

SESSION OF 2021

SUPPLEMENTAL NOTE ON SENATE BILL NO. 185

As Amended by Senate Committee of the Whole

Brief*

SB 185, as amended, would authorize the Kansas Commission for the Deaf and Hard of Hearing (Commission) to adopt rules and regulations, establish a sign language interpreter registration process, and provide guidelines for communication access services.

Interpreter Registration

The bill would require any person seeking to interpret in the state to be registered with the Commission by submitting an application, as prescribed by the Commission, and paying the registration fee. The bill would require all applicants to meeting the following requirements for registration:

- Have obtained a high school diploma or equivalent certificate;
- Be 18 years of age or older;
- Have no other record of disqualifying conduct as determined by the Commission; and
- Have obtained a certification or other appropriate credential as determined by the Commission.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Reciprocity Registration

The bill would allow the Commission to establish a reciprocity system where applicants licensed in another state, territory, or the District of Columbia may be registered if the Commission deems the applicant to have substantially met the qualifications of this State. Applicants seeking registration in this manner would be required to provide evidence and verification of their licensure or registration in their original state.

Temporary Registration

The bill would allow the Commission to provide temporary registration for nonresidents who are licensed or registered in their state of residence. The temporary registration would allow the individual to interpret no more than 20 separate days in the state within a year.

Registration Expiration and Notification

Expiration of an interpreter's registration would be determined by the Commission under its rules and regulations authority. The bill would require notice of renewal be sent to all interpreters a minimum of 60 days prior to expiration of their registration. The bill would also provide a 30-day grace period after the expiration of an interpreter's registration without incurring a late fee. Following the grace period, the Commission would be authorized to charge a late fee not to exceed \$200. The fee would be set in the Commission's rules and regulations.

An interpreter whose license has expired without submitting a renewal application may renew their license upon payment of the late fee and submission of their evidence showing continuing education requirements have been met. The bill would allow the Commission to require

additional testing, training, or education for interpreters seeking registration renewal after the 30-day grace period.

Continuing Education

The bill would require all registered interpreters to attend a minimum of 30 hours of continuing education programming within a 2-year period as a condition for registration renewal.

Fingerprinting and Background Checks

The bill would authorize the Commission to require applicants for registration as interpreters to be fingerprinted and submit to both state and federal criminal history record checks. The Commission would be allowed to use the information garnered from this practice to determine an applicant's qualifications and fitness for registration as an interpreter.

The bill would direct local and state law enforcement agencies to assist the Commission in taking the fingerprints of applicants and charge a fee for expenses incurred to the Commission. The Kansas Bureau of Investigation would also be required to release all the applicant's adult convictions to the Commission.

The Commission would be allowed to fix and collect a fee in an amount equal to the cost of the fingerprinting and criminal history record check services provided.

Denial of Registration

The bill would authorize the Commission to deny, condition, limit, revoke, or suspend registration of any individual who:

- Has been found incompetent or negligent in the practice of interpreting;

- Has been convicted of a felony offense or a misdemeanor against persons and is deemed not sufficiently rehabilitated by the Commission;
- Submits an application containing false, misleading, or incomplete information;
- Fails or refuses to provide any information requested by the Commission;
- Fails or refuses to pay required fees;
- Is currently listed on a child abuse or adult protective services registry and is deemed not sufficiently rehabilitated by the Commission;
- Had a license, registration, or certificate to practice as an interpreter revoked, suspended, or limited or been subject of other disciplinary action by another state, territory, or the District of Columbia; or
- Had an application for such license, registration, or certificate denied by another state, territory, or the District of Columbia.

Proceedings

The bill would require all administrative and disciplinary proceedings be conducted in accordance with the Kansas Administrative Procedure Act and be subject to the Kansas Judicial Review Act.

Rules and Regulations

The bill would require the executive director of the Commission (Director) and the Commission to adopt rules and regulations such as, but not limited to:

- Fees;

- Categories of interpreter certification and endorsements;
- Continuing education requirements and programs for registered interpreters;
- Code of professional conduct;
- Supervision and mentorship requirements and programs;
- Suspension and revocation of interpreter registration; and
- Other matters deemed necessary by the Director to effectuate provisions of the bill.

Unlawful Acts

The bill would make it unlawful for persons not registered with the Commission to:

- Practice as an interpreter;
- Hold out to the public the intention, authority, or skill to interpret;
- Provide video remote interpreting services; or
- Use of title or abbreviation to indicate one is an interpreter registered with the Commission.

The bill would also deem the following actions by an individual to be unlawful:

- Cause or permit a person to interpret in the state with the knowledge that such person is not registered with the Commission;

- Represent a person as a registered interpreter when it is known or should be reasonably known such person is not registered;
- Hold out a person to the public, on behalf of such person, the intention, skill, or authority to interpret when it is known or should be reasonably known such person is not registered; and
- Accepting payment for securing an interpreter when the person provided is not registered.

The bill would exempt from the registration requirements in the bill:

- A person interpreting during a religious event;
- A person interpreting as a volunteer without compensation after receiving approval from the Director or Commission;
- A person interpreting during an emergency until registered services can be obtained; or
- A student enrolled in and pursuing a degree or credential in interpreting or an interpreter training program or a provisional interpreter with a supervision plan overseen by the Commission.

The bill would authorize the Commission to bring action against individuals committing the aforementioned unlawful activities in a court of competent jurisdiction in order to seek an injunction against the individual.

Communication Access Services

The bill would require the Commission to develop guidelines for the utilization of communication access services, communication access service providers, and interpreter service agencies. The Director could adopt rules

and regulations for communication access services that may included, but not be limited to:

- Fees;
- Determination of qualifications;
- Minimum standards of training;
- Registration;
- Code of professional conduct;
- Standards of equipment or technology;
- A system of statewide coordination; and
- Any other matter the Director deems necessary to effectuate this section of statute.

The bill authorizes the Commission to carry out fingerprinting, and state and federal criminal history checks in the same manner as prescribed for interpreters.

The bill would also allow for the same uses by the Commission for the information received and the charging of a fee equal to the cost of delivering such services.

Fee Fund

The bill would establish the Commission for the Deaf and Hard of Hearing Registration Fee Fund (Fund). The bill would provide provisions for the remittance of moneys to be deposited into the State Treasury and credited to the Fund.

Definitions

The bill would define the following terms:

- “Commission”;
- “Communication Access Services”;
- “Communication Access Service Provider”;
- “Executive Director”;
- “Interpreter”;
- “Interpreter Service Agency”;
- “Interpreting”;
- “Video Remote Interpreter”; and
- “Video Remote Interpreting.”

The Commission

The bill would amend the responsibilities of the Commission by including a charge to provide public education on best practices for language acquisition development among deaf and hard of hearing children as well as promote the eradication of ignorance and discrimination toward deaf and hard of hearing individuals in schools and employment.

The bill would also authorize the Commission to carry out the programs established in the bill, become a member or affiliate with professional organizations related to the Commission’s scope, and undertake acts necessary to carry out the Commission’s powers, duties, and functions.

The bill would allow the Commission to fix, charge, and collect reasonable fees for interpreter registration,

communication access services, and sign language instruction.

Executive Director

The bill would require the Director to report directly to the Deputy Secretary or Secretary for Children and Families. It would also require the Director be paid a comparable salary to executive directors of other commissions and provide that the Commission must supervise and evaluate the Director. The Director would also be authorized to provide statewide coordination for communication access services.

The bill would make technical conforming amendments.

Background

The bill was introduced by the Senate Committee on Education at the request of Senator Baumgardner.

Senate Committee on Education

In the Senate Committee hearing, proponent testimony was provided by both the Executive Director and Chairperson of the Commission for the Deaf and Hard of Hearing. The proponents generally stated the bill would help clarify and remove obstacles so that the Commission can better carry out its duties.

No neutral or opponent testimony was provided.

Senate Committee of the Whole

The Senate Committee made a technical amendment to the bill.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department for Children and Families (DCF) estimates the Commission would expend approximately \$25,085 of fee revenue in FY 2022 to conduct background and abuse registry checks. The Commission estimates it would receive approximately \$19,385 per year in registration fees for 389 interpreters, based on a \$100 initial registration fee with renewal every two years and lesser fees for temporary and provisional licenses. An additional revenue of \$5,700 is estimated to be collected from 95 interpreters for background checks as the remaining interpreters would be exempt due to employers already requiring said services. Finally, the DCF estimates expending \$15,000 of salaries and wages from existing resources to support the Commission's new licensing requirements. Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Kansas Commission for the Deaf and Hard of Hearing; Department for Children and Families; licensure; interpreters; rules and regulations