

# House Bill 3231

Sponsored by Representative RAYFIELD, Senator HANSELL

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes State Board of Sign Language Interpreters within Oregon Health Authority. Directs board to issue licenses to qualified applicants to provide signed language interpretation services. Allows board to impose discipline and civil penalties not to exceed \$10,000 for violations of Act. Punishes violations by maximum of 30 days' imprisonment, \$1,250 fine, or both.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to sign language interpreters; and prescribing an effective date.

3 **Be It Enacted by the People of the State of Oregon:**

### **SECTION 1. As used in sections 1 to 15 of this 2021 Act:**

4  
5 (1) **"Licensee" means an individual who holds a license issued under sections 1 to 15 of**  
6 **this 2021 Act.**

7 (2) **"Signed language interpretation services" means the accurate interpretation, in a**  
8 **professional setting, of:**

9 (a) **The oral statements of an individual into sign language;**

10 (b) **The signed statements of an individual into oral language; and**

11 (c) **The signed statements of an individual into another language.**

12 (3) **"Sign language interpreter" means an individual who provides signed language inter-**  
13 **pretation services.**

14 **SECTION 2. (1) The State Board of Sign Language Interpreters shall issue a supervisory**  
15 **sign language interpreter license to an applicant who:**

16 (a) **Is at least 18 years of age;**

17 (b) **Is of good ethical character and reputation, as determined by the board;**

18 (c) **Has at least three years of qualifying experience, as determined by the board;**

19 (d) **Meets the requirements established by the board relating to competence and educa-**  
20 **tion;**

21 (e) **Meets any other requirements established by the board; and**

22 (f) **Pays a fee established by the board.**

23 (2) **A license issued under this section is valid for three years from the date of issuance**  
24 **and may be renewed. To renew a license issued under this section, a licensed supervisory**  
25 **sign language interpreter must:**

26 (a) **Submit satisfactory evidence of providing supervision to licensed provisional sign**  
27 **language interpreters;**

28 (b) **Meet any other requirements established by the board; and**

29 (c) **Pay a fee established by the board.**

30 (3) **A licensed supervisory sign language interpreter:**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) May not provide signed language interpretation services in an educational, legal or  
2 medical setting without a license issued under section 5, 6 or 7 of this 2021 Act.

3 (b) May supervise licensed provisional sign language interpreters.

4 **SECTION 3.** (1) The State Board of Sign Language Interpreters shall issue a sign lan-  
5 guage interpreter license to an applicant who:

6 (a) Is at least 18 years of age;

7 (b) Is of good ethical character and reputation, as determined by the board;

8 (c) Has sufficient experience in providing signed language interpretation services, as de-  
9 termined by the board;

10 (d) Meets the requirements established by the board relating to competence and educa-  
11 tion;

12 (e) Meets any other requirements established by the board; and

13 (f) Pays a fee established by the board.

14 (2) A license issued under this section is valid for three years from the date of issuance  
15 and may not be renewed.

16 (3) A licensed sign language interpreter may not provide signed language interpretation  
17 services in an educational, legal or medical setting without a license issued under section 5,  
18 6 or 7 of this 2021 Act.

19 **SECTION 4.** (1) The State Board of Sign Language Interpreters shall issue a provisional  
20 sign language interpreter license to an applicant who:

21 (a) Is at least 18 years of age;

22 (b) Is of good ethical character and reputation, as determined by the board;

23 (c) Meets the requirements established by the board relating to competence and educa-  
24 tion;

25 (d) Meets any other requirements established by the board; and

26 (e) Pays a fee established by the board.

27 (2) A license issued under this section is valid for three years from the date of issuance  
28 and may be renewed once. To renew a license issued under this section, a licensed provisional  
29 sign language interpreter must:

30 (a) Submit evidence of demonstrable efforts to meet the necessary qualifications for  
31 licensure as a sign language interpreter;

32 (b) Meet any other requirements established by the board; and

33 (c) Pay a fee established by the board.

34 (3) A licensed provisional sign language interpreter:

35 (a) May provide signed language interpretation services only under the supervision of a  
36 licensed supervisory sign language interpreter.

37 (b) May not provide signed language interpretation services in an educational, legal or  
38 medical setting without a license issued under section 5, 6 or 7 of this 2021 Act.

39 **SECTION 5.** (1) The State Board of Sign Language Interpreters shall issue an educational  
40 sign language interpreter license to an applicant who:

41 (a) Is at least 18 years of age;

42 (b) Is of good ethical character and reputation, as determined by the board;

43 (c) Meets the requirements established by the Department of Education by rule relating  
44 to sign language interpreters serving in schools;

45 (d) Meets any other requirements established by the board; and

1 (e) Pays a fee established by the board.

2 (2) A license issued under this section is valid for three years from the date of issuance  
3 and may be renewed once. To renew a license issued under this section, a licensed educa-  
4 tional sign language interpreter must:

5 (a) Submit evidence of demonstrable efforts to meet the necessary qualifications for  
6 licensure as a sign language interpreter;

7 (b) Meet any other requirements established by the board; and

8 (c) Pay a fee established by the board.

9 (3) Only a licensed educational sign language interpreter may provide signed language  
10 interpretation services in an educational setting that is for students in kindergarten through  
11 grade 12.

12 **SECTION 6.** (1) The State Board of Sign Language Interpreters shall issue a medical sign  
13 language interpreter license to an applicant who:

14 (a) Is a licensed supervisory sign language interpreter or a licensed sign language inter-  
15 preter;

16 (b) Meets any requirements established by the board; and

17 (c) Pays a fee established by the board.

18 (2) A license issued under this section is valid for three years from the date of issuance  
19 and may be renewed. To renew a license issued under this section, a licensed medical sign  
20 language interpreter must:

21 (a) Meet any requirements established by the board; and

22 (b) Pay a fee established by the board.

23 (3) A licensed medical sign language interpreter may provide signed language interpre-  
24 tation services only in a medical setting as defined by the board.

25 **SECTION 7.** (1) The State Board of Sign Language Interpreters shall issue a legal sign  
26 language interpreter license to an applicant who:

27 (a) Is a licensed supervisory sign language interpreter or a licensed sign language inter-  
28 preter;

29 (b) Meets any requirements established by the board; and

30 (c) Pays a fee established by the board.

31 (2) A license issued under this section is valid for three years from the date of issuance  
32 and may be renewed. To renew a license issued under this section, a licensed legal sign lan-  
33 guage interpreter must:

34 (a) Meet any requirements established by the board; and

35 (b) Pay a fee established by the board.

36 (3) A licensed legal sign language interpreter may provide signed language interpretation  
37 services only in a legal setting as defined by the board.

38 **SECTION 8.** (1)(a) Except as provided in paragraph (b) of this subsection, a person who  
39 is not licensed under sections 1 to 15 of this 2021 Act may not provide signed language in-  
40 terpretation services.

41 (b) A person who is not licensed under sections 1 to 15 of this 2021 Act may provide  
42 signed language interpretation services in:

43 (A) Circumstances in which a license issued under sections 1 to 15 of this 2021 Act is not  
44 required, including for signed languages for which a professional authorization is not offered.

45 (B) An emergency during which a licensee is not available.

1 (C) Other extenuating circumstances, as determined by the State Board of Sign Language  
2 Interpreters.

3 (2) A person who is not licensed under sections 1 to 15 of this 2021 Act may not assume  
4 or use any title, words, abbreviations, signs or insignias, including but not limited to the ti-  
5 tles “licensed supervisory sign language interpreter,” “licensed sign language interpreter,”  
6 “licensed provisional sign language interpreter,” “licensed educational sign language inter-  
7 preter,” “licensed legal sign language interpreter” or “licensed medical sign language inter-  
8 preter,” that indicate that the person is licensed to provide signed language interpretation  
9 services under sections 1 to 15 of this 2021 Act.

10 **SECTION 9.** A licensee who acquires any information protected by confidentiality, privi-  
11 lege or privacy laws while providing signed language interpretation services may not be re-  
12 quired to disclose the information in an investigation, trial or other legal proceeding without  
13 the consent of the individuals for whom the signed language interpretation services were  
14 provided.

15 **SECTION 10.** (1) In the manner prescribed in ORS chapter 183 for contested cases, the  
16 State Board of Sign Language Interpreters may refuse to issue or renew, may suspend or  
17 revoke or may otherwise condition or limit a license or discipline or place on probation a  
18 licensee or discipline an individual who is not a licensee for:

19 (a) The fraudulent or deceptive:

20 (A) Use of a license issued under sections 1 to 15 of this 2021 Act;

21 (B) Provision of signed language interpretation services; or

22 (C) Obtaining, or attempting to obtain, a license under sections 1 to 15 of this 2021 Act;

23 (b) Provision of signed language interpretation services with an expired license;

24 (c) Incompetence, inability or unfitness to provide signed language interpretation ser-  
25 vices;

26 (d) Unprofessional or dishonorable conduct, including but not limited to any conduct or  
27 practice contrary to recognized standards or ethics for sign language interpreters;

28 (e) The use of intoxicants or controlled substances to such an extent as to incapacitate  
29 the individual from the performance of professional duties;

30 (f) The use of any advertising that makes untruthful, improper, misleading or deceptive  
31 statements related to signed language interpretation services;

32 (g) A conviction of a felony or misdemeanor that involves moral turpitude or that is di-  
33 rectly related to the fitness and qualification of the individual to provide signed language  
34 interpretation services;

35 (h) The suspension or revocation of an authorization issued by another state or national  
36 body, based upon acts similar to those described in this subsection;

37 (i) Employing or contracting with an unlicensed sign language interpreter; or

38 (j) Any other violation of sections 1 to 15 of this 2021 Act.

39 (2) The board may, at any time two or more years after a refusal, revocation or other  
40 action against a license described in subsection (1) of this section, restore a license by a  
41 majority vote of the board.

42 (3) The board may impose a civil penalty not to exceed \$10,000 per violation of sections  
43 1 to 15 of this 2021 Act.

44 **SECTION 11.** (1) There is established within the Oregon Health Authority the State Board  
45 of Sign Language Interpreters consisting of seven members appointed by the Governor as

1 follows:

2 (a)(A) Two members who are deaf, deaf-blind or hard of hearing and who represent an  
3 association in this state that promotes and protects the rights of persons who are deaf and  
4 hard of hearing;

5 (B) One member who represents a professional organization in this state for sign lan-  
6 guage interpreters for persons who are deaf and hard of hearing and who holds a license is-  
7 sued under sections 1 to 15 of this 2021 Act;

8 (C) One member who represents a sign language interpreter education program at a  
9 post-secondary institution in this state and who holds a license issued under sections 1 to  
10 15 of this 2021 Act;

11 (D) Two members who are hearing interpreters certified by or registered with a national  
12 organization for sign language interpreters and who hold licenses issued under sections 1 to  
13 15 of this 2021 Act; and

14 (E) One member who is a deaf interpreter certified by or registered with a national or-  
15 ganization for sign language interpreters and who holds a license issued under sections 1 to  
16 15 of this 2021 Act.

17 (b) All members must be residents of this state and proficient in American Sign Lan-  
18 guage. To the extent practicable, the members must reflect the geographic and racial diver-  
19 sity of this state.

20 (2) The term of office of each member of the board is three years, but a member serves  
21 at the pleasure of the Governor. Before the expiration of a term of a member, the Governor  
22 shall appoint a successor whose term begins on January 1 next following. A member is eli-  
23 gible for reappointment. If there is a vacancy for any cause, the Governor shall make an  
24 appointment to become immediately effective for the unexpired term.

25 (3) A member of the board is entitled to compensation and expenses as provided in ORS  
26 292.495.

27 (4) The board shall select one of its members as chairperson and another as vice chair-  
28 person, for such terms and with duties and powers necessary for the performance of the  
29 functions of the office of chairperson and vice chairperson as the board determines.

30 (5) A majority of the members constitutes a quorum for the transaction of business.

31 (6) The board shall meet at least once each quarter as determined by the authority. The  
32 board may also meet at other times and places specified by the call of the chairperson or of  
33 a majority of the members of the board.

34 **SECTION 12. The State Board of Sign Language Interpreters:**

35 (1) Shall establish:

36 (a) A publicly available registry of licensees that includes at least the names and specific  
37 license of each licensee.

38 (b) A process to receive and address grievances regarding licensees and signed language  
39 interpreting services.

40 (2) Shall adopt rules to carry out sections 1 to 15 of this 2021 Act, including rules to:

41 (a) Establish fees;

42 (b) Determine qualifications for education and competence for issuance of licenses under  
43 sections 1 to 15 of this 2021 Act;

44 (c) Determine qualifications for renewal of licenses issued under sections 1 to 15 of this  
45 2021 Act;

1 (d) Establish supervision requirements; and

2 (e) Establish a code of professional conduct for sign language interpreters licensed under  
3 sections 1 to 15 of this 2021 Act.

4 (3) May issue, deny, suspend and revoke licenses under sections 1 to 15 of this 2021 Act  
5 in accordance with section 10 of this 2021 Act.

6 (4) May establish additional specialty licenses for sign language interpreters that the  
7 board determines necessary.

8 **SECTION 13.** The Oregon Health Authority and Department of Education may adopt  
9 rules with the advice of the State Board of Sign Language Interpreters to carry out the  
10 authority's and the department's duties under sections 1 to 15 of this 2021 Act.

11 **SECTION 14.** Moneys received by the State Board of Sign Language Interpreters under  
12 sections 1 to 15 of this 2021 Act shall be paid into the Oregon Health Authority Fund estab-  
13 lished under ORS 413.101 and credited to an account designated by the authority. The moneys  
14 described in this section shall be used only for the administration and enforcement of  
15 sections 1 to 15 of this 2021 Act.

16 **SECTION 15.** Violation of any provision of sections 1 to 15 of this 2021 Act is a Class C  
17 misdemeanor.

18 **SECTION 16.** (1) Notwithstanding the term of office specified by section 11 of this 2021  
19 Act, of the members first appointed to the State Board of Sign Language Interpreters:

20 (a) Two shall serve for a term ending December 31, 2022.

21 (b) Two shall serve for a term ending December 31, 2023.

22 (c) Three shall serve for a term ending December 31, 2024.

23 (2) The members who are required to hold a license under sections 1 to 15 of this 2021  
24 Act shall obtain a license not later than January 31, 2022.

25 **SECTION 17.** Notwithstanding sections 3 and 4 of this 2021 Act, a licensed sign language  
26 interpreter may supervise a licensed provisional sign language interpreter.

27 **SECTION 18.** Section 17 of this 2021 Act is repealed on July 1, 2028.

28 **SECTION 19.** (1) Sections 1 to 15 of this 2021 Act become operative on January 1, 2022.

29 (2) The Governor, the Oregon Health Authority and the Department of Education may  
30 take any action before the operative date specified in subsection (1) of this section that is  
31 necessary to enable the Governor, the authority and the department to exercise, on and after  
32 the operative date specified in subsection (1) of this section, all of the duties, functions and  
33 powers conferred on the Governor, the authority and the department by sections 1 to 15 of  
34 this 2021 Act.

35 **SECTION 20.** This 2021 Act takes effect on the 91st day after the date on which the 2021  
36 regular session of the Eighty-first Legislative Assembly adjourns sine die.

37