

**ADOPTED REGULATION OF THE OFFICE OF DISABILITY  
SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN  
SERVICES**

**LCB File No. R210-08**

Effective October 1, 2008

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-58, NRS 656A.082 and 656A.084.

A REGULATION relating to interpreters and Communication Access Realtime Translation providers; prescribing the requirements for engaging in practice as an interpreter and Communication Access Realtime Translation provider; establishing the scope of practice and ethical standards for interpreters and providers; and providing other matters properly relating thereto.

**Section 1.** Chapter 656A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 57, inclusive, of this regulation.

**Sec. 2.** *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 39, inclusive, of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“American Sign Language” means the complete, complex language that employs signs made with the hands and other movements, including, without limitation, facial expressions and postures of the body.*

**Sec. 4.** *“Associate Continuing Education Tracking program” means the program administered by the Registry of Interpreters for the Deaf to document the skills development of its associate members.*

Sec. 5. *“Broadcast captioner” means a Communication Access Realtime Translation provider who transmits realtime captions through a telephone line to line 21 of a caption encoder that is housed at a television broadcast station.*

Sec. 6. *“Certification Maintenance Program” means the program administered by the Registry of Interpreters for the Deaf to monitor the skills development of its certified members.*

Sec. 7. *“Certified Communication Access Realtime Translation Provider” means a person who achieved a minimum standard on a national certification evaluation that addresses the knowledge and skills required required to engage in the practice of Communication Access Realtime Translation pursuant to this chapter.*

Sec. 8. *“Certified deaf interpreter” means an interpreter who is deaf or hard of hearing and who has completed a program of language proficiency, including a written and performance test, and has received training in ethics and general interpreting methodologies.*

Sec. 9. *“Certified interpreter” means a person who has achieved a minimum standard on a national certification evaluation that addresses the knowledge and skills required to engage in the practice of interpreting pursuant to this chapter.*

Sec. 10. *“Certifying body” means the state or national organization that certifies interpreters or Communication Access Realtime Translation providers.*

Sec. 11. *“Communication Access Realtime Translation” or “realtime captioning” has the meaning ascribed to it in NRS 656A.025.*

Sec. 12. *“Community setting” has the meaning ascribed to it in NRS 656A.027.*

Sec. 13. *“Computerized note-taking system” means a system which utilizes programs and equipment for the purpose of taking notes in a setting other than a legal setting.*

**Sec. 14.** *“Contact hour” means not less than 50 minutes and not more than 60 minutes of participation in continuing education.*

**Sec. 15.** *“Continuing education unit” means a unit of measurement for educational activities that meet established criteria for increasing knowledge and competency. One continuing education unit is equal to 10 contact hours of participation in an organized continuing educational experience, which is grounded in responsible sponsorship, capable direction and qualified instruction.*

**Sec. 16.** *“Cued speech transliterator” means a person who uses a system of handshapes and placements which, when combined with information from a person’s mouth and face, render the English language as a visual language and distinguish the phonemes of the English language from each other.*

**Sec. 17.** *“Educational Interpreters Knowledge Assessment” means the written portion of the assessment administered by the Boys Town National Research Hospital in Omaha, Nebraska.*

**Sec. 18.** *“Educational Interpreters Performance Assessment” means the assessment administered by the Boys Town National Research Hospital located in Omaha, Nebraska, which specifically addresses the knowledge and skills of interpreters working in an educational setting and employing:*

- 1. American Sign Language;*
- 2. Manually Coded English; or*
- 3. Pidgin Signed English.*

Sec. 19. *“Educational setting” has the meaning ascribed to it in NRS 656A.029. The term does not include a college or university. The term also includes a prekindergarten program in a public school.*

Sec. 20. *“Good standing” means being a current member and being in compliance with the continuing education requirements of a certifying body.*

Sec. 21. *“Interpreter referral agency” means any contractual agency which refers interpreters for a fee.*

Sec. 22. *“Legal setting” has the meaning ascribed to it in NRS 656A.033.*

Sec. 23. *“Manually Coded English” means a signed message that employs the syntax and grammar of the English language and is dependent upon a language lexicon borrowed from American Sign Language.*

Sec. 24. *“Medical setting” has the meaning ascribed to it in NRS 656A.035.*

Sec. 25. *“Mentor” means an interpreter who guides another interpreter in gaining the skills, techniques and knowledge required to engage in the practice of interpreting. A mentor shall meet the requirements for registration as set forth in section 48 or 49 of this regulation, as appropriate.*

Sec. 26. *“Modality” means the communication system that an interpreter uses or any English signed system.*

Sec. 27. *“Office of Disability Services” means the Office of Disability Services of the Department of Health and Human Services.*

Sec. 28. *“Pidgin Signed English” means signing which contains a mix of the rules of the American Sign Language and English grammar.*

**Sec. 29.** *“Professional development plan” means an individualized plan to improve the performance of a person in work-related activities by focusing on improving knowledge and skills, and includes, without limitation, documentation of the timeframes, measurement indicators and desired outcomes of the professional development activities.*

**Sec. 30.** *“Professional membership” means membership in a professional organization which provides quality standards, professional development and opportunities for peer support and networking in order to provide relevant and current information to its members.*

**Sec. 31.** *“Program of continuing education” means courses, programs or organized learning activities which sustain a person’s professional competence by keeping the person informed of, and able to comply with, developments in professional standards.*

**Sec. 32.** *“Provisional interpreter” means an interpreter who has recently completed study in an interpreter preparation program and who has not been nationally certified.*

**Sec. 33.** *“Realtime captioning” has the meaning ascribed to it in NRS 656A.025.*

**Sec. 34.** *“Registry of Interpreters for the Deaf” is the national membership organization that:*

*1. Represents professionals who facilitate communication between people who are deaf or hard of hearing and people who can hear; and*

*2. Supports members by providing testing for national standards, educational opportunities, professional networking and relationships and resources.*

**Sec. 35.** *“Service provider” means a Communication Access Realtime Translation, realtime captioning provider, an interpreter or a certified deaf interpreter.*

**Sec. 36.** *“Signing Exact English” or “Signing Essential English” means a signing system based on the English language which utilizes English language patterns in conjunction with initialized signs.*

**Sec. 37.** *“Student of interpreting or Communication Access Realtime Translation” means a person who is enrolled in a formal course of study to become an interpreter or Communication Access Realtime Translation provider.*

**Sec. 38.** *“TECUnit” means the Testing, Evaluation, and Certification Unit, Inc., which is responsible for establishing and maintaining national standards for the profession of cued speed transliteration.*

**Sec. 39.** *“Voir dire” means the process by which any judge will select or reject an interpreter to provide interpreting services for any matter before a court of their jurisdiction.*

**Sec. 40.** *1. Except as otherwise provided in subsection 2 and NRS 656A.070, any person who provides interpreting, Communication Access Realtime Translation or realtime captioning services in this State shall:*

*(a) Register with the Office of Disability Services on a form provided by the Office pursuant to NRS 656A.100 or 656A.400, as appropriate;*

*(b) Provide proof of compliance with the requirements for each professional classification set forth in sections 41 to 49, inclusive, of this regulation, pursuant to which the applicant will be engaged;*

*(c) Operate only within the professional classifications for which he is registered;*

*(d) Comply with the provisions of this chapter and chapter 656A of NRS; and*

*(e) Comply with the code of ethics of the appropriate certifying body.*

*2. The provisions of this section may be temporarily waived by the Office of Disability Services when an emergency has been declared by a governmental entity.*

**Sec. 41.** *1. To apply for and maintain registration as a Communication Access Realtime Translation or realtime captioning provider, a person must:*

*(a) Have at least a high school diploma or a general equivalency diploma.*

*(b) Hold certification in good standing from:*

*(1) The Certified Court Reporters' Board of Nevada pursuant to chapter 656 of NRS;*

*(2) The National Court Reporters Association as a:*

*(I) Registered Professional Reporter;*

*(II) Certified Communication Access Realtime Translation Provider;*

*(III) Certified Broadcast Captioner; or*

*(IV) Certified Realtime Reporter; or*

*(3) Any other state licensing board with a minimum of skills assessment of 200 words per minute or more.*

*2. A Communication Access Realtime Translation or realtime captioning provider shall accept each assignment with due caution and care commensurate with his skills and experience.*

*3. A Communication Access Realtime Translation or realtime captioning provider who works solely as a broadcast captioner is not required to register with the Office of Disability Services or comply with the provisions of this chapter or chapter 656A of NRS.*

**Sec. 42.** *1. To apply for and maintain registration as an interpreter in a community setting as an apprentice level interpreter, a person must:*

*(a) Have at least a high school diploma or a general equivalency diploma.*

*(b) Hold in good standing:*

*(1) Level 2 certification from the National Association of the Deaf;*

*(2) Level II certification from the American Consortium of Certified Interpreters; or*

*(3) A score of 3.5 to 3.9 on the Educational Interpreter Performance Assessment.*

*(c) Be a person who is deaf or hard of hearing in the process of becoming a certified deaf interpreter through the Registry of Interpreters for the Deaf or have successfully completed an accredited interpreter preparation program.*

*(d) Participate in the Associate Continuing Education Tracking program, with at least 75 contact hours of continuing education every 3 years.*

*(e) Participate in a plan of mentoring with a mentor who is certified with the Registry of Interpreters for the Deaf. The plan of mentoring must be signed by the apprentice level interpreter and his mentor.*

*2. An apprentice level interpreter shall not engage in the practice of interpreting in a medical or legal setting.*

*3. An apprentice level interpreter shall only accept assignments:*

*(a) In which the apprentice is teamed with or accompanied by a certified interpreter at the skilled level or above; and*

*(b) With due caution and care commensurate with his skills and experience.*

**Sec. 43.** *1. To apply for and maintain registration as an interpreter in a community setting as a skilled interpreter, a person must:*

*(a) Have at least a high school diploma or a general equivalency diploma.*

*(b) Hold in good standing:*

*(1) One of the following certifications from the Registry of Interpreters for the Deaf:*

*(I) National Interpreter certification;*  
*(II) Certification of Interpretation; or*  
*(III) Certification of Transliteration; or*  
*(2) Level III certification from the National Association of the Deaf;*  
*(3) Level III certification from the American Consortium of Certified Interpreters; or*  
*(4) Educational Interpreter Performance Assessment between levels 4.0-4.7 and be a certified educational interpreter with the Registry of Interpreters for the Deaf.*

*2. A skilled interpreter shall accept each assignment in a:*

*(a) Legal setting with due caution and care commensurate with his skills and experience. A skilled interpreter who does not hold supplemental certification to engage in the practice of interpreting in a legal setting may be used only in situations involving misdemeanors and is subject to voir dire by the court.*

*(b) Medical setting with due caution and care commensurate with his skills and experience.*

*(c) Postsecondary educational institution, as defined in NRS 394.099, with due caution and care commensurate with his skills and experience.*

**Sec. 44. 1.** *To apply for and maintain registration as an interpreter in a community setting as an advanced certified interpreter, a person must:*

*(a) Have at least a high school diploma or a general equivalency diploma.*

*(b) Hold in good standing:*

*(1) From the Registry of Interpreters for the Deaf:*

*(I) National Interpreter Certification-Advanced;*

*(II) A Certificate of Interpretation and a Certificate of Transliteration;*

*(III) Comprehensive Skills Certificate; or*

*(IV) A certification as a Certified Deaf Interpreter;*

*(2) Level IV certification from the National Association of the Deaf;*

*(3) Level IV certification from the American Consortium of Certified Interpreters; or*

*(4) A score of 4.8 to 5.0 on the Educational Interpreter Performance Assessment and an Educational Certificate: K-12, issued by the Registry of Interpreters for the Deaf.*

*2. An advanced certified interpreter shall accept each assignment in a*

*(a) Legal setting with due caution and care commensurate with his skills and experience.*

*An advanced certified interpreter who does not hold supplemental certification to engage in the practice of interpreting in a legal setting is subject to voir dire by the court.*

*(b) Medical setting with due caution and care commensurate with his skills and experience.*

*(c) Postsecondary educational institution, as defined in NRS 394.099, with due caution and care commensurate with his skills and experience.*

**Sec. 45. 1. To apply for and maintain registration as an interpreter in a community setting as a master level interpreter, a person must:**

*(a) Have at least a high school diploma or a general equivalency diploma.*

*(b) Hold in good standing:*

*(1) From the Registry of Interpreters for the Deaf:*

*(I) National Interpreter Certification-Master;*

*(II) A Master Comprehensive Skills Certificate;*

*(III) A Specialist Certificate: Legal; or*

*(IV) Certification as a Certified Deaf Interpreter with specialized legal or medical training.*

*(2) Level V certification from the American Consortium of Certified Interpreters; or*

*(3) Level V certification from the National Association for the Deaf.*

*2. A master level interpreter shall accept each assignment in a:*

*(a) Legal setting with due caution and care commensurate with his skills and experience. A Master level interpreter in a legal setting must have proof of supplemental certification to engage in the practice of interpreting in a legal setting is subject to voir dire by the court.*

*(b) Medical setting or an educational setting with due caution and care commensurate with his skills and experience.*

**Sec. 46.** *1. To apply for and maintain registration as a cued speech transliterator in an educational setting, a person must:*

*(a) Have at least a high school diploma or a general equivalency diploma.*

*(b) Hold certification in good standing from the Testing, Evaluation, and Certification Unit, Inc.*

*(c) Have a professional development plan, prepared on a form provided by his local school district and approved in writing by his supervisor, which includes specific goals for professional development as a cued speech transliterator and includes 75 contact hours of continuing education every 3 years.*

*2. A cued speech transliterator shall accept each assignment in a:*

*(a) Legal setting with due caution and care commensurate with his skills and experience. A cued speech transliterator in a community setting without supplemental certification to engage*

*in the practice of interpreting in a legal setting may be used only in situations involving misdemeanors and is subject to voir dire by the Court.*

*(b) Medical setting with due caution and care commensurate with his skills and experience.*

*(c) Postsecondary educational institution, as defined in NRS 394.099, with due caution and care commensurate with his skills and experience.*

**Sec. 47. 1.** *To apply for and maintain registration as an interpreter in an educational setting as an apprentice level interpreter, a person must:*

*(a) Have at least a high school diploma or a general equivalency diploma.*

*(b) Hold in good standing a score of 3.0 on the Educational Interpreter Performance Assessment.*

*(c) Participate in a plan of mentoring with a mentor who is registered at an advanced level pursuant to section 49 of this regulation. If the mentor does not reside in this State, he is not required to be registered pursuant to this chapter and chapter 656A of NRS, but he must possess the appropriate certification status as an intermediate interpreter pursuant to section 48 of this regulation or an advanced interpreter pursuant to section 49 of this regulation. The plan of mentoring shall be signed by the apprentice level interpreter and the mentor.*

*(d) Have a professional development plan, prepared on a form provided by his local school district and approved in writing by his supervisor, which includes specific goals for professional development as an interpreter and includes 75 contact hours of continuing education every 3 years.*

*2. An apprentice level interpreter is not qualified to engage in the practice of interpreting in a community setting without holding the appropriate professional certification as set forth in sections 42 to 45, inclusive, of this regulation.*

*3. Except as otherwise provided in this subsection, an apprentice level interpreter may only engage in the practice of interpreting in the grade levels for which he is assessed. An apprentice level interpreter may engage in the practice of interpreting in a grade level for which he is not assessed if:*

*(a) He is acting as a substitute interpreter, but he may not do so for more than 10 consecutive working days.*

*(b) An interpreter is required pursuant to a pupil's individualized education program, as defined in NRS 388.524, and if the school has documentation showing that a reasonable attempt to find interpreting services for the pupil was made.*

*4. Except as otherwise provided in this subsection, an apprentice level interpreter may only engage in the practice of interpreting in a modality for which he is assessed. An apprentice level interpreter may engage in the practice of interpreting in a modality for which he is not assessed if:*

*(a) He is acting as a substitute interpreter, but he may not do so for more than 5 consecutive working days.*

*(b) An interpreter is required pursuant to a pupil's individualized education program, as defined in NRS 388.524, and if the school has documentation showing that a reasonable attempt to find interpreting services for the pupil was made.*

**Sec. 48.** *1. To apply for and maintain registration as an interpreter in an educational setting as an intermediate interpreter, a person must:*

- (a) Have at least a high school diploma or a general equivalency diploma.*
  - (b) Hold in good standing a score of 3.1 to 3.9 on the Educational Interpreter Performance Assessment.*
  - (c) Participate in a plan of mentoring with a mentor who is registered as an advanced interpreter pursuant to section 49 of this regulation. If the mentor does not reside in this State, he is not required to be registered pursuant to this chapter and chapter 656A of NRS, but he must possess the appropriate certification status as an advanced interpreter pursuant to section 49 of this regulation. The plan of mentoring shall be signed by the apprentice level interpreter and the mentor.*
  - (d) Have a professional development plan, prepared on a form provided by his local school district and approved in writing by his supervisor, which includes specific goals for professional development as an interpreter and includes 75 contact hours of continuing education every 3 years.*
- 2. An intermediate interpreter is not qualified to engage in the practice of interpreting in a community setting without holding the appropriate professional certification as set forth in sections 42 to 45, inclusive, of this regulation.*
- 3. Except as otherwise provided in this subsection, an apprentice level interpreter may only engage in the practice of interpreting in the grade levels for which he is assessed. An apprentice level interpreter may engage in the practice of interpreting in a grade level for which he is not assessed if:*
- (a) He is acting as a substitute interpreter, but he may not do so for more than 10 consecutive working days.*

*(b) An interpreter is required pursuant to a pupil's individualized education program, as defined in NRS 388.524, and if the school has documentation showing that a reasonable attempt to find interpreting services for the pupil was made.*

*4. Except as otherwise provided in this subsection, an apprentice level interpreter may only engage in the practice of interpreting in a modality for which he is assessed. An apprentice level interpreter may engage in the practice of interpreting in a modality for which he is not assessed if:*

*(a) He is acting as a substitute interpreter, but he may not do so for more than 5 consecutive working days.*

*(b) An interpreter is required pursuant to a pupil's individualized education program, as defined in NRS 388.524, and if the school has documentation showing that a reasonable attempt to find interpreting services for the pupil was made.*

**Sec. 49. 1.** *To apply for and maintain registration as an interpreter in an educational setting as an advanced interpreter, a person must have at least a high school diploma or a general equivalency diploma and:*

*(a) Hold in good standing a score of 4 or more on the Educational Interpreter Performance Assessment; or*

*(b) Be registered as a skilled interpreter or an advanced interpreter in a community setting pursuant to section 43 or 44 of this regulation, as applicable, apply with the Registry of Interpreters for the Deaf to receive an Educational Certificate: K-12, and participate in the Certification Maintenance Program.*

2. *An advanced interpreter must have a professional development plan, prepared on a form provided by his local school district and approved in writing by his supervisor, which includes specific goals for professional development as an interpreter.*

3. *An advanced interpreter may engage in the practice of interpreting in any grade level.*

4. *An advanced interpreter may only engage in the practice of interpreting:*

(a) *In a modality for which he is assessed, if he is only assessed by the Educational Interpreter Performance Assessment.*

(d) *Except as otherwise provided in the paragraph, in a modality for which he is certified. An advanced interpreter. may engage in the practice of interpreting in a modality for which he is not certified if he is acting as a substitute interpreter, but he may not do so for more than 5 consecutive working days.*

**Sec. 50.** 1. *Registration with the Office of Disability Services as an interpreter or Communication Access Realtime Translation provider must be renewed annually on a form prescribed by the Office of Disability Services. An interpreter and Communication Access Realtime Translation provider is required to inform the Office of any changes in contact information or certification status. The Office may revoke the registration of an interpreter or Communication Access Realtime Translation provider whose certification is revoked by his certifying body.*

2. *An interpreter or Communication Access Realtime Translation provider may, within 2 years after revocation of his registration pursuant to this section, request that the Office restore the registration.*

**Sec. 51.** *The Office of Disability Services may initiate disciplinary action against an interpreter or Communication Access Realtime Translation provider, or may deny the*

*issuance or renewal of his registration if the Office finds, after providing notice and a hearing, that the interpreter or Communication Access Realtime Translation provider:*

- 1. Willfully and intentionally made a false or fraudulent statement or submitted a forged or false document to the Office;*
- 2. Performed interpreting or Communication Access Realtime Translation services which were not delivered properly according to the classification pursuant to which he is registered;*
- 3. Provided interpreting or Communication Access Realtime Translation services when he did not have the ability to provide such services with reasonable skill and safety;*
- 4. Provided interpreting and Communication Access Realtime Translation services in a negligent manner;*
- 5. Failed to obey an order or regulation of the Office or an investigative committee of the Office, which related to the provision of interpreting or Communication Access Realtime Translation;*
- 6. Is not competent to provide the services required of an interpreter or Communication Access Realtime Translation provider;*
- 7. Has been convicted of a felony or any offense involving moral turpitude in the past 10-year period;*
- 8. Has had disciplinary action taken against him in another jurisdiction or by another board that regulates the practice of interpreting or Communication Access Realtime Translation if the disciplinary action was taken against the interpreter or Communication Access Realtime Translation provider in his capacity as the holder of a certification which authorizes him to provide interpreting or Communication Access Realtime Translation services.*

*Sec. 52. 1. If the Office of Disability Services or a recipient of services from an interpreter or Communication Access Realtime Translation provider, who is party to and aware of any act or circumstance that constitutes grounds for disciplinary action against an interpreter or Communication Access Realtime Translation provider, desires to pursue disciplinary action against that interpreter or Communication Access Realtime Translation provider, the person must file a complaint with the Office specifying the charge against the interpreter or Communication Access Realtime Translation provider. A complaint may not be accepted from a recipient of interpreting or Communication Access Realtime Translation services who knowingly and willingly used an unregistered interpreter or Communication Access Realtime Translation provider.*

*2. Unless the Office determines that a complaint is without merit, the Office will:*

*(a) Direct the complaint to his certifying body;*

*(b) Assign an investigative committee to determine whether a charge against an interpreter or Communication Access Realtime Translation provider justifies disciplinary action. The investigative committee will be composed of not less than three members of the Communication Access Council or its designees, at least one of whom is an interpreter or Communication Access Realtime Translation provider; or*

*(c) Utilize the services of a mediator certified by the Registry of Interpreters for the Deaf to resolve complaints between parties.*

*3. Before assigning the complaint to an investigative committee, the Office must provide the interpreter or Communication Access Realtime Translation provider, as applicable, with a copy of the complaint. If the Office determines that a complaint is without merit, the Office*

*may provide the interpreter or Communication Access Realtime Translation provider with a copy of the complaint, including the name of the person who filed the complaint.*

*4. Following an investigation, the investigative committee will present its evaluation and recommendations to the Office. The Office will review the findings of the committee to determine whether to take further action against the interpreter or Communication Access Realtime Translation provider.*

*5. If the Office determines after investigation that an interpreter or Communication Access Realtime Translation provider has violated the provisions of this chapter or chapter 656A of NRS, and there is no certifying body to report to, the Office will notify the Attorney General of its findings and any disciplinary action taken.*

*6. A member of the Office who participates in an investigation will not participate in the review conducted or in a subsequent hearing or action which is related to the investigation.*

**Sec. 53. 1.** *If the Office of Disability Services proceeds with disciplinary action against an interpreter or Communication Access Realtime Translation provider, it will set a time and place for a disciplinary hearing. The Office will notify the interpreter or Communication Access Realtime Translation provider of:*

*(a) The specific complaint against the interpreter or Communication Access Realtime Translation provider;*

*(b) The time and place set for the disciplinary hearing; and*

*(c) The sanctions which the Office may impose for the conduct in which the interpreter or Communication Access Realtime Translation provider allegedly engaged.*

*2. The Office will serve the notice not less than 20 days before the date set for the disciplinary hearing, and will serve notice in the manner set forth in section 54 of this regulation.*

*3. During a disciplinary hearing conducted pursuant to this section:*

*(a) Formal rules of evidence will not be applied;*

*(b) Proof of actual injury need not be established; and*

*(c) The Office will consider a certified copy of the record of a court or a certifying body showing a conviction, plea of nolo contendere, or the suspension, revocation, limitation, modification, denial or surrender of certification to practice as an interpreter or Communication Access Realtime Translation provider as conclusive evidence of its occurrence.*

*Sec. 54. The Office of Disability Services will cause the notice required pursuant to section 53 of this regulation to be made either in person or by registered or certified mail, return receipt requested, and addressed to the interpreter or Communication Access Realtime Translation provider, and the school district in which he works, if applicable, at the last known address of each person. If service cannot be made in person and if notice by mail is returned as undelivered, the Office will publish notice once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the interpreter or Communication Access Realtime Translation provider or, if no newspaper is published in the county, in a newspaper widely distributed in that county.*

*Sec. 55. 1. If the Office of Disability Services determines that an interpreter or Communication Access Realtime Translation provider has engaged in an activity for which*

*disciplinary action is authorized pursuant to section 51 of this regulation, the Office will issue an order:*

*(a) Placing the interpreter or Communication Access Realtime Translation provider on probation with the Office for a specified period of time, according to any conditions set forth in the order;*

*(b) Placing a limitation on the registration of the interpreter or Communication Access Realtime Translation provider;*

*(c) Suspending the registration of the interpreter or Communication Access Realtime Translation provider for a specified period of time or until the Office orders his registration to be reinstated;*

*(d) Revoking the registration of the interpreter or Communication Access Realtime Translation provider; or*

*(e) Requiring the interpreter or Communication Access Realtime Translation provider to sign a plan of correction developed by the Office that:*

*(1) Describes the actions to be taken by the interpreter or Communication Access Realtime Translation provider to correct deficiencies; and*

*(2) Specifies the date by which those deficiencies must be corrected.*

*2. If the Office determines that an interpreter or Communication Access Realtime Translation provider has engaged in an activity for which disciplinary action is authorized pursuant to section 51 of this regulation, the Office may issue an order imposing an administrative fine in accordance with section 51 of this regulation. If the Office determines that an interpreter or Communication Access Realtime Translation provider has engaged in an activity for which disciplinary action is required pursuant to section 51 of this regulation,*

*the Office will issue an order imposing an administrative fine or suspending the registration of the interpreter or Communication Access Realtime Translation provider in accordance with section 51 of this regulation.*

*3. An order of the Office which limits the ability of an interpreter or Communication Access Realtime Translation provider to provide interpreting or Communication Access Realtime Translation services or revokes his registration is effective from the date the Office certifies the order until the date the order is modified or reversed by the Office.*

*4. The Office may, in an emergency, impose a ban on an interpreter or Communication Access Realtime Translation provider and suspend his registration without notice or upon oral notice. In any case where sanctions are imposed without written notice, the Office shall provide written notice to the interpreter or Communication Access Realtime Translation provider within 48 hours after the imposition of the sanctions.*

*5. For the purposes of chapter 233B of NRS, a decision of the Office pursuant to this section is a final decision.*

*6. In addition to any other action, if the Office determines that an interpreter or Communication Access Realtime Translation provider is engaging in unlawful or unauthorized conduct, the Office will take any appropriate action authorized by law to prevent such conduct.*

**Sec. 56.** *1. An interpreter or realtime captioning provider whose registration to engage in the practice of interpreting or Communication Access Realtime Translation has been limited, suspended or revoked pursuant to section 55 of this regulation may apply to the Office of Disability Services to remove the limitation or restore or reinstate his registration.*

*2. Such an applicant has the burden of proving by clear and convincing evidence that he has complied with all of the terms and conditions set forth in the final order of the Office and that he is capable of practicing as an interpreter or realtime captioning provider with reasonable skill. The Office will not remove a limitation or restore or reinstate a registration pursuant to this section until it is satisfied that the applicant has met this burden of proof.*

*3. In addition to the requirements of subsection 2, an interpreter or Communication Access Realtime Translation provider whose registration has been suspended or revoked pursuant to section 55 of this regulation must submit an application to the Office pursuant to section 40 of this regulation and successfully complete the application process required of new applicants.*

**Sec. 57.** This regulation becomes effective on October 1, 2008.

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R210-08**

The Office of Disability Services of the Department of Health and Human Services adopted regulations assigned LCB File No. R210-08 which pertain to chapter 656A of the Nevada Administrative Code.

**INFORMATIONAL STATEMENT**

The following statement is submitted by the Department of Health and Human Services, Office of Disability Services (Office) pursuant to NRS 233B.066 for adopted additions to Chapter 656A of the Nevada Administrative Code.

**A. NRS 233B.066(1)(a): A description of how public comment was solicited, a summary of the public response, and an explanation how other interested persons may obtain a copy of the summary.**

On June 30<sup>th</sup>, 2008, the Office filed and made public (via its Web site and other public locations) the text of its proposed temporary regulation, along with a formal Notice of Workshops to Solicit Comments on Proposed Regulations. Separate workshops were held in Sparks and Las Vegas, and comments were incorporated into the draft regulations. A formal Notice of Intent to Act upon Regulations specifying hearing dates of September 8<sup>th</sup>, 2008 in Sparks and September 11<sup>th</sup>, 2008 in Las Vegas was issued on July 23<sup>rd</sup>, 2008. The Notice also provided a deadline of August 29<sup>th</sup>, 2008 for submission of written comments to the Office. Finally, the Notice informed the public that any person was invited to provide testimony during the hearings on September 8<sup>th</sup> and 11<sup>th</sup>, 2008. The hearings were held in both Sparks and Las Vegas. No formal comments on the proposed regulations came from agencies. Individuals made several suggestions via email, phone and in written format. The original draft was amended several times in order to incorporate feedback from several individuals. There was a high degree of consensus among participants at the time of the hearing. Sign language interpreters and CART (Real-time) captioners were made available for each workshop and hearing. Persons wishing to view the transcripts may do so. Please see item C below.

**B. NRS 233B.066(1)(b): The number of persons who (1) attended each hearing, (2) testified at each hearing, and (3) submitted to the agency written statements.**

Ten people attended the hearing on this matter in Sparks and sixteen in Las Vegas. Nine of the attendees at the Sparks hearing gave testimony. Eleven of the attendees at the Las Vegas hearing gave testimony. Written comments were received by the Office via email, fax and letter. All comments were incorporated into the drafts and discussed at the workshops and hearings.

**C. NRS 233B.066(1)(c): A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Public Notice was issued to main libraries of Nevada's counties. Additionally, an E-mail list of interested parties was compiled with several emails going out with information regarding the progress of the regulations and comments received by the Office.

Persons interested in viewing comments, or receiving a cart transcription of the hearings, may contact the Office at 3656 Research Way, Suite 32, Carson City, NV 89706, (775) 687-4452.

**D. NRS 233B.066(1)(d): If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**  
Not applicable.

**E. NRS 233B.066(1)(e): The estimated economic effect of the regulation on the business which it is to regulate and on the public, including (1) both the adverse and beneficial effects, and (2) both immediate and long-term effects.**

Adverse: Interpreter and CART providers will be required to register with the Office (at no cost) and maintain related national certifications and continuing education units. Some will be required to have mentors.

Beneficial: Most states have regulations to protect people with communication disabilities from providers who lack requisite skills, but charge for their services.

Immediate: Providers will be required to become registered with the Office and provide supporting documentation. They will be required to notarize some forms provided by the Office.

Long-term: Providers will be required to remain compliant with regulations.

**F. NRS 233B.066(1)(f): The estimated cost to the agency for enforcement of the Proposed regulations.**

Less than \$2,500 has been charged to the Telecommunications Relay Budget to cover the costs of initial development of the website which will: host the registration of the providers, produce official identification usable by registrants in the field, and provide information to providers, consumers and the public. Ongoing costs are expected to mostly include the cost of staff time to oversee the registration and complaint processes.

**G. NRS 233B.066(1)(g): A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The Office is not aware of any regulations of other state or governmental agencies, which this regulation overlaps or duplicates.

**H. NRS 233B.066(1)(h): if the regulation includes provisions, which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**  
Not applicable.

**I. NRS 233B.066(1)(i): If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

An applicant for registration may have to pay a Notary to process the initial registration application, however, the applicant will not have to pay to be registered with the Office. If the Office is unable to process a complaint, the Attorney General may be notified and engaged. The

office may sanction a provider or impose administrative fine. Any money received by the Office will be deposited with the State Treasurer for credit to the Account for Services for Persons with Impaired Speech or Hearing created by NRS 426.295, and used by the Office to pay the costs incurred by the Office in carrying out the provisions of these regulations.