

DEPARTMENT OF HEALTH, CENTER FOR HEALTH ADVANCEMENT

SUBJECT: Rules Governing the Licensure of Interpreters

DESCRIPTION: The Rules Governing the Licensure of Interpreters are being amended as follows:

- Amended for numerical inclusion of new sections of the Advisory Board Rules and amended numbering of all sections.
- Addition of definitions of “automatic licensure” and “returning military veteran.”
- Changed wording for form in Section VII.
- Added Section VIII, Application for Temporary Provisional Licensure in compliance with Act 426.
- Added Section IX, Application for Automatic Licensure in compliance with Act 820.
- Added Section X, Reciprocity in compliance with Act 1011.
- Added Section XI, License for Individuals From a State That Does Not License Profession in compliance with Act 1011.
- Reduced fee for initial application and licensure from \$120.00 to \$90.00. Reduced annual fee from \$90.00 to \$75.00.

PUBLIC COMMENT: No public hearing was held on this proposed rule. The public comment period expired on September 15, 2020. The agency indicated that it received no public comments.

The proposed effective date is December 1, 2020.

FINANCIAL IMPACT: The agency indicated that this rule does not have a financial impact.

LEGAL AUTHORIZATION: The Department of Health has the authority to issue, deny, and renew licenses for interpreters “between a hearing individual and an individual who is deaf, deafblind, hard of hearing, or oral deaf[.]” Ark. Code Ann. § 20-14-806. The Department may also “[e]stablish reasonable fees for licensure and renewal of licensure.” Ark. Code Ann. § 20-14-806(a)(5). The State Board of Health may promulgate rules regarding these duties. Ark. Code Ann. § 20-14-809. This proposed rule implements Acts 426, 820, and 1011 of 2019.

Act 426, sponsored by Representative Bruce Cozart, created the Red Tape Reduction Expedited Temporary and Provisional Licensure Act and authorized occupational licensing entities to grant expedited temporary and provisional licensing for certain individuals. The Act requires occupational licensing entities to “by rule adopt the least restrictive requirements for occupational licensure” for certain individuals. Ark. Code Ann. § 17-1-108(b), *as created by* Act 426.

Act 820, sponsored by Senator Missy Irvin, amended the law concerning the occupational licensure of active duty service members, returning military veterans, and their spouses and provided automatic licensure.

Act 1011, sponsored by Representative Jim Dotson, amended the law concerning licensing, registration, and certification for certain professions and established a system of endorsement, recognition, and reciprocity for licensing, registration, and certification for certain professions.

QUESTIONNAIRE
FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Department of Health
DIVISION Center for Health Advancement
DIVISION DIRECTOR Cristy Sellers, Center Director
CONTACT PERSON Laura Shue, General Counsel
ADDRESS 4815 West Markham, Little Rock AR 72205
PHONE NO. (501) 661-2297 **FAX NO.** (501) 661-2357 **E-MAIL** laura.shue@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Laura Shue
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

1. What is the short title of this rule? Rules Governing the Licensure of Interpreters

2. What is the subject of the proposed rule? Licensing for Interpreters between hearing individuals and individuals who are deaf, deafblind, hard of hearing, or oral deaf

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."

Updates sections to comply with Acts 820 and 1011 of 2019 for occupational licensing.
Reduces application and Licensure fee from \$120 to \$90 and the annual renewal fee from \$90 to \$75.

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

Acts 820 and 1011 of 2019

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

To update the rules to comply with 2019 occupational licensing legislation and reduce fees.

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).

www.healthy.arkansas.gov/

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.)

09/15/2020

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

12/01/2020

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.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Health
DIVISION Center for Health Advancement
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. (501) 661-2297 **FAX NO.** (501) 661-2357 **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 Licensure of 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.

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

Summary of Amendments:

- P. 2 Numerical inclusion of new sections of the Advisory Board Rules and amended numbering of all sections.

- P.3 Addition of definition of “Automatic Licensure.”

- P. 4 Addition of definition of “Returning Military Veteran.”

- P. 8 Changed wording for form in VII.

- P. 9 Added VIII. Application for Temporary Provisional Licensure in compliance with Act 426.

- P. 9 Added IX. Application for Automatic Licensure in compliance with Act 820.

- P. 9-11 Added X. Reciprocity in compliance with Act 1011.

- P. 11 Added XI. License for individuals from a State that does not license profession in compliance with Act 1011.

- P. 14 Reduced Fee for Initial Application and Licensure from \$120.00 to \$90.00.
Reduced Annual Renewal fee from \$90.00 to \$75.00.

- P. 11-16 Corrected numerical sections.

