

MAR 5 2004
Place On Calendar

HOUSE FILE 2482
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2218)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to licensure requirements for American sign
2 language and manual English interpreters, making an
3 appropriation, making penalties applicable, and providing an
4 effective date.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 482

1 Section 1. Section 147.1, subsection 2, paragraph c, Code
2 2003, is amended to read as follows:

3 c. "Licensed" or "certified" when applied to a physician
4 and surgeon, podiatric physician, osteopath, osteopathic
5 physician and surgeon, physician assistant, psychologist or
6 associate psychologist, chiropractor, nurse, dentist, dental
7 hygienist, optometrist, speech pathologist, audiologist,
8 pharmacist, physical therapist, occupational therapist,
9 respiratory care practitioner, practitioner of cosmetology
10 arts and sciences, practitioner of barbering, funeral
11 director, dietitian, marital and family therapist, mental
12 health counselor, social worker, massage therapist, athletic
13 trainer, or acupuncturist, or interpreter, means a person
14 licensed under this subtitle.

15 Sec. 2. Section 147.1, subsection 2, paragraph f, Code
16 2003, is amended to read as follows:

17 f. "Profession" means medicine and surgery, podiatry,
18 osteopathy, osteopathic medicine and surgery, practice as a
19 physician assistant, psychology, chiropractic, nursing,
20 dentistry, dental hygiene, optometry, speech pathology,
21 audiology, pharmacy, physical therapy, occupational therapy,
22 respiratory care, cosmetology arts and sciences, barbering,
23 mortuary science, marital and family therapy, mental health
24 training, or acupuncture, or interpreting, social work, dietetics, massage therapy, athletic
25 training, or acupuncture, or interpreting.

26 Sec. 3. Section 147.2, unnumbered paragraph 1, Code 2003,
27 is amended to read as follows:

28 A person shall not engage in the practice of medicine and
29 surgery, podiatry, osteopathy, osteopathic medicine and
30 surgery, psychology, chiropractic, physical therapy, nursing,
31 dentistry, dental hygiene, optometry, speech pathology,
32 audiology, occupational therapy, respiratory care, pharmacy,
33 cosmetology, barbering, social work, dietetics, marital and
34 family therapy or mental health counseling, massage therapy,
35 mortuary science, or acupuncture, or interpreting, or shall

1 not practice as a physician assistant as defined in the
2 following chapters of this subtitle, unless the person has
3 obtained from the department a license for that purpose.

4 Sec. 4. Section 147.13, Code 2003, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 21. For interpreters, interpreter
7 examiners.

8 Sec. 5. Section 147.14, Code 2003, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 21. For interpreting, four members
11 licensed to practice interpreting, three of whom shall be
12 practicing interpreters at the time of appointment to the
13 board and at least one of whom is employed in an educational
14 setting; and three members who are consumers of interpreting
15 services as defined in section 154E.1, two of whom shall be
16 deaf. A majority of members of the board constitutes a
17 quorum.

18 Sec. 6. Section 147.74, Code Supplement 2003, is amended
19 by adding the following new subsection:

20 NEW SUBSECTION. 21A. An interpreter licensed under
21 chapter 154E and this chapter may use the title "licensed
22 interpreter" or the letters "L.I." after the person's name.

23 Sec. 7. Section 147.80, Code Supplement 2003, is amended
24 by adding the following new subsection:

25 NEW SUBSECTION. 28A. License to practice interpreting,
26 license to practice interpreting under a reciprocal license,
27 or renewal of a license to practice interpreting.

28 Sec. 8. NEW SECTION. 154E.1 DEFINITIONS.

29 As used in this chapter, unless the context otherwise
30 requires:

31 1. "Board" means the board of interpreter examiners
32 established in chapter 147.

33 2. "Consumer" means an individual utilizing interpreting
34 services who uses spoken English, American sign language, or a
35 manual form of English.

1 3. "Department" means the Iowa department of public
2 health.

3 4. "Interpreter training program" means a post-secondary
4 education program training individuals to interpret or
5 transliterate.

6 5. "Interpreting" means facilitating communication between
7 individuals who communicate via American sign language and
8 individuals who communicate via spoken English.

9 6. "Licensee" means any person licensed to practice
10 interpreting or transliterating for deaf, hard-of-hearing, and
11 hearing individuals in the state of Iowa.

12 7. "Transliterating" means facilitating communication
13 between individuals who communicate via a manual form of
14 English and individuals who communicate via spoken English.

15 Sec. 9. NEW SECTION. 154E.2 DUTIES OF THE BOARD.

16 The board shall administer this chapter. The board's
17 duties shall include, but are not limited to, the following:

18 1. Adopt rules consistent with this chapter and with
19 chapter 147 which are necessary for the performance of its
20 duties.

21 2. Act on matters concerning licensure and the process of
22 applying for, granting, suspending, imposing supervisory or
23 probationary conditions upon, reinstating, and revoking a
24 license.

25 3. Establish and collect licensure fees. The fees charged
26 shall be sufficient to defray the costs of administration of
27 this chapter and all fees collected shall be deposited with
28 the treasurer of state who shall deposit them in the general
29 fund of the state.

30 4. Administer the provisions of this chapter regarding
31 documentation required to demonstrate competence as an
32 interpreter, and the processing of applications for licenses
33 and license renewals.

34 5. Establish and maintain as a matter of public record a
35 registry of interpreters licensed pursuant to this chapter.

1 6. Develop continuing education requirements as a
2 condition of license renewal.

3 7. Evaluate requirements for licensure in other states to
4 determine if reciprocity may be granted.

5 Sec. 10. NEW SECTION. 154E.3 REQUIREMENTS FOR LICENSURE.

6 On or after July 1, 2007, every person providing
7 interpreting or transliterating services in this state shall
8 be licensed pursuant to this chapter. The board shall adopt
9 rules pursuant to chapters 17A, 147, and 272C establishing
10 procedures for the licensing of new and existing interpreters.
11 In lieu of a licensing examination, the board shall require
12 submission of credentials approved by the board and
13 demonstrating the following:

14 1. VOICE-TO-SIGN INTERPRETATION. An applicant shall
15 demonstrate proficiency at:

16 a. Message equivalence, producing a true and accurate
17 signed form of the spoken message, maintaining the integrity
18 of content and meaning, and exhibiting few omissions,
19 substitutions, or other errors.

20 b. Affect, producing nonmanual grammar consistent with the
21 intent and emotion of the speaker, and exhibiting no
22 distracting mannerisms.

23 c. Vocabulary choice, making correct sign choices
24 appropriate to the setting and consumers, applying facial
25 grammar consistent with sign choice, selecting signs that
26 remain true to speaker's intent, and demonstrating lexical
27 variety.

28 d. Fluency, displaying confidence in production,
29 exhibiting a strong command of American sign language or
30 manual codes for English, applying nonmanual behaviors
31 consistent with the speaker's intent, and demonstrating
32 understanding of and sensitivity to cultural differences.

33 2. SIGN-TO-VOICE INTERPRETATION. An applicant shall
34 demonstrate proficiency at:

35 a. Message equivalence, producing a true and accurate

1 spoken form of the signed message, maintaining the integrity
2 of content and meaning, and exhibiting few omissions,
3 substitutions, or other errors.

4 b. Affect, producing inflection consistent with the intent
5 and emotion of the speaker, and exhibiting no distracting
6 mannerisms.

7 c. Vocabulary choice, making correct word choices
8 appropriate to the setting and consumers, using vocal
9 inflection consistent with word choice, selecting words that
10 remain true to the speaker's intent, and demonstrating lexical
11 variety.

12 d. Fluency, displaying confidence in production,
13 exhibiting a strong command of English in both spoken and
14 written forms, applying vocal inflections consistent with the
15 speaker's intent, and demonstrating understanding of and
16 sensitivity to cultural differences.

17 3. PROFESSIONAL CONDUCT. An applicant shall demonstrate:

18 a. Proficiency in functioning as a communicator of
19 messages between the sender and receiver, and educating
20 consumers of services about the functions and logistics of the
21 interpreting process.

22 b. An impartial demeanor, refraining from interjecting
23 opinions or advice and from aligning with one party over
24 another. An applicant shall treat all people fairly and
25 respectfully regardless of their relationship to the
26 interpreting assignment, and present a professional appearance
27 that is not visually distracting and is appropriate to the
28 setting. An applicant shall exhibit knowledge and application
29 of federal and state laws pertaining to the interpreting
30 profession.

31 c. Integrity, and shall be proficient in understanding and
32 applying ethical behavior appropriate for a licensee. An
33 applicant shall demonstrate discretion in accepting and
34 meeting interpreter services requests, and shall engage
35 actively in lifelong learning.

1 Sec. 11. NEW SECTION. 154E.4 EXCEPTIONS.

2 1. A person shall not practice interpreting or
3 transliterating, or represent oneself to be an interpreter,
4 unless the person is licensed under this chapter.

5 2. This chapter does not prohibit any of the following:

6 a. Any person residing outside of the state of Iowa
7 holding a current license from another state that meets the
8 state of Iowa's requirements from providing interpreting or
9 transliterating services in this state for up to fourteen days
10 per calendar year without a license issued pursuant to this
11 chapter.

12 b. Any person who interprets or transliterates solely in a
13 religious setting with the exception of those working in
14 schools that receive government funding.

15 c. Volunteers working without compensation, including
16 emergency situations, until a licensed interpreter is
17 obtained.

18 d. Any person working as a substitute for a licensed
19 interpreter in an early childhood, elementary, or secondary
20 education setting for no more than twenty-one school days in a
21 calendar year.

22 Sec. 12. Section 272C.1, subsection 6, Code 2003, is
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. ad. The board of interpreter examiners,
25 created pursuant to chapter 154E.

26 Sec. 13. INTERPRETER STANDARDS AND REGULATIONS. There is
27 appropriated from the general fund of the state to the Iowa
28 department of public health, for the fiscal year beginning
29 July 1, 2004, and ending June 30, 2005, the following amount,
30 or so much thereof as is necessary, for the purpose
31 designated:

32 For protecting the health and safety of the public through
33 establishing standards and enforcing regulations of
34 interpreters for the deaf, hard-of-hearing, and hearing, and
35 for not more than the following full-time equivalent

1 government funding, to volunteers working without compensation
2 until a licensed interpreter is obtained, and to a person
3 working as a substitute for a licensed interpreter in an early
4 childhood, elementary, or secondary education setting for no
5 more than 21 school days in a calendar year. The bill
6 provides specified duties for the board of interpreter
7 examiners, and provides transition provisions specifying that
8 the provisional establishment of the board shall become
9 effective July 1, 2004, for the sole purpose of appointment of
10 members and organizing, planning, and adopting rules in
11 advance of the July 1, 2007, interpreter licensure effective
12 date.

13 The bill appropriates \$60,390 from the general fund of the
14 state to the Iowa department of public health, for the fiscal
15 year beginning July 1, 2004, and ending June 30, 2005, and
16 provides 1.00 FTE to protect the health and safety of the
17 public through establishing standards and enforcing
18 regulations relating to interpreters.

19 The bill includes an effective date of July 1, 2007, for
20 all sections other than the sections making the appropriation
21 and establishing the board of interpreter examiners for the
22 purposes specified.

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