

CHAPTER 86
HB 631 - FINAL VERSION

7Apr2021... 0439h

2021 SESSION

21-0201
10/11

HOUSE BILL ***631***

AN ACT relative to regulation of interpreters for the deaf, deaf blind, and hard of hearing.

SPONSORS: Rep. M. Pearson, Rock. 34; Rep. Woods, Merr. 23; Rep. Nutter-Upham, Hills. 33;
Rep. Major, Rock. 14; Rep. Guthrie, Rock. 13; Rep. Rice, Hills. 37; Sen. Birdsell,
Dist 19; Sen. D'Allesandro, Dist 20

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill makes various changes to the licensure of interpreters for the deaf and hard of hearing and the regulation by the board of deaf and hard of hearing, including adding references to deafblind persons, revising definitions, clarifying licensure requirements, adding penalties for use of an unlicensed interpreter without a waiver, and authorizing the assessment of administrative fines.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 86
HB 631 - FINAL VERSION

7Apr2021... 0439h

21-0201
10/11

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to regulation of interpreters for the deaf, deaf blind, and hard of hearing.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 86:1 Chapter Title; Interpreters for the Deaf, Deafblind, and Hard of Hearing. Amend the
2 chapter title of RSA 326-I to read as follows:

3 CHAPTER 326-I

4 INTERPRETERS FOR THE DEAF, **DEAFBLIND**,

5 AND HARD OF HEARING

6 86:2 Reference Change; Board of Licensure; Deafblind Added. Amend the following RSA
7 provisions by replacing the terms "for the deaf and hard of hearing" with "for the deaf, deafblind, and
8 hard of hearing": 14:12-a: 200-C:19, IV; 326-I:1, IV(a) and (b); the section heading of 326-I:3; 326-I:3,
9 I; 326-I:3, IV(c); 326-I:4, II; 326-I:4, V and VI; 326-I:5, IV; 326-I:8, I; 326-I:11, I; the introductory
10 paragraph of 326-I:12; 326-I:14, II(b); 326-I:14, III(c); 326-I:16.

11 86:3 Findings. Amend RSA 326-I:1, II and III to read as follows:

12 II. The general court finds that a significant number of New Hampshire's deaf, **deafblind**,
13 and hard of hearing, its broad array of public agencies and institutions, and its medical and legal
14 professions share a unique challenge: the necessity to hire [~~professional~~] **qualified** interpreters
15 licensed to provide ready and reliable communications to and for those who use a visual **and/or**
16 **tactile** mode of communication.

17 III. The general court further finds the mandates of federal and state statutes which require
18 funding of interpreter's services, by the same public agencies and institutions, medical and legal
19 professions, and others of those interpreters requested by the deaf, **deafblind**, and hard of hearing,
20 is a mandate in itself to the legislature to ensure the availability of a skilled cadre of [~~professional~~]
21 **qualified**, licensed interpreters.

22 86:4 Definitions. RSA 326-I:2 is repealed and reenacted to read as follows:

23 326-I:2 Definitions. In this chapter:

24 I. "Board" means the board of licensure of interpreters for the deaf, deafblind, and hard of
25 hearing.

26 II. "Deaf" person means a person whose primary communication is visual.

27 III. "Deafblind" person means a person who has a combination of hearing loss and vision
28 loss. A person who uses a combination of visual and/or tactile communication.

29 IV. "Hard-of-hearing" person means a person who has a hearing loss, who may or may not
30 primarily use visual communication, and who may or may not use assistive devices.

CHAPTER 86
HB 631 - FINAL VERSION
- Page 2 -

V. "Intermediary interpreting" means interpreting services rendered by a deaf person between another deaf or deafblind person and another licensed interpreter or between 2 or more deaf or deaf blind persons.

VI. "Interpreter" means a person who conveys meaning between people who use signed language and spoken language.

VII. "Interpreting" means the act of conveying meaning between people who use signed and/or spoken languages.

VIII. "Interpreting organization" means an organization whose function is to provide qualified interpreter services for a fee and who access interpreters licensed under this chapter.

IX. "Oral deaf" person means a person whose primary communication is speech reading and spoken English.

X. "Qualified interpreter" means an interpreter meeting the requirements of this chapter.

86:5 Board Membership. Amend RSA 326-I:3, II and III to read as follows:

II. The board shall consist of 9 members as follows:

(a) Four licensed interpreters, at least 2 of whom ~~are~~ **hold** national ~~level licensees~~ **certification**, from ~~a list of~~ names submitted by the New Hampshire Registry of Interpreters for the Deaf in conjunction with the New Hampshire Association of the Deaf.

(b) Five consumers, including 3 deaf **or deafblind** persons from ~~a list of~~ names submitted by the New Hampshire Association of the Deaf, one consumer of oral interpreting services, and a non-deaf member of the public not licensed under this chapter.

III. No member of the board shall serve concurrently in an elected, appointed, or employed position in any other state-level organization representing interpreters for the deaf, **deafblind, or hard of hearing** if it would present a direct conflict of interest.

86:6 Duties of the Board. Amend RSA 326-I:4, IX to read as follows:

IX. Cooperating with the New Hampshire Registry of Interpreters for the Deaf, the New Hampshire Association of the Deaf, ~~[Self Help for the Hard of Hearing of New Hampshire, the New Hampshire League for the Hard of Hearing,]~~ **the Association of Late Deafened Adults (ALDA), Northeast Deaf and Hard of Hearing Services, Inc.**, the department of education, division of vocational rehabilitation, and interpreting ~~[agencies]~~ **organizations** to provide access to the services of interpreters to persons communicating with deaf, **deafblind**, and hard of hearing persons.

86:7 Rulemaking; Applications. RSA 326-I:5, I is repealed and reenacted to read as follows:

I. The form and content of license applications authorized in RSA 326-I:7, II. For licensed interpreters such rules shall include application criteria including proof of an approved valid credential.

86:8 New Paragraph; Rulemaking; Administrative Fines. Amend RSA 326-I:5 by inserting after paragraph VII the following new paragraph:

CHAPTER 86
HB 631 - FINAL VERSION
- Page 3 -

VIII. Procedural and substantive requirements for assessing, compromising, and collecting administrative fines as authorized by RSA 326-I:14, III.

86:9 Licensure. Amend RSA 326-I:7 to read as follows:

326-I:7 Licensure Required; Exemptions.

I. No person shall receive remuneration as an interpreter for the deaf, **deafblind**, or hard of hearing or represent oneself as an interpreter for the deaf, **deafblind**, or hard of hearing in this state after January 1, 2003, unless such person is licensed in accordance with the provisions of this chapter.

II. The board shall license each applicant who satisfies the requirements of the board [at either a national level license or a state level license], **including a valid credential recognized by the board**. Upon payment of a license fee [for each license level], the board shall issue to such person a certificate of licensure which shall be evidence of the right to practice [at the appropriate level] as an interpreter for the deaf, **deafblind**, and hard of hearing.

III. ~~[An interpreter for the deaf and hard of hearing certified by the Registry of Interpreters for the Deaf, the National Association of the Deaf, or the New Hampshire Interpreter classification process prior to the effective date of this chapter shall accepted for licensure by the board, at the appropriate license level, without examination, provided that all such certified persons comply with all other requirements of the board under this chapter.]~~

IV.] The following persons shall be exempt from the license requirements of this chapter:

(a) Nonresident interpreters ~~[certified by the National Registry of Interpreters of the Deaf (RID) or the American Consortium of Certified Interpreters (ACCI), levels IV and V, who have completed RID-approved legal training or who hold a legal specialty certificate (RID SC:L)]~~ **legally certified or legally trained by a board recognized body** when working in ~~[court]~~ **legal** settings, provided that such interpreter shall be subject to disciplinary proceedings of the board.

(b) Interpreters for the deaf, **deafblind** and hard of hearing working in religious settings.

(c) Interpreters working in emergency situations where the parties determine that the delay to obtain a licensed interpreter is likely to cause injury or loss.

(d) Students exempted under RSA 326-I:8.

(e) Interpreters employed by a school district for a K-12 program.

(f) Court reporters licensed under RSA 310-A:161-RSA 310-A:181 while employed as court reporters as defined in RSA 310-A:162, II.

(g) Interpreters holding a valid credential from a board recognized body who are representatives from a critical shortage area (any area that is currently underrepresented in the licensed pool) provided that such interpreter shall be subject to disciplinary proceedings of the board.

CHAPTER 86
HB 631 - FINAL VERSION
- Page 4 -

1 ***(h) An individual interpreting between a pair of signed languages for which***
2 ***there is no existing certification, provided that such interpreter shall be subject to***
3 ***disciplinary proceedings of the board.***

4 [V-] IV. The recipient of services shall have the right to apply to the department of education
5 for, and to receive, a waiver in writing from using a licensed interpreter ~~[and shall accept all~~
6 ~~responsibility for such action]~~.

7 86:10 License Requirements. Amend the introductory paragraph of RSA 326-I:9, I to read as
8 follows:

9 I. To be eligible for licensure by the board as an interpreter for the deaf, ***deafblind***, and
10 hard of hearing ~~[at either the national level license or the state level license]~~, an applicant shall:

11 86:11 License Renewal. Amend RSA 326-I:13 to read as follows:

12 326-I:13 License Renewal~~[- Continuing Education]~~. A license issued by the board shall expire on
13 the September 1 following 3 years from the date of issuance. Every person licensed under this
14 chapter who wishes to renew a license shall, on or before the expiration date, pay a fee for renewal of
15 license to the board. The board shall notify each person licensed under this chapter of the date of
16 expiration of such person's license and the renewal fee required. The notice shall be mailed to such
17 person's last known address as provided to the board at least 60 days in advance of the expiration of
18 such license. Renewals are contingent upon ~~[evidence of completing the number of continuing~~
19 ~~education units established by the board. The continuing education units may be earned by~~
20 ~~attending professional training or completing approved independent studies and regional in-service~~
21 ~~programs, as determined by the board]~~ ***demonstration of the licensee satisfying the***
22 ***requirements of this chapter.***

23 86:12 Disciplinary Actions; Unlicensed Persons. Amend RSA 326-I:14, I(b) to read as follows:

24 (b) Upon written complaint of any person which charges that a person licensed by the
25 board, or an unlicensed person under RSA 326-I:7, ~~[IV(a)]~~ ***III(a), III(g), or III(h) or RSA 326-I:7,***
26 ***IV***, has committed misconduct under paragraph II and which specifies the grounds for the
27 misconduct.

28 86:13 Disciplinary Actions; Administrative Fines. Amend RSA 326-I:14, III(a) to read as
29 follows:

30 III.(a) The board may take disciplinary action in any one or more of the following ways:

31 (1) By public or private reprimand.

32 (2) By suspension, limitation, or restriction of license.

33 (3) By revocation of license.

34 (4) ***By assessing an administrative fine.***

35 (5) By requiring the person to participate in a program of continuing education
36 supervision, or treatment in the area the person is deficient.

CHAPTER 86
HB 631 - FINAL VERSION
- Page 5 -

1 ~~[(5)]~~ **(6)** By removing an exemption for an unlicensed person under RSA 326-I:7[,
2 ~~IV(a)]~~.

3 86:14 Hearings; Exception. Amend RSA 326-I:15 to read as follows:

4 326-I:15 Hearings; **Exception**.

5 **I.** The board shall take no disciplinary action without a hearing. At least 14 days prior to
6 hearing, both parties to a disciplinary proceeding shall be served, either personally or by registered
7 mail, with a written copy of the complaint filed and notice of the time and place for hearing. All
8 complaints shall be objectively received and fairly heard by the board, but no complaint shall be
9 acted upon unless in writing or formally presented to the board. A hearing shall be held on all
10 formal complaints received by the board within one year of the date notice of a complaint was
11 received by the accused, unless otherwise agreed to by the parties. Official notice of all disciplinary
12 decisions made by the board shall be given to both parties to the proceeding upon their issuance.

13 **II. When an action by a licensed interpreter does not violate the Code of**
14 **Professional Conduct but has an adverse consequence to a recipient of services and/or is**
15 **not standard practice, an involved participant or a concerned third party may file a**
16 **complaint with the board which asks for the board to provide conflict resolution or**
17 **mediation services between the parties. To accept, investigate, and act on such a filing, a**
18 **majority of present board members must agree there is an opportunity for resolution that**
19 **will result in an improvement of interpreting services. In these instances, there will be no**
20 **possible suspension or revocation of the interpreter's license, nor shall the board be**
21 **required to hold a hearing.**

22 86:15 Directory. Amend RSA 326-I:17 to read as follows:

23 326-I:17 Record; Directory. The board shall maintain a record of its proceedings under this
24 chapter and a directory of all persons licensed under this chapter. The directory shall list the name
25 and last known ~~[business address]~~ **contact information** for each licensee, and may include such
26 other information as the board deems necessary.

27 86:16 Penalties; Waiver. Amend RSA 326-I:18, I to read as follows:

28 **I.** Any person who shall practice or attempt to practice as an interpreter for the deaf,
29 **deafblind** and hard of hearing in this state without a license **and without a waiver under RSA**
30 **326-I:7, IV** shall be guilty of a class A misdemeanor if a natural person or guilty of a felony if any
31 other person.

 86:17 Effective Date. This act shall take effect January 1, 2022.

Approved: June 18, 2021

Effective Date: January 01, 2022