

Bureau of Community and Health Systems (BCHS)
Qualified Interpreter Administrative Rules
Highlights

Objective

Revise the administrative rules set to conform with today's practice standards, make them easy to read, and simplified rules insofar as reasonable.

This is not an all-inclusive list of changes; this is to highlight some of the draft changes that might be substantial. As we receive feedback and comments, these changes are subject to change.

Overview

- Current rules set promulgated in 2014 and includes 9 Parts, 48 rules, and 40 pages.
- Proposed rules set has 6 Parts, 29 rules, and 21 pages. Reduced number of parts, rules, and pages.

Authority

The Deaf Persons' Interpreters Act, Act 204 of 1982, specifically MCL 393.508a, grants authority to promulgate administrative rules for application; testing; revocation, suspension, or limitation of certification; continuing education; renewals, grievances; minimum credential requirements and levels; and minimum practice standards.

Part 1: General Provisions (definitions, scope, rights for Deaf, DeafBlind, or hard of hearing person, reasonable advance notice to appointing authority):

- Rescinded fees requirements (R 393.5094) and seek to establish in the act.
- Quality Assurance Certification or QA was removed, as this is no longer a certification or test offered.
- Qualified Interpreters definition was updated to reflect the statute.
- The scope further defined that an individual that interprets for a D/DB/HH person must hold a state certification and be listed in the registry when offering services in a court, a state or government proceeding where an accommodation is required.
- No longer have 3 standard levels, we updated levels to Basic, Advanced and Educational QIs and described in the rules what setting each certification can interpret in. The endorsements that are necessary for medical/mental health and legal settings were also introduced in the scope. Further detail on this are discussed later in the rules under minimum credential requirements.
- Added a training opportunity to give an individual an option to offer interpreting services that do not hold a QI certification, excluding legal proceedings, if the individual is enrolled in, or graduated from, a course for interpreting at a university or college or is a Deaf interpreter (DI) and has not passed a state-approved certification exam or advanced level

exam while interpreting under a QI. Individuals not holding a QI may work in this capacity for up to 2 years.

- Added an option for a QI to be mentored by an Advanced QI certification for purposes of training and learning to advance certification.
- Supervision requirements are outlined for the training opportunities.
- Created new section to highlight the rights of a Deaf, DeafBlind, or hard of hearing person.
 - Consent for using a QI that does not hold a certification at the required level in emergency settings.
 - Consent for accepting individuals who are in training under the supervision of a QI.
 - Consent for accepting underqualified individuals in the schools.
 - Individuals will not be coerced into signing waivers or the waiver is void.
 - Information added about the complaint process in this section.
- Reformatted Advance Notice to an Appointing Authority section to make easier to read.
- Made the rules more concise by incorporating the Verification of Interpreter Qualifications section throughout the rules. Removed the \$35 fee for this service.

Part 2: Minimum Credential Requirements (certification types, exception to 4.0 educational standard, endorsements, temporary credentials & endorsements, deaf interpreter):

- No longer have 3 standard levels (BEI I, BEI II and BEI III), we updated levels to:
 - **Basic QI** - Allows an interpreter to work in low risk, non-complex proceedings such as workshops, general presentations, weddings, post-secondary vocational trainings, etc.
 - **Advanced QI** - Allows a QI to interpret in low risk, to medium-high risk proceedings including government, employment, finance, medical, and mental health care environments with the proper endorsement.
 - **Educational QI's** – Allows a QI to work in educational school settings:
 - Elementary educational certification allows a QI to interpret for a D/DB/HH child in pre-kindergarten through 6th grade.
 - Secondary educational certification allows a QI to interpret for a D/DB/HH student in 7th through 12th grade, and through age 26 for a student.
 - **Deaf Interpreters**
 - Endorsements that are necessary for medical/mental health and legal settings were also introduced in the scope.
 - DeafBlind endorsement no longer exists as an endorsement.
- Added the consent of the parent or guardian to use an interpreter that does not meet the EIPA requirement of 4.0 or higher in the exception to 4.0 educational standard section.
- Added a requirement for the school to maintain documentation regarding their EIPA exam scores of 3.5-3.9 and their 2 CEUs taken over the last 12 months.
- Continued to require 2.0 CEUs for medical-mental health and legal endorsements. Further detail on this are discussed later in the rules under minimum credential requirements.
- Added an allowance for the board to recommend temporary new credentials and endorsements for up to 2 years or until rules are updated. The credentials or endorsements must be equal to or not conflict with existing credentials and endorsements.

- Created a section for deaf interpreters (DI) to increase chances for employment opportunities and additional support to Deaf, DeafBlind or hard of hearing in the community. DIs must:
 - hold an associate degree or higher
 - submit proof of deafness
 - Have either a score of 4 or higher on the American Sign Language Proficiency Interview (ASLPI) or advanced or higher on the Sign Language Proficiency Interview – American Sign Language (SLPI-ASL).
 - Complete 40 hours of interpreter training

Part 3: Minimum Standards of Practice (practice standards, adoption by reference; code of professional conduct, educational standards, VRI requirements):

- If requested, a QI must provide proof of current certification and endorsement(s), as well as a valid government issued ID with photo before starting an assignment.
- In educational standards we adopted Council for Higher Education Accreditation (CHEA) requiring colleges and universities to be accredited by CHEA.
- Made the VRI section more concise and added the following:
 - Consent by the deaf or hard of hearing person prior to the appointment
 - Consent must be retained for 2 years by the appointing authority
 - QI must show their full name and show proof of current certification and endorsement(s) on the video screen to the D/HH person and appointing authority before starting the VRI service.

PART 4. Qualified Interpreter Certification Process, 4A Application (application for certification and endorsement requirements):

- Rescinded good moral character requirements (R 393.5033).
- Added the DI credential to this section indicating that they must follow the rules in this rule set to request or maintain certification.
- Added that an application is considered withdrawn if not completed within 90 calendar days of notification from the department that it was incomplete. Once an application is considered withdrawn, a new application with supporting documentation and fee(s) required by the act must be submitted.
- If a QI's contact information changes they are required to notify the department of the change and updated information.

Part 4B Testing (testing, retesting, refunds; conditions; rescheduling examinations):

- Clarified that if a BEI certification is lapsed for 1 year or more the interpreter will need to retest. Current rules state that if the BEI certification is lapsed, they only have 90 days before they are required to retest.
- Clarified if it has been less than 1 year since the interpreter has lapsed, they must have met their CE requirements, paid the renewal fee and submitted an application for renewal.
- Added language stating that an application to take the BEI is valid for one year from the date the department received the application.

- Clarified that if the applicant cancels and does not reschedule and complete the exam within one year a refund is not issued and the fees are forfeited.

PART 4C. Renewals (certification and endorsement renewal requirements):

- Removed late renewal fees for 45 and 90 days.
- Aligned renewal dates that will be issued by the department, for those that hold an EIPA, RID, and BEI to one renewal date versus multiple dates.
- Added that after 30 days lapsed a certification will be expired and the QI will cease practice as a QI.
- Clarified that renewal applications that are incomplete must submit complete information within 90 days of the department notifying the applicant or the applicant must resubmit a new application and fees.

PART 4D. Continuing Education (Continuing education requirements for state certification, department records; continuing education; audit process)

- Added a table to summarize CEs

	RID	RID & BEI	RID & EIPA	RID & BEI & EIPA	BEI	BEI & EIPA	EIPA	DI
At least 4.0 CEUs or 40 hours in professional studies					X	X	X	X
At least 2.0 CEUs or 20 hours in ethics					X	X	X	X
Not more than 1.0 CEU or 10 hours in general studies					X	X	X	X
At least 1.0 CEU or 10 hours of DeafBlind	X	X	X	X	X	X	X	X
At least 1.0 CEU or 10 hours of education*						X	X	X
Total CEUs Required at renewal	1	1	1	1	8	8	8	8
Following CEUs are required if QI holds endorsement (R 393.313)								
At least 2.0 CEUs or 20 hours of medical-mental health	X	X	X	X	X	X	N/A	X
At least 2.0 CEUs or 20 hours of legal	X	X	X	X	X	X	N/A	N/A

* Educational CEUs are not in addition to total CEUs. A DI that works in an educational environment must also complete educational related CEUs.

- Requires 1.0 DeafBlind CEU for all qualified interpreters. Previously only individuals that had a DB endorsement were required to complete 0.8 CEUs. Must be related to DeafBlind, deaf persons with low vision, and interpreting for DB and deaf persons with low vision.

- Clarified RID power, privilege, and oppression (PPO) are considered ethic CEUs.
- Clarified the department may waive CEU requirements if the QI provides written documentation before expiration due to: disability, military service, medical circumstances, absence from the US and extenuating circumstances.
- Once the rules become effective the department will no longer require CEUs to be submitted with renewal, instead an audit process will be implemented within 1 year from the effective date of the rules.
- QI attestations will be required regarding CEU compliance as part of the renewal process.
- The department will report to the board the audit findings and the audit process will be publicly posted.
- QIs must retain their own CEU documentation for a period of 5 years from the date of applying for initial certification or renewal.
- New CEUs required by these rules start 2 years from the effective date of these rules.

Part 5 Complaints (filing complaints, acknowledgment of complaints, complaint notification, investigation):

- The rules update timeframes for submission, acknowledgment, investigation and conclusion of complaints.
- Allowed up to 12 months to submit a complaint.
- The department will notify the complainant that a complaint was received and if it will be investigated within 45 days of receipt.
- QI will be notified of the outcomes of an investigation within 30 days of the conclusion of the investigation.
- Complainant will be notified of the findings within 60 days of the conclusion of the investigation.

Part 6 Revocation, Suspension, Limitation of Certification (plan of correction, enforcement, notice of intent, summary suspension, opportunity to show compliance):

- Added a section for the department to request from an interpreter to submit a plan of correction to demonstrate compliance.
- Added that the department may also require retraining, CEU requirements or issue written reprimands.
- Clarified the process for a QI to voluntarily surrender a certificate.
- Added language about issuing a Notice of Intent (NOI) to revoke or suspend a certificate to conform with the bureau's practices.
- Clarified the hearing process and required steps.
- Simplified the summary suspension process to align with the Michigan Administrative Procedures Act, 1969 PA 306, MCL 24.292.
- Outlined the option for a compliance conference.