



Signed Language Interpreter Licensure: History and Purpose

Contact Person: Lisa Dignan
Lisa.Dignan@state.nm.us
505.383.6530

Purpose of Interpreter Licensure

Hundreds of professions require practitioners to be licensed in order to protect consumers.

Purposes of interpreter licensure include:

- Establish minimum level of quality and ethics for interpreters
- Protect consumers from unqualified or unethical interpreters
- Create accountability for pre-certified interpreters or those who are not members of the Registry of Interpreters for the Deaf (RID) and therefore not under their jurisdiction
- Establish a complaint process that is locally based and accessible

Brief History

A group of deaf consumers and interpreters started the process in 1997, concerned about the fact that a large number of New Mexico interpreters were not properly trained, not certified, and many not even members of RID, making it impossible to file a complaint against them for poor quality services or ethical violations.

- Town Hall meetings were held throughout the state starting in 2002
- The Signed Language Interpreting Practices Act was passed by the Legislature in 2007
- The original board was appointed by Governor Richardson and began work in 2008
- Licenses began being issued in July 2009

Issuing Agency

Licenses are issued by the Signed Language Interpreting Practice Board (SLIPB) under the Regulation and Licensing Department (RLD). RLD is responsible for licensure of more than 200 professions in the state of New Mexico. The statute, rules, forms and a searchable database of licensed interpreters can be found at the SLIPB website:

www.rld.state.nm.us/boards/Signed_Language_Interpreting_Practices.aspx

Sunset Repealed

The Signed Language Interpreting Practice Board (SLIPB) originally had a requirement for a periodic sunset review by the New Mexico Legislature. In 2013, the sunset review was removed due to the passage of SB 163, making the SLIPB a permanent board. No further sunset reviews will be required, and licensure requirements are permanent.

General Requirements

New Mexico requires all signed language interpreters to be licensed. Practicing without a license is a misdemeanor punishable by up to 364 days in jail and/or up to a \$1000 fine. Interpreting is defined as any form of facilitating communication in a visual form, regardless of the individual's job title or position description.

Licenses

There are three types of licenses issued by the SLIPB:

- Community - interpreters who are nationally certified by the Registry of Interpreters for the Deaf (RID). These interpreters may work in almost any setting (court work requires further credentialing).
- Educational - interpreters who hold a nationally-recognized educational interpreting credential - the ED: K-12 credential from RID. This license is valid only for K-12 interpreting; never for any community or post-secondary settings.
- Provisional - for interpreters who are working toward certification. This license may be held for up to five years and qualifies the interpreter to work in simple educational and community settings.

Standards and Rationale: Community License

- Must hold a certification currently recognized by RID
 - RID is the only national certifying body for signed language interpreters
- Requires passing a written test and a performance test
- Must meet RID's educational requirements: www.rid.org/wp-content/uploads/2014/04/degree_requirements_motion.pdf
 - BA degree in any field for hearing interpreters
 - AA degree in any field for deaf interpreters
 - Or satisfy RID's alternative pathway
- Must comply with RID's Certification Maintenance Program (CMP) requirements
 - Earn eight Continuing Education Units (CEUs) in a four-year cycle (80 contact hours)

Standards and Rationale: Educational License

- Must hold the Ed: K-12 credential from RID or other RID certification
 - The Ed:K-12 is the only national certification specific to K-12 interpreting
 - Must pass the Educational Interpreter Performance Assessment (EIPA) Written Test
 - Must score at least a 4.0 on the EIPA Performance Test (test is a 5-point scale)
 - Must meet RID's educational requirements (see above)
- RID determined that a 4.0 on the EIPA is the minimum standard for interpreting in a K-12 setting
- The following describes the skills of an interpreter with a level of 4.0:

Level 4: Advanced Intermediate

Demonstrates broad use of vocabulary with sign production that is generally correct. Demonstrates good strategies for conveying information when a specific sign is not in her/his vocabulary. Grammatical constructions are generally clear and consistent, but complex information may still pose occasional problems. Prosody is good, with appropriate facial expression most of the time. May still have difficulty with the use of facial expression in complex sentences and adverbial non-manual markers. Fluency may deteriorate when rate or complexity of communication increases. Uses space consistently most of the time, but complex constructions or extended use of discourse cohesion may still

pose problems. Comprehension of most signed messages at a normal rate is good but translation may lack some complexity of the original message.

An individual at this level would be able to convey much of the classroom content but may have difficulty with complex topics or rapid turn taking.

www.classroominterpreting.org/EIPA/performance/rating.asp

- Interpreters taking the EIPA Performance Test choose the format for the test that is most advantageous to them. Formats simulate working with elementary or secondary students; and working in the language or signing system with which they are most familiar: American Sign Language (ASL), Manually Coded English (MCE), or Pidgin Signed English (PSE).
- The EIPA Performance Test may be taken as many times as needed.
- Must comply with RID's Certification Maintenance Program (CMP) requirements
 - Earn eight Continuing Education Units (CEUs) in a four-year cycle (80 contact hours)

Standards and Rationale: Provisional License

- Must have graduated from an Interpreter Training Program at an accredited educational institution - OR -
- Must have been employed as an interpreter when the Act became effective (July 2007)
- May be held for a maximum of five years
- Qualifies the interpreter to work in simple educational and community settings
- Must earn two Continuing Education Units (CEUs) per year (20 contact hours)

Critical Background

- Interpreters in elementary settings are often the only language model for deaf children:
 - Approximately 90% of deaf children are born to hearing parents
 - Only a small portion of those parents become fluent in signed language
- An educational interpreter who doesn't meet the minimum standards is unable to provide effective communication access, thus becoming a barrier to student success.
- Deaf students in elementary settings don't possess self-advocacy skills if they don't understand their interpreter.
- Deaf and hard of hearing consumers rely on community interpreters to effectively communicate information related to medical, mental health, legal, and employment situations. Poor interpretations can lead to serious adverse consequences for consumers.
- At least 37 states currently have minimum standards established for interpreters. Standards are implemented through licensure, certification, or registration.
- The New Mexico Public Education Department (PED) had previously established a licensure requirement for K-12 interpreters of a score of 3.5 or better on the EIPA Performance Test. That standard was superseded by the passage of the Signed Language Interpreting Practices Act.

Complaints

Complaints may be filed with RID against interpreters who fail to provide quality services or maintain proper ethical standards, but RID only has jurisdiction over interpreters who are members. If an interpreter is an "Associate Member" of RID but not certified, RID's authority to impose a penalty is minimal - RID's most significant penalty is to remove an interpreter's certification - which is obviously impossible if that interpreter isn't certified. Therefore, the Signed Language Interpreting Practices Act establishes a process for filing complaints against interpreters who are not certified, and imposes criminal penalties on interpreters who are convicted of practicing without a license.

New Mexicans who wish to file a complaint against an individual for interpreting without a license or for a violation of the Code of Professional Conduct may access the necessary procedure and form on the SLIPB website: www.rld.state.nm.us/boards/File_A_Complaint.aspx. Anyone may file a complaint, which will then be investigated and the individual against whom the complaint is filed will have the opportunity to respond. Complaints go before the Board at their regular meetings, but all names are removed before the complaint is presented to the Board to assure neutrality. The Board has several options, ranging from dismissing the complaint, to imposing a fine, to referring the complaint to the Attorney General for prosecution.

Statutory Authority and Penalties

The Signed Language Interpreting Practices Act is §61-34-1 NMSA 1978 and can be accessed via the SLIPB website. Penalty and sentencing authority citations are as follows.

61-34-15. Penalties.

A person who violates a provision of the Signed Language Interpreting Practices Act is guilty of a misdemeanor and upon conviction shall be sentenced pursuant to Section 31-19-1 NMSA 1978.

31-19-1. Sentencing authority[;] misdemeanors; imprisonment and fines; probation.

A. Where the defendant has been convicted of a crime constituting a misdemeanor, the judge shall sentence the person to be imprisoned in the county jail for a definite term less than one year or to the payment of a fine of not more than one thousand dollars (\$1,000) or to both such imprisonment and fine in the discretion of the judge.

Exemptions

The following are statutory exemptions from the licensure requirement:

- nonresident interpreters working in New Mexico less than thirty calendar days per year;
- interpreting in religious or spiritual settings;
- interpreting in informal settings for friends, families or guests;
- interpreting in emergency situations where the deaf, hard-of-hearing or deaf-blind person or that person's legal representative decides that the delay necessary to obtain a licensed interpreter is likely to cause injury or loss to the consumer;
- the activities of a supervised interpreter intern or student who is enrolled in an interpreter education program; or
- multilingual interpreting in order to accommodate the personal choice of the consumer.