



Substitute House Bill No. 5230

Public Act No. 22-31

AN ACT CONCERNING STANDARDS FOR INTERPRETERS FOR DEAF, DEAFBLIND AND HARD OF HEARING PERSONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 46a-33a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) For the purposes of this section:

(1) "Community setting" means any setting, other than those specifically identified as educational, legal or medical, including, but not limited to, any setting involving everyday life activities such as information sharing, employment, social services, entertainment and civic and community engagements;

[(1)] (2) "Department" means the Department of [Rehabilitation Services] Aging and Disability Services;

[(2)] (3) "Interpreting" means the translating or transliterating of English concepts to a language concept used by a person who is deaf, [deaf-blind] deafblind or hard of hearing or the translating of a deaf, [deaf-blind] deafblind or hard of hearing person's language to English concepts through the use of American Sign Language, English-based sign language, cued speech, oral transliterating and information

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received tactually;

[(3) "Deaf-blind"] (4) "Deafblind" means combined vision and hearing impairments that challenge a person's ability to communicate, interact with others, access information and move about safely;

[(4)] (5) "Educational setting" means any setting where interpretive services are provided concerning education-related matters, including, but not limited to, all schools, school-based programs, services and activities and other educational programs;

[(5)] (6) "Legal setting" means any criminal or civil action involving a court of competent jurisdiction, any investigation or action conducted by a duly authorized law enforcement agency, employment-related hearings, appointments and situations requiring the presence of an attorney;

[(6)] (7) "Medical setting" means gatherings or gathering places where [health and wellness issues] physical health, mental health, or both are addressed, including, but not limited to, hospitals, clinics, assisted living and rehabilitation facilities, mental health treatment sessions, psychological evaluations, substance abuse treatment sessions, crisis intervention and appointments or other treatment requiring the presence of a doctor, nurse, medical staff or other health care professional; and

[(7)] (8) "Transliterating" means converting or rendering English concepts to a language concept used by a person who is deaf, [deaf-blind] deafblind or hard of hearing or the translating of a deaf, [deaf-blind] deafblind or hard of hearing person's language concept to English concepts.

(b) Except as provided in subsections (g) and (h) of this section, all persons providing interpreting services shall register, annually, with the Department of Aging and Disability Services. Such registration shall be

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on a form prescribed or furnished by the Commissioner of Aging and Disability Services and shall include the registrant's name, residential or business address, or both, contact information, including, but not limited to, phone number, place of employment as interpreter and interpreter certification or credentials. The department shall (1) issue interpreter identification cards for those who register in accordance with this section, and (2) maintain a current listing on its Internet web site of such registered interpreters, categorized by interpreter settings for which they are qualified. The department may also require documentation of the registrant's training hours. The department shall annually issue interpreter identification cards listing the type of settings in which the registrant is qualified to interpret. The department shall establish an Internet web page containing information about services for deaf, deafblind and hard of hearing individuals. The department's Internet web page shall include, but not be limited to, information related to such services provided by the department and the Departments of Social Services, Mental Health and Addiction Services and Children and Families.

(c) [No] Except as provided in subsections (g) and (h) of this section, no person shall provide interpreting services in the state, including in a community setting, unless such person is registered with the Department of Aging and Disability Services according to the provisions of this section, holds recognized national or state interpreter credentials determined by the department to be acceptable for interpreting purposes where appropriate in Connecticut and has met at least one of the following qualifications:

(1) (A) Has passed the National Registry of Interpreters for the Deaf written generalist test or the National Association of the Deaf-National Registry of Interpreters for the Deaf certification knowledge examination, (B) holds a level three certification provided by the National Association of the Deaf, and (C) (i) documents the achievement

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of two continuing education units per year for a maximum of five years of training approved by the Commissioner of Aging and Disability Services, and (ii) on or before the fifth anniversary of having passed the National Registry of Interpreters for the Deaf written generalist test or the National Association of the Deaf-National Registry of Interpreters for the Deaf certification knowledge examination, has passed the National Registry of Interpreters for the Deaf performance examination or the National Association of the Deaf-National Registry of Interpreters for the Deaf national interpreter certification examination;

(2) (A) Has passed the National Registry of Interpreters for the Deaf written generalist test or the National Association of the Deaf-National Registry of Interpreters for the Deaf certification knowledge examination, (B) is a graduate of an accredited interpreter training program and documents the achievement of two continuing education units per year for a maximum of five years of training approved by the commissioner, and (C) on or before the fifth anniversary of having passed the National Registry of Interpreters for the Deaf written generalist test or the National Association of the Deaf-National Registry of Interpreters for the Deaf certification knowledge examination, has passed the National Registry of Interpreters for the Deaf performance examination or the National Association of the Deaf-National Registry of Interpreters for the Deaf national interpreter certification examination;

(3) Holds a level four or higher certification from the National Association of the Deaf;

(4) Holds certification by the National Registry of Interpreters for the Deaf;

(5) For situations requiring an oral interpreter only, holds oral certification from the National Registry of Interpreters for the Deaf;

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(6) For situations requiring a cued speech transliterator only, holds certification from the National Training, Evaluation and Certification Unit and has passed the National Registry of Interpreters for the Deaf written generalist test;

(7) Holds a reverse skills certificate or is a certified deaf interpreter under the National Registry of Interpreters for the Deaf;

(8) Holds a National Association of the Deaf-National Registry of Interpreters for the Deaf national interpreting certificate; or

(9) Holds the credential of Approved Deaf Interpreter, Approved American Sign Language-English Interpreter, or Approved Sign Language Transliterator by the Massachusetts Commission on the Deaf and Hard of Hearing.

(d) No person shall provide interpreting services in a medical setting unless such person is registered with the Department of Aging and Disability Services according to the provisions of this section and holds (1) a comprehensive skills certificate from the National Registry of Interpreters for the Deaf, (2) a certificate of interpretation or a certificate of transliteration from the National Registry of Interpreters for the Deaf, (3) a level four or higher certification from the National Association of the Deaf, (4) a reverse skills certificate or certification as a deaf interpreter under the National Registry of Interpreters for the Deaf, (5) for situations requiring an oral interpreter only, an oral certification from the National Registry of Interpreters for the Deaf, (6) for situations requiring a cued speech transliterator only, a certification from the National Training, Evaluation and Certification Unit and has passed the National Registry of Interpreters for the Deaf written generalist test, [or] (7) a National Association of the Deaf-National Registry of Interpreters for the Deaf national interpreting certificate, or (8) the credential of Approved Deaf Interpreter by the Massachusetts Commission on the Deaf and Hard of Hearing.

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(e) No person shall provide interpreting services in a legal setting unless such person is registered with the Department of Aging and Disability Services according to the provisions of this section and holds (1) a comprehensive skills certificate from the National Registry of Interpreters for the Deaf, (2) a certificate of interpretation and a certificate of transliteration from the National Registry of Interpreters for the Deaf, (3) a level five certification from the National Association of the Deaf, (4) a reverse skills certificate or is a certified deaf interpreter under the National Registry of Interpreters for the Deaf, (5) for situations requiring an oral interpreter only, an oral certification from the National Registry of Interpreters for the Deaf, (6) for situations requiring a cued speech transliterator only, certification from the National Training, Evaluation and Certification Unit and has passed the National Registry of Interpreters for the Deaf written generalist test, [or] (7) a National Association of the Deaf-National Registry of Interpreters for the Deaf national interpreting certificate, or (8) the credential of Approved Deaf Interpreter by the Massachusetts Commission on the Deaf and Hard of Hearing.

(f) No person who is not registered as a qualified interpreter pursuant to this section shall:

(1) Engage in the practice of or offer to engage in the practice of interpreting for another person, an agency or an entity;

(2) Use the title "interpreter", "transliterator" or a similar title in connection with services provided under his or her name;

(3) Present or identify himself or herself as an interpreter qualified to engage in interpreting in this state;

(4) Use the title "interpreter", "transliterator" or a similar title in advertisements or communications; or

(5) Perform the function of or convey the impression that he or she is

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an interpreter or transliterator.

(g) The requirements of this section shall apply to persons who (1) receive compensation for the provision of interpreting services, and (2) provide interpreting services as part of their job duties. The requirements of this section shall not apply to nonregistered individuals such as family members and friends who voluntarily provide interpreting services at the request of a deaf, [deaf-blind] deafblind or hard of hearing person.

(h) The following individuals shall be exempt from the registration requirements of this section:

(1) An individual interpreting at (A) a worship service conducted by a religious entity, or (B) services for educational purposes conducted by a religious entity or religiously affiliated school;

(2) An individual engaged in interpreting during an emergency situation, when obtaining a registered interpreter or registered transliterator could cause a delay that may lead to injury or loss to the individual requiring the interpreting services, provided such emergency assistance does not waive any communication access requirements for any entity pursuant to the federal Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973, as both may be amended from time to time;

(3) An individual engaged in interpreting as part of a supervised internship or practicum in an interpreting program at an accredited college or university or an interpreting mentorship program approved by the department if (A) such interpreting is not in a legal, medical or educational setting, or (B) the individual is accompanied by an interpreter registered pursuant to this section; or

(4) An interpreter who is certified by a recognized national professional certifying body such as the National Registry of

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Interpreters for the Deaf or the National Association of the Deaf or a recognized state professional certifying body from outside the state and provides interpreting services in the state for a period of time not exceeding fourteen days during a calendar year.

(i) Deaf, [deaf-blind] deafblind and hard of hearing persons may exercise their right to request or use a different registered interpreter than the interpreter provided to interpret for such persons in any interpreting setting in accordance with a nationally recognized interpreter code of professional conduct.

[(j) Any person may report a violation of the provisions of this section to the nonprofit entity designated by the Governor in accordance with section 46a-10b to serve as the state's protection and advocacy system for persons with disabilities.]

(j) Any person who is not registered in accordance with this section who represents himself or herself as an interpreter registered with the Department of Aging and Disability Services, or who engages in wilful or fraudulent misrepresentation of his or her credentials in an attempt to register with the department, shall be guilty of a class C misdemeanor. Failure to renew such registration in a timely manner shall not in and of itself constitute a violation for the purposes of this subsection. For purposes of this subsection, "timely manner" means registration renewal not more than thirty days after such registration has expired.

Sec. 2. Section 46a-34 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

As used in this section and sections 4-61aa, 46a-27, 46a-28, 46a-29 and 46a-35:

(1) "Deaf person" means a person who has a hearing loss which is so

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severe that the person has difficulty in processing linguistic information through hearing, with or without amplification or other assistive technology;

(2) "Deafblind person" means a person who has both a hearing loss and a visual loss that present challenges in (A) processing linguistic information through hearing and sight, and (B) functioning independently as a sighted person without training;

(3) "Hard of hearing person" means a person who has a hearing loss, whether permanent or fluctuating, which may be corrected by amplification or other assistive technology or means but presents challenges in processing linguistic information through hearing;

(4) "American Sign Language" or "ASL" means the visual language used by deaf and hard of hearing persons in the United States and Canada, with semantic, syntactic, morphological and phonological rules distinct from the English language;

(5) "English-based manual or sign system" means a sign system that uses manual signs in English language word order, sometimes with added affixes that are not present in ASL;

(6) "Oral, aural or speech-based system" means a communication system which uses a deaf or hard of hearing person's speech or residual hearing abilities, with or without the assistance of technology or cues;

(7) "Language, communication mode or style" means one or more of the following: (A) ASL, (B) English-based manual or sign systems, (C) a minimal sign language system to communicate with persons who use home-based signs, idiosyncratic signs or a sign system or language from another country, (D) oral, aural or speech-based systems with or without assistive technology, and (E) tactile method ASL or protactile ASL as used by [deaf-blind] deafblind persons;

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(8) "Primary language, communication mode or style" means the language, communication mode or style which is preferred by and most effective for a particular person, or as determined by an appropriate language assessment undertaken by persons proficient in the language, communication mode or style being assessed;

(9) "Culturally and linguistically affirmative mental health services" means the provision of a full continuum of mental health services to a deaf, deafblind or hard of hearing person through an appropriately licensed mental health professional fluent in the primary language, communication mode or style and cultural needs of the person requiring such services; and

(10) "Accessible mental health services" means the provision of a full continuum of mental health services with the use of auxiliary aids and services necessary for a deaf, deafblind or hard of hearing person to communicate with appropriately qualified mental health professionals who are not fluent in the primary language, communication mode or style of the person requiring such services, including, but not limited to, qualified interpreters utilizing the language or communication mode used by such person, written communications or assistive listening devices.

Sec. 3. Section 17b-606 of the general statutes is amended by adding subsection (d) as follows (*Effective October 1, 2022*):

(NEW) (d) The Department of Social Services shall maintain on the department's Internet web site information on services provided to persons with disabilities. The department's Internet web site shall include a link to the Internet web page maintained by the Department of Aging and Disability Services pursuant to section 46a-33a, as amended by this act, containing information about services for deaf, deafblind and hard of hearing individuals.

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Sec. 4. Section 17a-3 of the 2022 supplement to the general statutes is amended by adding subsection (c) as follows (*Effective October 1, 2022*):

(NEW) (c) The Department of Children and Families shall maintain on the department's Internet web site information on services provided to persons with disabilities. The department's Internet web site shall include a link to the Internet web page maintained by the Department of Aging and Disability Services pursuant to section 46a-33a, as amended by this act, containing information about services for deaf, deafblind and hard of hearing individuals.

Sec. 5. Subsection (e) of section 17a-451 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(e) The commissioner shall collaborate and cooperate with other state agencies providing services for children with mental disorders and adults with psychiatric disabilities or persons with substance use disorders, or both, and shall coordinate the activities of the Department of Mental Health and Addiction Services with the activities of said agencies. The commissioner shall maintain on the department's Internet web site information on services provided to persons with disabilities. The department's Internet web site shall include a link to the Internet web page maintained by the Department of Aging and Disability Services pursuant to section 46a-33a, as amended by this act, containing information about services for deaf, deafblind and hard of hearing individuals.

Approved May 17, 2022