

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 442

5 By: Senator B. King
6

For An Act To Be Entitled

8 AN ACT TO PROVIDE FOR LICENSED QUALIFIED INTERPRETERS
9 FOR INDIVIDUALS WHO ARE DEAF, DEAFBLIND, HARD OF
10 HEARING, OR ORAL DEAF; TO CREATE THE ADVISORY BOARD
11 FOR INTERPRETERS BETWEEN HEARING INDIVIDUALS AND
12 INDIVIDUALS WHO ARE DEAF, DEAFBLIND, HARD OF HEARING,
13 AND ORAL DEAF; TO CREATE A FUND; AND FOR OTHER
14 PURPOSES.
15

Subtitle

16
17 TO PROVIDE FOR LICENSED QUALIFIED
18 INTERPRETERS FOR INDIVIDUALS WHO ARE
19 DEAF, DEAFBLIND, HARD OF HEARING, OR ORAL
20 DEAF.
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code §§ 16-64-111 and 16-64-112 are amended to
27 read as follows:

28 16-64-111. Interpreters for persons with communication problems
29 generally.

30 (a) As used in this section, "interpreter" means an interpreter as
31 defined in § 16-64-112.

32 ~~(a)(b)~~ Every A person who cannot speak or understand the English
33 language or who because of hearing, speaking, or other impairment has
34 difficulty in communicating with other persons and who is a party to ~~any a~~
35 civil proceeding or a witness ~~therein shall be~~ in a civil proceeding is
36 entitled to an interpreter to assist ~~such~~ the person throughout the



1 proceeding.

2 ~~(b)(1)~~(c)(1) The interpreter may be retained by the party or witness
3 or, if the person is unable to pay for an interpreter, may be appointed by
4 the court before which the action is pending.

5 (2) If an interpreter is appointed by the court, the fee for the
6 services of the interpreter shall be set by the court and shall be paid in
7 ~~such a~~ a manner ~~as~~ the court may determine.

8 (3) If a certified foreign language interpreter from the roster
9 is appointed by the court in a civil matter, the judge may certify the
10 appointment to the Director of the Administrative Office of the Courts as
11 provided in § 16-10-127(e)(1).

12 ~~(e)(d)~~ Any ~~A~~ court may inquire into the qualifications and integrity
13 of ~~any~~ an interpreter and may disqualify for cause ~~any~~ a person from serving
14 ~~for cause~~ as an interpreter.

15 ~~(d)(e)~~ Every An interpreter for another person who is either a party
16 or a witness in a court proceeding ~~as referred to in~~ under this section shall
17 take the following oath:

18 "Do you solemnly swear (or affirm) that you will justly, truly, and
19 impartially interpret to . . . the oath about to be administered to him
20 (her), and the questions which may be asked him (her), and the answers that
21 he (she) shall give to such questions, relative to the cause now under
22 consideration before this court, so help you God (or under the pains and
23 penalties of perjury)?"

24

25 16-64-112. Interpreters ~~for the deaf~~ between a hearing individual and
26 an individual who is deaf, deafblind, hard of hearing, or oral deaf.

27 (a) For the purpose of appointing an interpreter ~~for a deaf person~~
28 between a hearing individual and an individual who is deaf, deafblind, hard
29 of hearing, or oral deaf under § 16-64-111:

30 (1) "Deaf individual" means an individual who has a documented
31 hearing loss so severe that the individual is unable to process speech and
32 language through hearing, with or without amplification;

33 (2) "Deafblind individual" means an individual who has a
34 combined loss of vision and hearing that prevents the individual's vision or
35 hearing from being used as a primary source for accessing information;

36 (3) "Hard of hearing individual" means an individual who has a

1 hearing loss, may primarily use visual communication, and may use assistive
 2 devices;

3 (4) "Interpreter" means a licensed qualified interpreter or a
 4 licensed provisional interpreter licensed by the Department of Health under §
 5 20-14-801 et seq.;

6 (5) "Oral deaf individual" means an individual whose sense of
 7 hearing is nonfunctional for the purpose of communication and whose primary
 8 communication is by speech reading and spoken English; and

9 (6) "Oral interpreter" means a person licensed as a licensed
 10 qualified interpreter or a licensed provisional interpreter who interprets
 11 language through facial and lip movements only and who does not use manual
 12 communication.

13 ~~(1)(A) "Qualified interpreter" means an interpreter certified by~~
 14 ~~the National Registry of Interpreters for the Deaf, Arkansas Registry of~~
 15 ~~Interpreters for the Deaf, or, in the event an interpreter so certified is~~
 16 ~~not available, an interpreter who is otherwise qualified.~~

17 ~~(B)(i) Efforts to obtain the services of a qualified interpreter~~
 18 ~~certified with a Legal Skills Certificate or a Comprehensive Skills~~
 19 ~~Certificate will be made prior to accepting services of an interpreter with~~
 20 ~~lesser certification.~~

21 ~~(ii)(b)(1) No An qualified interpreter shall not be appointed unless~~
 22 ~~the appointing authority and the deaf person individual who is deaf,~~
 23 ~~deafblind, hard of hearing, or oral deaf make a preliminary determination~~
 24 ~~that the interpreter is able to readily communicate with the deaf person~~
 25 ~~individual who is deaf, deafblind, hard of hearing, or oral deaf and is able~~
 26 ~~to accurately interpret the statements of the deaf person individual who is~~
 27 ~~deaf, deafblind, hard of hearing, or oral deaf and interpret the proceedings~~
 28 ~~in which a deaf person an individual who is deaf, deafblind, hard of hearing,~~
 29 ~~or oral deaf may be involved.~~

30 ~~(iii)(2) Every An deaf person individual who is deaf, deafblind,~~
 31 ~~hard of hearing, or oral deaf entitled to an interpreter under § 16-64-111~~
 32 ~~shall be is entitled to a qualified an interpreter as defined by this~~
 33 ~~subsection.~~

34 ~~(2)(A) "Oral interpreter" means a person who interprets language~~
 35 ~~through facial and lip movements only and who does not use manual~~
 36 ~~communication.~~

1 ~~(B)(i)(3)(A)~~ An oral interpreter shall be provided upon the
2 request of a an individual who is oral deaf person who does not communicate
3 in sign language.

4 ~~(ii)(B)~~ The right of a an individual who is oral deaf
5 ~~person~~ to an oral interpreter may not be waived except by a an oral deaf
6 person who does not use sign language and who initiates the request for
7 waiver in writing.

8 (C) The waiver is subject to approval of counsel, if
9 existent, to that individual who is oral deaf person and is subject to
10 approval of the appointing authority.

11 ~~(b)(c)(1)~~ ~~Every deaf person~~ An individual who is deaf, deafblind, hard
12 of hearing, or oral deaf whose appearance before a proceeding entitles him or
13 her to an interpreter ~~should~~ shall notify the appointing authority of ~~his or~~
14 ~~her need prior to any~~ the need of the individual who is deaf, deafblind, hard
15 of hearing, or oral deaf before an appearance and ~~should~~ shall request at
16 that time the services of an interpreter.

17 ~~(2)(A)~~ ~~Where~~ If a deaf person an individual who is deaf,
18 deafblind, hard of hearing, or oral deaf reasonably expects the need for an
19 interpreter to be for a period greater than a single day, ~~he or she should~~
20 the individual who is deaf, deafblind, hard of hearing, or oral deaf shall
21 notify the appointing authority.

22 ~~(B) and such~~ The notification shall be sufficient for the
23 duration of ~~his or her~~ the participation of the individual who is deaf,
24 deafblind, hard of hearing, or oral deaf in the proceedings.

25 ~~(e)(d)~~ An appointing authority may require a person requesting the
26 appointment of an interpreter to furnish reasonable proof of ~~his~~ the deafness
27 of the individual who is deaf, deafblind, hard of hearing, or oral deaf when
28 the appointing authority has reason to believe that the person is not deaf.

29 ~~(d)(e)~~ ~~It shall be the responsibility of the~~ The appointing authority
30 ~~to~~ shall channel requests for qualified interpreters through the Department
31 of Health+.

32 ~~(1)(A)~~ ~~The Arkansas Registry of Interpreters for the Deaf;~~

33 ~~(B)~~ ~~The Department of Health and Human Services; or~~

34 ~~(C)~~ ~~The University of Arkansas at Little Rock Interpreter~~
35 ~~Training Program; or~~

36 ~~(2)~~ ~~In the alternative, any community resource wherein the~~

1 ~~appointing authority or the deaf person is knowledgeable that such qualified~~
2 ~~interpreters can be found.~~

3 ~~(e)(f)~~ Before a qualified an interpreter participates in ~~any~~
4 ~~proceedings~~ a proceeding subsequent to an appointment under ~~the provisions of~~
5 this section, the interpreter shall make an oath or affirmation that the
6 interpreter ~~will~~ shall:

7 (1) ~~make~~ Make a true interpretation in an understandable manner
8 to the ~~deaf person~~ individual who is deaf, deafblind, hard of hearing, or
9 oral deaf for whom ~~he or she~~ the interpreter is appointed; and

10 (2) ~~that such interpreter will interpret~~ Interpret accurately in
11 the English language to the best of such interpreter's skill and judgment the
12 statements of the ~~deaf person~~ individual who is deaf, deafblind, hard of
13 hearing, or oral deaf desiring that statements be made, ~~in the English~~
14 ~~language to the best of such interpreter's skill and judgment.~~

15 ~~(f)(g)~~ The appointing authority shall provide recess periods as
16 necessary for the interpreter when the interpreter ~~so indicates~~ requests a
17 recess period.

18 ~~(g)(h)~~ ~~Any and all information~~ Information that the interpreter
19 gathers, learns from, or relays to the ~~deaf person or person who is unable to~~
20 ~~communicate in English~~ individual who is deaf, deafblind, hard of hearing, or
21 oral deaf pertaining to ~~any an~~ an administrative, civil, or criminal proceeding
22 ~~shall at all times remain~~ is confidential and privileged, on an equal basis
23 with the attorney-client privilege, unless ~~such deaf person or person who is~~
24 ~~unable to communicate in English~~ the individual who is deaf, deafblind, hard
25 of hearing, or oral deaf desires that ~~such~~ the information be communicated to
26 other persons.

27 ~~(h)(i)(1)~~ An interpreter appointed under ~~the provisions of~~ this
28 section ~~shall be~~ is entitled to a reasonable fee for his or her services.

29 (2) The fee shall be in accordance with standards established by
30 the ~~Arkansas Registry of Interpreters for the Deaf~~ Department of Health, in
31 addition to actual expenses for travel and transportation.

32 (3)(A) ~~When~~ If the interpreter is appointed by a court, the fee
33 shall be paid out of general county funds.

34 (B) ~~and, when~~ If the interpreter is otherwise appointed,
35 the fee shall be paid out of funds available to the appointing authority.

36

1 SECTION 2. Arkansas Code Title 19, Chapter 6, Subchapter 8, is amended
2 to add an additional section to read as follows:

3 19-6-819. Interpreters between Hearing Individuals and Individuals who
4 are Deaf, Deafblind, Hard of Hearing, or Oral Deaf Fund.

5 (a) There is created on the books of the Treasurer of State, the
6 Auditor of State, and the Chief Fiscal Officer of the State a special revenue
7 fund to be known as the "Interpreters between Hearing Individuals and
8 Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf Fund".

9 (b)(1) All moneys collected under § 20-14-801 et seq. shall be
10 deposited into the State Treasury to the credit of the fund as special
11 revenues.

12 (2) The fund also shall consist of any other revenues authorized
13 by law.

14 (c) The fund shall be used by the Department of Health to pay costs
15 related to the Advisory Board for Interpreters between Hearing Individuals
16 and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf and
17 the licensure of licensed qualified interpreters under § 20-14-801 et seq.

18
19 SECTION 3. Arkansas Code Title 20, Chapter 14, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 8 – Interpreters between Hearing Individuals and
22 Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf.

23
24 20-14-801. Findings.

25 (a) The General Assembly finds that:

26 (1)(A) The practice of interpreting affects the public health,
27 safety, and welfare and civic, economic, social, academic, and recreational
28 aspects of life.

29 (B) Therefore, the practice of interpreting should be
30 subject to licensure and regulation to protect the public's interest;

31 (2) Individuals who are deaf, deafblind, hard of hearing, or
32 oral deaf, individuals with disabilities who use special techniques in order
33 to communicate, and individuals whose primary language is sign language have
34 a civil right to effective communication;

35 (3) Individuals with hearing disabilities and those with whom
36 they communicate require and are entitled to competent, reliable interpreting

1 services; and

2 (4) The availability of competent, reliable, credentialed
3 interpreting services is necessary for individuals with hearing disabilities
4 to realize their right to full and equal participation in society.

5 (b) The purposes of this subchapter are to:

6 (1) Provide minimum qualifications for interpreters and to
7 ensure that members of the interpreting profession perform with a high degree
8 of competency;

9 (2) Regulate the practice and licensure of interpreters for
10 individuals who are deaf, deafblind, hard of hearing, or oral deaf; and

11 (3) Impose penalties for persons who violate this subchapter or
12 the rules adopted under this subchapter.

13
14 20-14-802. Definitions.

15 As used in this subchapter:

16 (1) "Cued speech" means the system of handshapes that represent
17 groups of consonant sounds and hand placements that represent groups of vowel
18 sounds that is used with natural speech to represent a visual model of spoken
19 language;

20 (2) "Deaf interpreter" means a deaf individual who facilitates
21 communication between another deaf person and a licensed qualified
22 interpreter or between two (2) or more deaf persons;

23 (3) "Deaf individual" means an individual who has a documented
24 hearing loss so severe that the individual is unable to process speech and
25 language through hearing, with or without amplification;

26 (4) "Deafblind individual" means an individual who has a
27 combined loss of vision and hearing that prevents the individual's vision or
28 hearing from being used as a primary source for accessing information;

29 (5) "Hard of hearing individual" means an individual who has a
30 hearing loss, may primarily use visual communication, and may use assistive
31 devices;

32 (6) "Interpret" means to provide language equivalency between a
33 hearing individual and an individual who is deaf, deafblind, hard of hearing,
34 or oral deaf using techniques that include without limitation:

35 (A) American Sign Language;

36 (B) English-based sign language;

1 (C) Cued speech; and

2 (D) Oral interpreting;

3 (6) "Interpreting agency" means an entity that provides
4 qualified interpreter services for a fee;

5 (7) "Oral deaf individual" means an individual whose sense of
6 hearing is nonfunctional for the purpose of communication and whose primary
7 method of communication is speech reading and spoken English;

8 (8) "Oral interpreting" means the use of oral transliteration
9 with special techniques to make the English language visible for persons who
10 communicate as speech readers;

11 (9) "Licensed provisional interpreter" means an individual who
12 is deaf licensed under this subchapter; and

13 (10) "Licensed qualified interpreter" means an individual
14 licensed under this subchapter.

15
16 20-14-803. Penalties.

17 (a) A person who is not licensed under this subchapter and who pleads
18 guilty or nolo contendere to or is found guilty of holding himself or herself
19 out to the public as a licensed qualified interpreter is guilty of a
20 violation and shall be fined not less than one hundred dollars (\$100) and not
21 more than five hundred dollars (\$500).

22 (b) An interpreting agency that pleads guilty or nolo contendere to or
23 is found guilty of knowingly hiring or providing interpreting services for an
24 individual who is deaf, deafblind, hard of hearing, or oral deaf through an
25 individual not licensed under this subchapter is guilty of a violation and
26 shall be fined not less than five hundred dollars (\$500) and not more than
27 one thousand dollars (\$1,000).

28
29 20-14-804. Advisory Board between Hearing Individuals and Individuals
30 who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf – Creation –
31 Membership.

32 (a) The Advisory Board for Interpreters between Hearing Individuals
33 and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf is
34 created within the Department of Health.

35 (b) The board shall consist of seven (7) members appointed by the
36 Director of the Department of Health as follows:

1 (1) Four (4) licensed qualified interpreters appointed from a
2 list of eight (8) submitted by the Arkansas Registry of Interpreters for the
3 Deaf in conjunction with the Arkansas Association of the Deaf;

4 (2) Two (2) members appointed from a list of four (4) submitted
5 by the Arkansas Association of the Deaf in conjunction with the Arkansas
6 Registry of Interpreters for the Deaf who are deaf persons, hard of hearing
7 persons, or oral deaf persons not licensed under this subchapter; and

8 (3) One (1) member appointed from a list of two (2) submitted by
9 the Arkansas Association of the Deaf in conjunction with the Arkansas
10 Registry of Interpreters for the Deaf who are neither individuals who are
11 deaf, deafblind, hard of hearing, or oral deaf and who are not licensed under
12 this subchapter.

13 (c)(1) Each member shall serve a term of three (3) years.

14 (2) A member shall not serve more than two (2) consecutive
15 terms.

16 (d) Four (4) members of the board constitute a quorum for the
17 transaction of business of the board.

18 (e) If a vacancy occurs on the board, the director shall appoint to
19 complete the term vacated a person who possesses the same qualifications as
20 those required for the position to which he or she is appointed.

21 (f) Each member may receive expense reimbursement under § 25-16-901 et
22 seq.

23
24 20-14-805. Powers and duties of Advisory Board for Interpreters
25 between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of
26 Hearing, or Oral Deaf.

27 (a) The Advisory Board between Hearing Individuals and Individuals who
28 are Deaf, Deafblind, Hard of Hearing, or Oral Deaf shall:

29 (1) Recommend rules for the operation of the Advisory Board
30 between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of
31 Hearing, or Oral Deaf to the State Board of Health; and

32 (2)(A) Hold meetings at the offices of the Department of Health
33 in Little Rock or at other places as the Advisory Board for Interpreters
34 between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of
35 Hearing, or Oral Deaf may determine.

36 (B) The Department of Health shall provide meeting

1 facilities and staff for meetings of the Advisory Board for Interpreters
2 between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of
3 Hearing, or Oral Deaf.

4 (b) The Advisory Board for Interpreters between Hearing Individuals
5 and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf shall
6 review and recommend to the Director of the Department of Health:

7 (1) Acceptance or rejection of applications for licensure and
8 renewal of licenses for interpreters for the deaf, deafblind, hard of
9 hearing, and oral deaf;

10 (2) Criteria for issuance and renewal of licenses for licensed
11 qualified interpreters;

12 (3) Criteria for issuance and continuance of provisional
13 licenses;

14 (4) Fees for licensure and licensure renewal under this
15 subchapter;

16 (5) Suspension or revocation of licenses under this subchapter;

17 (6) Procedures for receiving and investigating complaints under
18 the Arkansas Administrative Procedure Act, § 25-15-201 et seq.;

19 (7) Rules to ensure that an interpreting agency provides only
20 licensed qualified interpreters for services under this subchapter;

21 (8) Rules regarding conflicts of interest regarding members of
22 the Advisory Board for Interpreters Between Hearing Individuals and
23 Individuals Who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf;

24 (9)(A) A code of professional conduct.

25 (B) The code of professional conduct shall provide, at a
26 minimum, that:

27 (i) A licensed qualified interpreter shall make a
28 true interpretation in an understandable manner to an individual who is deaf,
29 deafblind, hard of hearing, or oral deaf for whom the licensed qualified
30 interpreter is appointed and that the licensed qualified interpreter will
31 interpret accurately the statements of the individual who is deaf or hard of
32 hearing who desires that his or her statements be made in English to the best
33 of the licensed qualified interpreter's skill and judgment; and

34 (ii) All information that a licensed qualified
35 interpreter gathers, learns from, or relays to an individual who is deaf,
36 deafblind, hard of hearing, or oral deaf during an administrative, civil, or

1 criminal proceeding shall remain confidential and privileged unless the
 2 individual who is deaf, deafblind, hard of hearing, or oral deaf desires that
 3 the information be communicated to other persons; and

4 (10) A continuing education program for licensed qualified
 5 interpreters.

6
 7 20-14-806. Powers and duties of the Director of the Department of
 8 Health.

9 After consideration of the recommendation of the Advisory Board for
 10 Interpreters between Hearing Individuals and Individuals who are Deaf,
 11 Deafblind, Hard of Hearing, or Oral Deaf, the Director of the Department of
 12 Health shall:

13 (1) Issue or deny a license or a renewal of license of a
 14 licensed qualified interpreter;

15 (2) Issue or deny a license or a renewal of a licensed
 16 provisional interpreter license;

17 (3) Confirm or overrule a recommendation to revoke or suspend a
 18 license for an interpreter between a hearing individual and an individual who
 19 is deaf, deafblind, hard of hearing, or oral deaf; and

20 (4) Create and maintain a registry of licensed qualified
 21 interpreters.

22
 23 20-14-807. Licenses.

24 (a) A licensed qualified interpreter shall meet criteria established
 25 under this subchapter for interpreters, including without limitation
 26 certification or credentialing by the:

27 (1) Arkansas Rehabilitation Services Quality Assurance Screening
 28 Test;

29 (2) Educational Interpreter Performance Assessment;

30 (3) National Association of the Deaf;

31 (4) National Cued Speech Association;

32 (5) Registry of Interpreters for the Deaf, Inc.; or

33 (6) Texas Board for Evaluation of Interpreters.

34 (b) A licensed provisional interpreter license may be issued to a deaf
 35 interpreter who meets criteria established under this subchapter.

36 (c) A license issued under this subchapter is valid for one (1) year.

1
2 20-14-808. Prohibitions.

3 (a) Except as provided in subsection (b) of this section, it is
4 unlawful for an individual to use the title "licensed qualified interpreter"
5 or "licensed provisional interpreter" or to hold himself or herself out as an
6 interpreter between a hearing individual and an individual who is deaf,
7 deafblind, hard of hearing, or oral deaf unless the individual using the
8 title holds a license under this subchapter.

9 (b) Subsection (a) of this section does not apply to:

10 (1) A person who interprets for an individual who is deaf,
11 deafblind, hard of hearing, or oral deaf during a religious service;

12 (2) A nonresident interpreter who holds a credential or a
13 certificate valid in another state who interprets in Arkansas less than
14 twenty (20) days per year;

15 (3) A person who interprets during an emergency; or

16 (4) A person who is an interpreter intern or a student in
17 training who is:

18 (A) Enrolled in and pursuing a degree in interpreting at
19 an accredited institution of higher learning; or

20 (B) Interpreting under the supervision of a licensed
21 qualified interpreter as part of a supervised program of study.

22
23 20-14-809. Rules.

24 The State Board of Health shall adopt rules to implement this
25 subchapter.

26
27 SECTION 4. DO NOT CODIFY. Initial Meeting of the Advisory Board
28 Between Hearing Individuals and Individuals Who are Deaf, Deafblind, Hard Of
29 Hearing, or Oral Deaf.

30 (a) The Director of the Department of Health shall make appointments
31 to the Advisory Board for Interpreters between Hearing Individuals and
32 Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf under §
33 20-14-804 within ninety (90) days of receipt of the recommendations required
34 under § 20-14-804.

35 (b) An initial member appointed as a licensed qualified interpreter
36 member shall become licensed as a licensed qualified interpreter under this

1 subchapter within ninety (90) days after the first date of issuance of
 2 licenses under this subchapter.

3 (c) The board shall hold its initial meeting within ninety (90) days
 4 after the effective date of this act.

5 (d) At the first meeting, the board shall elect a chair and a
 6 secretary who shall serve one-year terms.

7 (e) At the first meeting, the initial members shall draw lots for
 8 staggered terms so that three (3) members serve three-year terms, two (2)
 9 members serve two-year terms, and two (2) member serve one-year terms.

10
 11 SECTION 5. Arkansas Code §§ 25-15-101 and 25-15-102 are amended to
 12 read as follows:

13 25-15-101. Interpreters ~~generally~~ between a hearing individual and an
 14 individual who is deaf, deafblind, hard of hearing, or oral deaf.

15 (a) As used in this section, "interpreter" means an interpreter as
 16 defined in § 25-15-102;

17 ~~(a)(b)~~ Every A person who cannot speak or understand the English
 18 language or who because of hearing, speaking, or other impairment has
 19 difficulty in communicating with other persons, and who is a party to ~~any a~~
 20 civil proceeding or a witness ~~therein, shall be~~ in a civil proceeding is
 21 entitled to an interpreter to assist that person throughout the proceeding.

22 ~~(b)(c)(1)~~ An interpreter may be retained by the party or witness
 23 himself or herself, or, if the person is unable to pay for an interpreter,
 24 may be appointed by the administrative board or agency before which the
 25 proceeding is pending.

26 (2) If an interpreter is appointed by the board or agency, the
 27 fee for the services of the interpreter shall be set by the board or agency
 28 and be paid from ~~any~~ funds available to the board or agency or be paid in any
 29 other manner ordered by the board or agency.

30 ~~(e)(d)~~ Any An administrative agency may inquire into the
 31 qualifications and integrity of ~~any an~~ interpreter and may disqualify any
 32 person for cause from serving as an interpreter.

33 ~~(d)(e)~~ Every An interpreter for another person who is either a party
 34 or a witness in an administrative proceeding ~~as referred to in~~ under this
 35 section shall take the following oath:

36 "Do you solemnly swear (or affirm) that you will justly, truly, and

1 impartially interpret to the oath about to be administered to him
 2 (her), and the questions which may be asked him (her), and the answers that
 3 he (she) shall give to such questions, relative to the cause now under
 4 consideration before this board (agency), so help you God (or under the pains
 5 and penalties of perjury)?”

6
 7 25-15-102. Interpreters ~~for the deaf~~ between a hearing individual and
 8 an individual who is deaf, deafblind, hard of hearing, or oral deaf.

9 (a) For the purpose of appointing an interpreter ~~for deaf persons,~~
 10 ~~deafblind persons, hard of hearing persons, and oral deaf persons~~ between a
 11 hearing individual and an individual who is deaf, deafblind, hard of hearing,
 12 or oral deaf under § 25-15-101:

13 (1) ~~“Any administrative~~ Administrative proceeding” means ~~any a~~
 14 proceeding of ~~any a~~ department, board, commission, agency, committee, or
 15 licensing authority of the state or of ~~any a~~ political subdivision or
 16 municipality, ~~and it shall appoint a qualified interpreter to interpret the~~
 17 ~~proceedings to the deaf person and to interpret his or her testimony or~~
 18 ~~statements;~~

19 (2) “Deaf individual” means an individual who has a documented
 20 hearing loss so severe that the individual is unable to process speech and
 21 language through hearing, with or without amplification;

22 (3) “Deafblind individual” means an individual who has a
 23 combined loss of vision and hearing that prevents the individual’s vision or
 24 hearing from being used as a primary source for accessing information;

25 (4) “Hard of hearing individual” means an individual who has a
 26 hearing loss, may primarily use visual communication, and may use assistive
 27 devices;

28 (5) “Interpreter” means a licensed qualified interpreter or a
 29 licensed provisional interpreter licensed by the Department of Health under §
 30 20-14-801 et seq.;

31 (6) “Oral deaf individual” means an individual whose sense of
 32 hearing is nonfunctional for the purpose of communication and whose primary
 33 communication is by speech reading and spoken English; and

34 ~~(2)(A)(7)~~ “Oral interpreter” means a person who interprets
 35 language through facial and lip movements only and who does not use manual
 36 communication licensed qualified interpreter or a licensed provisional

1 interpreter who interprets language through facial and lip movements only and
 2 who does not use manual communication.

3 ~~(B) An oral interpreter shall be provided upon the request~~
 4 ~~of a deaf person who does not communicate in sign language.~~

5 ~~(C) The right of a deaf person to an interpreter may not~~
 6 ~~be waived except by a deaf person who does not use sign language and who~~
 7 ~~initiates the request for waiver in writing. The waiver is subject to~~
 8 ~~approval of counsel to the deaf person, if existent, and is subject to~~
 9 ~~approval of the appointing authority; and~~

10 ~~(3)(A) "Qualified interpreter" means an interpreter certified by~~
 11 ~~the National Registry of Interpreters for the Deaf, Arkansas Registry of~~
 12 ~~Interpreters for the Deaf, or, in the event an interpreter so certified is~~
 13 ~~not available, an interpreter who is otherwise qualified~~

14 ~~(B) Efforts to obtain the services of a qualified~~
 15 ~~interpreter certified with a Legal Skills Certificate or a Comprehensive~~
 16 ~~Skills Certificate will be made prior to accepting services of an interpreter~~
 17 ~~with lesser certification.~~

18 ~~(C)(b)(1) No An~~ qualified ~~interpreter shall~~ not ~~be appointed unless~~
 19 ~~the appointing authority and the deaf person make~~ individual who is deaf,
 20 deafblind, hard of hearing, or oral deaf makes a preliminary determination
 21 ~~that the interpreter is able to readily communicate with the deaf person~~
 22 individual who is deaf, deafblind, hard of hearing, or oral deaf and is able
 23 ~~to accurately interpret the statements of the deaf person~~ individual who is
 24 deaf, deafblind, hard of hearing, or oral deaf and interpret the proceedings
 25 ~~in which a deaf person~~ an individual who is deaf, deafblind, hard of hearing,
 26 or oral deaf may be involved.

27 ~~(D)(2) Every deaf person~~ An individual who is deaf, deafblind,
 28 hard of hearing, or oral deaf entitled to an interpreter under § 25-15-101
 29 ~~shall be~~ is entitled to a ~~qualified~~ an interpreter as defined by this
 30 subsection.

31 (c)(1) An oral interpreter shall be provided upon the request of an
 32 individual who is deaf, deafblind, hard of hearing, or oral deaf who does not
 33 communicate in sign language.

34 (2)(A) The right of an individual who is oral deaf to an
 35 interpreter may not be waived except by an individual who is oral deaf who
 36 does not use sign language and who initiates the request for a waiver in

1 writing.

2 (B) The waiver is subject to approval of counsel to the
 3 individual who is oral deaf, if existent, and is subject to approval of the
 4 appointing authority.

5 (d) A department, board, commission, agency, committee, or licensing
 6 authority of the state or of a political subdivision or municipality shall
 7 appoint an interpreter to interpret an administrative proceeding to an
 8 individual who is deaf, deafblind, hard of hearing, or oral deaf and to
 9 interpret the testimony or statements of the individual who is deaf,
 10 deafblind, hard of hearing, or oral deaf.

11 ~~(b)(e)(1) Every deaf person~~ An individual who is deaf, deafblind, hard
 12 of hearing, or oral deaf whose appearance before a proceeding entitles him or
 13 her to an interpreter ~~should~~ shall notify the appointing authority of ~~his or~~
 14 ~~her need prior to any~~ the need of the individual who is deaf, deafblind, hard
 15 of hearing, or oral deaf before an appearance and ~~should~~ shall request at
 16 that time the services of an interpreter.

17 ~~(2)(A) When~~ If a deaf person an individual who is deaf,
 18 deafblind, hard of hearing, or oral deaf reasonably expects the need for an
 19 interpreter to be for a period greater than a single day, ~~he or she should~~
 20 the individual who is deaf, deafblind, hard of hearing, or oral deaf shall
 21 notify the appointing authority.

22 (B) This notification shall be sufficient for the duration
 23 of his or her the participation of the individual who is deaf, deafblind,
 24 hard of hearing, or oral deaf in the proceedings.

25 ~~(e)(f)~~ An appointing authority may require a person requesting the
 26 appointment of an interpreter to furnish reasonable proof of ~~his or her the~~
 27 deafness of the individual who is deaf, deafblind, hard of hearing, or oral
 28 deaf when the appointing authority has reason to believe that the ~~person deaf~~
 29 person, deafblind person, hard of hearing person, or oral deaf person is not
 30 deaf, deafblind, hard of hearing, or oral deaf.

31 ~~(d)(g) It shall be the responsibility of the~~ The appointing authority
 32 ~~to~~ shall channel requests for qualified interpreters through the Department
 33 of Health;

34 ~~(1) The Arkansas Registry of Interpreters for the Deaf;~~

35 ~~(2) The Office for the Deaf and Hearing Impaired of the Arkansas~~
 36 ~~Rehabilitation Services of the Department of Career Education;~~

1 ~~(3) The University of Arkansas at Little Rock Interpreter~~
2 ~~Education Program; or~~

3 ~~(4) Any community resource wherein the appointing authority or~~
4 ~~the deaf person is knowledgeable that qualified interpreters can be found.~~

5 ~~(e)(h)~~ Before a qualified an interpreter participates in any
6 proceedings subsequent to an appointment under ~~the provisions of this~~
7 section, the interpreter shall make an oath or affirmation that the
8 interpreter will:

9 ~~(1) make~~ Make a true interpretation in an understandable manner
10 to the ~~deaf person individual who is deaf, deafblind, hard of hearing, or~~
11 oral deaf for whom ~~he or she~~ the interpreter is appointed; and

12 ~~(2) that the interpreter will interpret~~ Interpret the statements
13 of the ~~deaf person individual who is deaf, deafblind, hard of hearing, or~~
14 oral deaf desiring that statements be made, in the ~~English language to the~~
15 ~~best of the interpreter's skill and judgment~~ language best suited to the
16 needs of the individual who is deaf, deafblind, hard of hearing, or oral
17 deaf.

18 ~~(f)(i)~~ The appointing authority shall provide recess periods as
19 necessary for the interpreter when the interpreter ~~so indicates~~ requests a
20 recess period.

21 ~~(g)(j)~~ Information that the interpreter gathers,
22 learns from, or relays to the ~~deaf person or person who is unable to~~
23 ~~communicate in English~~ individual who is deaf, deafblind, hard of hearing, or
24 oral deaf pertaining to ~~any an~~ administrative, civil, or criminal proceeding
25 shall at all times remain confidential and privileged, on an equal basis with
26 the attorney-client privilege, unless ~~the deaf person or person who is unable~~
27 ~~to communicate in English~~ the individual who is deaf, deafblind, hard of
28 hearing, or oral deaf desires that ~~such~~ the information be communicated to
29 other persons.

30 ~~(h)(k)(1)~~ An interpreter appointed under ~~the provisions of this~~
31 section ~~shall be~~ is entitled to a reasonable fee for his or her services.

32 ~~(2)~~ The fee shall be in accordance with standards established by
33 the ~~Arkansas Registry of Interpreters for the Deaf~~ Department of Health and
34 in addition to actual expenses for travel and transportation.

35 ~~(3)(A)~~ ~~When~~ If the interpreter is appointed by a court, the fee
36 shall be paid out of general county funds.

1 (B) ~~When~~ If the interpreter is otherwise appointed, the
2 fee shall be paid out of funds available to the appointing authority.
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