

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

823M0453

HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **HB 1141** -
02/01/2006

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Murschel and Dennert and Senators Nesselhuf and Kooistra

1 FOR AN ACT ENTITLED, An Act to provide standards for interpreting for the deaf and hard-
2 of-hearing by requiring national interpreter certification and to repeal the state certification
3 process and replace it with registration.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. For the purposes of this Act, the term, interpreting, means the process of
6 providing accessible communication between and among persons who are deaf or hard-of-
7 hearing and those who are hearing. This process includes communication between American
8 Sign Language and English. Interpreting may involve various other modalities that involve
9 visual, gestural, and tactile methods.

10 Section 2. No person may do any of the following with respect to providing interpreting
11 services for any person who is deaf or hard-of-hearing for a fee or other remuneration unless
12 certified pursuant to sections 3 or 4 of this Act and registered with the Department of Human
13 Services:

14 (1) Engage in the practice of, or offer to engage in the practice of, interpreting;



1 (2) Use the title, interpreter, in connection with the person's name; or

2 (3) Use the title, interpreter, in advertisements or descriptions.

3 A violation of this section is a Class 2 misdemeanor.

4 Section 3. The department may issue provisional certification to a person who:

5 (1) Has graduated from a postsecondary degree program of two years or more accredited
6 in interpreter preparation or interpreter education;

7 (2) Participates in a department approved plan of up to five years in preparation for
8 national testing that includes continuing education units and mentoring; and

9 (3) Registers annually with the department.

10 Provisional certification may be granted for no more than five years.

11 Section 4. A person is certified if the person is at least one of the following:

12 (1) Certified by the Registry of Interpreters for the Deaf and in good standing;

13 (2) Certified by the National Association of the Deaf and in good standing;

14 (3) Certified by the Educational Interpreters Proficiency Assessment with a score of at
15 least 3.5 and in good standing; or

16 (4) Certified by the Department of Human Services prior to July 1, 2006, and in good
17 standing.

18 A person certified pursuant to subdivision (4) may continue this certification only so long
19 as the person completes one hundred twenty-five continuing education units every five years,
20 remains in good standing with the department, and registers annually with the department. Any
21 person certified pursuant to this section shall register annually with the department.

22 Section 5. Any person may engage in interpreting during the worship service of any religious
23 organization without being certified pursuant to sections 3 or 4 of this Act and registered with
24 the Department of Human Services.

1 Section 6. That § 1-36A-10.1 be amended to read as follows:

2 1-36A-10.1. The Department of Human Services ~~may examine, certify,~~ shall register and
3 renew the certificates registrations annually of duly qualified applicants to be interpreters for
4 the deaf any person certified in accordance with sections 3 or 4 of this Act who demonstrates
5 compliance with this Act and payment of the applicable fees.

6 Section 7. That § 1-36A-11 be amended to read as follows:

7 1-36A-11. ~~The Department of Human Services shall establish a review panel, which shall~~
8 ~~meet at least semiannually, to review and assign interpreter qualification levels based upon a~~
9 ~~performance review before the panel, a review of certification issued by another state or territory~~
10 ~~or a review of certification issued by a nationally administered examination. The review panel~~
11 ~~shall consist of five individuals who are fluent in American sign language, signed English, or~~
12 ~~a combination of both. Three individuals shall be deaf or hard of hearing, and two individuals~~
13 ~~shall be Level V South Dakota certified interpreters. All individuals serving on the review panel~~
14 ~~shall have successfully completed the evaluators' training based on the National Association for~~
15 ~~the Deaf Interpreter Assessment Evaluator's Manual. The department shall maintain, and~~
16 ~~publish, and make available upon request a registry of all certified interpreters and their~~
17 ~~respective levels of qualification.~~

18 Section 8. That § 1-36A-12 be amended to read as follows:

19 1-36A-12. The Department of Human Services may promulgate rules pursuant to chapter
20 1-26 to ~~establish interpreter certificate qualifications,~~ establish continuing education
21 requirements for individuals registered with the department pursuant to subdivision (4) of
22 section 4 of this Act, and may establish separate interpreter certification and to establish
23 qualifications, continuing education requirements, mentoring requirements, and requirements
24 for an approved plan for provisional certification, as well as for interpreters serving in medical,

1 ~~educational, or legal settings pursuant to section 3 of this Act.~~

2 Section 9. That § 1-36A-13 be amended to read as follows:

3 1-36A-13. The fund for certification of interpreters for the deaf ~~is hereby created~~ in the state
4 treasury is renamed the fund for registration of interpreters for the deaf. All fees received by the
5 Department of Human Services and money collected under § 1-36A-15 shall be deposited in the
6 fund. Any money in the fund is continuously appropriated to the department for expenses
7 incurred in the provisional certification and registration of interpreters for the deaf and may be
8 expended by the secretary of human services. ~~The compensation and expenses of the interpreter~~
9 ~~review panel shall be paid from the fees received under the provisions of § 1-36A-15. The~~
10 ~~department may require any applicant who is taking a nationally administered examination to~~
11 ~~remit the portion of the certification fee covering the cost of the examination directly to the~~
12 ~~organization administering the examination.~~

13 Section 10. That § 1-36A-14 be amended to read as follows:

14 1-36A-14. Any balance of fees received by the Department of Human Services after
15 payment of compensation and expenditures may be expended by the secretary of human services
16 only in administering §§ 1-36A-10.1 to 1-36A-16, inclusive, and this Act.

17 Section 11. That § 1-36A-15 be amended to read as follows:

18 1-36A-15. The Department of Human Services shall promulgate rules pursuant to chapter
19 1-26 to establish the following nonrefundable fees for provisional certification and registration:

- 20 (1) For ~~initial or~~ provisional certification ~~by examination or endorsement~~, not more than
21 three hundred twenty-five dollars;
- 22 (2) For ~~reexamination, not more than the amount required for initial certification by~~
23 ~~examination or endorsement~~ initial registration, not more than fifty dollars;
- 24 (3) For annual renewal of certificate registration, not more than thirty-five dollars;

1 (4) For effecting a name change upon the records of a ~~certificate holder~~ registrant, not
2 more than ten dollars;

3 (5) ~~For reinstatement of a lapsed certificate, the current fee for initial certification by~~
4 ~~examination or endorsement, and~~

5 ~~(6) For issuing a duplicate certificate registration, not more than ten dollars; and~~

6 (6) For initial registration and annual renewal of individuals certified pursuant to
7 subdivision (4) of section 4, not more than seventy-five dollars.

8 Section 12. That § 1-36A-16 be amended to read as follows:

9 1-36A-16. ~~Sections~~ The provisions of this Act and §§ 1-36A-10.1 to 1-36A-15, inclusive,
10 do not prohibit:

11 (1) Any signing assistance in a medical emergency until the assistance of a certified
12 interpreter is obtained;

13 (2) The practice of interpreting, if directly supervised by a certified interpreter, included
14 in a program of study by a student enrolled in an approved program for the
15 preparation of interpreters for the deaf;

16 (3) The practice of a legally qualified interpreter for the deaf from another state
17 employed by the United States government and performing official duty in this state;
18 and

19 (4) The practice of interpreting in this state by an interpreter for the deaf currently
20 licensed in another state, territory, or foreign country who is present in this state to
21 lecture relative to the practice of interpreting for a period of not more than twenty
22 days.

23 Section 13. That § 1-36A-19 be repealed.

24 ~~1-36A-19. Any interpreter for the deaf receiving remuneration for services in any~~

1 ~~interpreting situation shall participate in a review panel's evaluation and satisfactorily achieve~~
2 ~~certification within one year of registration pursuant to § 1-36A-11. A violation of this section~~
3 ~~is a Class 2 misdemeanor.~~