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**TITLE 460 DIVISION OF DISABILITY, AGING, AND
REHABILITATIVE SERVICES**

Proposed Rule
LSA Document #02-9

DIGEST

Amends 460 IAC 2-3-1, 460 IAC 2-3-2, and 460 IAC 2-3-3 to offer additional criteria that may be fulfilled to receive state interpreter certification, extends the deadline by which certain criteria must be met to become certified, and adds relevant definitions. Effective 30 days after filing with the secretary of state.

460 IAC 2-3-1

460 IAC 2-3-2

460 IAC 2-3-3

SECTION 1. 460 IAC 2-3-1 IS AMENDED TO READ AS FOLLOWS:

460 IAC 2-3-1 Purpose; exclusion

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 1. (a) The purpose of this rule is to establish standards pursuant to IC 12-12-7-5 that determine the necessary standards of behavior, competency, and proficiency in sign language and oral interpreting and ensure quality, professional interpreting services in order to protect the public and persons who are deaf or hard of hearing from misrepresentation.

(b) The provisions of this rule will not apply to interpreters while they are interpreting in a public or private primary or secondary school setting. ~~This exception will expire at the earlier of:~~

~~(1) the promulgation of educational interpreter standards; or~~

~~(2) July 1, 2002.~~

Rules applying specifically to such interpreters are at 460 IAC 4. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-1; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3084*)

SECTION 2. 460 IAC 2-3-2 IS AMENDED TO READ AS FOLLOWS:

460 IAC 2-3-2 Definitions and acronyms

Authority: IC 12-12-7-5

Affected: IC 12-12-7; IC 20-10.1-7-17; IC 20-12-72

Sec. 2. (a) The definitions and acronyms in this section apply throughout this rule unless specifically noted.

(b) "ASL" means American Sign Language.

(c) "BIS" means board of interpreter standards.

(d) "CDI" means certified deaf interpreter.

(e) "CDIP" means certified deaf interpreter provisional.

~~(d)~~ **(f)** “CEU” means continuing education unit.

~~(e)~~ **(g)** “Consumer” means the persons for and between whom the interpreter is facilitating communication, and includes both hearing and deaf consumers.

~~(f)~~ **(h)** “DDARS” means the division of disability, aging, and rehabilitative services.

(i) “Deaf/blind interpreting” means using the special skills required to interpret for a person who uses ASL and is both deaf and blind.

~~(g)~~ **(j)** “DHHS” means deaf and hard of hearing services.

(k) “Identified interpreting agency” means an agency whose business is providing interpreting services, has been in business prior to July 1, 1999, and is found on a list of identified interpreting agencies with DHHS.

~~(h)~~ **(l)** “Interpreter” refers to both interpreters and transliterators.

~~(i)~~ **(m)** “ITP” means interpreter training program.

(n) “Minimal language skilled interpreting” means using the special skills required to interpret for a person who has no first language and minimal skills in any other language.

~~(j)~~ **(o)** “NAD” means National Association of the Deaf.

~~(k)~~ **(p)** “Payee” means a person who contracts with a freelance interpreter on behalf of a public or private agency, organization, or business for a particular assignment involving one (1) or more deaf clients and one (1) or more hearing consumers.

(q) “Proof of employment” means:
(1) a letter from approved agency;
(2) a copy of pay stub;
(3) a 1099 Form; or
(4) a W-2 Form.

~~(l)~~ **(r)** “RID” means Registry of Interpreters for the Deaf.

~~(m)~~ **(s)** “Setting” means the context within which an interpreting assignment takes place.

(t) “Team stage interpreting” means using the special skills required to interpret on stage or at a large event in tandem with a team of interpreters.

~~(n)~~ **(u)** “TECUnit” means Testing, Evaluation and Certification Unit, Inc. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-2; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3085*)

SECTION 3. 460 IAC 2-3-3 IS AMENDED TO READ AS FOLLOWS:

460 IAC 2-3-3 Certification requirements

Authority: IC 12-12-7-5
Affected: IC 12-12-7

Sec. 3. (a) In order to receive certification as an interpreter under this rule by the state, an individual must register with DHHS in the manner prescribed by DHHS and fulfill at least one (1) of the following criteria:

(1) Pass the RID written generalist test, hold NAD Level III, and obtain two (2) **DHHS-approved** CEUs per year for up to five (5) years.

- (2) Pass the RID written generalist test, be a graduate of an accredited ITP, and obtain two (2) **DHHS-approved** CEUs per year for up to five (5) years.
- (3) Hold NAD Level IV or above.
- (4) Hold RID certification.
- (5) Hold RID oral certification for situations requiring an oral interpreter only.
- (6) Hold certification from TECUnit and have passed the RID written generalist test for situations requiring a cued speech transliterator.
- (7) Hold RID CDI or CDIP.**
- (8) Be a deaf or hard of hearing person, produce one (1) letter of recommendation to be filed with DHHS from an identified interpreting agency that has previously hired the applicant for deaf/blind interpreting, minimal language skilled interpreting, or team stage interpreting, and obtain two (2) DHHS-approved CEUs per year for up to five (5) years.**
- (9) Provide documentation of proof of employment as an interpreter prior to July 1, 1999, to be placed on file with DHHS, produce one (1) letter of recommendation from an identified interpreting agency that hired the applicant prior to July 1, 1999, and obtain two (2) DHHS-approved CEUs per year. (This includes deaf, hard of hearing, and hearing interpreters.)**

(b) Commencing July 1, ~~2007~~, **2010**, in order to receive certification by the state, an individual must fulfill the requirements in subsection (a) and also hold a bachelor's degree from an accredited college or university. An interpreter who has met the requirements of subsection (a) prior to July 1, ~~2007~~, **2010**, shall be exempt from the additional requirement of this subsection.

(c) Interpreters holding NAD or RID certifications must maintain these certifications in good standing in order to maintain their certification by the state, including fulfilling the continuing education requirements of NAD or RID.

(d) Fulfillment of the requirements of subsection (a)(1), ~~or (a)(2)~~, **or (a)(8)** shall allow an interpreter to be certified by the state for a maximum period of five (5) years from the date originally certified. At or before the conclusion of this period, an interpreter must fulfill the requirements of at least one (1) of ~~subsections~~ **subsection (a)(3) through (a)(6)** **(a)(7)** to continue certification by the state.

(e) An interpreter certified by the state shall renew such certification at least every two (2) years in the manner prescribed by DHHS. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-3; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3085*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 24, 2002 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Room W451 Conference Room A, Indianapolis, Indiana the Division of Disability, Aging, and Rehabilitative Services will hold a public hearing on proposed amendments concerning additional criteria that may be fulfilled to receive state interpreter certification, the extension of the deadline by which certain criteria must be met to become certified, and the addition of relevant definitions.

If an accommodation is required to allow an individual with a disability to participate in this meeting, please contact Kevin Wild at (317) 233-2582 at least forty-eight (48) hours prior to the meeting.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Karen Davis
 General Counsel
 Division of Disability, Aging, and Rehabilitative Services