

By: Senator(s) Hyde-Smith

To: Public Health and Welfare

SENATE BILL NO. 2715  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-33-173, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY THE CONFIDENTIAL RELATIONSHIP BETWEEN DEAF, HARD OF  
3 HEARING OR DEAFBLIND CONSUMERS AND THE PERSON WHO ENGAGES THE  
4 SERVICES OF AN INTERPRETER, TO REVISE THE DEFINITION OF  
5 CERTIFICATION ENTITIES, TO REVISE QUALIFICATIONS FOR REGISTRATION  
6 AS AN INTERPRETER, TO PROVIDE THAT THE REGISTERING AUTHORITY SHALL  
7 PROVIDE QUALITY ASSURANCE EVALUATION FOR THE INTERPRETER  
8 REGISTRATION PROGRAM; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** Section 37-33-173, Mississippi Code of 1972, is  
11 amended as follows:

12 37-33-173. (1) As used in this section:

13 (a) "Certification" means *the \* \* \* credentials that*  
14 *has been granted or recognized, or both,* by the National  
15 Association of the Deaf (NAD), the Registry of Interpreters for  
16 the Deaf (RID), or any other national certifying body that is  
17 recognized by the Mississippi Office on Deaf and Hard of Hearing  
18 (ODHH), including, but not limited to: RID/NAD National  
19 Interpreter Certification (NIC) (NIC, NIC Advanced, NIC Master),  
20 NAD (III, IV or V), Comprehensive Skills Certificate (CSC),  
21 Certificate of Interpretation (CI), Certificate of Transliteration  
22 (CT), Ed:K-12 (Educational Interpreter Performance Appraisal  
23 [EIPA] Level 4 or 5), Certified Deaf Interpreter (CDI). It  
24 further includes the documentation that supports the certification  
25 level the interpreter has achieved.

26 (b) "Deaf or hard of hearing person" means a person who  
27 has either no hearing or who has significant hearing loss so as to  
28 need the services of an interpreter to communicate. "Deafblind  
29 person" means a person who has either the dual loss of hearing and



30 sight or who has significant hearing and vision losses so as to  
31 need the services of an interpreter to communicate.

32 (c) "Interpreter training program" means a  
33 postsecondary degree program of at least two (2) years in duration  
34 that is accredited by the Mississippi State Board for Community  
35 and Junior Colleges, the Mississippi institutions of higher  
36 learning or \* \* \* a comparable agency in another state.

37 (d) "Interpreter" means an individual who is certified  
38 or credentialed by the National Association of the Deaf, the  
39 Registry of Interpreters for the Deaf, any other national  
40 certifying organization which is recognized by the Mississippi  
41 Office on Deaf and Hard of Hearing (ODHH), or an individual who  
42 holds a valid ODHH-approved quality assurance screening level.  
43 Registered interpreters are required to adhere to professional  
44 standards and a Code of Ethics as established by the National  
45 Association of the Deaf and the Registry of Interpreters for the  
46 Deaf. \* \* \*

47 (e) "Interpreting" is the process of providing  
48 accessible communication between and among consumers who are deaf  
49 or hard of hearing and those who are hearing. This process  
50 includes, but is not limited to, communication between persons who  
51 use American Sign Language, English, cued speech and oral  
52 communication. It may also include various other modalities that  
53 involve visual, gestural and tactile methods.

54 (f) "Quality assurance level (QA level)" means the  
55 level granted through an ODHH-approved quality assurance screening  
56 evaluation. It further includes the documentation that supports  
57 the QA level the interpreter has achieved.

58 (g) "Register" means the process whereby the  
59 certification and quality assurance level of qualified  
60 interpreters are documented and maintained so as to permit those  
61 individuals to act as an interpreter for pay in the State of  
62 Mississippi.



63 (h) "Registering authority" means the agency that  
64 registers the credentials an interpreter holds, issues the  
65 registration documentation to do business in the State of  
66 Mississippi, and maintains the records to support the  
67 registration. The registering authority is the Mississippi  
68 Department of Rehabilitation Services, Office on Deaf and Hard of  
69 Hearing.

70 (i) "EIPA" means the Educational Interpreter  
71 Performance Assessment.

72 (2) (a) Commencing on July 1, 2005, no person, except as  
73 noted in subsection (2)(f), shall do any of the following with  
74 respect to providing interpreting services for consumers who are  
75 deaf or hard of hearing for a fee or other remuneration unless the  
76 person is registered with the registering authority:

77 (i) Engage in the practice of, or offer to engage  
78 in the practice of, interpreting for a fee.

79 (ii) Use the title of interpreter in connection  
80 with the person's name.

81 (iii) Assume the identity of an interpreter.

82 (iv) Use the title of interpreter in  
83 advertisements or descriptions.

84 (v) Perform the function of or convey the  
85 impression that the person is an interpreter.

86 (b) On or after July 1, 2010, no person shall provide  
87 interpreting services and/or represent himself or herself as an  
88 interpreter for deaf or hard of hearing consumers for compensation  
89 unless such person is registered with the registering authority  
90 according to the provisions of this section. To register as an  
91 interpreter, one must satisfy one (1) of the following  
92 requirements: (i) hold certification recognized by the National  
93 Association of the Deaf or the \* \* \* Registry of Interpreters for  
94 the Deaf, (ii) hold a quality assurance screening level that is



95 accepted by the Registering Authority, or (iii) score 3.0 or  
96 higher on the EIPA.

97 (c) In situations where there is extreme hardship or  
98 where deaf and hard of hearing consumers would be left with no  
99 interpreting services, a provisional permit may be granted on an  
100 annual basis, provided that documentation of improved interpreting  
101 skills is shown.

102 (d) The registering authority shall be charged with the  
103 responsibility for keeping all records and verifying the accuracy  
104 of the credentials of each applicant.

105 (e) Registration shall be for a period of two (2)  
106 years, and is renewable.

107 (f) The following shall be exceptions to subsection  
108 (2) (a) (b) (c):

109 (i) A person may engage in the practice of  
110 interpreting for religious services without being registered under  
111 the provisions of this section.

112 (ii) Students enrolled in an approved Interpreter  
113 Training Program (ITP) are granted a student level registration  
114 provided the ITP has an instructor who also is registered under  
115 the provisions of this section and the student pays the  
116 appropriate fees.

117 (iii) A graduate of an approved Interpreter  
118 Training Program (ITP) can continue to utilize their student level  
119 for two (2) years without registering provided they are supervised  
120 by an interpreter who is registered under the provisions of this  
121 section and the graduate pays the appropriate fees.

122 (g) The registering authority shall establish an  
123 Advisory Council to assist in writing the rules and setting the  
124 fees for registering. The Advisory Council shall have three (3)  
125 members. One (1) member shall be a deaf consumer; one (1) member  
126 shall be a registered interpreter who is actively engaged in the  
127 interpreting business; and one (1) member shall be at large. The



128 Advisory Council may ask additional persons who are knowledgeable  
129 about the process and business of interpreting to assist them with  
130 the business of the council as needed.

131 (3) The deaf, hard of hearing, or deafblind consumer(s) and  
132 the hearing person(s) who employ, contract or otherwise engage the  
133 services of an interpreter are the principal parties in the  
134 interpreted communication or conversation, and as such hold  
135 exclusive rights to any information conveyed therein.

136 Interpreters may not disclose or be compelled to disclose, through  
137 reporting or testimony or by subpoena, the contents of the  
138 conversations, except an interpreter working in conjunction with  
139 and paid by a state agency, private organization or primary or  
140 secondary school for the therapeutic, educational or  
141 rehabilitation purposes. This communication remains confidential,  
142 but may be shared with the appropriate agency or educational staff  
143 working to assist the deaf, hard of hearing or deafblind person.

144 (4) The registering authority shall develop forms and assist  
145 in referring grievances to the appropriate professional  
146 organization and/or authorities.

147 (5) The registering authority shall have oversight authority  
148 regarding in-state quality assurance evaluations to ensure that  
149 proper assessment tools, methods and procedures are followed and  
150 that evaluators are trained and qualified, as well as the  
151 authority to employ personnel as necessary to carry out the  
152 provisions of this section.

153 (6) Whoever is in violation of subsection (2) or (3) is  
154 guilty of a misdemeanor and, upon conviction thereof, shall be  
155 fined not less than Two Hundred Dollars (\$200.00) nor more than  
156 One Thousand Dollars (\$1,000.00), and may be imprisoned for not  
157 more than six (6) months.

158 (7) Mississippi shall recognize interpreters who are  
159 licensed and/or certified in other states with equal or higher  
160 certification than the interpreting levels prescribed by the rules



161 and regulations incumbent in this section. A nonresident  
162 interpreter may work up to fifteen (15) days per year without  
163 seeking a valid permit from the registering authority. The person  
164 who utilizes a nonresident interpreter is charged with the  
165 responsibility of verifying the credentials and type of  
166 interpreting the interpreter is qualified to do. If a nonresident  
167 interpreter works more than fifteen (15) calendar days per year in  
168 the State of Mississippi for compensation or other remuneration,  
169 the interpreter must become registered under the provisions of  
170 this section and pay the appropriate fees.

171 (8) The registering authority shall establish fair and  
172 equitable rules and a fee schedule, not to exceed One Hundred  
173 Dollars (\$100.00) per annual registration, to cover the cost of  
174 administering this section. The rules and fee schedule will be  
175 published for the general public.

176 **SECTION 2.** This act shall take effect and be in force from  
177 and after July 1, 2010.

