

- SUBJECT:** Establishing certification requirements for sign language interpreters
- COMMITTEE:** Human Services — committee substitute recommended
- VOTE:** 6 ayes — Raymond, Rose, Keough, S. King, Naishtat, Peña
- 2 nays — Klick, Spitzer
- 1 absent — Price
- WITNESSES:** For — Dennis Borel, Coalition of Texans with Disabilities; Heather Hughes, Deaf Action Center; Larry Evans and David Myers, Texas Association of the Deaf; and seven individuals; (*Registered, but did not testify*: Ryan Hutchison, Communication Service for the Deaf; Betty Bounds, Texas Association of the Deaf; Beth Hamilton)
- Against — Rhoda Hockett, Thomas Kelchner, and Janna Lilly, TCASE Texas Council of Administrators of Special Education; Marina Hench, Texas Association for Home Care and Hospice; (*Registered, but did not testify*: Melva V. Cardenas, Texas Association of School Personnel Administrators)
- On — (*Registered, but did not testify*: Lori Breslow and Jamie Jones, DARS)
- BACKGROUND:** Human Resources Code, ch. 81 establishes the Texas Commission for the Deaf and Hard of Hearing. The commission provides, among other services, a registry program for qualified interpreters for the deaf and an optional interpreter certification program.
- DIGEST:** CSHB 1069 would require that interpreters for the deaf and hard of hearing, who currently must be “qualified,” be “certified.” The Department of Assistive and Rehabilitative Services (DARS) would have to develop requirements to specify circumstances under which interpreters would be qualified to interpret as well as requirements for trilingual interpreter certification.

CSHB 1069 would dissolve the Board for Evaluation of Interpreters and replace it with the interpreter certification program.

The bill would prohibit a person from practicing, offering or attempting to practice, or holding that person out to be practicing as an interpreter for persons who were deaf or hard of hearing unless the person was certified. DARS could suspend the certificate of a person who violated the requirements related to certification. The executive commissioner of the Health and Human Services Commission (HHSC) could adopt rules related to the investigation and enforcement of uncertified persons. The certification requirements would not apply to:

- a person interpreting in religious, family-oriented, or other social activities as authorized by DARS;
- a person interpreting in certain emergency situations involving health care services;
- a person enrolled in a course of study leading to a certificate or degree in interpreting who clearly was designated as a student or trainee and engaged only in activities that constituted part of a supervised course of study;
- a person who was not a resident of Texas but who was licensed or certified in another jurisdiction or by an entity recognized by DARS, under certain time limitations;
- a person who engaged in video relay interpreting; or
- a person interpreting in another setting as determined by DARS.

The bill would waive a prerequisite examination for obtaining a certificate or a provisional certificate for a person who held an interpreter's license or certificate issued by another jurisdiction or an entity recognized by DARS that had licensing or certification requirements similar to Texas. A person obtaining a certificate would pay a fee for the certificate in an amount determined by the HHSC executive commissioner.

CSHB 1069 would remove the ability of a person who was certified in Texas, but who had moved to and was practicing in another state, to

obtain a new certificate without reexamination.

The certification requirements would apply to court interpreters and would be in addition to the requirements of Government Code, ch. 57, which governs the certification of court reporters for hearing-impaired individuals.

DARS could impose an administrative penalty of up to \$5,000 per violation on a person who violated the certification requirements. Each day a violation continued or occurred would be penalized as a separate violation. When imposing such a penalty, DARS would be required to consider:

- the seriousness of the violation;
- the economic harm caused by the violation;
- the history of previous violations;
- the amount necessary to deter a future violation;
- efforts to correct the violation; and
- any other consideration that justice might require.

The HHSC executive commissioner would adopt rules necessary to implement these provisions. DARS could reinstate the certificate of a sanctioned interpreter who demonstrated to the department that he or she had remedied the problem and was capable of resuming practice in compliance with the requirements of the law.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS  
SAY:**

CSHB 1069 would protect and improve the lives of the deaf and hard of hearing population by requiring certification of interpreters. This would ensure that interpreters were qualified, skilled professionals. Because the current certification program is voluntary, unqualified individuals can be hired to provide this necessary service. There are consequences to using unqualified interpreters, particularly in medical

and legal situations, and it places an undue burden on family members to interpret in these situations.

CSHB 1069 not only would benefit the deaf and hard of hearing, but it would protect those who procure interpreters' services, such as health care organizations, schools, and other private and public entities. These entities do not always have the tools to assess the quality of an interpreter's services. CSHB 1069 would mitigate the risks for those hiring interpreters by mandating that interpreters be certified.

The bill would not amount to government overregulation. The government already regulates a variety of professions, and this bill involves regulating a particularly important professional service.

Deaf and hard of hearing individuals often receive only the choice between accepting an unqualified interpreter or not receiving services. Because interpreter certification currently is not required, providers and consumers cannot determine an interpreter's qualifications and cannot submit feedback on the interpreter's performance. These conditions might explain why interpreter quality has not improved on its own. Professionalizing interpreting through CSHB 1069 would attract more qualified people to the industry, thereby mitigating the alleged shortage of certified interpreters in the state.

While there are concerns that the bill would burden procurers of interpreting services, especially those who might struggle to find certified interpreters, those needing interpreting services often are choosing to hire uncertified interpreters because they are less expensive. In this way, the uncertified interpreters have a competitive advantage over those who actually are qualified. Also, there are viable technological solutions to the issue of finding certified interpreters, such as video remote interpreting.

OPPONENTS  
SAY:

CSHB 1069 would be an unnecessary expansion of government resulting in overregulation. It also could further constrain the availability of sign language interpreters.

The new certification requirements in the bill could result in a shortage of interpreters. Currently, very few interpreters, after completing their two to three years of interpreter training, immediately pass certification. There are few training opportunities through which interpreters can develop the fluency that will allow them to pass their entry-level certification.

The bill could have other unintended consequences, especially in the medical community. The bill could lead to delays in the delivery of care because a health care provider would have to find a certified interpreter in certain situations.

CSHB 1069 also would be a burden on rural communities and school districts that already have trouble finding sign language interpreters. The bill would strain an already scarce resource by requiring schools and other entities to hire certified interpreters.