



# House of Representatives

General Assembly

**File No. 378**

February Session, 2022

Substitute House Bill No. 5230

*House of Representatives, April 11, 2022*

The Committee on Human Services reported through REP. ABERCROMBIE of the 83rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING STANDARDS FOR INTERPRETERS FOR DEAF, DEAFBLIND AND HARD OF HEARING PERSONS.***

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

1 Section 1. Section 46a-33a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2022*):

3 (a) For the purposes of this section:

4 (1) "Community setting" means any setting, other than those  
5 specifically identified as educational, legal or medical, including, but  
6 not limited to, any setting involving everyday life activities such as  
7 information sharing, employment, social services, entertainment and  
8 civic and community engagements;

9 [(1)] (2) "Department" means the Department of [Rehabilitation  
10 Services] Aging and Disability Services;

11 [(2)] (3) "Interpreting" means the translating or transliterating of

12 English concepts to a language concept used by a person who is deaf,  
13 [deaf-blind] deafblind or hard of hearing or the translating of a deaf,  
14 [deaf-blind] deafblind or hard of hearing person's language to English  
15 concepts through the use of American Sign Language, English-based  
16 sign language, cued speech, oral transliterating and information  
17 received tactually;

18 [(3) "Deaf-blind"] (4) "Deafblind" means combined vision and hearing  
19 impairments that challenge a person's ability to communicate, interact  
20 with others, access information and move about safely;

21 [(4) (5) "Educational setting" means any setting where interpretive  
22 services are provided concerning education-related matters, including,  
23 but not limited to, all schools, school-based programs, services and  
24 activities and other educational programs;

25 [(5) (6) "Legal setting" means any criminal or civil action involving a  
26 court of competent jurisdiction, any investigation or action conducted  
27 by a duly authorized law enforcement agency, employment-related  
28 hearings, appointments and situations requiring the presence of an  
29 attorney;

30 [(6) (7) "Medical setting" means gatherings or gathering places where  
31 [health and wellness issues] physical health, mental health, or both are  
32 addressed, including, but not limited to, hospitals, clinics, assisted  
33 living and rehabilitation facilities, mental health treatment sessions,  
34 psychological evaluations, substance abuse treatment sessions, crisis  
35 intervention and appointments or other treatment requiring the  
36 presence of a doctor, nurse, medical staff or other health care  
37 professional; and

38 [(7) (8) "Transliterating" means converting or rendering English  
39 concepts to a language concept used by a person who is deaf, [deaf-  
40 blind] deafblind or hard of hearing or the translating of a deaf, [deaf-  
41 blind] deafblind or hard of hearing person's language concept to English  
42 concepts.

43 (b) Except as provided in subsections (g) and (h) of this section, all  
44 persons providing interpreting services shall register, annually, with the  
45 Department of Aging and Disability Services. Such registration shall be  
46 on a form prescribed or furnished by the Commissioner of Aging and  
47 Disability Services and shall include the registrant's name, residential or  
48 business address, or both, contact information, including, but not  
49 limited to, phone number, place of employment as interpreter and  
50 interpreter certification or credentials. The department shall (1) issue  
51 interpreter identification cards for those who register in accordance with  
52 this section, and (2) maintain a current listing on its Internet web site of  
53 such registered interpreters, categorized by interpreter settings for  
54 which they are qualified. The department may also require  
55 documentation of the registrant's training hours. The department shall  
56 annually issue interpreter identification cards listing the type of settings  
57 in which the registrant is qualified to interpret. The department shall  
58 establish an Internet web page containing information about services for  
59 deaf, deafblind and hard of hearing individuals. The department's  
60 Internet web page shall include, but not be limited to, information  
61 related to such services provided by the department and the  
62 Departments of Social Services, Mental Health and Addiction Services  
63 and Children and Families.

64 (c) [No] Except as provided in subsections (g) and (h) of this section,  
65 no person shall provide interpreting services in the state, including in a  
66 community setting, unless such person is registered with the  
67 Department of Aging and Disability Services according to the  
68 provisions of this section, holds recognized national or state interpreter  
69 credentials determined by the department to be acceptable for  
70 interpreting purposes where appropriate in Connecticut and has met at  
71 least one of the following qualifications:

72 (1) (A) Has passed the National Registry of Interpreters for the Deaf  
73 written generalist test or the National Association of the Deaf-National  
74 Registry of Interpreters for the Deaf certification knowledge  
75 examination, (B) holds a level three certification provided by the  
76 National Association of the Deaf, and (C) (i) documents the achievement

77 of two continuing education units per year for a maximum of five years  
78 of training approved by the Commissioner of Aging and Disability  
79 Services, and (ii) on or before the fifth anniversary of having passed the  
80 National Registry of Interpreters for the Deaf written generalist test or  
81 the National Association of the Deaf-National Registry of Interpreters  
82 for the Deaf certification knowledge examination, has passed the  
83 National Registry of Interpreters for the Deaf performance examination  
84 or the National Association of the Deaf-National Registry of Interpreters  
85 for the Deaf national interpreter certification examination;

86 (2) (A) Has passed the National Registry of Interpreters for the Deaf  
87 written generalist test or the National Association of the Deaf-National  
88 Registry of Interpreters for the Deaf certification knowledge  
89 examination, (B) is a graduate of an accredited interpreter training  
90 program and documents the achievement of two continuing education  
91 units per year for a maximum of five years of training approved by the  
92 commissioner, and (C) on or before the fifth anniversary of having  
93 passed the National Registry of Interpreters for the Deaf written  
94 generalist test or the National Association of the Deaf-National Registry  
95 of Interpreters for the Deaf certification knowledge examination, has  
96 passed the National Registry of Interpreters for the Deaf performance  
97 examination or the National Association of the Deaf-National Registry  
98 of Interpreters for the Deaf national interpreter certification  
99 examination;

100 (3) Holds a level four or higher certification from the National  
101 Association of the Deaf;

102 (4) Holds certification by the National Registry of Interpreters for the  
103 Deaf;

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

106 (6) For situations requiring a cued speech transliterator only, holds  
107 certification from the National Training, Evaluation and Certification  
108 Unit and has passed the National Registry of Interpreters for the Deaf

109 written generalist test;

110 (7) Holds a reverse skills certificate or is a certified deaf interpreter  
111 under the National Registry of Interpreters for the Deaf;

112 (8) Holds a National Association of the Deaf-National Registry of  
113 Interpreters for the Deaf national interpreting certificate; or

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

118 (d) No person shall provide interpreting services in a medical setting  
119 unless such person is registered with the Department of Aging and  
120 Disability Services according to the provisions of this section and holds  
121 (1) a comprehensive skills certificate from the National Registry of  
122 Interpreters for the Deaf, (2) a certificate of interpretation or a certificate  
123 of transliteration from the National Registry of Interpreters for the Deaf,  
124 (3) a level four or higher certification from the National Association of  
125 the Deaf, (4) a reverse skills certificate or certification as a deaf  
126 interpreter under the National Registry of Interpreters for the Deaf, (5)  
127 for situations requiring an oral interpreter only, an oral certification  
128 from the National Registry of Interpreters for the Deaf, (6) for situations  
129 requiring a cued speech transliterator only, a certification from the  
130 National Training, Evaluation and Certification Unit and has passed the  
131 National Registry of Interpreters for the Deaf written generalist test, [or]  
132 (7) a National Association of the Deaf-National Registry of Interpreters  
133 for the Deaf national interpreting certificate, or (8) the credential of  
134 Approved Deaf Interpreter by the Massachusetts Commission on the  
135 Deaf and Hard of Hearing.

136 (e) No person shall provide interpreting services in a legal setting  
137 unless such person is registered with the Department of Aging and  
138 Disability Services according to the provisions of this section and holds  
139 (1) a comprehensive skills certificate from the National Registry of  
140 Interpreters for the Deaf, (2) a certificate of interpretation and a

141 certificate of transliteration from the National Registry of Interpreters  
142 for the Deaf, (3) a level five certification from the National Association  
143 of the Deaf, (4) a reverse skills certificate or is a certified deaf interpreter  
144 under the National Registry of Interpreters for the Deaf, (5) for  
145 situations requiring an oral interpreter only, an oral certification from  
146 the National Registry of Interpreters for the Deaf, (6) for situations  
147 requiring a cued speech transliterator only, certification from the  
148 National Training, Evaluation and Certification Unit and has passed the  
149 National Registry of Interpreters for the Deaf written generalist test, [or]  
150 (7) a National Association of the Deaf-National Registry of Interpreters  
151 for the Deaf national interpreting certificate, or (8) the credential of  
152 Approved Deaf Interpreter by the Massachusetts Commission on the  
153 Deaf and Hard of Hearing.

154 (f) No person who is not registered as a qualified interpreter pursuant  
155 to this section shall:

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

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

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

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

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

166 (g) The requirements of this section shall apply to persons who (1)  
167 receive compensation for the provision of interpreting services, and (2)  
168 provide interpreting services as part of their job duties. The  
169 requirements of this section shall not apply to nonregistered individuals  
170 such as family members and friends who voluntarily provide  
171 interpreting services at the request of a deaf, [deaf-blind] deafblind or

172 hard of hearing person.

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

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

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

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

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

198 (i) Deaf, [deaf-blind] deafblind and hard of hearing persons may  
199 exercise their right to request or use a different registered interpreter  
200 than the interpreter provided to interpret for such persons in any  
201 interpreting setting in accordance with a nationally recognized  
202 interpreter code of professional conduct.

203 [(j) Any person may report a violation of the provisions of this section  
204 to the nonprofit entity designated by the Governor in accordance with  
205 section 46a-10b to serve as the state's protection and advocacy system  
206 for persons with disabilities.]

207 (j) Any person who is not registered in accordance with this section  
208 who represents himself or herself as an interpreter registered with the  
209 Department of Aging and Disability Services, or who engages in wilful  
210 or fraudulent misrepresentation of his or her credentials in an attempt  
211 to register with the department, shall be guilty of a class C  
212 misdemeanor. Failure to renew such registration in a timely manner  
213 shall not in and of itself constitute a violation for the purposes of this  
214 subsection. For purposes of this subsection, "timely manner" means  
215 registration renewal not more than thirty days after such registration  
216 has expired.

217 Sec. 2. Section 46a-34 of the 2022 supplement to the general statutes  
218 is repealed and the following is substituted in lieu thereof (*Effective*  
219 *October 1, 2022*):

220 As used in this section and sections 4-61aa, 46a-27, 46a-28, 46a-29 and  
221 46a-35:

222 (1) "Deaf person" means a person who has a hearing loss which is so  
223 severe that the person has difficulty in processing linguistic information  
224 through hearing, with or without amplification or other assistive  
225 technology;

226 (2) "Deafblind person" means a person who has both a hearing loss  
227 and a visual loss that present challenges in (A) processing linguistic  
228 information through hearing and sight, and (B) functioning  
229 independently as a sighted person without training;

230 (3) "Hard of hearing person" means a person who has a hearing loss,  
231 whether permanent or fluctuating, which may be corrected by  
232 amplification or other assistive technology or means but presents  
233 challenges in processing linguistic information through hearing;



234 (4) "American Sign Language" or "ASL" means the visual language  
235 used by deaf and hard of hearing persons in the United States and  
236 Canada, with semantic, syntactic, morphological and phonological rules  
237 distinct from the English language;

238 (5) "English-based manual or sign system" means a sign system that  
239 uses manual signs in English language word order, sometimes with  
240 added affixes that are not present in ASL;

241 (6) "Oral, aural or speech-based system" means a communication  
242 system which uses a deaf or hard of hearing person's speech or residual  
243 hearing abilities, with or without the assistance of technology or cues;

244 (7) "Language, communication mode or style" means one or more of  
245 the following: (A) ASL, (B) English-based manual or sign systems, (C) a  
246 minimal sign language system to communicate with persons who use  
247 home-based signs, idiosyncratic signs or a sign system or language from  
248 another country, (D) oral, aural or speech-based systems with or  
249 without assistive technology, and (E) tactile method ASL or protactile  
250 ASL as used by [deaf-blind] deafblind persons;

251 (8) "Primary language, communication mode or style" means the  
252 language, communication mode or style which is preferred by and most  
253 effective for a particular person, or as determined by an appropriate  
254 language assessment undertaken by persons proficient in the language,  
255 communication mode or style being assessed;

256 (9) "Culturally and linguistically affirmative mental health services"  
257 means the provision of a full continuum of mental health services to a  
258 deaf, deafblind or hard of hearing person through an appropriately  
259 licensed mental health professional fluent in the primary language,  
260 communication mode or style and cultural needs of the person requiring  
261 such services; and

262 (10) "Accessible mental health services" means the provision of a full  
263 continuum of mental health services with the use of auxiliary aids and  
264 services necessary for a deaf, deafblind or hard of hearing person to

265 communicate with appropriately qualified mental health professionals  
266 who are not fluent in the primary language, communication mode or  
267 style of the person requiring such services, including, but not limited to,  
268 qualified interpreters utilizing the language or communication mode  
269 used by such person, written communications or assistive listening  
270 devices.

271 Sec. 3. Section 17b-606 of the general statutes is amended by adding  
272 subsection (d) as follows (*Effective October 1, 2022*):

273 (NEW) (d) The Department of Social Services shall maintain on the  
274 department's Internet web site information on services provided to  
275 persons with disabilities. The department's Internet web site shall  
276 include a link to the Internet web page maintained by the Department  
277 of Aging and Disability Services pursuant to section 46a-33a, as  
278 amended by this act, containing information about services for deaf,  
279 deafblind and hard of hearing individuals.

280 Sec. 4. Section 17a-3 of the 2022 supplement to the general statutes is  
281 amended by adding subsection (c) as follows (*Effective October 1, 2022*):

282 (NEW) (c) The Department of Children and Families shall maintain  
283 on the department's Internet web site information on services provided  
284 to persons with disabilities. The department's Internet web site shall  
285 include a link to the Internet web page maintained by the Department  
286 of Aging and Disability Services pursuant to section 46a-33a, as  
287 amended by this act, containing information about services for deaf,  
288 deafblind and hard of hearing individuals.

289 Sec. 5. Subsection (e) of section 17a-451 of the general statutes is  
290 repealed and the following is substituted in lieu thereof (*Effective October*  
291 *1, 2022*):

292 (e) The commissioner shall collaborate and cooperate with other state  
293 agencies providing services for children with mental disorders and  
294 adults with psychiatric disabilities or persons with substance use  
295 disorders, or both, and shall coordinate the activities of the Department

296 of Mental Health and Addiction Services with the activities of said  
 297 agencies. The commissioner shall maintain on the department's Internet  
 298 web site information on services provided to persons with disabilities.  
 299 The department's Internet web site shall include a link to the Internet  
 300 web page maintained by the Department of Aging and Disability  
 301 Services pursuant to section 46a-33a, as amended by this act, containing  
 302 information about services for deaf, deafblind and hard of hearing  
 303 individuals.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	46a-33a
Sec. 2	October 1, 2022	46a-34
Sec. 3	October 1, 2022	17b-606
Sec. 4	October 1, 2022	17a-3
Sec. 5	October 1, 2022	17a-451(e)

**Statement of Legislative Commissioners:**

In Section 1(c), "in a community setting" was changed to "in the state, including in a community setting," for clarity.

**HS**      *Joint Favorable Subst.*

---

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

---

### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

The bill makes various changes related to interpreters registered with the Department of Aging and Disability Services (ADS) and requires ADS to establish a webpage with information on an array of state services for deaf, deafblind, and hard of hearing people. These provisions do not result in a fiscal impact to the state or municipalities. ADS has the expertise to continue to make required information available on their website as do the Departments of Social Services, Mental Health and Addiction Services, and Children and Families.

The bill also bill makes it a class C misdemeanor, punishable by a fine of up to \$500, 3-months imprisonment, or both, for someone to (1) engage in willful or fraudulent misrepresentation in an attempt to register with ADS or (2) falsely represent himself or herself as registered. While this provision could result in fine related revenue, it is not expected to.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sHB 5230*****AN ACT CONCERNING STANDARDS FOR INTERPRETERS FOR DEAF, DEAFBLIND AND HARD OF HEARING PERSONS.*****SUMMARY**

This bill makes several changes related to interpreters registered with the Department of Aging and Disability Services (ADS).

Existing law establishes qualifications for interpreters generally and additional requirements for interpreting in educational, medical, or legal settings. Under the bill, settings that are not educational, medical, or legal are “community settings” and may include everyday life activities such as information sharing, employment, social services, entertainment, and civic and community engagements. The bill retains existing qualification requirements for these settings.

For medical and legal settings, the bill expands the acceptable qualifications for registered interpreters to include holding an Approved Deaf Interpreter credential from the Massachusetts Commission on the Deaf and Hard of Hearing. The bill makes a minor change to specify that the circumstances under which interpreters must be credentialed for medical settings are those in which “physical health, mental health, or both” are discussed, rather than those in which “health and wellness” are discussed.

The bill establishes penalties for certain acts of false representation. It also eliminates a provision allowing people to report violations of interpreter credentialing laws to the state’s protection and advocacy system (i.e., Disability Rights Connecticut).

The bill requires ADS to categorize interpreters on its online list of registered interpreters by the settings for which they are qualified. It

also requires ADS, the Department of Children and Families (DCF), the Department of Mental Health and Addiction Services (DMHAS), and the Department of Social Services (DSS) to provide information on certain services on their websites.

Lastly, the bill makes technical and conforming changes (e.g., updating terminology by changing from “deaf-blind” to “deafblind”; replacing references to the Department of Rehabilitation Services with ADS).

EFFECTIVE DATE: October 1, 2022

### **WEBPAGE REQUIREMENTS**

The bill requires several agencies to provide online information on services. Specifically, it requires

1. ADS to establish a webpage with information on services for deaf, deafblind, and hard of hearing people, including services it provides and those provided by DCF, DMHAS, and DSS and
2. DSS, DMHAS, and DCF, on their websites, to maintain information on services for people with disabilities and link to ADS’s page on services for deaf, deafblind, and hard of hearing people.

### **FALSE REPRESENTATION PENALTIES**

The bill makes it a class C misdemeanor, punishable by a fine of up to \$500, 3-months imprisonment, or both, for someone to (1) engage in willful or fraudulent misrepresentation in an attempt to register with ADS or (2) falsely represent himself or herself as registered. However, an interpreter is not guilty of the latter merely because his or her registration renewal was delinquent for up to 30 days.

### **BACKGROUND**

#### ***Related Bill***

HB 5224 (File 198), favorably reported by the General Law Committee, contains (1) the same provisions expanding qualifications

for medical and legal settings and establishing penalties, and (2) similar provisions on agency website requirements.

**COMMITTEE ACTION**

Human Services Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/24/2022)