

LCB File No. R210-08

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

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Hearing for the Adoption of Regulations of the
Office of Disability Services, Department of Health and Human Services**

NOTICE IS HEREBY GIVEN that the State Office of Disability Services, Department of Health and Human Services will hold a public hearing to consider adding section 656A to the Nevada Administrative Code. The hearing is scheduled to begin at 11:00 am on September 8, 2008 in Sparks and at 11:00 am on September 11, 2008 in Las Vegas at the following locations:

Sierra Regional Center
605 South 21st Street
Sparks, NV 89431

Desert Regional Center,
1391 South Jones Blvd.,
Las Vegas, NV 89146.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. These regulations are being adopted to comply with Nevada Revised Statutes 656A and Senate Bill 473 passed by the 2007 Legislature relating to the regulation of Interpreters and Communication Access Realtime Captioners (CART) providers who provide communication services to Deaf and Hard of Hearing individuals.
2. The regulations establish standards regarding the registration of Interpreters and CART providers with the Office of Disability Services (Office). The regulations will prescribe, for each professional classification of interpreters and CART providers: level of education and professional training, experience and certifications within those classifications; establish ethical standards, and methods for investigating and resolving complaints filed; and adopt a schedule of penalties.
3. These regulations have an anticipated beneficial and adverse effect on Interpreter and CART providers, which NAC 656A will regulate. A questionnaire was distributed to potentially affected individuals and the following is based upon those responses:

- a. Adverse: Interpreters and CART providers will be required to register with the Office, become certified, if they are not already, and pay associated fees.
 - b. Beneficial: Several states and the professional fields of Interpreting and CART support regulations to protect Deaf and Hard of Hearing people from providers who work without oversight from any regulatory agency.
 - c. Immediate: Interpreters and CART providers will be required to become certified, if they are not already, and pay fees associated with that certification.
 - d. Long-term: Interpreters and CART providers may be reviewed for compliance with regulations.
4. Costs to the Office of Disability Services for the enforcement of the proposed regulations will be paid for through the Telecommunications Surcharge Fund.
 5. The regulations do not duplicate or overlap other state regulations or federal regulations.
 6. The regulations are not required by federal law.
 7. These regulations do not establish new fees.

Members of the public who require special accommodations or assistance at the workshops are required to notify Diane Randall at the Office of Disability Services (775) 687-4452 no later than August 29, 2008.

Persons wishing to comment upon the proposed action of the Office of Disability Services, Department of Health and Human Services, may appear at the scheduled public hearing or may address their comments, data, views or arguments, to the Relay Administrator, Office of Disability Services, Department of Human Resources at 3656 Research Way, Suite 32, Carson City, Nevada 89706. Comments must be received by the Office of Disability Services on or before August 29, 2008. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Office of Disability Services may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at:

Office of Disability Services
3656 Research Way, Suite 32
Carson City, NV 89706

In all counties in which an office of the agency is not maintained a copy of this notice and the regulations to be adopted will be available at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations,

which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://dhhs.nv.gov/ODS_DisabilityServices.htm. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Legislative Counsel Bureau
401 S. Carson St.
Carson City, NV 89701

Grant Sawyer Building
555 East Washington Street
Las Vegas, NV 89101

Deaf and Hard of Hearing Advocacy
Resource Center
999 Pyramid Way
Sparks, NV 89431

Desert Regional Center
1391 South Jones Blvd.
Las Vegas, NV 89146

Deaf and Hard of Hearing Advocacy
Resource Center
2881 S. Valley View, Suite 12
Las Vegas, NV 89102

Sierra Regional Center
605 South 21st Street
Sparks, NV 89431

Southern NV Center for Independent Living
6039 El Dora Street Ste: H-8
Las Vegas, NV 89146

Nevada Disability, Advocacy and Law Center
1311 N. McCarran Blvd. Ste: 106
Sparks, NV 89431

The following main public libraries in each county:

Battle Mountain Branch Library
(Lander Co.) 625 S Broad St.
Battle Mountain, NV 89820

Churchill County Library
533 S. Main St. Fallon,
NV 89406

Douglas County Library
1625 Library Lane
Minden, NV 89423

Carson City Library
900 North Roop St.
Carson City, NV 89701

Clark County Library
1401 East Flamingo Road
Las Vegas, NV 89110

Elko County Library
720 Court St.
Elko, NV 89801

Eureka Branch Library
210 South Monroe St.
Eureka, NV 89316

Gibson Library
280 South Water Street
Henderson, NV 89105

Humboldt County Library
85 East 5th St.
Winnemucca, NV 89445

Mineral County Library
110 1st Street
Hawthorne, NV 89415

Fernley Branch Library
575 E. Main
Fernley, NV

Washoe County Library
301 South Center St.
Reno, NV 89505

White Pine County Library
950 Campton St.
Ely, NV 89301

Dayton Valley Library
Humboldt County Library
Dayton, NV 89403

Lincoln County Library
93 Maine St.,(PO Box 330)
Pioche, NV 89043

Lyon County Library
20 Nevin Way
Yerington, NV 89447

Pahrump Library District
701 East Street
Pahrump, NV 89041

Pershing County Library
1125 Central Ave.
Lovelock, NV 89419

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

INTERPRETERS AND REALTIME CAPTIONING (CART) PROVIDERS

Section 1. *Pursuant to SB 473, Chapter 656A of NAC is hereby amended by adding thereto the provisions set forth as section 2 to 17, inclusive, of these regulations.*

Section 2. Definitions *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 656A, inclusive, have the meanings ascribed to them in those sections. Associate Continuing Education Tracking (ACET) program – means the program through which RID Associate members skill development is documented in order to exhibit the individual's commitment to and participation in the field of interpreting.*

American Sign Language (ASL) –is a complete, complex language that employs signs made with the hands and other movements, including facial expressions and postures of the body. It is one of several communication options available to deaf people.

Broadcast captioning - means sending real-time captions through the telephone line to Line 21 of a caption encoder housed at a TV Broadcast Station.

Certification Maintenance Program (CMP) - means a program through which RID's Certified members skill development is tracked. Retention of RID certification status is dependent upon successful completion of each CMP cycle.

Certified Interpreter – means having achieved a minimum standard on a national certification evaluation that addresses both knowledge and skills, which requires continuing education units. Certification must be administered by one of the following or their successor organizations: RID, NAD, NIC, NCI or EIPA

Certified CART provider- means having achieved a minimum standard on a national certification evaluation that addresses both knowledge and skills, and which requires continuing education units. Certification must be administered by one of the following or their successor organizations: a State Certified Court Reporters Board or National Court Reporters Association (NCRA)

Certified Deaf Interpreter (CDI) – means an interpreter who is deaf or hard of hearing and has completed a program of language proficiency including a written and performance test and has received training in ethics and general interpreting methodologies.

Communication Access Real-time Translation (CART) – means a word-for-word translation process using stenotype machine or voice recognition, together with computer software, to

translate everything said in a venue which is then displayed on a computer, a screen, the internet or broadcast through satellite.

Community Setting – (NRS 656A.027) means any setting that is not a pre – k through 12 educational setting; the term includes, without limitation, a legal and medical setting or any setting that can be accessed by the public at large, regardless of the number of participants.

Computerized note-taking systems - means systems utilizing programs and equipment for the purpose of taking notes in non-legal settings.

Contact hour – means not less than 50 minutes or more than 60 minutes.

Continuing Education Unit (CEU) – means a unit of measurement for educational activities that meet established criteria for increasing knowledge and competency. One CEU is equal to ten (10) contact hours of participation in an organized continuing education experience, which is grounded in responsible sponsorship, capable direction and qualified instruction.

Cued Speech – means a system of handshapes and placements which when combined with information from the mouth and face render English as a visual language, and make the phonemes of the language look different from each other.

Educational Interpreters Knowledge Assessment (EIKA) – means the written portion of the assessment administered by Boys Town National Research Hospital.

Educational Interpreters Performance Assessment (EIPA) – means the knowledge and skill performance assessment administered by Boys Town National Research Hospital located in Omaha, Nebraska, which specifically addresses the knowledge and skills of interpreters working in k-12 educational settings and employing any of the following languages or language modalities: American Sign Language (ASL), Manually Coded English (MCE), or Pidgin Sign English (PSE)

Educational Setting – (NRS 646A.029) means a public school, private school or charter school in this State and includes only grades k through 12. This also includes the pre –k levels in public school settings.

Good Standing – means being a current member, and being in compliance with the continuing education requirements, of the certifying body.

Interpreter Referral Agency – means any contractual agency which refers interpretive services for a fee.

Legal Setting – (NRS 656A.033) means: communication with a law enforcement officer that relates to a criminal investigation; a communication with an attorney acting in his professional capacity; negotiation for a contract for which the estimated amount required to perform the contract is \$1000 or more; any judicial proceeding including without limitation: a grand jury proceeding; a court proceeding; a pretrial examination, deposition, motion and related proceedings of like character; or the proceedings of any administrative agency.

Manually Coded English (MCE) – means a signed message that employs English syntax and grammar and is dependent upon a language lexicon borrowed from American Sign Language.

Mentor- means a skilled interpreter who guides a novice interpreter in gaining skills, techniques, and knowledge in the practice of interpreting.

Modality – for the purpose of these regulations, means the communication system a provider may use, such as ASL/PSE, or English signed systems such as MCE, SEE or Cued Speech.

Pidgin Signed English (PSE) - means signing which contains a mix of ASL rules and English grammar. The signs used in PSE come from ASL, but they are not used in an ASL pattern of language, but rather in an English-like language pattern.

Professional Development Plan - means a plan which addresses individual needs to improve performance in work-related activities focused on improving knowledge and skills. The plan shall include documentation of the timeframe, measurement indicators, and desired outcomes of the professional development activities.

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

Program of Continuing Education- means courses, programs, or organized learning activities which sustain a member's professional competence by keeping the member informed of, and able to comply with, developments of professional standards.

Provisional Interpreter- means an interpreter who has recently completed study in an interpreter preparation program and has not taken any formal national certification assessment.

Real-time Captioning – means the simultaneous word-for-word translation process through which spoken English is displayed on a computer monitor, television screen, video or overhead projector, or other type of audiovisual device.

Registry of Interpreters for the Deaf- is a national membership organization representing professionals who make communication possible between people who are deaf or hard of hearing and people who can hear. Their function is to support members by providing testing for national standards, educational opportunities, professional networking and relationships, and resources

Signing Exact English or Signing Essential English (SEE) – means an English language based signing system utilizing English language patterns in conjunction with initialized signs.

Service provider – means a CART provider, Real-time Caption provider, Interpreter, CDI, or Educational Interpreter.

Student of Interpreting or Real-time Captioning- means an individual who is enrolled in a formal course of study to become an interpreter or provider of real-time captioning

TECUnit-is a non-profit testing, evaluation and certification unit responsible for establishing and maintaining national standards for the profession of cued language transliteration.

Voir Dire – means the process by which any judge will select, or reject, a sign language interpreter to provide interpretation for any matter before a court of their jurisdiction.

Section 3. *Any person, agency, firm or company, who provides sign language interpreting or CART services, unless in a social situation that does not require a qualified interpreter as provided in NRS656A.070 Paragrah 4, in this state shall:*

- 1. Register with the Office utilizing forms provided by the Office;*
- 2. Provide proof of compliance with the specified requirements for each classification outlined in these regulations under which the applicant will be engaged;*
- 3. Operate only within those classifications for which they are registered;*
- 4. Comply with the conditions, restrictions and limitations outlined herein; and*
- 5. Comply with the ethical codes of conduct of their certifying organization(s).*

These regulations may be temporarily waived by the Office when an emergency has been declared by a governmental entity.

Section 4. *Realtime Captioning and/or (CART) providers must comply with the following:*

- 1. Level of education:*
 - a. High school diploma; or*
 - b. General Equivalency Diploma.*
- 2. Certification in good standing from:*
 - a. Certified Court Reporters Board of Nevada; or*
 - b. Registered Professional Reporter; or*
 - c. Certified CART Provider; or*
 - d. Certified Broadcast Captioner; or*
 - e. National Court Reporter's Association as a Certified Real-time Reporter; or*
 - f. Certification from any other state licensing board with a minimum of 200 words per minute or higher skills assessment.*
- 3. Scope of practice, conditions, restrictions and limitations:*
 - a. A CART provider shall accept any assignment with due caution and care commensurate with their skills and experience.*

Those who work only as broadcast captioners are not required to register with the Office or comply with these regulations.
- 4. Ethics:*
 - a. Comply with the ethical codes of conduct of their certifying organization.*

Section 5. *Interpreters in a Community Setting at an Apprentice level shall comply with the following:*

1. *Level of education:*
 - a. *High school diploma; or*
 - b. *General Equivalency Diploma.*
2. *Certification in good standing from:*
 - a. *National Association for the Deaf at Level 2;*
 - b. *American Consortium of Certified Interpreters at Level 2; or*
 - c. *Educational Interpreter Performance Assessment between levels 3.5 and 3.9*
3. *Be an Associate Member of RID and participate in their ACET program with at least 75 hours of Continuing Education hours per three year period.*
4. *Scope of practice, conditions, restrictions and limitations:*
 - a. *The interpreter shall not interpret in a medical or legal setting;*
 - b. *The interpreter shall have a mentor with a classification level of Advanced or higher as defined in these regulations;*
 - c. *The interpreter shall accept assignments commensurate with their skills and experience.*
5. *Ethics:*
 - a. *Shall comply with the ethical codes of conduct of their certifying organization(s).*

Section 6. *Interpreters in a Community Setting at the Skilled level shall comply with the following:*

1. *Level of education:*
 - a. *High school diploma; or*
 - b. *General Equivalency Diploma.*
2. *Certification in good standing from:*
 - a. *National Association for the Deaf at Level 3; or,*
 - b. *American Consortium of Certified Interpreters at Level 3*
 - c. *Educational Interpreter Performance Assessment between levels 4.0-4.7;*
 - a. *And be a “Certified Educational Interpreter” with RID.*
3. *Scope of practice, conditions, restrictions and limitations:*
 - a. *The interpreter shall accept assignments in a Legal Settings with due caution and care commensurate with their skills and experience. Interpreters in a Community Setting without specialized legal certifications may be used only in situations involving misdemeanor infractions.*
 - b. *Any interpreter who is not certified to interpret in Legal Settings is subject to Voir Dire by the Court.*
 - c. *The interpreter shall accept assignments in a medical setting with due caution and care commensurate with their skills and experience.*
 - d. *The interpreter shall accept assignments in a post-secondary educational setting with due caution and care commensurate with their skills and experience.*
4. *Ethics:*
 - a. *The interpreter shall comply with the ethical codes of conduct of their certifying organization(s).*

Section 7. *Interpreters in a Community Setting at an Advanced level shall comply with the following:*

1. *Level of education:*

- a. *High school diploma; or*
 - b. *General Equivalency Diploma.*
- 2. *Certification in good standing from:*
 - a. *Registry of Interpreters for the Deaf*
 - i. *Certificate of Interpretation (CI), a Certificate of Transliteration (CT), or a Comprehensive skills Certificate (CSC); or*
 - ii. *National Interpreter Certification; or,*
 - b. *National Association for the Deaf at Level 4; or,*
 - c. *American Consortium of Certified Interpreters at Level 4.*
 - d. *Educational Interpreter Performance Assessment between levels 4.8-5.0;*
 - a. *And be a “Certified Educational Interpreter” with RID.*
- 3. *Scope of practice, conditions, restrictions and limitations:*
 - a. *The interpreter shall accept assignments in a Legal Settings with due caution and care commensurate with their skills and experience. Any interpreter who is not certified to interpret in Legal Settings is subject to Voir Dire by the Court.*
 - b. *The interpreter shall accept assignments in a medical setting with due caution and care commensurate with their skills and experience.*
 - c. *The interpreter shall accept assignments in a post-secondary educational setting with due caution and care commensurate with their skills and experience.*
- 4. *Ethics:*
 - a. *The interpreter shall comply with the ethical codes of conduct of their certifying organization(s).*

Section 8. *Interpreters in a Community Setting at a Master level shall comply with the following:*

- 1. *Level of education:*
 - a. *High school diploma; or*
 - b. *General Equivalency Diploma.*
- 2. *Certification in good standing from:*
 - a. *Registry of Interpreters for the Deaf*
 - i. *National Interpreter Certification Advanced or Master; or*
 - ii. *Master Comprehensive Skills Certificate; or,*
 - iii. *Specialist Certificate: Legal; or*
 - b. *National Association for the Deaf at Level 5; or,*
 - c. *American Consortium of Certified Interpreters at Level 5.*
- 3. *Scope of practice, conditions, restrictions and limitations:*
 - a. *The interpreter shall accept assignments in a legal setting with due caution and care commensurate with their skills and experience. A Master level interpreter in a legal setting must have proof of certification level or is subject to Voir Dire by the Court.*
 - b. *The interpreter shall accept assignments in a medical setting with due caution and care commensurate with their skills and experience.*
 - c. *The interpreter shall accept assignments in an educational setting with due caution and care commensurate with their skills and experience.*
- 4. *Ethics:*

- a. The interpreter shall comply with the ethical codes of conduct of their certifying organization(s).*

Section 9. *Certified Deaf Interpreters (CDI) in a Community Setting shall comply with the following:*

- 1. Level of education:*
 - a. High school diploma; or*
 - b. General Equivalency Diploma.*
- 2. Certification in good standing from:*
 - a. Registry of Interpreters for the Deaf In the process of training to become a certified CDI*
 - i. Be an associate member of RID.*
 - ii. Participate in RID's ACET program with at least 75 hours per three year period of Continuing Education Hours.*
- 3. Scope of practice, conditions, restrictions and limitations:*
 - a. The interpreter shall accept assignments in a Legal Setting with due caution and care commensurate with their skills and experience. For legal situations which are above a misdemeanor, the CDI should have a legal specialist certification. If the court has made a documented effort to find a Certified Deaf Interpreter and is unable to secure such; the CDI is subject to Voir Dire by the Court.*
 - b. The interpreter shall accept assignments in a medical setting with due caution and care commensurate with their skills and experience.*
 - c. The interpreter shall accept assignments in an educational setting with due caution and care commensurate with their skills and experience.*
- 4. Pre-certified CDIs must have an individualized plan for professional development, which includes specific goals for professional development as an interpreter, and includes includes 75 hours per three year period of Continuing Education hours on a form provided by the Office.*
- 5. Ethics:*
 - b. The interpreter shall comply with the ethical codes of conduct of their certifying organization(s).*

Section 10. *Transliterators in an Educational setting trained in the use of Cued Speech shall comply with the following:*

- 1. Level of education:*
 - a. High school diploma; or*
 - b. General Equivalency Diploma.*
- 2. Certification in good standing from:*
 - a. TECUnit; and*
 - b. pass the RID written generalist test for educational situations requiring a cued speech transliterator.*
- 3. Have an individualized plan for professional development, which includes specific goals for professional development as a translator, and includes 75 hours per three year period of Continuing Education hours on a form prescribed by their local school district, and approved in writing by their supervisor.*

4. *Scope of practice, conditions, restrictions and limitations:*
 - a. *The Cued Speech transliterator shall accept assignments in a Legal Settings with due caution and care commensurate with their skills and experience. Cued Speech Transl iterators in a Community Setting without specialized legal certifications may be used only in situations involving misdemeanor infractions.*
 - b. *Any Cued Speech transliterator who is not certified to transliterate in Legal Settings is subject to Voir Dire by the Court.*
 - c. *The Cued Speech transliterator shall accept assignments in a medical setting with due caution and care commensurate with their skills and experience.*
 - d. *The Cued Speech transliterator shall accept assignments in a post-secondary educational setting with due caution and care commensurate with their skills and experience.*

Section 11. *Interpreters in an Educational Setting at an Apprentice level shall comply with the following:*

1. *Level of education:*
 - a. *High school diploma; or*
 - b. *General Equivalency Diploma.*
2. *Assessment in good standing from:*
 - a. *Educational Interpreter Performance Assessment at level 3.0.*
3. *Participate in a plan of mentoring with an Interpreter who is registered at the Advanced level or above. If the mentor does not reside in Nevada, they need not be registered but must possess the certification status required for the Intermediate level or above. The plan shall be signed by the mentor and the mentee.*
4. *Have an individualized plan for professional development, which includes specific goals for professional development as an interpreter, and includes 75 hours per three year period of Continuing Education hours on a form prescribed by their local school district, and approved in writing by their supervisor.*
5. *Scope of practice, conditions, restrictions and limitations:*
 - a. *Educational Interpreters at this level are not qualified to interpret in community settings without holding the appropriate professional certification.*
 - b. *Educational Interpreters may only regularly interpret in the grade levels for which they are assessed. Exceptions include absences and substitute interpreters. Substitute interpreters may not work outside of their grade level for more than 10 consecutive working days. Exceptions include requests in an Individualized Education Plan or if the school has made a reasonable attempt to find services for the student(s).*
 - c. *Educational Interpreters may only interpret in the language modalities for which they are assessed. Exceptions include absences and substitute interpreters. Substitute interpreters may not work outside of their modality for more than 5 consecutive working days*
6. *Ethics:*
 - a. *The interpreter shall comply with the ethical codes of conduct of their certifying organization(s).*

Section 12. *Interpreters in an Educational Setting at an Intermediate level shall comply with the following:*

- 1. *Level of education:***
 - a. High school diploma; or*
 - b. General Equivalency Diploma.*
- 2. *Assessment in good standing from:***
 - a. Educational Interpreter Performance Assessment at level 3.1 to 3.9.*
- 3. *Participate in a plan of mentoring with an Interpreter who is registered at the Advanced level or above. If the mentor does not reside in Nevada, they need not be registered but must possess the certification status required for the Advanced level or above. The plan shall be signed by the mentor and the mentee.***
- 4. *Have an individualized plan for professional development, which includes specific goals for professional development as an interpreter, and includes 75 hours per three year period Continuing Education hours on a form prescribed by their local school district, and approved in writing by their supervisor.***
- 5. *Scope of practice, conditions, restrictions and limitations:***
 - a. Educational Interpreters at this level are not qualified to interpret in community settings without holding the appropriate professional certification.*
 - b. Educational Interpreters may only regularly interpret in the grade levels for which they are assessed. Exceptions include absences and substitute interpreters. Substitute interpreters may not work outside of their grade level for more than 10 consecutive working days. Exceptions include requests in an Individualized Education Plan or if the school has made a reasonable attempt to find services for the student(s).*
 - b. Educational Interpreters may only interpret in the language modalities for which they are assessed. Exceptions include absences and substitute interpreters. Substitute interpreters may not work outside of their modality for more than 5 consecutive working days.*
- 6. *Ethics:***
 - a. The interpreter shall comply with the ethical codes of conduct of their certifying organization(s).*

Section 13. *Interpreters in an educational setting at an Advanced level shall comply with the following:*

- 1. *Level of education:***
 - a. High school diploma; or*
 - b. General Equivalency Diploma.*
- 2. *Assessment in good standing from Educational Interpreter Performance Assessment, at level 4.0 or above; or be registered with the Office as a Skilled or Advanced interpreter in a Community Setting.***
 - a. Apply with RID to become a “Certified Educational Interpreter” and participate in the Certification Maintenance Program administered by RID.*
- 3. *Scope of practice, conditions, restrictions and limitations:***
 - a. Advanced Educational Interpreters may interpret in any grade levels*
 - b. Educational Interpreters may only interpret in the language modalities for which they are assessed, if assessed only by EIPA.*

- c. *Educational Interpreters may only interpret in the language modalities for which they are certified. Exceptions include absences and substitute interpreters. Substitute interpreters may not work outside of their modality for more than 5 consecutive working days.*
- 4. *Have an individualized plan for professional development, which includes specific goals for professional development as an interpreter, approved in writing by their supervisor.*
- 5. *Ethics:*
 - a. *The interpreter shall comply with the ethical codes of conduct of their certifying organization(s).*

Section 14.

- 1. *Except as otherwise provided by specific statute, it is unlawful for a person to:*
 - a. *Engage in the practice of interpreting in this State;*
 - b. *Hold himself out as certified or qualified to engage in the practice of interpreting in this State; or*
 - c. *Use in connection with his name any title, words, letters or other designation intended to imply or designate that he is an interpreter,*
unless he is registered with the Office pursuant to NRS 656A.100.
- 2. *It is unlawful for a person to:*
 - a. *Engage in the practice of real-time captioning in this State;*
 - b. *Hold himself out as certified or qualified to engage in the practice of real-time captioning in this State; or*
 - c. *Use in connection with his name any title, words, letters or other designation intended to imply or designate that he is a real-time captioning provider,*
unless he is registered with the Office pursuant to NRS 656A.400.
- 3. *A person who violates the provisions of subsection 1 or 2:*
 - a. *Is guilty of a misdemeanor; and*
 - b. *May be assessed a civil penalty of not more than \$5,000.*
- 4. *An action for the enforcement of a civil penalty assessed pursuant to this section may be brought in any court of competent jurisdiction by the district attorney of the appropriate county or the Attorney General.*
- 5. *Any civil penalty recovered pursuant to this section must 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.*
- 6. *The Office shall report a violation of a provision of subsection 1 or 2 to the district attorney of the county in which the violation occurred or the Attorney General.*
(Added to NRS by [2001, 1774](#); A [2005, 966](#); [2007, 167](#), effective October 1, 2008)

Section 15. Miscellaneous Provisions

- 1. *Registration with the Office to practice as an interpreter or CART provider must be renewed annually on a form prescribed by the Office. Interpreters or CART providers are required to inform the office of any changes in contact information or Certification status. The Office may revoke the registration of an Interpreter or CART provider whose certificate is revoked by their certifying body.*

2. *The Interpreter or CART provider may request, within 2 years after revocation, that the Office restore her/his registration.*

Section 16. Disciplinary Action

The Office may initiate disciplinary action against an Interpreter or CART provider, or may deny the issuance or renewal of registration if the Office finds, after providing notice and a hearing, that the Interpreter or CART provider:

1. *Willfully and intentionally made a false or fraudulent statement or submitted a forged or false document(s) to the Office;*
2. *Performed services which were not delivered properly according to their classification, as registered;*
3. *Provided services when he did not have the ability to provide such services with reasonable skill and safety;*
4. *Provided 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 Captioning;*
6. *Is not competent to provide the services required of a Interpreter or CART provider;*
7. *Has been convicted of a felony in the past 10 year period or any offense involving moral turpitude;*
8. *Has had disciplinary action taken against him or her in another jurisdiction or by another board that regulates interpreting or CART if the disciplinary action was taken against the Interpreter or CART provider in her/his capacity as the holder of certificates which authorizes her/him to provide interpretive or CART services.*

Section 17. Disciplinary Action – written complaint; investigation

1. *If the Office or a recipient of services from an interpreter or CART provider, who is party to and aware of any act or circumstance that constitutes grounds for disciplinary action against an interpreter/CART provider, desires to pursue disciplinary action against that registered interpreter/CART provider, the person must file a complaint with the Office specifying the charge against the Interpreter or CART provider. Complaints may not be accepted from service recipients knowingly and willingly using unregistered interpreters or CART providers.*

2. *Unless the Office determines that the complaint is without merit, in response to a complaint filed against an Interpreter or CART provider or on its own initiative, the Office will:*

- a. *direct the complaint to the certifying body;*
- b. *assign an investigative committee to determine whether a charge against an Interpreter or CART provider justifies disciplinary action. The investigative committee will be composed of not less than three members of the Communication Access Council subcommittee or its designees, with at least one of whom is a certified Interpreter or CART provider; or*
- c. *utilize the services of a RID Certified Mediator to resolve complaints between parties.*

3. *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.*

4. If the Office determines after investigation that an Interpreter or CART provider has violated the provisions of this chapter and there is not a certifying body to report to, the Office will notify the Attorney General of its findings and any disciplinary action taken.

5. 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.

6. Before assigning the complaint to an investigative committee, the Office must provide the Interpreter or CART 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 CART provider with a copy of the complaint, including the name of the person who filed the complaint.

Section 18. Procedure for disciplinary action: Hearing; notice

1. If the Office proceeds with disciplinary action against an Interpreter or CART provider, it will set a time and place for a disciplinary hearing. The Office will notify the Interpreter or CART provider of:

- (a) The specific complaint against the 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 CART 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 17.

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 agency showing a conviction, plea of nolo contendere, or the suspension, revocation, limitation, modification, denial or surrender of a certification to practice as an Interpreter or CART provider as conclusive evidence of its occurrence.*

Section 19. Requirements for service of notice.

1. The Office will cause the notice to be made either in person or by registered or certified mail, return receipt requested, and addressed to the Interpreter or CART provider and the school district in which he/she 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 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 CART provider, or, if no newspaper is published in the county, in a newspaper widely distributed in that county.

Section 20. Forms of disciplinary action; final decision of Council and or Office; action to prevent unlawful or unauthorized conduct.

1. If the Office determines that an Interpreter or CART provider has engaged in an activity for which disciplinary action is authorized pursuant to NAC XXX, the Office will issue an order:

- (a) Placing her/him 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 his registration;*

- (c) Suspending his registration for a specified period of time or until the Office orders his registration to be reinstated;*
- (d) Revoking his registration; or*
- (e) Requiring a signed plan of correction developed by the office that:*
 - i. Describes the actions to be taken by the service provider to correct deficiencies; and*
 - ii. Specifies the date by which those deficiencies will be corrected.*
- 2. If the Office determines that an Interpreter or CART provider has engaged in an activity for which disciplinary action is authorized pursuant to NAC XXX, the Office may issue an order imposing an administrative fine in accordance with NAC XXX. If the Office determines that an Interpreter or CART provider has engaged in an activity for which disciplinary action is required pursuant to NAC XXX, the Office will issue an order imposing an administrative fine or suspending the registration of the Interpreter or CART provider in accordance with NAC XXX.*
- 5. An order of the Office which limits the ability of an Interpreter or CART provider to provide communication services or revokes her/his registration is effective from the date the Office certifies the order until the date the order is modified or reversed.*
- 6. The Office may, in an emergency, impose a ban on a service provider and suspend the registration without notice or upon oral notice. In any case where sanctions are imposed without written notice, the office shall provide written notice within 48 hours after the imposition of sanctions.*
- 6. For the purposes of NRS XXX, a decision of the Office pursuant to this section is a final decision.*
- 7. In addition to any other action, if the Office determines that an Interpreter or CART provider is engaging in unlawful or unauthorized conduct, the Office will take any appropriate action authorized by law to prevent such conduct.*

Section 21. Requirements for removal of limitation on or restoration of registration.

- 1. An Interpreter or CART provider whose registration to practice as a Interpreter or CART provider has been limited, suspended or revoked pursuant to NAC XXX or XXX may apply to the Office to remove the limitation or restore his registration.*
- 2. The applicant has the burden of proving by clear and convincing evidence that she/he has complied with all of the terms and conditions set forth in the final order of the Office and that she/he is capable of practicing as an Interpreter or CART provider with reasonable skill. The Office will not remove a limitation or restore a registration 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 CART provider whose registration has been suspended pursuant to NAC XXX or revoked must submit an application to the Office pursuant to NAC XXX or XXX, respectively, and successfully complete the application process required of new applicants.*