



VIRTUAL/TELECONFERENCE
SIGN LANGUAGE INTERPRETERS ADVISORY COMMITTEE
Virtual, 4822 Madison Yards Way, Madison
Contact: Adam Barr (608) 266-2112
February 4, 2022

The following agenda describes the issues that the Committee plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Committee.

AGENDA

10:00 A.M.

OR IMMEDIATELY FOLLOWING THE PUBLIC HEARING ON SPS 200-202

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes of November 5, 2021 (3-4)**
- C. Introductions, Announcements & Recognition**
- D. Reminders: Conflicts of Interest, Scheduling Concerns**
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Committee Updates
 - 2) Annual Policy Review **(5-7)**
 - 3) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(8-10)**
 - 4) Committee Members – Term Expiration Dates
 - a. Altmann, Andrew J. – 5/1/2023
 - b. Conine, Pamela Sue M. – 5/1/2023
 - c. DeMeyer, Leslie – 5/1/2023
 - d. Fox-Wheeler, Lindalu – 5/1/2023
 - e. Radke, Bret J.
 - f. Schmidt, Katy M. – 5/1/2023
 - g. Yorot, Cailin R. – 5/1/2023
- F. Education and Examination Matters – Discussion and Consideration**
 - 1) APPEARANCE: Chantel Wiedmeyer, BEI Coordinator, Department of Health Services/Office for the Deaf and Hard of Hearing – Update on BEI Testing in Wisconsin

G. Administrative Rule Matters – Discussion and Consideration

- 1) Consultation on SPS 200-204, Relating to Sign Language Interpreter Authority, Definitions, Scope of Practice, Professional Conduct, and Identification Cards **(11-26)**
- 2) Pending and Possible Rulemaking Projects

H. Credentialing Matters – Discussion and Consideration

- 1) Credentialing Reports **(27-28)**

I. COVID-19 – Discussion and Consideration

J. Discussion and Consideration of Items Added After Preparation of Agenda

- 1) Introductions, Announcements and Recognition
- 2) Administrative Matters
- 3) Election of Officers
- 4) Education and Examination Matters
- 5) Credentialing Matters
- 6) Practice Matters
- 7) Administrative Rule Matters
- 8) Informational Items
- 9) Division of Legal Services and Compliance (DLSC) Matters
- 10) Appearances from Requests Received or Renewed
- 11) Speaking Engagements, Travel, or Public Relation Requests and Reports

K. Public Comments

ADJOURNMENT

NEXT MEETING: MAY 6, 2022

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board’s agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
SIGN LANGUAGE INTERPRETERS ADVISORY COMMITTEE
MEETING MINUTES
NOVEMBER 5, 2021**

PRESENT: Pamela Sue Conine, Leslie DeMeyer, Bret Radke, Katy Schmidt, Cailin Yorot

EXCUSED: Andrew Altmann, Lindalu Fox-Wheeler

STAFF: Adam Barr, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other Department staff

CALL TO ORDER

Katy Schmidt, Chairperson, called the meeting to order at 9:07 a.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

MOTION: Cailin Yorot moved, seconded by Leslie DeMeyer, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 7, 2021

MOTION: Leslie DeMeyer moved, seconded by Cailin Yorot, to approve the Minutes of May 7, 2021 as published. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Consultation on Draft Rule Revisions to the Sign Language Interpreters Rule Chapters Necessitated by 2019 Wisconsin Act 17

MOTION: Cailin Yorot moved, seconded by Pamela Sue Conine, to recommend that the Department revise the text for chapters SPS 200, 202, and 205 as discussed at the November 5, 2021 meeting, including changes to SPS 205.03. Motion carried unanimously.

ROLE OF THE COMMITTEE

Complaint and Screening Process

LIAISON APPOINTMENTS	
Disciplinary Liaison(s)	Leslie DeMeyer <i>Alternate: Katy Schmidt</i>

MOTION: Pamela Sue Conine moved, seconded by Cailin Yorot, to delegate the committee's authority to consult with the Department concerning disciplinary investigations and actions to the Disciplinary Liaison(s). Motion carried unanimously.

ADJOURNMENT

MOTION: Cailin Yorot moved, seconded by Pamela Sue Conine, to adjourn the meeting.
Motion carried unanimously.

The meeting adjourned at 10:51 a.m.

DRAFT

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Kimberly Wood, Program Assistant Supervisor-Adv. on behalf of Division of Policy Development Executive Directors		2) Date when request submitted: 12/13/2021 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: All Boards			
4) Meeting Date: First Meeting of 2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> 1. Attendance/Quorum: Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. 2. Walking Quorum: Board/Section/Council members must not collectively discuss the body's business outside of a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law. 3. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline which is at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting) 4. Travel Voucher and Per Diem Submissions: Please submit all Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. (Attachment: Travel Voucher Example) 5. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the scheduled start time. <ul style="list-style-type: none"> • If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate. 6. Inclement Weather Policy: In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executed remotely. 			
11) Authorization			
Kimberly Wood		12/13/2021	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. 			

Timeline of a Meeting

8 business days prior to the meeting: All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

7 business days prior to the meeting: The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

5 business days prior to the meeting: The approved agenda is returned to the Bureau Assistant for agenda packet production and compilation.

4 business days prior to the meeting: Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

Agenda Item Examples:

- Approval of the Agenda and Minutes (from the last meeting)
- Open Session Items
 - Public Hearings (on Admin Rules)
 - Administrative Matters
 - Legislation and Policy Matters
 - Administrative Rules Matters
 - Credentialing Matters
 - Education and Exam Issues
 - Public Agenda Requests
 - Current Issues Affecting the Profession
 - Public Comments
- Closed Session items
 - Deliberations on Proposed Disciplinary Actions
 - Stipulations
 - Administrative Warnings
 - Case Closings
 - Monitoring Matters
 - Professional Assistance Procedure (PAP) Issues
 - Proposed Final Decisions and Orders
 - Orders Fixing Costs/Matters Relating to Costs
 - Credentialing Matters
 - Education and Exam Issues

Thursday of the Week Prior to the Meeting: Agendas are published for public notice on the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

1 business day after the Meeting: "Action" lists are distributed by staff detailing board actions on closed session business.

5 business days after the Meeting: "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Megan Glaeser, Bureau Assistant		2) Date when request submitted: 25 January 2022 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Sign Language Interpreters Advisory Committee			
4) Meeting Date: 4 February 2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters <ul style="list-style-type: none"> • Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities 	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: <ol style="list-style-type: none"> 1) The Board, Council or Section should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities including any modification of these delegations and any proposals for additional delegations. 			
11)	<div style="border-bottom: 1px solid black; padding-bottom: 5px;"> </div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;"> Authorization </div>	<div style="border-bottom: 1px solid black; padding-bottom: 5px; text-align: right;"> 25 January 2022 </div>	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. 			

Sign Language Interpreters Advisory Committee Officers, Liaisons, and Authorities

ELECTION RESULTS	
Chairperson	Katy Schmidt
Vice Chairperson	Pamela Sue Conine
Secretary	Leslie DeMeyer

Appointment of Liaisons

LIAISON APPOINTMENTS	
Administrative Rules Liaison	Leslie DeMeyer <i>Alternate: Cailin Yorot</i>
Education, Continuing Education and/or Examinations Liaison	Pamela Sue Conine <i>Alternate: Lindalu Fox-Wheeler</i>
Credentialing Liaison	Cailin Yorot <i>Alternate: Pamela Sue Conine</i>
Disciplinary Liaisons	Leslie DeMeyer <i>Alternate: Katy Schmidt</i>

Delegation Motions

Administrative Rules Delegation

MOTION: Pamela Sue Conine moved, seconded by Leslie DeMeyer, to delegate the Committee’s advisory authority to the Rules Liaison to advise the Department on all rulemaking as related to drafting and making recommendations to the full Committee. Motion carried unanimously.

Education, Continuing Education and Examinations Liaison Delegation

MOTION: Leslie DeMeyer moved, seconded by Pamela Sue Conine, to delegate the Committee’s advisory authority to the Education, Continuing Education and/or Examination Liaison to advise the Department on all questions related to education, continuing education, and examinations. Motion carried unanimously.

Credentialing Delegation

MOTION: Cailin Yorot moved, seconded by Pamela Sue Conine, to delegate the Committee's advisory authority to the Credentialing Liaison to serve as a liaison between DSPS and the Committee and to advise the Department in regard to credentialing applications or questions presented to them.
Motion carried unanimously.

Disciplinary Delegation

MOTION: Pamela Sue Conine moved, seconded by Cailin Yorot, to delegate the committee's authority to consult with the Department concerning disciplinary investigations and actions to the Disciplinary Liaison(s).
Motion carried unanimously.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin Administrative Rules Coordinator		2) Date when request submitted: 01/24/22 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Sign Language Interpreters Advisory Committee			
4) Meeting Date: 02/04/22	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Consultation on SPS 200-204, relating to Sign Language Interpreter Authority, Definitions, Scope of Practice, Professional Conduct, and Identification Cards 2. Pending or Possible Rulemaking Project	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Discussion and consultation on public hearing comments and clearinghouse report Attachments: <ul style="list-style-type: none"> • Clearinghouse Report • Rule Draft 			
11) Authorization			
		01/24/22	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **22-001**

AN ORDER to amend SPS 200.01 and 201.01 (2), (3), and (4); to amend and renumber SPS 200.02 and 201.01 (16) to (24); to repeal ch. SPS 202; and to create SPS 201.01 (5) (c), (25), (26), (27), and (28) and chs. SPS 203 and 204, relating to sign language interpreter authority, definitions, scope of practice, professional conduct, and identification cards.

Submitted by **DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

01-03-2022 RECEIVED BY LEGISLATIVE COUNCIL.

01-18-2022 REPORT SENT TO AGENCY.

SG:DWS

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 22-001

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

a. In SECTION 1 of the proposed rule, when material is deleted and other material is inserted in the same location, show all of the stricken material, then the new underscored material. [s. 1.04 (4) (a) 2., Manual.] Thusly, “, 201, 203 and 204” should be preceded by the stricken material “~~to 202~~”. This correction should be made in SECTION 2 as well.

b. Numerous treatments in SECTIONS 2 and 5 of the proposed rule should be reviewed for consistency with ss. 1.04 (3) (c) and 1.10 (3) of the Manual. Briefly, it is recommended that an agency avoid renumbering provisions merely to fill gaps caused by repeal or to address the prior insertion of new material. The numbering of material in SECTION 6 of the proposed rule will also be affected if the agency maintains its current organization structure of s. SPS 201.01.

c. Section SPS 203.03 should be revised to avoid the use of “and” between subs. (1) and (2). Also, is s. SPS 203.03 (3) accidentally omitted, or should subs. (4) and (5) be renumbered as subs. (3) and (4)?

d. Is the text beginning each of s. SPS 203.03 (2) (a) to (f) intended to be a title or introductory material? Sections 1.10 and 1.11 of the Manual should be reviewed for proper formatting and use of titles and introductory material.

e. In s. SPS 203.03 (5), it is unnecessary to include the phrase “of this section”.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In various locations in the proposed rule, the term “person” is used where it appears that the rule is referring to individuals. [See SECTION 8, in particular.] The term “person” refers to human beings and to nonhuman entities, such as corporations or governmental bodies. It does not appear that the rule is intended to apply to corporate entities, therefore, the use of the term “individual” appears appropriate. [s. 1.08 (1) (i), Manual.]

b. In s. SPS 203.01 (2), could the agency instead write, ““Medical setting” means any interpretation situation involving the diagnosis, treatment, or prevention of illness or injury, not including a mental health treatment setting.”, as the latter term is defined in s. SPS 203.01 (3)? Or, does the agency intend to limit the exclusion only to “treatments” as that specific term is used in s. SPS 203.01(3) (a) to (g)? If the latter, the agency may wish to use more specific references, because the word “treatment” is only used in s. SPS 203.01 (3) (c) and (g).

c. In SECTION 8, under s. SPS 203.03, the proposed language states that “Only persons who hold an active qualified equivalency from the Alabama Department of Deaf Services may provide sign language interpretation services in a mental health treatment setting.”. The next sentence then describes the criteria for those who do not hold the qualified equivalency to provide services in a mental health setting. This appears to contradict the preceding sentence. As it appears that there are circumstances under which individuals who do not hold the qualified equivalency may practice in a mental health setting, it also appears that the word “Only” should be eliminated from the beginning of the sentence or the phrase “without submitting additional documentation” should be added to the end of the sentence for the sake of clarity.

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 (2), (3), and (4); to amend and renumber SPS 200.02 and SPS 201.01 (16) to (24); to repeal ch. SPS 202; and to create ss. SPS 201.01 (5) (c); (25), (26), (27), (28) and chs. SPS 203 and 204, relating to sign language interpreter authority, definitions, scope of practice, professional conduct, and identification cards.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

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

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

Explanation of agency authority:

Under s. 440.032 (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 is being revised to add several provisions that are included in the national industry standards, and a provision that is part of other profession's unprofessional conduct rules, but not currently included in ch. SPS 201, the professional conduct chapter. This includes provisions stating that the following acts are 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.
- Failing to cooperate in a timely manner with the department's investigation of a complaint filed against a credential holder.

Further, the rule project includes new provisions specifying that licensees must carry an identification card and the content of that card. Also, requirements for scope of practice have been added. Finally, the administrative rules relating to a state residency exemption from licensure are repealed.

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 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 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 law does not appear to require sign language interpreters to carry an identification card.

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).

Iowa statutes require licensees to maintain a professional demeanor while providing services, refrain from interjecting personal opinion, treat people fairly and respectfully, use discretion in accepting assignments, and shall be a life-long learner (IA Stats. § 154E.3 (3)).

Iowa does not appear to require licensees to carry an identification card.

Michigan: In Michigan, individuals are classified as either a level 1, 2, 3 or educational licensee depending on the type of certification they possess. 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).

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. There are also no code of conduct or other regulations regarding scope of practice. 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 the 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 was posted for 14 days on the department’s website to solicit economic impact comments from small businesses. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The fiscal estimate and economic impact analysis are attached.

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 at or before the public hearing, held on February 4, 2022 at 9:00 a.m., 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, 201, 203 and ~~to 202 204~~ are adopted by the department ~~and in consultation with the sign language interpreters council advisory committee~~ pursuant to s. ss. 440.032 ~~(6)-(d)~~ (4m), (5m), 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, 201, 203 and ~~to 202 204~~:

(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” has the meaning in s. 440.032 (1) (a), stats.

(3) “Committee” has the meaning in s. 440.032 (1) (am), 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)~~ **(6)** “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) “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) “Interpreting situation” means any instance of a DSPS-licensed interpreter performing interpreting services for consumers.

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

~~(11)~~ **(11)** “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.

(11) “Interpreter training program” has the meaning in s. 440.032 (1) (bm), stats.

(12) “Support service provider” has the meaning in s. 440.032 (1) (c) stats.

(13) “Wisconsin Interpreting and Transliterating Assessment” has the meaning in s. 440.032 (1) (d).

SECTION 3. SPS 201.01 (2), (3), and (4) 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) Failing to notify the department in writing within ~~30 days of being convicted of any crime~~ 48 hours of being convicted of a felony or misdemeanor as required by s. 440.03(13) (am), Stats.

Note: Required notice under this section should be given by completing and submitting Department of Safety and Professional Services form #2704DLSC which can be found at <http://dsps.wi.gov>.

(4) Violating the terms of any disciplinary order or rule of the department.

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.~~

~~**(18)**~~ **(17)** Assuming dual or conflicting roles in interdisciplinary settings.

~~**(19)**~~ **(18)** Using confidential interpreted information for personal, monetary, or professional gain or for the benefit of professional affiliations or entities.

~~**(20)**~~ **(19)** Acting as an advocate while functioning as a DSPS-licensed interpreter or as an interpreting team member.

~~**(21)**~~ **(20)** 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.

~~**(22)**~~ **(21)** Failing to maintain ethical business practices whether in private practice or as an employee of an agency or other entity.

~~**(23)**~~ **(22)** 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.

~~**(24)**~~ **(23)** 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), (27), and (28) 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.

(28) Failing to cooperate in a timely manner with the department's investigation of a complaint filed against a credential holder, after a request by the department. There is a rebuttable presumption that a credential holder who takes longer than 30 days to respond to a request of the department has not acted in a timely manner.

SECTION 7. SPS 202 is repealed.

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

CHAPTER SPS 203 SIGN LANGUAGE INTERPRETERS; SCOPE OF PRACTICE RESTRICTIONS

SPS 203.01 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 or United States.
- (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 203.02 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. 440.032(3)(c) and is team interpreting with a person who is licensed either as a sign language interpreter - advanced hearing license under s. 440.032(3)(d) or licensed as a sign language interpreter – advanced deaf license under s. 440.032(3)(f).
- (2) Holds a sign language interpreter – advanced hearing license under s. 440.032(3)(d).
- (3) Holds a sign language interpreter – intermediate deaf license under s. 440.032(3)(e).
- (4) Holds a sign language interpreter – advanced deaf license under s. 440.032(3)(f).

SPS 203.03 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 an active qualified equivalency from the Alabama Department of Deaf Services 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 a mental health treatment setting:

- (1) Holds either a sign language interpreter – advanced hearing license under s. 440.032(3)(d), or a sign language interpreter – advanced deaf license under s. 440.032(3)(f) and
- (2) Submits documentation, satisfactory to the department that they have completed a minimum of 40 clock hours of training within the previous two-year license cycle including the following topics:
 - (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 they have 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 they have passed an examination approved by the department on the topics covered in sub. (2) of this section.

SPS 203.04 Maintenance of qualified mental health interpreter status. This section only applies to renewal applications for licensure received on or after September 1, 2023. An individual recognized as an interpreter qualified to provide services within a mental health treatment setting by the department under s. SPS 203.03 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. 440.032(3)(f) or sign language interpreter – advanced hearing license under s. 440.032(3)(d):

- (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.

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 203 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 203 to interpret in a mental health setting.
 - (d) A silver sticker if the individual is qualified under ch. SPS 203 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 an approved license by the department and be valid until the license expires. An identification card is reissued at renewal and when any personal information or licensure categories listed on the card have changed. Interpreters are required to maintain a valid and correct identification card.

Note: Request for changes in personal information or updated identification cards under this section should be sent to the Department of Safety and Professional Services, P.O. Box 8935, Madison, WI 53708 or online at <http://dsps.wi.gov>.

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 sixth 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)

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Carmell Listenbee		01/11/2022 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting									
3) Name of Board, Committee, Council, Sections SIGN LANGUAGE INTERPRETERS											
4) Meeting Date: 2/4/2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? SLI COUNTS									
7) Place Item in: <input type="checkbox"/> Open Session <input checked="" type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? Yes (Fill out Board Appearance Request) x No	9) Name of Case Advisor(s), if required:									
10) Describe the issue and action that should be addressed: SIGN LANGUAGE INTERPRETERS: <ul style="list-style-type: none"> • Licenses Issued for 2021 • Application counts 2021 • Exemption apps received in 2021 											
11) <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;">Signature of person making this request <i>Carmell Listenbee</i></td> <td style="width: 20%; text-align: center; border-bottom: 1px solid black;">Authorization</td> <td style="width: 20%; text-align: right; border-bottom: 1px solid black;">Date 1/8/2022</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required) <i>Samantha Lange</i></td> <td style="border-bottom: 1px solid black;"></td> <td style="text-align: right; border-bottom: 1px solid black;">Date 1/9/2022</td> </tr> <tr> <td colspan="3" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>			Signature of person making this request <i>Carmell Listenbee</i>	Authorization	Date 1/8/2022	Supervisor (if required) <i>Samantha Lange</i>		Date 1/9/2022	Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date		
Signature of person making this request <i>Carmell Listenbee</i>	Authorization	Date 1/8/2022									
Supervisor (if required) <i>Samantha Lange</i>		Date 1/9/2022									
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date											
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.											

CREDENTIALS ISSUED 1/1/2021-12/31/2021

PROFESSION NAME	YEAR TOTALS
SLI-INTERMEDIATE HEARING 157	4
SLI-ADVANCED HEARING 158	168
SLI-INTERMEDIATE DEAF 159	0
SLI-ADVANCED DEAF 160	3
SLI-TEMPORARY EXEMPTION 161	3

APPLICATION COUNTS 1/1/2021-12/31/2021

PROFESSION NAME	YEAR TOTALS
SLI-INTERMEDIATE HEARING 157	13
SLI-ADVANCED HEARING 158	159
SLI-INTERMEDIATE DEAF 159	1
SLI-ADVANCED DEAF 160	6
SLI-TEMPORARY EXEMPTION 161	32