

**PROFESSIONAL LICENSURE DIVISION[645]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Sign Language Interpreters and Transliterators hereby amends Chapter 361, “Licensure of Sign Language Interpreters and Transliterators,” and Chapter 362, “Continuing Education for Sign Language Interpreters and Transliterators,” Iowa Administrative Code. The amendments are intended to strengthen the supervision requirements for temporary sign language interpreter and transliterator license holders in response to complaints and concerns received by the Board about the quality of services being provided under the current temporary license regulations, which allow for continuing education in lieu of direct supervision. The amendments clarify the definition of direct supervision of a temporary license holder, revise the requirements for temporary licensure, and revise the continuing education requirements for new licensees and temporary license holders by rescinding subrules 361.2(4) to 361.2(7) and incorporating requirements for temporary licensure into new rule 645—361.3(154E).

Notice of Intended Action was published in the June 22, 2016 Iowa Administrative Bulletin as ARC 2597C. A public hearing was held on July 12, 2016, at 8:00 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa. No public comment was received.

The amendments are identical to those published under Notice of Intended Action.

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Division of Professional Licensure are subject to the waiver provisions accorded under 645—Chapter 18.

The amendments were adopted by the Board on August 15, 2016.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 147.3, 147.10, and 147.55, and chapters 154E and 272C.

These amendments will become effective on November 16, 2016.

The following amendments are adopted.

ITEM 1. Amend rule **645—361.1(154E)**, definition of “Direct supervision of a temporary license holder,” as follows:

*“Direct supervision of a temporary license holder” means ~~board review of a temporary license holder’s evidence of professional development and continuing~~*

~~educational training or in-person~~ monitoring of interpreting or transliterating services ~~in the same room as while personally observing~~ the temporary license holder providing those services, as outlined in ~~subrule 361.2(6), paragraphs 361.3(3)“b” and “c.”~~

ITEM 2. Rescind subrules **361.2(4)** to **361.2(7)**.

ITEM 3. Renumber rule **645—361.3(154E)** as **645—361.4(154E)**.

ITEM 4. Adopt the following new rule 645—361.3(154E):

**645—361.3(154E) Requirements for temporary license.**

**361.3(1)** An applicant for licensure who has not successfully completed one of the board-approved examinations set forth in paragraph 361.2(1)“d” but has complied with all other requirements in paragraphs 361.2(1)“a” to “c” shall be issued a temporary license to practice interpreting that shall be valid for two years from initial issue date. A temporary license holder may renew a temporary license once for the immediately following two-year period.

**361.3(2)** An applicant who is issued a temporary license is subject to the same requirements as those required of a licensed interpreter or transliterator set forth in Iowa Code chapters 154E and 147 and 645—Chapters 361 to 363.

**361.3(3)** A temporary license holder is only authorized to practice if the following direct supervision requirements are fulfilled. A temporary license holder must:

*a.* Enter into a written agreement with a supervisor in which the temporary license holder and the supervisor agree to the minimum requirements provided in paragraphs 361.3(3)“b” and “c.” The supervisor shall possess a full, unrestricted sign language interpreter and transliterator license. The agreement shall be signed and dated by the temporary license holder and the supervisor; shall include the temporary license holder’s and supervisor’s names, addresses and contact information; and shall be provided to the board upon request.

*b.* Have a supervisor observe the temporary license holder in active practice for no fewer than six bimonthly observation sessions per year at events lasting at least 30 minutes each, if the temporary license holder is working alone in providing active interpreter or transliterator services, or at least 60 minutes each, if the temporary license holder is working in a team interpreting situation. At least two of the observation sessions must be in person, and the remainder of the observation sessions may be performed through technology that allows direct observation of the temporary license holder providing active interpreter or transliterator services.

*c.* Attend at least six bimonthly advisory sessions with the supervisor per year for the purpose of discussing the supervisor’s suggestions for the temporary license holder’s professional skill development based on the observation sessions. An advisory session may occur immediately following an observation session if the setting is appropriate. At least two of the advisory sessions must be in person and the remainder of the advisory sessions may be performed through technology that allows real-time assessment and feedback. Each advisory session shall involve only the temporary license holder and supervisor.

*d.* Maintain an event log documenting the date, time, length and setting of each observation session and advisory session and whether the session was performed in person or through other technological means. The temporary license holder shall ensure

that the supervisor verifies the occurrence of the observation session or advisory session by placing the temporary license holder's signature on the log prior to submission to the supervisor. This event log shall be provided to the board upon request and must be submitted with the temporary license holder's renewal application.

*e.* Ensure that the supervisor attends each of the observation sessions and advisory sessions or reschedules the sessions as necessary to ensure compliance.

*f.* Comply with the required observation session and advisory session obligations. If for any reason the replacement of a supervisor becomes necessary, the temporary license holder shall be responsible for developing a new written agreement with the new supervisor. A replacement of supervisors shall not excuse noncompliance with observation session and advisory session obligations.

*g.* Obtain permission from clients as necessary to allow the supervisor to be in attendance during the observation sessions.

**361.3(4)** As an Iowa-licensed practitioner in accordance with this chapter, a supervisor providing direct supervision of a temporary license holder as provided in subrule 361.3(3) is obligated to report to the board an interpreter or transliterator temporary license holder who is not complying with direct supervision requirements or who is not practicing in compliance with Iowa law and rules including, but not limited to, Iowa Code chapter 154E and 645—Chapters 361 to 363.

ITEM 5. Amend rule 645—362.2(154E,272C) as follows:

**645—362.2(154E,272C) Continuing education requirements.**

**362.2(1) Requirements for permanent licensees.** The biennial continuing education compliance period shall extend for a two-year period beginning on July 1 of each odd-numbered year and ending on June 30 of the next odd-numbered year. Each biennium, each person who is licensed to practice as a sign language interpreter or transliterator in this state shall be required to complete a minimum of 40 hours of continuing education as specified in rule 645—362.3(154E). ~~A licensee who provides proof of a current National Interpreter Certification or current Registry of Interpreters for the Deaf Certification meets continuing education requirements for that biennium renewal cycle.~~

**362.2(2) Requirements—Exception for new permanent licensees.** A person licensed for the first time shall not be required to complete continuing education as a prerequisite for the first renewal of the license. ~~unless the licensee holds a temporary license and has chosen to meet the requirements for temporary licensure specified in 645—subparagraph 361.2(6)“b”(2). The~~ Thereafter, the new licensee shall complete a minimum of 40 hours of continuing education during the biennial license period for each subsequent license renewal and the continuing education requirements as set forth in rule 645—362.3(154E). ~~The licensee may use continuing education hours acquired anytime from the initial licensing until the second license renewal to meet the requirements. for the second license renewal period. A licensee who provides proof of a current national interpreter certification issued by an organization recognized by the board (e.g., Registry of Interpreters for the Deaf (RID); National Association of the Deaf (NAD); NAD-RID National Interpreter Certification (NIC)) meets continuing education requirements.~~

362.2(3) NIC or RID Certification. A licensee who provides proof of a current National Interpreter Certification or current Registry of Interpreters for the Deaf Certification meets continuing education requirements for that biennium renewal cycle.

~~362.2(3)~~ 362.2(4) Requirements for temporary license holders. ~~Prior to July 1, 2009, the temporary license holder shall comply with requirements specified in 645 subrule 361.2(6). Beginning July 1, 2009, the temporary license holder shall comply with continuing education requirements at the time of each license renewal including the first renewal of the license.~~ Temporary The biennial continuing education compliance period shall extend for a two-year period beginning on the date of initial licensure. Each biennium, temporary license holders shall be required to obtain 40 hours of continuing education as set forth in subparagraph 362.3(2) “a”(2) and paragraph 362.3(2) “b” for each subsequent renewal biennium beginning July 1, 2009 rule 645—362.3(154E). The temporary license holder may use only continuing education hours acquired during the current biennial license period for renewal. Proof of continuing education hours acquired shall be submitted with a temporary license renewal application.

~~362.2(4)~~ 362.2(5) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity. These hours must be in accordance with these rules.

~~362.2(5)~~ 362.2(6) No hours of continuing education shall be carried over into the next biennium.

~~362.2(6)~~ 362.2(7) It is the responsibility of each licensee to finance the cost of continuing education.