

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: American Sign Language Interpreters, Office of Professional and Occupational Regulation, Department of Professional and Financial Regulation

NAME, ADDRESS, PHONE NUMBER, E-MAIL OF AGENCY CONTACT PERSON: Anne L. Head, Director, 35 State House Station, Augusta, ME 04333; 207-624-8500; Anne.L.Head@maine.gov

CHAPTER NUMBER AND RULE TITLE:

Chapter 50 – “Definitions” (repeal and replace)

Chapter 51 – “Requirements for Initial Licensure and Licensure by Endorsement” (repeal and replace)

Chapter 52 – “License Renewal, Inactive Licensure Status and Continuing Education” (repeal and replace)

Chapter 54 – “Disclosure Statement” repeal and replace with “Code of Ethics and Ethical Standards”

Chapter 55 – “Complaints and Investigations” (repeal)

STATUTORY AUTHORITY: 32 M.R.S. §§ 1522(1), 1524-B, 1524(C), 1528, 1528-A, 10 M.R.S. §§ 8003-H, 8003-5-A(D)

TYPE OF RULE (*check one*): ☒ Routine Technical ☐ Major Substantive

DATE, TIME AND PLACE OF PUBLIC HEARING: N/A

COMMENT DEADLINE: July 31, 2022 at 5:00 p.m.

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)]:

This is a comprehensive rulemaking effort to repeal and replace existing chapters to align with various statutory changes, streamline the licensure provisions, remove duplicative and/or obsolete terms, identify licensure by endorsement requirements, clarify the continuing education and renewal requirements, outline the requirements for inactive licensure status, and identify standards of professional and ethical conduct.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? X YES ___NO [§8056(1)(B)]:

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]: The rules reflect various statutory changes to further clarify qualifications for initial licensure, licensure by endorsement, renewal of licensure, continuing education requirements and standards of professional and ethical conduct.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [see §§8057-A(1)(E) & 8063-B]

- Legislation enacted during the 130th First Special Session.
- Various stakeholder discussion and meetings conducted between 2019 and 2022.
- Commission on Collegiate Interpreter Education Accreditation Standards 2019.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]: None.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:
[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED
AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.

Notice of Agency Rule-making Proposal

AGENCY: American Sign Language Interpreters, Office of Professional and Occupational Regulation, Department of Professional and Financial Regulation

TYPE OF RULE (*check one*): ☒ Routine Technical ☐ Major Substantive

CHAPTER NUMBER AND TITLE:

Chapter 50 – “Definitions”

Chapter 51 – “Requirements for Initial Licensure and Licensure by Endorsement”

Chapter 52 – “License Renewal, Inactive Licensure Status and Continuing Education”

Chapter 54 – “Disclosure Statement” repeal and replace with “Code of Ethics and Ethical Standards

Chapter 55 – “Complaints and Investigations” (repeal)

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY: This is a comprehensive rulemaking effort to repeal and replace existing chapters to align with various statutory changes, streamline the licensure provisions, remove duplicative and/or obsolete terms, identify licensure by endorsement requirements, clarify the continuing education and renewal requirements, outline the requirements for inactive licensure status, and identify standards of professional and ethical conduct.

Date, time and location of PUBLIC HEARING (*if any*): N/A

COMMENT DEADLINE: July 31, 2022 at 5:00 p.m.

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, e-mail*): Anne L. Head, Director, 35 State House Station, Augusta, ME 04333; 207-624-8500 (tel.); 207-624-8140 (fax); TTY 711

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): N/A

STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S. §§ 1522(1), 1524-B, 1524(C), 1528, 1528-A, 10 M.R.S. §§ 8003-H, 8003-5-A(D)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): N/A

AGENCY WEBSITE: www.maine.gov/pfr/professionallicensing/


E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Anne.L.Head@maine.gov

* Check one of the following two boxes.

☒ The summary provided above is for publication in both the newspaper and website notices.

☐ The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rule-making notice posted on the Secretary of State’s website. Title 5 §8053, sub-§3, ¶D & sub-§6.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT  DATE: 6/8/2022
(authorized signature)

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC
014	02A	4073	01	4946				

MAPA-3 revised 2-2016: additional summary information for web

Notice of Agency Rule-making Proposal

Additional Information for the Web *(if any)*

DETAILED SUMMARY:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

AMERICAN SIGN LANGUAGE INTERPRETERS

Chapter 50: DEFINITIONS

SUMMARY: This chapter defines certain terms used in these rules. See also the statutory definitions in 32 MRSA §1521.

Unless the context otherwise indicates, the following words have the following meanings:

- 1. ASL.** “ASL” means American Sign Language.
 - 2. NAD.** “NAD” means the National Association of the Deaf.
 - 3. RID.** “RID” means the Registry of Interpreters for the Deaf, Inc.
 - 4. Extreme hardship.** “Extreme hardship” means a determination made by the Director on a case by case basis to grant a conditional license beyond a four year licensure term. For purposes of demonstrating extreme hardship, the conditional licensee must submit verified documentation of the hardship e.g., prolonged illness, military deployment, or other extreme hardship.
-

STATUTORY AUTHORITY: 32 MRSA. §§1522(1), 1524-C

EFFECTIVE DATE:

January 30, 2002

AMENDED

May 9, 2009 – filing 2009-177

REPEAL AND REPLACED:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION****AMERICAN SIGN LANGUAGE INTERPRETERS****Chapter 51: REQUIREMENTS FOR INITIAL LICENSURE AND LICENSURE BY ENDORSEMENT**

SUMMARY: This chapter sets forth the qualifications for the initial licensure and licensure by endorsement of certified interpreters, certified deaf interpreters, conditional interpreters, and conditional deaf interpreters.

1. General Qualifications for Initial Licensure

An applicant seeking licensure to practice must submit an application with the fee required by Chapter 10 of the rules of the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, entitled "Establishment of License Fees" and any other materials required by the Director.

2. Specific Qualifications for Certified Interpreter or Certified Deaf Interpreter

An applicant seeking licensure under this section must meet the following qualification:

- A. Documented proof of a valid RID certification, or comparable or successor organization approved by the Director, that is current at time of application.

3. Specific Qualification for Conditional Interpreter or Conditional Deaf Interpreter

An applicant seeking licensure under this section must meet the following qualifications:

- A. American Sign Language proficiency – documented proof of the following:
 - 1. A qualifying score of 3 or higher on an ASL proficiency interview administered by the ASL Diagnostic and Evaluation Services of Gallaudet University, or comparable or successor organization approved by the Director;
- B. Educational requirements – documented proof of one of the following:
 - 1. An associate degree or higher in American Sign Language, American Sign Language interpreting or deaf studies from an accredited college or university; or

2. For persons holding a limited license that is current on the effective date of 32 M.R.S. §1524-C(3)(A)(2), an alternative pathway approved by RID, or comparable or successor organization approved by the Director; and

C. Examination requirements – documented proof of the following:

1. A passing score on a knowledge exam administered by RID, or comparable or successor organization approved by the Director.

4. Limitation on Conditional Interpreter and Conditional Deaf Interpreter Licensure

A conditional license may be held no more than 4 years, except that a 5th year may be granted upon demonstration of extreme hardship.

5. Qualifications for Licensure by Endorsement

An applicant seeking licensure by endorsement to practice must submit an application with the fee required by Chapter 10 of the rules of the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, entitled "Establishment of License Fees" and any other materials required by the Director.

An applicant seeking licensure for endorsement must meet the following qualifications:

A. Good standing – documented proof of the following:

1. Proof of licensure in good standing, in all jurisdictions in which the applicant holds or has held a license to practice;

B. Substantially equivalent license – documented proof of the following:

2. A license to practice as an interpreter issued in another jurisdiction that maintains substantially equivalent licensure requirements as those set forth in this chapter; and

C. Governing statutes and rules – documented proof of the following:

3. A copy of the current statutes and rules governing eligibility for licensure to practice as an interpreter in each jurisdiction in which the applicant holds a license to practice.

STATUTORY AUTHORITY: 32 M.R.S. §§1522(1); 1524-B, 1524-C; 10 M.R.S. §8003-H

EFFECTIVE DATE:

January 30, 2002

REPEALED AND REPLACED:

May 9, 2009 – filing 2009-178

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION****AMERICAN SIGN LANGUAGE INTERPRETERS****Chapter 52: LICENSE RENEWAL, INACTIVE LICENSURE STATUS AND CONTINUING EDUCATION**

SUMMARY: This chapter describes the license renewal process and sets forth continuing education requirements.

1. General Requirements for Renewal and Reinstatement of Licensure

- A. **Renewal Requirements.** On or before the date of licensure expiration, an applicant seeking renewal of licensure must submit an application with the fee required by Chapter 10 of the rules of the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, entitled "Establishment of License Fees" and meet the continuing education requirements of this chapter.
- B. **Late Renewal.** An applicant who seeks to renew a license within 90 days after the date of licensure expiration must submit an application with the fees required by Chapter 10 of the rules of the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, entitled "Establishment of License Fees" and Chapter 11 of the rules of the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, entitled "Late Renewals" and meet the continuing education requirements of this chapter.
- C. **Reinstatement.** An applicant who seeks to renew a license more than 90 days after the license expiration date is subject to all requirements governing initial applicants as outlined in Rules Chapter 51.

2. Specific Requirements for Renewal of Conditional Interpreter and Conditional Deaf Interpreter Licensure

- A. An applicant who seeks to renew a conditional license beyond a four year licensure term is ineligible to renew. However, an applicant may request to renew for a fifth year but must demonstrate extreme hardship as defined in Rules Chapter 1, §8 and must meet the general requirements for renewal as identified in Section 1 (A) above.

3. Continuing Education Requirements

- A. General requirements. No license will be renewed unless the licensee has completed continuing education that is directly related to the practice of interpreting during the preceding license term. One (1) hour of continuing education activity is earned for each hour of actual instruction time, excluding breaks, lunch and other non-instructional time. A continuing education activity must meet the requirements as set forth in Section 4.
- 1. Certified Interpreters and Deaf Certified Interpreters:
 - a. Certify at the time of renewal that the licensee maintains a current RID registration or successor organization approved by the Director.
- 2. Limited Interpreters, Limited Deaf Interpreters, Conditional Interpreters and Condition Deaf Interpreters:
 - a. Certify at the time of renewal that the licensee has completed 20 hours of continuing education activity in accordance with this chapter.

4. Requirements for Continuing Education Activities

- A. Content. A continuing education activity must directly relate to the practice of interpreting. "Directly related to the practice of interpreting" means that the continuing education activity must relate to professional competency and aspects of the profession for which the individual is licensed.
- B. Eligible activities. Continuing education activities that directly relate to the practice of interpreting may be earned only by participation in the following activities:
 - 1. A presentation, lecture, seminar, and workshop.
 - 2. A study club.
 - 3. An academic course related to the practice of interpreting offered by a regionally accredited institution recognized by the United States Department of Education.
 - 4. A distance learning activity such as online courses and/or remote participation courses.
- C. Ineligible activities. The following activities are ineligible in meeting the continuing education activities of this chapter:
 - 1. A continuing education activity pursuant to adverse licensure action either by order or consent agreement.
 - 2. Attendance at business meetings of a professional association.

3. Attendance at marketing, business, career or financial management meetings.
4. Examinations required to meet an eligibility for licensure.

5. Documentation and Audit

- A. Licensees are responsible to obtain and maintain documentation of continuing education activities that includes the date, location, duration of the activity, name of the presenter, name of the course or program, an agenda showing the content of the program, and the number of credit hours claimed. An official transcript is required for purposes of documenting proof of completing an academic course.
- B. Reporting, verification, and audit of continuing education is governed by Chapter 13 of the rules of the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, entitled "Uniform Rule for the Substantiation of Continuing Education Requirements."

6. Failed Audit; Disciplinary Action

If a continuing education audit shows that the licensee did not fulfill the requirements of this chapter, then the licensee shall be notified of the failed audit. A failed audit may require further investigation and may result in disciplinary action.

7. Waivers, Extensions, First Renewal, Inactive Status

- A. **Waiver/extension.** Upon receipt of a written request prior to license expiration, the Director may grant an extension of time or waiver to an individual licensed who, because of prolonged illness or other extenuating circumstances, e.g., military deployment, has been unable to meet the educational requirements under this chapter.
- B. **First renewal.** Conditional Interpreters and Conditional Deaf Interpreters. Licensees who renew for the first time must complete ten (10) hours of the required continuing education credit hours as outlined in this chapter.
- C. **Active to Inactive License Status.** To place an active license on inactive status, the licensee must submit a written request attesting that services will not be rendered at any time during which the license remains in inactive status . Licensees with an inactive status are required to renew their licenses but are not required to complete continuing education credit hours under this chapter.
- E. **Inactive to Active License Status.** To place an inactive license on active status, the licensee must submit a written request and document evidence of completing continuing education as outlined below.

1. Certified Interpreters and Deaf Certified Interpreters. Licensees who hold an inactive license status must hold a current RID registration, or comparable or successor organization approved by the Director.
2. Limited Interpreters, Limited Deaf Interpreters, Conditional Interpreters and Conditional Deaf Interpreters. Licensees who hold an inactive license for a period less than five years must complete twenty (20) hours of continuing education as outlined in this chapter. Licensees who hold an inactive license for a period of five years or more must complete forty (40) hours of continuing education as outlined in this chapter.

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1522(1), 1528, 1528-A, 10 M.R.S. § 8003-5-A(D)

EFFECTIVE DATE:

January 30, 2002

AMENDED:

May 9, 2009 – filing 2009-179

REPEALED AND REPLACED:

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**041 OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION****AMERICAN SIGN LANGUAGE INTERPRETERS****Chapter 54: CODE OF ETHICS AND ETHICAL STANDARDS**

SUMMARY: This chapter establishes ethical standards of practice for Certified Interpreters, Certified Deaf Interpreters, Limited Interpreters, Limited Deaf Interpreters, Conditional Interpreters and Conditional Deaf Interpreters.

1. Code of Ethics

A. All persons holding a license to provide interpreting services in this State must comply with the *NAD-RID Code of Professional Conduct* (2005).

B. The Director hereby adopts and incorporates into this chapter by reference the *NAD-RID Code of Professional Conduct* (2005), subject to the following amendments and exclusions:

1. The Director does not adopt:

- a. Tenet 6. Interpreters maintain ethical business practices; and
- b. Tenet 7. Interpreters engage in professional development.

C. Copies of the *NAD-RID Code of Professional Conduct* (2005) may be obtained from:

Registry of Interpreters for the Deaf
333 Commerce Street
Alexandria, VA 22314
703/838-0030 (V)
703/838-0459 (TTY)
703/838-0454 (fax)
www.rid.org

STATUTORY AUTHORITY: 32 M.R.S. §1522(1)

EFFECTIVE DATE:

REPEALED AND REPLACED:

~~02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION~~

~~041 OFFICE OF LICENSING AND REGISTRATION~~

~~INTERPRETERS AND TRANSLITERATORS OF AMERICAN SIGN
LANGUAGE AND ENGLISH~~

~~Chapter 55: COMPLAINTS AND INVESTIGATIONS~~

~~SUMMARY: This chapter sets forth the right of an applicant or licensee to appeal certain regulatory actions and identifies the enforcement and disciplinary procedure used by the director.~~

~~7. Appeal of License Denial~~

~~Any license denial or refusal to renew a license may be appealed to the director. The applicant or licensee must file the appeal in writing with the director within 30 days after receipt of notice of the action being appealed. The director will schedule an adjudicatory hearing upon receipt of a timely appeal. Non timely appeals will be denied without hearing.~~

~~8. Disciplinary Procedures~~

~~The director will follow the procedures for investigating and processing complaints contained in the Administrative Complaint Procedures used by the professional and occupational licensing boards within the Department of Professional and Financial Regulation, Office of Licensing and Registration. All references in the Administrative Complaint Procedures to “the board” shall be deemed to refer to the director.~~

~~STATUTORY AUTHORITY: 32 MRSA §1522(1)~~

~~EFFECTIVE DATE:~~

~~January 30, 2002~~

~~AMENDED:~~

~~May 4, 2009 filing 2009-182~~