



General Assembly

February Session, 2022

Raised Bill No. 5224

LCO No. 1685



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

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 Section 46a-33a of the general statutes is repealed and the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) "Department" means the Department of [Rehabilitation Services]
5 Aging and Disability Services;

6 (2) "Interpreting" means the translating or transliterating of English
7 concepts to a language concept used by a person who is deaf, [deaf-
8 blind] deafblind or hard of hearing or the translating of a deaf, [deaf-
9 blind] deafblind or hard of hearing person's language to English
10 concepts through the use of American Sign Language, English-based
11 sign language, cued speech, oral transliterating and information
12 received tactually;

13 (3) ["Deaf-blind"] "Deafblind" means combined vision and hearing

14 impairments that challenge a person's ability to communicate, interact
15 with others, access information and move about safely;

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

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

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

33 (7) "Transliterating" means converting or rendering English concepts
34 to a language concept used by a person who is deaf, [deaf-blind]
35 deafblind or hard of hearing or the translating of a deaf, [deaf-blind]
36 deafblind or hard of hearing person's language concept to English
37 concepts.

38 (b) Except as provided in subsections (g) and (h) of this section, all
39 persons providing interpreting services shall register, annually, with the
40 Department of Aging and Disability Services. Such registration shall be
41 on a form prescribed or furnished by the Commissioner of Aging and
42 Disability Services and shall include the registrant's name, residential or
43 business address, or both, contact information, including, but not
44 limited to, phone number, place of employment as interpreter and
45 interpreter certification or credentials. The department shall issue

46 interpreter identification cards for those who register in accordance with
47 this section, [and] maintain a current listing on its Internet web site of
48 such registered interpreters, categorized by interpreter settings for
49 which they are qualified, and regularly update such list. The
50 department may also require documentation of the registrant's training
51 hours. The department shall annually issue interpreter identification
52 cards listing the type of settings in which the registrant is qualified to
53 interpret. The department shall establish an Internet web page
54 containing information about services for deaf, deafblind and hard of
55 hearing individuals, including, but not limited to, services provided by
56 the department and the Departments of Social Services, Mental Health
57 and Addiction Services and Children and Families. Each such
58 department shall place a link to the Internet web page established by the
59 Department of Aging and Disability Services on the website of each
60 department.

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

68 (1) (A) Has passed the National Registry of Interpreters for the Deaf
69 written generalist test or the National Association of the Deaf-National
70 Registry of Interpreters for the Deaf certification knowledge
71 examination, (B) holds a level three certification provided by the
72 National Association of the Deaf, and (C) (i) documents the achievement
73 of two continuing education units per year for a maximum of five years
74 of training approved by the Commissioner of Aging and Disability
75 Services, and (ii) on or before the fifth anniversary of having passed the
76 National Registry of Interpreters for the Deaf written generalist test or
77 the National Association of the Deaf-National Registry of Interpreters
78 for the Deaf certification knowledge examination, has passed the
79 National Registry of Interpreters for the Deaf performance examination

80 or the National Association of the Deaf-National Registry of Interpreters
81 for the Deaf national interpreter certification examination;

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

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

98 (4) Holds certification by the National Registry of Interpreters for the
99 Deaf;

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

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

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

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

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

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

132 (e) No person shall provide interpreting services in a legal setting
133 unless such person is registered with the Department of Aging and
134 Disability Services according to the provisions of this section and holds
135 (1) a comprehensive skills certificate from the National Registry of
136 Interpreters for the Deaf, (2) a certificate of interpretation and a
137 certificate of transliteration from the National Registry of Interpreters
138 for the Deaf, (3) a level five certification from the National Association
139 of the Deaf, (4) a reverse skills certificate or is a certified deaf interpreter
140 under the National Registry of Interpreters for the Deaf, (5) for
141 situations requiring an oral interpreter only, an oral certification from
142 the National Registry of Interpreters for the Deaf, (6) for situations
143 requiring a cued speech transliterator only, certification from the

144 National Training, Evaluation and Certification Unit and has passed the
145 National Registry of Interpreters for the Deaf written generalist test, [or]
146 (7) a National Association of the Deaf-National Registry of Interpreters
147 for the Deaf national interpreting certificate, or (8) the credential of
148 Approved Deaf Interpreter by the Massachusetts Commission on the
149 Deaf and Hard of Hearing.

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

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

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

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

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

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

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

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

171 (1) An individual interpreting at (A) a worship service conducted by
172 a religious entity, or (B) services for educational purposes conducted by

173 a religious entity or religiously affiliated school;

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

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

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

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

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

203 (j) Any person who is not registered in accordance with this section

204 who represents himself or herself as an interpreter registered with the
205 Department of Aging and Disability Services, or who engages in wilful
206 or fraudulent misrepresentation of his or her credentials in an attempt
207 to register with the department, shall be guilty of a class C
208 misdemeanor. Failure to renew such registration in a timely manner
209 shall not in and of itself constitute a violation for the purposes of this
210 subsection. For purposes of this subsection, "timely manner" means not
211 more than thirty days after such registration has expired.

212 Sec. 2. Section 46a-34 of the 2022 supplement to the general statutes
213 is repealed and the following is substituted in lieu thereof (*Effective from*
214 *passage*):

215 As used in this section and sections 4-61aa, 46a-27, 46a-28, 46a-29 and
216 46a-35:

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

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

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

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

233 (5) "English-based manual or sign system" means a sign system that

234 uses manual signs in English language word order, sometimes with
235 added affixes that are not present in ASL;

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

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

246 (8) "Primary language, communication mode or style" means the
247 language, communication mode or style which is preferred by and most
248 effective for a particular person, or as determined by an appropriate
249 language assessment undertaken by persons proficient in the language,
250 communication mode or style being assessed;

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

257 (10) "Accessible mental health services" means the provision of a full
258 continuum of mental health services with the use of auxiliary aids and
259 services necessary for a deaf, deafblind or hard of hearing person to
260 communicate with appropriately qualified mental health professionals
261 who are not fluent in the primary language, communication mode or
262 style of the person requiring such services, including, but not limited to,
263 qualified interpreters utilizing the language or communication mode
264 used by such person, written communications or assistive listening
265 devices.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	46a-33a
Sec. 2	<i>from passage</i>	46a-34

Statement of Purpose:

To strengthen standards for interpreters for deaf, deafblind and hard of hearing persons.

[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.]