



General Assembly

Substitute Bill No. 5230

February Session, 2022



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 Section 46a-33a of the general statutes is repealed and the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)] (4) ["Deaf-blind"] "Deafblind" means combined vision and
19 hearing impairments that challenge a person's ability to communicate,
20 interact 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	<i>October 1, 2022</i>	46a-33a
Sec. 2	<i>October 1, 2022</i>	46a-34
Sec. 3	<i>October 1, 2022</i>	17b-606
Sec. 4	<i>October 1, 2022</i>	17a-3
Sec. 5	<i>October 1, 2022</i>	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.*