

## DEPARTMENT OF HEALTH, STATE BOARD OF HEALTH

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**SUBJECT:** Rules Governing the Advisory Board for Interpreters Between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf and Rules Governing the Licensure of Provisional and Qualified Interpreters

**DESCRIPTION:** The agency provided the following summary of changes:

### Table of Contents

- Renumbered sections, page numbers, and the Table of Contents
- Added words to match the subtopic title of the document
- Deleted a subtopic title that was moved under the appropriate subtopic
- Added Apprenticeship Section – Act 811

### Section 202 Powers and Duties of the Advisory Board

- Deleted “for Interpreters” from title of Section as redundant

### Section 301 Application for Qualified Interpreter License

- Corrected grammatical errors (capitalization, punctuation, and typographical errors)
- Moved the following sentence to subsection (d): Renewals based on out-of-state credentials and CEU documentation will be assessed individually to determine equivalency with these requirements.
- Changed the deadline for renewal applications before relicensure requires new application such that any application filed after January 31 must be made as a new application, not renewal

### Section 302 Application for Provisional Licensure

- Corrected grammatical errors (capitalization, punctuation, and typographical errors)
- Changed the deadline for renewal applications before relicensure requires new application such that any application filed after January 31 must be made as a new application, not renewal

### Section 303 Application for Temporary Provisional Licensure

- Corrected grammatical errors (capitalization, punctuation, and typographical errors)

### Section 304 Application for Automatic Licensure

- Corrected grammatical errors (capitalization, punctuation, and typographical errors)
- Revised language to conform to changes made by Act 135 of 2021 for automatic licensure for military and armed service members (and spouses), as follows:

(a) The Board shall grant automatic licensure to an individual who holds a substantially equivalent occupational license with similar scope of practice issued by another U.S. state, territory, or district and is:

(1) A uniformed service member stationed in the State of Arkansas;

(2) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

(3) The spouse of a person under 101(a)(1) or 101(a)(2) above; including:

(A) uniformed service member who is assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas; or

(B) uniformed service member who is killed or succumb to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

-Removed Military Personnel and Returning Military Veterans due to legislative changes and updated language found on page as stated above page 58.

#### Section 305 Reciprocity

-Corrected grammatical errors (capitalization, punctuation, typographical errors, and cross-reference errors)

-Added following language to clarify licensure qualifications: "...credentials recognized by the Advisory Board for Interpreters."

#### Section 306 Licensing Individuals from a State that Does Not License Interpreters

-Corrected grammatical errors (capitalization, punctuation, typographical errors, and cross-reference errors)

-Deleted following language to avoid confusion: "...sustained by CEUs and..."

#### Section 309 Fees

-Corrected grammatical errors (capitalization, punctuation, and typographical errors)

-Added following language to change deadline for renewal application, after which re-activation application is required: "(if application is delivered after February 1)"

-Deleted following language to avoid confusion: "(Dependent upon Advisory Board for Interpreters review.)"

#### Section 310 Waiver of Licensure Fee

-Corrected grammatical errors (capitalization, punctuation, and typographical errors)

-Added the following: Act 725

(a) Pursuant to Act 725 of 2021, an applicant may receive a waiver of the initial licensure fee, if eligible. Eligible applicants are applicants who:

(1) Are receiving assistance through the Arkansas, or current state of residence equivalent, Medicaid Program, the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (SSNP), the Temporary Assistance for Needy Families Program (TEA), or the Lifeline Assistance Program (LAP);

(2) Were approved for unemployment within the last twelve (12) months; or

(3) Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

(b) Applicants shall provide documentation showing their receipt of benefits from the appropriate State Agency.

(1) For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Department of Human Services (DHS), or current state of residence equivalent agency;

(2) For unemployment benefits approval in the last twelve (12) months, the Arkansas Department of Workforce Services, or current state of residence equivalent agency; or

(3) For proof of income, copies of all United States Internal Revenue Service Forms indicating applicant's total personal income for the most recent tax year e.g., "W2," "1099," etc.

(c) Applicants shall attest that the documentation provided under 101(b) is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

-Removed Military Personnel and Returning Military Veterans due to legislative changes and updated language found on page as stated above page 58.

#### Section 500 Definitions

-Corrected grammatical errors (capitalization, punctuation, and typographical errors)

-Moved Definitions to the end of the rules.

-Added the following definitions under Act 135 of 2021:

(a) "Automatic licensure" means the granting of occupational licensure without an individual having met the occupational licensure requirements by the Rules of the Advisory Board for Interpreters or under the Arkansas Code.

(b) "Uniformed service member" means an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve

component member of the United States Commissioned Corps of the Public Health Service.

(c) “Uniformed service veteran” means a former member of the United States uniformed services discharged under conditions other than dishonorable.

-Revised the following definition of “Interpret” to include video relay services (VRS) and video remote interpreting services (VRI):

(1) “Interpret” shall include providing interpreting services through the use of electronic communications, information technology, asynchronous store and forward transfer, or synchronous interaction to one or more persons located in Arkansas, including, but not limited to, video relay services (VRS) and video remote interpreting services (VRI).

(d) “Interpreting agency” means an entity that provides qualified interpreter services for a fee.

### Certification

-Page number revision

**PUBLIC COMMENT:** No public hearing was held on this rule. The public comment period expired on May 18, 2022. The agency indicated that it received no public comments.

Lacey Johnson, an attorney with the Bureau of Legislative Research, asked the following questions and received the following responses:

1. The rule changes based on Act 725 state that eligible applicants are applicants that “are receiving assistance through the Arkansas, or current state of residence equivalent, Medicaid Program,” while Act 725 only lists the Arkansas Medicaid Program. Where did the additional language making applicants eligible if they received Medicaid assistance from another state come from? **RESPONSE:** This is from standard language ADH used in all of our Rules that needed to implement Act 725. We added that because after conversation with DHS, we all realized that there may be people that are in the process of establishing residency and do not have their AR Medicaid documentation back. This was to ensure newcomers to Arkansas do not slip through the cracks. It is not explicitly in the Act, but is within the intent of the Act.

2. Section 302(g) states, “Any license not renewed by January 31 of the next calendar year will be placed on inactive status.” Section 309(a) levies a reactivation fee “if application is delivered after February 1.” This seems to imply that a license renewal delivered on February 1 would be placed on inactive status but the applicant would not be charged a reactivation fee. Is the rule intended to levy a reactivation fee on any license not renewed by January 31? **RESPONSE:** I agree, Section 309(a) levies a reactivation fee “if application is delivered after February 1.” It would be best worded as, “if application is delivered after January 31.”

The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** The agency indicated that this rule has no financial impact.

**LEGAL AUTHORIZATION:** The Department of Health has authority to license interpreters between hearing individuals and individuals who are deaf, deafblind, hard of hearing, or oral deaf. Ark. Code Ann. § 20-14-806(a)(1)-(2). “The State Board of Health shall adopt rules to implement” Title 20, Chapter 14, Subchapter 8 of the Arkansas Code, regarding interpreters between hearing individuals and individuals who are deaf, deafblind, hard of hearing, or oral deaf. Ark. Code Ann. § 20-14-809. This rule implements Acts 135 and 725 of 2021.

Act 135, sponsored by Senator Ricky Hill, established the Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021. Under the Act, “[a]n occupational licensing entity shall grant automatic occupational licensure to” certain specified individuals. *See* Ark. Code Ann. § 17-4-105, *as created by* Act 135.

Act 725, sponsored by Senator Ben Gilmore, created the Workforce Expansion Act of 2021 and required waiver of initial occupational and professional licensure fees for certain individuals. The Act required licensing entities to promulgate rules as necessary for the Act’s implementation. *See* Ark. Code Ann. § 17-5-105(2).

**QUESTIONNAIRE**  
**FOR FILING PROPOSED RULES WITH THE**  
**ARKANSAS LEGISLATIVE COUNCIL**

**DEPARTMENT/AGENCY** Arkansas Department of Health  
**DIVISION** Center for Health Advancement  
**DIVISION DIRECTOR** \_\_\_\_\_  
**CONTACT PERSON** Laura Shue, General Counsel  
**ADDRESS** 4815 West Markham, Slot 35, Little Rock, AR 72205  
**PHONE NO.** (501) 661-2297 **FAX NO.** \_\_\_\_\_ **E-MAIL** Laura.Shue@arkansas.gov  
**NAME OF PRESENTER AT COMMITTEE MEETING** Laura Shue, General Counsel  
**PRESENTER E-MAIL** Laura.Shue@arkansas.gov

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this
- D. Rule" below.
- E. Submit two (2) copies of the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton  
 Administrative Rules Review Section  
 Arkansas Legislative Council  
 Bureau of Legislative Research  
 One Capitol Mall, 5th Floor  
 Little Rock, AR 72201

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1. What is the short title of this rule? Rules Governing the Advisory Board for Interpreters Between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf and Rules Governing the Licensure of Provisional and Qualified Interpreters

2. What is the subject of the proposed rule? These Rules regulate the licensing of interpreters for individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf and impose penalties for persons or entities that violate these Rules

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes  No

If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?

Yes  No

If yes, what is the effective date of the emergency rule? \_\_\_\_\_

When does the emergency rule expire? \_\_\_\_\_

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes  No

5. Is this a new rule? Yes  No  If yes, please provide a brief summary explaining the rule.

Does this repeal an existing rule? Yes  No  If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes  No  If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.

A.C.A. § 20-14-801 et seq.

7. What is the purpose of this proposed rule? Why is it necessary?

To comply with Acts 135 and 725 of 2021.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

<https://www.healthy.arkansas.gov/proposed-amendment-to-existing-rules>

9. Will a public hearing be held on this proposed rule? Yes  No  If yes, please complete the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

02/24/2022

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

04/01/2022

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. \_\_\_\_\_

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). \_\_\_\_\_

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

None



**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Arkansas Department of Health

**DIVISION** Center for Health Advancement

**PERSON COMPLETING THIS STATEMENT** Laura Shue, General Counsel

**TELEPHONE NO.** (501) 661-2297    **FAX NO.** \_\_\_\_\_    **EMAIL:** Laura.Shue@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE**

Rules Governing the Advisory Board for Interpreters Between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf and Rules Governing the Licensure of Provisional and Qualified Interpreters

1. Does this proposed, amended, or repealed rule have a financial impact? Yes  No
  
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
Yes  No
  
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes  No

If an agency is proposing a more costly rule, please state the following:

a) How the additional benefits of the more costly rule justify its additional cost;

b) The reason for adoption of the more costly rule;

c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_ \$ 0.00

Total \_\_\_\_\_ \$ 0.00

b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_ \$ 0.00

Total \_\_\_\_\_ \$ 0.00

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ \_\_\_\_\_

\$ \_\_\_\_\_

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ \_\_\_\_\_

\$ \_\_\_\_\_

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?  
Yes  No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

# **Executive Summary for Rules Governing the Advisory Board For Interpreters Between Hearing Individuals and Individuals Who Are Deaf, Deafblind, Hard Of Hearing, or Oral Deaf and Rules Governing the Licensure Of Provisional And Qualified Interpreters**

## **Table of Contents**

Renumbering of Sections, page numbers and the Table of Contents.

Added words to match the subtopic title of the document

Deleted a subtopic title that was moved under the appropriate subtopic

Added Apprenticeship Section- Act 811

## **Section 202 Powers and Duties of the Advisory Board**

Deleted "for Interpreters" from title of Section as redundant

## **Section 301 Application for Qualified Interpreter License**

Corrected grammatical errors (capitalization, punctuation, and typographical errors)

Moved the following sentence to subsection (d):

Renewals based on out-of-state credentials and CEU documentation will be assessed individually to determine equivalency with these requirements.

Changed the deadline for renewal applications before re-licensure requires new application such that any application filed after January 31 must be made as a new application, not renewal.

## **Section 302 Application for Provisional Licensure**

Corrected grammatical errors (capitalization, punctuation, and typographical errors)

### **Grammatical Errors**

#### **Legislative**

Act 135

Act 725

#### **General Update**

Removed due to outdated terms or revised language for legislation.

Changed the deadline for renewal applications before re-licensure requires new application such that any application filed after January 31 must be made as a new application, not renewal.

### **Section 303 Application for Temporary Provisional Licensure**

Corrected grammatical errors (capitalization, punctuation, typographical errors, and cross-reference errors)

### **Section 304 Application for Automatic Licensure**

Corrected grammatical errors (capitalization, punctuation, and typographical errors)

Revised language to confirm to changes made by Act 135 of 2021 for automatic licensure for military and armed service members (and spouses), as follows:

- (a) The Board shall grant automatic licensure to an individual who holds a substantially equivalent occupational license with similar scope of practice issued by another U.S. state, territory, or district and is:
  - (1) A uniformed service member stationed in the State of Arkansas;
  - (2) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or
  - (3) The spouse of a person under 101(a)(1) or 101(a)(2) above; including:
    - (A) uniformed service member who is assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas; or
    - (B) uniformed service member who is killed or succumb to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

Removed Military Personnel and Returning Military Veterans due to legislative changes and updated language found on page as stated above page 58.

### **Section 305 Reciprocity**

Corrected grammatical errors (capitalization, punctuation, typographical errors, and cross-reference errors)

Added following language to clarify licensure qualifications: “..credentials recognized by the Advisory Board for Interpreters.”

### **Section 306 Licensing Individuals from a State that Does Not License Interpreters**

Corrected grammatical errors (capitalization, punctuation, typographical errors, and cross-reference errors)

Deleted following language to avoid confusion: "...sustained by CEUs and..."

### **Section 309 - Fees**

Corrected grammatical errors (capitalization, punctuation, and typographical errors)

Added following language to change deadline for renewal application, after which re-activation application is required: "(if application is delivered after February 1)"

Deleted following language to avoid confusion: "(Dependent upon Advisory Board for Interpreters review.)"

### **Section 310 – Waiver of Licensure Fee**

Corrected grammatical errors (capitalization, punctuation, and typographical errors)

Added the following: Act 725

- (a) Pursuant to Act 725 of 2021, an applicant may receive a waiver of the initial licensure fee, if eligible. Eligible applicants are applicants who:
  - (1) Are receiving assistance through the Arkansas, or current state of residence equivalent, Medicaid Program, the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (SSNP), the Temporary Assistance for Needy Families Program (TEA), or the Lifeline Assistance Program (LAP);
  - (2) Were approved for unemployment within the last twelve (12) months; or
  - (3) Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.
- (b) Applicants shall provide documentation showing their receipt of benefits from the appropriate State Agency.
  - (1) For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Department of Human Services (DHS), or current state of residence equivalent agency;
  - (2) For unemployment benefits approval in the last twelve (12) months, the Arkansas Department of Workforce Services, or current state of residence equivalent agency; or
  - (3) For proof of income, copies of all United States Internal Revenue Service Forms indicating applicant's total personal income for the most recent tax year e.g., "W2," "1099," etc.

- (c) Applicants shall attest that the documentation provided under 101(b) is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

Removed Military Personnel and Returning Military Veterans due to legislative changes and updated language found on page as stated above page 58.

## **Section 500 Definitions**

Corrected grammatical errors (capitalization, punctuation, and typographical errors)

Moved Definitions to the end of the rules.

Added the following definitions under Act 135 of 2021:

- (a) "Automatic licensure" means the granting of occupational licensure without an individual having met the occupational licensure requirements by the Rules of the Advisory Board for Interpreters or under the Arkansas Code.
- (b) "Uniformed service member" means an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.
- (c) "Uniformed service veteran" means a former member of the United States uniformed services discharged under conditions other than dishonorable.

Revised the following definition of "Interpret" to include video relay services (VRS) and video remote interpreting services (VRI):

- (1) "Interpret" shall include providing interpreting services through the use of electronic communications, information technology, asynchronous store and forward transfer, or synchronous interaction to one or more persons located in Arkansas, including, but not limited to, video relay services (VRS) and video remote interpreting services (VRI).
- (d) "Interpreting agency" means an entity that provides qualified interpreter services for a fee.

## **Certification**

Page number revision

**Act 135-** To establish and modify automatic Arkansas occupational licensing of uniformed service members, veterans, and spouses.

**Act 725-** Requires licensing entities to waive initial licensure fees for individuals receiving public benefits.



**ARKANSAS STATE BOARD OF HEALTH**  
**ADVISORY BOARD FOR INTERPRETERS BETWEEN HEARING INDIVIDUALS**  
**AND INDIVIDUALS WHO ARE DEAF, DEAFBLIND, HARD OF HEARING, OR**  
**ORAL DEAF**

**RULES GOVERNING THE ADVISORY BOARD FOR INTERPRETERS BETWEEN**  
**HEARING INDIVIDUALS AND INDIVIDUALS WHO ARE DEAF, DEAFBLIND,**  
**HARD OF HEARING, OR ORAL DEAF**

**AND**

**RULES GOVERNING THE LICENSURE OF**  
**PROVISIONAL AND QUALIFIED**  
**INTERPRETERS**

**Promulgated Under the Authority of**  
**Arkansas Code Annotated § 20-14-801 et seq. (Act 1314 of 2013)**

Effective 2022

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## **100. Purpose and Jurisdiction**

### **101. Purpose**

- (a) The practice of interpreting affects the public health, safety, and welfare and civic, economic, social, academic, and recreational aspects of life. Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf, individuals with disabilities who use special techniques in order to communicate, and individuals whose primary language is sign language have a civil right to effective communication.
- (b) Further, individuals with hearing disabilities and those with whom they communicate require and are entitled to competent reliable interpreting services. Therefore, Arkansas finds the practice of interpreting should be subject to licensure and regulation to protect the public's interest by providing minimum qualifications for interpreters and to ensure that members of the interpreting profession perform with a high degree of competency.

### **102. Jurisdiction**

- (a) These Rules regulate the licensing of interpreters for individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf and impose penalties for persons or entities that violate these Rules.

### **103. Limitations**

- (a) These Rules do not establish minimum qualifications for interpreters in the K-12 school setting. Those qualifications have been established by the Arkansas Department of Education. Please contact ADE for the most current guidelines.

## **200. Advisory Board for Interpreters**

### **201. Establishment of the Advisory Board**

- (a) Pursuant to Ark. Code Ann. § 20-14-801 et seq. (Act 1314 of 2013), the Advisory Board for Interpreters between Hearing individuals and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf (hereinafter referred to as the "Advisory Board for Interpreters") shall be created within the Department of Health.
- (b) Members: The Advisory Board of Interpreters shall consist of seven (7) members appointed by the Director of the Department of Health (hereinafter referred to as the "Director") as follows:
  - (1) Four (4) licensed qualified interpreters appointed from a list of eight (8) submitted by the Arkansas Registry of Interpreters for the Deaf in conjunction with the Arkansas Association of the Deaf;
  - (2) Two (2) members appointed from a list of four (4) submitted by the Arkansas Association of the Deaf in conjunction with the Arkansas Registry of Interpreters

for the Deaf who are Deaf persons, Hard of Hearing persons, or Oral Deaf persons not licensed under this subchapter; and

- (3) One (1) member appointed from a list of two (2) submitted by the Arkansas Association of the Deaf in conjunction with the Arkansas Registry of Interpreters for the Deaf who are neither individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf and who are not licensed under this subchapter.
- (c) Terms: Each member shall serve a term of three (3) years. A member shall not serve more than two (2) consecutive terms.
- (d) Quorum: Four (4) members of the Advisory Board for Interpreters constitute a quorum for the transaction of business.
- (e) Vacancy: If a vacancy occurs on the Advisory Board for Interpreters, the Director shall appoint to complete the term vacated a person who possesses the same qualifications as those required for the position to which he or she is appointed.
- (f) Meetings:
  - (1) The Advisory Board shall hold meetings at the offices of the Department of Health in Little Rock, Arkansas or at other places as the Advisory Board for Interpreters may determine. Meetings for review of documents and recommendations may be done via technology, in lieu of face to face, provided those meetings comply with the open meeting requirement of the Arkansas Freedom of Information Act.
  - (2) The Department of Health shall provide meeting facilities and staff for such meetings of the Advisory Board for Interpreters for the purpose of keeping records.

**202. Powers and Duties of the Advisory Board ~~for Interpreters~~**

- (a) The Advisory Board for Interpreters shall:
  - (1) Recommend rules for the operation of the Advisory Board for Interpreters;
  - (2) Review and recommend to the Director:
    - (A) Acceptance or rejection of applications for licensure and renewal of licenses for interpreters for the Deaf, Deafblind, Hard of Hearing and Oral Deaf;
    - (B) Criteria for issuance and renewal of licenses for Interpreters;
    - (C) Criteria for issuance and continuance of provisional licenses;
    - (D) Fees for licensure and licensure renewal;
    - (E) Suspension or revocation of licenses;
    - (F) Procedures for receiving and investigating complaints under the Arkansas Administrative Procedure Act;
    - (G) Rules to ensure that an interpreting agency provides only licensed interpreters for services;

- (H) Rules regarding conflicts of interest regarding members of the Advisory Board for Interpreters; and
- (I) A professional code of conduct.

**203. Conflicts of Interests Regarding Advisory Board Members**

- (a) Membership on the Advisory Board for Interpreters is solely at the invitation and discretion of the Director. In order to avoid any potential conflict of interest with the responsibilities of the Advisory Board for Interpreters, the following statement has been adopted to guide the Advisory Board for Interpreters on issues of potential influences on judgment, disclosure and recusal.
- (b) Declaration. Appointees to the Advisory Board of Interpreters must be free from conflicts of interest and undue influence and sign a Conflict of Interest Declaration (attached hereto as Appendix A). Said Declaration shall be signed annually.
- (c) Conflicts of interest are identified as follows:
  - (1) A sitting member on a credentialing panel. This includes, but is not limited to, persons who serve as raters when evaluating Interpreters sitting for the QAST, RID Certification, EIPA or BEI.
  - (2) An employer with the authority to hire or employ Interpreters. This includes, but is not limited to, persons who hire or fire Interpreters for colleges or universities, video relay service (VRS) call centers, human resource departments for public school systems, or any individual working for an entity with the authority to hire or employ interpreters.
  - (3) An owner and/or individual who runs an Interpreting Agency. This includes, but is not limited to, persons who run an Interpreting Agency in which Interpreters are subcontracted to work for the business.
- (d) Disclosure: Members shall disclose in writing to the Advisory Board for Interpreters any person to whom they are closely related or organization with which they are affiliated which presently transacts business with the Department of Health or might reasonably be expected to do so in the future. Each disclosure shall be updated and resubmitted on an annual basis.
- (e) An affiliation with an organization will be considered to exist when a member or his or her immediate family or close relative is an officer, director, trustee, partner, employee or agent of the organization, or owns five percent of the voting stock or controlling interest in the organization or has any other substantial interest or dealings with an organization.
- (f) Abstaining from Participation: Any member shall abstain from voting and actively participating on any matter in which said member may be considered to have a conflict of interest.
- (g) Abstaining Declaration: An abstaining declaration shall be made for the record at the beginning of any such motion or discussion and shall be recorded in the official minutes of the meeting.

- (h) Other Affiliations: A member shall not serve in a fund development or grants management capacity for another non-profit or health care organization if such service would represent a conflict of interest.
- (i) If, during their service on the Advisory Board for Interpreters, a members' situation changes in such a manner as to create a conflict of interest, the member shall immediately inform the Director.

### 300. Licensure

#### 301. Application for Qualified Interpreter License

- (a) Any individual desiring to practice interpreting within the state of Arkansas may submit an application for licensure (attached hereto as Appendix B).
- (b) The Advisory Board for Interpreters shall recommend to the Director, after review of said application, issuance of a license to an applicant who submits proof of the following:
  - (1) A completed application with appropriate required fees;
  - (2) Documentation of credential(s) held and sustained by continuing education units (CEUs); and
  - (3) Acknowledgment of adherence to the professional ethical practices set forth in these Rules.
- (c) Expiration. A license issued under these Rules expires on December 31 of the calendar year on which it was issued.
- (d) Renewal. A license issued under these Rules is to be renewed upon expiration of the calendar year. Renewals based on out-of-state credentials and CEU documentation will be assessed individually to determine equivalency with these requirements. The applicant for renewal shall submit:
  - (1) A signed request for renewal with appropriate required fees;
  - (2) Documentation of credential(s) held and sustained by CEUs; and
  - (3) Documentation of CEUs if credential(s) for EIPA and QAST credentials.
- (e) Late Renewal. If for some reason a licensee fails to renew by January ~~13~~ of the next calendar year, the licensee shall submit the application with a statement explaining the reason for late renewal and the renewal fee and late fee. There is no guarantee that late application requests will be automatically approved. Each request will be evaluated separately and independent from others. If a request for a late renewal is denied, the licensee will be given notice and an opportunity for a hearing.
- (f) Any license not renewed by January 31 ~~March 1~~ of the next calendar year will be placed on inactive status. To resume active licensure, the applicant must submit the following:
  - (1) Documentation of Credentials held;
  - (2) Documentation of CEUs for EIPA and QAST; and

(3) Reactivation fee.

**302. Application for Provisional Licensure**

- (a) An individual desiring to apply for a Provisional Interpreter's License is any individual who is Deaf or Hard of Hearing that practices in providing interpreting services, thus practicing as a "Deaf interpreter." A Provisional Interpreter's License will be available for individuals who are Deaf or Hard of Hearing and who are not yet credentialed by any of the credentialing entities listed in Section 304.
- (b) Requirements. Any individual who is Deaf, Deafblind or Hard of Hearing may apply for a provisional licensure to practice as a "Deaf interpreter" and must submit the following:
  - (1) A completed application with appropriate required fees;
  - (2) Documentation of fifteen (15) hours of interpreter training;
  - (3) Documentation of ten (10) hours of supervised observation/interpreting with a seasoned, RID credentialed interpreter; and
  - (4) Two (2) letters of recommendation from seasoned RID credentialed interpreters.
- (c) Expiration. A license issued under these Rules expires on December 31 of the calendar year on which it was issued.
- (d) Renewal. A license issued under these Rules is to be renewed upon expiration of the calendar year. The applicant for renewal shall submit:
  - (1) A signed request for renewal with appropriate required fees;
  - (2) Documentation of credential(s) held and sustained by CEUs; and
  - (3) Documentation of CEUs for EIPA and QAST credentials.
- (e) Renewals based on out-of-state credentials and CEU documentation will be assessed individually to determine equivalency with these requirements.
- (f) Late Renewal. If for some reason a licensee fails to renew by January ~~13~~<sup>1</sup> of the next calendar year, the licensee shall submit the application with a statement explaining the reason for late renewal and the renewal fee and late fee. There is no guarantee that late application requests will be automatically approved. Each request will be evaluated separately and independent from others. If a request for a late renewal is denied, the licensee will be given notice and an opportunity for a hearing.
- (g) Any license not renewed by ~~January 31~~<sup>March 1</sup> of the next calendar year will be placed on inactive status. To resume active licensure, the applicant must submit the following:
  - (1) Documentation of credentials held;
  - (2) Documentation of CEUs for EIPA and QAST credentials; and
  - (3) Re-activation fee.

### 303. Application for Temporary Provisional Licensure

- (a) The Board shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required ~~under B.1.a. and b. of Section 305.X, Reciprocity.~~
- (b) The temporary and provisional license shall be effective for at least 90 days or until December 31 of the calendar year in which it was issued, whichever is latest, unless the Board determines that the applicant does not meet the requirements under ~~A.1. and A.2. of Section 305.X, Reciprocity,~~ in which case the temporary and provisional license shall be immediately revoked.
- (c) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

### 304. Application for Automatic Licensure

- (a) The Board shall grant automatic licensure to an individual who holds a substantially equivalent occupational license with similar scope of practice issued by ~~in~~ another U.S. state, territory, or district ~~jurisdiction~~ and is:
  - (1) A uniformed ~~An active-duty military~~ service member stationed in the State of Arkansas;
  - (2) A uniformed service ~~returning military~~ veteran who resides in ~~applying for licensure within one (1) year of his~~ or establishes residency in the State of Arkansas ~~her discharge from active duty~~; or
  - (3) The spouse of a person under 304(a)(1) or 304(a)(2) ~~A (1) or (2)~~ above; including:
    - (A) uniformed service member who is assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas; or
    - (B) uniformed service member who is killed or succumb to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.
- (b) The Board shall grant such automatic licensure upon receipt of all the below:
  - (1) Payment of the initial licensure fee;
  - (2) Evidence that the individual holds a substantially equivalent license in another U.S. state, territory, or district; and
  - (3) Evidence that the applicant is a qualified applicant under Section 304(a). ~~A.~~

### 305. Reciprocity

- (a) Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:
  - (1) The applicant shall hold a substantially similar license in another United States' jurisdiction;



- (A) A license from another state is substantially similar to an Arkansas Deaf, Deafblind, Hard of Hearing, or Oral Deaf Interpreters license if the other state's licensure qualifications require [credentials recognized by the Advisory Board for Interpreters](#).
  - (B) The applicant shall hold his or her occupational licensure in good standing;
  - (C) The applicant shall not have had a license revoked for:
    - (i) An act of bad faith; or
    - (ii) A violation of law, rule, or ethics.
  - (2) The applicant shall not hold a suspended or probationary license in a United States' jurisdiction;
  - (3) The applicant shall be sufficiently competent in the Deaf, Deafblind, Hard of Hearing, or Oral Deaf Interpretation; and
  - (4) The applicant shall hold credential(s), sustained by CEU's, that are recognized by the Advisory Board for Interpreters.
- (b) Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
- (1) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:
    - (A) Evidence of current and active licensure in that state. The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board; and
    - (B) Evidence that the other state's licensure requirements match those listed in [305\(a\)\(1\).A.1.a.i.](#) The Board may verify this information online or by telephone to the other state's licensing board.
  - (2) To demonstrate that the applicant meets the requirement in [305\(a\)\(1\)\(B\) through 305\(a\)\(1\)\(D\).A.1.b. through d.](#), the applicant shall provide the Board with:
    - (A) The names of all states in which the applicant is currently licensed or has been previously licensed;
    - (B) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in [305\(a\)\(1\)\(C\).A.1.e.](#) and does not hold a license on suspended or probationary status as described in [305\(a\)\(1\)\(D\).A.1.d.](#) The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board.
  - (3) As evidence that the applicant is sufficiently competent in the field of Deaf, Deafblind, Hard of Hearing, or Oral Deaf Interpretation, an applicant shall:
    - (A) Submit three letters of recommendation from Interpreter Agencies or colleagues in Interpretation; [and](#)

- (B) Submit documentation of credential(s) held and sustained by CEUs and acknowledgement of adherence to the professional ethical practices set forth in these rules.

**306. Licensing Individuals from a State that Does Not License Interpreters**

- (a) Required Qualifications. An applicant from a state that does not license Deaf, Deafblind, Hard of Hearing, or Oral Deaf Interpreters shall meet the following requirements:
  - (1) The applicant shall be sufficiently competent in Deaf, Deafblind, Hard of Hearing, or Oral Deaf Interpretation; and
  - (2) The applicant shall hold credential(s), sustained by CEU's, that are recognized by the Advisory Board for Interpreters.
- (b) Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
  - (1) As evidence that the applicant is sufficiently competent in the field of Deaf, Deafblind, Hard of Hearing, or Oral Deaf interpretation, an applicant shall:
    - (A) Submit three letters of recommendation from Interpreter Agencies or colleagues in Interpretation; and ~~sustained by CEUs and~~
    - (B) Submit documentation of credential(s) held and sustained by CEUs and acknowledgement of adherence to the professional ethical practices set forth in these rules.

**307. Recognized Credentials**

- (a) Credentials obtained by practicing Interpreters currently recognized by the Advisory Board for Interpreters include:
  - (1) Arkansas Rehabilitation Services Quality Assurance Screening Test (QAST);
  - (2) Educational Interpreter Performance Assessment;
  - (3) National Association of the Deaf;
  - (4) National Cued Speech Association;
  - (5) Registry of Interpreters for the Deaf, Inc.;
  - (6) Texas Board for Evaluation of Interpreters; and
  - (7) Other credentials recognized by the Advisory Board for Interpreters.

**308. Continuing Education Units**

- (a) Interpreters must maintain Continuing Education Units (CEUs) through the credentials held. Documentation of CEUs obtained shall be submitted on an annual basis at renewal by providing transcripts or tracking systems used by the credentialing bodies. If an Interpreter does not have documentation to submit from a credentialing body, then a total of ten (10) clock hours (10 clock hours = 1.0 CEU) of continuing

education must be completed on an annual basis. Documentation of the 10 clock hours shall be submitted at the time of renewal.

**309. Fees**

- (a) All fees are to be paid at the time of application or request for services. Fees are non-refundable and are not pro-rated. Annual fees follow a calendar year. Additional fees will be assessed for insufficient funds if such should happen. Current fee structures are:

Initial Application and Licensure Fee (includes \$35.00 non-refundable application fee)	\$90.00
Annual Fee (Renewal on the calendar year; includes \$35.00 non-refundable application fee)	\$75.00
Re-Activation Fee ( <u>if application is delivered after January 31</u> ) (includes \$35.00 non-refundable application fee)	\$125.00
Upgrade Fee (If an individual receives a higher credential prior to the end of the year and wishes to reflect the higher credential on their license)	\$ 35.00
Annual Late Fee (paid if application submitted after Jan. 1) <del>(Dependent upon Advisory Board for Interpreters review)</del>	\$ 25.00
Replacement Card Fee	\$ 10.00
Insufficient Funds Fee (NSF will require payment in the form of a Money Order or Cashier's Check)	\$ 35.00

**310. Waiver of Licensure Fee**

- (a) Pursuant to Act 725 of 2021, an applicant may receive a waiver of the initial licensure fee, if eligible. Eligible applicants are applicants who:
- (1) Are receiving assistance through the Arkansas, or current state of residence equivalent, Medicaid Program, the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (SSNP), the Temporary Assistance for Needy Families Program (TEA), or the Lifeline Assistance Program (LAP);
  - (2) Were approved for unemployment within the last twelve (12) months; or
  - (3) Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.
- (b) Applicants shall provide documentation showing their receipt of benefits from the appropriate State Agency.
- (1) For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Department of Human Services (DHS), or current state of residence equivalent agency;

- (2) For unemployment benefits approval in the last twelve (12) months, the Arkansas Department of Workforce Services, or current state of residence equivalent agency; or
- (3) For proof of income, copies of all United States Internal Revenue Service Forms indicating applicant's total personal income for the most recent tax year e.g., "W2," "1099," etc.
- (c) Applicants shall attest that the documentation provided under 310(b) is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

### **310.311. Summary of Credentials**

- (a) Sign language interpreters' credentials are based on levels of proficiency, and in order to protect the health, welfare and safety of the consumers, interpreters shall only accept assignments appropriate for their proficiency based upon accepted credentials for licensure.
- (b) Teaming. In the event a team of Interpreters is required to manage the communication accessibility of an assignment, a mixture of proficiency levels may be acceptable only if the following criteria are met:
  - (1) The primary Interpreter's proficiency level meets or exceeds the required qualifications for that setting;
  - (2) The primary Interpreter agrees to serve as a mentor and to monitor the services of the secondary Interpreter;
  - (3) The secondary Interpreter's proficiency level is only one (1) category lower than the proficiency level required for that setting; and
  - (4) The secondary Interpreter agrees to adhere to the guidance given by the primary Interpreter during the teaming assignment.
- (c) Upon request of any consumer or hiring entity, an interpreter shall show proof of his or her Arkansas license that will indicate qualifications. The following list of settings for qualifications is not all-inclusive.
- (d) Levels:
  - (1) QAST I; BEI I
    - (A) Registration, Classroom Extracurricular Activities
    - (B) Social Services – Independent Living, Basic Living Skills, Bus Card Civic Club Meetings, Recreation, Socialization
  - (2) QAST II; BEI II; BEI Basic
    - (A) Driver's License Testing
    - (B) Eligibility for services - Follow-up Interview
    - (C) Support Services – Non Academic Advisors

- (D) Support Services - Orientation, Life/Job Skills
  - (E) Basic Job Readiness Training (semi-skilled technical or unskilled labor)
  - (F) Interview Application for Services
  - (G) On-the-job Training
  - (H) Sheltered Workshop
  - (I) All settings listed in Subsection XV(A)
- (3) QAST III; BEI III; BEI Advanced
- (A) Social Services –Food Stamps, Social Security, Medicare/Medicaid, TEA/SNAP benefits
  - (B) Continuing Education Workshops
  - (C) Job Related: staff meetings, employee/employer meetings, safety workshops, job training, vocational counseling, vocational assessment
  - (D) Tax preparation, credit counseling, mortgage/loan counseling
  - (E) Diagnostics and Evaluations
  - (F) Routine Physical Exams, in Patient/Out-Patient Hospital Care
  - (G) Hospital Admissions
  - (H) Nursing homes, home health services, community health education, self-help programs, 12 Step programs
  - (I) Basic tutoring (out of school)
  - (J) Postsecondary Education-Academic Courses, Academic Advisors
  - (K) Vocational-Technology Trainings
  - (L) Employment Related/Union Meetings Child Birth Classes-Planned Parenthood
  - (M) All settings listed in Subsections XV (A) & XV (B)
- (4) QAST IV-V; BEI IV-V; BEI Master
- (A) Social Services Disputes
  - (B) Polygraph Testing
  - (C) Post Bond
  - (D) Discrimination Proceedings – Prior to court
  - (E) Mental Health
  - (F) Meetings with Parole/Probation Officers
  - (G) Medical – Emergency Room, General Rounds and Surgery, Health Care Providers and Hospice, Medical Documents
  - (H) Graduate and Post-Graduate Education

- (I) Restraining Order Application
- (J) Speaker or Lectures
- (K) Civil Weddings Performed in or out of a Courtroom
- (L) Employment Related – Job Interview/Application, Firing, Disciplining, Performance Appraisals
- (M) Tax Assessment/Appeal Proceedings
- (N) All settings listed in Subsections XV (A), XV (B), & XV (C)
- (5) RID Credentials
  - (A) Legal Proceedings in/out of the courts
  - (B) Domestic/Family Violence Calls and Investigations
  - (C) Abuse Calls and Investigations
  - (D) Legislation
  - (E) Governmental Proceedings
  - (F) Pre-Trial Release
  - (G) Peace Bonds/Restraining Orders, Copyrights/Patents
  - (H) Campus Police or other law enforcement investigations
  - (I) Civil Investigations
  - (J) Child Custody or Child Welfare
  - (K) Jury Duty
  - (L) All settings listed in Subsections XV (A), XV (B), XV (C), XV (D), & XV (E).
- (e) All in-court cases must adhere to Act 237: An Act to Amend the Process for Appointment, Certification, and Regulation of Court Interpreters; and for other purposes.

#### **400. Complaints**

##### **401. Code of Conduct**

- (a) An Interpreter shall make a true interpretation, in an understandable manner, to an individual who is Deaf, Deafblind, Hard of Hearing, or Oral Deaf for whom the Interpreter is appointed. The Interpreter will interpret accurately the statements of the individual who is Deaf or Hard of Hearing who desires that his or her statements be made into spoken language, to the best of the Interpreter's skill and judgment.
- (b) All information that an Interpreter gathers, learns from, or relays to an individual who is Deaf, Deafblind, Hard of Hearing, or Oral Deaf during an administrative, civil, or criminal proceeding shall remain confidential and privileged unless the individual

who is Deaf, Deafblind, Hard of Hearing, or Oral Deaf desires that the information be communicated to other persons.

- (c) Interpreters shall accept, refuse or withdraw from assignments based upon their experience, capabilities and credentials (as determined by his or her level of proficiency). A summary of the credentials held and what has been identified as appropriate assignments for those credentials can be found in Section XI of these Rules.
- (d) Upon request of any consumer or hiring entity, an Interpreter shall show proof of his or her Arkansas license indicating qualifications and credentials.
- (e) This Code of Conduct incorporates by reference the NAD-RID Code of Professional Conduct of the Registry of Interpreters for the Deaf, with no amendments or editions thereto.

#### **402. Complaint Process**

- (a) Complaints may be filed when an individual, hiring agency, or interpreting agency:
  - (1) violates the Professional Code of Conduct;
  - (2) knowingly hires an interpreter who is not qualified; or
  - (3) engages in the practice of interpreting without a license.
- (b) The following may file a complaint:
  - (1) Any Deaf or Hard of Hearing consumer of interpreting services;
  - (2) Any hearing consumer of interpreting services;
  - (3) Any person having direct interest in the occurrence specified in the complaint; or
  - (4) Any Board member acting on any information by that Board Member that is relevant and material. If the Board member files a complaint based on an anonymous tip, the complaint itself cannot be used to make a determination of whether the Rules have been violated. A separate investigation must take place.
- (c) To the extent the person filing the complaint is able, the complaint must specify the time, place, and person(s) involved, and must describe the actions which constitute the alleged offense.
- (d) All complaints are to be filed in writing with the Advisory Board for Interpreters using the Complaint Form (attached hereto as Appendix C), and should be filed within ninety (90) days of the alleged offense. If a complaint is initiated by a Board Member, that Board Member shall recuse on any vote taken regarding the complaint.
- (e) Any person filing a complaint regarding ethical practices of a licensed qualified interpreter may also file a complaint with the respective credentialing entity.
- (f) All complaints shall be reviewed and investigated by a member of the Advisory Board.
- (g) If a complaint and investigation results in penalties being assessed against an individual or entity, that individual or entity shall be provided notice and the

opportunity for a hearing before the Advisory Board for Interpreters, whose decision can be appealed to the Arkansas Board of Health by the individual.

- (h) The Advisory Board member who reviewed and investigated the complaint shall recuse himself or herself from voting at the hearing of the matter.
- (i) Publication of final orders that result in sanctions shall be posted on the licensure website. However, any confidential information contained in the complaint shall be removed.

#### **403. Penalties**

- (a) Amount of Penalty. Any individual who is not licensed and who admits to interpreting without a license or is found by the Advisory Board to have held himself or herself out to the public as a licensed qualified interpreter is guilty of a violation and shall be fined not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500).
- (b) Suspension of Penalty. The fine assessed may be suspended if the person found in violation complies with the law within thirty (30) days of the finding.
- (c) An interpreting agency that admits to or is found to be knowingly hiring or providing interpreting services for an individual who is Deaf, Deafblind, Hard of Hearing, or Oral Deaf through an individual not licensed under these Rules, is guilty of a violation and shall be fined not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).

#### **500. Definitions**

##### **501. Definitions, as used in these Rules**

- (a) "Automatic licensure" means the granting of occupational licensure without an individual having met the occupational licensure requirements were adopted provided by the Rules of the Advisory State Board for Interpreters or under the of Health of Arkansas Code.
- ~~(a)~~(b) "Cued speech" means the system of handshapes that represent groups of consonant sounds and hand placements that represent groups of vowel sounds that is used with natural speech to represent a visual model of spoken language.
- ~~(b)~~(c) "Deaf interpreter" means a Deaf individual who facilitates communication between another Deaf person and a licensed qualified interpreter or between two (2) or more Deaf persons.
- ~~(c)~~(d) "Deaf individual" means an individual who has a documented hearing loss so severe that the individual is unable to process speech and language through hearing, with or without amplification.
- ~~(d)~~(e) "Deafblind individual" means an individual who has a combined loss of vision and hearing that prevents the individual's vision or hearing from being used as a primary source for accessing information.



- ~~(e)~~(f) "Hard of Hearing individual" means an individual who has a hearing loss, may primarily use visual communication, and may use assistive devices.
- ~~(f)~~(g) "Interpret" means to provide language equivalency between a hearing individual and an individual who is Deaf, Deafblind, Hard of Hearing, or Oral Deaf using techniques that include without limitation:
- (1) American Sign Language;
  - (2) English-based sign language;
  - (3) Cued speech; and
  - (4) Oral interpreting.
- (5) "Interpret" shall include providing interpreting services through the use of electronic communications, information technology, asynchronous store and forward transfer, or synchronous interaction to one or more persons located in Arkansas, including, but not limited to, video relay services (VRS) and video remote interpreting services (VRI).
- (h) "Interpreting agency" means an entity that provides qualified interpreter services for a fee.
- ~~(g)~~(i) "Hiring entity" means any entity that hires or employs qualified interpreters.
- ~~(h)~~(j) "Oral Deaf individual" means an individual whose sense of hearing is nonfunctional for the purpose of communication and whose primary method of communication is speech reading and spoken English.
- ~~(i)~~(k) "Oral interpreting" means the use of oral transliteration with special techniques to make the English language visible for persons who communicate as speech readers.
- ~~(j)~~(l) "Licensed Provisional Interpreter" means an individual who is Deaf, Deafblind, Hard of Hearing or Oral Deaf and is provisionally licensed under these Rules and subject to Ark. Code Ann. § 20-14-801 et seq. (hereinafter referred to as "Interpreter").
- ~~(k)~~(m) "Licensed Qualified Interpreter" means an individual who is licensed under these Rules and subject to Ark. Code Ann. § 20-14-801 et seq. (hereinafter referred to as "Interpreter").
- (n) "Uniformed service member" means an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.
- (o) "Uniformed service veteran" means a former member of the United States uniformed services discharged under conditions other than dishonorable.

**CERTIFICATION**

This will certify that the foregoing Rules Governing the Advisory Board For Interpreters Between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard Of Hearing, Or Oral Deaf and Rules Governing the Licensure of Provisional And Qualified Interpreters were adopted by the Arkansas State Board of Health at a regular board session held in Little Rock, Arkansas, on the \_\_\_\_\_.

\_\_\_\_\_  
Jennifer Dillaha, M.D.  
Director of the Department of Health  
Arkansas State Board of Health