4.5 REGISTRATION OF INTERPRETERS FOR THE DEAF

The purpose of these regulations is to promote public health, safety, and welfare by ensuring that deaf and hearing persons needing to communicate through an interpreter service have some measure of determining the basic qualifications of the person who presents himself or herself as an interpreter/translator of Sign Language to English and English to Sign Language. Further, in order to encourage those engaged in the business of interpreting for deaf persons to continue to improve their skill and perform in a professional manner, it is the purpose of these regulations to provide and impose sanctions against those individuals who do not meet or adhere to the procedures, qualifications and standards set out in these regulations.

Legal Authority: The Office of Deaf and Hard of Hearing (ODHH) within the Mississippi Department of Rehabilitation Services (MDRS) shall discharge, as additional duties and responsibilities, the provisions of this chapter in the recording of documentation, registering and regulation of persons who interpret/translate to provide communication between deaf and hearing persons for pay or remuneration, as established and empowered by **2005 Mississippi Laws, Chapter 402**.

Definitions: The following definitions apply as used in these regulations, unless the context otherwise requires:

Certification means the level of credentials that has been granted by the **National Association of the Deaf (NAD)** or the **Registry of Interpreters for the Deaf (RID)**, and the documentation that supports the certification level the interpreter has achieved.

Deaf or Hard of Hearing Person means a person who has either no hearing or who has significant hearing loss so as to need the services of an interpreter to communicate. For the purposes of these regulations the term "deaf" will be used to denote persons who are deaf or hard of hearing who need interpreting services.

Deaf-Blind Person means a person who has either the dual loss of hearing and sight or who has significant hearing and vision losses so as to need the services of an interpreter to communicate. For the purposes of these regulations the term "deaf" will be used to denote persons who are deaf-blind who need interpreting services.

Department means the Mississippi Department of Rehabilitation Services.

Interpreter Training Program means a postsecondary degree program of at least two (2) years in duration that is accredited by the Mississippi State Board for Community and Junior Colleges, the Mississippi Institutions of Higher Learning or, in the case of a nonresident, a comparable agency in another state.

Interpreter means an individual certified by the National Association of the Deaf, the Registry of Interpreters for the Deaf or an individual who holds a valid **Mississippi Quality Assurance (QA)** screening level or holds the equivalent or higher credentials from another state.

Interpreting means the process of providing accessible communication between and among consumers who are deaf or hard of hearing and those who are hearing. This process includes, but is not limited to, communication between persons who use American Sign Language, English, cued speech and oral communication. It may also involve various other modalities that involve visual, gestural, and tactile methods.

Quality Assurance Level means the level granted through the Mississippi Quality Assurance screening committee, and the documentation that supports the Quality Assurance (QA) level the interpreter has achieved.

Register means the process whereby the certification and QA level of qualified interpreters are documented and maintained so as to permit those individuals to act as an interpreter for pay in the State of Mississippi.

Registering Authority is the Mississippi Department of Rehabilitation Services, Office on Deaf and Hard of Hearing.

The Council means the three-person Advisory Council to ODHH for the Mississippi Interpreter Registration Law.

The Act means the **Mississippi Interpreter Registration Law**.

Undue Hardship means when an agency or school is left without an interpreter and/or it would be unreasonable to acquire a replacement interpreter where one is required by law or regulations.

Publication: ODHH shall maintain a list of the names and addresses of all persons registered under the Interpreting Registering Law and a list of all persons whose registration has been denied initially or for renewal, pursuant to the sections in these regulations.

4.5.1 THE REGISTERING AUTHORITY

The Registering Authority, with the advice of the Council and approval of the Executive Director of MDRS shall:

A. Promulgate and implement rules and procedures to carry out the provisions of the Act
B. Record, supervise and maintain the documentation of credentials of those applying for registration under the provisions of the Act
C. Register persons who apply to the Registering Authority and meet requirements for registration as stated in Section IV and VI of these regulations and
D. Establish registering and renewal of registration criteria for applicants

4.5.2 THE ADVISORY COUNCIL

Council Structure and Purpose:

1. The Council shall consist of three (3) members; a deaf consumer, a registered interpreter who is actively engaged in the interpreting business and an at-large member. This council shall serve under the jurisdiction of ODHH and MDRS.

2. Council members shall be appointed by the Executive Director of MDRS.

3. Council members shall serve one (1) three-year (3) term, except for the initial members whose terms are set forth below.

4. The Council shall serve in an advisory capacity to the Department in matters relating to the administration and interpretation of the Act, including, but not limited to, writing rules and setting fees. It shall also serve as the appeals body for administration of the Act.

5. Terms of office for the initial council shall be as follows:

    a. The deaf consumer member shall be selected for a three-year term.
    b. The interpreter member shall be selected for a two-year term.
    c. The at-large member shall be selected for a one-year term.

Meetings: Meetings will be held at the discretion of the Registering Authority, as deemed necessary. Meetings may be called by giving 10 days written notice.

4.5.3 REGISTRATION

Regular Registration Requirements: An applicant for regular registration shall submit to the Registering Authority written evidence in form and content satisfactory to the Registering Authority the following documentation:

1. Application for registration

2. Copy of Picture ID or Drivers' License with current address and one of the following:

    a. copy of current RID certified membership card or

    b. copy of current NAD Interpreter Certificate or membership card denoting applicant possesses NAD Interpreter Certificate or

    c. copy of current QA Card indicating level achieved

3. Check or money order for required nonrefundable fees.

Student Registration: An applicant for student registration shall submit to the Registering Authority written evidence in form and content satisfactory to the Registering Authority the following documentation:

1. Application for student registration, signed by the applicant stating that he/she is a full-time student in an approved Interpreter Training Program as defined by the Act or has satisfactorily completed the ITP training not more than two years before.
2. Written permission to verify his/her status as a student.
3. A letter signed by his/her instructor verifying his/her current status as a student and indicating that the instructor is registered under the provisions of this act.

Student registration is for the purpose of permitting students to do occasional interpreting under the supervision of their teacher, or another skilled registered interpreter designated by their teacher. The student registration is not intended to permit students to hold full-time or regular part-time jobs as a professional interpreter while a current student. Student interpreters capable of functioning as a paid interpreter should be able to qualify for regular registration.

Persons registered under the student registration may continue to register under this classification for up to two years following the satisfactory completion of their Interpreter Training course of study. During this post-graduation time, they may work as a full-time or part-time paid interpreter.

Provisional registration may be granted to an applicant when one of the following occurs:

A. Deaf consumer would be left without any interpreting service or
B. Undue hardship would be put upon the school or agency because of the loss of interpreter services.

Length of Provisional Registration:

1. Provisional registration is for one year.
2. A person applying for renewal of a provisional registration must document activities to improve their skills toward the goal of meeting requirements for regular registration.
3. Only under extreme need that is documented in writing by the interpreter and others responsible for their work, plus a personal interview with the Council shall the provisional registration be renewed.

Out-of-State Registration: A person who resides in another state, but does interpret in the State of Mississippi for more than fifteen (15) calendar days, must register according to the Act in order to interpret in the state.

To apply for out-of-state registration, the applicant must provide the following documentation:

1. Application for registration
2. Copy of Picture ID or Drivers' License with current address and a copy of one of the following:
    a. Current RID certified membership card or
    b. Current NAD Interpreter Certificate or membership card denoting applicant possesses NAD Interpreter Certificate or
    c. Current QA Card indicating level achieved or
    d. State licensure/certification card or other credential that is equal or higher than what is required by the Act, and
3. Check or money order for required nonrefundable fees.

The Registering Authority will verify any out-of-state credentials to ensure they meet or exceed Mississippi standards. Out-of-state applicants may not register using a student or provisional registration.

4.5.4 RENEWAL OF REGISTRATION

General Provisions: The Registering Authority shall register interpreters and renew them biennially, except for provisional registrations. The registering period shall begin on July 1 of each year.

Procedure for Renewal of Registration: The Registering Authority shall mail notices, at least thirty (30) days prior to the renewal date, to the last address registered with the Authority, to the person to whom the registration was issued or renewed during the preceding registration period. This mailing is done as a courtesy and is not incumbent on the Registering Authority. It is the registrant's responsibility to renew. The registrant shall:

1. Complete the renewal form
2. Submit documentation of credentials in accordance with Section IV
3. Enclose the renewal fee
4. File the above with the Registering Authority prior to the end of the renewal period.

Failure to Renew: A grace period extending for thirty penalties. A registrant who does not file, with the Registering Authority, his renewal application on or before the thirty (30) days will be deemed to have allowed his registration to lapse. A lapsed registration shall result in a fee of $10.00 to be reinstated. In the event the registration is not renewed and/or reinstated, he/she shall be considered unregistered from the date of expiration (30) days shall be allowed after the expiration of a registration, during which a registration may be renewed with no.

4.5.5 FEES

In accordance with the Act, the following nonrefundable fees, where applicable, are payable to the Registering Authority by check or money order:

1. Application and Regular Registration Fee ..... $ 25.00
2. Application & Provisional Registration Fee ..... $ 20.00
3. Regular Registration Renewal Fee ..... $ 25.00
4. Provisional Registration Renewal Fee ..... $ 20.00
5. Out of State Registration Fee ..... $ 35.00
6. ID Card Replacement Fee ..... $ 10.00
7. Late Registration Fee ..... $ 10.00
8. Returned Check Fee..... $ 30.00

4.5.6 PROFESSIONAL IDENTIFICATION

Anyone working as an interpreter between a deaf and hearing person for pay shall register according to the requirements of the Act.

When interpreting, anyone registered under this Act shall have their current, valid registration card available for review on request from consumers to demonstrate their compliance with the Act.

4.5.6 EXCEPTIONS AND EXEMPTIONS

The Act and the regulations promulgated thereto:

A. Is not intended to prevent any person from providing interpreting service for meetings that are considered religious in nature and
B. Shall not apply to anyone providing interpreting services for which they are not paid, reimbursed or compensated.

4.5.7 CRIMINAL OFFENSES AND PUNISHMENT

Offenses: It is a misdemeanor for any person not registered under the provisions of the Act to:

1. Interpret for pay, other than the exceptions in Section 4.5.6
2. Engage in the practice of, or offer to engage in the practice of, interpreting for a fee
3. Use the title of interpreter in connection with the person's name
4. Assume the identity of an interpreter,
5. Use the title of interpreter in advertisements or descriptions, and/or
6. Perform the function of or convey the impression that the person is an interpreter.

Punishment: Violation of any provision of this Chapter is a misdemeanor punishable upon conviction by a fine of not less than Two Hundred Dollars ($200.00) or more than One Thousand Dollars ($1000.00), or by imprisonment for not more than six (6) months in the county jail, or by both.

4.5.7 ADMINISTRATIVE GRIEVANCE PROCEDURE

All persons aggrieved by a decision regarding the initial application for registration, or the renewal of registration, shall have the right of appeal and hearing process which will be reviewed by the Council.

Written notice will be provided to all applicants regarding denial of an initial or renewal of registration. Such notice shall contain the reason thereof and shall offer the applicant thirty (30) days to appeal the decision or to submit additional information pertinent to their application for a review by the Council.

If requested in writing within the specified time frame, a hearing will be provided in which the aggrieved party may show cause why the registration should be granted or renewed. The hearing shall be presided over by the chairperson of the Council, who is a voting member, or his/her designee.

After the conclusion of the hearing, the Council shall make findings of facts and conclusions, and shall issue a decision, separately stated, as to whether the initial registration shall be issued, or whether the renewal of registration shall be granted.

4.5.8 COMPLAINTS

The Registering Authority shall assist in referring complaints regarding interpreting services to the appropriate professional organization and/or authorities.