



SPONSOR: Rep. Heffernan & Sen. Poore
Reps. Bolden, Briggs King, Griffith, Longhurst, Mitchell,
Osienski; Sen. Ennis

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 364

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF
INTERPRETERS FOR THE DEAF AND HARD OF HEARING AND DEAF-BLIND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members
elected to each house thereof concurring therein):

Section 1. Amend Title 19 of the Delaware Code inserting a new Chapter 20 by making insertions as shown by
underline and deletions as shown by strike through as follows:

Chapter 20. Registration of Interpreters for the Deaf and Hard of Hearing and Deaf-Blind.

§ 2001. Short Title.

This chapter shall be known and may be cited as “The Registration of Interpreters for the Deaf and Hard of
Hearing and Deaf-Blind Act.”

§ 2002. Definitions.

As used in this chapter:

(1) “Applicant” means an individual who applies for State or provisional registration in accordance with §
2005.

(2) “Certified Interpreter” means an individual who satisfies the certification requirements of a Nationally
Recognized Interpreter Certification Board.

(3) “Consumer” means any individual, with or without a hearing loss, who is a recipient of interpreting
services.

(4) “Emergency” means a circumstance that demands immediate action in order for a consumer to avoid
imminent injury or loss.

(5) “Interpreting” means the process of conveying spoken English using American Sign Language and the
process of conveying American Sign Language using spoken English.

(6) “Legal setting” means any criminal or civil action involving a court of competent jurisdiction, any
investigation conducted by a duly authorized law enforcement agency, employment related hearings and appointments
requiring the presence of an attorney or legal staff, attorney-client communication, any administrative proceeding, due

process hearings, dispute resolutions (arbitration, mediation), tax consultations, real estate closings, depositions or estate matters.

(7) "Medical setting" means medical related situations including gatherings or gathering places where health and wellness issues are addressed, including hospitals, clinics, assisted living facilities, nursing homes, rehabilitation facilities, mental health treatment sessions, psychological evaluations, substance abuse treatment sessions, crisis intervention and appointments, and other treatment requiring the presence of a doctor, nurse, medical staff, or other health care professional.

(8) "Office" means the Delaware Office for the Deaf and Hard of Hearing within the Department of Labor's Division of Vocational Rehabilitation.

(9) "Registrant" means an individual who is registered in this State under this act as a certified sign language interpreter.

(10) "RID" means the Registry of Interpreters for the Deaf, including any successor organization or any subsidiaries.

(11) "Sign language interpreter" means an individual offering or providing interpreting services in the State of Delaware or to a consumer in the State of Delaware.

(12) "Volunteer" means an individual providing non-compensated interpreting services in settings not required to provide communication access by law.

§ 2003. Office Responsibilities.

The office shall do all of the following:

(a) Administer this chapter.

(b) Register applicants in accordance with this chapter.

(c) Maintain a list of all registrants and individuals who have obtained a provisional registration. The office shall make the list accessible to the public.

(d) Promulgate regulations necessary to carry out the provisions of this chapter, including the establishment of an Advisory Board under the Office and procedures through which the general public may be protected from unsafe or incompetent practices committed by registrants. Those procedures must include disciplinary measures imposed by a process conforming with the requirements of the Administrative Procedures Act [Chapter 101 of Title 29].

§ 2004. State Registration Required.

(a) Except as provided in subsection (b), no individual may provide or offer to provide sign language interpreting without being registered by the office in accordance with this chapter.

(b) The following individuals are exempt from the registration requirements of subsection (a):

(1) An individual engaged in sign language interpreting during an emergency when a delay in obtaining a registered interpreter might lead to imminent injury or loss to the consumer while awaiting the arrival of a registered interpreter.

(2) An individual engaged in interpreting as part of a supervised internship or practicum at an accredited college or university when the interpreting is not in any of the following settings:

a. A legal setting.

b. A medical or mental health setting, unless accompanied by a certified sign language interpreter.

(3) An individual who is certified by the National Association of the Deaf or the Registry of Interpreters for the Deaf from outside the State of Delaware who provides interpreting services in Delaware for a period not exceeding 14 total days each calendar year.

(4) An individual who engages in interpreting strictly as a volunteer without compensation.

(5) An individual who obtains a provisional registration under regulations promulgated by the office.

(6) An individual interpreting for a family member.

(7) An individual interpreting on behalf of a religious organization in the context of religious services.

(c) Unlawful practice - An individual or organization who violates this section may be liable for a civil penalty of \$1,000 to \$10,000 per violation. As used in this section, "violation" includes every incident in which the individual or organization provided or offered to provide sign language interpreting services. The office shall enforce this provision in any court of competent jurisdiction. In addition to the civil penalties listed for violating this section, organizations which violate this section may also lose any contracts they possess with the State of Delaware or its political subdivisions.

§ 2005. State registration.

(a) Application and Renewal - An individual may apply for or renew state registration by submitting all of the following:

(1) A completed application.

(2) Payment of any required fees.

(3) Active certified membership card from RID or successor organization.

(4) State or Federal photo identification which includes proof that the applicant is 18 years of age or older.

(b) The office shall issue proof of sign language interpreter registration to the applicant when the office is satisfied that all of the criteria in this section have been met and upon review of any previous violations of this chapter.

(c) Registration - A sign language interpreter State registration issued by the office is all of the following:

(1) Issued only in the name of the applicant.

(2) Issued in paper or electronic form.

(3) Nontransferable.

(4) Issued for a period of two years.

(d) Provisional Registration – An individual may apply for, or renew, a provisional registration by submitting all of the following:

(1) A completed application.

(2) Payment of any required fees.

(3) Proof that the applicant has passed an examination which tests knowledge in interpreting and ethical practices recognized by RID or successor organization.

(4) Active associate membership card from RID or successor organization.

(5) State or Federal photo identification which includes proof that the applicant is 18 years of age or older.

(6) A provisional registration is issued for a period of two years and may be renewed one time.

(e) The office shall issue a sign language interpreter provisional registration to the applicant when the office is satisfied that all of the criteria in this section have been met and the applicant has not been involved in the commission of any of the acts in § 2008 of this chapter.

(f) Fees – Unless modified by regulation, the fee for State registration or renewal of an existing State registration is \$100. Unless modified by regulation, the fee for provisional registration or renewal of an existing provisional registration is \$50. These funds must be used to administer the registration program, including disciplinary actions. Civil penalties collected pursuant to this statute must be used for the administration of the registration program.

§ 2006. Change of Personal Information.

A registrant or individual who has obtained a provisional registration, shall notify the office of any change of name or mailing address within 30 days of the change.

§ 2007. Privileged Communications.

Except as provided by law, a sign language interpreter who acquires confidential information while interpreting may not be required to disclose the information without the consent of the individual receiving interpreting services. The sign language interpreter shall hold any legal privilege that the individual receiving the services holds.

§ 2008. Registration Violations.

(a) A registrant under this chapter is subject to disciplinary actions set forth in § 2009 of this title, if, after a hearing held in compliance with Chapter 101 of Title 29, the office finds that the registrant has done any of the following:

(1) Employed, or knowingly cooperated in, fraud or material deception in order to acquire registration; has impersonated another person holding registration, or allowed another person to use the registration, or aided or abetted a person not registered to represent himself or herself as a registrant.

(2) Illegally, incompetently, or negligently provided interpreting services.

(3) Been convicted of any offense substantially related to the performance of interpreting services. A copy of the record of conviction certified by the clerk of the court entering the conviction is conclusive evidence of conviction.

(4) Engaged in an act of consumer fraud or deception of the public.

(5) Violated a lawful provision of this chapter and the regulations promulgated thereunder.

(6) Had their registration suspended or revoked, or other disciplinary action taken by the appropriate licensing authority in another jurisdiction; provided, however, that the underlying grounds for such action in another jurisdiction have been presented to the office by certified record; and the office has determined that the facts found by the appropriate authority in the other jurisdiction constitute 1 or more of the acts defined in this chapter. Every person registered in this State is deemed to have given consent to the release of this information by the office, or other comparable agencies in another jurisdiction, and to waive all objections to the admissibility of previously adjudicated evidence of such acts or offenses.

(7) Failed to notify the office that the registrant's registration in another state has been subject to discipline, or has been surrendered, suspended, or revoked. A certified copy of the record of disciplinary action, surrender, suspension, or revocation is conclusive evidence thereof.

(b) Subject to the provisions of the Administrative Procedures Act [Chapter 101 of Title 29], no registration may be restricted, suspended, or revoked by the office, and no registrant's right to provide interpretive services may be limited by the office until such registrant has been given notice and an opportunity to be heard.

§ 2009. Suspension, Denial, Nonrenewal, or Revocation of State Registration or Provisional Registration.

The office may establish criteria for the suspension, denial, nonrenewal, or revocation of registration under this chapter.

(a) The office may impose any of the following sanctions, singly or in combination, when it finds that 1 of the conditions or violations set forth in § 2008 of this title applies to a registrant regulated by this chapter:

(1) Issue a letter of reprimand.

(2) Censure a registrant.

(3) Place a registrant on probationary status, and require the registrant to do all of the following:

a. Report regularly to the office upon the matters, which are the basis of the probation.

142 b. Limit all practice and professional activities to those areas prescribed by the office.

143 (4) Suspend any individual's registration.

144 (5) Revoke any individual's registration.

145 (6) Impose a monetary penalty not to exceed \$5000 for each violation. An administrative order that has
146 become final imposing any civil penalties under this chapter is enforceable as a judgment and the Office may collect on
147 such order as a judgment when such order is filed in the Office of the Prothonotary or other appropriate court. Any
148 finding of fact or conclusion of law made by the Office in an administrative order that has become final is conclusive
149 on all parties to an action under this chapter. For purposes of this section, a finding or conclusion is final if it has been
150 fully determined on appeal to the appropriate court or if the time for filing such appeal with respect to the finding or
151 conclusion has expired.

152 (b) The office may withdraw or reduce conditions of probation when it finds that the deficiencies, which required
153 such action have been remedied.

154 § 2010. Delegation.

155 At their sole discretion, the Director of the Division of Vocational Rehabilitation has the authority to assign duties
156 allotted to the office to other individuals or units within the Division of Vocational Rehabilitation.

157 § 2011. Appeals.

158 All appeals from decisions of the office will be governed by the provisions of the Administrative Procedures Act
159 [Chapter 101 of Title 29].

160 § 2012. Injunctive Relief.

161 In addition to the remedies afforded by § 2004 of this chapter, the Office is authorized to direct the Department of
162 Justice to file litigation in the Court of Chancery to enjoin any unlawful practices or activities occurring in violation of this
163 chapter.

164 Section 2. This Act takes effect 1 year after its enactment into law.

SYNOPSIS

This Act provides a registration system for American Sign Language (ASL) interpreters. At the present time, individuals and organizations who are not certified to provide interpreting services are presenting themselves as acceptable/qualified interpreters without consequence. This is extremely problematic for all consumers utilizing interpreter services. It harms the interests of people who are Deaf, Hard of Hearing, and Deaf-Blind by depriving them of the right to meaningful access and involvement in legal or medical settings, as well as other activities in the community. It also harms the interests of people who are not Deaf, Hard of Hearing, or Deaf-Blind by denying them access to effective communication with people who use ASL by providing a lesser quality service than what they believe they are purchasing. A State registration system will help ensure that only qualified individuals provide this vital and necessary service.

This Act requires a greater than majority vote for passage because § 11 of Article VIII of the Delaware Constitution requires the affirmative vote of three-fifths of the members elected to each house of the General Assembly to impose a fee.