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STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

## MICHIGAN BOARD OF QUALIFIED INTERPRETERS

**AUGUST 30, 2018**

### APPROVED MINUTES

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Michigan Board of Qualified Interpreters met on August 30, 2018, at the G. Mennen Williams Building Auditorium, 525 West Ottawa Street, Lansing, Michigan 48933.

#### CALL TO ORDER

Carmen Johnson, Chairperson, called the meeting to order at 1:02 p.m.

#### ROLL CALL

**Members Present:** Carmen Johnson, Chairperson  
Karen Bailey, Vice-Chairperson  
Theodore Dorsette III, Public Member  
Andrea Hentschel, Public Member  
Mitchell Holaly  
Sarah Houston  
David Stuckless

**Members Absent:** Miriam Horwitz

**Staff Present:** Kimmy Catlin, Board Support, Boards and Committees Section  
Linda Clewley, Manager, Licensing Division  
Andria Ditschman, Analyst, Boards and Committees Section  
Jacob Poynter, Analyst, Licensing Division  
Kerry Przybylo, Manager, Boards and Committees Section  
Tony Thelen, Analyst, Licensing Division

#### APPROVAL OF AGENDA

MOTION by Hentschel, seconded by Bailey, to approve the agenda as presented.

A voice vote followed.

MOTION PREVAILED

## **APPROVAL OF MINUTES**

MOTION by Holaly, seconded by Houston, to approve the minutes from April 26, 2018 as presented.

A voice vote followed.

MOTION PREVAILED

## **NEW BUSINESS**

### **Rules Discussion**

Ditschman informed the Board that the Rules Committee has been meeting frequently to review and update the rules. Ditschman informed the Board that the Rules Committee intends to have the entire rule set revised by the October board meeting so that the Board can review the proposed changes. The Rules Committee requests Board input as well as comments from the public.

Discussion was held.

Ditschman explained the promulgation process.

MOTION by Bailey, seconded by Stuckless, to open the rules.

A roll call vote was held:

Yeas – Dorsette III, Hentschel, Holaly, Houston, Stuckless, Bailey, Johnson
Nays – None

MOTION PREVAILED

### **Licensing Update**

Clewley introduced herself and her staff to the Board. She informed the Board that there are approximately 650 qualified interpreter certificate holders in Michigan. Since the responsibilities under the Deaf Persons' Interpreters Act were transferred to LARA, the Licensing Division has processed approximately 600 applications, administered 7 sessions of the Test of English Proficiency (TEP) for 65 applicants, and administered the Board for Evaluation of Interpreters (BEI) performance examination to 79 applicants. Future exam dates are posted on the website.

Clewley provided the Licensing Division's contact information and welcomed any questions from the Board or the public.

Discussion was held.

Johnson thanked Licensing for all their work.

### **Chair Report**

Johnson thanked the public, the Board, and the interpreters for attending the meeting.

Johnson advised that she observed the Rules Committee during one of their meetings and appreciated all their hard work. Johnson informed the Rules Committee that there is a need for ~~supervision~~ *mentorship* in the interpreting profession as well as more certified deaf interpreters.

Discussion was held.

### **Department Update**

None

### **PUBLIC COMMENT**

Karen Young introduced herself to the Board. Young expressed her concern regarding access to CEU's and appreciated the licensing statistics. Young inquired about the application process for an exception to the 4.0 education standard for an interpreter in a school. Young inquired about what the State finds acceptable as compensation for interpreting services.

Annette Trayner introduced herself to the Board. Trayner recommended to have the rules written in American Sign Language format. Trayner advised that the usage of ASL and CDI's will help deaf children and those coming from other countries. Trayner provided examples of problems she has experienced in hospital and educational settings where there was not a qualified interpreter or certified deaf interpreter.

Diana McKittrick, representing Communication Access Center for the Deaf, introduced herself to the Board. McKittrick thanked the Board for all their work and expressed concern for the lack of interpreters and the number of waivers being used. McKittrick recommended having a test for certified deaf interpreters like other states. McKittrick advised that it is difficult for Deaf, Deaf-Blind, and Hard of Hearing individuals to understand the rules.

Deb Atwood introduced herself to the Board. Atwood expressed her concern regarding the lack of interpreters in Michigan. Atwood stated there is a need for mentoring and is unable to find Certified Deaf Interpreters in Michigan.

Todd Morrison, representing the Michigan Deaf Association, introduced himself to the Board. Morrison recommended that the Board and Department consider creating a rules and regulations agency to help catch issues and monitor licensees.

## **ANNOUNCEMENTS**

The next regularly scheduled meeting will be held October 31, 2018 at 9:30 a.m. at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 4, Lansing, Michigan.

Houston thanked the Board and the Rules Committee.

Holaly reminded the Board and the public to send comments and suggestions to the Rules Committee.

## **ADJOURNMENT**

MOTION by Stuckless, seconded by Houston, to adjourn the meeting at 2:08 p.m.

A voice vote was held.

MOTION PREVAILED

Minutes approved by the Board on October 31, 2018.

Prepared by:  
Kimmy Catlin, Board Support  
Bureau of Professional Licensing

September 5, 2018

## Part 1 and Part 2 of the Qualified Interpreter – General Rules

### ~~MICHIGAN DEPARTMENT OF CIVIL RIGHTS~~ DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

#### ~~DIVISION ON DEAF AND HARD OF HEARING~~ BOARD OF INTERPRETERS FOR THE DEAF, DEAFBLIND AND HARD OF HEARING

#### QUALIFIED INTERPRETER – GENERAL RULES

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45(a)(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the ~~division on deaf and hard of hearing~~ **director of the department of licensing and regulatory affairs** by section 8a of the ~~deaf persons' interpreters act, 1982 PA 204, MCL 393.508a, section~~ **sections 4(l) and 9** of the ~~division on deafness act, 1937 PA 72, MCL 408.204 and MCL 408.209, and ERO Executive Reorganization Order Nos. 1996-2, MCL 445.2001, ERO 2003-1, MCL 445.2011, and ERO 2008-4, and 2017-4, MCL 445.2001, 445.2011, 445.2025 and 445.2036.~~)

R 393.5005 and R 393.5029 of the Michigan Administrative Code are rescinded, R 393.5001, R 393.5003, R 393.5004, R 393.5020, R 393.5021, R 393.5022, R 393.5023, R 393.5024, R 393.5025, R 393.5026, R 393.5027, R 393.5028, R 393.5031, R 393.5032, R 393.5033, R 393.5041, R 393.5042, R 393.5045, R 393.5051, R 393.5052, R 393.5053, R 393.5054, R 393.5055, R 393.5056, R 393.5058, R 393.5061, R 393.5062, R 393.5063, R 393.5064, R 393.5070, R 393.5072, R 393.5073, R 393.5074, R 393.5075, R 393.5076, R 393.5077, R 393.5081, R 393.5082, R 393.5083, R 393.5084, R 393.5085, R 393.5086, R 393.5091, R 393.5092, R 393.5093, R 393.5094, and R 393.5095 of the Michigan Administrative Code are amended, and R 393.5020 are added to the Code to read as follows:

#### PART 1. GENERAL PROVISIONS

R 393.5001 Scope.

Rule 1. These rules apply to **a qualified interpreter, a qualified interpreter applicant, a person who is hired to interpret for a proceeding for a deaf, deafblind, or hard of hearing person within this state, appointing authorities, continuing education sponsors, or any situation where a qualified interpreter is required as an accommodation under state or federal law.**

R 393.5003 Definitions.

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

(a) “Act” means the deaf persons’ interpreters’ act, 1982 PA 204, MCL 393.501 to 393.509.

(b) **“Appointing authority” means a court, department, board, commission, agency, or licensing authority of this state, a political subdivision of this state, or an entity that is required to provide a qualified interpreter in circumstances described under section 3a of the act.**

(c) **“BEI Basic, BEI Advanced, and BEI Master” means the Michigan board for evaluation of interpreters’ tests, which this state leases from the state of Texas to evaluate interpreters in this state.**

~~(b)~~ (d) **“CEU cycle” means a 4-year 2 year period of time cycle to coincide with the qualified interpreter’s certification cycle in which continuing education units are earned.**

~~(e)~~ (e) “CEU” means a continuing education unit.

~~(d)~~ (f) **“Complainant” means a person or entity who has filed a grievance with the division-department alleging that a person qualified interpreter, a qualified interpreter applicant, a person who is hired to interpret for a proceeding for a deaf, deafblind, or hard of hearing person within this state, appointing authority, continuing education sponsor, or other 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)~~ (g) **“Credential card” “Pocket card” means an interpreter card, carrying the great seal of Michigan, issued by the division that verifies that an interpreter is a qualified interpreter within this state for a specific time period. The division may issue a credential card that incorporates a photograph. a certification card issued by this state.**

~~(g)~~ (h) **“D/DB/HH” means a deaf, deafblind and/or hard of hearing person and includes any person for whom an a qualified interpreter is required as an accommodation under state or federal law.**

~~(h)~~ **“Deaf Interpreter” or “DI” means a deaf or hard of hearing person who holds a division recognized certification and interpreter training and/or experience in the use of gestures, mime, props, drawings, and other tools to enhance communication, as well as knowledge and understanding of deafness, the deaf community, and the deaf culture. The DI possesses native or near-native fluency in American Sign Language. The DI facilitates communication between a person using sign language and a deafblind person or between a qualified interpreter and D/DB/HH person when the communication between the qualified interpreter and the D/DB/HH person is not effective.**

(i) **“Department” means the department of licensing and regulatory affairs.**

**(j) Department recognized certification” means a certificate that the department will accept that indicates the person has passed an evaluation of his or her interpreting skills.**

~~(i)~~ **(k) “Director” means the director of the ~~division on deaf and hard of hearing~~ department of licensing and regulatory affairs or his or her designee.**

~~(j)~~ **“Division” means the ~~division on deaf and hard of hearing in the Michigan~~ department of civil rights.**

~~(k)~~ **Division recognized certification” means a certificate that the division will accept that indicates the person has passed an evaluation of his or her interpreting skills.**

(l) “Effective communication” means that all involved parties understand each other for the exchange of visual and audio information about ideas, attitudes, emotions, or behavior that occurs between 2 or more persons, through a common system of language that is equally and fully understood by a deaf, deafblind, or hard of hearing person (D/DB/HH) and hearing persons. The **qualified** interpreter must possess sign language to English – English to sign language skills and necessary vocabulary for the situation so that all parties have access to the same information.

(m) “Exception” means a written agreement between the ~~division~~ **department** and an appointing authority, including, but not necessarily limited to, an educational program a **school district**, as described in R 393.5027~~(3)~~ **(4)**, in which the appointing authority describes and attests to its efforts to provide a qualified interpreter, and in which the appointing authority asserts and the ~~division~~ **department** agrees that the unfeasibility of doing so necessitates a variance from these rules.

(n) “EIPA” or “educational interpreter performance assessment” means a credential granted under the EIPA interpreter testing system that assesses the proficiency of interpreters in elementary and secondary educational environments.

(o) "Formal complaint" means a document that states the charges of each alleged violation and is prepared by the ~~division~~ **department** after a complaint has been received.

**(p) “Good moral character” means the propensity to serve the public in the licensed area in a fair, honest, and open manner, taking into consideration guilt in a criminal prosecution or a judgment in a civil action, his or her employability, his or her ability to, and likelihood of, serving the public in a fair honest an open manner, whether he or she is rehabilitated, whether the substance of the former offense is reasonably related to the profession he or she is seeking a license, as determined and defined in 1974 PA 381, MCL 338.41 to 338.47, and R 393.5033.**

~~(p)~~ **(q) "Interpreter" means a person who engages in the practice of interpreting and meets the definition of MCL 393.502(h). including:**

**(i) “Deaf Interpreter” or “DI” means a deaf or hard of hearing person who holds a department recognized certification, and uses gestures, mime, props, drawings, and other tools to enhance communication, as well as knowledge and understanding of deafness, the deaf community, and the deaf culture. The DI possesses native or**

**near-native fluency in American Sign Language. The DI facilitates communication between a person using sign language and a deafblind person or between a qualified interpreter and D/DB/HH person when the communication is not effective.**

**(ii) “Proceedings interpreter” means a qualified interpreter who interprets legal proceedings, including witness testimony, other open proceedings, or commentary and operates as an extension of the bench and the court reporter, and is responsible for creating an accurate record for the court.**

**(iii) “Table interpreter” means a qualified interpreter who sits at counsel’s table as a member of the litigation team, as an agent of the attorney, who interprets privileged communications between counsel and client, and monitors the proceeding’s interpreters for accuracy.**

**(iv) “Qualified interpreter” means a person whose certification through the national registry of interpreters for the deaf (RID) is recognized by this state through an application and certification process, or is certified through the state by the department pursuant to R 393.5031(1)(g)(i) and listed on the Michigan online interpreter system, that is available on the department’s website.**

~~(q)~~ **(r) “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 in a target language, taking the social and cultural context into account. In the context of these rules “interpreting” generally involves signing to a D/DB/HH person what is being voiced by a hearing person; and voicing to a hearing person what is being signed by a D/DB/HH person.**

~~(s)~~ **(s) “Listed” or “listing” means full name, address, type of certification, expiration, and disciplinary actions appearing in the ~~division~~ department interpreter database.**

~~(t)~~ **(s) “MI BEI certification” means an interpreter certificate granted under the MI BEI interpreter testing system.**

~~(u)~~ **(t) “Michigan BEI” or “MI BEI” means the Michigan board for evaluation of interpreters test, which this state leases from the state of Texas to evaluate interpreters in this state.**

~~(v)~~ **(t) “NAD” means national association of the deaf.**

~~(w)~~ **(u) “National certification” means 1 of the following certificates recognized by the national registry of interpreters for the deaf (RID) that assesses interpreter skills:**

- (i) RID CDI means certified deaf interpreter.
- (ii) RID CI means certificate of interpretation.
- (iii) RID CLIP-R means conditional legal interpreting permit-relay.
- (iv) RID CSC means comprehensive skills certificate.
- (v) RID CT means certificate of transliteration.
- (vi) RID Ed: K-12 means educational certificate: k-12.
- (vii) RID IC means interpretation certificate.



(viii) RID MCSC means master comprehensive skills certificate.

(ix) NAD III, ~~or~~ IV, or V means ~~national association of the deaf~~ **NAD** certificate under RID.

(x) RID NIC means national interpreter certification (e.g., NIC, NIC Advanced, and NIC Master).

(xi) RID OTC means oral transliteration certificate.

(xii) RID RSC means reverse skills certificate.

(xiii) RID SC:L means specialist certificate: legal.

(xiv) RID TC means transliteration certificate.

~~(w)~~ (v) “Proceeding” means any meeting in which a D/DB/HH person participates that requires a qualified interpreter.

~~(x)~~ “Proceedings interpreter” means a person who interprets in a court room all of the proceedings of the court, including all witness testimony.

~~(y)~~ “Quality assurance certification” or “QA” means an interpreter certificate granted under the division’s quality assurance certification interpreter testing system.

~~(z)~~ “Qualified interpreter” means a person who is certified through the national registry of interpreters for the deaf or certified through the state by the division and listed on the Michigan online interpreter system, available on the division website, and who holds all standard level, educational certification, and endorsement(s) required for the interpreting assignment in which he or she is engaging.

~~(aa)~~ (w) “Readily communicate” means that effective communication is achieved.

~~(bb)~~ (x) “Reasonable notice” means the minimum advanced notice required under the circumstances for the appointing authority to secure **an a qualified** interpreter.

~~(cc)~~ (y) “Respondent” means a person against whom a grievance has been filed alleging that the person has violated the act or a rule promulgated under the act.

~~(dd)~~ “RID” means the national registry of interpreters for the deaf.

~~(ee)~~ “SCAO” means state court administrative office.

~~(ff)~~ (z) “Secure call center” means a location with the physical and technological attributes to enable qualified interpreters to provide video remote interpreting (**VRI**) in compliance with the act and any other applicable law.

~~(gg)~~ (aa) “Sign language” means a visual language ~~in which with~~ **through** signing, **where** the brain processes linguistic information through the eyes. The shape, placement, and movement of the hands, as well as facial expressions and body movements, all play important parts in conveying information. American Sign Language (ASL) is a language with its own unique rules of grammar and syntax.

~~(hh)~~ (bb) “Student intern” means a person who is formally enrolled in a course of study, **in the field of interpreting**, at ~~a~~ **an accredited institution**, college, university, or trade school leading to a degree or certificate ~~from an accredited institution in the field of~~ interpreting.

~~(ii)~~ **(cc)** “Superuser” means a system administrator, technician, or other authorized person who possesses the knowledge to connect, fix, or correct technical issues that arise during the use of VRI.

~~(jj)~~ “Table interpreter” means an who sits at counsel’s table as a member of the litigation team, interprets privileged communications between counsel and client, and monitors the proceeding’s interpreters for accuracy.

~~(kk)~~ **(dd)** “Team interpreting” means the utilization of 2 or more **qualified** interpreters or deaf interpreter who rotate to provide simultaneous or consecutive interpretation **who support each other to meet the needs of a particular communication situation.**

**Depending on both the needs of the participants and the agreement between interpreters, the responsibilities of the individual team members can be rotated and feedback may be exchanged.** Team interpreters alternate interpreting duties to reduce mental and physical fatigue, reduce the potential for errors in the interpretation by monitoring and ~~making adjustments~~ **adjusting** as necessary to ensure accuracy, and monitoring the environmental logistics of the interpreted setting.

~~(ll)~~ “Testing cycle” means the period of time between the time a certification is earned and retesting is required.

~~(mm)~~ “Under qualified interpreter” means a “qualified interpreter” who is certified through the national registry of interpreters for the deaf or certified through this state by the division and listed on the Michigan online interpreter system, but who does not hold 1 or more standard level, educational certification, or endorsement(s) required to interpret for a proceeding in which he or she is engaging.

~~(nn)~~ “Variance” means any failure by an appointing authority to provide a qualified interpreter and establish effective communication that does not take place pursuant to a “waiver” or “exception” and which is not otherwise prohibited by law or these rules. A variance may, for example, be necessitated because compliance would cause an appointing authority undue hardship or fundamental alteration as those terms are used in the Americans with Disabilities Act of 1990 or Americans with Disabilities Amendments Act of 2008. An agreement to accept interpreting provided in variance shall not include, or be deemed to include, any express or implied agreement to lessen legal responsibility for malfeasance, misfeasance, or other failure to reasonably predict and prepare to meet a legal requirement to provide a properly qualified interpreter, or which would have otherwise reasonably have prevented the need to provide the variance.

~~(oo)~~ **(ee)** “Video relay service” or “VRS” means a form of telecommunications relay service ~~(TRS)~~ that enables persons with hearing or speech disabilities who use American sign language (ASL) to communicate with voice telephone users through video equipment. The video equipment links the VRS user with ~~an~~ **a qualified** interpreter so that the VRS user and **qualified** interpreter can see and communicate with each other in sign language while the **qualified** interpreter relays the conversation back and forth with a voice caller.

~~(pp)~~ **(ff)** “Video remote interpreting” or “VRI” means the use of video conference technology to deliver the services of a qualified interpreter between 2 or more people at the same location. VRI generally consists of video cameras and monitors, microphones and speakers, and a high speed internet or other connection.

~~(qq)~~ **(gg)** “Waiver” means to give up the right to have a qualified interpreter **pursuant to section 3(3) of the act, MCL 393.503(3)**. A “Limited Waiver” means to agree to accept an under-qualified interpreter for a particular proceeding.

#### R 393.5004 Reasonable notice **to appointing authority**.

Rule 4. An appointing authority may require that a person requesting ~~an~~ **a qualified interpreter as an** accommodation provide reasonable advance notice. A lack of reasonable advance notice of the need for ~~an~~ **a qualified** interpreter may relieve the legal obligation to make timely and appropriate attempts to provide ~~one~~ **a qualified interpreter**; but an appointing authority’s refusal to provide a **qualified interpreter as a** legally required accommodation based only upon a notice requirement greater than what is reasonable under the circumstances is a refusal to provide the accommodation. A determination of reasonableness may, among other factors, include the local availability of **qualified** interpreters, the frequency with which the appointing authority receives such requests, whether the appointing authority regularly utilizes VRI or an interpreter agency, the nature of the proceedings for which the **qualified** interpreter is requested, any specific types endorsement or other interpreter expertise needed, the potential for harm if there is delay in the proceeding, and the ability of the D/DB/HH person to have foreseen the need. Notice is always reasonable when provided by a D/DB/HH as soon as a medical, legal, or emergency need is identified.

#### R 393.5005 ~~Verification of interpreter qualifications~~. **Rescinded.**

- ~~Rule 5. The division shall assist an appointing authority or a member of the public to ensure that an interpreter is properly qualified by 1 or more of the following methods:~~
- ~~–(a) Verifying through oral or written request that a credential provided by the division is current and valid.~~
  - ~~–(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).~~
  - ~~–(d) Providing consultation on required certification and standard levels.~~

## PART 2. MINIMUM CREDENTIAL REQUIREMENTS AND LEVELS

### **R 393.5020 Effective communication.**

**Rule 20. In all proceedings and environments an interpreter shall provide effective communication. Interpreters shall accept, refuse, or withdraw from proceedings, based upon their standard level, RID code of professional conduct tenets, experience, ability to readily communicate, mandated standards, and credentials.**

R 393.5021 ~~Acceptable certifications~~ **credentials**.

Rule 21. ~~(1)~~ All of the following ~~certifications~~ **credentials** are recognized in this state:

~~(a) The following certification evaluated by this state:~~

~~(i) Michigan Quality Assurance (QA) I, II, III, until phase-out date being 90 days after the effective date of these rules.~~

~~(ii)~~ **(a) Michigan BEI I Basic.**

~~(iii)~~ **(b) Michigan BEI II Advanced.**

~~(iv)~~ **(c) Michigan BEI III Master.**

~~(v)~~ **(d) Deaf Interpreter (DI) DI certification.**

~~(b)~~ **(e) EIPA as provided in R 393.5026, but only in elementary and secondary educational settings.**

~~(c)~~ **(f) A certification from another state having a reciprocal agreement with this state.**

~~(d)~~ **(g) National certifications recognized by the RID.**

~~(e)~~ **(h) Equivalent certification recognized by the RID or the ~~division~~ department.**

**(i) A credential approved by the board.**

~~(2) An 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 school settings.~~

R 393.5022 Minimum standard levels.

Rule 22. (1) Standard levels shall include level 1, level 2, level 3, and an educational level. Standard levels are based upon ~~the sign language~~ **the qualified** interpreter's credentials, and are intended to illustrate a given level of expected proficiency. Each level is the minimum level established to protect the health, welfare, and safety of the D/DB/HH person and **qualified** interpreters engaged in the specific environments identified under each standard level. ~~Interpreters~~ **Qualified interpreters** shall accept, refuse, or withdraw from proceedings, based upon their standard level, RID professional code of conduct tenets, experience, ability to readily communicate, mandated standards, and credentials.

(2) A person with a designated oral transliteration certificate may provide oral transliterating only. Sign language interpreter certification is required for a person to perform sign language interpreting. If oral transliterating is done under standard levels 2 and 3, then the interpreter shall also obtain medical and legal endorsements.

(3) ~~The following~~ **Endorsements are required to interpret in a medical proceeding, legal proceeding, and for a proceeding involving a deafblind person.**

certifications are not recognized by the division for the circumstances described:

~~(a) Beginning 90 days from the effective date of these rules, holders of certificates listed under standard level 1 and standard level 2 shall not provide legal interpreting.~~

~~–(b) An interpreter holding a QA I certification shall not work in an educational environment beyond 90 days after the effective date of these rules.~~

~~–(c) Endorsements are required to interpret in medical situations in legal situations, and for a proceeding involving a deafblind person. Endorsement requirements shall be required 2 years from the effective date of these rules.~~

~~(d) Adherence to standard levels will begin 90 days after the effective date of these rules.~~

R 393.5023 Standard Level 1; non-complex, low-risk environments.

Rule 23. (1) ~~Interpreters at A standard level 1~~ **interpreter shall hold possess at least 1** of the following credentials:

(a) ~~MI-BEI I Basic.~~

(b) ~~Michigan QA 1, until phased out as provided in R 393.5021 (1)(a)(i).~~

~~(c) DI certification.~~

~~(d) (c) NAD 3.~~

~~(e) (d) RID IC (interpretation certificate).~~

~~(f) (e) RID TC (transliteration certificate).~~

**(f) A credential approved by the board.**

(2) ~~Interpreters assigned to standard A standard level 1~~ **interpreter may interpret work only** in the following **proceedings or** environments; ~~effective communication is required to be achieved:~~

(a) Workshops, meetings, and trainings or general presentations, except for topics related to health, mental health, law, employment, finance, and government.

(b) VRS.

(c) Post-secondary education or GED training.

(d) Vocational training - post-high school and assessments.

R 393.5024 Standard level 2; moderately complex environments; medium to high-risk environments; health care; government; employment; finance.

Rule 24. (1) ~~Interpreters at A standard level 2~~ **interpreter may work in moderately complex environments and shall hold possess at least 1** of the following credentials:

~~(a) Michigan QA II, until phased out as provided in R 393.5021 (1)(a)(i).~~

~~–(b) Michigan QA III, until phased out as provided in R 393.5021 (1)(a)(i).~~

~~(c) (a) BEI II Advanced.~~

~~(d) (b) RID CI (certificate of interpretation).~~

~~(e) (c) RID CT (certificate of transliteration).~~

~~(f) (d) NAD 4.~~

- ~~(g)~~ (e) RID NIC.
- ~~(h)~~ (f) RID NIC advanced.
- ~~(i)~~ (g) RID NIC master.
- ~~(j)~~ (h) RID OTC.
- (i) **RID CDI.**
- (j) **DI certification.**
- (k) **A credential approved by the board.**

(2) ~~Interpreters assigned to A standard level 2 interpreter~~ may interpret **in any of the following proceedings or environments:** ~~for a proceeding. Effective communication is required to be achieved in health care, government, employment, finance, and including but not limited to, any of the following situations:~~

~~(a) IEP (individualized education program) meeting involving D/DB/HH parent, staff member, or D/DB/HH professional.~~

~~(b) Meetings with speakers, trainings, or workshops for post-secondary education topics, employment, finance, science, technology, engineering and math fields, or government.~~

~~(c) (b) Interviews for jobs or job readiness and on-the-job training.~~

~~(d) (c) Employment grievances or disciplinary actions.~~

~~(e) (d) Employment related meetings, staff meetings, and sheltered employment.~~

~~(f) (e) Political events.~~

~~(g) (f) Financial, banking, and personal transactions.~~

~~(h) (g) Government meetings.~~

~~(i) (h) Presentations by dignitaries and public personalities.~~

~~(j) (i) Plays, concerts, and television news.~~

~~(k) (j) Tax assessment meetings and appeals.~~

~~(l) (k) Applications for state or federal services.~~

~~(m) (l) VRI services for all situations at this level.~~

~~(3) (m) An interpreter shall hold a medical endorsement to interpret in a medical setting as prescribed in R 393.5028. Interpreters assigned to standard level 2 with a medical endorsement may interpret for a proceeding in the following environments and effective communication is required to be achieved: Medical or mental health settings, including all of the following, if the standard level 2 interpreter also possesses a medical/mental health endorsement under R 393.5028:~~

~~(a) (i) All health care situations beyond basic first aid involving a health care practitioner, doctor, rehabilitation specialist, therapist, psychologist, or psychiatrist licensed under the Public Health Code, 1978 PA 368, MCL 333.1101 to 333.25211.~~

~~(b) (ii) All health care administered in an emergency room, trauma center, urgent care facility, hospital, nursing home, triage, hospice, rehabilitation center, dialysis center, inpatient facility, outpatient facility, or mental health facility other similar facility where medical or mental health services are provided.~~

~~(e)~~ **(iii)** Health-related and mental health-related presentations by speakers, trainings, and workshops.

~~(d)~~ **(iv)** Addiction treatment, counseling, and psychiatric evaluations.

~~(4)~~ **(3)** A ~~Standard~~ **standard** level 2 ~~interpreters~~ **interpreter** may interpret **in any environment included in R 393.5023** for a proceeding for standard level 1 environments. ~~Effective communication is required to be achieved.~~

R 393.5025 Standard level 3; high risk, legal environments.

Rule 25. (1) ~~Interpreters assigned to~~ **A** standard level 3 **interpreter** ~~may work in high-risk environments and shall hold~~ **possess at least** 1 of the following credentials and a legal endorsement ~~as prescribed in~~ **under** R 393.5028:

- (a) ~~Michigan BEI III Master~~, plus 4 years of experience post initial certification.
- (b) **DI certification**, plus 4 years of experience post initial certification.
- (c) RID CSC.
- (d) RID MCSC.
- (e) RID Reverse Skills Certificate.
- (f) RID SC:L.
- (g) RID CDI, plus 4 years of experience post initial certification.
- (h) NAD 5.
- (i) RID CI and CT.
- (j) RID OTC.
- (k) RID NIC, plus 4 years of experience post initial certification.
- (l) RID NIC advanced, plus 4 years of experience post initial certification.
- (m) RID NIC master, plus 4 years of experience post initial certification.
- (n) RID CLIP-R.
- (o) A credential approved by the board.**

(2) ~~Interpreters assigned to~~ **Only a** standard level 3 **interpreter** with a **legal endorsement** ~~endorsement~~ may interpret for a proceeding in the following **proceedings** or environments; ~~effective communication is required to be achieved:~~

- (a) Forensic psychiatric evaluations or evaluations of a legal nature.
- (b) Emergency broadcasts.
- (c) Legal workshops or legal training.
- (d) Legal VRI Interpreting.
- (e) An activity involving the police, prison, or prisoners.
- (f) An activity involving an attorney or the courts.
- (g) An activity involving children's protective services.
- (h) An activity involving probation or parole.
- (i) Juvenile detention center.**
- (j) An individualized education program (IEP) with a deaf adult present.**

**(k) Criminal trials and police interrogations if the standard level 3 interpreter is also RID SC:L, RID CLIP-R, or Texas Court Interpreter certified, or otherwise considered certified by the board. However, if an RID SC:L, RID CLIP-R, or Texas Court Interpreter certified interpreter is not available and all RID SC:L, RID CLIP-R, and Texas Court Interpreter certified interpreters or otherwise board considered certified interpreters have been sought out and contacted, have been exhausted, and the appointing authority has documented this, an interpreter meeting the requirement for general legal endorsement in Rule 393.5028(2)(d) may interpret in a criminal trial or police interrogation.**

~~(3) An interpreter assigned to~~ A standard level 3 **interpreter** may interpret for a **any proceeding or environment included in R 393.5023 and R393.5024** in standard level 1 and 2 environments. The interpreter shall achieve and obtain ~~the appropriate required~~ **endorsements provided in R 393.5028.**, and effective communication must be established and maintained.

~~(4) Criminal trials and police interrogations require the highest standard of interpreting and SC:L and/or CLIP-R certified interpreters shall be utilized when available. However, when a provider can document that no SC:L and/or CLIP-R is available and that all reasonable efforts to obtain one have been exhausted, an interpreter meeting the requirement for general legal endorsement as described in Rule 393.5028(5) may be used.~~

R 393.5026 Educational interpreter qualifications.

Rule 26. (1) An educational interpreter working in an elementary school environment (pre-kindergarten through 6th grade) shall, ~~except as provided in subrule (8) of this rule,~~ possess **any at least 1** of the following:

(a) An EIPA performance score of 4.0, EIPA elementary endorsement. ~~If the EIPA 4.0 is first obtained after August 31, 2016,~~ **with** a passing score on the EIPA written test or a similar written test adopted by the ~~division~~ **department** in cooperation with **the Michigan department of education (MDE) MDE.**

(b) A ~~division~~ **department** recognized certification that requires an equivalent child-based model testing instrument approved and certified by the ~~division~~ **board** with advice from the **MDE department of education.**

(c) A deaf interpreter credential and certification by the ~~division~~ **board.**

(2) An educational interpreter working in a secondary school environment (grade 7 to age 26) shall possess at least 1 of the following:

(a) An EIPA performance score of 4.0, EIPA elementary or secondary endorsement and, ~~if the EIPA 4.0 is first obtained after August 31, 2018,~~ a passing score on the EIPA written test or a similar written test adopted by the ~~division~~ **board** in cooperation with MDE.

(b) A ~~Michigan~~ **BEI 2 Advanced.**

(c) A minimum standard level 2 or 3.



(d) A ~~division~~ **department** recognized certification that requires an equivalent child-based model testing instrument approved and certified by the ~~division board~~ with advice from the **MDE department of education**.

(e) A deaf interpreter credential and certification by the ~~division board~~.

(3) An interpreter meeting the certification requirements of subrule (1) or (2) of this rule may interpret for a ~~proceeding for~~ D/DB/HH children and youth only in the following **proceedings or environments**, ~~effective communication is required to be achieved:~~

(a) Elementary or secondary classroom or secondary vocational training.

(b) A 504-plan meeting or school based or transition setting **meeting pursuant to the Rehabilitation Act of 1973, 34 CFR 104 (2000)** in which the student is placed as determined appropriate by the IEP or 504 team.

(c) School-related disciplinary situations including manifestation determinations that do not involve police.

(d) Before-school and after-school activities.

(e) Class trips.

(f) During an IEP (~~individualized education program meeting~~) for ~~the~~ **a student under the age of 18**.

(g) High school vocational training.

(h) Another school-related activity.

(i) Any auxiliary services located within the school or related services listed on the IEP.

(j) ~~As described in R 393.5051, an educational interpreter shall team with a standard level 2 or standard level 3 interpreter for medical, mental health, or legal situations including situations involving child protective services unless the~~ **Medical, mental health, or legal proceedings or environments including those involving child protective services if the educational interpreter also is qualified with the proper endorsement to interpret in the medical, mental health, or legal proceeding or environment, otherwise, an educational interpreter shall work with a standard level 2 or standard level 3 interpreter as provided in R 393.5051** ~~relevant situation.~~

~~(4) Upon absence of a regularly assigned educational interpreter as a long term substitute interpreter, shall be used in an elementary environment when an absence is expected to last more than 20 school days. A long term substitute shall be qualified to be an educational interpreter as described in subrule (3) of these rules except:~~

~~(a) In an elementary environment a long term substitute interpreter may possess a Michigan BEI 2, or minimum standard level 2 or 3.~~

~~(b) In a secondary environment a long term substitute interpreter may possess an EIPA 3.5.~~

~~(5) Upon absence of a regularly assigned educational interpreter a short term substitute interpreter, shall be used if the absence is expected to last 20 school days or less. A short term substitute shall be qualified to be a long term substitute interpreter as described in~~

subrule (4) of this rule except that in an elementary environment a short term interpreter may possess an EIPA 3.5.

(6) An educational interpreter with 1 of the following credentials who is employed by a school district on the effective date of these rules, may continue to perform work duties assigned on or before the effective date, but only until the conclusion of that school year, after which time he or she shall be qualified as described in subrule (3) of this rule to continue employment:—

- (a) QA II or III.
- (b) NAD 3.
- (c) IC (Interpretation certificate).
- (d) TC (transliteration certificate).

(7) Compliance with subrules (1) to (5) of this rule shall be accomplished by September 1, 2016.

–(8) Following the effective date of these rules and until August 31, 2016, in both elementary and secondary settings, interpreters must possess an EIPA certification indicating a performance score of not less than 3.5 or standard level 2, standard level 3, or a Michigan BEI I.

(4) An EIPA certified interpreter holding an EIPA certificate of 4.0 or above shall not be required to retest, unless the certification is expired or lapsed 90 60 days or more beyond the expiration date of the credential pocket card, as required under R 393.5092.

R 393.5027 **Exemptions, Exceptions; exceptions** standard level designations.

Rule 27. (1) An out of state troupe member of a theater company, performing artist, dignitary, or speaker **presenter** that utilizes sign language as part of his or her repertoire is not required to be a qualified interpreter, as the person signing is there for artistic purposes and is not upon the request of a D/DB/HH person for reasonable accommodation **exempt from these rules for 15 days in any given calendar year.**

(2) During a state or national **an emergency situation, when the health or safety of a D/DB/HH person or person represented by a D/DB/HH person is in immediate danger, and these rules cannot be immediately complied with,** a person facilitating communication between a D/DB/HH person and first responders, **and appointing authorities are is temporarily** exempt from these rules, until a qualified interpreter may be found **provided all of the following are satisfied:**

(a) **Attempts to locate a qualified interpreter comply with the rules and effective communication has begun, continues unabated, and all provisions are complied with as soon as possible.**

(b) **An alternative and more effective means of communication is not available, and any such means that becomes available is immediately utilized.**

(c) **If possible, the D/DB/HH person is informed of the temporary inability to provide compliant interpreting services, the status of efforts to obtain compliant**

interpreting services, when compliant interpreting services are anticipated to become available, and all communication options presently available, and is provided the opportunity to determine how to proceed. Means of communication may include, but are not limited to, a person who signs, written notes, sign language pictographs, or other means. VRI that does not comply with R 393.5055 may also be temporarily used pursuant to this rule, but only to include a properly qualified interpreter.

(d) A D/DB/HH person's determination of which available option comes closest to providing effective communication is determinative, and it shall be the means of communication temporarily utilized until effective communication can be properly established.

(e) An appointing authority shall document maintain the documentation for 2 years following the emergency of all efforts by the appointing authority to obtain compliant interpreting services and all temporary options discussed with the D/DB/HH person. The department may require an appointing authority to submit evidence to demonstrate compliance with this rule.

(3) The ability permitted by this rule for an appointing authority to temporarily establish other means of communication does not relieve it of any obligation to provide qualified interpreters in a timely manner as required by these rules. Nor does it lessen legal responsibility for malfeasance, misfeasance, or other failure to reasonably predict and prepare to meet a legal requirement to provide a properly qualified interpreter, or which would have otherwise reasonably have prevented the need to rely on this rule.

~~(3) (4) Following the implementation of 4.0 as the educational standard, the~~ **The** ~~director~~ **department** shall **annually** grant an exception to the **4.0 educational** standard at the request of the school district **and the interpreter, when the school district submits the required fee and both the school district and interpreter submit a completed application with the consent of a parent or guardian, on a form provided by the department, and** when all the following factors exist:

(a) ~~An educational program~~ **A school district** has exhausted all reasonable efforts to locate ~~an~~ **a qualified** interpreter possessing the required standard.

(b) ~~The educational program~~ **school district** has informed the ~~division~~ **department** in writing describing its attempts and inability to locate a ~~properly~~ **possessing the required standard** and the division has failed for a period of 14 days to provide the program with an appropriate and employable candidate.

(c) ~~The rule from which~~ **Without** the exception is granted ~~would otherwise result in a~~ D/DB/HH child **would be being** without communication access for his or her education.

(d) Other educational options such as enrollment in a Michigan School for the Deaf, participation in a regional deaf education program, or enrollment in a remote educational

program have been discussed, evaluated, and considered with the parent or parents of the D/DB/HH child by the IEP team.

(e) ~~The requirements of subdivisions (a) to (d) of this subrule shall be reviewed annually by the division and if granted, an~~ An exception is ~~only~~ effective through the end of the applicable school year.

~~(4) (f) An~~ The interpreter ~~granted an exception~~ under subrule (3) of this rule shall ~~provide~~ **submit both all of the following to the department:**

(a) (i) Proof of having received an EIPA score of 3.5 or higher within the past 24 months.

~~(b) (ii) Documentation establishing acquisition of 12 additional hours~~ **2 CEU's or 20 hours of in educational interpreting training topics** within the last 12 months, ~~and annual maintenance of CEUs for educational interpreting.~~

**(iii) Proof of no lacking good moral character under R 393.5033.**

**(iv) Proof of license verification from all other states in the United States in which the qualified interpreter holds or ever held a license as an interpreter including any record of taken or pending disciplinary action.**

R 393.5028 Special endorsements, ~~;~~ deafblind, ~~;~~ medical, ~~and~~ mental health, ~~;~~ and legal.

Rule 28. (1) ~~Beginning 2 years following the effective date of these rules, an~~ **This rule shall be effective beginning January 1, 2022. A qualified interpreter shall hold a deafblind endorsement shall be required to interpret for a deafblind person in any setting. A qualified interpreter shall hold a medical/mental endorsement or legal endorsement to interpret in a medical, mental health, or legal setting. Both a deaf blind endorsement and medical/mental health or legal endorsement may be required.** ~~proceeding in any of the following environments:~~

~~—(a) Deafblind.~~

~~—(b) Medical or mental health.~~

~~—(c) Legal.~~

**(2) An applicant for endorsement shall submit the required fee, a completed application on a form provided by the department, a statement signed by the applicant attesting to the information in the application and affirming that the applicant will comply with the NAD RID code of professional conduct, adopted by the board in R 393.5052, and will conduct him or herself as required under these rules, and comply with one of the following:**

~~(2) A qualified interpreter seeking deafblind endorsement at any level shall complete not less than .8 CEUs per 4-year cycle in the subject area of deafblindness, deaf persons with low vision, and interpreting as it relates to the needs of this population for endorsement involving a deafblind or deaf low vision persons.~~

**(a) Comply with all the following requirements for an endorsement to interpret for a deafblind person:**

(i) **Successfully complete and document at least 10 hours of training covering the following topics:**

- (A) **Promoting autonomy.**
- (B) **Deafblind culture.**
- (C) **Role and duties of support service providers.**
- (D) **Various modes of communication used by deafblind individuals.**
- (E) **Impact of etiologies of vision and hearing loss on communication.**
- (F) **Working with deafblind consumers to identify lighting, positioning, and communication preference.**
- (G) **Current trends in the deafblind community and deafblind interpreting.**

(ii) **Successfully complete and document at least 10 hours of training covering the following topics:**

- (A) **Differences between touch-centric and visual-centric interpreting,.**
- (B) **Communication touch tools such as haptic and print-on-palm.**
- (C) **Techniques for conveying language tactilely such as touch signals, turn-taking, back-channeling, three-way conversations, and environmental cues.**
- (D) **Conveying relevant non-linguistic information such as room descriptions, graphics, written texts, participants expressions, and actions through tactile means.**
- (E) **Principles of protactile communication.**

~~(3)~~ (b) ~~A qualified interpreter shall meet~~ **Comply with** all of the following requirements for an endorsement to interpret for a proceeding in a medical or mental health settings ~~setting~~:-

~~(a)~~ (i) ~~Pass the TEP or other an~~ English competency test **approved by the board** ~~or possess a minimum of bachelor's degree in any field from an accredited institution.~~

~~(b)~~ (ii) **Qualify to interpret for a proceeding at standard level 2 or 3.**

~~(c)~~ **Complete not less than 2.0 medical or mental health CEUs per 4 year cycle.**

~~(d)~~ (iii) ~~Successfully complete a skills development course that focuses on sign language concepts and interpretation of medical vocabulary~~ **and document at least 15 hours of medical interpreter training covering the following topics:**

(A) **Laws and regulations related to healthcare.**

(B) **Ethical decision making in healthcare settings, including the National Council on Interpreting in Health Care (NCIHC) code of ethics.**

(C) **Structure of health care systems.**

(D) **Roles and responsibilities for medical interpreters in a health care team, including working with D/DB/HH medical providers.**

(E) **Healthcare and the deaf community.**

(F) **Medical terminology, procedures and protocol.**

(G) **Anatomy and physiology.**

(H) **Mechanics and boundaries for medical interpreting.**

(I) **Settings and assignments for medical interpreting.**

(iv) **Successfully complete and document at least 15 hours of mental health interpreting training covering the following topics:**

(A) **Laws and regulations related to mental health.**

**(B) Ethical decision making in mental health settings.**

**(C) Roles and responsibilities for mental health interpreters in a health care team.**

**(D) Major mental illnesses and symptomology.**

**Substance abuse symptoms, assessment and treatment.**

**(E) Common mental health treatment approaches.**

**(F) Behavioral health related to individuals with developmental disabilities.**

**(G) Mental health terminology, procedures and protocol.**

**(H) Language dysfluency.**

**(I) Transference and countertransference.**

**(J) Impact of interpreters on mental health assessments.**

**(K) Mechanics and boundaries for mental health interpreting.**

**(L) Settings and assignments for mental health interpreting.**

~~(4) (c) Comply with either of the following For for an endorsement to interpret for a proceeding in a legal setting, a qualified interpreter shall possess an SC:L or CLIP-R and complete not less than 2.0 legal CEU's per 4 year cycle.:~~

~~(i) Possess a RID SC:L, RID CLIP-R, or other legal certification approved by the board.~~

~~(5)(ii) An interpreter who does not possess either a SC:L or CLIP-R certificate shall complete Complete all of the following requirements to obtain an endorsement for interpreting in a legal proceeding:~~

~~(a) (A) Pass the TEP or other an English competency test approved by the board administered by the division, SCAO, or another approved agency, or possess a minimum of a bachelor's degree in any field from an accredited institution.~~

~~(b) (B) Obtain certification for 1 of the certificates credentials listed under level 3 standards in R 393.5025.~~

~~(c) Successfully complete court orientation training offered by the division.~~

~~(d) Complete not less than 2.0 legal interpreting CEUs per 4 year cycle.~~

~~(e) Successfully complete a skills development course that focuses on sign language concepts and interpretation of legal vocabulary.~~

~~(f) Meet 1 of the following: educational and mentoring selections:~~

~~(i) A bachelor's degree from an accredited institution in any field or an associate's degree in interpreting from an accredited institution, and all the following additional education and experience:~~

**(C) Possess a high school diploma or equivalent.**

~~(a) (D) Documentation of Successfully complete and document not less than at least 50 75 hours of legal interpreting or mentoring experience with a certified interpreter who has been legally endorsed in this state for at least 4 years prior to mentoring.~~

**(E) Successfully complete and document at least 20 hours of trial observation or mock trial training. This requirement may be met with hours also used to meet subrule (D) of this rule.**

~~(b) (F) Documentation of~~ **Successfully complete and document not less than at least 30-50 hours of formal legal interpreter training training in sign language concepts in the legal setting covering the following topics:**

- (1) Sign language concepts and interpretation of legal vocabulary.**
- (2) Sign language concepts and interpreting in legal settings.**
- (3) Types of proceedings encountered in criminal, civil and specialized court systems.**
- (4) Importance of the record for permanency.**
- (5) Privileged communication.**
- (6) The 5th amendment and rights referred to in a Miranda warning.**
- (7) Use of CDI and DI certification in legal settings.**
- (8) General processes in the law enforcement system.**
- (9) State and federal legislation and regulations informing the use of interpreters in legal proceedings.**
- (10) Conflicts of interest and disclosure on the court record.**
- (11) Roles of courtroom interpreters and the legal basis for each.**
- (12) Duties and obligations of the interpreter as an officer of the court.**
- (13) Ability to advocate for proper staffing of legal assignments and access to salient case related material.**

~~(e) (G) Documentation of~~ **Document and successfully complete not less than at least 4 years of post-certification standard level 2 interpreting experience.**

~~(ii) An associate's degree in any field from an accredited institution and all the following additional education and experience:~~

~~—(a) Documentation of not less than 75 hours of legal interpreting or mentoring experience.~~

~~—(b) Documentation of not less than 50 hours of formal legal interpreter training.~~

~~—(c) Documentation of not less than 4 years of post-certification interpreting experience.~~

~~—(iii) High school diploma and all of the following additional education and experience~~

~~(a) Documentation of not less than 100 hours of legal interpreting or mentoring experience.~~

~~—(b) Documentation of not less than 70 hours of formal legal interpreter training.~~

~~—(c) Documentation of not less than 4 years of post-certification interpreting experience.~~

**(4) An endorsement application is valid for 1 year from the date the department receives the application.**

R 393.5029 Establishing temporary use of other means of communication in medical emergencies. **Rescinded.**

~~Rule 29. (1) In emergency situations, when the health and/or safety of a D/DB/HH person or person represented by a D/DB/HH person is in immediate danger and 1 or more of the provisions of these rules cannot be immediately complied with, an appointing authority may temporarily establish other means of communication, provided all of the following conditions are satisfied:~~

~~—(a) Attempts to locate a qualified interpreter comply with the rules and effective communication has begun, continues unabated, and all provisions are complied with as soon as possible.~~

~~—(b) An alternative and more effective means of communication is not available, and any such means that becomes available is immediately utilized.~~

~~—(c) The D/DB/HH person is informed of the temporary inability to provide compliant interpreting services, the status of efforts to obtain compliant interpreting services, and when compliant interpreting services are anticipated to become available.~~

~~—(d) The D/DB/HH person is made aware of all communication options presently available and is provided the opportunity to determine how to proceed. Such means of communication may include, but are not limited to, a person who signs, written notes, sign language pictographs, or other means. VRI that does not comply with R 393.5055 may also be temporarily used pursuant to this rule, but only to include a properly qualified interpreter.~~

~~—(e) All efforts to obtain compliant interpreting services and all temporary options discussed with the D/DB/HH person are documented and available for review.~~

~~—(f) A D/DB/HH person's determination of which available option comes closest to providing effective communication is determinative, and it shall be the means of communication temporarily utilized until effective communication can be properly established.~~

~~(2) Communication provided in subrule (1) of this rule may include, but is not limited to, a person who signs, VRI, written notes, sign language pictographs, or other means. The ability permitted by this rule for an appointing authority to temporarily establish other means of communication does not relieve it of any obligation to provide qualified interpreters in a timely manner as required by these rules. Nor does it lessen legal responsibility for malfeasance, misfeasance, or other failure to reasonably predict and prepare to meet a legal requirement to provide a properly qualified interpreter, or which would have otherwise reasonably have prevented the need to rely on this rule.~~