

PART XV. OFFICE OF THE DEAF AND HARD OF HEARING

Chap. 501. REGISTRATION OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS501.1

CHAPTER 501. REGISTRATION OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

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Authority

The provisions of this Chapter 501 adopted under the Sign Language Interpreter and Transliterators State Registration Act (63 P. S. §§ 1725.1—1725.11), unless otherwise noted.

Source

The provisions of this Chapter 501 adopted December 5, 2008, effective December 6, 2008, 38 Pa.B. 6605, unless otherwise noted.

§ 501.1. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Act—The Sign Language Interpreter and Transliterators State Registration Act (63 P. S. §§ 1725.1—1725.12).

CDI—Certified Deaf Interpreter—A certification issued by RID.

CI—Certificate of Interpretation issued by RID.

CSC—Comprehensive Skills Certificate issued by RID.

CT—Certificate of Transliteration issued by RID.

Department—The Department of Labor and Industry of the Commonwealth.

MCSC—Master Comprehensive Skills Certificate issued by RID.

NAD—National Association of the Deaf, an advocacy group for deaf and hard of hearing individuals which previously offered certification in sign language interpreting and transliterating.

NAD National Interpreter Certification Test—The former performance examinations conducted by the NAD for Level IV (Master) or V (Advanced) certification as a sign language interpreter or transliterator.

NIC—The National Interpreter Certification test which is the knowledge and proficiency examination conducted for RID's National Interpreter Certification as a sign language interpreter or transliterator.

Office—The Office for the Deaf and Hard of Hearing within the Department, 1521 North 6th Street, Harrisburg, PA 17102.

OIC:C—Oral Interpreting Certificate: Comprehensive issued by RID.

OTC—Oral Transliteration Certificate issued by RID.

RID—Registry of Interpreters for the Deaf, Inc. A National membership organization of professionals and its state affiliates that provides certification for sign language interpreters and transliterators.

RID Generalist examinations—The knowledge and proficiency examinations which are conducted by RID for CI/CT, CDI and OTC certifications in sign language interpreting or transliterating and which were formerly conducted by RID for CSC, MCSC and OIC:C certifications in sign language interpreting and transliterating.

Secretary—The Secretary of the Department or the Secretary's designee.

Year—A calendar year.

§ 501.2. Fees.

The Office will charge the following nonrefundable fees:

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| (1) | Registration | \$100. |
| (2) | Biennial renewal of existing registration | \$100. |
| (3) | Surcharge for late renewal of biennial registration. | \$50. |
| (4) | Reactivation following suspension. | \$100. |
| (5) | Registration identification card replacement. | \$10. |

Cross References

This section cited in 34 Pa. Code § 501.4 (relating to registration); 34 Pa. Code § 501.10 (relating to biennial registration renewal); and 34 Pa. Code § 501.11 (relating to reactivation of registration).

§ 501.3. Examination.

(a) The following examinations are approved as the examination which tests knowledge and proficiency under section 5(a)(1)(iii) of the act (63 P. S. § 1725.5(a)(1)(iii)):

- (1) NAD National Interpreter Certification.
- (2) RID Generalist Examinations.
- (3) NIC.

(b) An applicant for any of the approved examinations shall obtain applications directly from and pay the required examination fee directly to the examination provider.

§ 501.4. Registration.

- (a) An applicant for registration shall submit the following to the Office:
- (1) Proof of receiving a passing score on any of the approved examinations. This may include proof of current certification by NAD or RID.
 - (2) A completed registration application. Applications may be obtained from the office or the Department's web site www.dli.state.pa.us/odhh.
 - (3) The required registration fee under § 501.2 (relating to fees). Checks shall be made payable to the Commonwealth of Pennsylvania.
- (b) The Office will issue a paper or electronic registration to an applicant within 60 days of the date of receipt of the application if the applicant complies with subsection (a) and meets the following criteria:
- (1) Is 18 years of age or older.
 - (2) Has passed the examination required by subsection (a).
 - (3) Has paid applicable fees.
 - (4) Possesses the general fitness, competence and reliability sufficient to satisfy the office that the applicant is worthy of State registration.
- (c) The Office may deny an application for registration if the applicant:
- (1) Does not comply with this section.
 - (2) Fails to meet the requirements of section 5(a) of the act (63 P. S. § 1725.5(a)).
 - (3) Committed a violation enumerated in section 8(a) of the act (63 P. S. § 1725.8(a)) and § 501.7 (relating to violations).
- (d) The Office will comply with the procedures contained in § 501.9 (relating to request for reconsideration of registration denial) if an application for registration is denied.

Cross References

This section cited in 34 Pa. Code § 501.11 (relating to reactivation of registration).

§ 501.5. Exemptions.

- (a) An individual engaged in interpreting or transliterating services in a religious setting is exempt from registration under section 4(b)(1) of the act (63 P. S. § 1725.4(b)(1)) if the services are provided either:
- (1) During a worship service conducted by a religious entity.
 - (2) Exclusively for religious-study purposes for a religious entity or religiously affiliated school.
- (b) An individual engaged in sign language interpreting or transliterating during an emergency when a delay in obtaining a State-registered interpreter or transliterator might lead to injury or loss to the individual requiring the services is exempt.
- (c) An individual engaged in interpreting or transliterating as part of a supervised internship or practicum at an accredited college or university, RID or NAD if it is not in a legal, medical or mental health setting is exempt.

(d) An individual who does not reside in this Commonwealth is exempt from registration under section 4(b)(4) of the act in accordance with the following:

- (1) The individual possesses current certification from NAD or RID.
- (2) The individual provides interpreting or transliterating services in this Commonwealth for no longer than 14 days each year.
- (3) The individual provides the following to the Office within 5 business days of providing the interpreting or transliterating service:
 - (i) Written notice of the date and duration of each sign language or transliterating service that the individual provides or intends to provide within this Commonwealth. Forms may be obtained from the Office or the Department's web site www.dli.state.pa.us/odhh.
 - (ii) Proof of current certification.

(4) The Office will provide notice to a sign language interpreter or transliterator that he has provided 14 days of services during the year and that the individual is prohibited from providing any further interpreting or transliterating services within this Commonwealth during the year unless the individual registers with the Office in accordance with section 5 of the act (63 P. S. § 1725.5).

(e) An individual engaged in interpreting or transliterating at the request of a client who is deaf or hard of hearing is exempt from registration under section 4(b)(5) of the act in accordance with the following:

- (1) The interpreter or transliterator notifies the client that the individual is not registered with the Office.
- (2) The client signs a written confirmation acknowledging that the individual is not registered and acknowledging that the client desires the individual's services. Forms may be obtained from the Office or the Department's web site at www.dli.state.pa.us/odhh.
- (3) The individual providing services shall provide a copy of the confirmation to the client and maintain a copy of the client's signed statement for 2 years.

(f) An individual who engages in interpreting or transliterating strictly as a volunteer is exempt.

(g) An individual is exempt from registration under section 4(b)(7) of the act for a school-related activity if the individual complies with the State Board of Education regulations establishing criteria for persons providing sign language and interpreting services for a school-related activity. See 22 Pa. Code §§ 14.105 and 711.5 (relating to personnel).

(h) If a sign language interpreter or transliterator is required for effective communication at a physician's office, an individual is exempt from registration under section 4(b)(8) of the act if the individual provides sign language interpreting or transliterating services to a patient who is deaf or hard of hearing in accordance with the following:

(1) The patient signs a written confirmation acknowledging that the individual providing the interpreting or transliterating services is not registered, that the patient has the right to request or provide an interpreter or transliterator who is registered with the Office and the patient desires the services of the unregistered individual. This confirmation must be completed during every office visit. Forms may be obtained from the Office or the Department's web site at www.dli.state.pa.us/odhh.

(2) The individual providing sign language interpreting or transliterating services informs the patient in writing that a request for a registered interpreter or transliterator made after the commencement of the office visit may result in a delay of physician services.

(3) The physician's office shall maintain a copy of the patient's signed statement in the patient's health care file consistent with the regulations of the State Board of Medicine and the State Board of Osteopathic Medicine. See 49 Pa. Code §§ 16.95 and 25.213 (relating to medical records).

(4) The interpreter or transliterator shall maintain a copy of the signed statement for 2 years from the date of service.

(5) A copy of the signed statement shall be provided to the patient.

(i) An individual engaged in interpreting or transliterating in a judicial or in an administrative proceeding is exempt from registration if the individual is providing services under 42 Pa.C.S. Subchapter C (relating to court interpreters for the deaf) or 2 Pa.C.S. Subchapter D (relating to administrative proceeding interpreters for persons who are deaf).

§ 501.6. Complaints.

(a) Upon the receipt of a written or visual language complaint or upon its own initiative, the Office may investigate allegations of violations of section 8 of the act (63 P. S. § 1725.8) and § 501.7 (relating to violations).

(b) Complaints must contain:

(1) The name and address of complainant.

(2) The name and address, if known, of the individual against whom the complaint is filed.

(3) A statement of the facts forming the basis of the complaint or conclusion that there has been a violation of the act.

(4) The name of any witnesses and other information that may be pertinent to an investigation.

(c) Complaints shall be submitted to the Office which may commence an investigation.

§ 501.7. Violations.

The Department may impose disciplinary or corrective measures under section 9(a) of the act (63 P. S. § 1725.9(a)) or levy administrative fines of up to \$500 under section 8(b) of the act (63 P. S. § 1725.8(b)) on a registrant for doing one or more of the following:

- (1) Obtaining a State registration or renewal of a registration through fraud, deceit or misrepresentation.
- (2) Being convicted of a felony or a crime in this Commonwealth or other jurisdiction relating to the provision of interpreter or transliterator services.
- (3) Being the subject of a disciplinary or other administrative action taken against this registration, certificate or license to provide interpreting or transliterating services in another state by a government agency.
- (4) Committing fraud, gross negligence or misconduct relating to the provision of interpreting or transliterating services as determined by the office.
- (5) Engaging in any other misconduct relating to the provision of interpreting or transliterating services as determined by the office.
- (6) Violating the provisions of the act or this chapter.

Cross References

This section cited in 34 Pa. Code § 501.4 (relating to registration); 34 Pa. Code § 501.6 (relating to complaints); and 34 Pa. Code § 501.8 (relating to hearings/appeals).

§ 501.8. Hearings/appeals.

(a) Actions under sections 8 and 9 of the act (63 P. S. §§ 1725.8 and 1725.9) and § 501.7 (relating to violations) will be taken subject to the right of notice, hearing and adjudication in accordance with 2 Pa.C.S. (relating to administrative law and procedure). Hearings shall be conducted under 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and this section.

(b) The Office will serve the respondent with an order to show cause under 1 Pa. Code § 35.14 (relating to orders to show cause). The order to show cause will contain notification that the registration may be subject to action and the grounds for the action. The order to show cause will contain notification that the respondent is to respond in writing within 30 days after the date of the service of the order or in accordance with another date designated by the Office. Failure to respond will be deemed a default and relevant facts stated in the order to show cause may be deemed admitted under 1 Pa. Code § 35.37 (relating to answers to orders to show cause).

(c) The respondent may respond in writing to the allegations of the order to show cause under 1 Pa. Code § 35.37. If made, the answer shall be filed with the Office within 30 days after the date of the order to show cause or within another time period specified by the Office.

(d) The Office will provide the opportunity for a recorded hearing on the allegations. The Office will designate a presiding officer to conduct the hearing under 1 Pa. Code §§ 35.185—35.190 (relating to presiding officers).

(e) The presiding officer will prepare and issue a proposed report and order under 1 Pa. Code §§ 35.201—35.207 (relating to proposed reports generally). The presiding officer will serve the proposed report upon counsel of record or to the parties in the hearing. The proposed report will contain the Department address where an appeal may be filed.

(f) A party may appeal the proposed report and order to the Secretary within 30 days of service of the proposed report under section 10 of the act (63 P. S. § 1725.10). Appeals are governed by the following:

(1) A party desiring to appeal to the Secretary shall file exceptions to the proposed report and order within 30 days of service in accordance with 1 Pa. Code § 35.211 (relating to procedure to except to proposed report). The party may seek the reopening of the record to present testimony or evidence by filing a request with the exceptions.

(2) A party may file a written response to the exceptions within 20 days of service of the exceptions. The party may seek the reopening of the record to present testimony or evidence by filing a request with the response.

(3) If a timely appeal is filed, the presiding officer will transmit the proposed report and order and the certified record to the Secretary.

(4) If a timely appeal is filed, the Secretary will issue the final order under 1 Pa. Code § 35.226 (relating to final orders). The Secretary may reopen the record and order additional briefs.

(5) The presiding officer's proposed report and order will be the Department's final order under section 11 of the act (63 P. S. § 1725.11) if a timely appeal is not made under this section.

(g) This section supplements 1 Pa. Code §§ 35.14, 35.37, 35.185—35.190, 35.201—35.207, 35.211 and 35.226.

§ 501.9. Request for reconsideration of registration denial.

(a) The Office may deny an application for registration if an applicant does not meet the registration requirements of section 5(a) of the act (63 P. S. § 1725.5(a)) or for the grounds contained in section 8(a) of the act (63 P. S. § 1725.8(a)). The Office will provide the applicant with written notification of the denial which states the statutory and regulatory reasons for the denial and sets forth the procedure for requesting reconsideration.

(b) An applicant for registration whose application was denied by the Office may file a request for reconsideration with the Office within 30 days of the date of the notice of denial.

(c) The request for reconsideration must be in writing and include the following:

(1) The applicant's name and address.

- (2) The facts supporting the applicant's request for reconsideration.
- (3) Supporting documentation demonstrating that the applicant meets the requirements for registration under section 5(a)(2) of the act.
- (d) The Office will review the request for reconsideration and issue a written determination containing its decision. If reconsideration is denied, the Office will provide a summary of the reasons in the determination.
- (e) If the request is granted, the Office will issue a registration to the applicant if the applicant pays the renewal fee and completes the application under section 5(a)(1) of the act.
- (f) An applicant may seek a hearing and appeal the denial of registration under sections 10 and 11 of the act (63 P. S. §§ 1725.10 and 1725.11). The Office and Department will conduct hearings and resolve appeals under § 501.8 (relating to hearings/appeals).

Cross References

This section cited in 34 Pa. Code § 501.4 (relating to registration).

§ 501.10. Biennial registration renewal.

- (a) A registrant shall renew the registration biennially to retain the right to continue to provide interpreting or transliterating services, or offer to provide sign language interpreting or transliterating services, or hold himself out as a qualified sign language interpreter or a qualified transliterator or use similar titles or designations under the act.
- (b) Registration for a biennium expires December 31 of every even-numbered year.
- (c) To renew a registration, a registrant shall submit to the Office before the expiration of the renewal period a completed renewal application supplied by the Office along with the required renewal fee and any late or reactivation fees under § 501.2 (relating to fees).
- (d) Biennial registration forms and other forms or literature to be distributed by the Office will be forwarded to the last mailing or electronic address provided to the Office by the registrant. Failure of the Office to send, or of the registrant to receive, a biennial registration application does not relieve the registrant of the biennial registration responsibility.
- (e) The Office will issue a nontransferable biennial registration to a registrant who renews registration under this section within 60 days.

Cross References

This section cited in 34 Pa. Code § 501.11 (relating to reactivation of registration).

§ 501.11. Reactivation of registration.

- (a) An individual may reactivate a suspended registration under section 9(c)(1) of the act (63 P. S. § 1725.9(c)(1)) if the following conditions are met:

- (1) The suspension term has fully elapsed.
 - (2) The individual has complied with all of the terms and conditions of the suspension order.
 - (3) The individual has not violated the act or this chapter during the suspension term.
 - (4) The individual pays the reactivation fee under § 501.2(4) (relating to fees).
 - (5) The individual complies with the renewal requirements of § 501.10 (relating to biennial registration renewal).
- (b) An individual may obtain registration following revocation of a registration under section 9(c)(2) of the act if the following conditions are met:
- (1) At least 5 years have elapsed from the date of the registration revocation.
 - (2) The individual complied with terms and conditions of the revocation order.
 - (3) The individual did not violate the act or this chapter during the revocation term.
 - (4) The individual pays the reactivation fee under § 501.2.
 - (5) The individual complies with the registration requirements of section 5 of the act and § 501.4 (relating to registration).

§ 501.12. Change of address/name/information.

A registrant shall notify the Office in writing of the following within 10 days:

- (1) Any change of name or mailing address
- (2) Disciplinary action taken against the registrant's registration, certification or license to provide interpreting or transliterating services by another state or government agency.

§ 501.13. Confidential communications.

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

