HOUSE BILL NO. 1174

AN ACT TO ESTABLISH THE INTERPRETERS FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND REGISTRATION ACT; TO PROVIDE DEFINITIONS; TO PROVIDE THAT CERTAIN INDIVIDUALS WHO INTERPRET FOR THE DEAF FOR A FEE MUST BE REGISTERED; TO PROVIDE CONFIDENTIALITY OF COMMUNICATION FOR THE DEAF; TO PROVIDE PENALTIES FOR VIOLATING THE ACT; TO PROVIDE RECIPROCITY FOR CERTAIN INTERPRETERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This chapter shall be known and may be cited as the Interpreters for the Deaf, Hard of Hearing, and Deafblind Registration Act.

SECTION 2. The purpose of this chapter is to establish the criteria for which interpreters for the deaf are to be registered for and ascribe to in this state.

SECTION 3. For the purpose of this chapter, the following words shall have the meanings ascribed unless the context otherwise requires:

(a) "Certification" means the level of credentials that has been granted by the National Association of the Deaf or the Registry of Interpreters for the Deaf. It further includes the documentation that supports the certification level the interpreter has achieved.

(b) "Deaf or Hard of Hearing Person" means a person who has either no hearing or who has significant hearing loss so as to need the services of an interpreter to communicate. "Deafblind Person" means a person who has either the dual loss of hearing and sight or who has significant hearing and vision losses so as to need the services of an interpreter to communicate.
(c) "Interpreter Training Program" means a post secondary degree program of at least two (2) years in duration that is accredited by the Mississippi State Board for Community and Junior Colleges, the Mississippi Institutions of Higher Learning or in the case of a nonresident, a comparable agency in another state.

(d) "Interpreter" means an individual certified by the National Association of the Deaf, the Registry of Interpreters for the Deaf or an individual who holds a valid Mississippi Quality Assurance Screening level for the level of interpreting in which they are engaged. Registered interpreters are required to adhere to professional standards and the Code of Ethics as established by the National Association of the Deaf and the Registry of Interpreters for the Deaf. Interpreters will be registered by the Mississippi registering authority to perform at prescribed levels after providing evidence of their level of expertise.

(e) "Interpreting" means the process of providing accessible communication between and among consumers who are deaf or hard of hearing and those who are hearing. This process includes, but is not limited to, communication between persons who use American Sign Language, English, cued speech, and oral communication. It may also involve various other modalities that involve visual, gestural and tactile methods.

(f) "Quality Assurance Level" means the level granted through the Mississippi Quality Assurance Screening evaluation. It further includes the documentation that supports the QA level the interpreter has achieved.

(g) "Register" means the process whereby the certification and Quality Assurance level of qualified interpreters are documented and maintained so as to permit those individuals to act as an interpreter for pay in the State of Mississippi.
(h) "Registering Authority" means the agency that registers the credentials an interpreter holds, issues the registration documentation to do business in the State of Mississippi, and maintains the records to support the registration. The registering authority is the Mississippi Department of Rehabilitation Services, Office on Deaf and Hard of Hearing.

SECTION 4. (1) Beginning July 1, 2005, no person, except those described in subsection (6) of this section shall do any of the following with respect to providing interpreting services for consumers who are deaf or hard of hearing for a fee or other remuneration unless the person is registered under the provisions of the Mississippi Interpreters for the Deaf, Hard of Hearing and Deafblind Registration Act:

   (a) Engage in the practice of or offer to engage in the practice of interpreting for a fee;
   (b) Use the title of interpreter in connection with the person's name;
   (c) Assume the identity of an interpreter;
   (d) Use the title of interpreter in advertisements or descriptions; or
   (e) Perform the function of or convey the impression that the person is an interpreter.

(2) On or after July 1, 2005, no person shall provide interpreting services and/or represent himself or herself as an interpreter for deaf or hard of hearing consumers for compensation unless such person is registered with the Office on Deaf and Hard of Hearing according to the provisions of this section. To register as an interpreter, one must hold certification from the National Association of the Deaf, National Registry of Interpreters for the Deaf, or a Quality Assurance Screening Level.

(3) In situations where there is extreme hardship or where deaf and hard of hearing consumers would be left with no
interpreting services, a provisional permit may be granted on an annual basis, provided that documentation of improved interpreting skills is shown.

(4) The Registering Authority shall be charged with the responsibility for keeping all records and verifying the accuracy of the credentials of each applicant.

(5) Registration shall be for a period of two years, and shall be renewable.

(6) The following individuals shall not be subject to the requirements of subsections (1), (2) and (3) of this section:

(a) A person engaging in the practice of interpreting for religious services who is not registered under the provisions of the Mississippi Interpreters for the Deaf, Hard of Hearing and Deafblind Registration Act;

(b) Students enrolled in an approved Interpreter Training Program (ITP) and who are granted a student level registration, provided the ITP has an instructor who also is registered under the provisions of the Mississippi Interpreters for the Deaf, Hard of Hearing and Deafblind Registration Act and the student pays the appropriate fees; or

(c) A graduate of an approved Interpreter Training Program (ITP) utilizing his or her student level for two years without registering provided he or she is supervised by an interpreter who is registered under the provisions of the Mississippi Interpreters for the Deaf, Hard of Hearing and Deafblind Registration Act and the graduate pays the appropriate fees.

(7) The Registering Authority shall establish an Advisory Council to assist in writing the rules and setting the fees for registering. The Advisory Council shall have three (3) members. One (1) shall be a deaf consumer; one (1) member shall be a registered interpreter who is actively engaged in the interpreting business; and one (1) shall be at-large. The Advisory Council may
ask additional persons who are knowledgeable about the process and
business of interpreting to assist them with the business of the
council as needed.

SECTION 5. A qualified interpreter who is employed to
interpret, transliterate, or relay a conversation between a person
who can hear and a consumer, who is deaf/hard of hearing or
deafblind, is a conduit for the conversation and may not disclose
or be compelled to disclose, through reporting or testimony or by
subpoena, the contents of the conversations, except an interpreter
working in conjunction with and paid by a state agency or primary
or secondary school for the therapeutic, educational or
rehabilitation purposes. This communication is confidential, but
may be shared with appropriate agency or educational staff working
to assist the deaf, hard of hearing or deafblind person.

SECTION 6. The Registering Authority shall develop forms and
assist in referring grievances to the appropriate professional
organization and/or authorities.

SECTION 7. Whoever is in violation of Sections 4 or 5 of
this act shall be guilty of a misdemeanor and upon conviction
shall be fined not less than Two Hundred Dollars ($200.00) nor
more than One Thousand Dollars ($1,000.00), and may be imprisoned
for not more than six (6) months.

SECTION 8. Mississippi shall recognize interpreters who are
licensed and/or certified in other states with equal or higher
certification than the interpreting levels prescribed by the rules
and regulations incumbent in this bill. A nonresident interpreter
may work up to fifteen (15) days per year without seeking a valid
permit from the Registering Authority. The person who utilizes a
nonresident interpreter is charged with the responsibility of
verifying the credentials and type of interpreting the interpreter
is qualified to do. If a nonresident interpreter works more than
fifteen (15) calendar days per year in the State of Mississippi
for compensation or other remuneration, the interpreter must
become registered under the provisions of the Mississippi
Interpreters for the Deaf, Hard of Hearing and Deafblind
Registration Act and pay the appropriate fees.

SECTION 9. The registering authority shall establish fair
and equitable rules and a fee schedule, not to exceed One Hundred
Dollars ($100.00) to cover the cost of administering this act.
The rules and fee schedule shall be published for the general
public.

SECTION 10. This act shall take effect and be in force from
and after July 1, 2005.