

**PA 204 – 2007
Deaf Person’s Interpreter Act**

Frequently Asked Questions

The ongoing philosophy of the State of Michigan Division on Deaf and Hard of Hearing (DODHH) has been and continues to be dedicated to the supporting, qualifying and continued skill development of all interpreters in Michigan. Our mission has also been to affirm the indisputable rights of Deaf, Deaf-blind and Hard of Hearing persons to secure effective communication. The legislation, in part, is part of that growth process toward professional standards for all interpreters and keeping our overall mission in mind as a State agency. Legislative decisions are a complicated process, which entail much decision making on part of the Legislature after careful legislative analysis and decision making.

*The answers to commonly asked questions provided below are not intended to be a substitute for legally obtained counsel. Appointing authorities are highly advised to seek qualified legal counsel should questions arise that may negatively impact the rights of a deaf or hard of hearing individual.

Additional questions regarding the legislation may be directed to:

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Q: Does this law take immediate effect?

A: The legislation was effective immediately upon receiving the Governor’s signature on June 29, 2007.

The penalty provisions for individuals who misrepresent themselves as interpreters are effective on October 1, 2007.

The penalty provision for appointing authorities is effective upon the effective date of the rules promulgated.

The Department of Labor and Economic Growth (DLEG) and Division on Deaf and Hard of Hearing (DODHH) will convene a rules committee to address the specific rules to be promulgated beginning fall of 2007.

Q: Why is this new credentialing requirement in Michigan not considered licensure?

Licensure entails a scope of practice and that scope of practice is typically reserved to those meeting the requirements specified in the law. The new credentialing requirement in the Deaf Person Interpreters Act does not create an exclusive scope of practice. The act defines a “qualified interpreter” and requires a qualified interpreter in situations where an accommodation is required by state or federal law. The new requirements are much more akin to registration than to licensure. Registration is defined as follows:

“Registration is the identification of individuals who meet an educational and/or examination requirement establishing minimum standards for a group of individuals. The scope of practice is not reserved for that particular group, but only those who meet the standard are able to use the title. . . .” (Source: *Occupational and Professional Regulation: Guidelines and Criteria for Evaluation of Proposed Regulatory Initiatives for Michigan*, October, 2003)

Q: Why are administrative rules needed?

A: Many statutes passed by the Michigan Legislature require the addition of rules and regulations to describe how the agency will administer the new requirements and further develop details delegated to the agency by the Legislature. The process of drafting the rules and regulations for PA 2004-2007, Deaf Person's Interpreter Act, is an ongoing process.

Q: How do I find out the members of the DODHH rules promulgation committee?

A: The names of the committee members can be located on the DODHH website at: www.mcdc-dodhh.org

Q: Do I need to read both bills to understand this law?

A: Yes, Public Acts 23 and 24 are tie-barred legislation, introduced by Senator Gleason and Representative Spade and need to be read together to fully understand the law. The fully enrolled bill is available at the DODHH website or at www.michiganlegislature.org.

Q: In PA 204, reference is made to "appointing authorities." What does this mean?

A: PA 23 defines an appointing authority as a court or a department, board, commission, agency, or licensing authority of this state or a political subdivision of this state or an entity that is required to provide a qualified interpreter under both state or federal law.

Q: Is this law the Department of Education Michigan Administrative Rules of Special Education (MARSE) rules amendment?

A: No, this is interpreter legislation is for all venues that are responsible for following state and federal laws. The MARSE are a separate set of administrative rules that do not supersede state statute.

Q: I see that "qualified interpreter" is now defined in the law, what does this mean?

A: A person who is certified through the National Registry of Interpreters for the Deaf (RID) or certified by the DODHH.

Q: Where do I file a complaint against someone who misrepresents themselves as a qualified interpreter?

A: The county prosecutor and the Attorney General are the appropriate authorities to prosecute cases against persons who know that they do not meet the definition of qualified interpreter under the act and misrepresent themselves as qualified interpreters.

Q: The new law refers to Registry of Interpreters for the Deaf (RID) and Michigan Quality Assurance (QA) certifications. What about National Association for the Deaf (NAD) credentials?

A: NAD, RID and QA interpreters are currently recognized by the Division.

Q: What if an appointing authority is unable to locate a qualified interpreter?

A: Reasonable effort must be made to accommodate requests for an interpreter. PA 204 requires “reasonable notice” to be given to the appointing authority. Where it is impossible to schedule a qualified interpreter in a timely way, the appointing authority should still be advised to provide the best accommodation that is available.

Q: Sometimes a deaf person prefers an interpreter who is not certified, perhaps someone they have known for a long time. If the deaf person requests a non-certified interpreter, how should the organization that is hiring the interpreter respond?

A: According to the legislation, a person can only waive their rights to a qualified interpreter in court and administrative hearings. All other waiver considerations will be addressed during the rules process or during the judicial process.

Q: If a person or appointing authority needs to locate a QA or RID interpreter what should they do?

A: DODHH maintains an online interpreter directory available on our website at www.mcdc-dodhh.org. (Found in the “For Interpreter” section)

Q: How do I know if a person is a credentialed interpreter?

A: The interpreter will hold a credentialing card issued through either the DODHH or RID. Ask to see their card and check the expiration date.

Q: What do I do if I am still unsure the person interpreting holds credentials?

A: You may contact the DODHH to confirm whether the person has current QA or RID credentials. Please have the correct spelling of their name for confirmation purposes.

Q: Will people who want to become qualified need to take a test?

A: Yes, the information for the QA test for interpreters can be found on our website at: www.mcddc-dodhh.org. Information related to the RID national testing system website go to: www.rid.org

Q: Is there a fee for registration and testing and certification maintenance? Will I be required to maintain Continuing Education Units?

A: Yes, RID certified registration fees and QA testing and maintenance requirements are required.

The current fee for current nationally certified interpreters to register in to work in Michigan is \$30.00. The current fee for QA credentialed interpreters is \$30.00.

Testing fees and continuing education requirements are required for both National and State credentialed interpreters. RID monitors all Nationally Certified interpreters. Please refer to either the RID website (www.rid.org) or the DODHH website (www.mcddc-dodhh.org) for testing information and continuing education requirements.

Q: Why do Nationally Certified interpreters now have to pay an annual \$30 fee to the DODHH?

A: The requirement for fees for all QA and RID interpreters was determined by and instituted by the Legislature. Ultimately, the Legislature determined that fees were appropriate and justified under this mandate. The Legislature chose to have legislative control over the fees and the fee schedule. All fees collected from registered interpreters will be used to carry out the administrative responsibilities of the Division.

Q: Will QA I, II or III interpreters be restricted to working in certain environments?

A: The rules committee will determine if there will be any restrictions for QA interpreters.

Q: Can an interpreter from another state register to work in Michigan as a qualified interpreter under this law?

A: Yes, if an interpreter from another state holds a current RID recognized credential or a current Michigan QA, they may work in Michigan upon completing the necessary registration requirements.

Q: Can an interpreter work in Michigan with a credential issued from another state and not hold a Michigan QA or RID credential?

A: The rules and regulations committee will determine whether credentials from other states can be recognized as provisional certification in Michigan.

Q: What if someone wants to become a certified interpreter? With the new law, how can they gain educational opportunities?

A: A number of colleges offer ASL courses as well as Interpreter Training Programs, local interpreter referral agencies provide workshops and mentoring. Michigan Registry of Interpreters for the Deaf (MIRID) hosts workshops for (www.mirid.org) as well as their local chapters. The Coalition for the Deaf and Hard of Hearing maintains the E-Michigan website for the Deaf and Hard of Hearing (www.midhh.org) it has a plethora of workshops, classes and social gatherings on their calendar that would benefit any person interested in the field of interpreting.

Q: Are there other important provisions of the new law that we should be aware of? Where can we read about PA 204?

A: Yes, it is important that people take the time to read the legislation and take note of the provisions that have been laid out in the legislation e.g. application fees; certification renewal fees as well as the penalties section. The enrolled PA 204 -2007 legislation is located on the DODHH website at www.mcdc-dodhh.org or at www.michiganlegislature.org.

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