



MICHIGAN DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

Division on Deaf and Hard of Hearing

QUALIFIED INTERPRETER – GENERAL RULES

Filed with the Secretary of State on

These rules become effective 30 days after filing.

(By authority conferred on the division on deaf and hard of hearing by section 8a of the Deaf Persons Interpreters Act, 1982 PA 204, MCL 393.508a, and section 9 of the Division on Deafness Act, 1937 PA 72, MCL 408.209, and ERO 1996-2, MCL 445.2001, ERO 2003-1, MCL 445.2011, and ERO 2008-4, MCL 445.2025.)

R 593.101, R 593.103, R 593.105, R 593.121, R 593.123, R 593.125, R 593.127, R 593.129, R 593.131, R 593.132, R 593.133, R 593.134, R 593.135, R 593.141, R 593.143, R 593.145, R 593.147, R 593.149, R 593.151, R 593.153, R 593.155, R 593.156, R 593.157, R 593.158, R 593.159, R 593.160, and R 593.161 are added to the Michigan Administrative Code as follows:

PART 1. GENERAL PROVISIONS

R 593.101. Scope.

Rule 1. These rules apply to any individual who is hired to interpret for a D/DB/HH person residing within the state of Michigan.

R 593.103 Definitions.

Rule 2. (1) Terms used in these rules are defined as follows:

- (a) "Act" means the deaf persons' interpreter act, 1982 PA 204, MCL .593.101.
- (b) "BEI Certification" means an a interpreter certificate granted under the BEI interpreter testing system.
- (c) "CEU" means continuing education units.
- (d) "Complainant" means a person or entity who has filed a grievance with the division alleging that a person has violated the act or a rule promulgated under the act.
- (e) "Council" means the advisory council on deaf and hard of hearing established under MCL 408.205.
- (f) "Credential" means interpreter cards, carrying the Great Seal of Michigan, issued by the Division to certify that an interpreter is qualified and registered to interpret within the State of Michigan.
- (g) "Cycle" means the period of time before a certification expires and retesting is required.
- (h) "D/DB/HH person" means a deaf, deaf-blind, or hard of hearing individual.
- (i) "DODHH-recognized certification" means a certificate that the Division will accept that indicates the individual has passed some type of interpreter evaluation.
- (j) "Director" means the director of the division on deaf and hard of hearing or his or her designee.
- (k) "Division" or "DODHH" means the division on deaf and hard of hearing.
- (l) "Effective Communication" means that all involved parties understand one another for the exchange of visual and audio information about ideas, attitudes, emotions, or behavior



that occurs between two or more individuals, through a common system of language that is equally and fully understood by the D/DB/HH person and hearing individual.

(m) "EIPA certification" or "Educational Interpreter Performance Assessment," means a tool that assesses the proficiency of educational interpreters in elementary and secondary educational environments.

(n) "Expired Certification" means that the interpreter did not retest within the time period allowed for the 4 year cycle.

(o) "Interpreter" means a person who engages in the practice of interpreting and meets criteria of subsection (h) of MCL 393.502.

(p) "Interpreting" means the process of listening, watching, understanding, and analyzing signed, spoken, written word, facial expressions, and lip movements from a source language and re-expressing that message faithfully, accurately, and objectively to a target language, taking the social and cultural context into account.

(q) "Lapsed Registration" means a registration that has not been renewed because an interpreter failed to meet all renewal requirements.

(r) "National certification" means a tool that assesses interpreter skills that is recognized by the RID.

(s) "NAD" means "National Association for the Deaf."

(t) "Proceedings" means any meeting that a deaf person participates in that is recognized by the RID.

(u) "Readily communicate" means that effective communication is achieved.

(v) "Registration" or "registered" as used in these rules means the certification and credential issued by the division for all qualified interpreters under the act.

(w) "Respondent" means a person against whom a grievance has been filed who may be a person who is or is required to be certified as a qualified interpreter under the act.

(x) "RID" means "Registry of Interpreters for the Deaf."

(z) "Video Remote Interpreting" or "VRI" means the use of video conference technology to deliver the services of a qualified interpreter between two or more people at the same location. VRI generally consists of video cameras and monitors, microphones and speakers, a high speed Internet or other connection.

(aa) "Waiver" means to give up the right to have a qualified interpreter assigned by an appointing authority as provided under the act, MCL 393.503.

R 593.105. Assistance for appointing authorities.

Rule 5. The Division shall assist an appointing authority, required to engage a qualified interpreter to provide services to a D/DB/HH person located in Michigan, to ensure that the interpreter is properly certified by one or more of the following methods:

(a) Verifying, upon request, that a current credential provided by the Division is current.

(b) Accepting and referring requests for qualified interpreters channeled through the Division, under MCL 393.508 (1).

(c) Verifying the credential of qualified interpreters through an online listing provided by the division under MCL 393.508 (2).

PART 2. APPLICATION, TESTING, REGISTRATION AND LEVELS OF CERTIFICATION

R 593.121. Application for registration by the DODHH.

Rule 21. (1) The division shall issue registration as a qualified interpreter in Michigan to an applicant who submits the following information acceptable to the division as applicable:

(a) An application for MI-BEI certification by the division, and all of the following:

(i) Acceptable passing scores on the interpreter test administered by this state or any other state which has a reciprocal agreement with the division for an appropriate level test.



- (ii) Payment of the fee prescribed in MCL 393.508e.
 - (iii) Four years after the effective date of these rules, possession of an associates or higher degree.
- (b) An application for a nationally certified interpreter and all of the following:
- (i) Evidence identifying the applicant is certified through and is in good standing with the RID.
 - (ii) Payment of the fee prescribed in MCL 393.508e.
 - (c) For holders of a current QA I, QA II, and QA III, an application, evidence of a currently held professional credential and payment of the fee prescribed in MCL 393.508e may be submitted for renewal until retesting is required.
- (2) Interpreters possessing state or national certification before the effective date of these rules shall be exempt from degree requirements of subrule (a) (iii) of this rule unless the certification has lapsed for more than 30 calendar days.
- (3) Applications shall be submitted on original forms provided by the division, completed and signed by the applicant, and shall include at least all of the following:
- (a) A copy of a valid state photo-identification.
 - (b) Evidence of attainment of 18 years of age at time of application.
 - (c) A statement signed by the applicant agreeing to comply with rules and regulations for Michigan certification as an interpreter.
 - (d) A statement signed by the applicant verifying the truthfulness of information provided and affirming that the applicant will comply with the NAD-RID code of professional conduct, as adopted in R 593.132, and conduct established within these rules.
 - (e) The application fee required under MCL 393.508e.
 - (f) Contact information.
- (4) If an applicant has ever been certified or licensed in another jurisdiction, he or she shall also submit documentation from the jurisdiction where the applicant was originally certified or licensed that states both of the following:
- (a) The time period for which the applicant was certified in that jurisdiction.
 - (b) The applicant's certification or skill level.
 - (c) Whether the applicant has any record of disciplinary actions taken or pending.
- (5) When the accuracy or authenticity of any submitted documentation or experience is questioned by the division because of discrepancies or conflicting information, or need for clarification, the applicant seeking certification shall provide additional documentation.

R 593.123 Acceptable certification.

Rule 23. (1) Acceptable certifications for registration as a qualified interpreter in Michigan under the act include any of the following

- (a) For a person residing in Michigan who does not hold a national certification described in subdivision (c) of this subrule, one of the following:
 - (i) Michigan QA I, II, III (until the interpreter's certification expires, and retesting is required).
 - (ii) Michigan BEI I.
 - (iii) Michigan BEI II.
 - (iv) Michigan BEI III.
 - (v) EIPA as described in R 593.133.
- (b) A certification from another state which has a reciprocal agreement with Michigan, and who meets the requirements of R 592.129.
- (c) National certifications recognized by the registry of interpreters for the deaf, including any of the following:
 - (i) RID master comprehensive skills certificate (MCSC).
 - (ii) RID interpretation certificate (IC).



- (iii) RID transliteration certificate (TC).
- (iv) RID IC/TC.
- (v) RID CI/CT.
- (vi) NAD Level 3.
- (vii) NAD Level 4.
- (viii) NAD Level 5
- (ix) CSC (comprehensive skills certificate).
- (x) RSC (reverse skills certificate).
- (xi) SC: L (specialist certificate: legal).
- (xii) OTC (oral transliterating certificate).
- (xiii) CDI (certified deaf interpreter).
- (xiv) CI (certificate of interpretation).
- (xv) CT (certificate of transliteration).
- (xvi) NIC. (national interpreter certification)
- (xvii) NIC advanced.
- (xviii) NIC master.
- (xix) EIPA, combined written and performance 4.0.
- (u) Equivalent certification recognized by RID or DODHH.
- (2) EIPA shall only be accepted for use in elementary and secondary educational settings and shall not be recognized as acceptable certification outside of the stated settings.

R 593.125 Testing; division issued certification.

Rule 25. (1) The division shall schedule an applicant for testing who submits proof or photocopy of all the following:

- (a) A fully completed application on forms provided by the division to take an appropriate level test.
 - (b) Evidence of graduation from high school or GED.
 - (c) Four years after the effective date of these rules, a copy of an associates arts or greater degree , or proof of having maintained current state or national certification before the effective date of these rules.
 - (d) Valid state photo identification.
 - (e) Verification of attainment of 18 years of age at the time of the application for testing.
 - (f) Fees required for examination as required under MCL 393.508e.
- (2) Upon achievement of acceptable passing scores on an interpreter test administered by this state or another state with which the division has a reciprocal agreement, the applicant shall submit those scores to the division for certification and registration as a qualified interpreter with an application as required in R 593.121.
- (3) If an applicant has ever been certified or licensed in another jurisdiction, he or she shall submit, in addition to the requirements of subrule (1) of this rule, documentation from the jurisdiction where the applicant was originally certified or licensed that verifies all of the following:
- (i) The time period which the applicant was certified in that jurisdiction.
 - (ii) The applicant's certification or skill level.
 - (iii) Whether the applicant has any record of disciplinary actions taken or pending.
- (4) When the accuracy or authenticity of any submitted documentation or experience is questioned by the division because of discrepancies, conflicting information, or need for clarification, the applicant seeking certification shall provide additional documentation as requested by the division.
- (5) If the applicant fails to comply with requirements for division-issued certification to the satisfaction of the division, the certification shall be denied.



R 593.127. Retesting; recertification; other tests required.

Rule 27 (1) An individual tested under the state testing system for certification shall be required to test every 4 years until passing the final level or its equivalent. From that point forward, the individual shall no longer be required to re-test every 4 years.

(2) An individual who is required to retest shall apply to retest not later than 60 days before expiration of the current qualified interpreter certification.

(3) Individuals holding current national certification shall not be required to retest to renew their qualified interpreter registration.

(4) Individuals holding national certification that is not recognized under special designations may be required to take additional examinations to interpret in an educational, medical, mental health, or legal setting.

593.128 Reciprocity.

Rule 28 An applicant for certification by reciprocity shall do all of the following:

(a) Supply all documentation as applicable and required under R 593.121 and R 493.121593.125.

(b) Pay all associated fees.

(c) Hold a current, valid license or certificate in good standing to practice interpreting in a state with which Michigan has a reciprocal agreement.

(d) Not have a report of disciplinary action pending in another state or hold a certificate or license currently under disciplinary action.

(e) Agree to comply with all rules under the act.

PART 3. STANDARDS OF PRACTICE

R 693.131 General standards of practice.

Rule 31. (1) A qualified interpreter shall not interpret for a co-worker during a disciplinary meeting, hearing, or other situation.

(2) Before starting an assignment, an interpreter shall show his or her current Michigan credential as a qualified interpreter, and valid proof of identification.

(3) Each qualified interpreter shall only accept assignments within his or her classification unless granted a variance by the division.

(4) If there is a conflict between these rules and local, state, or federal laws and regulations, the interpreter shall obey the law.

R 593.132 Adoption by reference; code of professional conduct.

Rule 32. (1) The Division adopts the 7 tenets of the NAD-RID Code of Professional Conduct, effective July 1, 2005. Copies may be obtained at no charge from the national registry of Interpreters for the deaf at <http://www.rid.org/UserFiles/File/pdfs/codeofethics.pdf>, or at the National Registry of Interpreters for the Deaf, 333 Commerce Street, Alexandria, VA 22314, 703/838-0030 (V), 703/838-0459 (TTY), or 703/838-0454 (Fax). Copies are also available for review and distribution from the Division on Deaf and Hard of Hearing, 201 N. Washington SQ, STE. 150, Lansing, MI 48913 or dodhh@Michigan.gov.

(2) The 7 tenets referenced in subrule (1) of this rule include all of the following:

(a) Interpreters shall adhere to standards of confidential communication.

(b) Interpreters shall possess the professional skills and knowledge required for the specific interpreting situation.

(c) Interpreters shall conduct themselves in a manner appropriate to the specific interpreting situation.



- (d) Interpreters shall demonstrate respect for consumers.
- (e) Interpreters shall demonstrate respect for colleagues, interns, and students of the profession.
- (f) Interpreters shall maintain ethical business practices.
- (g) Interpreters shall engage in professional development.

R 593.133 Educational standards.

Rule 33. (1) Any contract or regular employee regardless of job title who interprets between a deaf individual and a non-deaf individual through sign language or oral transliteration shall be a qualified interpreter under any circumstances contemplated in the act.

(2) A interpreter possessing an EIPA certification shall not interpret for an adult consumer or an adult working within an educational setting for a disciplinary meeting, union, training or other type of activity that occurs outside of a teaching situation for which he or she is not qualified, nor shall he or she accept such an assignment that would cause the interpreter to violate the code of professional conduct.

(3) An interpreter possessing an EIPA certification may work with any students in the following circumstance or environments:

- (a) If the student has an IEP (Individualized Educational Plan).
- (b) To provide educational transition services.
- (c) Manifest determination.
- (d) For before- and after-school activities.

(4) A substitute interpreter shall possess an EIPA certification if the assignment lasts beyond 1 semester in an elementary environment.

R 593. 145 VRI Standards.

Rule 45. (1) Any individual providing sign language interpreting services or translation services to D/DB/HH individuals in Michigan shall be certified as a qualified interpreter by the division to practice. This includes interpreters who provide services from a remote setting outside the state of Michigan. Location of the D/DB/HH person receiving services determines the need for Michigan registration and not the location of the interpreter.

(2) A D/DB/HH person shall not be compelled to utilize VRI instead of an on-site interpreter if effective communication cannot be achieved.

(3) Interpreters in educational settings using VRI shall comply with all educational interpreter standards.

(4) A qualified interpreter shall not interpret using VRI for any D/DB/HH child in an elementary setting.

(5) A qualified interpreter may interpret through VRI for communicating with a D/DB/HH person who is an adult if effective communication is achieved. Parents and legal guardians, may participate on behalf of the student in the final determination whether effective communication is achieved, as provided under MCL 393.503 (4), using VRI services during parent meetings and for any child in a secondary educational setting.

(6) Qualified interpreters meeting all medical interpreter standards may interpret in medical settings using VRI services if effective communication is achieved, the appointing authority has exhausted all reasonable efforts to obtain an on-site interpreter, and 1 or more of the following circumstances exist,:

- (a) There is an immediate need for intake.
- (b) There is an immediate need for triage.
- (c) Consultation with deaf family members or partner of a patient is necessary while attempting to stabilize the patient.



(d) The deaf consumer or consumers consent or agree with the appointing authority to continue.

(9) An interpreter shall not interpret using VRI for mental health treatment of any youth under the age of legal consent.

R 593.135. Supervision of student interpreter practical experience.

Rule 35. (1) A qualified interpreter who supervises students from an accredited school offering an Interpreter education program shall supervise students performing interpreting services at all times.

(2) A qualified interpreter shall obtain the consent of the D/DB/HH person prior to allowing the student to participate.

(3) A qualified interpreter supervising a student intern shall clearly identify the student as being an intern.

(4) A supervising qualified interpreter shall not allow a student intern to be used as a substitute for a required qualified team interpreter.

(5) Only qualified interpreters with EIPA certification, national certification, or standards level 3 general may supervise student interns.

(6) Qualified interpreters under disciplinary review or action shall not supervise student interpreters.

(7) Qualified interpreters shall not supervise any student accepting compensation for "interpreting," however a student stipend or apprenticeship "wage" or other compensation earmarked for students is acceptable.

PART 4. MINIMUM STANDARD LEVELS.

R 593.141 Educational Interpreters

Rule 41 (1) Not later than 3 years after the effective date of these rules, Interpreters regularly working in a Kindergarten to 6th-grade environment, shall be required to possess an EIPA performance score of 4.0 and passage of a written assessment with Elementary Endorsement, national EIPA designation, or possess a Michigan certification which requires an equivalent child-based model testing instrument approved and certified by the Division..

(3) Not later than 3 years from the effective date of these rules, Interpreters working in a secondary school environment shall be required to possess one of the following certifications

(a) National EIPA designation, and passage of written assessment with Secondary Endorsement, or hold a Michigan certification which requires an equivalent education-based model testing instrument approved and certified by the Division.

(b) Michigan BEI I.

(c) Michigan BEI II.

(d) Michigan BEI III.

(e) RID Master Comprehensive Skills Certificate (MCSC).

(f) NAD IV.

(g) NAD V.

(h) CSC (Comprehensive Skills Certificate).

(i) OTC (Oral Transliterating Certificate).

(j) CDI (Certified Deaf Interpreter).

(k) CI (Certificate of Interpretation).

(l) CT (Certificate of Transliteration).

(m) CI/CT.

(n) NIC.

(o) NIC Advanced.



(p) NIC Master.

(4) Not later than the semester following the adoption of these rules, interpreters with the following certifications shall not interpret in an elementary or secondary setting:

- (a) QA I.
- (b) NAD 3.

(5) Until 3 years following the effective date of these rules, the following certifications shall be accepted in both elementary and secondary settings:

- (a) Michigan BEI I.
- (b) Michigan BEI II.
- (c) Michigan BEI III
- (d) RID Master Comprehensive Skills Certificate (MCSC).
- (?) NAD III
- (e) NAD IV.
- (f) NAD V.
- (g) CSC (Comprehensive Skills Certificate).
- (h) OTC (Oral Transliterating Certificate) .
- (i) CDI (Certified Deaf Interpreter) .
- (j) CI (Certificate of Interpretation) .
- (k) CT (Certificate of Transliteration).
- (l) CI/CT.
- (m) NIC.
- (n) NIC Advanced.
- (o) NIC Master.
- (p) EIPA 3.5 or above combined written and performance.

(q) QA II or III, until the certification expires and retesting is required, not later than November 2012.

R 593.143 Endorsements.

Rule 43 The following endorsements and requirements shall be maintained by interpreters who desire to perform the following assignments which require a high level of proficiency:

- (a) Medical/ Mental health:
- (b) Legal:

R 593.1145. Medical standards; mental health endorsement; standards.

Rule 45. (1) Medical and mental health interpreting shall be considered a special endorsement.

(2) Qualified interpreters shall meet the following standards to be qualified to interpret in medical or mental health settings:

- (a) Pass an English competency test or the equivalent either as part of, or in addition to, their interpreter credentials.
- (b) Possess one of the following certificates
 - (i) Michigan BEI II,
 - (ii) Michigan BEI III.
 - (b) RID master comprehensive skills certificate (MCSC).
 - (c) RID interpretation certificate (IC).
 - (d) RID transliteration certificate (TC).
 - (e) RID IC/TC.
 - (f) RID CI/CT.
 - (h) NAD Level 4.
 - (i) NAD Level 5
 - (j) CSC (comprehensive skills certificate).



- (k) RSC (reverse skills certificate).
- (l) SC: L (specialist certificate: legal).
- (m) OTC (oral transliterating certificate).
- (n) CDI (certified deaf interpreter).
- (o) CI (certificate of interpretation).
- (p) CT (certificate of transliteration).
- (q) NIC. (national interpreter certification)
- (r) NIC advanced.
- (s) NIC master.
- (c) Maintain medical and mental health CEU requirements.

R 593.146 Legal standards; endorsement.

Rule 46 (1) Legal interpreting shall be considered a special endorsement.

(2) Qualified interpreters shall meet the following standards to be qualified to interpret in legal settings:

(a) Pass an English competency test or the equivalent, either as part of, or in addition to, their interpreter credentials.

(b) Pass written Michigan state court legal interpreting test.

(3) Holders of the following certifications may interpret in a legal setting if they meet all of the requirements of subrule (2) (a) and (b) in addition to holding one of the following certifications;

(a) Michigan BEI III.

(b) RID master comprehensive skills certificate (MCSC).

(c) RID CI/CT.

(d) NAD Level 5.

(e) CSC (comprehensive skills certificate).

(f) RSC (reverse skills certificate).

(g) SC: L (specialist certificate: legal).

(h) OTC (oral transliterating certificate).

(i) CDI (certified deaf interpreter).

(k) Any other state issued or state recognized certification determined by the division to meet the minimum standard for legal interpreting.

(4) Maintain legal CEU requirements.

(5) A qualified interpreter shall not interpret for both opposing counsel tables, if it will result in a violation of privacy or confidentiality laws, and may request that the appointing authority obtain another interpreter, as warranted.

PART 5. CONTINUING EDUCATION AND RENEWAL

R 593.151 Credentials & Cycle Rule 51.

R 593.153 Registration for nationally certified interpreters; expiration; lapse of credentials.

Rule 53 (1) Every nationally certified interpreter desiring to interpret for D/DB/HH persons residing in Michigan must be registered as a qualified interpreter in Michigan by the Division.

(2) The Division-issued credentials of every qualified interpreter with national certificates recognized by RID shall expire on the first day of July of the next year following the date of his/her registration.

(3) Every nationally certified interpreter holding a Michigan credential as a qualified interpreter shall complete a renewal application on forms provided by the division and enclose the appropriate fee on or before the first day of June in each year. The interpreter



shall also submit a valid copy of their interpreter certification or a receipt to verify that the certification has been renewed and that valid certifications are forthcoming.

(4) Any qualified interpreter holding a national certification that fails to renew his or her qualified interpreter registration in Michigan before July first of the year in which their registration expires shall pay a late renewal fee equal to $\frac{1}{2}$ the renewal fee in addition to the regular renewal fee.

R 593.154 Certification for Michigan-certified qualified interpreters.

Rule 54 (1) The Division-issued credential of state certified interpreters shall be renewable every year for a 4-year cycle. The renewal shall be submitted with appropriate fees required under MCL 593.8e and on forms provided by the division.

(2) A credential shall lapse every year after the last day of the month that the credential was first issued. An Interpreter shall submit a renewal application not less than 30 calendar days before the expiration date.

(3) Any interpreter who allows his or her credential to lapse shall be required to retest, unless the fully completed renewal is submitted before the 30th day following the date that the certification expired, and the interpreter submits a late fee as provided under R 593.153.

(4) A qualified interpreter certified by a state-administered examination shall continue to retest at the same or for a higher certification and pass the test level taken at the end of the 4-year certification cycle to maintain status as a qualified interpreter.

(5) Upon passage of the final level state-certification test, the interpreter shall not be required to test every 4 years as long as all other renewal requirements are met.

R 593.155. Notification; change of address; renewal.

Rule 55 (9) Each qualified interpreter shall notify the division of any change of address or contact information within 30 days of the occurrence of the change.

(10) Failure to receive a renewal notification from the division shall not constitute an excuse for failure to submit a renewal application to the division with the appropriate documentation and fees by the due date.

Rule 593.156 Fees and Refunds.

Rule 56. (1) The following fees shall be paid to the Division, as appropriate:

(a) Application fees provided under MCL 593.8e.

(b) Testing fees provided under MCL 593.8e.

(c) Fees for other services provided by the division to carry out the provisions of MCL 408.204 as follows:

(i) A \$45 late renewal fee prescribed in R 593.143, if a person fails to renew a registration on or before the expiration date prescribed by the division.

(ii) A \$10 duplicate credential fee, if the person applying for a duplicate credential signs a statement that the original document has been lost, stolen, or destroyed.

(iii) A \$10.00 fee for providing written verification that a person is or is not certified with the division at the time of the request for verification.

(iv) If the person requesting written verification seeks specific detailed information beyond the information described in subsection (iii), the charge for verification shall be \$35.00.

(v) The division shall charge a \$10.00 fee for correcting its records and issuing a new document when a person notifies the department of a change of name, address, or employer. If the change does not require the issuance of a new document, no charge shall be made for correcting the department's records.

(vi) The division shall charge \$20 for an assessment of English skills for interpreters who have not already passed an equivalent assessment, when required for medical and legal designations, or as an English proficiency proctoring fee.



- (vi) A \$5.00 fee for sponsorship of professional development units (CEUs).
- (2) Refunds shall be issued if the division cancels an examination or service that was paid for and not received due to cancellation or error by the division, except for events that will be rescheduled.
- (3) A refund shall be issued if the testing candidate or their immediate family experiences death, serious illness, a call to active duty, or another situation beyond their control, approved by the division. The individual must notify the division of the circumstance as soon as possible before the event for which the fee was paid. Proof must be provided no later than 30 days after the occurrence.
- (4) Failure to appear for examination on a scheduled date, or arriving more than 15 minutes late than the time and place specified, after the applicant's application for examination has been received and acknowledged by the division, shall result in forfeiture of the examination fee, unless waived by the division.
- (5) Consideration shall be given for severe weather conditions, if they cause an applicant to fail to appear or be late in arriving to the examination.
- (6) The Division shall follow school closure notification in determining severe weather to cancel events or testing. If the school district is closed, testing shall be cancelled and rescheduled. No refunds shall be given if an event is rescheduled.

R 593.157 Professional Development.

Rule 57. (1) All qualified interpreters, other than those with current national certifications, shall be required to complete 80 hours of professional development during each 4-year cycle established at the time the first Michigan credential is issued to the qualified interpreter. Nationally- certified interpreters may utilize CEUs required by RID to fulfil this requirement.

(2) Hours may be calculated or accumulated as MI-BEI units or CEU hours as follows:

(a) One MI-BEI unit shall equal 1 hour of professional development activity. After the completion of the initial hour, credit may be given in ¼-hour increments. Lunch hours, social events, and breaks do not count toward MI-BEI units.

(b) One CEU equals 10 hours of professional development activity, except as provided in subdivision (f) of this subrule. After completion of the initial CEU hour, credit may be given in ¼-hour increments. Lunch hours, socials, and breaks do not count toward CEUs (c) State of Michigan certified interpreters shall receive MI-BEI units for time spent on professional development.

(d) Any RID sponsored CEU activity shall automatically be eligible for MI-BEI units, provided the applicant provides proof that an event has been approved for CEUs by RID.

(e) CEUs used to satisfy the CEU requirements of another jurisdiction shall be applied to fulfill the Michigan CEU requirements at the applicants request, if the CEUs meet additional requirements outlined in this section and provided that appropriate documentation is available.

(f) Proof of successful completion of coursework from an accredited university, college, or other education institution shall be granted CEUs or MI-BEI units as follows:

(i) Semester System: 1 credit hour = 15 CEUs.

(ii) Quarter System: 1 credit hour = 10 CEUs.

(g) CEUs in excess of 8.0 shall not carry over from a 4 year cycle to the next.

(h) BEI units in excess of 80 shall not carry over from a 4 year cycle to the next.

R 593.159 Division records of professional development.

Rule 59. (1) The Division shall maintain a database that includes a record of each state-certified qualified interpreter's attained hours, CEUs, or MI-BEI units, and for each nationally certified interpreter with endorsements. It is the responsibility of each applicant to ensure



their hours are properly documented within the Michigan interpreter database and to monitor the number of units they have acquired.

(2) Qualified Interpreters shall submit appropriate documentation to verify their participation in activities earning CEUs or MI-BEI units at renewal time. No documentation will be returned.

(3) Qualified Interpreters who fail to maintain appropriate CEUs or MI-BEI units shall not be eligible for registration renewal or reapplication until they have satisfied all continuing education requirements.

(4) All qualified interpreters shall acquire 2 CEUs or 20 hours on the subject of ethics within a 4 year cycle.

(5) Qualified interpreters wishing to interpret in any of the following specialized settings shall meet the following requirements when fulfilling their continuing education requirements for each cycle:

(a) Medical settings and mental health settings shall acquire a minimum of 6 hours on health care and mental health interpreting related subjects.

(c) Legal settings shall acquire a minimum of 20 hours on legal interpreting related subjects

(d) Educational settings shall acquire a minimum of 6 hours in educational interpreting related subjects.

(6) Qualified interpreters may earn either of 2 types of CEUs or MI-BEI units as follows:

(a) Professional studies units that deal specifically with topics of interpreting or skill development, deafness, deaf culture, or active involvement (presenting, teaching, and planning).

(b) General studies units that deal with general topics of interest and passive involvement related to deafness or interpreting, or a deafness-related social activity that is primarily listening.

(7) If there is a question regarding the type of CEU or MI-BEI unit as described in subrule (6) of this rule, the division interpreter coordinator shall make a final determination if questions arise related to which type of unit was acquired.

PART 6. WAIVERS & VARIANCES, GRIEVANCES, LIMITATIONS OF REGISTRATION, SUSPENSIONS, OR REVOCATIONS

R 593.160 Waivers

Rule 60 (1) Only the D/DB/HH person may initiate a waiver of a qualified interpreter.

(2) For a court proceeding, the D/DB/HH individual as a plaintiff or defendant who desires to initiate a waiver of a qualified interpreter shall also receive approval of the individual's counsel and the appointing authority under MCL 393.503.

R 593.161 Granting Variances.

Rule 61. (1) The Director may grant or deny variances from these rules in individual cases when she or he makes all of the following determinations:

(a) The provision from which the variance is granted is not statutorily mandated.

(b) No party will be injured by the granting of the variance.

(c) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

(d) Variance shall be granted to a theater company, performing artist, dignitary, or speaker that normally uses an interpreter for deaf, deaf-blind, and hard of hearing individuals as part of their repertoire.

(e) A variance shall be granted to an interpreter that regularly rehearses with the cast of a theater company, performing artist, dignitary, or speaker, at the discretion of the director.



(2) The Director shall notify the DODHH Advisory Council of the granting of the variance, and the reasons for granting the variance, at the next meeting of the Council.

R 593.162 Grounds for disciplinary action.

Rule 62. The division may deny, revoke, suspend, or place a limitation on the certificate, for any one or more of the following reasons:

(a) Material deception in furnishing information to the division such as, but not limited to, fraud, deceit, or misrepresentation in applying for or procuring a certificate under this act or in connection with applying for renewal of a certificate under this act.

(b) Violations or negligent or intentional disregard of any provision of the act or rules promulgated under the act.

(c) Conviction of any crime that is a felony or a misdemeanor that is directly related to the practice of interpreting.

(d) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under the act or gross negligence in the practice of interpreting.

(e) Knowingly aiding or assisting another person in violating any provision of the act or rules promulgated under the act or engaging in dishonorable, unethical, or unprofessional conduct.

(f) Failing, within 60 days, to provide a response to a request for information in response to a written request made by the Division by certified mail.

(g) Being under the influence or habitual use of or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug, which results in an inability to practice with reasonable judgment, skill, or safety.

(h) Cheating on an interpreter-related examination or evaluation.

(i) Willfully or negligently violating the confidentiality between an interpreter and client, except as required by law.

(j) Failure to report to the division any adverse final action taken against him or her by another licensing jurisdiction, any peer review body, any professional deaf or hard of hearing interpreting association, any governmental commission, by law enforcement commission, or any court for a deaf or hard of hearing interpreting liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for action as provided in this rule.

(k) Failure to report to the division the surrender of his or her certificate or authorization to practice interpreting in another state or jurisdiction or current surrender by the certificate holder of membership in any deaf or hard of hearing interpreting association, society, registry while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action.

1. Fraud in procuring a certificate. Fraud in procuring a certificate includes, but is not limited to, an intentional perversion of the truth in making application for a certificate to practice in this state which includes the following:

a. False representations of a material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application for a certificate in this state; or

b. Attempting to file or filing with the Division any false or forged diploma or certificate or affidavit or identification or qualification in making an application for a certificate in this state.

2. Professional incompetency. Professional incompetency includes, but is not limited to:

a. A substantial lack of knowledge or ability to discharge professional obligations within the scope of practice.

b. A substantial deviation from the standards of learning or skill ordinarily possessed and



applied by other interpreters in the state of Michigan acting in the same or similar circumstances.

- c. A failure to exercise the degree of care which is ordinarily exercised by the average interpreter acting in the same or similar circumstances.
 - d. Failure to conform to the minimal standard of acceptable and prevailing practice of an interpreter in this state.
 - e. Inability to practice with reasonable skill and safety by reason of drunkenness, excessive use of drugs, narcotics, chemicals, or other type of material
 - f. Being adjudged mentally incompetent by a court of competent jurisdiction.
2. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
 3. Acceptance of any fee by fraud or misrepresentation.
 4. Negligence by the certificate holder in the practice of the profession. Negligence by the certificate holder in the practice of the profession includes a failure to exercise due care including negligent delegation of duties or supervision of employees or other individuals, whether or not injury results; or any conduct, practice or conditions which impair the ability to safely and skillfully practice the profession.
 5. Violation of a regulation or law of this state, another state, or the United States, which relates to the practice of interpreting
 6. Failure of a licensee or an applicant for licensure in this state to report any voluntary agreements restricting the practice of the profession in another state, district, territory or country.
 7. Failure to notify the Division of a criminal conviction within 30 days of the action, regardless of the jurisdiction where it occurred.
 8. Failure to notify the board within 30 days after occurrence of any judgment or settlement of malpractice claim or action.
 9. Engaging in any conduct that subverts or attempts to subvert a Council investigation.
 10. Failure to comply with an appearance requested by the Council, or to otherwise fail to cooperate with an investigation of the Council.
 11. Failure to comply with the terms of a Council order or the terms of a settlement agreement or consent order issued or executed as resolution of a contested case proceeding.
 12. Submission of a false report of continuing education.
 13. Knowingly aiding, assisting, procuring, or advising a person to unlawfully practice as an interpreter.
 14. Representing oneself as an interpreter when one's certificate has been suspended or revoked, or when one's certificate is on inactive status.
 15. Permitting another person to use the certificate holders certificate for any purpose.
 16. Permitting an uncertified employee or person under the certificate holders control to perform activities requiring a certificate.
 17. Unethical conduct or behavior (i.e., acts, knowledge, and practices) which constitutes unethical conduct includes, but is not limited to, the following:
 - a. Verbally or physically abusing a consumer or coworker.
 - b. Improper sexual contact with, or making suggestive, lewd, lascivious or improper remarks or advances to a consumer or coworker.



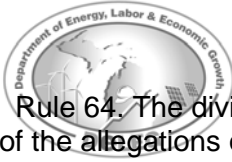
- c. Betrayal of a professional confidence.
- d. Engaging in sexual activities or sexual contact with a consumer when there is a risk of exploitation or potential harm to the consumer or when the relationship could reasonably be expected to interfere with the interpreter's or transliterator's objectivity, competence, or effectiveness.
- e. Failure to decline or to withdraw from an interpreting or transliterating assignment when the interpreter or transliterator does not possess the professional skills and knowledge required for the specific interpreting or transliterating situation or setting.
- f. Failure to refrain from providing advice or injecting personal opinions or aligning with one person over another in the course of one's professional duties.
- g. Discriminating against a consumer on the basis of age, sex, race, creed, illness, marital status, political belief, religion, mental or physical disability or diagnosis, sexual orientation, or economic or social status.
- h. Failure to inform a consumer when federal or state laws require disclosure of confidential information.
- i. Failure to avoid a conflict of interest when there is a risk of exploitation or potential harm to the consumer or when the relationship could reasonably be expected to interfere with the interpreter's objectivity, competence, or effectiveness; or failure to disclose to a consumer an actual or perceived conflict of interest.
- j. Failure to present a professional appearance that is not visually distracting and is appropriate to the setting.
- k. Practicing interpreting without an appropriate certificate or after expiration of the required certificate.
- l. Failure to provide proof identity / registration upon request of D/HH/DB consumer or appointing authority.
- m. Extending or lengthening an assignment for the sole purpose of financial gain.
- n. Engaging in an exploitive relationship with a consumer. An exploitive relationship is any relationship between the interpreter and consumer that may take advantage of, cause harm to, the consumer, or personally benefit the interpreter beyond normal wages.
- o. Using a student as a substitute for a required qualified interpreter.
- p. Allowing a student intern to interpret without supervision.
- q. Abuse of a qualified interpreter

R 593.163 Filing a grievance.

Rule 63 (1) A D/DB/HH individual or any other person may file a grievance with the division within 90 calendar days of an event in which the D/DB/HH individual or person alleges that a person has violated 1 or more of the following:

- (a) The act.
- (b) A rule promulgated under the act.
- (c) An order issued under the act..
- (2) A D/DB/HH person, appointing authority or individual involved in an interpreting situation that includes a team interpreter may file grievance with the division against an interpreter who breaches these regulations.
- (3) Team interpreters filing a grievance shall not be considered in breach of confidentiality.

R 593.164 Investigation; correspondence file; acknowledgment of grievance.



Rule 64. The division, upon receipt of a grievance, immediately shall begin its investigation of the allegations of the grievance and shall open a correspondence file. The division shall make a written acknowledgment within 21 business days after receipt of the grievance to the complainant and to the respondent.

R 593.155 Reply by the respondent; Investigation.

Rule 55 (1) The respondent shall reply to the grievance within 21 days after receipt of the grievance.

(2) The division shall conduct the investigation by reviewing the grievance and the respondent's reply to determine whether a violation of the act or these rules occurred. Additional information may be requested from either party.

(3) The division may consult with experts in the field.

R 593.156 Investigation; status report; time extension; closing and reopening grievance; preparation of appropriate action; informal conference.

Rule 56. (1) If the division's investigation does not disclose a violation of the act or a rule promulgated under the act, the grievance shall be closed by the division. The reasons for closing the grievance shall be forwarded to the respondent and complainant, who then may provide additional information to reopen the grievance within one year.

(2) If the division investigation discloses evidence of a violation of the act or a rule promulgated under the act, the division shall prepare a formal complaint against the respondent.

(3) At any time during its investigation or after the issuance of a formal complaint, the division may bring together the complainant and the respondent for an informal conference or mediation. At the informal conference or mediation, the division shall attempt to resolve issues raised in the complaint and may attempt to aid the parties in reaching a formal settlement or stipulation.

R 593.157 Cease and desist order; hearing; request; application to restrain and enjoin further violation.

Rule 57 (1) After an investigation has been conducted, the division may order that a person cease and desist from a violation of this act or a rule promulgated under the act.

(2) A person ordered to cease and desist shall be entitled to a hearing before the state office of administrative hearings and rules if a written request for a hearing is filed within 30 days after the effective date of the request or formal complaint issuance.

R 593.158. Informal conference; criminal prosecution; other action authorized by act.

Rule 58. A cease and desist order in relation to a registration issued pursuant to the act shall be in addition to and not in place of an informal conference; criminal prosecution; or proceeding to deny, revoke, suspend, or place a limitation on, the certificate as authorized by the act.

R 593.159 Formal complaint and notice; service; options; attendance at informal conference; methods of settlement; representation.

Rule 59 (1) After an investigation has been conducted and a formal complaint prepared, the division shall serve the formal complaint upon the respondent through certified mail with a return receipt requested and provide a copy to the complainant. At the same time, the division shall serve the respondent with a notice describing the compliance conference and hearing processes and proposed disposition, offering the respondent a choice of 1 of the following opportunities:

(a) An opportunity to meet with the division to negotiate a settlement of the matter.



(b) If the respondent is a qualified interpreter under the act, an opportunity to demonstrate compliance prior to holding a contested case hearing, as required by section 92 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.292.

(c) An opportunity to proceed to a contested case hearing as set forth in section 71 of 1969 PA 306, MCL 24.271.

(d) Accept the proposed disposition.

(2) A respondent upon whom service of a formal complaint has been made shall reply within 21 days as required in subsection (1). If a respondent does not select one of the options described in subsection (1), then the division shall do one of the following:

(a) Proceed with the disposition of the matter without further input from the respondent if service has been completed.

(b) Proceed to a contested case hearing pursuant to MCL 24.271 et seq.

(3) An informal conference may result in a settlement, consent order, waiver, default, or other method of settlement agreed upon by the parties and the division. A settlement may include the revocation, suspension, or limitation of a certificate as provided for in the act.

(4) An authorized employee or agent of the division may represent the department in any contested case hearing held pursuant to 1969 PA 306, MCL 24.201 et seq.

R 593.160. Showing compliance with act, rule, or order.

Rule 60. This rule does not prevent a person against whom a grievance has been filed from showing compliance with the act, or a rule or an order promulgated or issued under the act or under section 92 of 1969 PA 306, MCL 24.201 et seq.

R 593.161. Hearing.

Rule 61. Hearings shall be held pursuant to section 92 of 1969 PA 306, MCL 24.201 et seq.