

CHAPTER 2
SERVICES AND PROCEDURES

429—2.1(216A) Definitions. The following definitions reflect a service-oriented approach to communication and do not reflect or imply a degree of hearing loss:

“Deaf persons” means those individuals who use sign language as their primary mode of communication. They may use interpreters to facilitate communication.

“Hard-of-hearing persons” means those individuals who are unable to hear easily within conversational range. They may use speechreading, assistive listening devices or oral interpreters to facilitate communication.

“Obligated agency” means any program or activity that receives federal financial assistance or that is conducted by any executive agency of the federal government or by the U.S. Postal Service or any covered, public or private entity defined under the Americans with Disabilities Act of 1990. Pursuant to the Civil Rights Restoration Act of 1987, Section 4, Section 504 of the Vocational Rehabilitation Act of 1973 is amended to define the term “program or activity” to obligate the following operations of:

1. A department, agency or special purpose district of a state or of a local government; or
2. The entity of such state or local government that distributes such assistance and each department or agency to which the assistance is extended; or
3. A college, university, or other postsecondary institution, or public system of higher education; or
4. A local education agency (as defined in section 198(a)(1Q) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system; or
5. An entire corporation, partnership or other private organization or an entire sole proprietorship if:

Federal financial assistance is extended to such entity; or

Principally engaged in the business of providing education, health care, housing, social services, or parks and recreation whereby federal financial assistance is extended in any part.

“Oral interpreter” means an interpreter who is fluent in:

1. Facilitating spoken communication for individuals who are deaf or hard-of-hearing and use speech and speechreading as their primary mode of communication.
2. “Voicing” for speakers who use no voice or whose voices are difficult to understand.

“Revolving account” means the separate account dedicated to and used by the division to deposit fees collected from obligated agencies for the provision of continued and expanded interpreting services, pursuant to Iowa Code section 216A.117.

“Sign language interpreter” means an interpreter who is able to interpret from sign language to English and English to sign language.

429—2.2(216A) Eligibility and residency requirements. The division of deaf services makes services available to Iowa residents and deaf or hard-of-hearing nonresidents who may be visiting or conducting business within the state of Iowa. Services provided by the division of deaf services are also provided up to 20 miles beyond the borders of this state for deaf or hard-of-hearing Iowans or for deaf or hard-of-hearing nonresidents of this state who are employed in Iowa. Granting of benefits is contingent on eligibility and availability of resources.

429—2.3(216A) Services.

2.3(1) Interpreting.

a. The division of deaf services staff interpreters provide direct interpreting services during business hours Monday through Friday and appointments occasionally extend beyond regular hours of operation. When functioning as interpreters, the division of deaf services staff will maintain professional standards set forth in the Code of Ethics of the Registry of Interpreters for the Deaf, Inc. (RID). The interpreter shall:

- (1) Keep all assignment-related information strictly confidential.

(2) Render the message faithfully, always conveying the content and spirit of the speaker, using language most readily understood by the person(s) whom they serve.

(3) Not counsel, advise, or interject personal opinions.

(4) Accept assignments using discretion with regard to skill, setting and the consumers involved.

(5) Request compensation for services in a professional and judicious manner.

(6) Function in a manner appropriate to the situation.

(7) Strive to further knowledge and skills through participation in workshops, professional meetings, interaction with professional colleagues and reading of current literature in the field.

(8) Strive to maintain high professional standards in compliance with the Code of Ethics, by virtue of membership in or certification by the RID, Inc.

b. When interpreting services are provided by staff interpreters, not to include telephone interpreting services, and any party involved is an obligated agency, the division shall submit an invoice to the obligated agency for payment.

c. Rescinded IAB 3/17/04, effective 4/21/04.

d. Rescinded IAB 3/17/04, effective 4/21/04.

e. Staff interpreters are employees of the state of Iowa and are not eligible to participate in the contractual interpreting service program.

2.3(2) Contractual interpreting services. The division of deaf services provides contractual interpreting services by using interpreters in private practice who have entered into an agreement with the agency. Contractual interpreting funding will not be used when any party is willing or obligated by state or federal law to pay for interpreting services.

a. Persons may request contractual interpreting services when the staff interpreter is not available or when the interpreting service requested occurs beyond regular hours of operation.

b. Reserved.

c. The division of deaf services will maintain a listing of interpreters and update the listing annually. Persons requesting contractual interpreting services will be asked to choose an interpreter from this list to provide services.

d. General terms and conditions are listed on the individual agreements.

2.3(3) Referral interpreting services. The division of deaf services maintains a roster of interpreters and provides an interpreter referral service to persons needing an interpreter.

a. Reserved.

b. Interpreters in private practice may contact the agency to request a sign language interpreter release of information form. Upon completion and return of this form, the interpreter's name will be added to the listing.

c. Staff interpreters are permitted to function on a private basis, beyond regular hours of operation, provided there is no conflict with employment services.

2.3(4) Assistance. The division of deaf services will provide assistance and advocacy in order to meet the service needs of deaf and hard-of-hearing citizens by providing individual clients with specific information, resources, options, and assistance pertaining to their difficulties. The objective is to achieve results desired by the clients. Under no circumstances, however, should the agency, in the absence of qualified personnel, engage in counseling or therapy of any kind.

2.3(5) Consultation. A citizen may consult with the division of deaf services consultants about various ways the citizen may obtain needed services. Consultants will provide information on federal, state, and local programs and organizations, both public and private, which are available to assist deaf and hard-of-hearing persons.

2.3(6) Information.

a. The division of deaf services provides, upon request, information on its program components.

b. The division will prepare and continually update a listing of interpreters who hold a Certificate of Interpretation and Certificate of Transliteration, Comprehensive Skills Certificate, Specialist Certificate: Legal, and Masters Comprehensive Skills Certificate, which will be provided to a court, administrative agency, law enforcement agency, or interested party to an action using the services of an interpreter.

c. The division provides, upon request, information of a general nature on various programs, services, devices, laws, or any information which may be of interest or impact the lives and social welfare of deaf and hard-of-hearing people on the local, state, and federal levels.

2.3(7) Library. Persons may borrow library materials from the division of deaf services' library located at the central office. The division maintains and distributes a bibliography of deafness-related materials which is held in its library and which is available upon request.

a. The library operates during regular hours of operation.

b. To request materials, a person may contact the division of deaf services by telephone, mail, fax, E-mail, or personal visit.

c. A library information card must be completed before a person may be eligible to borrow materials.

d. Materials are loaned for a three-week period. Exceptions may be made in special circumstances.

e. If materials are not returned at the end of the three weeks, a notice of delinquency is sent; and if materials are not returned after a second notice, a billing will be sent for the current replacement costs of all materials, including postage and handling costs imposed by the publisher. During this delinquent period, no additional materials may be borrowed.

f. Any materials damaged beyond normal wear will be the responsibility of the borrower, and a billing will be sent for the current replacement costs of all materials, including postage and handling costs imposed by the publisher.

g. Any party that borrows materials from the library on deafness shall be the responsible party in returning materials at the designated time and shall be responsible for the condition of the materials upon return.

h. A wide variety of publications and reference materials is made available for review at the central office, but is not available for loan.

i. Persons not returning materials to the library on or before the date due will be assessed a fine of \$.05 per day, per item, not to exceed a total of \$4.00 per item. The exception will be videocassette tapes which will be assessed at \$.25 per day, per item, not to exceed a total of \$4.00 per tape. A day of grace will be given if a return date falls on a holiday. No other materials may be borrowed until all outstanding fines are paid. After 45 days, the division shall implement collection procedures.

2.3(8) Newsletter. Rescinded IAB 3/17/04, effective 4/21/04.

2.3(9) Newsbreak. Rescinded IAB 8/5/92, effective 9/9/92.

2.3(10) Public speaking. The division of deaf services staff members are available on a limited basis to give presentations on deafness-related topics to groups or organizations that make a request. If the division is unable to fulfill the request, division staff will attempt to make a referral to another appropriate resource.

2.3(11) Sign language instruction. Rescinded IAB 8/5/92, effective 9/9/92.

2.3(12) TDD loaner bank program. Rescinded IAB 11/8/95, effective 12/13/95.

2.3(13) Census registry of the deaf. A census registry of deaf Iowans is maintained for the purpose of identification of persons and statistical information in order to justify the need for services within the state. Participation in the census registry of the deaf is voluntary.

a. In order to be included on the census registry, a person must complete a form by providing information including the following:

- (1) Name,
- (2) Address,
- (3) Date of birth,
- (4) Gender,
- (5) Age of onset of deafness,
- (6) Cause(s) of deafness,
- (7) Name(s) of any deaf relative(s),
- (8) Whether the person possessed a TDD, and
- (9) Whether the person is a user of sign language.

b. This form is available from any of the division offices.

- c. This information is held to be confidential and used for administrative purposes only.

429—2.4(216A) Fee for interpreting service. Pursuant to the Americans with Disabilities Act of 1990 and Section 504 of the Vocational Rehabilitation Act of 1973, as amended in 1978 and in accordance with the Civil Rights Restoration Act of 1987:

“...no otherwise covered, public or private entity shall discriminate against a qualified individual with a disability. No such person shall, solely by reason of the person’s handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity provided by any covered, public or private entity in accordance with the authority referenced above.”

Under the authority referenced in the preceding paragraph and in accordance with Iowa Code section 216A.117, the division of deaf services shall invoice obligated agencies for interpreting services provided by staff interpreters.

2.4(1) Responsibility of the division of deaf services.

a. The division shall arrange and provide interpreting services pursuant to subrule 2.3(1). The division shall submit an invoice to the obligated agency and, in addition, a claim voucher for Internal Services will be sent to those obligated agencies of the State of Iowa, on a portal-to-portal basis when services are provided by division staff and when:

- (1) The obligated agency requested the interpreting services; or
- (2) The deaf/hard-of-hearing individual(s) requested the interpreting services that were necessary for communication accessibility to the obligated agency; or
- (3) The division determined the obligated agency is required under state or federal law to provide interpreting services to deaf/hard-of-hearing individual(s).

b. The payment of the invoice shall be due 30 days after the billing date. Invoices are considered delinquent after 45 days, whereby the division shall implement collection procedures.

2.4(2) Responsibility of the obligated agency.

a. The obligated agency shall make payment within 30 days of the billing date to the division of deaf services.

b. Under no circumstances shall the obligated agency charge the deaf/hard-of-hearing person for interpreting services.

c. Rescinded IAB 3/17/04, effective 4/21/04.

2.4(3) Fee schedule.

a. The fee schedule for service is based on time spent traveling, waiting, and interpreting.

b. The fee schedule for division staff is:

Base Fee (covering up to one hour of service)	\$40
Hourly Fee (assessed for time beyond Base Fee)	\$30/hour

c. Fees shall be calculated for time spent traveling, waiting, and interpreting.

2.4(4) Disposition of fees collected.

a. All fees collected shall be transmitted to the treasurer of the state for deposit in the division revolving account, pursuant to Iowa Code section 216A.117.

b. Funds shall be used to provide continued and expanded interpreting services provided by the division.

These rules are intended to implement Iowa Code sections 216A.111 to 216A.117.

[Filed 6/12/87, Notice 4/8/87—published 7/1/87, effective 8/5/87]

[Filed 9/23/88, Notice 7/27/88—published 10/19/88, effective 11/23/88]

[Filed 6/27/90, Notice 2/21/90—published 7/25/90, effective 8/29/90]

[Filed 7/16/92, Notice 5/27/92—published 8/5/92, effective 9/9/92]

[Filed 10/9/95, Notice 7/5/95—published 11/8/95, effective 12/13/95]

[Filed 2/26/04, Notice 10/29/03—published 3/17/04, effective 4/21/04]