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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

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DIRECTOR

MICHIGAN BOARD OF QUALIFIED INTERPRETERS RULES WORK GROUP

JULY 22, 2019

MINUTES

The Michigan Board of Qualified Interpreters held a Rules Work Group meeting on July 22, 2019, 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 9:41 a.m.

ROLL CALL

Members Present: Carmen Johnson, Chairperson
Andrea Hentschel, Public Member
Sarah Houston

Members Absent: Karen Bailey, Vice-Chairperson
Michael Depcik
Jahan Farzam-Behboodi
Barbara Hinson
Mitchell Holaly
Miriam Horwitz

Staff Present: Kimmy Catlin, Board Support, Boards and Committees Section
Andria Ditschman, Analyst, Boards and Committees Section
Jacob Poynter, Analyst, Licensing Division

Due to a lack of quorum the regularly scheduled Board meeting was instead held as a Work Group meeting.

RULES DISCUSSION – (A copy of the current rules is attached.)

Ditschman explained the process of a Rules Committee Work Group meeting and gave an overview of the current draft rules.

Stuckless stated that the trainee status, as proposed, is for graduates who have not passed a test for certification.

Stuckless stated that using a 50% minimum score for entry into the trainee program is random and not defensible. People will not follow the rule and will interpret without a mentor present which is unfair to the public.

Stuckless expressed concern that the low score will allow for the use of uncertified interpreters which is a disservice to the community.

Stuckless stated that he contacted the creators of the BEI and they agreed that 50% is not defensible.

Chumley questioned where the 50% pass rate comes from.

Chumley asked if the trainee permit may be renewed if a person hasn't passed the exam in three years. Chumley stated the trainee permit is not appropriate in an educational setting because it is unfair to children who are trying to learn a language.

Chumley expressed concern with Rule 51(8). She stated that if an interpreter is comfortable interpreting alone, they should not have to refuse service because flexibility is often needed in order to provide effective service. This rule is too restrictive.

Chumley asked who were the experts that conduct investigations.

Chumley questioned how an agency will be held responsible if a complaint is filed.

Chumley asked who comprises the continuing education committee.

Chumley stated that it is inappropriate for continuing education credits to be given to interpreters who interpret at Board meetings.

Ditschman stated that the Continuing Education Committee will consist of members from the Board.

Ditschman stated that the pass rate was determined by the Rules Committee and they can speak to the reason why that rate was chosen.

Ditschman stated that the three-year rule was created so trainees cannot indefinitely work with a mentor instead of attempting to get fully licensed.

Houston stated that the BEI 1 does not determine if an individual is qualified.

Johnson advised that more medical and legal endorsements are needed. Those who are BEI or RDI certified should be able to get hands-on training.

Ditschman questioned if allowing a trainee in a medical, legal, or educational setting is appropriate if the licensee is moving towards endorsement.

The members agreed that it is appropriate.

Ditschman stated that during a Department investigation an expert is determined by the person asking to use an expert.

Ditschman stated that the Department has struggled to obtain interpreters for Board meetings, so CE credit is being offered to encourage participation in the Board process.

Ditschman stated that using a trainee card inconsistently with the rules is subject to disciplinary action.

Harrison stated that she was asked to interpret for a Board meeting however, the conditions of her contract would not have been met had she accepted the job.

Ditschman asked what conditions would not have been met.

Harrison stated the rate, mileage, and distance was not accepted by the Board.

Harrison stated that interpreters are independent contractors and that is often not understood.

Ditschman advised that the Department, not the Board hires the interpreters and the rates for mileage are consistent with other reimbursements in the Department.

Balfour questioned why MDE is the approver of continuing education and if CDI needs to be in Table 4.

Ditschman stated MDE does not approve all continuing education. However, if MDE approves a program, the Board/Department will accept that program for CE credit. The table is still being modified.

Secord expressed his concern regarding increasing the requirements for a legal endorsement. Secord wanted to ensure that the requirements will increase the standard in a court system.

Secord stated that it is concerning that the rules do not allow an interpreter who interprets in an educational setting to also interpret outside of the educational setting.

Stuckless stated there is not simply a shortage of interpreters. The real issue is that many interpreters are not even being asked to interpret.

Stuckless advised that interpreters should be hired as full-time employees and that will help the issue.

Ditschman stated that she received comments from courts requesting that the VRS requirements be relaxed. She advised that VRS is federally regulated, so VRS will not be included in the rules.

Ditschman provided a list of environments where legal endorsements can be used that was deleted from the table.

Houston expressed concern with limiting interpreters who interpret in an educational setting from being allowed to interpret elsewhere.

Ditschman stated that the limitation on an interpreter hired to interpret in a school setting is to protect a D/DB/HH hearing person from having the right to ask for their own interpreter as opposed to an entity trying to use one interpreter to handle multiple issues. Ditschman asked if all questions from DeafCan were addressed.

DeafCan stated everything was addressed.

Ditschman stated that the question has arisen regarding acceptance of a bachelor's degree in place of an English proficiency test.

Johnson asked how many licensees have requested to use this alternative option.

Ditschman stated that the Department does not have this number.

Johnson stated the focus of a proceeding's interpreter is not for the audience and courts need to make the alternative arrangements for the audience.

Ditschman stated that the rule regarding this issue will be reviewed for clarity.

Hentschel said this should be removed from the rules as it falls on the courts to educate themselves.

Ditschman stated she will research different scenarios and discuss the issue with the State Court Administrative Office as comments were received regarding a court's autonomy.

Kolhoff asked if SCL's are being asked about the rules.

Ditschman stated they have not been sent a copy of the rules but that it is a good idea and will attempt to include them in the process.

Stuckless stated that in court, if a deaf complainant or defendant goes from the stand to the audience, they can no longer use the interpreter and that at that point, the interpreter may need to be changed.

Houston asked if the Department will be moving towards a computerized system.

Ditschman stated all profession are moving towards the new MiPlus platform.

Ditschman provided her contact information and asked that any further comments be sent to her.

ADJOURNMENT

The meeting adjourned at 11:30 a.m.

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

August 5, 2019

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

~~DIVISION ON DEAF AND HARD OF HEARING~~
**BOARD OF INTERPRETERS FOR THE
DEAF, DEAF-BLIND 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 the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244. or 24.245a. 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 9 of the division on deafness act, 1937 PA 72, MCL 408.209,~~ and ~~ERO Executive Reorganization Order Nos. 1996-2, MCL 445.2001, ERO 2003-1, MCL 445.2011, and ERO 2008-4, 2011-4, 2014-5 and 2017-8, MCL 445.2001, 445.2011, 445.2025 445.2030, 445.2035, and 445.2036)~~

R 393.5001, R 393.5003, R 393.5004, R 393.5021, R 393.5022, R 393.5028, R 393.5029, R 393.5031, 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 393.5061, R 393.5062, R 393.5063, R 393.5064, R 393.5070, R 393.5072, R 393.5073, R 393.5074, R 393.5076, R 393.7077, R 393.5081, R 393.5082, R 393.5084, R 393.5085, 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, R 393.5029a, R 393.5030, R 393.5030a, and R 393.5072a are added, and R 393.5005, R 393.5023, R 393.5024, R 393.5025, R 393.5026, R 393.5027, R 393.5032, R 393.5058, R 393.5075, R 393.5083, and R 393.7086 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 393.5001 Scope.

Rule 1. These rules apply to **a qualified interpreter, a qualified deaf interpreter, a qualified interpreter applicant, an interpreter trainee, a student intern**, a person who is hired to interpret for a proceeding for a deaf, deaf-blind, or hard of hearing (**D/DB/HH**) 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.**

(2) Unless otherwise provided in these rules, an interpreter located in this state interpreting for a D/DB/HH person or an interpreter interpreting for a D/DB/HH person

located in this state shall hold a state certification and be listed as a qualified interpreter in this state **if interpreting in any of for any of** the following:

(a) An action before a court or grand jury where a D/DB/HH person is a participant in the action as a plaintiff, defendant, or witness.

(b) In a proceeding before a department, board, commission, agency, or licensing authority in this state or a political subdivision of this state.

(c) In a proceeding before an entity that is required to provide a qualified interpreter as an accommodation to provide effective communication for a D/DB/HH person under a law in this state or a federal law.

(3) Levels of certification are based on the qualified interpreter's credentials. Each level of certification, basic, advanced, educational, and deaf interpreter (DI) allows the qualified interpreter to interpret in specific proceedings or environments.

(4) Special endorsements are also required to interpret in medical-mental health proceedings, legal proceedings, or for a proceeding involving a deaf-blind person.

(5) If there is a conflict between these rules and a local, state, or federal law, the interpreter shall comply with the law. All interpreters in this state must comply with all federal regulations established by the United States Department of Justice under title II and III of the Americans with Disabilities Act of 1990, 42 USC 12101 et seq and Americans with Disabilities Amendments Act of 2008. These rules are intended to supplement state law and shall be read to be consistent with state law if more than 1 interpretation is possible.

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) "CEU cycle" means a 4-year period of time in which continuing education units are earned.~~
"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, MCL 393.503a.

(c) **"BEI basic, BEI advanced, 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.**

(d) **"Board" means the board of interpreters for the deaf, deaf-blind and hard of hearing.**

~~(e)~~ (e) "CEU" means a continuing education unit.

~~(d)~~ (f) **"Complainant" means a person or entity who has filed a complaint 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, deaf-blind, 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)~~ **"Credential 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.**

(g) “D/DB/HH” means a deaf, deaf-blind 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.~~ **“Deaf person” means a person whose hearing is totally impaired or whose hearing, with or without amplification, is so seriously impaired that the primary means of receiving spoken language is through other sensory input, including, but not limited to, lip reading, sign language, finger spelling, or reading.**

(i) ~~“Director” means the director of the division on deaf and hard of hearing his or her designee.~~ **“Deaf-blind person” means a person who has a combination of hearing loss and vision loss, such that the combination necessitates specialized interpretation of spoken and written information in a manner appropriate to that person's dual sensory loss.**

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

(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.~~

“Director” means the director of the department of licensing and regulatory affairs or his or her designee.

(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~~ **people**, through a common system of language that is equally and fully understood by a ~~deaf, deaf blind, or hard of hearing person (D/DB/HH)~~ **person** and a hearing persons. The **qualified** interpreter must possess sign language to English —**and** 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)~~ **393.5058**, 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,~~ **designed by Boys Town National Research Hospital.**

(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 interpreting for a D/DB/HH person in a fair, honest, and open manner. Good moral character takes into consideration a judgment of guilt in a criminal prosecution, employability, the ability to,**

and likelihood of, serving the public in a fair, honest, and open manner, whether the interpreter is rehabilitated, and whether the substance of the former offense is reasonably related to interpreting as determined and defined in the Michigan occupational license for former offenders act, 1974 PA 381, MCL 338.41 to 338.47 and R 393.5033.

(q) “Incompetence” means a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for an interpreter, whether or not actual injury to an individual occurs.

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

(i) “Proceedings interpreter” means a qualified interpreter who interprets legal proceedings, including but not limited to witness testimony, 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. The proceedings interpreter is an officer of the court.

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

(iii) “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 holds a certification from the state pursuant to R 393.5031 as a basic, advanced, or educational qualified interpreter and is listed on the **MiPLUS online system (MiPLUS) formerly known as the Michigan online interpreter system (MOIS)** that is available on the department’s website.

(iv) “Qualified Deaf interpreter” or “DI” means a deaf or hard of hearing person recognized by this state as a qualified interpreter through an application and certification process under R 393.5031, and listed on **MiPLUS**, that is available on the department’s website. A DI 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 deaf-blind person or between a qualified interpreter and D/DB/HH person when the communication is not effective.

~~(q)~~ (s) “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.

~~(r)~~ (t) “Listed” or “listing” means full name, **address city, state, zip code**, type of certification, expiration, and disciplinary actions appearing in the ~~division~~ **department** interpreter database referred to as **MiPLUS**.

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

~~(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.

- (u) “NAD” means national association of the deaf.
- (v) “National certification” means 1 of the following certificates recognized by the 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~~ “NAD IV”, or “NAD 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) “Oral transliteration” means the practice of interpreting for a D/HH person who uses speech and lipreading as their primary method of communication.**
- (x) “Pocket card” means a certification card issued by this state.**
- ~~(w)~~ (y) “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)~~ (z) “Readily communicate” means that effective communication is achieved.
- ~~(bb)~~ (aa) “Reasonable notice” means the minimum advanced notice required under the circumstances for the appointing authority to secure ~~an~~ **a qualified** interpreter.
- ~~(cc)~~ (bb) “Respondent” means a person against whom a complaint 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)~~ (cc) “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)~~ (dd) “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)~~ **(ee)** “Student intern” means a person who is formally enrolled in a course of study, **in the field of interpreting, at an accredited institution**, college, university, or trade school **pursuant to R 393.5053** leading to a degree or certificate **who is participating in an interpreter practicum experience under R 393.5054** ~~from an accredited institution in the field of interpreting.~~

~~(ii)~~ **(ff)** “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)~~ **(gg)** “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 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)~~ **(hh)** “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)~~ **(ii)** "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)~~ **(jj)** "Waiver" means to give up the right to have a qualified interpreter **pursuant to section 3(3) of the act, MCL 393.503**. 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~~ **type of** 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 **person** 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 **Requirement of effective communication.**

Rule 20. (1) In all proceedings and environments an interpreter shall provide effective communication. Interpreters shall accept, decline, or withdraw from proceedings, based upon all of the following: level of certification by the state, endorsements, credentials,

NAD-RID code of professional conduct, experience, minimum standards of practice, and ability to readily communicate.

(2) Levels of certification are based upon the qualified interpreter's credentials and are intended to illustrate a given level of expected proficiency.

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 for elementary and secondary education** as provided in R 393.5026.

~~(e) A certification from another state having a reciprocal agreement with this state.~~

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

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

(h) A credential approved by the board that is substantially similar to the credentials listed in this rule.

~~(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~~ **Certification types**.

Rule 22. (1) ~~There are four Standard levels types of certification, shall include level 1, level 2, level 3, which include basic, advanced, and an educational, and DI level. Standard levels~~ **Types of certification** are based upon the sign language ~~the qualified~~ **the qualified** interpreter's credentials, and are intended to illustrate a given level of expected proficiency. Each ~~level type~~ **level type** is the minimum level established to protect the health, welfare, and safety of the D/DB/HH person and ~~qualified~~ **qualified** interpreters engaged in the specific environments identified under each ~~standard level type~~ **type**. 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 ~~only a designated~~ **only** RID oral transliteration certificate may provide ~~only~~ **only** 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, an advanced level~~ **standard levels 2 and 3, an advanced level** then the interpreter shall also obtain ~~medical and legal~~ **the appropriate** endorsements.

(3) **In addition to a state certification, endorsements under R 393.5028 are required to interpret in a medical-mental health proceeding, legal proceeding, or for a proceeding involving a DB person.**

(4) **The proceedings and environments where each type of qualified interpreter may work as well as the credentials required for each is included in Table 1.**

(5) As of the effective date of these rules a person who holds a standard level 3 under the prior rules shall be considered to hold an advanced qualified interpreter certification with a legal endorsement.

(6) As of the effective date of these rules a person who holds an educational level under the prior rules shall be considered to hold an educational qualified interpreter certification.

The following 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 . Rescinded.~~

~~Rule 23. (1) Interpreters at standard level 1 shall hold 1 of the following credentials:~~

~~—(a) MI-BEII.~~

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

~~—(c) DI.~~

~~—(d) NAD 3.~~

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

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

~~—(2) Interpreters assigned to standard level 1 may work in the following 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. Rescinded.~~

~~Rule 24. (1) Interpreters at standard level 2 may work in moderately complex environments and hold 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) BEI II.~~

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

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

~~—(f) NAD 4.~~

~~—(g) RID NIC.~~

~~—(h) RID NIC advanced.~~

~~—(i) RID NIC master.~~

- ~~—(j) RID-OTC.~~
- ~~—(2) Interpreters assigned to standard level 2 may interpret 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, or government.~~
 - ~~—(c) Interviews for jobs or job readiness and on the job training.~~
 - ~~—(d) Employment complaints or disciplinary actions.~~
 - ~~—(e) Employment related meetings, staff meetings, and sheltered employment.~~
 - ~~—(f) Political events.~~
 - ~~—(g) Financial, banking, and personal transactions.~~
 - ~~—(h) Government meetings.~~
 - ~~—(i) Presentations by dignitaries and public personalities.~~
 - ~~—(j) Plays, concerts, and television news.~~
 - ~~—(k) Tax assessment meetings and appeals.~~
 - ~~—(l) Applications for state or federal services.~~
 - ~~—(m) VRI services for all situations at this level.~~
- ~~—(3) 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:~~
 - ~~—(a) All health care situations beyond basic first aid involving a health care practitioner, doctor, rehabilitation specialist, therapist, psychologist, or psychiatrist.~~
 - ~~—(b) 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.~~
 - ~~—(c) Health related and mental health related presentations by speakers, trainings, and workshops.~~
 - ~~—(d) Addiction treatment, counseling, and psychiatric evaluations.~~
- ~~—(4) Standard level 2 interpreters may interpret 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. **Rescinded.**~~

- ~~—Rule 25. (1) Interpreters assigned to standard level 3 may work in high-risk environments and shall hold 1 of the following credentials and a legal endorsement as prescribed in R 393.5028:~~
 - ~~—(a) Michigan BEI III, plus 4 years of experience post initial certification.~~
 - ~~—(b) DI, 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.~~
- ~~—(2) Interpreters assigned to standard level 3 with endorsements may interpret for a proceeding in the following 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 trainings.~~
 - ~~—(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.~~
- ~~—(3) An interpreter assigned to standard level 3 may interpret for a proceeding in standard level 1 and 2 environments. The interpreter shall achieve and obtain appropriate endorsements, 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. **Rescinded.**

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 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, a passing score on the EIPA written test or a similar written test adopted by the division in cooperation with MDE.~~
- ~~—(b) A division recognized certification that requires an equivalent child-based model testing instrument approved and certified by the division with advice from the department of education.~~
- ~~—(c) A deaf interpreter credential and certification by the division.~~
- ~~—(2) An educational interpreter working in 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 in cooperation with MDE.~~
 - ~~—(b) A Michigan BEI 2.~~
 - ~~—(c) A minimum standard level 2 or 3.~~
 - ~~—(d) A division recognized certification that requires an equivalent child-based model testing instrument approved and certified by the division with advice from the department of education.~~
 - ~~—(e) A deaf interpreter credential and certification by the division.~~

~~(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, 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 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 and afterschool activities.~~
- ~~—(e) Class trips.~~
- ~~—(f) During an IEP (individualized education program meeting) for the student.~~
- ~~—(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 the educational interpreter also is qualified to interpret in the 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. 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 days or more beyond the expiration date of the credential card, as required under R 393.5092.

R 393.5027 ~~Exceptions; standard level designations.~~ **Rescinded.**

~~—Rule 27. (1) A troupe member of a theater company, performing artist, dignitary, or speaker 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.~~

~~—(2) During a state or national emergency, a person facilitating communication between a D/DB/HH person and first responders is exempt from these rules until a qualified interpreter may be found.~~

~~—(3) Following the implementation of 4.0 as the educational standard, the director shall grant an exception to the standard at the request of the school district when all the following factors exist:~~

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

~~(b) The educational program has informed the division in writing describing its attempts and inability to locate a properly qualified interpreter 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 the exception is granted would otherwise result in a D/DB/HH child 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 exception is only effective through the end of the applicable school year.~~

~~(4) An interpreter granted an exception under subrule (3) of this rule shall provide both of the following:~~

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

~~(b) Documentation establishing acquisition of 12 additional hours of educational interpreting training within the last 12 months, and annual maintenance of CEUs for educational interpreting.~~

R 393.5028 ~~Special endorsements; deaf-blind; medical/and - mental health; and legal.~~

Rule 28. (1) A qualified interpreter shall hold a deaf-blind endorsement to interpret for a deaf-blind person in any setting. A qualified interpreter shall hold a medical-mental endorsement or legal endorsement to interpret in a medical-mental health setting or legal setting. When interpreting in legal or medical-mental health settings with a deaf-blind individual, an interpreter must possess both a deaf-blind and the appropriate legal or medical-mental endorsements. Beginning 2 years following the effective date of these rules, an endorsement shall be required to interpret for a proceeding in any of the following environments:

~~—(a) Deafblind.~~

~~—(b) Medical or mental health.~~

~~—(c) Legal.~~

(2) An applicant for an 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 shall comply with the NAD-RID code of professional conduct, adopted by the board in R 393.5052, and shall conduct him or herself as required under these rules.

~~(2) (3) A qualified interpreter seeking~~ **An applicant applying for a deaf-blind endorsement to interpret for a deaf-blind person, deafblind endorsement at any level shall complete not less than ~~2.4~~ .4 CEUs per 4-year 2-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.**

(4) Beginning January 1, 2022, an applicant applying for a deaf-blind endorsement to interpret for a deaf-blind person, shall in addition to meeting the requirements in subrules (1) and (2) of this rule, shall successfully obtain a credential approved by the board that requires training substantially similar to the training in subdivisions (a) and (b) of this subrule or comply with both of the following requirements:

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

- (i) Promoting autonomy.**
- (ii) Deaf blind culture.**
- (iii) Role and duties of support service providers.**
- (iv) Various modes of communication used by a deaf-blind person.**
- (v) Impact of etiologies of vision and hearing loss on communication.**
- (vi) Working with a deaf-blind person to identify lighting, positioning, and communication preferences.**
- (vii) Current trends in the deaf-blind community and deaf-blind interpreting.**

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

- (i) Differences between touch-centric and visual-centric interpreting.**
- (ii) Communication touch tools such as haptic and print-on-palm.**
- (iii) Techniques for conveying language in a tactile manner such as touch signals, turn-taking, back-channeling, three-way conversations, and environmental cues.**
- (iv) Conveying relevant non-linguistic information such as room descriptions, graphics, written texts, expressions, and actions through tactile means.**
- (v) Principles of protactile communication.**

~~(3) (5) A qualified interpreter shall meet~~ **An applicant applying for a medical-mental health endorsement to interpret in a proceeding in a medical or mental health setting shall comply with all of the following requirements for endorsement to interpret for a proceeding in medical or mental health settings:**

(a) Pass the Test for English Proficiency (TEP) or other an English competency test approved by the board or possess a minimum of a bachelor's degree that is taught in English in any field from an accredited institution pursuant to R 393.5023.

(b) Qualify to interpret for a proceeding at ~~standard level 2 or 3~~ the advanced certification level.

(c) Complete not less than ~~2.0~~ 1.0 medical or mental health CEUs per 4-year 2-year cycle.

(d) Successfully complete a ~~skills development~~ **medical interpreter training** course that focuses on sign language concepts and interpretation of medical vocabulary.

(6) Beginning January 1, 2022, an applicant applying for a medical-mental health endorsement to interpret in a proceeding in a medical or mental health setting shall in addition to meeting the requirements in subrules (1) and (2) of this rule shall comply with all of the following requirements:

(a) Pass the **Test for English Proficiency (TEP)** or other English competency test approved by the board or possess a minimum of a bachelor's degree that is taught in **English in any field from an accredited institution pursuant to R 393.5023.**

(b) Qualify to interpret for a proceeding at the advanced certification level.

(c) Successfully obtain a credential approved by the board that requires training substantially similar to the training in paragraphs (i) and (ii) of this subdivision or comply with both of the following:

(i) Successfully complete 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.

(ii) 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.

(E) Substance abuse symptoms, assessment and treatment.

(F) Common mental health treatment approaches.

(G) Behavioral health related to individuals with developmental disabilities.

(H) Mental health terminology, procedures and protocol.

(I) Language dysfluency.

(J) Transference and countertransference.

(K) Impact of interpreters on mental health assessments.

(L) Mechanics and boundaries for mental health interpreting.

(M) Settings and assignments for mental health interpreting.

~~(4)~~ (7) An applicant applying for a legal endorsement to interpret in a legal proceeding or environment ~~For an endorsement to interpret a proceeding in a legal setting, a qualified interpreter shall possess an~~ **meet one of the following:**

(a) Possess a RID SC:L, or RID CLIP-R, or other legal certification approved by the board that is substantially similar to a RID SC:L or RID CLIP-R and complete not less than 2.0 1.0 legal CEU's per 4 year 2-year cycle.

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

(a) (i) 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 taught in English in any field from an accredited institution pursuant to R 393.5023.

(b) (ii) Obtain certification for 1 of the certificates following credentials listed under level 3 standards.:

(A) BEI Master plus 4 years of experience post initial certification.

(B) RID CSC

(C) RID MCSC

(D) RID reverse skills certificate

(E) RID CDI

(F) NAD V

(G) RID CI and CT

(H) RID OTC

(I) RID NIC plus 4 years of experience post initial certification

(J) RID NIC Advanced plus 4 years of experience post initial certification

(K) RID NIC Master plus 4 years of experience post initial certification

(L) RID CLIP-R

(M) A credential approved by the board that is substantially similar to any of the credentials listed in this subdivision.

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

(d) (iii) Complete not less than 2.0 1.0 legal interpreting CEUs per 4 year 2-year cycle.

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

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

(i) (A) Possess A a bachelor's degree from an accredited institution pursuant to R 393.5023 in any field or an associate's degree in interpreting from an accredited institution pursuant to R 393.5023, and meet all of the following additional education and experience:

(a) (1) Documentation of Successfully complete and document not less than at least 50 hours of legal interpreting or mentoring experience.

(b) (2) Successfully complete and document Documentation of not less than at least 30 hours of formal legal interpreter training.

(c) (3) Documentation of Successfully complete and document not less than at least 4 years of post-certification interpreting experience.

(ii) (B) Possess An an associate's degree in any field from an accredited institution pursuant to R 393.5023 and meet all of the following additional education and experience:

(a) (1) Documentation of not less than **Successfully complete and document at least 75** hours of legal interpreting or mentoring experience.

(b) (2) Documentation of not less than **Successfully complete and document at least 50** hours of formal legal interpreter training.

(c) (3) Documentation of not less than **Successfully complete and document at least 4** years of post-certification interpreting experience.

(iii) (C) **Possess a High high** school diploma and **meet** all of the following additional education and experience:

(a) (1) Documentation of not less than **Successfully complete and document at least 100** hours of legal interpreting or mentoring experience.

(b) (2) Documentation of not less than **Successfully complete and document at least 70** hours of formal legal interpreter training.

(c) (3) Documentation of not less than **Successfully complete and document at least 4** years of post-certification interpreting experience.

(8) Beginning January 1, 2020, an applicant applying for a legal endorsement to interpret in a legal proceeding or environment shall comply with either of the following:

(a) **Possess a RID SC:L, RID CLIP-R, or other legal certification approved by the board that is substantially similar to RID SC:L or RID CLIP-R.**

(b) Complete all of the following requirements:

(i) **Pass the TEP or other English competency test approved by the board or possess a minimum of a bachelor's degree taught in English in any field from an accredited institution pursuant to R 393.5023.**

(ii) Obtain certification for 1 of the following credentials:

(A) BEI Master plus 4 years of experience post initial certification.

(B) RID CSC

(C) RID MCSC

(D) RID reverse skills certificate

(E) RID CDI

(F) NAD V

(G) RID CI and CT

(H) RID OTC

(I) RID NIC plus 4 years of experience post initial certification

(J) RID NIC Advanced plus 4 years of experience post initial certification

(K) RID NIC Master plus 4 years of experience post initial certification

(L) RID CLIP-R

(M) A credential approved by the board that is substantially similar to any of the credentials listed in this subdivision.

(iii) Possess a high school diploma or equivalent.

(iv) **Successfully complete and document at least 75 hours of legal mentoring experience with an interpreter who holds a RID SC:L, RID CLIP-R, or other legal certification approved by the board that is substantially similar to RID SC:L or RID CLIP-R for at least 4 years prior to mentoring.**

(v) **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 paragraph (iv) of this subdivision.**

(vi) **Successfully obtain a credential approved by the board that requires training substantially similar to the training in paragraphs (A) to (L) in this paragraph or successfully complete and document at least 50 hours of training in interpreting concepts in the legal setting covering the following topics:**

- (A) **Sign language concepts, vocabulary, and interpreting in legal settings.**
- (B) **Criminal, civil, and specialized court proceedings and procedure.**
- (C) **Importance of the record for permanency.**
- (D) **Privileged communication.**
- (E) **The 5th amendment and rights referred to in a Miranda warning.**
- (F) **Use of deaf interpreters in legal settings.**
- (G) **General processes in the law enforcement system.**
- (H) **State and federal legislation and regulations informing the use of interpreters in legal proceedings.**
- (I) **Conflicts of interest and disclosure on the court record.**
- (J) **Roles of courtroom interpreters and the legal basis for each.**
- (K) **Duties and obligations of the interpreter as an officer of the court.**
- (L) **Ability to advocate for proper staffing of legal assignments and access to salient case related material.**

(vii) **Document and successfully complete at least 4 years of post-certification advanced certification level interpreting experience.**

(9) 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.~~ **Interpreter trainee permit; application and renewal; practices; supervision.**

~~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.~~

(1) An applicant for an interpreter trainee permit, who does not hold an interpreter certification from this state, nor holds a license, registration, or certification in another state, may submit to the department a completed application on a form provided by the department with the requisite fee and all of the following for an interpreter training permit:

(a) A copy of a valid government photo-identification.

(b) Evidence of attainment of 18 years of age at the time of application.

(c) A statement signed by the applicant agreeing to comply with the administrative rules, and state and federal laws applying to interpreters.

(d) A statement signed by the applicant attesting to the information in the application and affirming that the applicant shall comply with the NAD-RID code of professional conduct, adopted by the board in R 393.5052.

(e) Proof of not lacking good moral character under R 393.5033.

(f) Proof of license, registration, or certification verification from all other states in the United States in which the applicant holds or ever held a license, registration, or certification as an interpreter including any record of past or pending disciplinary action.

(g) Copy of an associate, bachelor, master, or doctorate degree from an interpreter program at an accredited institution, pursuant to R 393.5053.

(h) Proof of passing the TEP or other English competency test approved by the board or possess a minimum of a bachelor's degree taught in English in any field from an accredited institution pursuant to R 393.5023.

(i) Proof of having failed the BEI basic examination or another interpreter examination approved by the board with at least a 50% passing rate.

(2) The interpreter training permit is valid for one year from the date of issuance. An interpreter training permit shall be renewed annually but may not be renewed for more than three consecutive years after the initial year, for a total of no more than 4 years. At the time of renewal, the applicant shall submit to the department a completed renewal application on a form provided by the department, the requisite fee, and proof of having taken the BEI basic exam within the last 9 months.

(3) An interpreter trainee shall be supervised by a qualified interpreter with a current state certification, no past or pending disciplinary actions, who has submitted a supervisor

application, has been approved by the department, and has agreed to meet the requirement in R 393.5029a before the training begins.

(4) An interpreter trainee may interpret in a basic or advanced **educational** level setting included in R 393.5022 as directed by their supervisor if the interpreter trainee complies with all of the following:

(a) Interpretation is performed under the supervision of his or her supervisor. Supervision requires that the supervisor is present with the interpreter trainee at all times.

(b) An interpreter trainee may only interpret in settings where a basic or advanced qualified interpreter is allowed to interpret, and in a setting where the supervisor holds the proper certification and endorsements. **An interpreter trainee may not interpret in an educational, medical, or legal setting.**

(c) An interpreter trainee shall not hold himself or herself out to the public as being engaged in the practice of interpreting as a qualified interpreter or provide interpreter services outside his or her interpreter training permit.

(d) The agreement to interpret shall be between the supervisor and appointing authority or D/DB/HH person. An interpreter trainee shall not be paid for their interpreting services.

(e) At the initial introduction with a D/DB/HH person the interpreter trainee must show their training permit pocket card to the D/DB/HH person and wear the pocket card on his or her body in a location where it can be seen by others.

(f) An interpreter trainee permit must be obtained and maintained during the entire training experience.

(g) The interpreter trainee shall quarterly submit proof of their training on a department form, including the name of the appointing authority, location of the interpreting, level of interpreting, and times of the interpreting. Except as provided in this subsection and the continuing education requirements, an applicant who is granted an interpreter training permit is subject to all the provisions in the act and these rules applicable to an interpreter, including those provisions concerning disciplinary action.

(h) An interpreter trainee shall not be hired to interpret under R 393.5041, which allows for exceptions, waivers, and exemptions to these rules.

(i) An interpreter trainee shall comply with these administrative rules, state and federal laws applying to interpreters, and the NAD-RID code of professional conduct, adopted by the board in R 393.5052.

R 393.5029a. Interpreter trainee supervisor.

Rule 29a. (1) A supervisor shall submit to the department a completed form provided by the department before serving as a supervisor.

(2) A supervisor shall hold an unrestricted state certification as a qualified interpreter from this state for at least 4 years that is currently in good standing and allows the supervisor to interpret **in basic and** in at least an advanced, ~~and educational~~ level setting before supervising.

(3) A supervisor shall do all of the following while acting as a supervisor:

(a) Obtain the consent of the D/DB/HH person and appointing authority before allowing the interpreting trainee to participate and before introducing the trainee to the D/DB/HH

person. In the case of a minor, permission must be obtained from the minor's parents or legal guardian. **If a team is being used, obtain permission from the team interpreters.**

(b) Sign a department form agreeing to the requirements of this rule and R 393.5029 before acting as a supervisor.

(c) Do not allow a trainee to substitute for a qualified interpreter.

(d) Only supervise for the proceedings for which the supervisor holds the appropriate level of certification and endorsements required for the interpreting assignment in which he or she is engaging.

(e) Refrain from supervising if under disciplinary review or action.

(f) Assess the interpreting trainee's interpreting skills, provide feedback, and modify the practical experience whereby the interpreting trainee can improve his or her skills.

(g) Annually submit a department form attesting to the interpreting trainee's type of interpreting experience and number of hours earned.

(4) A supervisor may stop supervising at any time by contacting the department and the trainee in writing with 7 business days' notice.

PART 3. PROCEDURES FOR TESTING, APPLICATION, CERTIFICATION, AND LISTING

R 393.5030 Testing; department issued certificate.

Rule 30. (1) **Before taking a BEI performance examination, an applicant must have taken and passed the TEP or another English competency test approved by the board or possess a minimum of a bachelor's degree taught in English in any field from an accredited institution pursuant to R 393.5023. The TEP must only be passed 1 time.**

(2) The department shall schedule an applicant for a BEI performance examination who submits all the following:

(a) A completed application on a form provided by the department to take an appropriate level test.

(b) If sitting for the BEI advanced examination the applicant shall provide proof of obtaining the basic or advanced interpreter certification, or if sitting for the BEI master examination the applicant shall provide proof of obtaining the advanced interpreter certification.

(c) Valid state or government issued photo identification.

(d) Verification of attainment of 18 years of age at the time of the application for testing.

(e) Fees required for examination as required under MCL 393.508e.

(f) Proof of not lacking good moral character under R 393.5033.

(g) Proof of any current credentials.

(h) Verification from all other states in the United States in which the applicant holds or ever held a license, registration, or certification as an interpreter including any record of past or pending disciplinary action.

(3) Upon achievement of acceptable passing scores on an interpreter test administered by this state or another test accepted by the board, the applicant may submit an application to the department for certification and listing **in MiPLUS** as a qualified interpreter with an application as required in R 393.5031.

(4) A test application is valid for 2 years from the date the department receives the application.

R 393.5030a Retesting; recertification.

Rule 30a. (1) An applicant tested under the state testing system for certification that has passed the BEI basic, advanced, or master test does not have to retest as long as his or her state certification does not lapse under R 393.5092(5)(b).

(2) An applicant that was certified based on a national credential or the state recognized EIPA credential of 4.0 or above does not have to retest to renew his or her certification as long as his or her state certification does not lapse under R 393.5092(5)(b).

R 393.5031 Application for certification; requirements by division.

Rule 31. (1) Upon achieving an acceptable passing score on an interpreter test administered by this state or another test accepted by the board, an applicant for certification as a qualified interpreter shall submit a completed application on a form provided by the department, the required fee, and ~~The division shall certify and list an in-state or out-of-state applicant who submits all 1 of the following to the division department, as applicable to apply for a basic, advanced, educational, or DI certification and listing on MiPLUS as a qualified interpreter:~~

- (a) A copy of a valid government 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 state certification as an interpreter.**
- (d) A statement signed by the applicant attesting to the information in the application and affirming that the applicant shall comply with the NAD-RID code of professional conduct, adopted by the board in R 393.5052, and shall conduct him or herself as required under these rules.**
- (e) Proof of not lacking good moral character under R 393.5033.**
- (f) Proof of license, registration, or certification verification from all other states in the United States in which the applicant holds or ever held a license, registration, or certification as an interpreter including any record of past or pending disciplinary action.**
- (g) Proof of 1 of the following:**
 - ~~(a) An application for recognition as a state-certified interpreter, and all of the following:~~
 - ~~(i) Acceptable passing scores on the state administered interpreter test or any other test accepted by this state board for certification, and or any other state that 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 associate's or higher degree from an accredited institution pursuant to R 393.5053. An applicant possessing state certification or RID certification before July 7, 2018, is exempt from the degree requirement of this rule, unless the state or RID certification has lapsed for more than 30 calendar days.~~
 - (b) An application for recognition as a nationally-certified interpreter, and both of the following:**

~~(i)~~ **(ii)** A copy of the ~~interpreter's~~ **applicant's** RID membership card which shows the type of **RID** certification and a current expiration date.

~~(ii)~~ Payment of the fee prescribed in MCL 393.508e.

~~(c)~~ A holder of a current QA I, QA II, and QA III, an application, a copy of the interpreter's currently held professional credential, and payment of the fee prescribed in MCL 393.508e may be submitted for renewal until the QA I, QA II, and QA III are phased out.

~~(d)~~ An application for state recognized EIPA certification, and all of the following:

~~(i)~~ **(iii)** Acceptable passing scores **score** on the EIPA **performance** examination, **or a certification accepted by the department with advice from the MDE that is based on a testing instrument and a score that is substantially similar to a 4.0 on the elementary or secondary EIPA examination**, and beginning on January 1, 2022, also an acceptable passing score on the **EIPA** written test;

~~(ii)~~ Modality **the modality** utilized while taking the test.;

~~(iii)~~ Verification **verification** that the ~~interpreter applicant~~ **applicant** is ~~certified~~ **credentialed** at the elementary or secondary level. **and a statement signed by the applicant affirming that the applicant shall comply with the current version of the EIPA Guidelines of Professional Conduct for Educational Interpreters found at https://www.classroominterpreting.org/Interpreters/proguidelines/EIPA_guidelines.pdf at no cost.**

~~(iv)~~ Payment of the fee prescribed in MCL 393.508e. **RID CDI certification or another deaf interpreter credential approved by the board that is substantially similar to RID CDI certification.**

~~(2)~~ An interpreter possessing state or national certification before the effective date of these rules is exempt from degree requirements of subrule (1)(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 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 state certification as an interpreter.

~~(d)~~ A statement signed by the applicant verifying the truthfulness of provided, and affirming that the applicant will comply with the NAD RID code of professional conduct, as provided in R 393.5052, will comply with the EIPA Guidelines of Professional Conduct for Educational Interpreters, Version August 1, 2007, and will conduct him or herself as required under these rules.

~~(e)~~ The application fee required under MCL 393.508e.

~~(f)~~ Contact information for the applicant.

~~(4)~~ **(2)** The ~~division~~ **department** may require additional documentation from the applicant if the ~~division~~ **department** questions the accuracy or authenticity of submitted documentation, because of discrepancies or incomplete information, or because there is a need for clarification.

(3) If a qualified interpreter applies for a new state certification when he or she already holds a state certification based on a different credential the new state certification shall expire biennially on the same date the initial state certification was issued.

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

R 393.5032 Reciprocity. Rescinded.

Rule 32.—An applicant for certification by reciprocity shall do all of the following:

- ~~—(a) Supply all documentation as applicable and required under R 393.5031.~~
- ~~—(b) Pay all associated fees.~~
- ~~—(c) Hold a current, valid license or certificate in good standing to practice interpreting in a state with which this state has a reciprocal agreement.~~
- ~~—(d) Not have a report of disciplinary action pending in another state, nor a certificate, registration, or license currently under disciplinary action.~~
- ~~—(e) Agree to comply with all rules under the act.~~

R 393.5033 Good moral character.

Rule 33. (1) The ~~division~~ **department** shall not issue certification, renew certification, **recertify**, nor test for certification, if the applicant lacks good moral character.

(2) The **judgment of guilt in a criminal prosecution conviction** for any of the following ~~felonies offenses, under the Michigan penal code, 1931 PA 328, MCL 750.1 to 750.568, or a similar penal code in another state~~, by an applicant in a court of competent jurisdiction in any state, shall be evidence ~~of that the applicant is not likely to serve the public in a fair, honest, and open manner in the determination of his or her good moral character consistent with the requirements in the Michigan occupational license for former offenders act, 1974 PA 381, MCL 338.41 to 338.47~~ a lack of good moral character:

- (a) Homicide
- (b) **Murder or attempt to murder.**
- (c) Manslaughter.
- (d) Criminal sexual conduct in any degree or assault with intent to commit criminal sexual conduct.
- (e) ~~Felonious assault or~~ **Assault, assault and battery, aggravated assault.**
- (f) Armed robbery.
- (g) Extortion.
- (h) Larceny.
- (i) Embezzlement.
- (j) ~~Elder exploitation~~ **Vulnerable adult abuse.**
- (k) **Abduction or kidnapping.**
- (l) **Adulterating or misbranding drugs.**
- (m) **False advertising.**
- (n) **False impersonation.**
- (o) **Breaking and entering.**
- (p) **Bribery or corruption.**
- (q) **Child abuse.**
- (r) **Accosting, enticing or soliciting a child for immoral purposes.**
- (s) **Child sexual abuse.**
- (t) **Forgery or counterfeiting.**

- (u) Aggravated stalking.
- (v) Perjury.
- (w) Human trafficking.
- (x) Fraud.

(3) If a judgment of guilt in a criminal prosecution is used in determining an applicant's good moral character, his or her state department of corrections certificate of employability, pursuant to section 34d of the Michigan corrections code, 1953 PA 232, MCL 791.234d, if any, must also be taken as evidence in the determination.

(4) This rule does not apply to an applicant with an arrest not followed by a conviction, records of conviction that have been reversed, vacated, an expunged record or pardon or pardoned, records of arrest or conviction for a misdemeanor or felony unrelated to his or her likelihood to serve the public in a fair, honest, and open manner, and records of an arrest or conviction for a misdemeanor for the conviction of which a person may not be incarcerated in a jail or prison.

~~(4)~~ (5) The ~~division~~ department shall provide the applicant with a written notice statement regarding the findings in subrule (1) of this rule as evidencing a lack of good moral character.

~~(5)~~ (6) The applicant shall be entitled to a hearing before the department if he or she has relevant evidence not previously considered, regarding his or her qualifications or to ~~An~~ appeal may be granted only in either or both of the following circumstances:

- ~~-(a) Inaccurate information was used in determining denial.~~
- ~~-(b) A felony was considered that was committed as a minor.~~

rebut the department's use of a judgment of guilt in a criminal prosecution as a determination of his or her lack of good moral character by showing that at the current time he or she has the ability to, and is likely to, serve the public in a fair, honest, and open manner, that he or she is rehabilitated, or that the substance of the former offense is not reasonably related to the occupation or profession for which he or she is seeking a certification.

PART 4. PROCEDURES FOR TESTING EXCEPTION, WAIVER, EXEMPTIONS

R 393.5041 ~~Testing; division issued certificate.~~ Exception to 4.0 educational standard.

Rule 41. (1) ~~The division shall schedule an applicant for testing who submits 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 a GED.~~

~~-(c) Four years after the effective date of these rules, a copy of an associate's or higher degree from an accredited institution, 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 may submit an application to the division for credentialing and listing as a qualified interpreter with an application as required in R 393.5031.~~

(1) A school district that has been granted an exception from the 4.0 educational standard by the department, under the prior rules, may continue to act under that exception until the end of the school year for which the exception was granted and at that time the school district shall meet the requirements in R 393.5041 for an exception to the required 4.0 or higher performance score on the EIPA examination.

(2) A school district and the interpreter for a substitute or regularly assigned interpreter may annually file for an exception to the 4.0 or higher performance score on the EIPA examination and the department may grant the exception if all of the following conditions are met:

(a) Both the school district and interpreter submit a completed application on a form provided by the department.

(b) The school district includes the consent of a parent or guardian that he or she has been notified in writing that the school district is unable to hire a qualified interpreter meeting the required standards in these rules.

(c) The school district has exhausted all reasonable efforts to locate a qualified interpreter possessing the required standard to fill the position as determined by the department considering but not limited to all of the following:

(i) Proof of advertising for the position, including a copy of the notice, a list of where it was posted, and the dates of posting. The postings must remain active while the application for exception is pending.

(ii) Proof the salary offered is sufficient compared to salaries offered for similar positions in this state.

(iii) An explanation of how **MiPLUS** was used to identify and contact possible applicants for the position.

(d) Proof the school district has informed the department in writing describing its attempts and inability to locate a qualified interpreter possessing the required 4.0 or higher performance score on the EIPA examination.

(e) Without the exception, a D/DB/HH student would be without communication access for his or her education.

(f) Other educational options such as enrollment in the 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 student by the IEP team.

(3) An exception is effective through the end of the applicable school year.

(4) The interpreter under subrule (2) of this rule shall submit all of the following to the department:

(a) **Proof of having passed the EIPA written test** and received an EIPA examination performance score of 3.5 to 3.9 on either the elementary or secondary examination, depending on where the applicant will be interpreting, within the 24-month period immediately preceding September 1 of the school year for which the exception is being requested.

(b) Documentation of 2 CEU's or 20 hours in educational interpreting training within the **last 12 month period immediately preceding September 1 of the school year for which the exception is being requested.**

(c) Proof of not lacking good moral character under R 393.5033.

(d) Proof of license, registration, or certification verification from all other states in the United States in which the interpreter holds or ever held a license, registration, or certification as an interpreter including any record of past or pending disciplinary action.

(5) An interpreter working within a school pursuant to this rule shall provide the school with a copy of the state exception approval letter at least annually and shall ensure a copy of the state approval letter is maintained on file at the school and available for public review upon request.

(6) An application is valid for 1 year from the date the department receives the application.

~~R 393.5042 Retesting; recertification; other tests required.~~ **Signing waiver or exception; compensation.**

~~Rule 42. (1) A person tested under the state testing system for certification shall participate in a 4-year testing cycle and retest at the next higher level of certification until passing the MI BEI II or its equivalent. After passing the MI BEI II or its equivalent, the person is not required to retest every 4 years as long as the certification does not lapse.~~

~~(2) A person who is required to retest will retain his or her current level of certification.~~

~~(3) A person holding a current national certification or the state recognized EIPA certification of 4.0 shall not be required to retest to renew his or her certification.~~

(1) Under section 3 of the act, MCL 393.503, a D/DB/HH person may request a waiver from the right to a qualified interpreter, if the arrangement is in writing, the writing states that effective communication can be achieved, and the writing is signed by the D/DB/HH person, his or her legal counsel and the interpreter if applicable, and the appointing authority.

(2) A D/DB/HH person, or parent or legal guardian of a minor child, shall not be coerced, threatened, or intimidated into signing a waiver under section 3(3) of the act, MCL 393.503, or an exception under Part 4 of these rules, to utilize an interpreter or a person who signs and who is not otherwise appropriately trained and does not hold an interpreter certification in this state. Any such agreement obtained under these circumstances is void. A waiver, exception, or other decision to proceed with an interpreter or a person who is not appropriately trained and does not hold an interpreter certification from this state does not obviate or mitigate any responsibility for a failure to provide a qualified interpreter when required to do so.

(3) An interpreter trainee and student interpreter may not request to interpret nor interpret pursuant to a waiver.

~~R 393.5045 Accommodation; alternative pathway deaf interpreter certification.~~ **Exemptions from state certification.**

~~Rule 45. The division shall create as a reasonable accommodation in the absence of a standardized testing tool an alternative pathway toward state certification for deaf and hard of hearing persons to become qualified. The alternative pathway shall be structured to give weight to a person's experience, training, non-institutional training, and innate skills, and shall be flexible so as to enable the deaf or hard of hearing person to demonstrate requisite knowledge and skills.~~

(1) An out of state troupe member of a theater company, performing artist, dignitary, or presenter that utilizes sign language as part of his or her repertoire for no more than 15 days in any given calendar year is not in violation of the act or these rules for interpreting without a state certification.

(2) During 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 a first responder or appointing authority is not in violation of the act and these rules for interpreting without a state certification, 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 subrule, 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 and maintain the documentation for 2 years following the emergency of its efforts 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) A student intern as defined in R 393.5003 and regulated under R 393.5054, engaging in interpreting activities and services that constitute a part of a supervised course of study where the student intern clearly designates themselves as a student intern are not in violation of this act and these rules for interpreting without a state certification.

(4) 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, which would have otherwise reasonably have prevented the need to rely on this rule.

PART 5. MINIMUM STANDARDS OF PRACTICE

R 393.5051 Practice within standard level, interpreter identification, conflicts with rules.

Rule 51. (1) ~~A qualified interpreter shall interpret for a proceeding within his or her standard level, unless otherwise provided in these rules and the act.~~

(2) ~~Before starting a proceeding, an interpreter shall show his or her current Michigan qualified interpreter credential card to the appointing authority and D/DB/HH person(s). If the credential pocket card does not include a photograph, the qualified interpreter must present it along with valid government issued photo identification. In all proceedings and environments, an interpreter shall provide effective communication as defined in R 393.5003. A qualified interpreter shall interpret for a proceeding allowed within his or her type of certification level, unless otherwise provided in the act or these rules.~~

(3) ~~(2) An interpreter working within a school shall provide the school with a copy of his or her current credential card at least annually and shall ensure a copy of the credential card is maintained on file at the school and available for public review upon request. Upon request by a D/DB/HH person or appointing authority, a qualified interpreter, interpreter by waiver, interpreter by exception, or interpreter trainee shall show his or her current pocket card and proof of waiver or exception if applicable, and convey his or her full name to the appointing authority and D/DB/HH person. If the pocket card does not include a photograph, the interpreter shall present the pocket card along with a valid government issued photo identification. If the interpreter by waiver or student intern has not been issued a pocket card, he or she shall present a valid government issued photo identification.~~

(4) ~~If there is a conflict between these rules and a local, state, or federal law, the interpreter shall comply with the law. All interpreters in this state must comply with all federal regulations established by the United States Department of Justice under title II and III of the Americans with Disabilities Act of 1990 or Americans with Disabilities Amendments Act of 2008. These rules are intended to supplement state and federal laws and shall be read to be consistent with state and federal law if more than 1 interpretation is possible.~~

(3) **A contractor or regular employee, regardless of job title, whose essential job function is to interpret or to facilitate communication between a D/DB/HH person and a non-signing person must hold appropriate state certification and endorsements.**

~~(5) (4) A qualified interpreter may interpret for a proceeding for a co-worker or peer during organizational meetings, workshops, seminars, union discussions, or when not a participant in the meeting, but shall not interpret for a co-worker or peer during a disciplinary meeting, conflict resolution, personal meeting, or employment dispute, unless the D/DB/HH person requests the qualified interpreter, the arrangement is in writing and signed, the D/DB/HH person and qualified interpreter determine that effective communication can be achieved, and the appointing authority agrees with the arrangement~~ A neutral qualified interpreter shall be used, upon request of the D/DB/HH person.

(6) ~~(5) A qualified interpreter shall not interpret for opposing parties and/or or counsel in a legal proceeding. In an educational setting an interpreter shall comply with both of the following:~~

(a) **A qualified interpreter working within an educational setting under R 393.5022(8)(b) or R 393.5022(9)(b) shall not interpret for a D/DB/HH person who is a colleague in any type of activity that occurs inside or outside of an educational setting, unless the D/DB/HH person requests the qualified interpreter, the arrangement is in writing and signed, the D/DB/HH person and qualified interpreter determine that effective communication can be achieved, and the appointing authority agrees with the arrangement.**

(b) A qualified interpreter working in an educational setting shall not interpret in the educational setting for an adult D/DB/HH person, other than an enrolled or potential student, unless the D/DB/HH person requests the qualified interpreter, the arrangement is in writing and signed, the D/DB/HH person and qualified interpreter determine that effective communication can be achieved, and the appointing authority agrees with the arrangement.

~~(7) (6) When the defendant in a criminal trial is a D/DB/HH person, separate proceedings interpreter(s) and table interpreter(s) shall be required. A table interpreter facilitating communication between a D/DB/HH person and his or her counsel shall not interpret for the court. Similarly a proceedings interpreter shall not work without a table interpreter being present in a criminal case. The roles of the interpreter at the table and the proceedings interpreter are neither adversarial nor compatible. The interpreter at the table is a member of the council team and an agent of the attorney. The proceedings interpreter is an officer of the court. In such instances, both of the following apply:~~

In a judicial proceeding a qualified interpreter shall comply with all of the following:

(a) The proceedings interpreter shall interpret the courtroom proceedings. A qualified interpreter shall not interpret for both a D/DB/HH person and an opposing party, opposing counsel, a party with a different legal counsel, or a party with incompatible interests, or privacy concerns in a judicial proceeding.

~~(b) A qualified interpreter shall not interpret for two or more D/DB/HH persons, including but not limited to parties, such as defendants, who have different legal counsels, or have incompatible interests or privacy concerns in a judicial proceeding.~~

(b) The table interpreter shall interpret privileged and other communications between a D/DB/HH person and his or her attorney while monitoring the accuracy and effectiveness of the proceedings interpreter's interpretations on behalf of the defense. When a party or witness in any judicial proceeding is a D/DB/HH person one qualified interpreter may not act as both the table interpreter for a D/DB/HH person and the court proceedings interpreter for the court in the same judicial proceeding. The proceedings interpreter shall interpret the courtroom proceedings and coordinate with the judge and his or her staff. ~~The proceedings interpreter shall not interpret for a D/DB/HH person who is a party in a proceeding.~~ The table interpreter shall interpret privileged and other communications between a D/DB/HH person and his or her attorney and shall monitor the accuracy and effectiveness of the proceedings interpreter's interpretations on behalf of the D/DB/HH person he or she is working with.

(c) During proceedings, the proceedings interpreter's focus is to the court, not the audience. The court may need to make alternate interpreting arrangements for audience members. ~~a proceedings interpreter shall not interpret for audience members. Pursuant to these rules and the act, a court may arrange for a separate interpreter or appropriate viewing arrangement for deaf citizens accessing the court as members of the general public.~~

~~(f) In criminal proceedings the table interpreter shall be appointed by the court at arraignment. In civil proceedings, the table interpreter shall be appointed at the first hearing. In administrative law matters, the administrative law judge shall appoint a table interpreter at the time of the first filing.~~

(d) To maintain accuracy, consistency, and continuity of interpreting in judicial proceedings, qualified interpreters shall consider their availability to interpret the entire judicial proceeding when accepting the appointment.

~~(h) For criminal proceedings with deaf defendants, the prosecution should arrange for its own table interpreter for interpreted proceedings as monitor, and also for any interaction with victims, complainants, or witnesses.~~

~~(8)(7) A qualified interpreter shall not accept assignments requiring him or her to be the sole interpreter in situations that require a team. A team shall be required if any of the following factors exist: The decision to utilize team interpreting involves ethical decision making and consideration of a variety of variables. These variables can impact effective communication as well as result in repetitive strain injury to the interpreter. If a qualified interpreter proceeds to interpret alone, where team interpreting is necessary, the interpretation may be considered ineffective. A qualified interpreter shall decline to interpret alone in the following proceedings where team interpreting is necessary, unless all D/DB/HH persons request the qualified interpreter, the arrangement is in writing and signed, the D/DB/HH person and qualified interpreter determine that effective communication can be achieved, and the appointing authority agrees with the arrangement:~~

~~(a) A criminal case where the defendant is a D/DB/HH person as described in subrule (7) of this rule.~~

~~(b) Two D/DB/HH participants persons who are represented by opposing counsels or otherwise have incompatible interests or privacy concerns in a judicial proceeding.~~

~~(e) (b) A D/DB/HH youth person of 18 years or younger is a witness, victim, or defendant in a judicial proceeding.~~

~~(d) (c) Police interrogations which involve a D/DB/HH person.~~

~~(e) (d) The D/DB/HH participant person has requested a deaf an interpreter who is deaf.~~

~~(9) The decision to utilize team interpreting involves ethical decision making and consideration of a variety of variables. These variables can impact effective communication as well as result in repetitive strain injury to the interpreter. An interpreter shall not be compelled to interpret alone if the request for a team is denied. The appointing authority is encouraged to consult with the division if doubt exists regarding the need for a team. An interpreter may request of the appointing authority a team if 1 or more of the following variables exist:~~

~~(8) In the following proceedings where team interpreting may be necessary, a qualified interpreter shall refuse to interpret alone if the interpreter determines a team is necessary and his or her request for a team is denied, unless all D/DB/HH persons request the qualified interpreter, the arrangement is in writing and signed, the D/DB/HH person and qualified interpreter determine that effective communication can be achieved, and the appointing authority agrees with the arrangement:~~

~~(a) Multiple D/DB/HH persons participants and/or multiple hearing participants persons are present participating.~~

~~(b) The subject matter of the proceeding requires a high degree of specialized vocabulary.~~

~~(c) There is a high degree of interactivity interaction among the participants requiring the interpreter to utilize both expressive and receptive skills.~~

~~(d) The proceeding involves A a rapid pace of communication that cannot be easily modified-is present.~~

~~(e) Participants exhibit limited language proficiency.~~

(f) ~~The A D/DB/HH participants~~ **person use uses** different modes of communication.

(g) ~~There are logistical considerations.~~

(h) ~~(g)~~ A proceeding exceeds 2 hours of continuous interpreting with no or ~~only~~ limited breaks.

(10) ~~Medical, mental health, police, or legal situations, including situations involving child protective services that occur in school, shall include an educational interpreter holding a current EIPA credential who will team with an interpreter holding the appropriate medical or legal endorsement and is credentialed at a standard level 2 or 3.~~

(11) ~~An interpreter at a lower standard level may interpret in a higher standard level setting if he or she is in a supervised, division-approved mentoring experience with a higher standard level interpreter.~~

(9) In a medical or mental health setting a qualified interpreter, interpreter trainee, and student interpreter shall comply with the regulations of the Health Insurance Portability and Accountability Act (HIPAA) of 1996, Privacy, Security, and Enforcement Rules, 45 CFR 160, 162, and 164 (2013) adopted under R 393.5052 and shall enter into a HIPAA compliant business associate agreement with the appointing authority. Upon request of the department an appointing authority shall submit a copy of the agreement to the department.

~~(12) A contract or regular employee, regardless of job title, whose essential job function is to interpret or to facilitate communication between a D/DB/HH person and a non-signing person through sign language or oral transliteration, must hold appropriate credentials and endorsements making him or her a qualified interpreter, as prescribed in the act.~~

R 393.5052 Adoption by reference; code of professional conduct; VRI auxiliary aids and services; privacy rules.

Rule 52. (1) **The board adopts by reference the NAD-RID “Code of Professional Conduct,” effective July 1, 2005, is adopted by reference.** Copies may be obtained at no charge from National RID, 333 Commerce Street, Alexandria, ~~VA~~ **Virginia**, 22314, 703/838-0030 (V), 703/838-0459 (TTY), or 703/838-0454 (Fax), www.rid.org. Copies are also available for review and distribution **at 10 cents per copy** from the ~~Division on Deaf and Hard of Hearing, 201 N. Washington SQ, STE. 150, Lansing, MI 48913 or dodhh@michigan.gov~~ **Board of Interpreters for the Deaf, DeafBlind and Hard of Hearing, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.**

(2) **The board adopts by reference the Regulations regulations promulgated under HIPAA of 1996, Privacy, Security, and Enforcement Rules, 45 CFR 160, 162, and 164 (2018).** United States Department of Health & Human Services “The Health Insurance Portability and Accountability Act(” Public Law 104-191, including as applicable 45 CFR Parts 160, 162, and 164 (HIPAA) as amended through March 26, 2013, are adopted by reference and all privacy provisions apply to an interpreter working in a medical environment. **Copies may be obtained at no charge from this website at no cost <https://www.govinfo.gov/content/pkg/CFR-2018-title45-vol1/pdf/CFR-2018-title45-vol1-chapA.pdf>.** Copies of the simplification version are also available for review and distribution **at 10 cents per page** from the ~~Division on Deaf and Hard of Hearing, 201 N. Washington SQ, STE. 150, Lansing, MI 48913 or dodhh@michigan.gov~~ **Board of Interpreters for the Deaf, DeafBlind and Hard of Hearing,**

Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

R 393.5053 Educational standards.

Rule 53. ~~An interpreter possessing an EIPA certification shall not interpret for a proceeding for an adult D/DB/HH person in any setting. An EIPA certified interpreter working within an educational setting shall not interpret for a D/DB/HH colleague in any type of activity that occurs inside or outside of an educational situation described in R 393.5026.~~ **(1) The board adopts by reference the policies and procedures for recognizing accrediting organizations of the Council for Higher Education Accreditation (CHEA), effective September 24, 2018, and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, 34 CFR 602 (2009). Copies of the procedures and criteria of the United States Department of Education and the policy and procedures of CHEA are available for inspection and distribution at no cost from the website for the United States Department of Education at the Office of Postsecondary Education, <http://www.ed.gov/about/offices/list/OPE/index.html> and the CHEA website at www.chea.org/revised-cha-recognition-policy-and-procedures-0 . Copies are also available for inspection and distribution at 10 cents per page from the **Board of Interpreters for the Deaf, Deaf-Blind, and Hard of Hearing**, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, Ottawa Building, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.**

(2) Any postsecondary educational institution or program accredited by a CHEA approved accrediting agency, or an accrediting agency recognized by the United States Secretary of Education is considered accredited for the purpose of these rules.

R 393.5054 ~~Supervision of student~~ **Student interpreter practicum experience; supervisor.**

Rule 54. (1) A qualified interpreter may supervise student interns in ~~an interpreter education curriculum that is under the jurisdiction of a college or training program~~ **a course of study in the field of interpreting at an accredited institution pursuant to R 393.5053** ~~recognized by the United States Secretary of Education as being regionally or nationally accredited.~~

(2) A qualified interpreter shall at all times accompany and supervise student interns who are interpreting in a practical setting to gain experience and skills related to interpreting.

(3) A qualified interpreter shall obtain the consent of the D/DB/HH person and appointing authority before allowing the student to participate and before introducing the student to the D/DB/HH person. In the case of a minor, permission must be obtained from the minor's parents or legal guardian.

(4) A qualified interpreter supervising a student intern shall clearly identify the student as being an intern **after the qualified interpreter identifies himself or herself and provides identification.**

(5) A ~~supervising~~ qualified interpreter **supervising a student intern** shall not ~~at any time~~ allow a student intern to ~~be used as a substitute for a required-qualified team interpreter or to work alone.~~

(6) Only qualified interpreters, as provided in the act, with ~~a division recognized EIPA an advanced, or educational qualified interpreter~~ certification, ~~national certification, or standards~~

level 2 or above, and all applicable endorsements may supervise student interns, and only for the proceedings for which the supervising interpreter is qualified.

(7) A student intern may not interpret in a legal setting.

~~(7)~~ **(8)** A qualified interpreter under disciplinary review or action shall not supervise student interpreters interns.

~~(8)~~ **(9)** A qualified interpreter shall not supervise a student accepting compensation for interpreting; however, a student stipend or formalized student apprenticeship is acceptable.

(10) Prior to supervising a student, a qualified interpreter shall require the student to attest that they have read the administrative rules and the NAD-RID code of professional conduct, adopted by the board in R 393.5052.

R 393.5055 VRI standards; usage, limitations, educational, legal, medical, mental health standards.

Rule 55. (1) ~~A D/DB/HH person who in good faith asserts that VRI does not provide him or her with effective communication shall not be compelled or coerced to utilize VRI in place of an on-site interpreter. Good faith includes, but is not limited to, the assertion by a D/DB/HH person that similar equipment was ineffective in a previous experience, or that VRI technology does not result in effective communication because of his or her individual needs or abilities.~~ **Except as otherwise prohibited in these rules, an appointing authority may utilize VRI in place of an on-site qualified interpreter if all the following are met:**

(a) The appointing authority provides the D/HH person with the alternative use of VRI in a form of communication that the D/HH person understands.

(b) The D/HH person agrees with using VRI, the arrangement is in writing, and the agreement is signed by the D/HH person and the appointing authority.

(2) If the D/HH person requests a qualified interpreter in advance of an appointment or proceeding, VRI may only be used if before the day of the appointment or proceeding, the appointing authority provides the D/HH person with the alternative of using VRI in a form of communication that the D/HH person understands, the D/HH person agrees with using VRI, the arrangement is in writing, and the agreement is signed by the D/HH person and the appointing authority.

~~(2) A person~~ **(3) An appointing authority** using video remote interpreting VRI to provide sign language interpreting services ~~or translation services to a D/HH person(s) for a proceeding in this state must be a qualified interpreter~~ **with an advanced, or educational qualified interpreter certification, as appropriate for the setting under R 339.5022, with the required endorsements under R 338.5028 for the applicable environment or proceeding.**

~~(3) A qualified interpreter may use VRI to interpret for a proceeding involving a D/HH person if effective communication is established and maintained at all times.~~

~~(4) An appointing authority VRI shall not be used~~ **utilize VRI** to interpret for a minor without the express agreement of **the minor's** a parent or legal guardian indicating that doing so establishes effective communication, except that no parental consent or agreement to VRI is required in those medical situations where federal ~~and/or~~ state law or regulation provides that parental consent is not required for care.

~~(4) (5) A qualified interpreter person providing sign language interpreting services or translation services through video remote interpreting VRI for a proceeding~~ **an appointing**

authority in this state shall not knowingly provide or attempt to provide VRI services to a person who is or is identified as being legally blind.

(6) Before providing sign language interpreting services to a D/HH person(s) through VRI in this state in addition to being a qualified interpreter, the interpreter shall provide evidence to the department on a supplemental form provided by the department of training in all of the following: videoconferencing protocols, the proper use of equipment, technical set-up, lighting, connectivity, and camera adjustments.

(7) Before starting a proceeding, a qualified interpreter shall show his or her current pocket card, **certification number in this state**, and convey his or her full name to the appointing authority and the D/HH person **on the video screen**. The appointing authority shall document the interpreter's name. If the pocket card does not include a photograph, the qualified interpreter must present his or her pocket card along, **certification number in this state**, and valid government issued photo identification.

(8) Effective communication shall be established and maintained at all times. To constitute effective communication and, therefore, permit the participation of qualified interpreters, VRI shall, at a minimum, include all of the following:

(a) Real-time, full-motion video and audio over a dedicated high-speed, T1 bandwidth internet connection or wider bandwidth internet connection.

(b) High-quality video images without lags, choppy, blurry, or grainy images, or irregular pauses in communication.

(c) A sharply delineated image that is large enough to display the qualified interpreter's face, arms, hands, and fingers, and the D/HH person's face, arms, hands, and fingers, regardless of his or her body position.

(d) A clear and audible transmission of voices.

(e) Adequate training to users of the technology and other involved persons so that they may quickly and efficiently set up and operate the VRI system.

(9) To ensure the quality and continuity of interpreting services required to constitute effective communication when VRI is used, an appointing authority shall ensure, and a qualified interpreter shall not participate unless, all of the following are satisfied:

(a) A qualified interpreter shall not transfer a medical call to a different call center when interpreting for a single proceeding with a D/HH patient, **unless using the same call center is not possible**.

(b) **To the best of his or her ability**, a qualified interpreter and appointing authority shall provide continuity of interpreters by minimizing the number of call centers and interpreters who work with a single D/HH patient during multiple proceedings related to the course of an inpatient stay or the treatment of a single ailment.

(c) A qualified interpreter and appointing authority shall require a superuser to be on each site at all times before proceeding with VRI .

~~(5) (10) An~~ A qualified interpreter who believes that VRI is not providing effective communication shall immediately inform the D/HH person, the appointing authority, and the parties involved in the conversation **and determine if another form of interpreting is necessary**. The interpreter shall interpret on a temporary basis in a medical emergency pursuant to R 393.5029.

~~(6) (11) Notification by~~ **At any time during an appointment or proceeding**, a qualified interpreter shall immediately stop using VRI if a D/HH person ~~indicating~~ indicates that

effective communication is not being achieved through the use of VRI shall cause an immediate halt of the proceedings. Proceedings shall not be resumed using VRI unless effective communication can be achieved. VRI may be used on a temporary basis in a medical emergency pursuant to R 393.5029.

(12) VRI may be used by an appointing authority and a qualified interpreter may interpret through VRI on a temporary basis in a medical emergency pursuant to R 393.5045(2).

~~(7) A person providing sign language interpreting services or translation services to D/HH person(s) through video remote interpreting for a proceeding in this state shall provide evidence of training in videoconferencing protocols, training in the proper use of equipment, technical set-up, lighting, connectivity, and camera adjustments on a supplemental form provided by the division.~~

~~(8) To constitute effective communication and therefore permit the participation of qualified interpreters, VRI shall at a minimum include all of the following:~~

~~—(a) Real time, full-motion video and audio over a dedicated high speed, T-1 or wider bandwidth video connection.~~

~~—(b) High quality video images without lags, choppy, blurry, or grainy images, or irregular pauses in communication.~~

~~—(c) A sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the participating person's face, arms, hands, and fingers, regardless of his or her body position.~~

~~—(d) A clear, audible transmission of voices.~~

~~—(e) Adequate training to users of the technology and other involved persons so that they may quickly and efficiently set up and operate the VRI.~~

~~(9) (13) To ensure privacy, a video remote qualified interpreter shall only participate in VRI conducted from a dedicated and secure call center. A secure call center must be all of that complies with all of the following:~~

~~(a) Be Situated in a private location where a D/HH person may reasonably expect to be free from casual or hostile intrusion, surveillance, and or eavesdropping.~~

~~(b) Include 1 or more dedicated and separate rooms where video remote qualified interpreters, supervisors, and others necessary to conduct the interpreting process and/or maintain the necessary video connection are permitted to be present while any interpreting is being provided. The suite or room location shall have a solid core exterior door or doors that are locked during interpreting. Only persons performing or supporting the task of interpreting or supervising interpreters shall have keys or access to the room or suite location.~~

~~(c) Video remote interpreting shall only be done from Use only dedicated computers and equipment used only for the purpose of video remote interpreting VRI.~~

~~(d) A video remote interpreter or call center providing medical interpreting must enter Enter into HIPAA compliant business associate agreements with appointing authorities as required by omnibus regulations. Upon request of the department, appointing authorities shall submit Copies copies of the agreements shall be submitted to DODHH the department with an application to provide video remote interpreting and/or provided upon request of the DODHH.~~

~~(10) To ensure the quality and continuity of interpreting services required to constitute effective communications when VRI is used, an appointing authority shall ensure, and a video remote interpreter shall not participate unless all of the following are satisfied:~~

- (a) All VRI is conducted from a dedicated and secure call center.
- (b) A qualified interpreter shall not transfer a medical call to a different call center when interpreting for a single proceeding with a D/HH patient.
- (c) To the greatest extent possible, qualified interpreters and appointing authorities shall provide continuity of interpreters by minimizing the number of call centers and/or interpreters who work with a single D/HH patient during multiple proceedings related to the course of an inpatient stay or the treatment of a single ailment.
- (d) A qualified interpreter and appointing authority shall require a superuser to be on each site at all times before proceeding with VRI.

~~(11)~~ **(14) A qualified interpreter using VRI** in an educational setting using VRI shall comply with all educational interpreter standards and with both of the following:

- (a) A qualified interpreter shall not interpret for a proceeding using VRI for any D/HH child from birth through grade 5. VRI may be used for ~~children~~ **students in 6th grade or above** higher.
- (b) The parents or legal guardians, IEP ~~team~~, or 504 team, and the D/HH student shall all participate in the final determination of whether effective communication is achieved for a student using VRI services during ~~parent an IEP or 504 meetings~~ **meeting** and for any ~~child student~~ in a secondary educational setting.

~~(12)~~ **(15) A qualified interpreter in a medical medical-mental health or legal setting using VRI shall comply with all medical medical-mental health and legal interpreter standards as required under R 393.5028 in these rules.**

~~(13) Where an interpreter is requested as an accommodation more than 24 hours in advance of a medical appointment, an appointing authority must advise a D/DB/HH person of a desire to utilize VRI prior to the time of the appointment and must provide the D/DB/HH person with an opportunity to offer any good faith basis for believing VRI does not provide him or her with effective communication~~

~~(a) An existing patient who is seen on a regular basis should be informed of the intent to begin utilizing VRI for future appointments during an appointment where an interpreter is present.~~

~~—(b) A patient, existing or referred, known to be a D/HH person who has previously been provided an interpreter, should be informed of the desire to begin utilizing VRI at the time a new appointment is made.~~

~~—(c) When VRI is the most frequent method of interpretation provided employed by a doctor, medical office, or hospital, a person requesting an interpreter shall be informed that VRI is likely to be utilized at the time the accommodation request is received.~~

~~—(d) When VRI is utilized by a doctor, medical office, or hospital on a regular though less frequent basis, a person requesting an interpreter shall be informed that VRI may potentially be utilized at the time the accommodation request is received.~~

~~—(e) In all other instances a person requesting an interpreter as an accommodation shall be informed of the intent to utilize VRI as soon as the desire not to provide an interpreter on site becomes known.~~

~~(14)~~ **(16) Unless there is informed consent of the D/HH person, VRI shall not be used in any of the following medical situations: In addition to the requirements in subrules (1) and (2) of this rule, unless the D/HH person agrees in writing or on the record that effective communication can be achieved, effective communication cannot be achieved through the use of VRI in all of the following situations:**

- (a) Initial meetings **Meetings** with a D/HH person and a medical specialist.

(b) Highly sensitive communications, ~~for example, to or from a D/HH person including but not limited to the~~ diagnosis of a serious illness.

(c) Eye exams **for a D/HH person.**

(d) **During Patient transport of a D/HH person.**

(e) ~~With~~ **Communication with** a D/HH person with a cognitive limitation.

(f) **Communication With with** a D/HH person with a secondary disability, ~~or~~ **injury, illness, or** condition that makes it difficult to use VRI or **impedes his or her ability** to view the VRI screen, ~~for example, including but not limited to~~ low vision.

(g) ~~With a D/HH person with an injury or illness that impedes his or her ability to view the screen.~~

(h) (g) **Communication With with** a D/HH person who indicates by sign or **his or her** facial expression that **effective** communication is not being achieved.

(i) (h) When consistent and continuous **effective** communication cannot be achieved **with a D/HH person** due to equipment failure or poor connectivity **of the VRI system.**

(j) (i) **If the D/HH person is having** ~~During~~ surgery, under the influence of consciousness altering drugs or medication, childbirth, or **involving an** end-of-life event.

(15) ~~Unless the D/HH person states in writing or on record at a court or administrative tribunal that effective communication is being achieved, it will be assumed that effective communication cannot be achieved through the use of VRI services in any of the following legal and mental health circumstances and it shall not be used:~~

(a) (j) Trials.

(b) (k) Contested hearings.

(c) (l) Guilty pleas.

(d) (m) Mental health treatment **for an individual**, in group settings, commitment evaluations, and, hearing proceedings.

(n) ~~Where A a D/HH person who is unable to differentiate reality from delusions, whose competency is under question, and/or~~ **except for subrule 14 of this rule** ~~who is under the age of legal consent is not considered competent to consent to the use of VRI.~~

(e) (o) Polygraph examinations.

(f) (p) Witness testimony.

(g) (q) Depositions.

(h) (r) Preliminary hearings.

(i) (s) Evidentiary hearings.

(j) (t) Ex parte domestic proceedings.

(k) (u) **Judicial proceedings** ~~Cases with multiple deaf participants~~ **D/HH people.**

(l) (v) ~~Cases with pro se deaf participants~~ **Judicial proceedings where a D/HH person who is a defendant is not represented by an attorney.**

(16) (17) When utilizing VRI services, the D/HH person shall have access to the equipment at all times when communication is taking place and its usage shall not be restricted. The D/HH person shall retain the ability to be reconnected to VRI whenever the need for communication arises.

(17) (18) When utilizing VRI, if there are 3 failed connectivity attempts, shutdowns, and/or unexpected equipment disconnects ~~in a proceeding a video remote~~ **the qualified** interpreter ~~in a medical setting~~ shall report to the appointing authority that he or she cannot provide effective communication due to equipment failure. The ~~video remote~~ **qualified** interpreter shall withdraw

from the assignment, and **the appointing authority shall use an onsite qualified** interpreter shall be requested for the remainder of the proceeding and until the equipment failure is resolved.

~~(18)~~ **(19)** A D/HH person may file a complaint for failure to provide reasonable and effective communication against an appointing authority that does not comply with ~~United States Department of Justice VRI standards~~ **these rules and or who** continues to have connectivity issues. The D/HH person may also file a complaint against the ~~video remote~~ **qualified** interpreter who does not comply with ~~subrule (15) these rules or who~~ of this rule by ~~withdrawing~~ **does not stop interpreting or withdraw** from the assignment **when effective communication is lacking.**

~~(19)~~ Qualified interpreters meeting all level 3 interpreter standards may interpret for a proceeding using VRI, except for situations under ~~subrule (14)~~ of this rule. Effective communication is required to be achieved.

R 393.5056 Notifications to department; ~~prohibited conduct.~~

Rule 56. (1) A qualified interpreter shall **notify the department within 30 days of any** ~~do all~~ of the following:

~~(a) Notify the division of a felony~~ **A criminal conviction against the qualified interpreter within 30 days of the conviction,** regardless of the jurisdiction where it occurred.

(b) Change of a qualified interpreter's name, address, email, or phone number.

~~(b) (c) Notify the division~~ **department** within 30 days after occurrence of any **An award, judgment, or settlement of malpractice claim or action against the qualified interpreter.**

~~(c)(d) Comply with an appearance request by the division and cooperate with an investigation.~~ **Disciplinary licensing action against the interpreter, interpreter's certification, license or registration, including action that is stayed pending an appeal, taken by another state against the qualified interpreter.**

~~(d) (e) Comply with the terms of a division order or the terms of a settlement agreement or consent order issued or executed as resolution of a contested case proceeding.~~ **Knowledge that another qualified interpreter, an interpreter without a state certification, or an appointing authority has committed a violation of the act or of these rules. The name of the qualified interpreter making the report will remain confidential unless he or she otherwise agrees in writing or unless disciplinary proceedings are initiated against the subject of the report. This subdivision does not apply to a qualified interpreter who obtains the knowledge of a violation while providing professional services to the qualified interpreter to whom the knowledge applies, or who is serving on an ethics or peer review committee of a professional organization.**

~~(2) A qualified interpreter shall not engage in any conduct that subverts or attempts to subvert a division investigation.~~

R 393.5058 Waivers. **Rescind.**

~~Rule 58. (1) As provided in MCL 393.503(3), the right of a deaf, deafblind, or hard of hearing person to a qualified interpreter shall not be waived except by a request for waiver in writing by the deaf, deafblind, or hard of hearing person.~~

~~(2) A D/DB/HH person shall not be coerced, threatened, or intimidated into signing a waiver or partial waiver to utilize a nonqualified or underqualified person who signs and any such agreement is void. A waiver, limited waiver, or other decision to proceed with an under-~~

qualified interpreter does not obviate or mitigate any responsibility for a failure to provide a qualified interpreter when required to do so.

~~(3) As provided in MCL 393.507(1), court appointed interpreter, qualified interpreter, intermediary interpreter, or deaf interpreter shall be paid a fee by the court that the court determines to be reasonable. A qualified interpreter, intermediary interpreter, or deaf interpreter appointed by an appointing authority other than a court shall be paid a fee by the appointing authority. An appointing authority is not required to compensate an unqualified or underqualified interpreter.~~

~~(4) The division shall create recommended waiver and limited waiver forms and make them available on its website. It shall also post explanatory information both in writing and in sign language format.~~

~~PART 6. GRIEVANCE AND COMPLAINT PROCEDURES FOR
FILING COMPLAINTS, INITIATING FORMAL COMPLAINTS,
INVESTIGATIONS, DENIAL, REVOCATION, SUSPENSION, LIMITATION OF
CERTIFICATION, REINSTATEMENT~~

R 393.5061 Filing ~~grievances and complaints.~~

Rule 61. (1) A person may file a ~~grievance~~ **complaint** with the ~~division~~ **department** for any violation of the act, a rule promulgated under the act, or an order issued under the act, including but not limited to the following types of ~~complaints~~ **situations**:

(a) ~~Complaints against an~~ **An appointing authority for using uses an interpreter who is not appropriately trained, and endorsed, and certified through this state, an unqualified or underqualified interpreter in violation of the act.**

(b) ~~Complaints against a~~ **A person providing- provides interpreting services without being appropriately trained, and endorsed and certified through this state, qualified as required by the act.**

(c) ~~Grievance against a~~ **A qualified interpreter, interpreter trainee, and interpreters working under an exception, exemption, or waiver for violation of violates the act or these rules.**

(2) A person with first hand knowledge may file a ~~grievance with the division within 90 calendar days of an alleged violation of 1 or more of the following:~~

~~-(a) The act.~~

~~-(b) A rule promulgated under the act.~~

~~-(c) An order issued under the act.~~

~~(3) All complaints shall~~ **must** be filed in writing. As an accommodation, a D/DB/HH person may file a video request so that it may be translated by the ~~division~~ **department** into writing.

~~(4) (3) A D/DB/HH person, appointing authority, or other person involved in an interpreting situation that includes a team interpreter may file a grievance with the division against an interpreter, who violates these rules.~~

~~(5) (4) A team interpreter who files a grievance is not in breach of confidentiality.~~

~~(6) (5) Complaints related to denial of reasonable accommodations may be filed with the Michigan department of civil rights under the persons with disabilities civil rights act, 1976 PA~~

220, MCL 37.1101 to 37.1607, or with the United States Department of Justice for violations under the ~~Americans with Disabilities Act of 1990 or Americans with Disabilities Amendments Act of 2008~~ **Americans with Disabilities Act of 1990, 42 USC 12101 et seq and Americans with Disabilities Amendments Act of 2008.**

R 393.5062 Investigation; correspondence file; acknowledgment of ~~grievance~~ **complaint**.

Rule 62. ~~The division, upon receipt of a grievance, shall immediately begin its investigation of the allegations and shall open a correspondence file. The division~~ **department** shall make a written acknowledgment within ~~21~~ **15** business days after receipt of the ~~grievance~~ **complaint** to the ~~parties~~ **person making the involved in the grievance** ~~complaint~~.

R 393.5063 Reply by respondent; investigation.

Rule 63. (1) The respondent shall ~~to the grievance within 35~~ **have 10** calendar days after the respondent's receipt of the ~~grievance~~ **complaint to send a response to the complaint, to the department**. The ~~reply~~ **response** shall be verified by date stamped on United States mail or other means indicated as acceptable by the ~~division~~ **department**.

(2) If the respondent provided interpreting services for the complainant, after the respondent is notified of the complaint, he or she shall not contact the complainant, or provide interpreting services for the person who made the complaint.

~~(2)~~ **(3)** The ~~division~~ **department** shall conduct the investigation by reviewing the ~~grievance~~ **complaint** and the respondent's ~~reply~~ **response** to determine whether a violation of the act or these rules occurred. The ~~division~~ **department** may request additional information ~~from either party~~.

~~(3)~~ **(4)** The ~~division~~ **department** may consult with experts in the field.

~~(4) At any time after respondent's receipt of the grievance, if all parties and the division agree, the matter may be submitted to mediation or other alternative dispute resolution process which shall toll all time periods provided by these rules for not more than 60 days.~~

R 393.5064 Investigation; closing ~~grievance~~ **complaint**; formal complaint.

Rule 64. (1) If the ~~division's~~ **department's** investigation does not disclose a violation of the act or a rule promulgated under the act, the ~~division~~ **department** shall close the ~~grievance~~ **complaint**. The reasons for closing the ~~grievance~~ shall be forwarded to the respondent and complainant.

(2) If the ~~division~~ **department** investigation discloses evidence of a violation of the act or a rule promulgated under the act, the ~~division~~ **department** shall ~~may~~ prepare a formal complaint against the respondent, **issue a cease and desist order, issue a notice of summary suspension, or take any other action pursuant to law.**

(3) At any time after an investigation has been conducted, the department may issue an order for the respondent to cease and desist from violating the act or the rules or issue an order to summarily suspend a certification based on an affidavit by a person familiar with the facts set forth in the affidavit, or, based upon an affidavit on information and belief, that an imminent threat to the public health, safety, and welfare exists.

(4) A respondent ordered to cease and desist shall be entitled to a hearing before the department if a written request for a hearing is filed within 30 days after the effective date of the order. If a cease and desist order is violated the department or attorney general may

apply in circuit court to restrain and enjoin, temporarily or permanently, or both, a respondent from further violating a cease and desist order.

(5) Following a summary suspension order, the respondent may petition the department to dissolve the order. Upon receiving a petition, the department immediately shall schedule a hearing to determine whether to grant or deny the requested relief.

(6) An administrative law hearings examiner shall grant the requested relief dissolving the summary suspension order, unless sufficient evidence is presented that an imminent threat to the public health, safety, and welfare exists which requires emergency action and continuation of the department's summary suspension order.

(7) The record created at the hearing to dissolve a cease and desist order, or a summary suspension order shall become part of the record of the complaint at a subsequent hearing in the case.

~~PART 7. PROCEDURES FOR REVOCATION, SUSPENSION, LIMITATION OF CERTIFICATION, REINSTATEMENT~~

R 393.5070 Violations; grounds for disciplinary action.

Rule 70. (1) The ~~division~~ **department** may deny, revoke, suspend, or place a limitation on a qualified interpreter certification for 1 or more of the following reasons:

(a) Discrimination, harassment, or retaliation toward ~~an~~ a person for filing a complaint about dissatisfactory interpreting services.

(b) Fraud, deceit, cheating, or misrepresentation in applying for or renewing a certificate under the act.

(c) Violation of any provision of the act or rules promulgated under the act.

(d) Failure of a ~~certified~~ **qualified** interpreter to submit his or her application or renewal and who continues to work ~~without listing~~.

(e) Incompetent ~~practice under the act~~ or **gross** negligence in the practice of interpreting.

(f) Knowingly aiding or assisting another person to violate any provision of the act or rule promulgated under the act.

(g) Fraud, deceit, cheating, or misrepresentation in the practice of interpreting.

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

(i) Failure to report to the ~~division~~ **department** the surrender of a certificate, license, registration, or authorization to practice interpreting in another state or jurisdiction or surrender of ~~the a~~ a certificate, license, registration, or authorization to practice interpreting while under disciplinary investigation by any of those authorities or bodies for acts or conduct reasonably similar to acts or conduct that would constitute grounds for action **under the act or these rules**.

(j) Failure **of the interpreter** to decline or offer to withdraw from an interpreting ~~or transliterating~~ proceeding when effective communication is not ~~substantially~~ achieved or when notified by a D/DB/HH **person** or hearing person of **his or her** inability to ~~consistently~~ understand.

(k) Failure to decline subsequent proceedings with a D/DB/HH person after being informed by the D/DB/HH person, ~~or the appointing authority and/or an agency acting on behalf of an appointing authority~~ of an inability to achieve effective communication during a previous encounter with ~~that~~ the D/DB/HH person **unless the D/DB/HH person agrees to using the qualified interpreter.**

(l) ~~Offenses evidencing~~ **Demonstrates** a lack of good moral character as provided in R 393.5033.

(m) Practices false advertising.

(n) Fails to comply with an administrative rule or the NAD-RID code of professional conduct adopted in R 393.5052.

(o) Fails to comply with a subpoena issued under this act.

(p) Fails to comply with an appearance request by the department and cooperate with an investigation.

(q) Fails to comply with the terms of a department order or the terms of a settlement agreement or consent order issued or executed as resolution of a contested case proceeding.

(r) Engaging in conduct that subverts or attempts to subvert a department investigation.

(2) Notwithstanding subdivisions (j) and (k) of subrule (1) of this rule, an interpreter shall not be disciplined for violation of these rules when all the following conditions have been met:

(a) The interpreter has been first informed by a medical professional or sworn law enforcement officer that the medical professional/ ~~or~~ officer has determined that an emergency exists.

(b) The medical professional/ ~~or~~ officer reasonably believes that the health of 1 or more persons is at immediate ~~and time sensitive~~ risk.

(c) The medical professional/ ~~or~~ officer is actively seeking a qualified interpreter.

(d) The medical professional/ ~~or~~ officer indicates the interpreter being utilized is the closest to effective method of communication available.

(e) In addition to documenting subdivisions (a) to (d) of this subrule, in order to claim this protection the interpreter shall personally verify that the D/DB/HH person has been informed of any other reasonably available alternative option and that no such available alternative option is being requested by the D/DB/HH person.

(3) Nothing in this rule shall mitigate a medical professional, law enforcement officer, or appointing authority's responsibility for failure to meet a legal duty which contributed to the necessity to proceed with other than a qualified interpreter and/or less than effective communication.

R 393.5072 Formal complaint and notice; service; informal conference; methods of settlement; representation; summary suspension.

Rule 72. (1) After an investigation has been conducted and a formal complaint prepared **pursuant to R 393.5064** the ~~division~~ **department** 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 department shall serve the respondent with a notice describing the compliance conference and hearing processes and offer the respondent a choice of either of the following opportunities:**

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

(b) An opportunity to proceed to a contested case hearing.

(2) A respondent upon whom service of a formal complaint has been made has ~~28-15~~ calendar days **after receipt of the notice to reply respond to the complaint. If a respondent does not select 1 of the options provided within 15 days, then the department shall proceed to a contested case hearing. An authorized employee or agent of the department may represent the department in a contested case hearing. The respondent shall have 28 days to file an answer to the formal complaint.**

(3) ~~After the issuance of a formal complaint, the division may assemble 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 stated on the complaint and may assist the parties in reaching a formal settlement or stipulation. At an informal conference the parties and department may enter into a settlement. At the request of the department, an informal conference may be attended by a member of the board. A settlement may include the denial, revocation, suspension, or limitation of a certification.~~

(4) ~~If a respondent fails to file an answer to the complaint with the division within 28 days after receipt of the formal complaint, a default shall be entered by the division. A default may result in a reprimand, suspension, revocation, or limitation of a certificate as provided for in the act.~~

(5) ~~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~~ **department.**

(6) ~~(4) If the informal conference does not result in a resolution of the formal complaint, the matter shall be referred to the Michigan administrative hearing system or its successor for an administrative hearing pursuant to R 393.5072a shall be held.~~

(7) ~~An authorized employee or agent of the division may represent the department in a contested case.~~

(8) ~~A respondent may be represented at a hearing by an authorized representative or legal counsel at the respondent's own expense.~~

(9) **(5) In addition to the other alternatives in the rules, At at any time after a formal complaint is filed involving public health, safety, or welfare requiring emergency action, the department may file a petition in circuit court for the county in which the subject of the formal complaint occurs, or the county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings, including an order or decree restraining the respondent. The court may grant temporary relief or a restraining order as it deems just and proper.**

(10) ~~(6) The division shall issue an order summarily suspending a certification based upon the holder of the certificate having been convicted of a felony.~~

R 393.5072a Hearings.

Rule 72a. (1) If an informal conference is not held or does not result in settlement of a formal complaint, a hearing shall be held pursuant to the Michigan administrative procedures act, 1969 PA 306, MCL 24.201 to 24.328. A respondent may be represented at a hearing by an authorized representative or legal counsel at the respondent's own expense. An authorized employee or agent of the department may represent the department in a contested case.

(2) At the conclusion of the hearing, the administrative law hearings examiner shall submit a hearing report containing his or her determination, findings of fact, and conclusions of law to the department. The hearing report may recommend denial,

revocation, suspension, or placement of a limitation on the respondent's certification. A copy of the hearing report shall be submitted to the complainant and the respondent.

(3) If a respondent fails to appear at the hearing after proper service of notice the hearing may proceed without the respondent and a default may be entered.

(4) Within 60 days after receipt of an administrative law hearings examiner's hearing report, the department shall make a determination of discipline to be assessed and issue a final order. The determination shall be made on the basis of the administrative law hearings examiner's report. If a transcript is requested by the department, the determination of the discipline to be assessed shall be made within 60 days after receipt of the transcript.

(5) Judicial review of a final decision or order shall be available as provided by the Michigan administrative procedures act, 1969 PA 306, MCL 24.201 to 24.328.

R 393.5073 Certification; limitations; duration of suspension; standards and procedures for reinstatement after revocation or suspension.

Rule 73. (1) ~~The division may impose sanctions, limitations, suspension, or revocation of a certification. These sanctions~~ **Sanctions imposed** on the a certification shall continue until the expiration of the period in the order or until the certification is reinstated pursuant to this rule, whichever is later.

(2) **A petitioner for reinstatement of a certification as a qualified interpreter shall submit the required fee and a petition to the department on a form provided by the department.** A petition for reinstatement of a certification that has been suspended or revoked shall be ~~made~~ **evaluated by the department** in accordance with this rule.

~~(3) A certification may be suspended for a period of 10 calendar days, 30 calendar days, 60 calendar days, 90 calendar days, 6 months, 1 year, 2 years, or completely revoked, depending on severity of the violation or the frequency of violations.~~

~~(4) If a certification has been suspended, it is presumed that the respondent meets the requirements of reinstatement unless any of the following occurs:~~

~~—(a) Another complaint has been filed and is pending at the end of the minimum suspension period.~~

~~—(b) A subsequent disciplinary order has been entered.~~

~~—(c) A petition with supporting affidavit has been filed by a complainant alleging that the respondent has failed to fulfill a term of the suspension order.~~

~~(5)~~ **(3)** The certification shall not be reinstated until the ~~division~~ **department** finds that the ~~respondent~~ **petitioner** meets the following requirements of reinstatement:

(a) The ~~respondent~~ **petitioner** files a petition for reinstatement not sooner than 60 calendar days before the end of the minimum suspension period. The petition shall be accompanied by supporting affidavits that the terms of the sanction have been met.

(b) ~~Within 30 calendar days after the petition has been filed, a complainant may file a response to the petition. If the complainant opposes the reinstatement, an informal conference shall be scheduled. If the complainant fails to appear at the scheduled conference, the complainant shall be deemed in default. If a response is not filed, or if the complainant does not oppose reinstatement, the division~~ **The department** shall review the petition with supporting affidavits and shall determine whether the requirements of the reinstatement have been met. ~~The division~~

department shall notify the ~~respondent~~ **petitioner** if it finds that the requirements have not been met.

~~(6) A petition for reinstatement of a revoked certification shall be considered in accordance with subrule (4) of this rule. The division shall not accept the petition sooner than 2 years after the effective date of the revocation, except where the certification was revoked for a felony conviction.~~

~~(7)~~ **(4)** Before reinstating a certification, the ~~division~~ **department** shall consider all of the following in assessing a ~~respondent's~~ **petitioner's** ability to practice and the public interest:

(a) Whether the ~~respondent~~ **petitioner** has complied with the terms of the revocation.

(b) If the ~~division's~~ **department's** final order included corrective measures, remedial education, or training as a condition of reinstatement, the extent of the ~~respondent's~~ **petitioner's** compliance with the conditions in the final order. In addition, the ~~division~~ **department** may impose other requirements for reinstatement as deemed appropriate, including additional training, education, or supervision.

(c) If the final order of the ~~division~~ **department** does not address corrective measures, remedial education, or training as a condition of reinstatement, the ~~division~~ **department**, in determining a ~~respondent's~~ **petitioner's** ability to practice safely and competently, may consider the need for additional training and education in determining if the petitioner has met the criteria established for reinstatement.

~~(8)~~ **(5)** After a conference has been completed, the ~~division~~ **department** shall determine whether the ~~respondent~~ **petitioner** has satisfied conditions for reinstatement. The ~~division~~ **department** may deny the petition or grant the petition subject to terms and conditions that it deems appropriate.

~~(9)~~ **(6)** A subsequent petition for reinstatement may not be filed with the ~~division~~ **department** for at least 1 year after the effective date of the order denying reinstatement.

R 393.5074 Compliance with act, rule, or order.

Rule 74. ~~This rule~~ **These rules** does **do** not prevent a person against whom a **formal** complaint has been filed from showing compliance with the act, or a rule, or an order promulgated or issued under the act.

R 393.5075 Hearings. **Rescinded.**

~~Rule 75. (1) Hearings shall be held pursuant to administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.~~

~~(2) Appeal decisions provided in R 393.5033(5) shall be made by the director of the division on deaf and hard of hearing and include a review of the documents submitted.~~

~~(3) The director shall within 10 business days of receiving a request for an appeal, review any additional documentation provided by the appellant and render a decision.~~

~~(4) Judicial review of a final decision or order shall be available as provided by the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.~~

R 393.5076 Appointing authorities; allegations of violations.

Rule 76. (1) If the ~~division~~ **department** believes that an appointing authority has used an unqualified person for purposes requiring a qualified interpreter under the act, **or that the**

appointing authority has otherwise violated these rules or the act, the division department shall may notify the appointing authority, in writing, of the allegation.

(2) The ~~division~~ **department** may refer the information described in subrule (1) of this rule to the Michigan department of civil rights, ~~or~~ a federal agency for civil enforcement of relevant disability law or laws, **a local prosecutor, or this state's attorney general.**

(3) ~~The division may refer subsequent substantiated instances of the same allegations to a local prosecutor for action pursuant to MCL 393.508b.~~

(4) ~~The division shall educate appointing authorities about the provisions of the act and these rules.~~

R 393.5077 ~~Public inquiries.~~ **Violation; qualified interpreter.**

Rule 77. (1) ~~Details regarding unsubstantiated complaints shall be immediately purged from the interpreter's file. If the department believes that a person who knows that he or she does not meet the definition of a qualified interpreter under the act misrepresents himself or herself as a qualified interpreter, the department shall notify the person, in writing, of the allegation.~~

~~(2) Formal complaints, disciplinary actions, and the number of substantiated violations shall be available to the public. Information regarding violations shall be placed in the person's records with the division, indicating the nature of the violation and the conditions imposed. Substantiated violations will be listed as part of public record on the interpreter database.~~ (2) **The department may refer the information described in subrule (1) of this rule to a local prosecutor or this state's attorney general.**

~~(3) Complaints that result in an administrative hearing or disciplinary action, or both, are public information, and the files maintained according to retention and disposal schedules of the department.~~

PART 8. CONTINUING EDUCATION

R 393.5081 ~~Professional development; continuing education~~ **Requirements.**

Rule 81. (1) **Effective for the first renewal of a state certification after the promulgation of these rules, the applicant shall comply with the continuing education requirements of this subrule and subrules (3), (7), (8), and (9).**

(a) **A RID certificate holder with a state certification who has not reached the end of his or her 4-year continuing education cycle pursuant to the prior rules, shall have no minimum continuing education requirements.**

(b) **A Rid certificate holder with a state certification who has reached the end of his or her 4-year continuing education cycle pursuant to the prior rules, shall acquire only the continuing education requirements for his or her endorsement, prior to the certification expiration date, as follows:**

(i) **For a deaf-blind endorsement a minimum of .8 CEUs or 8 hours related to deaf blindness, deaf persons with low vision, and interpreting for deaf-blind and deaf persons with low vision populations.**

(ii) For a medical-mental health endorsement a minimum of 2.0 CEUs or 20 hours related to health care or mental health interpreting in medical and mental health environments.

(iii) For a legal endorsement a minimum of 2.0 CEUs or 20 hours related to legal interpreting in legal environments.

(c) A BEI holder with a state certification who has not reached the end of his or her 4-year continuing education cycle pursuant to the prior rules, shall acquire 2 CEU's or 20 hours during the continuing education cycle.

(d) A BEI holder with a state certification who has reached the end of his or her 4-year continuing education cycle pursuant to the prior rules, shall acquire the following prior to the certification expiration date:

(i) Eight CEU's or 80 hours.

(ii) A minimum of 5.0 CEUs or 50 hours in professional studies.

(iii) A minimum of 2.0 CEUs or 20 hours in ethics.

(iv) A minimum of 1.0 CEUs or 10 hours in general studies or electives.

(e) One CEU equals 10 clock hours of continuing education. Credit may be given in ¼-hour increments. Lunch hours, social programs or events, and breaks, longer than 15 minutes, do not count toward CEUs.

(f) CEUs used to satisfy the CEU requirements of another jurisdiction shall be applied to fulfill the state CEU requirements at the applicant's request if the CEUs meet additional requirements outlined in this rule, and if appropriate documentation is provided.

(g) CEUs offered for other professions may be accepted as general studies or electives.

(h) Qualified interpreters may earn professional studies, which consist of units that deal specifically with topics of interpreting or skill development, deafness, deaf culture, or active involvement, such as presenting, teaching, and planning, and general studies or electives, which involve primarily listening to topics related to deafness or interpreting.

(+) (2) By the end of the first renewal cycle that begins after promulgation of these rules an applicant shall complete the requirements in this subrule and the requirements only in subrules (3) to (9) of these rules. As required for renewal of a certification under part 9 of these rules, ~~All state-certified~~ all qualified interpreters who have held a certification for the 2 year period immediately preceding the expiration date of the certification shall complete ~~8-0~~ 4.0 continuing education units CEUs (CEU's) or 40 hours during each ~~4-year~~ 2-year certification cycle, prior to the certification expiration date, established at the time the first state ~~credential~~ certification is issued to the qualified interpreter. The CEU's may be taken any time during the 2-year certification cycle. CEUs shall consist of all of the following:

(a) A minimum of ~~5-0~~ 2.5 CEUs or 25 hours in professional studies, consisting of units that deal specifically with topics of interpreting or skill development, deafness, deaf culture, or active involvement (presenting, teaching, and planning).

(b) A minimum of ~~2-0~~ 1.0 CEUs or 10 hours in ethics.

(c) ~~A minimum~~ May have a maximum of ~~1-0~~ .5 CEUs or 5 hours in general studies or electives, consisting of general topics of interest and passive involvement related to deafness or interpreting, or a deafness-related activity that is primarily listening may be taken during a 2-year certification cycle.

(d) ~~In addition to the requirements in (a) to (c) in subrule (1)~~ A qualified interpreter with an educational certification shall acquire a minimum of .4 CEU's or 4 hours of the required

40 hours in subrule (1) that are related to interpreting in an educational setting during each 2-year certification cycle, prior to the certification expiration date.

(e) **No more than 1.2 CEU's or 12 hours may be earned during a 24-hour period.**

~~(2)~~ (3) One CEU equals 10 clock hours of professional development activity **continuing education. After completion of the initial CEU hour, credit** Credit may be given in ¼-hour increments. Lunch hours, social programs or events, and breaks, **longer than 15 minutes**, do not count toward CEUs.

~~(3)~~ A RID-sponsored CEU activity shall automatically be eligible for professional development credit in this state, provided the applicant provides proof that an event has been approved for CEUs by RID.

(4) An interpreter who possesses a deaf-blind, medical-mental, or legal endorsement, who has held the endorsement for the 2-year period immediately preceding the expiration date of the endorsement, shall **in addition to** complete the following **as part of the total number of CEU's** required in subrule (1) of this rule:

(a) For a deaf-blind endorsement a minimum of **.4** deaf blind CEUs or **4** hours related to deaf blindness, deaf persons with low vision, and interpreting for deaf-blind and deaf persons with low vision populations.

(b) For a medical-mental health endorsement a minimum of 1.0 CEUs or 10 hours related to health care or mental health interpreting in medical and mental health environments.

(c) For a legal endorsement a minimum of 1.0 CEUs or 10 hours related to legal interpreting in legal environments.

~~(4)~~ CEUs used to satisfy the CEU requirements of another jurisdiction shall be applied to fulfill the state CEU requirements at the applicant's request if the CEUs meet additional requirements outlined in this rule, and if appropriate documentation is provided.

~~(5)~~ CEUs offered for other professions may be accepted as general studies or electives. **The continuing education requirements of this rule are not applicable to an interpreter who has held the certification or endorsement for less than a 2-year certification cycle immediately preceding the expiration date of the certification or endorsement.**

~~(6)~~ Proof of successful completion of coursework from an accredited university, college, or other education institution, shall be granted CEUs as follows:

~~(a)~~ Semester system: 1 credit hour = 15 clock hours.

~~(b)~~ Quarter system: 1 credit hour = 10 clock hours.

~~(7)~~ **CEUs in excess of 8.0 shall not carry over from a 4-year cycle to the next.**

~~(8)~~ Qualified interpreters may earn either of 2 types of CEUs as follows:

~~(a)~~ Professional studies consisting of units that deal specifically with topics of interpreting or skill development, deafness, deaf culture, or active involvement (presenting, teaching, and planning). At least 2.0 professional CEUs shall include topics related to ethics.

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

~~(9)~~ (6) Credit for the same continuing education program shall not be given twice in the same 2-year cycle.

(7) If there is a question regarding ~~whether the CEU described in subrule (8) of this rule~~ CEU's are acceptable, the ~~division~~ **department with assistance from a continuing education board member subcommittee director or assigned designee** shall make a final determination.

(8) **The board may waive attendance in a continuing education program as a condition of certification or endorsement renewal if after receiving a written application, the board finds the failure of the qualified interpreter to attend the required continuing education was due to his or her disability, military service, medical circumstances, absence from the continental United States, or circumstances beyond the control of the qualified interpreter which the board considers sufficient cause to waive the requirement. A request for a waiver must be received by the department prior to the date on which the continuing education was required.**

(9) **Failure to comply with the continuing education requirements is a basis for discipline by the department.**

R 393.5082 ~~Division~~ **Department** records; ~~professional development;~~ continuing education; **random audits.**

Rule 82. (1) ~~The division shall maintain a database that includes a record of each state-certified interpreter's attained CEUs and each nationally-certified interpreter with endorsements. The applicant shall ensure that his or her hours are properly documented. After an applicant renews and attests to have met the continuing education requirements, the department may assess a qualified interpreter's CEU's by random audit.~~

(2) ~~Qualified interpreters shall submit a division CEU reporting form with documents attached to verify his or her participation in activities earning CEUs at renewal time. An interpreter shall retain documentation of meeting the continuing education requirements for a period of 4 years from the date of applying for certification or endorsement renewal. The department may require an applicant to submit evidence to demonstrate compliance with this rule.~~

(3) Supporting documents will not be returned. Documentation shall include all of the following on a certificate of attendance or letter of participation, or on a professional development transcript:

- (a) Name of sponsoring organization.
- (b) Program date.
- (c) Title of program.
- ~~(d) Start and stop time.~~
- (e) **(d)** Signature **or seal** of sponsor verifying that the participant was present and stayed for the length of the training.
- ~~(f)~~ **(e)** Number of CEUs issued.

~~(4) A qualified interpreter who fails to maintain appropriate CEUs is not eligible for renewal or reapplication until he or she has satisfied all continuing education requirements.~~

R 393.5083 ~~CEU requirements; medical; legal; deafblind; educational.~~ **Rescinded.**

Rule 83. ~~(1) An interpreter qualified to interpret for a proceeding in standards level 2 and 3 shall meet the following requirements when fulfilling continuing education requirements for each cycle, as applicable:~~

~~–(a) Acquire a minimum of 2.0 CEUs on health care and mental health interpreting related subjects for every 4-year cycle in medical and mental health environments and maintain medical endorsement.~~

~~–(b) Acquire a minimum of 2.0 CEUs related to legal interpreting and related subjects for every 4-year cycle in legal environments and maintain legal endorsement.~~

~~–(2) Acquire a minimum of .8 CEUs in educational interpreting related subjects for every 4-year cycle in educational settings.~~

~~–(3) In deafblind environments and to maintain deafblind endorsement, a qualified interpreter shall complete not less than .8 deafblind CEUs per 4-year cycle.~~

~~(4) Interpreters certified by RID shall submit to the division only the CEUs needed for endorsement purposes.~~

R 393.5084 CEU activities; automatic approval.

Rule 84. (1) **The following continuing education activities are considered board approved:**

(a) A RID sponsored continuing education activity provided the applicant provides proof that an event has been approved for CEUs by RID.

(b) CEUs used to satisfy the continuing education requirements of another jurisdiction if the CEUs meet additional requirements outlined in this rule, and if appropriate documentation is provided.

(c) CEUs offered for other licensed professions in this state if approved by the other professions board may be accepted as general studies or electives.

(d) Proof of successful completion of coursework related to the interpreter profession from an accredited university, college, or other education institution, pursuant to R 393.5053 for credit or audit. College credit or successfully audited college courses The coursework shall be documented by a transcript that shows the name of the institution, number of hours, name of participant, date completed, and evidence of successful completion, shall receive automatic approval. CEU credit shall be granted as follows:

(i) Semester system: 1 credit hour = 15 clock hours.

(ii) Quarter system: 1 credit hour = 10 clock hours.

(e) A program related to the interpreting profession provided by the Michigan department of education given for CEU credit.

(f) Supervising an interpreter trainee under R 393.5029 or a student intern under R 393.5054. One hour of documented mentoring is equal to .2 CEUs. Supervising hours may be submitted as professional or general studies.

R 393.5085 ~~Sponsored activities~~ **Continuing education program approval.**

Rule 85. (1) ~~At least 4 weeks~~ **60 days** in advance of the activity, a person, firm, association, corporation, or group, other than those addressed in R 393.5084, seeking ~~pre-approval as of a CEU sponsor~~ **continuing education program including workshops and conferences** shall ~~submit a sponsorship~~ **complete an application on a form provided by the department** to the ~~division~~ **department** for approval along with all of the following:

~~(a) Completion of DODHH CEU event sponsorship request form available on the division website or through the division office.~~

- ~~(b)~~ (a) A detailed and timed training outline, a description of course materials, and the presenter's name, and a short biography including credentials.
- ~~(c)~~ (b) Copies of advertisements, flyers, or registration forms.
- ~~(d)~~ (c) Measurable objectives for the **continuing education** program.
- ~~(e)~~ Agreement to display the division approval language and logo.
- ~~(f)~~ (d) Assurance that the ~~sponsor~~ **continuing education applicant** has verification of the expertise of the trainer or workshop presenter in the topics presented.
- ~~(g)~~ (e) The number of contact hours for each **continuing education** program, the date, and the place of the workshop/event.

(2) A continuing education program conducted prior to approval will be denied approval.

(3) Department approval shall be for a term of 3 years from the date of approval.

(4) An approved continuing education program must be reevaluated by the department prior to any changes during the approval term. Subject to subrule (5) of this rule, all changes to a previously approved continuing education program must be submitted on a department form at least 30 days prior to the date the continuing education is offered to participants to be considered for approval. Any changes to the previously approved continuing education program conducted prior to reconsideration and approval will be denied approval. Changes include but are not limited to changes in the following:

(a) Instructors and speakers.

(b) Continuing education program content, title, and number of continuing education program hours to be awarded to participants.

(5) Emergency changes to instructors and speakers that are unable to be submitted to the department at least 30 days prior to the date of the continuing education program may be reviewed by the department when proof acceptable to the department is submitted with the change supporting the nature of the emergency.

(6) The specific dates that the continuing education program will be offered do not require further approval and may be changed without review as long as the presentation dates are within the department's original 3-year term of approval.

~~(2)~~ (7) The sponsor shall verify attendance at each **continuing education** program and provide a signed certificate of attendance only to interpreters who successfully complete the ~~activity or~~ ~~course~~ continuing education program. All of the following must be recorded on a continuing education program certificate or other proof prepared by the entity conducting the continuing education program:

(a) The name of the sponsor providing the continuing education program.

(b) Continuing education program approval number issued by the department.

(c) Course title.

(d) Speaker or instructor presenting the continuing education program.

(e) Date the approved continuing education course was conducted.

(f) Number of CEU's and hours awarded.

(g) Approved sponsor's signature.

(h) Dates of the current approval term.

(i) Name of the participant.

(8) The department may revoke the approval status of any approved continuing education program at any time the continuing education program fails to comply with these rules.

~~(3)~~ **(9)** Upon request, the ~~sponsor~~ **provider of the continuing education program** shall allow ~~division~~ **department** staff or a designee access to observe a ~~sponsored event~~ **the program** for compliance review without cost.

(10) The continuing education provider shall maintain proof of attendance at an education program for 4 years and allow access to the department if requested.

~~(4)~~ **(11)** A ~~sponsor~~ **continuing education provider** shall provide a mechanism for evaluation of the **continuing education** program by the participants.

~~(5)~~ **(12)** If a ~~sponsor~~ **continuing education provider** fails to comply with any of the requirements of this rule, then the ~~division~~ **department** shall notify the sponsor that it will not accept attendance at, or participation in, any of that sponsor's ~~CEU~~ **continuing education** programs until the ~~division~~ **department** receives assurance of compliance with this rule.

~~(6)~~ **(13)** The ~~division~~ **department** may decline to ~~sponsor~~ **approve** an activity that does not enhance professional development or that may present a conflict of interest for the ~~division~~ **department**.

(14) The department may request assistance from board members regarding evaluation of a continuing education review.

R 393.5086 Independent study. ~~Rescinded.~~

~~Rule 86. All workshops, study groups, or professional conferences, or other mentoring activities that are self-directed shall be submitted for preapproval by the interpreter to the division at least 4 weeks before the activity. An interpreter shall submit all of the following documentation, as appropriate:~~

~~—(a) An independent study form provided by the division board with an application fee, as required in R 393.5094.~~

~~—(b) A timed, detailed agenda or advertisement.~~

~~—(c) A certificate of attendance received after participation, or a letter of verification on official letterhead of the sponsor, stating the name of the participant, time attended or spent in participation, and the topic.~~

PART 9. PROCEDURES FOR RENEWAL

R 393.5091 Renewal, **recertification for RID certificate holders**; expiration; renewal of credentials.

Rule 91. (1) ~~An interpreter desiring to interpret for a proceeding for D/DB/HH persons residing in this state shall maintain current certification and listing as a qualified interpreter in this state.~~

~~(2) The state-issued credential certification issued to A RID certificate holders and EIPA certificate holders holder's state issued certification expires biennially on the date the initial state certification for the RID certificate holder was issued, unless he or she also holds a basic, advanced, DI, or educational qualified interpreter certification, and in that case the recertification shall expire on the expiration date of the first certification issued to the qualified interpreter.~~

~~June 30 of the year following the initial certification.~~

~~(3) (2) An interpreter holding an a EIPA or RID credential certificate shall biennially annually submit the required fee, a renewal application on a forms form provided by the division~~

department, along with professional development documentation and appropriate fee, so that it is and all of the following to the department postmarked on or before June 30 on or before the state certification expiration date:

(a) ~~Each nationally certified interpreter shall also submit a~~ A valid **current and unexpired** copy of his or her interpreter card issued by RID or receipt showing certification maintenance payment and **type of certification level(s)**.

(b) **A statement signed by the applicant agreeing to comply with the rules and regulations for state certification as an interpreter.**

(c) **A statement signed by the applicant attesting to the information in the application and affirming that the applicant shall comply with the NAD-RID code of professional conduct, adopted by the board in R 393.5052, and shall conduct him or herself as required under these rules.**

(d) **A signed statement on the application for renewal certifying compliance with the continuing education requirements of Part 8 of these rules.**

~~(4) An application submitted by the postmark date of June 30 is exempt from late fees; however, the postmark does not guarantee processing of the applications mailed less than 10 business days before June 30.~~

~~(5) (3) An EIPA or An interpreter holding a RID certified interpreter certificate who fails to biennially renew his or her qualified interpreter state certification certificate in this state by June 30 on or before of the year in which the date his or her credential state certification expires may, within 60 days of the certification expiration date, file to renew his or her certification by paying shall pay a late fee equal to ½ the renewal fee, as provided under R 393.5094, in addition to the regular renewal fee, and meeting the requirements in subrule (2) of this rule. All continuing education must be finalized before the certification expiration date. The applicant may continue to practice and use the title during the 60-day time period.~~

~~(6) (4) An EIPA or An interpreter holding a RID certified interpreter certificate who fails to submit renew his or her state certification renewal within 45-60 calendar days following the date that the credential expired shall pay a reinstatement fee in addition to late fees of the state certification credential expired expiration date has a lapsed certification. An applicant may be recertified by the state by submitting to the department the recertification fee, late fee, a recertification application on a form provided by the department, proof he or she has met the continuing education requirements of Part 8 of these rules within 2 years prior to the date of application, and meeting the requirements in (a) to (c) of subrule (2). If the CEU's submitted with the application are deficient, the applicant shall have one year from the date of the application to correct any deficiencies found in the application. However, the application will be held, and the certification will not be issued until the continuing education requirements have been met.~~

~~(5) An application is valid for 1 year from the date the department receives the application.~~

R 393.5092 Renewal, **recertification for basic, advanced, educational, DI state certified certifications** ~~qualified interpreters, educational-qualified interpreters; retesting.~~

Rule 92. (1) ~~The state issued credential certification of every qualified interpreter holding state-issued certification by examination shall meet the renewal requirements of R 393.5091 (1).~~

~~(2) The state-issued credential to BEI certificate holders, and DI certificate holders shall expire annually.~~ **A qualified interpreter's state-issued basic, advanced, educational, or DI certification to BEI certificate holders, and DI certificate holders shall expire biennially on the date of the initial basic, advanced, educational, or DI certification was issued, unless he or she also holds a RID certificate based state certification, and in that case the recertification shall expire on the expiration date of the first certification issued to the qualified interpreter.**

~~(3) The state-issued credential to DI certificate holders shall expire annually on the date of the initial certification.~~

~~(4) (2) Biennially, An-an interpreter holding a state issued basic, advanced, educational, or DI certification shall submit the required annual fee, a renewal application on forms a form provided by the division department, along with professional development documentation and appropriate fee, so that it is and all of the following to the department postmarked on or before its individualized date. the certification expiration date:~~

(a) A statement signed by the applicant agreeing to comply with rules and regulations for state certification as an interpreter.

(b) A statement signed by the applicant attesting to the information in the application and affirming that the applicant shall comply with the NAD-RID code of professional conduct, adopted by the board in R 393.5052, and shall conduct himself or herself as required under these rules.

(c) A signed statement on the application certifying compliance with the continuing education requirements of Part 8 of these rules.

~~(5) (3) A qualified interpreter who fails to renew his or her qualified interpreter certificate state-issued basic, advanced, educational, or DI certification on or before the expiration date of the certification in this state by the due date in which his or her credential expires shall pay may file within 60 days of his or her certification expiration date to renew his or her certification by paying a late fee equal to ½ the renewal fee as provided under R 393.5094, in addition to the regular renewal fee, and meeting the requirements in subrule (2) of this rule. All continuing education must be finalized before the expiration date of the certification.~~

The applicant may continue to practice and use the title during the 60-day time period.

~~(6) (4) A state-certified qualified interpreter who fails to renew allows his or her credential to lapse shall be required to retest, unless the fully completed renewal is submitted within 90 calendar days following the date that the credential expired state-issued basic, advanced, educational, or DI certification within 60 days of the state certification expiration date has a lapsed certification. An applicant may be recertified by submitting to the department the recertification fee, late fee, a recertification application on a form provided by the department and proof that he or she has met the continuing education requirements in Part 8 of these rules within 2 years prior to the date of application for recertification. If the CEU's submitted with the application are deficient, the applicant shall have one year from the date of the application to correct any deficiencies found in the application. However, the application will be held, and the certification will not be issued until the continuing education requirements have been met. The applicant shall also comply with either of the following, as applicable:~~

(a) If the applicant's previous state state-issued basic, advanced, educational, or DI certification was lapsed 3 or less years, the applicant shall meet the requirements in (a) to (c) of subrule (2).

(b) If the applicant's previous state certification was lapsed more than 3 years, the applicant shall meet the requirements in (a) to (c) of subrule (2) and pass within one year of his or her application for recertification the interpreter exam at the level he or she most recently passed.

~~(7) An interpreter's 4-year testing cycle begins upon achieving a MI BEI. At the end of each 4-year testing cycle, a qualified interpreter with a MI BEI I certificate on the state-administered examination MI BEI shall continue to retest for a higher certification in addition to meeting all other renewal requirements. An extension will not be granted for failure to successfully complete testing before the end of the testing cycle. A reinstatement fee plus testing will be required.~~

~~(8) The holder of a MI BEI I shall submit his or her CEU requirements annually.~~

~~(9) Upon passage of the MI BEI II test or higher level, an interpreter qualified through the state certification process shall not be required to test every 4 years. The interpreter may submit 2.0 CEUs requirements annually or 4.0 CEUs every other year. Renewal fees are due annually.~~

~~(10) The division may prorate the number of CEUs due from a person **interpreter** that is transitioning from a lower standard level certification to a higher level standard level certification. Prorated CEUs shall be rounded to the nearest whole number.~~

(5) An applicant seeking a renewal or recertification may petition the department and the board for a review if the applicant does not receive a renewal or recertification.

(6) An application is valid for 1 year from the date the department receives the application.

R 393.5093 Notification; change of address; renewal. **Renewal for deaf-blind, medical-mental, and legal endorsements.**

Rule 93. (1) A qualified interpreter shall notify the division department of any change of address or contact information within 30 days of the occurrence of the change. **Beginning on January 1, 2022, an endorsement will expire every 2 years on the date of the qualified interpreter's certification and will require renewal.**

~~(2) Failure to receive a renewal notification from the division does not constitute an excuse for failure to submit a renewal application to the division with the appropriate documentation and fees by the due date. Biennially, a qualified interpreter shall renew his or her endorsement by submitting to the department the required annual fee, a renewal application on a form provided by the department, and a signed statement on the application certifying compliance with the continuing education requirements of Part 8 of these rules.~~

~~(3) If the qualified interpreter's certification has expired, the requirements for the qualified interpreter's certification shall be satisfied before applying for an endorsement.~~

~~(4) A qualified interpreter who fails to renew his or her endorsement on or before the expiration date of the endorsement may file within 60 days of his or her endorsement expiration date to renew his or her endorsement by paying a late fee equal to ½ the renewal fee as provided under R 393.5094, in addition to the regular renewal fee, and meeting the requirements in subrule 2 of this rule. All continuing education must be finalized within 2 years prior to the date of application of the endorsement. **The applicant may continue to practice and use the title during the 60-day time period.**~~

(5) If a qualified interpreter allows an endorsement to lapse more than 60 days after the endorsement expiration, he or she must meet the requirements of R 393.5028 to apply for an endorsement.

R 393.5094 Fees.

Rule 94. The following fees shall be paid to the ~~division~~ **department**, as appropriate:

- (a) Renewal or application fees provided under **section 8c of the act**, MCL 393.508c.
- (b) Testing fees provided under **section 8e of the act**, MCL 393.508e.
- (c) Fees for ~~other~~ services provided by the ~~division~~ **department** to carry out the ~~provisions~~ **provision of section 4(l) of the Michigan division on deaf, deafblind, and hard of hearing act**, MCL 408.204, **including but not limited to** as follows:
 - (i) A \$45 renewal fee that includes the late fee prescribed in R 393.5091, if a person fails to renew on or before the expiration date prescribed by the ~~division~~ **department**.
 - (ii) A \$10 duplicate credential fee, if the person applying for a duplicate credential signs a statement verifying that the original document has been lost, stolen, or destroyed.
 - (iii) A \$10 fee for providing written verification that a person ~~is or is not certified~~ **does or does not hold a certification as a qualified interpreter** with the ~~division~~ **department** at the time of the request for verification.
 - (iv) A \$35 fee to provide specific detailed information in addition to and including the information described in paragraph (iii) of this subdivision.
 - (v) A \$10 fee for correcting ~~division~~ **department** records and issuing a new credential when a person notifies the ~~division~~ **department** of a change of name, address, or employer. If the change does not require the issuance of a new credential, no charge shall be made for correcting the ~~division's~~ **department's** records.
 - (vi) A \$20 fee for an assessment of English skills for interpreters who have not already passed an equivalent assessment, when required for ~~medical~~ **a medical-mental health, DI, and legal designations endorsement**, or as an English proficiency proctoring fee.
 - (vii) A \$25 fee for **review of continuing education programs** ~~organizational sponsorship of professional development units (CEUs).~~
 - (viii) ~~A \$125 reinstatement fee as described in R 393.5091(6) and R 393.5092(7).~~

R 393.5095 Refunds; conditions; rescheduling examinations.

Rule 95. (1) The ~~division~~ **department** shall issue refunds if it cancels an examination or service that was paid for and not received due to cancellation or error by the ~~division~~ **department**, except for events that will be rescheduled.

~~(2) If approved by the division, a refund shall be issued if the testing candidate or his or her immediate family experiences death, serious illness, a call to active duty, or another situation beyond his or her control. The person shall notify the division of the circumstance as soon as possible before the event for which the fee was paid. Proof shall be provided not later than 30 days after the occurrence.~~

~~(3) (2) Failure to appear for a performance examination on a scheduled date, or arriving more than 15 minutes late for a confirmed performance examination, shall result in forfeiture of the examination fee, unless waived by the~~ ~~division~~ **department**.

~~(4) (3) The fee is subject to forfeiture if the candidate for a Test of Proficiency fails to arrive or arrives after the testing door has closed.~~

~~(5)~~ (4) Consideration shall be given for severe weather conditions if the conditions cause an applicant to fail to appear or to 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.~~

~~(7)~~ (5) The division shall offer an opportunity to the applicant to reschedule an examination as soon as possible after the cancellation of the examination. If the person does not complete the examination within 1 calendar year of the cancellation, then the fee shall be forfeited.

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Table 1 to Rule 393.5022(4)

Basic, Advanced, Deaf, and Educational Michigan Certification Credentials and Environments

Basic Qualified Interpreter Certification	Advanced Qualified Interpreter Certification	Qualified Deaf Interpreter Certification
<p>(a) A basic qualified interpreter certification allows a qualified interpreter to interpret in non-complex, low risk proceedings and environments and is prohibited from interpreting in proceedings and environments with the primary focus on health, mental health, legal, employment, finance, or government.</p>	<p>(b) An advanced qualified interpreter certification allows a qualified interpreter to interpret in low risk as well as moderately complex, medium-high risk, proceedings and environments, including government, employment, finance, and medical and mental health care settings with the proper endorsement.</p>	<p>(c) A qualified deaf interpreter certification allows an interpreter who is deaf or hard of hearing person who has been recognized by this state as a qualified interpreter under R 393.5031, to facilitate communication between a person using sign language and a deaf-blind person or between a qualified interpreter and a D/DB/HH person when the communication is not effective.</p>
<p>(i) To qualify for a basic qualified interpreter certification an interpreter must possess at least 1 of the following credentials:</p> <ul style="list-style-type: none"> (A) BEI Basic (B) NAD III (C) RID IC (D) RID TC (E) A credential approved by the board that is substantially similar to any of the credentials listed in this subdivision. 	<p>(i) To qualify for an advanced qualified interpreter certification an interpreter must possess at least 1 of the following credentials:</p> <ul style="list-style-type: none"> (A) BEI Advanced (B) BEI Master (C) RID CI (D) RID CT (E) RID OTC (F) NAD IV (G) RID NIC (H) RID NIC Advanced (I) RID NIC Master (J) RID CDI (i) BEI Master plus 4 years of experience post initial certification (K) RID CSC (L) RID MCSC (M) RID reverse skills certificate (N) NAD V (viii) RID CI and CT (x) RID NIC plus 4 years of experience post initial certification (xi) RID NIC Advanced plus 4 years of experience post initial certification (xii) RID NIC Master plus 4 years of experience post initial certification (O) A credential approved by the board that is substantially similar to any of the credentials listed in this subdivision. 	<p>(i) To qualify for a qualified deaf interpreter certification an interpreter must possess at least 1 of the following credentials:</p> <ul style="list-style-type: none"> (A) RID CDI certification or another deaf interpreter credential approved by the board that is substantially similar to RID CDI certification.

(ii) An interpreter with a basic qualified interpreter certification may only interpret in the following proceedings and environments:

- (A) Workshop**
- (B) Meeting**
- (C) Training**
- (D) General presentation**
- (E) GED Training**
- (F) Post-secondary Vocational Training**
- (G) Post-secondary Assessment**
- (H) Weddings, graduations, funerals**
- (I) For a deaf-blind person with a deaf-blind endorsement**

(ii) In addition to interpreting in all proceedings and environments in subrule (5)(b) of this rule an interpreter with an advanced qualified interpreter certification may also interpret in the following proceedings and environments:

- (A) Individualized Education Program (IEP) Meeting**
- (B) Meeting, training, or workshop involving post-secondary education, employment, finance, science, technology, engineering, and math fields, or government**
- (C) Interviews for employment**
- (D) Job Training**
- (E) Employment Grievance/Discipline**
- (F) Staff Meeting**
- (G) Political Event**
- (H) Financial, banking, and personal transaction**
- (I) Government Meeting**
- (J) Presentation by dignitaries and Public Personalities**
- (K) Play, Concert, TV News**
- (L) Tax Assessment Meeting/Appeals**
- (M) Applications for State/Federal Services**
- (N) VRI services for all situations listed in this subdivision.**
- (O) For a deaf-blind person with a deaf-blind endorsement under R 393.5028.**
- (P) Legal proceedings and environments, including but not limited to the following, with a legal endorsement under R 393.5028:**
 - (1) Forensic Psychiatric Evaluation**
 - (2) Evaluation of a Legal Nature**
 - (3) Emergency Broadcast**
 - (4) Legal Workshop or legal Training**
 - (5) VRI services for any legal matter and all situations listed in this subdivision.**
 - (6) An activity involving the police, prison, or prisoners.**
 - (7) Any activity involving an attorney or the courts.**
 - (8) Any activity involving children's protective services.**
 - (9) Any activity involving probation or parole.**
 - (10) Juvenile detention center**
 - (11) Manifestation determination**
 - (12) An IEP if an attorney is participating in the meeting.**
 - (13) For a deaf-blind person with a deaf-blind endorsement under R 393.5028.**
 - (14) Criminal proceeding and police interrogation if the qualified**

interpreter also holds one of the following credentials, however, if a qualified interpreter with the following credentials is not available and the appointing authority has documented an exhaustive search, a qualified interpreter holding a master qualified interpreter certification may interpret in a criminal proceeding or police interrogation.

(a) RID

(b) SC:L

(c) RID CLIP R

(d) A credential approved by the board that is substantially similar to the credentials listed in this paragraph.

(Q) Medical or mental health settings, including but not limited to the following, with a medical-mental health endorsement under R 393.5028:

(1) Health Care beyond First Aid

(2) Emergency Room, trauma center, urgent care, hospital, nursing home, triage, hospice, rehabilitation center, dialysis center, inpatient facility, outpatient facility, mental health facility, or similar facility where medical or mental health services are provided.

(3) Health related and mental health related presentation, training, and workshop.

(4) Counseling

(5) Psychiatric Evaluation

(6) Addiction Treatment.

(7) In a health care situation involving a health care practitioner licensed under the Public Health Code, 1978 PA 368, MCL 333.1101 to 333.25211.

Educational Qualified Interpreter Certification (Non-Post-Secondary)

(d) An educational qualified interpreter certification to interpret for elementary students allows a qualified interpreter to interpret for a D/DB/HH child in a school environment pre-kindergarten through 6th grade.

(i) To qualify for an educational interpreter certification which allows an interpreter to interpret in an elementary setting, an interpreter must possess at least 1 of the following credentials:

(A) A performance score on the elementary EIPA examination of 4.0 or higher, with a passing score on the written test, or a similar written test approved by the department in cooperation with the Michigan department of education (MDE).

(B) A credential accepted by the board with advice from the MDE that is based on a testing instrument and a score that is substantially similar to a 4.0 on the elementary EIPA examination.

(C) A deaf interpreter credential, RID CDI, or another deaf interpreter credential approved by the board that is substantially similar to the other credentials listed in this paragraph and certification by the department.

(e) An educational qualified interpreter certification to interpret for secondary students allows a qualified interpreter to interpret for a D/DB/HH student in the 7th grade through 12th grade and through age 26 for a student with an IEP or 504 plan.

(i) To qualify for an educational interpreter certification which allows an interpreter to interpret in a secondary educational setting, an interpreter must possess at least 1 of the following credentials:

(A) An EIPA performance score on the elementary or secondary EIPA examination of 4.0 or higher, with a passing score on the written test, or a similar written test approved by the board in cooperation with the MDE.

(B) BEI advanced.

(C) A basic or advanced qualified interpreter certification.

(D) A credential accepted by the board with advice from the MDE that is based on a testing instrument and a score that is substantially similar to a 4.0 on the elementary or secondary EIPA examination.

(E) A deaf interpreter credential, RID CDI, or another deaf interpreter credential approved by the board that is substantially similar to the other credentials listed in this paragraph and certification by the department.

(ii) An educational qualified interpreter meeting the requirements in subdivision (a) may interpret in the following proceedings or environments:

- (A) An elementary classroom.**
- (B) A meeting pursuant to the Rehabilitation Act of 1973, 34 CFR 104 (2015), regarding an IEP or 504 plan.**
- (C) A school related disciplinary situation, not involving the police.**
- (D) Before-school and after-school activities.**
- (E) A class trip.**
- (F) Other school-related activities.**
- (G) Any auxiliary services located within the school or related services listed on a student's IEP.**
- (H) Medical, mental health, or legal proceedings or environments including those involving child protective services if the educational qualified interpreter has the proper endorsements to interpret medical, mental health, or legal proceedings or environments, otherwise, an educational qualified interpreter shall work with an advanced or master qualified interpreter under R 393.5051.**
- (I) For a deaf-blind person with a deaf-blind endorsement under R 393.5028.**
- (J) All secondary education settings in R**

(ii) An educational qualified interpreter meeting the requirements in subdivision (a) may interpret in the following proceedings or environments:

- (A) A secondary classroom.**
- (B) A meeting pursuant to the Rehabilitation Act of 1973, 34 CFR 104 (2015), regarding an IEP or 504 plan.**
- (C) A school related disciplinary situation, not involving the police.**
- (D) Before/-school and after-school activities.**
- (E) A class trip.**
- (F) High school vocational training.**
- (G) Other school-related activities.**
- (H) Any auxiliary services located within the school or related services listed on a student's IEP.**
- (I) Medical, mental health, or legal proceedings or environments including those involving child protective services if the educational qualified interpreter has the proper endorsements to interpret medical, mental health, or legal proceedings or environments, otherwise, an educational qualified interpreter shall work with an advanced or master qualified interpreter under R 393.5051.**
- (J) For a deaf-blind person with a deaf-blind endorsement under R 393.5028.**