

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 642 Session of 2009

INTRODUCED BY TOMLINSON, M. WHITE, ALLOWAY AND RAFFERTY,
MARCH 19, 2009

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 19, 2009

AN ACT

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

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

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

19 Section 2. Definitions.

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

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

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

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

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

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

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

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

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

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

28 Section 2. Section 3 of the act is amended to read:
29 Section 3. Office responsibilities.

30 The office shall do all of the following:

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

10 Section 3. Section 4(b)(3) and (8) of the act, amended July

11 7, 2006 (P.L.605, No.92), are amended and the subsection is

12 amended by adding a paragraph to read:

13 Section 4. State registration required.

14 * * *

15 (b) Exceptions.--The following individuals are exempt from

16 the State registration requirements of subsection (a):

17 * * *

18 (3) An individual engaged in interpreting or

19 transliterating as part of a supervised internship or

20 practicum at an accredited college or university [or the

21 registry of interpreters for the deaf or the National

22 Association of the Deaf, provided it is not in a legal,

23 medical or mental health setting.] if it is not in any of the

24 following:

25 (i) A legal setting.

26 (ii) A medical or mental health setting, unless

27 accompanied by a qualified sign language interpreter or

28 qualified transliterator.

29 * * *

30 [(8) An individual engaged in interpreting or

1 transliterating in a physician's office, provided that a
2 patient is informed that the individual is not registered
3 under this act and that the patient has the right to request
4 or provide a State-registered interpreter.]

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

7 * * *

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

9 Section 5.1. Provisional registration.

10 (a) Application.--

11 (1) An individual may apply to the office for a
12 provisional registration to be a sign language interpreter or
13 transliterater.

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

16 (i) A completed application.

17 (ii) Payment of any required fees.

18 (iii) Proof that within five years prior to the date
19 of application for provisional registration the applicant
20 has graduated from an interpreter education program with
21 an associate degree or higher from an accredited
22 institution of higher education.

23 (iv) Proof that the applicant has passed a written
24 examination approved by the office.

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

29 (i) The applicant is 18 years of age or older.

30 (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

1 registration by submitting to the office the information
2 required under subsection (a) along with proof of completion of
3 at least 20 hours of professional development approved by the
4 office and any applicable fees. The office may approve only two
5 consecutive renewals.

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

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

11 Section 6. Change of personal information.

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

15 Section 8. Registration violations.

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

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

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

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

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

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

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

10 (b) Procedure.--If the department finds a violation of
11 subsection (a), it shall give written notice to the [registrant]
12 individual specifying the violation or violations found. The
13 department may assess an administrative fine not to exceed \$500
14 for each violation. In setting the fine, the department shall
15 consider the severity of the violation and whether there is a
16 pattern of violations.

17 Section 9. Suspension, denial, nonrenewal or revocation of
18 State registration or provisional registration.

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

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

28 (2) Issue a public reprimand.

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

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

9 (c) Reapplication.--

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

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

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

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