deaf, provided it is not in a legal, medical or mental health setting.] **if it is not in any of the following:**

- (i) A legal setting.
- (ii) A medical or mental health setting, unless accompanied by a qualified sign language interpreter or qualified transliterator.

* * *

[(8) An individual engaged in interpreting or transliterating in a physician's office, provided that a patient is informed that the individual is not registered under this act and that the patient has the right to request or provide a State-registered interpreter.]

(9) **An individual who obtains a provisional registration under section 5.1.**

* * *

Section 4. The act is amended by adding a section to read:

Section 5.1. Provisional registration.

(a) **Application.--**

(1) **An individual may apply to the office for a provisional registration to be a sign language interpreter or transliterator.**

(2) **The applicant must submit to the office all of the following:**

- (i) A completed application.
- (ii) Payment of any required fees.
- (iii) Proof that within five years prior to the date of application for provisional registration the applicant has graduated from an interpreter education program with an associate degree or higher from an accredited institution of higher education.
- (iv) Proof that the applicant has passed a written examination approved by the office.

(3) **The office shall review each completed application and shall issue a sign language interpreter provisional registration to the applicant if the office is satisfied that all of the following criteria have been met:**

- (i) The applicant is 18 years of age or older.
- (ii) The applicant has graduated from an interpreter education program with an associate degree or higher.
- (iii) The applicant has paid all applicable fees established pursuant to this act.

(iv) The applicant possesses the general fitness, competence and reliability sufficient to satisfy the office that the applicant is worthy of a provisional registration.

(v) Other criteria as the office may establish by regulation.

(b) **Registration.**--A sign language interpreter provisional registration issued by the office shall be:

- (1) Issued only in the name of the applicant.
- (2) Issued in paper or electronic form.
- (3) Nontransferable.
- (4) Issued for a period not to exceed one year.
- (5) Issued for interpreter or transliterator services in this Commonwealth except in any of the following:
 - (i) A legal setting.
 - (ii) A mental health setting unless accompanied by a qualified sign language interpreter or qualified transliterator.

(iii) A physician's office, unless the patient is informed that the individual engaged in interpreting or transliterating has obtained a provisional registration, is not State-registered under this act and that the patient has the right to be provided upon request a qualified sign language interpreter or qualified transliterator.

(iv) A critical care or emergency setting.

(c) **Renewal.**--An individual may annually renew a provisional registration by submitting to the office the information required under subsection (a) along with proof of completion of at least 20 hours of professional development approved by the office and any applicable fees. The office may approve only two consecutive renewals.

(d) **Fees.**--The fee for provisional registration or renewal of an existing provisional registration shall, unless modified by regulation, be \$50.

Section 5. Sections 6, 8 and 9 of the act are amended to read:
Section 6. Change of personal information.

A registrant **or individual who has obtained a provisional registration** shall notify the office of any change of name or mailing address within ten days of the change.

Section 8. Registration violations.

(a) **Violations.**--The department shall have the authority to impose disciplinary or corrective measures or levy civil penalties on a registrant **or an individual who has obtained a provisional registration** for doing any or all of the following:

(1) obtain a State registration , **provisional registration** or renewal of a registration through fraud, deceit or misrepresentation;

(2) be convicted of a felony or a crime, in this Commonwealth or other jurisdiction, relating to the provision of interpreting or transliterating services;

(3) be the subject of disciplinary or other administrative action taken against this registration, certification or license to provide interpreting or transliterating services in another state by a government agency;

(4) commit fraud, gross negligence or misconduct relating to provision of interpreting or transliterating services as determined by the office;

(5) engage in any other misconduct relating to the provision of interpreting or transliterating services as determined by the office; or

(6) violate the provisions of this act or the regulations pertaining to this act as established by the office.

(b) **Procedure.**--If the department finds a violation of subsection (a), it shall give written notice to the [registrant

] **individual** specifying the violation or violations found. The department may assess an administrative fine not to exceed \$500 for each violation. In setting the fine, the department shall consider the severity of the violation and whether there is a pattern of violations.

Section 9. Suspension, denial, nonrenewal or revocation of

State registration **or provisional registration** .

(a) Action.--Actions relating to violations of this act under this section shall be subject to the right of notice, hearing and adjudication in accordance with 2 Pa.C.S. (relating to administrative law and procedure). When the department is empowered to take action for registration violations pursuant to this act, the department may:

(1) Indefinitely suspend, suspend for a term certain, refuse to issue, refuse to renew or revoke a State registration **or provisional registration** .

(2) Issue a public reprimand.

(3) Require the [registrant] **individual** to take a refresher educational course or training.

(b) Surrender of State registration **or provisional registration** .--If [a registrant's] **an individual's** State registration **or provisional registration** has been suspended or revoked, the [registrant] **individual** shall return the State registration **or provisional registration** to the office in the manner the office directs. An individual who fails to return a State registration **or provisional registration** in accordance with this subsection commits a summary offense.

(c) Reapplication.--

(1) An individual whose State registration has been suspended may reapply to the office to have it reactivated, pursuant to regulations adopted by the office. At a minimum, the individual must show compliance with all the terms and conditions of the suspension order and shall pay a reactivation fee to be established by the office by regulation.

(2) An individual whose State registration **or provisional registration** has been revoked may apply for a State registration in accordance with section 5 not earlier than five years after the date the previous State registration **or provisional registration** was revoked.

(d) Surrender of provisional registration.--Upon expiration of a provisional registration the individual shall surrender the provisional registration to the office in a manner the office directs and cease providing interpreter and transliterator services in this Commonwealth. An individual who fails to return a provisional registration in accordance with this subsection commits a summary offense.

Section 6. This act shall take effect July 1, 2009, or immediately, whichever is later.

APPROVED--The 23rd day of November, A.D. 2010.

EDWARD G. RENDELL