Annex A

TITLE 34. LABOR AND INDUSTRY

PART XV. OFFICE **[OF]** **FOR** THE DEAF AND HARD OF HEARING

CHAPTER 501. REGISTRATION OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

§ 501.1. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Act—The Sign Language Interpreter and Transliterator State Registration Act (63 P.S. §§ 1725.1—1725.12).

[*CDI—Certified Deaf Interpreter*—A certification issued by RID.

***CI*—Certificate of Interpretation issued by RID.**

***CSC*—Comprehensive Skills Certificate issued by RID.**

***CT*—Certificate of Transliteration issued by RID.]**

Department—The Department of Labor and Industry of the Commonwealth.

***Interpreter Education Program*—A postsecondary program that leads to professional licensure or certification as a qualified sign language interpreter and meets statutory requirements for State registration of individuals providing sign language interpreting and transliterating services to individuals who are deaf or hard of hearing.**

***Legal setting*—A court proceeding, including a criminal prosecution, civil suit, arbitration, attorney-client conference, case settlement negotiation, investigation by law enforcement, deposition, witness interview, real estate settlement or related proceeding in any court; and any judicial or quasi-judicial proceeding before an administrative, legislative or regulatory board, agency or tribunal.**

[*MCSC*—Master Comprehensive Skills Certificate issued by RID.]

***Medical setting*—A location where health care occurs, including an acute care hospital, urgent care center, outpatient clinic, dental office, birthing center, emergency medical care facility, short-term care facility, long-term care facility, nursing home and medical provider office and the site of home health care services or an emergency medical situation that involves imminent danger to a person's health, whether occurring within or outside of a health care facility.**

***Mental health setting*—A location where the diagnosis and treatment of mental and emotional disorders is the primary task of a mental health professional, including a clinic, hospital, social service agency, private professional service provider, residential facility,**

mental health center or other entity in which a mental health professional provides diagnosis and treatment of mental and emotional disorders.

NAD—National Association of the Deaf, an advocacy group for deaf and hard of hearing individuals which previously offered certification in sign language interpreting and transliterating.

[*NAD National Interpreter Certification Test*—The former performance examinations conducted by the NAD for Level IV (Master) or V (Advanced) certification as a sign language interpreter or transliterator.

***NIC*—The National Interpreter Certification test which is the knowledge and proficiency examination conducted for RID's National Interpreter Certification as a sign language interpreter or transliterator.]**

Office—The Office for the Deaf and Hard of Hearing within the Department **[, 1521 North 6th Street, Harrisburg, PA 17102]**.

[*OIC:C*—Oral Interpreting Certificate: Comprehensive issued by RID.

***OTC*—Oral Transliteration Certificate issued by RID.]**

RID—Registry of Interpreters for the Deaf, Inc. A National membership organization of professionals and its state **[affliates]** **affiliates** that provides certification for sign language interpreters and transliterators.

[*RID Generalist examinations*—The knowledge and proficiency examinations which are conducted by RID for CI/CT, CDI and OTC certifications in sign language interpretering or transliterating and which were formerly conducted by RID for CSC, MCSC and OIC:C certifications in sign language interpretering and transliterating.]

Secretary—The Secretary of the Department or the Secretary's designee.

Year—A calendar year.

§ 501.2. Fees.

The Office will charge the following nonrefundable fees:

(1) Registration	**[**$100**.]** **$200**
(2) Biennial renewal of existing registration	**[**$100**.]** **$200**
(3) Surcharge for late renewal of biennial registration**[.]**	$50**[.]**
(4) Reactivation following suspension**[.]**	$100**[.]**
(5) Registration following revocation	**$200**
[(5)] **(6)** Registration identification card replacement**[.]**	$10**[.]**
[(6)] **(7) Provisional registration**	**$100**
[(7)] **(8) Annual renewal of provisional registration**	**$50**

§ 501.3. [Examination] Certification.

(a) **[The following examinations are approved as the examination which tests knowledge and proficiency under section 5(a)(1)(iii) of the act (63 P.S. § 1725.5(a)(1)(iii)):**

(1) NAD National Interpreter Certification.

(2) RID Generalist Examinations.

(3) NIC.]

The Office will annually publish on its web site and in the Pennsylvania Bulletin a list of certifications, as specified under section 2 of the Act (63 P.S. § 1725.2), that are approved by the Office.

(b) An applicant for any of the approved **[examinations]** **certifications** shall obtain applications directly from and pay the required **[examination]** **certification** fee directly to the **[examination]** **certification** provider.

§ 501.4. Registration.

(a) An applicant for registration shall submit the following to the Office:

(1) **[Proof of receiving a passing score on any of the approved examinations**. **This may include proof of current certification by NAD or RID.]** **Proof that the applicant has received a certification.**

(2) A completed registration application. Applications may be obtained from the **[office]** **Office** or the Department's web site **[www.dli.state.pa.us/odhh]**.

(3) The required registration fee under § 501.2 (relating to fees). **[Checks shall be made payable to the Commonwealth of Pennsylvania**.] **An applicant shall pay the required fee by check made payable to the Commonwealth of Pennsylvania or by a form of electronic payment accepted by the Office.**

(b) The Office will issue a paper or electronic registration to an applicant within 60 days of the date of receipt of the application if the applicant complies with subsection (a) and meets the following criteria:

(1) Is 18 years of age or older.

(2) Has **[passed the examination]** **obtained certification** required by subsection (a).

(3) Has paid applicable fees.

(4) Possesses the general fitness, competence and reliability sufficient to satisfy the **[office]** **Office** that the applicant is worthy of State registration.

(c) The Office may deny an application for registration if the applicant:

(1) Does not comply with this section.

(2) Fails to meet the requirements of section 5(a) of the act (63 P.S. § 1725.5(a)).

(3) Committed a violation enumerated in section 8(a) of the act (63 P.S. § 1725.8(a)) and § 501.7 (relating to violations).

(d) **[The Office will comply with the procedures contained in § 501.9 (relating to request for reconsideration of registration denial) if an application for registration is denied.]** **If the Office denies an application for registration, the applicant may file a request for reconsideration with the Office in accordance with the procedures contained in § 501.9 (relating to request for reconsideration of registration denial).**

§ 501.4.1. Provisional registration.

(a) An applicant for provisional registration shall submit all of the following to the Office:

(1) A completed provisional registration application. Applications may be obtained from the Office or the Department's web site.

(2) The required provisional registration fee under § 501.2 (relating to fees). An applicant shall pay the required registration fee by check made payable to the Commonwealth of Pennsylvania or by a form of electronic payment accepted by the Office.

(3) Proof that, within five years prior to the date of application for provisional registration, the applicant has graduated from an interpreter education program with an associate degree or higher from an accredited institution of higher education or has met the requirements of an alternative pathway program, as defined in section 2 of the Act (63 P.S. § 1725.2).

(4) Proof that the applicant has passed a knowledge examination approved by the Office.

(a.1) The Office will annually publish on its web site and in the Pennsylvania Bulletin a list of knowledge examinations that are approved by the Office for purposes of the requirement in subsection (a)(4).

(b) The Office will issue a paper or electronic provisional registration valid for 1 year to an applicant within 60 days of the date of receipt of the application if the applicant complies with subsection (a) and meets all of the following criteria:

(1) Is 18 years of age or older.

(2) Has graduated from an interpreter education program with an associate degree or higher or has met the requirements of an alternative pathway program.

(3) Has paid applicable fees.

(4) Possesses the general fitness, competence and reliability sufficient to satisfy the Office that the applicant is worthy of provisional registration.

(c) An individual who holds provisional registration may not provide interpreter or transliterator services in the following settings:

(1) A legal setting.

(2) A mental health setting, unless accompanied by a qualified sign language interpreter or qualified transliterator.

(3) A medical setting, unless the patient is informed that:

(i) The individual engaged in interpreting or transliterating has obtained a provisional registration and is not State-registered under the act.

(ii) The patient has the right to be provided upon request a qualified sign language interpreter or qualified transliterator.

(4) A critical care, intensive care or emergency department setting in a health care facility, unless the exception in section 4(b)(2) of the Act (63 P.S. § 1725.4(B)(2)) applies.

(d) The Office may deny an application for provisional registration if the applicant meets any of the following:

(1) Does not comply with this section.

(2) Fails to meet the requirements of section 5.1(a) of the act (63 P.S. § 1725.5.1(a)).

(3) Committed a violation enumerated in section 8(a) of the act (63 P.S. § 1725.8(a)) and § 501.7 (relating to violations).

(e) If the Office denies an application for provisional registration, the applicant may file a request for reconsideration with the Office in accordance with the procedures contained in § 501.9 (relating to request for reconsideration of registration denial).

(f) *Renewal.* An individual may annually renew a provisional registration by submitting all of the following to the Office:

(1) The information required by subsection (a).

(2) Proof of completion of at least 20 hours of professional development approved by the Office.

(3) The applicable fee.

(g) The Office may approve only four consecutive renewals under subsection (f).

§ 501.5. Exemptions.

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(b) An individual engaged in sign language interpreting or transliterating during an **immediate, life-threatening medical emergency or first responder incident where there is no qualified sign language interpreter or qualified transliterator, as defined in section 2 of the Act (63 P.S. § 1725.2), available and a delay in obtaining a qualified sign language interpreter or qualified transliterator might lead to injury or loss to the individual requiring services. This exemption shall no longer apply when the medical emergency or first responder incident is stabilized based on reasonable medical or legal standards.**

(c) An individual engaged in interpreting or transliterating as part of a supervised internship or practicum at an accredited college or university**[, RID or NAD if it is not in a legal, medical or mental health setting is exempt.] is exempt if the engagement is not in any of the following:**

(1) A legal setting.

(2) A medical setting or mental health setting, unless accompanied by a qualified sign language interpreter or qualified transliterator.

(d) An individual who does not reside in this Commonwealth is exempt from registration under section 4(b)(4) of the act in accordance with the following:

(1) The individual **[possesses current certification from NAD or RID.]** **holds a certification.**

(2) The individual provides interpreting or transliterating services **in person or remotely via video remote interpreting** in this Commonwealth for no longer than 14 days each year.

(3) The individual provides the following to the Office within 5 business days of providing the interpreting or transliterating service:

(i) Written notice of the date and duration of each sign language or transliterating service that the individual provides or intends to provide within this Commonwealth **in person or remotely via video remote interpreting**. Forms may be obtained from the Office or the Department's web site **[www.dli.state.pa.us/odhh]**.

(ii) Proof of current certification.

(4) The Office will provide notice to a sign language interpreter or transliterator that he has provided 14 days of services during the year and that the individual is prohibited from providing any further interpreting or transliterating services within this Commonwealth during the year **either in person or remotely via video remote interpreting** unless the individual registers with the Office in accordance with section 5 of the act (63 P.S. § 1725.5).

(e) An individual engaged in interpreting or transliterating at the request of a client who is deaf**, deafblind** or hard of hearing is exempt from registration under section 4(b)(5) of the act in accordance with the following:

(1) The interpreter or transliterator notifies the client that the individual is not registered with the Office.

(1.a) The client initiates the request for a specific individual engaged in interpreting or transliterating, the individual agrees to provide the services requested and the services are reasonable for the location, context and nature of the situation.

(2) The client signs a written confirmation acknowledging that the individual is not registered and acknowledging that the client desires the individual's services. **[Forms may be obtained from the Office or the Department's web site at www.dli.state.pa.us/odhh.]** **The client may obtain the written confirmation form from the Office.**

(3) The individual providing services shall provide a copy of the confirmation to the client and maintain a copy of the client's signed statement for **[2 years.]** **6 months.**

(4) The exemption in this subsection has not expired under section 4(b.1) of the Act (63 P.S. § 1725.4(b.1)).

(5) Notwithstanding the exemption to registration in this subsection, the business or entity that is responsible to pay the interpreter or transliterator is not required to hire the non-registered interpreter or transliterator requested by the client who is deaf, deafblind

or hard of hearing. The business or entity may hire the requested non-registered interpreter or transliterator or may require a qualified sign language interpreter or qualified transliterator, as defined in section 2 of the Act (63 P.S. § 1725.2).

(f) An individual who engages in interpreting or transliterating strictly as a volunteer is exempt.

(g) An individual is exempt from registration under section 4(b)(7) of the act for a school-related activity if the individual complies with the State Board of Education regulations establishing criteria for persons providing sign language and interpreting services for a school-related activity. See 22 Pa. Code §§ 14.105 and 711.5 (relating to personnel).

(h) **[If a sign language interpreter or transliterator is required for effective communication at a physician's office, an individual is exempt from registration under section 4(b)(8) of the act if the individual provides sign language interpreting or transliterating services to a patient who is deaf or hard of hearing in accordance with the following:**

(1) The patient signs a written confirmation acknowledging that the individual providing the interpreting or transliterating services is not registered, that the patient has the right to request or provide an interpreter or transliterator who is registered with the Office and the patient desires the services of the unregistered individual. This confirmation must be completed during every office visit. Forms may be obtained from the Office or the Department's web site at www.dli.state.pa.us/odhh.

(2) The individual providing sign language interpreting or transliterating services informs the patient in writing that a request for a registered interpreter or transliterator made after the commencement of the office visit may result in a delay of physician services.

(3) The physician's office shall maintain a copy of the patient's signed statement in the patient's health care file consistent with the regulations of the State Board of Medicine and the State Board of Osteopathic Medicine. See 49 Pa. Code § § 16.95 and 25.213 (relating to medical records).

(4) The interpreter or transliterator shall maintain a copy of the signed statement for 2 years from the date of service.

(5) A copy of the signed statement shall be provided to the patient.] **{Reserved}.**

(i) An individual engaged in interpreting or transliterating in a judicial or in an administrative proceeding is exempt from **[registeration]** **registration** if the individual is providing services under 42 Pa.C.S. Chapter 44 Subchapter C (relating to court interpreters for persons who are deaf) or 2 Pa.C.S. Chapter 5 Subchapter D (relating to administrative proceeding interpreters for persons who are deaf).

§ 501.7. Violations.

The Department may impose disciplinary or corrective measures under section 9(a) of the act (63 P.S. § 1725.9(a)) or levy administrative fines of up to $500 under section 8(b) of the act (63

P.S. § 1725.8(b)) on a registrant **or provisional registrant** for doing one or more of the following:

(1) Obtaining a State registration**, provisional registration** or renewal of a registration through fraud, deceit or misrepresentation.

(2) Being convicted of a felony or a crime in this Commonwealth or other jurisdiction relating to the provision of interpreter or transliterator services.

(3) Being the subject of a disciplinary or other administrative action taken against this registration, **provisional registration,** certificate or license to provide interpreting or transliterating services in another state by a government agency.

(4) Committing fraud, gross negligence or misconduct relating to the provision of interpreting or transliterating services as determined by the **[office] Office**.

(5) Engaging in any other misconduct relating to the provision of interpreting or transliterating services as determined by the **[office] Office**.

(6) Violating the provisions of the act or this chapter.

§ 501.9. Request for reconsideration of registration denial.

(a) The Office may deny an application for registration **or provisional registration** if an applicant does not meet the registration requirements of **[section] sections** 5(a) **or 5.1(a)** of the act (63 P.S. § 1725.5(a) **or § 1725.5.1(a)**) or for the grounds contained in section 8(a) of the act (63 P.S. § 1725.8(a)). The Office will provide the applicant with written notification of the denial which states the statutory and regulatory reasons for the denial and sets forth the procedure for requesting reconsideration.

(b) An applicant for registration **or provisional registration** whose application was denied by the Office may file a request for reconsideration with the Office within 30 days of the date of the notice of denial.

(c) The request for reconsideration must be in writing and include the following:

(1) The applicant's name and address.

(2) The facts supporting the applicant's request for reconsideration.

(3) Supporting documentation demonstrating that the applicant meets the requirements for registration **or provisional registration** under section 5(a)(2) **or 5.1(a)** of the act.

(d) The Office will review the request for reconsideration and issue a written determination containing its decision. If reconsideration is denied, the Office will provide a summary of the reasons in the determination.

(e) If the request is granted, the Office will issue a registration **or provisional registration** to the applicant if the applicant pays the renewal fee and completes the application under section 5(a)(1) **or 5.1(a)** of the act.

(f) An applicant may seek a hearing and appeal the denial of registration **or provisional registration** under sections 10 and 11 of the act (63 P.S. §§ 1725.10 and 1725.11). The Office

and Department will conduct hearings and resolve appeals under § 501.8 (relating to hearings/appeals).

§ 501.12. Change of address/name/information.

A registrant **or provisional registrant** shall notify the Office in writing of the following within 10 days:

(1) Any change of name or mailing address

(2) Disciplinary action taken against the registrant's **or provisional registrant's** registration, certification or license to provide interpreting or transliterating services by another state or government agency.