

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF SAFETY AND
DEPARTMENT OF SAFETY AND : PROFESSIONAL SERVICES
PROFESSIONAL SERVICES : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Department of Safety and Professional Services to amend ss. SPS 200.01 and 201.01 (21); to repeal and recreate s. SPS 200.02 (4) and ch. SPS 202; and to create ss. SPS 201.01 (5) (c), (26), (27) and (28) and chs. SPS 203, 204, and 205; relating to sign language interpreter licensure, scope of practice, and professional conduct.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 440.032 (2), (3), (4m), (5m) and (7) (b).

Statutory authority: Sections 440.032 (4m), (5m), and (7) (b).

Explanation of agency authority:

Under s. 440.03 (7)(b), Stats., “The department, after receiving advice from the committee, may promulgate rules governing the professional conduct of individuals licensed under sub. (3). The rules shall incorporate the rules of professional conduct adopted by the National Association of the Deaf, or its successor, and the Registry of Interpreters for the Deaf, or its successor, or a substantially equivalent organization, as determined by the department after receiving advice from the committee.”

Section 440.032 (4m), Stats. provides that “The department, after receiving advice from the committee, may promulgate rules defining the scope of practice of each license granted under sub. (3).”

Section 440.032 (5m) provides the department authority to promulgate rules relating to licensees carrying identification cards.

Related statute or rule: None.

Plain language analysis:

In light of 2019 Wisconsin Act 17 the department must revise its rules to ensure they match new statutory requirements as well as industry practice generally. This includes revising the rules to ensure references to state agencies are correct and that the rule text conforms to current drafting standards. Additionally, the professional code of conduct for sign language interpreters are revised to add several provisions that are included in the national industry standards but not currently included in ch. SPS 201, the professional conduct chapter. This includes provisions stating that the following conduct is unprofessional conduct subject to discipline:

- Failing to maintain a professional demeanor when working with consumers, colleagues, interns, or students.
- Failing to honor professional commitments or terminating assignments, unless fair and justifiable grounds exist.
- Failing to inform appropriate parties in a timely manner when delayed or unable to fulfill assignments.

Further, the rule project includes new provisions specifying that licensees must carry an identification card and the content of that card. The administrative rules relating to exemptions from licensure for sign-language interpreting practice are also revised as a result of legislative changes to streamline this process. Finally, rules are promulgated to express the statutory requirements for licensure in the form of a list of required components that must be submitted as part of the application process for licensure.

Summary of, and comparison with, existing or proposed federal regulation: None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule: N/A.

Comparison with rules in adjacent states:

Illinois: Illinois law does not appear to require sign language interpreters to carry an identification card. Illinois sign language interpreter's professional code of conduct expressly adopts the RID/NAD standards and also includes provisions making it unprofessional conduct to extend an assignment solely for the purpose of financial gain, interjecting personal opinion, delegating assignments to unqualified or unlicensed persons, accepting or performing assignments that the licensee knows or has reason to know they are not competent to perform, and exploiting a consumer (68 IL Admin. Code § 1515.130).

Illinois offers interpreter licenses at four proficiency levels including provisional, intermediate, advanced, and master. Each successive level may perform services that each level beneath it may perform in addition to the services unique to its level. A provisional level licensee can provide vocational rehabilitation services, community education and recreation programs, and live entertainment. Intermediate level interpreters can provide interpretation in a larger variety of education settings, some medical settings, and may interpret via video relay. Advanced level practitioners can

provide services in a greater variety of medical settings, including mental health, as well as financial services and civil or misdemeanor legal matters. Finally, a master level credential holder can provide services in felony legal matters (68 IL Admin. Code § 1515.90).

Illinois exempts religious services, emergency medical services, educational services if done in compliance with board of education rules, interpretation services provided at the request of the deaf individual so long as the interpreter informs the person they are not licensed, and practice by interpreters licensed in another jurisdiction so long as services are provided less than 14 days per year in the state or are performed via video or telephone conference (225 ILCS 443/25).

Iowa: Interpreters and transliterators must be licensed to practice in Iowa, with the exception of out of state licensees performing services no more than 14 days in a year in Iowa, individuals providing interpreting services for religious services, emergency situations, individuals providing interpretation services on a substitute basis in an educational setting so long as it is for no more than 30 school days per year, and students in an interpreting school (IA Stats. § 154E.4).

Temporary licenses are available to those who do not have a full license, and are valid for two years and may be renewed once. In order to maintain the temporary license, the temporary license holder must be supervised by a licensee at least six times per year in performing services for a client, and the supervisor must provide feedback on how to improve the temporary license holder's skills (645 IA Admin. Code § 361.3(1)). Iowa does not have multiple levels of sign language interpreter licensure. Applicants for full licensure must submit an application form, pay the required fee, and demonstrate that they have passed one of the following examinations or holds one of the following certifications:

- (1) Passes the National Association of the Deaf/Registry of Interpreters for the Deaf (NAD/RID) National Interpreter Certification (NIC) examination after November 30, 2011; or
- (2) Passes one of the following examinations administered by the Registry of Interpreters for the Deaf (RID):
 1. Oral Transliteration Certificate (OTC); or
 2. Certified Deaf Interpreter (CDI); or
- (3) Passes the Educational Interpreter Performance Assessment (EIPA) with a score of 3.5 or above after December 31, 1999; or
- (4) Passes the Cued Language Transliterator National Certification Examination (CLTNCE) administered by The National Certifying Body for Cued Language Translitterators; or
- (5) Currently holds one of the following NAD/RID certifications awarded through November 30, 2011, by the National Council on Interpreting (NCI):
 1. National Interpreter Certification (NIC); or
 2. National Interpreter Certification Advanced (NIC Advanced); or
 3. National Interpreter Certification Master (NIC Master); or

(6) Currently holds one of the following certifications previously awarded by the RID:

1. Certificate of Interpretation (CI); or
2. Certificate of Transliteration (CT); or
3. Certificate of Interpretation and Certificate of Transliteration; or
4. Interpretation Certificate/Transliteration Certificate (IC/TC); or
5. Comprehensive Skills Certificate (CSC); or

(7) Currently holds one of the following certifications previously awarded by the National Association of the Deaf (NAD):

1. NAD III (Generalist); or
2. NAD IV (Advanced); or
3. NAD V (Master)

(645 IA Admin. Code § 645.361.2).

Iowa does not appear to require licensee's to carry an identification card. Iowa statutes do require licensees to maintain a professional demeanor while providing services, refrain from interjecting personal opinion, shall treat people fairly and respectfully, use discretion in accepting assignments, and shall be a life-long learner (IA Stats. § 154E.3 (3)).

Michigan: Michigan requires that a sign-language interpreter have at least one of the following certifications, with an EIPA allowing practice in an elementary or secondary education setting:

(1) All of the following certifications are recognized in this state:

(a) The following certification evaluated by this state:

- (ii) Michigan BEI I.
- (iii) Michigan BEI II.
- (iv) Michigan BEI III.
- (v) Deaf Interpreter (DI).

(b) EIPA as provided in R 393.5026.

(c) A certification from another state having a reciprocal agreement with MI.

(d) National certifications recognized by the RID.

(e) Equivalent certification recognized by the RID or the division.

(MI Admin. Code § R393.5023 (1)).

A person with one of the above certifications is classified as either a level 1, 2, 3 or educational licensee. Level 1 licensees must have either a Michigan BEI-I certification or a RID TC, IC or NAD 3 or DI and may perform interpreting services in "low-risk" environments, excluding health, mental health, finance, law, employment, and government. A level 2 licensee can practice in "medium to high" risk environments. This includes finance, tax, employment matters, and healthcare settings. Level 2 licensees must have at least a Michigan BEI-II certification or a RID CI, CT, NIC or OTC, or a NAD 4. A level 3 licensee may perform interpreting services in a legal environment. Level 3 licensees must have a Michigan BEI-III certification plus 4 years

of experience, or one of a variety of RID certifications, usually also with at least 4 years of experience (MI Admin Code § R393.5024).

There are several exemptions to the licensing requirements. Individuals signing with an artistic purpose, such as in a live performance, do not need to be licensed. Nor do individuals providing interpretation services in an emergency situation if no licensed interpreter is available. If an elementary or secondary school is unable to find a person with an EIPA credential, they may apply for an exception (MI Admin. Rules § R393.5027).

Michigan adopts the NAD-RID code of professional conduct (MI Admin. Rules § R393.5052). Michigan sign-language interpreters must complete at least 8 CEUs of continuing education in each four-year credentialing cycle. A CEU is 10 clock-hours of instruction (MI Admin Rules § R393.5081). Michigan does not appear to require practitioners to carry an identification card.

Minnesota: Minnesota generally does not require licensure for sign-language interpreters or transliterators. Licensure is required to provide services for a public school district must have a certification from NAD or RID and complete a sign language training program from an accredited educational institution (Minn. Stats. § 122A.31).

Summary of factual data and analytical methodologies:

The department must revise its rules relating to sign language interpreter licensure in light of changes to profession and the credentialing of sign language interpreters enacted by 2019 Wisconsin Act 17.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The rule draft will be posted for 14 days on the department's website to solicit economic impact comments from small businesses.

Fiscal Estimate and Economic Impact Analysis:

The fiscal estimate and economic impact analysis will be attached upon completion.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. SPS 200.01 is amended to read:

SPS 200.01 Authority. The rules in chs. SPS 200 to ~~202~~205 are adopted by the department ~~and in consultation with~~ the sign language interpreters ~~council~~advisory committee pursuant to ~~s.~~ ss. 440.032 (6m) (d), (7) (a) and (7) (b), Stats.

SECTION 2. SPS 200.02 is amended and renumbered to read:

SPS 200.02 Definitions. As used in chs. SPS 200 to ~~202~~ 205:

(1) "Advocate" means an individual who provides assistance to an individual who is deaf, deaf-blind, or hard of hearing and may provide counsel, personal opinions, advice, and assist an individual in making personal decisions.

(2) "Client" means a deaf or hard of hearing person for whom a person provides interpretation services.

(3) "Committee" means the sign language interpreters advisory committee established under s.440.032 (6m), Stats.

(2)(4) "Conflict of interest" means a conflict, either actual or perceived, between the private interests, whether personal, financial, or professional, and the official or professional responsibilities of a DSPS-licensed interpreter, deriving from a specific interpreting situation.

~~(3)~~ **(5)** "Consumer" means any individual or entity that is part of the interpreting situation, including individuals who are deaf, deaf-blind, hard of hearing, and hearing.

~~(4)~~ "~~Council~~" means the sign language interpreter council.

~~(5)~~ **(6)** "Department" means the department of safety and professional services.

~~(6)~~ **(7)** "DSPS" means the department of safety and professional services.

~~(7)~~ **(8)** "Family member" means the spouse, child, grandchild, grandparent, aunt, uncle, brother, sister, parent, step-parent, step-child, step-brother, step-sister, foster child, or first cousin.

~~(8)~~ **(9)** “DSPS-licensed interpreter” means an individual who provides sign language interpreter services, for compensation, and who is licensed under s. 440.032 (3), Stats.

~~(9)~~ **(10)** “Interpreting situation” means any instance of a DSPS-licensed interpreter performing interpreting services for consumers.

~~(10)~~ **(11)** “Interpreting” means rendering accurate and equivalent messages using sign language to facilitate cultural and linguistic communication.

(12) “Interpreter training program” means any postsecondary educational program that prepares individuals to provide sign language interpretation services to a client.

(13) “Support service provider” means an individual who is trained to act as a link between a person who is deaf and blind and the person's environment.

~~(11)~~**(14)** “Unlicensed interpreter” means an individual who uses sign language to facilitate cultural and linguistic communication who is not licensed under s. 440.032 (3), Stats.

(15) “Wisconsin Interpreting and Transliterating Assessment” means a program administered by the department of health services to determine and verify the level of competence of communication access services providers who are not certified by the Registry of Interpreters for the Deaf, Inc., or its successor, the National Association of the Deaf or its successor, or other similar nationally recognized certification organization, or a successor program administered by the department of health services.

SECTION 3. SPS 201.01 (2) and (3) are amended to read:

SPS 201.01 (2) Failing to notify the department in writing within 30 days of any certification, verification, or membership required for licensure being revoked, suspended, expired, or invalidated. This may include certification, verification, or membership by or in National Association of the Deaf, Registry of Interpreters for the Deaf, Inc., Wisconsin Interpreting and Transliterating Assessment, Board for Evaluation of Interpreters, or any other certification determined to be substantially similar to certification by the National Association of the Deaf or Registry of Interpreters for the Deaf, Inc. by the department.

(3) Subject to reasonable accommodations for those with disabilities, Failing failing to notify the department in writing by mail within 48 hours if convicted of a crime as required under SPS 4.09 (2) within 30 days of being convicted of any crime.

Note: Required notice under this section should be mailed to the Department of Safety and Professional Services, P.O. Box 8935, Madison, WI 53708.

SECTION 4. SPS 201.01 (5) (c) is created to read:

SPS 201.01 (5) (c) Disclosure is necessary to comply with state or federal mandatory reporting requirements.

SECTION 5. SPS 201.01 (16) to (24) are amended and renumbered to read:

(16) Performing services in a medical, mental health treatment, or legal setting for a minor family member or person under the interpreter's legal guardianship, if there is an existing conflict of interest or if it would create a conflict of interest under sub. (15).

- ~~(17) Performing services for an individual when the DSPS-licensed interpreter is the legal guardian for the individual.~~
- ~~(1817)~~ Assuming dual or conflicting roles in interdisciplinary settings.
- ~~(1918)~~ Using confidential interpreted information for personal, monetary, or professional gain or for the benefit of professional affiliations or entities.
- ~~(2019)~~ Acting as an advocate while functioning as a DSPS-licensed interpreter or as an interpreting team member.
- ~~(2120)~~ Being convicted of any state or federal crime which substantially relates to the practice of sign language interpreting, subject to ss. 111.321, 111.322, and 111.335, Stats.
- ~~(2221)~~ Failing to maintain ethical business practices whether in private practice or as an employee of an agency or other entity.
- ~~(2322)~~ Failing to accurately represent the DSPS-licensed interpreter's qualifications, such as certification, education, and experience, failing to provide documentation of the DSPS-licensed interpreter's qualifications when requested, or failing to ensure that the DSPS-licensed interpreter's qualifications are accurately represented by any agencies or entities that contract for or schedule the DSPS-licensed interpreter's services.
- ~~(2423)~~ Engaging in any harassing, intimidating, or coercive business tactics.
- ~~(2524)~~ Failing to comply with continuing education requirements as mandated for its members by the Registry of Interpreters for the Deaf, Inc., the National Association of the Deaf, or their successors, or any other certifying organization that the department determines to be substantially equivalent to the Registry of Interpreters for the Deaf, Inc., the National Association of the Deaf, or their successors.

SECTION 6. SPS 201.01 (25), (26), and (27) are created to read:

- (25) Failing to maintain a professional demeanor when working with consumers, colleagues, interns, or students.
- (26) Failing to honor professional commitments or terminating assignments, unless fair and justifiable grounds exist.
- (27) Failing to inform appropriate parties in a timely manner when delayed or unable to fulfill assignments.

SECTION 7. SPS 202 is repealed and recreated to read:

CHAPTER SPS 202
SIGN LANGUAGE INTERPRETERS; LICENSURE EXEMPTIONS

SPS 202.01 Temporary Exemption from Licensure. An individual may apply for a temporary exemption from the sign language interpreter licensing requirements under s. 440.032 (3), Stats.

- (1) An application for a temporary exemption shall include the following:
- (a) A written statement on a form provided by the department explaining why the applicant is unable to obtain a license under s. 440.032 (3), Stats.
 - (b) Any relevant professional credentials held by the applicant.
 - (c) The duration for which the applicant is seeking a temporary exemption to the licensure requirement.

(2) Requests for temporary exemptions are reviewed and approved by the department on a case by case basis in consultation with the committee.

SPS 202.02 Permanent Exemption from Licensure. An individual may apply for a permanent exemption from the sign language interpreter licensing requirements under s. 440.032 (3), Stats.

- (1) An application for a permanent exemption shall include the following:
- (a) A written statement on a form provided by the department explaining why the applicant is unable to obtain a license under s. 440.032 (3), Stats.
 - (b) If the applicant for a permanent exemption will be providing sign language interpretations services to a single client only, the individual's application shall identify that client.
- (2) Requests for permanent exemptions are reviewed and approved by the department on a case by case basis in consultation with the committee.

SPS 202.03 Exemption for Certain Services or Settings. Licensure is not required to perform interpreting services if the circumstances of the interpreting services provided meet any of the following criteria enumerated in s. 440.032 (2) (b), Stats.:

- (1) An individual interpreting at any school or school-sponsored event if the individual is licensed by the department of public instruction as an educational interpreter.
- (2) An individual interpreting at a religious service or at a religious function, including educational or social events sponsored by a religious organization. This subdivision does not apply to an individual interpreting for a religious organization at a professional service provided or sponsored by the religious organization.
- (3) A support service provider interpreting for the purpose of facilitating communication between an individual who provides interpretation services and a client of the individual.
- (4) An individual who, in the course of the individual's employment, provides interpretation services during an emergency unless the interpretation services are provided during a period that exceeds 24 hours.

SECTION 8. SPS 203, 204, and 205 are created to read:

CHAPTER SPS 203
SIGN LANGUAGE INTERPRETERS; LICENSURE APPLICATIONS

SPS 203.01 Application for sign language interpreter—intermediate hearing license. An applicant for a sign language interpreter—intermediate hearing license shall submit the following:

- (1) A completed application form.
- (2) The fee required under s. 440.03 (9) (a), Stats.
- (3) If the applicant has a pending charge or conviction record, all documentation necessary for the board to determine whether the circumstances substantially relate to the practice of sign language interpreting, subject to ss. 111.321, 111.322, and 111.335, Stats.
- (4) Documentary evidence of having met one of the following education and training requirements:
 - (a) Successful completion of each of the following:

1. At least an associate degree in sign language interpretation, or an equivalent degree as determined by the department after receiving advice from the committee.
 2. Successful completion of an interpreter training program.
 3. Passage of the basic performance examination and certification by the Board for Evaluation of Interpreters, or its successor, or a substantially equivalent examination, as determined by the department after receiving advice from the committee.
- (b) Successful completion of each of the following:
1. An associate degree in sign language interpretation before July 19, 2019.
 2. Passage of the basic performance examination and certification by the Board for Evaluation of Interpreters, or its successor, or passage of a substantially equivalent examination, as determined by the department after receiving advice from the committee.
- (c) Passage of the basic performance examination and certification by the Board for Evaluation of Interpreters, or its successor, or passage of a substantially equivalent examination, as determined by the department after receiving advice from the committee, before July 19, 2019.

SPS 203.02 Application for a sign language interpreter— advanced hearing

license. An applicant for a sign language interpreter—advanced hearing license shall submit the following:

- (1) A completed application form.
- (2) The fee required under s. 440.03 (9) (a), Stats.
- (3) If the applicant has a pending charge or conviction record, all documentation necessary for the board to determine whether the circumstances substantially relate to the practice of sign language interpreting, subject to ss. 111.321, 111.322, and 111.335, Stats.
- (4) Documentary evidence of having met one of the following education and training requirements:
 - (a) Successful completion of each of the following:
 1. At least an associate degree in sign language interpretation, or an equivalent degree as determined by the department after receiving advice from the committee.
 2. Successful completion of an interpreter training program.
 3. Passage of one of the following examinations:
 - a. The advanced or master performance examination of and is certified by the Board for Evaluation of Interpreters, or its successor.
 - b. The examination for and holds the national interpreter certification issued by the Registry of Interpreters for the Deaf, Inc., or its successor.
 - c. A substantially equivalent examination, as determined by the department after receiving advice from the committee.
 - (b) The applicant was issued before July 19, 2019, and maintains in good standing, any one of the following:

1. The national interpreter certification (NIC), advanced or master level national interpreter certification (NIC-Advanced or NIC-Master), certificate of interpretation (CI), certificate of transliteration (CT), comprehensive skills certificate (CSC), master comprehensive skills certificate (MCSC), interpretation certificate (IC), or transliteration certificate (TC), issued by the Registry of Interpreters for the Deaf, Inc., or its successor.
2. The National Association of the Deaf III, IV, or V certification.
3. The advanced or master certification of the Board for Evaluation of Interpreters or its successor.

SPS 203.03 Application for a sign language interpreter— intermediate deaf license. An applicant for a sign language interpreter—intermediate deaf license shall submit the following:

- (1) A completed application form.
- (2) The fee required under s. 440.03 (9) (a), Stats.
- (3) If the applicant has a pending charge or conviction record, all documentation necessary for the board to determine whether the circumstances substantially relate to the practice of sign language interpreting, subject to ss. 111.321, 111.322, and 111.335, Stats.
- (4) Documentary evidence of having met all the following education and training requirements:
 - (a) The applicant holds a high school diploma or its equivalent, as determined by the department after receiving advice from the committee.
 - (b) Successful completion of at least 40 hours of a deaf interpreter training curriculum approved by the department after receiving advice from the committee.
 - (c) Successful completion of at least 16 hours of sign language interpretation services-related training approved by the Registry of Interpreters for the Deaf, Inc., or its successor or the Board for Evaluation of Interpreters or its successor, or substantially equivalent training, as determined by the department after receiving advice from the committee.
 - (d) Successful completion of American sign language linguistics I and II or substantially equivalent coursework, as determined by the department after receiving advice from the committee.
- (5) Letters of recommendation from at least 2 individuals who hold a sign language interpreter—advanced deaf license, a certified deaf interpreter certification issued by the Registry of Interpreters for the Deaf, Inc., or its successor, or an equivalent certification, as determined by the department after receiving advice from the committee. Taken in the aggregate, the letters of recommendation shall verify that the applicant has successfully completed at least 25 hours of observing sign language interpretation services provided to clients.

SPS 203.04 Application for a sign language interpreter— advanced deaf license. An applicant for a sign language interpreter—advanced deaf license shall submit the following:

- (1) A completed application form.

- (2) The fee required under s. 440.03 (9) (a), Stats.
- (3) If the applicant has a pending charge or conviction record, all documentation necessary for the board to determine whether the circumstances substantially relate to the practice of sign language interpreting, subject to ss. 111.321, 111.322, and 111.335, Stats.
- (4) Documentary evidence of having met all the following education and training requirements:
 - (a) An associate degree or alternate education pathway approved by the department with advice from the committee.
 - (b) Certified deaf interpreter certification issued by the Registry of Interpreters for the Deaf, Inc., or its successor or an equivalent certification, as determined by the department after receiving advice from the committee.

CHAPTER SPS 204
SIGN LANGUAGE INTERPRETERS; IDENTIFICATION CARDS

SPS 204.01 Identification card required. Interpreters licensed by the department must carry an identification card as identified under s. 440.032 (5m), Stats. at all times while providing sign language interpretation services to clients for compensation and must be shown by the interpreter upon request.

SPS 204.02 Content and Format. The identification card referenced in s. SPS 204.01 shall include all the following information:

- (1) The interpreter's full name.
- (2) The interpreter's licensure category, and whether the interpreter is qualified under ch. SPS 205 to interpret in a mental health or legal setting, including color coding as follows:
 - (a) Intermediate hearing and deaf licenses shall be color-coded yellow.
 - (b) Advanced hearing and deaf licenses shall be color-coded green.
 - (c) A blue sticker if the individual is qualified under ch. SPS 205 to interpret in a mental health setting.
 - (d) A silver sticker if the individual is qualified under ch. SPS 205 to interpret in a legal setting.
- (3) Any applicable licensure restriction.
- (4) A statement whether the interpreter is authorized by the supreme court to act as a qualified interpreter in court proceedings under s. 885.38 (2) and whether that authorization is provisional.

SPS 204.03 Identification Card Renewal. The identification card shall be provided with approved license by the department and be valid until a license expires. An identification card is reissued at renewal and when any changes in personal information or licensure categories required information for the card has changed and reported by the licensee. Interpreters are required to maintain a valid and correct identification card. Request for changes to identification cards

Note: Request for changes in personal information under this section should be requested to the Department of Safety and Professional Services, P.O. Box 8935, Madison, WI 53708 or online at www.dsps.wi.gov .

SPS 204.04 Effective Date of Identification Card. Requirements under SPS 204.01 are effective when a license is issued under s. 440.032 and as outlined in SPS 204.02.

CHAPTER SPS 205
SIGN LANGUAGE INTERPRETERS; SCOPE OF PRACTICE RESTRICTIONS

SPS 205.01 Definitions. In this chapter:

- (1) “Acute mental health crisis” means any situation in which a person’s behavior puts them at risk of hurting themselves or others or prevents them from being able to care for themselves or to function effectively in the community.
- (2) “Medical setting” means any interpretation situation involving the diagnosis, treatment, or prevention of illness or injury, not including treatments that are considered mental health treatments under sub. (3).
- (3) “Mental health treatment setting” means an interpretation situation involving any of the following settings or situations:
 - (a) Psychiatric, psychological, or neuropsychological evaluations.
 - (b) Mental health or substance use assessments or screenings.
 - (c) Court ordered mental health, behavioral health, or substance use disorder treatments.
 - (d) State and county facilities that house individuals with mental illness, mental health, or substance use disorder diagnoses.
 - (e) Legal settings involving mental health, behavioral health, or substance use disorder concerns.
 - (f) An acute mental health crisis.
 - (g) Evaluation, diagnosis, or treatment of minors or those under guardianship relating to mental health, behavioral health, and substance use disorder concerns.
- (4) “Legal setting” means any interpretation situation involving consultation with an attorney, law enforcement related setting, or during any immigration related proceedings, for the purposes of obtaining legal advice, any interpretation situation involving a negotiation or meeting in which one of the parties is represented by an attorney, or any interpretation situation taking place within a law enforcement setting, immigration proceeding or courts of the State of Wisconsin.
- (5) “Team interpreting” means the practice of using two or more interpreters who work together to provide interpretation for an individual, either due to a speech impairment, hearing loss, deafness, deaf-blindness, or other disability, so that the individual can adequately hear, understand, or communicate effectively in English.

SPS 205.02 Provision of services in a medical setting.

Only persons who meet one of the following criteria may provide sign language interpretation services in a medical setting:

- (1) Holds a sign language interpreter - intermediate hearing license under s. SPS 203.01 and is team interpreting with a person who is licensed either as a sign language interpreter - advanced hearing license under s. SPS 203.02 or licensed as a sign language interpreter – advanced deaf license under s. SPS 203.03.
- (2) Holds a sign language interpreter – advanced hearing license under s. SPS 203.02.

- (3) Holds a sign language interpreter – intermediate deaf license under s. SPS 203.03.
- (4) Holds a sign language interpreter – advanced deaf license under s. SPS 203.04.

SPS 205.03 Provision of services in a mental health treatment setting. This section only applies to applications for licensure received on or after September 1, 2023. Only persons who hold the qualified equivalency from the Alabama Department of Deaf Services, within the previous 5 years may provide sign language interpretation services in a mental health treatment setting. Persons who do not hold the qualified equivalency must meet the following criteria to provide sign language interpretation services in mental health treatment setting:

- (1) Are recognized by the department as a Qualified Mental Health Interpreter (QMHI) and
- (2) Holds either a sign language interpreter – advanced hearing license under s. SPS 203.02, or a sign language interpreter – advanced deaf license under s. SPS 203.04 and
- (3) Submits the following documentation to the department for completing a minimum of 40 clock hours within the previous two-year license cycle, in approved training including:
 - (a) Mentoring and supervision skills.
 - 1. Interpreting methods and appropriate use of simultaneous, consecutive, and narrative interpreting.
 - 2. Knowledge of the difference between interpreting and communication assistance or language intervention.
 - 3. Identifying care providers, identifying mental health disciplines, and familiarity with milieus and settings.
 - 4. The role of an interpreter as a professional consultant.
 - 5. Professional boundaries.
 - 6. Confidentiality and privilege, including abuse reporting, the duty to warn, and protections specific to Wisconsin statute.
 - (b) Mental health knowledge.
 - 1. Mental health issues and treatment options in Wisconsin.
 - 2. Specialized vocabulary used in psychiatric settings in both the source and the target languages.
 - 3. Psychopathologies, including knowledge of the names of the major mental illnesses treated in both the target and source languages.
 - 4. Symptomology of major mental illnesses experienced by the patients as presented within the psycholinguistic context of the target language group.
 - 5. Assessment methods and understanding of the impact of interpretation when doing an assessment.
 - 6. Etiology and its impact on mental health, hearing loss, and language.
 - (c) Cultural competency.
 - 1. Treatment approaches.
 - 2. Impact of cultural influences on assessment and treatment.
 - 3. Inpatient settings and the various staff that will be working in those settings and how interpreting and cultural differences can influence therapeutic relationships in those settings.

4. Outpatient settings, self-help and support groups and the specialized vocabulary used in those groups.
5. Influence of interpreting and cultural differences on therapeutic relationships in both inpatient and outpatient settings.
6. Cultural views of mental illness, mental health, behavioral health, and substance abuse specific to the populations the interpreter works with.
7. Constructs of deafness and hearing loss relative to majority/minority cultures and pathological models.
8. Sociological impact of cross-cultural mental health service provision and the impact of an interpreter on the therapeutic dyad.
9. The impact of stereotypes on mental health service delivery.

(d) Substance use disorders.

1. Specialized vocabulary used in substance use disorder treatment in both the source and the target languages.
2. Substance use disorder theory and issues involving substance use disorder.
3. Assessment methods and treatment approaches.

(e) Issues involving developmental disability and any additional disabilities and the role culture and language plays in providing services to people with developmental disabilities or additional disabilities.

(f) Practice competencies.

1. Personal safety issues, including an understanding of at-risk conduct and personal boundaries as it applies to mental health interpreting work and an awareness of de-escalation techniques and universal precautions.
2. Assessing communication effectiveness
3. Matching the interpreting method with the client and the setting.
4. The impact of emotionally charged language.
5. Unusual or changed word or sign selection.
6. Linguistic dysfluency or marked changes in linguistic fluency within a psycholinguistic context.
7. Conveying information without alteration, emotional language without escalation, and ambiguous or emotionless language.
8. Isolating peculiar features of eccentric or dysfluent language use.
9. Reading client case documentation and recording appropriate documentation of linguistic significance.
10. Personal mental health issues and maintaining the personal mental health of the interpreter.
11. The impact of personal issues on the interpreting process.
12. Awareness of countertransference in the interpreter and familiarity with transference to the clinician or to the interpreter.

(4) Submits documentation to the department indicating that the individual has completed a 40 clock hour supervised practicum within one year meeting all the following requirements:

- (a) The practicum site must be primarily clinical in nature.**
- (b) The site is approved by the practicum supervisor.**
- (c) The work must be direct interpreting and may not be social in nature.**
- (d) The practicum must involve both in-patient and out-patient practice.**

(5) Submits documentation to the department indicating that the individual has passed an examination approved by the department on the topics covered in sub. (2) of this section.

SPS 205.04 Maintenance of qualified mental health interpreter status. This section only applies to applications for licensure received on or after September 1, 2023. An individual recognized as a qualified mental health interpreter by the department must submit documentation indicating completion of one of the following requirements to the department as part of the application for renewal of the individual's sign language interpreter – advanced deaf license issued under s. SPS 203.03 or sign language interpreter – advanced hearing license under s. SPS 203.02:

- (1) At least 40 clock hours of actual interpretation work in a mental health or substance abuse setting annually. This requirement includes 20 clock hours of actual interpreting and 20 clock hours of health-related training.
- (2) Attending 40 clock hours of mental health related training annually.
- (3) Any combination of the above equaling 80 hours during the two-year license cycle.

SPS 205.05 Qualified mental health interpreter practicum supervisor qualifications. This section only applies to applications for licensure received on or after September 1, 2023. Practicum supervisors must be approved by the department with the advice of the committee, and may include any of the following individuals:

- (1) An interpreter who is currently recognized by the department as a Qualified Mental Health Interpreter (QMHI).
- (2) An interpreter who has 3 years of experience as an interpreter.
- (3) An individual who has completed the Alabama Office of Deaf Services Qualified Mental Health Interpreter (QMHI) supervisory training program.

SPS 205.06 Provision of services in a legal setting.

Only persons who meet both of the following criteria may provide sign language interpretation services in a legal setting:

- (1) Holds a license under either ss. 440.032 (3) (d), (e), or (f), Stats.
- (2) Is authorized by the supreme court to act as a qualified interpreter in court proceedings under s. 885.38 (2), Stats.

SECTION 9. EFFECTIVE DATE. The rule adopted in this order requiring licensees to carry an identification card under 204.01 shall take effect on the first day of the second month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22(2)(b), Stats. All other rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
