AN ACT CONCERNING INTERPRETER STANDARDS AND IMPROVING ACCESS TO PUBLIC SPACES FOR DEAF, DEAF-BLIND AND HARD OF HEARING PERSONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 46a-33a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2019):

(a) For the purposes of this section:

(1) "Department" means the Department of Rehabilitation Services;

[(1)] (2) "Interpreting" means the translating or transliterating of English concepts to a language concept used by a person who is deaf, deaf-blind or hard of hearing or [means] the translating of a [language concept of a person who is, deaf, deaf-blind or hard of hearing person's language to English concepts [. Language concepts include, but are not limited to,] through the use of American Sign Language, English-based sign language, cued speech, oral transliterating and information received tactually;
(2) "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;

(3) "Medical setting" means medical related situations including mental health treatment, psychological evaluations, substance abuse treatment, crisis intervention and appointments or treatment requiring the presence of a doctor, nurse or other health care professional; and

(4) "Educational setting" means a school or other educational institution, including elementary, high school and post-graduation schools where interpretive services are provided to a student.]

(3) "Community setting" means any setting other than an educational, legal or medical setting, including, but not limited to, informational, town hall, community and civic meetings;

(4) "Community interpreter" means an individual who demonstrates general knowledge of a variety of community interpreting situations and vocabulary associated with those situations;

(5) "Educational setting" means any setting where interpretive services are provided concerning education-related matters, including, but not limited to, all schools, school-based programs, services and activities and other educational programs;

(6) "Educational interpreter" means an individual who demonstrates (A) specialized knowledge of educational settings serving students who are deaf, deaf-blind or hard of hearing, (B) greater familiarity with language used in the educational system, and (C) specialized knowledge of processes and services in accordance with Individualized Educational Plans and Section 504 of the Rehabilitation Act of 1973;

(7) "Legal setting" means any criminal or civil action involving a
court of competent jurisdiction, any investigation or action conducted by a duly authorized law enforcement agency, employment-related hearings, appointments and situations requiring the presence of an attorney;

(8) "Legal interpreter" means an individual who demonstrates (A) specialized knowledge of legal settings serving individuals who are deaf, deaf-blind or hard of hearing, (B) greater familiarity with language used in the legal system, and (C) specialized knowledge of processes and services in the civil and criminal judicial system;

(9) "Medical setting" means gatherings or gathering places where health and wellness issues are addressed, including, but not limited to, hospitals, clinics, assisted living and rehabilitation facilities, mental health treatment sessions, psychological evaluations, substance abuse treatment sessions, crisis intervention and appointments or other treatment requiring the presence of a doctor, nurse, medical staff or other health care professional;

(10) "Medical interpreter" means an individual who demonstrates (A) specialized knowledge of medical settings serving individuals who are deaf, deaf-blind or hard of hearing, (B) greater familiarity with language used in the medical system, and (C) specialized knowledge of the processes and services in the medical service system; and

(11) "Transliterating" means converting or rendering English concepts to a language concept used by a person who is deaf, deaf-blind or hard of hearing or the translating of a deaf, deaf-blind or hard of hearing person's language concept to English concepts.

(b) [All] Except as provided in subsections (h) and (j) of this section, all persons providing interpreting services shall register, annually, with the Department of Rehabilitation Services. Such registration shall be on a form prescribed or furnished by the Commissioner of Rehabilitation Services and shall include the registrant's name, residential or business address, or both, contact information, including, but not limited to, phone number, place of employment as interpreter
and interpreter certification or credentials. The department shall issue identification cards for those who register in accordance with this section and maintain a current listing on its Internet web site of such registered interpreters. The department may also require documentation of the registrant's training hours. The department shall annually issue interpreter identification cards listing the type of settings in which the registrant is qualified to interpret.

(c) No person shall provide interpreting services unless such person is registered with the Department of Rehabilitation Services according to the provisions of this section, [and] holds recognized national or state interpreter credentials acceptable for interpreting purposes where appropriate in Connecticut and has met at least one of the following qualifications:

(1) [has] (A) Has passed the National Registry of Interpreters for the Deaf written generalist test or the National Association of the Deaf-National Registry of Interpreters for the Deaf certification knowledge examination, (B) holds a level three certification provided by the National Association of the Deaf, and (C) (i) documents the achievement of two continuing education units per year for a maximum of five years of training approved by the Commissioner of Rehabilitation Services, and (ii) on or before the fifth anniversary of having passed the National Registry of Interpreters for the Deaf written generalist test or the National Association of the Deaf-National Registry of Interpreters for the Deaf certification knowledge examination, has passed the National Registry of Interpreters for the Deaf performance examination or the National Association of the Deaf-National Registry of Interpreters for the Deaf national interpreter certification examination; [ ]

(2) [has] (A) Has passed the National Registry of Interpreters for the Deaf written generalist test or the National Association of the Deaf-National Registry of Interpreters for the Deaf certification knowledge examination; [and] (B) is a graduate of an accredited interpreter training program and documents the achievement of two continuing
education units per year for a maximum of five years of training approved by the commissioner, and (C) on or before the fifth anniversary of having passed the National Registry of Interpreters for the Deaf written generalist test or the National Association of the Deaf-National Registry of Interpreters for the Deaf certification knowledge examination, has passed the National Registry of Interpreters for the Deaf performance examination or the National Association of the Deaf-National Registry of Interpreters for the Deaf national interpreter certification examination; [...]

(3) [holds] Holds a level four or higher certification from the National Association of the Deaf; [...]

(4) [holds] Holds certification by the National Registry of Interpreters for the Deaf; [...]

(5) [for] For situations requiring an oral interpreter only, holds oral certification from the National Registry of Interpreters for the Deaf; [...]

(6) [for] For situations requiring a cued speech transliterator only, holds certification from the National Training, Evaluation and Certification Unit and has passed the National Registry of Interpreters for the Deaf written generalist test; [...]

(7) [holds] Holds a reverse skills certificate or is a certified deaf interpreter under the National Registry of Interpreters for the Deaf; [... or]

(8) [holds] Holds a National Association of the Deaf-National Registry of Interpreters for the Deaf national interpreting certificate; [... or]

(9) Holds the credential of Approved Deaf Interpreter, Approved American Sign Language/English Interpreter, or Approved Sign Language Transliterator by the Massachusetts Commission on the Deaf and Hard of Hearing.

(d) [No] Until such time as new standards are adopted pursuant to...
section 2 of this act for interpreting in medical, legal, educational and community settings, no person shall provide interpreting services in a medical setting unless such person is registered with the Department of Rehabilitation Services according to the provisions of this section and holds (1) a comprehensive skills certificate from the National Registry of Interpreters for the Deaf, (2) a certificate of interpretation or a certificate of transliteration from the National Registry of Interpreters for the Deaf, (3) a level four or higher certification from the National Association of the Deaf, (4) a reverse skills certificate or certification as a deaf interpreter under the National Registry of Interpreters for the Deaf, (5) for situations requiring an oral interpreter only, an oral certification from the National Registry of Interpreters for the Deaf, (6) for situations requiring a cued speech transliterator only, a certification from the National Training, Evaluation and Certification Unit and has passed the National Registry of Interpreters for the Deaf written generalist test, or (7) a National Association of the Deaf-National Registry of Interpreters for the Deaf national interpreting certificate.

(e) No person shall provide interpreting services in a legal setting unless such person is registered with the Department of Rehabilitation Services according to the provisions of this section and holds (1) a comprehensive skills certificate from the National Registry of Interpreters for the Deaf, (2) a certificate of interpretation and a certificate of transliteration from the National Registry of Interpreters for the Deaf, (3) a level five certification from the National Association of the Deaf, (4) a reverse skills certificate or is a certified deaf interpreter under the National Registry of Interpreters for the Deaf, (5) for situations requiring an oral interpreter only, an oral certification from the National Registry of Interpreters for the Deaf, (6) for situations requiring a cued speech transliterator only, certification from the National Training, Evaluation and Certification Unit and has passed the National Registry of Interpreters for the Deaf written generalist test, or (7) a National
Association of the Deaf-National Registry of Interpreters for the Deaf national interpreting certificate.

(f) [The requirements of this section shall apply to persons who receive compensation for the provision of interpreting services and include those who provide interpreting services as part of their job duties.] A person shall be registered as a qualified interpreter in order to:

(1) Engage in the practice of or offer to engage in the practice of interpreting for another person, an agency or an entity;

(2) Use the title "interpreter", "transliterator" or a similar title in connection with services provided under his or her name;

(3) Present or identify himself or herself as an interpreter qualified to engage in interpreting in this state;

(4) Use the title "interpreter", "transliterator" or a similar title in advertisements or communications; or

(5) Perform the function of or convey the impression that he or she is an interpreter or transliterator.

(g) On or after October 1, 2019, any business entity employing an interpreter who is providing interpreting services in the state shall ensure such interpreter is in compliance with the requirements of this section.

(h) The requirements of this section shall apply to persons who (1) receive compensation for the provision of interpreting services, and (2) provide interpreting services as part of their job duties. The requirements of this section shall not apply to nonregistered individuals such as family members and friends who voluntarily provide interpreting services at the request of a deaf, deaf-blind or hard of hearing person.

(i) Interpreters holding credentials or certificates other than those
required by the department may apply to the department for a waiver of up to three years starting on the date that such waiver may be granted. Upon review of the application, the department shall determine within which settings the interpreter is deemed qualified to work, at which time the interpreter may register with the department.

(j) The following individuals shall be exempt from the registration requirements of this section:

(1) An individual interpreting at (A) a worship service conducted by a religious entity, or (B) services for educational purposes conducted by a religious entity or religiously affiliated school;

(2) An individual engaged in interpreting during an emergency situation, when obtaining a registered interpreter or registered transliterator could cause a delay that may lead to injury or loss to the individual requiring the services, provided such emergency assistance does not waive any communication access requirements for any entity pursuant to the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973, as both may be amended from time to time;

(3) An individual engaged in interpreting as part of a supervised internship or practicum at an accredited college or university or a mentorship program approved by the department if (A) such interpreting is not in a legal, medical or educational setting, or (B) the individual is accompanied by an interpreter registered pursuant to this section; or

(4) An interpreter who is certified by a recognized national professional certifying body such as the National Registry of Interpreters for the Deaf or the National Association of the Deaf or a recognized state professional certifying body from outside the state and provides interpreting services in the state for a period of time not exceeding fourteen days during a calendar year.

(k) Deaf, deaf-blind and hard of hearing persons may exercise their right to request or use a different registered interpreter than the
Sec. 2. (NEW) (Effective July 1, 2019) (a) There is established an Interpreting Standards Board. The board shall (1) develop education, training and certification requirements for interpreters for deaf, deaf-blind and hard of hearing persons, (2) issue annual interpreter registration cards, and (3) review all complaints concerning the conduct and performance of interpreters.

(b) Not later than October 1, 2019, the Commissioner of Rehabilitation Services shall appoint one board member to represent each of the following persons: (1) Deaf consumers, (2) hard of hearing consumers, (3) deaf-blind or visually impaired consumers, (4) hearing consumers, (5) deaf professionals, (6) deaf interpreting professionals, and (7) hearing interpreting professionals. The board shall serve at the pleasure of the commissioner. The presidents of the Connecticut Association of the Deaf and the Connecticut Registry of Interpreters for the Deaf, or their designees, shall be ex-officio, voting members of the board.

(c) Consumer and professional members of the board shall be residents of the state for at least three years and have at least three years of experience with interpreting services, interacting with deaf, deaf-blind and hard of hearing persons and familiarity with general interpreting issues. Interpreting professionals shall be involved in the delivery of interpreting services for deaf, deaf-blind or hard of hearing individuals for at least three years and preferably have professional experience as a certified interpreter. Deaf professional members shall preferably have professional experience working with or providing services to deaf, deaf-blind or hard of hearing individuals for at least three years.

(d) The commissioner shall initially appoint four board members for three-year terms and three board members for two-year terms.
Following the initial terms, board members shall serve two-year terms on a staggered basis. The Commissioner of Rehabilitation Services may reappoint any board member for an additional term of two years.

(e) The Commissioner of Rehabilitation Services may assess sanctions recommended by the Interpreting Standards Board against any agency, school, local education authority, court, hospital, other entity or person for offenses, including, but not limited to, failure to comply with interpreting standards, failure to comply with registration requirements or falsification of interpreting credentials. The Interpreting Standards Board shall provide written notice detailing the grounds for sanctions, including proposed fines, not less than thirty days prior to the imposition of such sanctions and shall afford persons or entities subject to such sanctions an opportunity for a hearing before the board in accordance with the provisions of chapter 54 of the general statutes.

(f) If the Interpreting Standards Board determines an interpreter has violated the code of professional conduct of a national professional certifying body such as the National Registry of Interpreters for the Deaf, the board may file a report with such body.

(g) The Interpreting Standards Board shall review any proposed changes in interpreter qualifications, certification and standards developed by national and state professional interpreter certifying bodies, including, but not limited to, the Registry of Interpreters for the Deaf and shall recommend regulations or legislation as appropriate to implement necessary changes. The Commissioner of Rehabilitation Services shall adopt regulations in accordance with chapter 54 of the general statutes to implement the provisions of this section.

(h) The Department of Rehabilitation Services shall provide administrative support to the Interpreting Standards Board, including, but not limited to, legal services and liability coverage, if needed.

Sec. 3. (NEW) (Effective from passage) (a) For purposes of this section, (1) "place of public accommodation" has the same meaning as "place of
public accommodation, resort or amusement" as defined in section 46a-63 of the general statutes, (2) "closed captioning" means the text displayed on the television screen that corresponds to the audio portion of a television program, (3) "television" or "television receiver" means broadcast equipment, including, but not limited to, a television, digital set top box or other screen technology manufactured in 1993 or later that is capable of displaying closed captioning, and (4) "public area" means any part of a place of public accommodation that is open to the general public.

(b) Owners or managers of a place of public accommodation shall ensure that any television that is in use and located in a public area has closed captioning enabled while the place of public accommodation is open and accessible to the public. If the public area has multiple televisions in use, an owner or manager shall ensure: (1) At least half of such televisions have closed captioning enabled, (2) the televisions with closed captioning enabled are spread throughout the public area so that at least one is within reasonable eyesight of patrons, and (3) when multiple televisions are displaying different content, at least half displaying the same content have closed captioning enabled.

(c) A violation of any provision of this section shall be an infraction.

This act shall take effect as follows and shall amend the following sections:

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Statement of Purpose:
To improve interpreter standards and access to public spaces for persons who are deaf, deaf-blind or hard of hearing.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]