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Registry of Interpreters for the Deaf, Inc.

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National Office

INDEPENDENT REGULATORY
REVIEW COMMISSION

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August 18, 2006

Catherine N. Wojciechowski
Deputy Chief Counsel
10th Floor
Labor and Industry Building
7th and Forster Streets
Harrisburg, PA 17120

Ms. Wojciechowski,

I have inserted my comments (as also stated during the stakeholder meeting this afternoon) into the body of this document itself. I have highlighted them in order to make it easier to follow.

Thank you for providing the opportunity to provide feedback and suggestions during today's meeting.

I would be happy to discuss any of my comments further. As well, I can refer to Mr. Clay Nettles, the Executive Director of RID at the number above if I am not available.

I look forward to the final outcome of the decade of work that so many people have put into this legislation.

Sincerely,

A handwritten signature in cursive script that reads "Rachel C. Coppelli".

Rachel C. Coppelli CI and CT

814.789.4173 home office
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PROPOSED RULEMAKING

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 501]

Registration of Sign Language Interpreters and Transliterators

[36 Pa.B. 3822]

[Saturday, July 22, 2006]

Under section 3(4) of the Sign Language Interpreters and Transliterators State Registration Act (act) (63 P. S. § 1725.3(4)), the Office for the Deaf and Hard of Hearing (Office) within the Department of Labor and Industry (Department) is submitting proposed rulemaking for the registration of sign language interpreters and transliterators.

Statutory Authority

The Office is empowered to promulgate regulations that are necessary to carry out the act's provisions. The act also provides specific authority to approve a registration examination and to promulgate rulemaking addressing fees, disciplinary violations and registration reactivation. See sections 5(a)(1)(iii) and (d), 8(a)(6) and 9(c)(1) of the act (63 P. S. §§ 1725.5(a)(1)(iii) and (d), 1725.8(a)(6) and 1725.9(c)(1)).

Background

The act was approved July 2, 2004, and took effect on August 31, 2004. The act requires the Office to register sign language interpreters and transliterators who meet the act's testing requirements. Registration renewal is to occur every 2 years. The act also allows the Office to charge fees, initiate discipline, impose administrative fines for violations, suspend, deny or revoke registrations and to hold hearings concerning alleged violations. The Department may seek an injunction or criminal action against persons engaged in sign language interpretation or transliterator services or representing themselves as being registered without being registered under the act.

Since July 2004, the Office has met with numerous organizations whose membership will be affected by the act and its proposed rulemaking. The Office provided information

regarding the regulatory process, answers to frequently asked questions regarding the requirements of the act and received recommendations from the affected community.

The Office met and consulted with the following organizations: the Pennsylvania Registry of Interpreters for the Deaf; Pennsylvania Society for Advancement of the Deaf, Erie County Council for the Deaf (correct title of the organization is The Erie County Council for the Deaf and Hard of Hearing), Pennsylvania Training and Technical Assistance Network, NE Technical Assistance Consortium, Office of Deaf and Hard of Hearing Advisory Council (correct title is The Pennsylvania Advisory Council for the Deaf and Hard of Hearing), Advisory Council for Persons who are Deaf and Hard of Hearing, Pennsylvania Department of Corrections, Pennsylvania Department of Education, Bureau of Special Education; Berks Deaf and Hard of Hearing Services Board, Office of Equal Employment, Tobyhanna Army Depot, American Sign Language Teacher Association; Pittsburgh Hearing and Deafness Services; Pittsburgh Association for the Deaf; NW Technical Assistance Consortium and the Educational Resources for Children with Hearing Loss.

Purpose

The proposed rulemaking is necessary to implement and clarify the act's provisions concerning the registration and renewal process, the approved registration examination, fees, the circumstances under which nonregistered individuals are permitted to provide services, discipline, reactivation of suspended registrations and the complaint and appeal process.

Summary of Proposed Rulemaking

§ 501.1. Definitions.

This section provides definitions for the Office-approved examinations which test knowledge and proficiency of interpreting and transliterating required for registration under section 5 of the act. These tests are the NAD-RID NIC; the RID Generalist examination and the NAD National Interpreter Certification test. The NAD-RID NIC is a National certification instrument developed jointly by the Registry of Interpreters of the Deaf (RID) and the National Association of the Deaf (NAD). The NAD-RID NIC will ultimately phase out the use of the RID Generalist examination and the NAD National Interpreter Certification test for national certification. However, the certification bestowed on individuals who previously passed these examinations will remain valid. The examinations will remain viable. Definitions are also provided for the "RID," "NAD," "act," "Department," "Office," "Secretary" and "year."

Comments:

*As noted during the stakeholders call on 8/16/06 and as further noted later in this document, the NAD-RID NIC is one of the "generalist" certification exams offered.

Persons holding the NIC-Certified, NIC-Advanced or NIC-Master are considered fully certified with a generalist credential.

*RID's CI and CT will no longer be offered/granted after December 31, 2008.

*All NAD certified members who opted to KEEP their certifications valid, have now become members of RID and are participants in RID's Certification Maintenance Program (CMP) and Ethical Practices System (EPS). There may be individuals who still hold a card from NAD stating that they hold NAD certification (level III, IV or V) but no proof of membership in RID. Those individuals are no longer nationally certified. They have, by choice, let their certification lapse.

§ 501.2. Fees.

The Office has the discretion to set fees. The Office will utilize the initial \$100 fee set by section 5(d) of the act for registration and renewal. An additional fee of \$50 is required for late renewal. Under section 9(c) of the act, an additional reactivation after suspension fee of \$100 is set.

§ 501.3. Examination.

This section adopts the NAD National Interpreter Certification, RID Generalist and NAD-RID NIC examinations under section 5(a)(1)(iii) of the act. It also provides procedures for an applicant to take the examination.

Comment: THE NAD-RID NIC is a generalist examination.

§ 501.4. Registration.

This section also enumerates the requirements for registration and the Office's duty to issue registrations. The Office may also deny a registration for failure to comply with the act and regulations and for the violations enumerated in the act.

§ 501.5 Exemptions.

This section clarifies the circumstances under which nonregistered individuals may provide interpreting or transliterating services under section 4(b) of the act (63 P. S. § 1725.4(b)). The exemption in subsection (a) applies to interpreting and transliterating services provided in a religious setting under section 4(b)(1) of the act. The proposed rulemaking clarifies that the services must be related to the religious worship services or religious education. The exemption does not apply to services provided for a religious entity or religiously-affiliated school unrelated to religious education.

The exemption in subsection (b) applies to Nationally-certified individuals from outside this Commonwealth providing services within this Commonwealth under section 4(b)(4) of the act. The proposed rulemaking requires these individuals to provide notice to the

Office of the time, date, nature and duration of the services they intend to provide and to further provide evidence of current certification by the RID, NAD or NAD-RID NIC. Additionally, the Office will provide notification when an individual has provided 14 days of services.

Subsection (c) addresses the provision of interpreting or transliterating services by a nonregistered individual who provides services at the request of a deaf or hard of hearing individual under section 4(b)(5) of the act. The interpreter shall provide notice to the client that the individual is not registered with the Office. Additionally, the client is required to sign a form stating that he understands the individual is not registered with the Office. The nonregistered interpreter shall maintain a copy of the client's signed statement for 2 years.

Subsection (d) clarifies that an individual under section 4(b)(7) of the act who provides interpreting or transliterating services in a school-related activity, who is employed by a public or private elementary or secondary school shall achieve a score of at least 70% on the EIPA or be registered with the Office to provide services.

Subsection (e) constitutes an exemption for interpreting and transliterating services provided in physician offices under section 4(b)(8) of the act. A nonregistered individual may provide interpreting and transliterating services in a physician's office. However, the patient must be informed that the individual is not registered and informed of the patient's right to request or provide a registered interpreter. The physician's office shall provide a written notice of the patient's rights. The patient shall sign a statement indicating notification the individual is not registered and that the patient has the right to request or **provide** the services of a registered interpreter. Additionally, the patient shall be informed that a request for the services of a registered interpreter after the commencement of the office visit may result in a delay of the physician's services. Physician's offices shall provide the notice to a patient who is deaf or hard of hearing at each visit. Additionally, the physician's office shall maintain a copy of the signed statement in the patient's health care file.

8/16/06: Requested expansion or definition of "provide."

§ 501.6. Complaints.

This section outlines the Office's duty to investigate alleged violations of the act and the procedure for a person to file a complaint.

§ 501.7. Hearings/appeals.

This section enumerates the hearing and appeal process for adjudicating alleged violations of the act and for the imposition of disciplinary measures under sections 8 and 9 of the act.

Subsection (a) provides that a respondent has the right to notice, hearing and adjudication under 2 Pa.C.S. (relating to administrative law and procedure). Hearings will be conducted under 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and this section.

Subsection (b) requires the service of an order to show cause under 1 Pa. Code § 35.14 (relating to orders to show cause). A respondent may file an answer, under subsection (c), in accordance with 1 Pa. Code § 35.37 (relating to answers to orders to show cause).

Under subsections (d) and (e), the Office will designate a presiding officer to conduct a hearing and prepare a proposed report and order. The presiding officer will have the powers enumerated in 1 Pa. Code §§ 35.185--35.190 (relating to presiding officers).

Subsection (f) contains the procedures for appealing the proposed report and order to the Secretary under section 10 of the act (63 P. S. § 1725.10). A party seeking an appeal shall file exceptions within 20 days of service of the proposed report and order. The presiding officer will certify and transmit the record to the Secretary. The other party may file a response within 20 days. Either party may seek reopening of the record. If a timely appeal is filed, the Secretary or the Secretary's designee will issue a final order. The Secretary or designee may reopen the record and order additional briefs. The proposed report and order will become a final order if a timely appeal is not made under this section.

§ 501.8. Request for reconsideration of registration denial.

Under subsection (a), the Office may deny a registration application if the applicant does not meet the registration requirements of section 5(a) of the act or for the grounds contained in section 8(a) of the act.

An applicant may seek reconsideration of a denial with the Office by filing a written request under subsections (b) and (c). The Office will review the request. If it again denies the application, it will provide reasons for the denial under subsection (d). If the request is granted, the Office will issue a registration if the applicant pays the renewal fee and completes the application under section 5(a)(1) of the act.

Under subsection (f), an applicant may request a hearing and seek appeal of an adverse order under the procedures enumerated in § 501.6 (relating to hearings/appeals).

§ 501.9. Biennial registration renewal.

Section 5(b)(4) of the act provides that registrations may be issued for a period not to exceed 2 years. Accordingly, subsection (a) provides that registrations are to be renewed on a biennial basis. Practicing or holding forth the ability to practice with an expired registration is prohibited under this subsection.

Subsection (b) provides that the biennial registration will expire on December 31 of even-numbered years.

Subsection (c) contains the renewal requirements which include the submission of a completed application and payment of the required fees prior to the expiration of the current biennial period.

Subsection (d) provides that biennial registration forms and other forms or literature to be distributed by the Office are to be forwarded to the last-known mailing address provided to the Board by the registrant. The provision further provides that 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.

The Office will issue a biennial registration, under subsection (d) to an individual meeting these requirements.

§ 501.10. Reactivation of registration.

This section provides the requirements for reactivation of a suspended registration under section 9(c) of the act. These requirements are the time period of the suspension term has to be completed; all terms and conditions of the suspension order were complied with; the individual did not violate the act or this chapter during the suspension; the individual pays reactivation and renewal fees; and the individual complies with the renewal requirements of subsection (c).

§ 501.11. Change of address/name.

In accordance with section 6 of the act (63 P. S. § 1725.6), a registrant shall notify the office of any change of name or mailing address within 15 days of the change. Additionally, a registrant shall notify the office of any change in personal and professional information.

Affected Persons

The Office estimates that approximately 200 individuals will register under this act. These registrants will be impacted by the act's requirements which include a demonstration of competency to provide interpreting and transliterating services and the registration fee. Pennsylvanians who are deaf or hard of hearing who rely on interpreting and transliterating services will benefit from uniform standards relating to knowledge and proficiency.

A physician's office will have to complete and maintain records and provide notification to patients to comply with the exclusion provided in section 4(b)(8) of the act and § 501.3(d) of the proposed rulemaking. A physician's office will have to allow a patient to utilize a registrant, if requested.

Fiscal Impact

It is anticipated that there will be costs to the Department as a result of this proposed rulemaking. These costs should be offset by the registration and renewal fees contained in the rulemaking. It is anticipated that the Department will receive \$20,000 in initial registration fees.

The Department cannot anticipate the costs of investigating, prosecuting and adjudicating alleged violations because there is no basis for comparison for this activity. The Office cannot predict the costs of monitoring compliance with the registration exclusions provided in § 501.4. It is not expected that the levying of administrative fines will demonstrably offset costs.

Paperwork Requirements

The Office will have to develop forms for registration and renewals and for filing complaints. It will develop a registration card or identification for registrants. Related forms include registration denial, and notifications concerning reconsideration. The Office and will have to keep records indicating registration status, hearings and discipline. Many of these records have to be accessible to the public under section 3(3) of the act.

Applicants will have to provide documentation to register and renew registrations, including certification requirements under § 501.3. A physician's office will have to complete and keep records concerning patient notification under § 501.4(d).

Sunset Date

A sunset date is not appropriate for this proposed rulemaking. The Office will periodically monitor this proposed rulemaking and submit amendments as needed.

Effective Date

The proposed rulemaking will be effective upon publication of a final-form regulation in the *Pennsylvania Bulletin*.

Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Catherine N. Wojciechowski, Deputy Chief Counsel, 10th Floor, Labor and Industry Building, 7th and Forster Streets, Harrisburg, PA 17120, (717) 787-4186; fax (717) 783-1303; e-mail: cwojciecho@state.pa.us within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 10, 2006, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Labor Relations and Labor and Industry Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

STEPHEN M. SCHMERIN,
Secretary

Fiscal Note: 12-71. (1) General Fund; (2) Implementing Year 2005-06 is \$27,400; (3) 1st Succeeding Year 2006-07 is \$12,100; 2nd Succeeding Year 2007-08 is \$12,100; 3rd Succeeding Year 2008-09 is \$12,100; 4th Succeeding Year 2009-10 is \$12,100; 5th Succeeding Year 2010-11 is \$12,100 (4) 2004-05 Program--\$15,900; 2003-04 Program--\$N/A; 2002-3 Program--\$N/A; (7) Labor and Industry General Government Operations; (8) recommends adoption

Annex A

TITLE 34. LABOR AND INDUSTRY

PART IX. OFFICE OF THE DEAF AND HARD OF HEARING

CHAPTER 501. REGISTRATION OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

Sec.

- 50.1. Definitions.
- 50.2. Fees.
- 50.3. Examination
- 50.4. Registration
- 50.5. Exemptions.
- 50.6. Complaints
- 50.7. Hearings/appeals.
- 50.8. Request for reconsideration of registration.
- 50.9. Biennial registration renewal.

50.10. Reactivation of registration.

50.11. Change of address/name/information.

Note – the section numbers above need corrected.

§ 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).

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

NAD--National Association of the Deaf, 814 Thayer Avenue, Silver Spring, MD 20910. A Nationally-recognized certification organization for interpreters and transliterators.

Suggest checking on the address and the definition with NAD.

NAD National Interpreter Certification Test--The ~~written~~ and performance examinations conducted by the NAD for Level IV or V certification as a sign language interpreter or transliterator.

The NAD test did not included a "written" segment.

NAD-RID NIC--The National Interpreter Certification test which is the knowledge, interview and performance examination conducted for National certification as a sign language interpreter or / transliterator.

Because the NIC tests for one's interpreting and transliterating skills in one test, I suggest deleting "or" and adding a "/" in its place.

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

RID--Registry of Interpreters of the Deaf, Inc., 333 Commerce Street, Alexandria, VA 22314. A Nationally-recognized certification organization for interpreters and transliterators.

Comment: Please add "Inc." to the name of the association in this definition section.

Because RID considers certification a system rather than just a test, I offer the following to be considered in the development of a definition:

From the RID Bylaws:

Article II. OBJECTIVE

The principal objective of this corporation is to initiate, sponsor, promote and execute policies and activities that will further the profession of the interpretation of American Sign Language and English and the transliteration of English.

From the RID webpage:

The Registry of Interpreters for the Deaf, Inc., (RID) is a national membership organization of professionals who provide sign language interpreting/transliterating services for Deaf and Hard of Hearing persons. Established in 1964 and incorporated in 1972, RID is a tax-exempt 501(c)(3) non-profit organization.

RID advocates for the increased quality, qualifications, and quantity of interpreters through our three main triad of services:

- Professional Certification through our National Testing System (NTS)
- Professional development through our Certification Maintenance Program (CMP) and Associate Continuing Education Tracking (ACET)
- Promoting our Code of Ethics through our Ethical Practices System (EPS).

Suggested definition:

The Registry of Interpreters for the Deaf, Inc. is a national membership organization of professionals who provide sign language interpreting/transliterating services for Deaf and Hard of Hearing persons. RID advocates for the increased quality, qualifications, and quantity of interpreters through three main services:

- Professional Certification through a National Testing System (NTS)
- Professional development through the Certification Maintenance Program (CMP) and Associate Continuing Education Tracking (ACET) and
- Promoting the Code of Professional Conduct through the Ethical Practices System (EPS).

RID Generalist examination--The written and performance examination conducted by the RID for certification as a sign language interpreter or transliterator.

The RID Generalist examinations are many. One of which is the NAD-RID NIC. Suggest making the word examination in above plural.

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

Year--A calendar year.

§ 501.2. Fees.

The Office will charge the following fees:

- | | |
|--|-------|
| (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 |

§ 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 Examination.
- (3) NAD-RID 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 the NAD, RID or NAD-RID NIC.

In (1) above, NAD and RID are organizations, while the NAD-RID NIC is a test.

Possible solution:

Proof of receiving a valid and recognized certification on any of the Office approved examinations.

(2) A completed registration application. Applications may be obtained from the office or the Department website _____. (*Editor's Note:* The blank refers to the website which will be placed in final-form regulation.)

(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 a registrant if the registrant complies with subsection (c) and meets the requirements of section 5(a) of the act (35 P. S. § 1725.5(a)).

(c) The Office may deny an application for registration if one or more of the following apply:

(1) The applicant does not comply with this section.

(2) The applicant fails to meet the requirements of section 5(a) of the act.

(3) The applicant committed a violation enumerated in section 8(a) of the act 63 P. S. § 1525.8(a)(8).

(d) The Office will comply with the procedures contained in § 501.8 (relating to request for reconsideration of registration denial) if an application for registration is denied.

§ 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 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 a National certifying body.

(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 before the interpreting or transliterating service is provided:

(i) Written notice of the time, date, nature and duration of each sign language or transliterating service that the individual intends to provide within this Commonwealth.

(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).

(c) 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 individual notifies the client that the individual is not registered with the Office.

(2) The client signs written confirmation that the individual is not registered.

(3) The individual providing services shall maintain a copy of the client's signed statement for 2 years.

(d) An individual is exempt from registration under section 4(b)(7) of the act for a school-related activity if the individual meets the following conditions:

(1) Is engaged in interpreting or transliterating services in a school-related activity.

(2) Is currently employed by a public or private elementary or secondary school.

(3) Received a score of at least 70% on the EIPA.

(e) 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 a physician's office in accordance with the following:

(1) The patient signs a written confirmation that the individual providing the interpreting or transliterating services is not registered and that the patient has the right to request or provide an interpreter or transliterator who is registered with the Office. This confirmation shall be completed during every office visit.

(2) The physician's office 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.

Note: the exemption regarding internship and practicum was discussed in detail during the stakeholder meeting on 8/16/06. Please remember the language in the law:

"(3) An individual engaged in interpreting or transliterating as part of a supervised internship or practicum at an accredited college or university or the registry of interpreters for the deaf or the National Association of the Deaf, provided it is not in a legal, medical or mental health setting."

is not accurate.

registry of interpreters for the deaf should be: Registry of Interpreters for the Deaf, Inc. As noted during the stakeholders' meeting, RID does not have an accreditation process nor does RID offer practicum or direct mentorships. RID has a small annual grant available to affiliate chapters of RID who apply and meet certain standards and will use the funds to develop or support mentorship programs within their affiliate chapters with the goal to increase the numbers of qualified interpreters of diverse backgrounds as well as to increase the numbers of qualified interpreters in rural/underserved areas, but we do not have the resources to closely monitor, approve, or accredit these mentorship programs. Some chapters or other entities may apply for CEUs under the RID CMP and can be granted those CEUs if the program follows the guidelines as set forth in the RID CMP Standards and Criteria for CMP.

§ 501.6. Complaints.

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

(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 of Deaf and Hard of Hearing which may commence an investigation.

Note from RID and Legal Counsel in regard to complaints and reporting:

RID's Legal Counsel in review of ACT 57 suggested that a registered interpreter would be in danger of violating the Statute and the Code [of Professional Conduct] if they report the information that a non-registered interpreter is working in an assignment if that information is gained from an assignment.

However, he also indicates that if not involved in an assignment and they learn of such information, then it is up to the personal judgment of the interpreter as to whether they should report same. Either way, they would not be in violation of the Statute or the Code.

Regardless, legal counsel and RID is concerned when interpreters become an/the enforcement mechanism for legal statutes.

§ 501.7. Hearings/appeals.

(a) Actions under sections 8 and 9 of the act (63 P. S. §§ 1725.8 and 1725.9) 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 will 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 registrant 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.

If the violation is that a person is NOT registered, they cannot be referred to as the "registrant."

(c) The registrant may respond in writing to the allegations of the order to show cause under 1 Pa. Code § 35.37 (relating to answers to orders to show cause). 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 20 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 20 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.

§ 501.8. 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)).

(b) An applicant for registration whose application was denied by the Office may file a request for reconsideration with the Office.

(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 § 501.7 (relating to hearings/appeals).

§ 501.9. 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 address given 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.

§ 501.10. Reactivation of registration.

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

- (1) The suspension term certain has fully elapsed.
- (2) The individual has complied with 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 (relating to fees).
- (5) The individual complies with the renewal requirements of § 501.9 (relating to biennial registration renewal).

§ 501.11. Change of address/name/information.

A registrant shall notify the Office of any change of name, mailing address or other personal or professional information within 15 days of making the change.

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