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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Senate Committee on Education
From: Office of Revisor of Statutes
Date: March 24, 2021
Subject: SB 185—Commission for the Deaf and Hard of Hearing & Registration of Sign Language Interpreters

Senate Bill 185 would clarify the registration requirements of sign language interpreters with the Kansas Commission for the Deaf and Hard of Hearing (KCDHH). The bill also provides clarification of the duties of the KCDHH and its administration.

Registration of Interpreters

New section 1 explicitly states that sign language interpreters are required to register with KCDHH for the purpose of providing interpreting services in any court proceeding or in compliance with any state or federal law. The interpreter would be required to submit an application and pay an application fee as determined by rules and regulations of the commission. Requirements for registration include: (1) Obtaining a high school diploma or its equivalent; (2) being 18 years of age or older; (3) having no record of disqualifying conduct; and (4) obtaining certification or other appropriate credentials. The KCDHH could grant reciprocal registration or temporary registration to interpreters who are licensed or registered in another state.

Registration Renewal

Section 1 also provides the requirements for registration renewal, including renewal of an expired registration, establishment of late fees and continuing education requirements.

Criminal History Record Check

Section 1 would allow the KCDHH to require an applicant for registration to be fingerprinted and submit to a criminal history record check. Local and state law enforcement agencies would be required to assist and would be authorized to charge a fee for such services.

Denial, Suspension or Revocation of Registration

The KCDHH could refuse to issue, renew or reinstate a registration or may condition, limit, revoke or suspend a registration if the individual: (1) Has been found incompetent or negligent in the practice of interpreting; (2) has been convicted of a crime and does not merit public trust; (3) provides false, misleading or incomplete information on an application; (4) fails to provide any information requested by the commission; (5) fails to pay any required fees; (6) is listed on a child abuse registry or an adult protective services registry as a result of abuse or neglect; or (7) has had another state suspend, revoke or deny registration.

Rules and Regulations

Additionally, section 1 requires the executive director of the KCDHH to adopt rules and regulations concerning the registration of interpreters and oversight of such interpreters. The rules and regulations could include: (1) Registration fees; (2) categories of interpreter certification and endorsements; (3) continuing education requirements and programs; (4) a code of professional conduct; (5) supervision and mentorship requirements for interpreters with provisional registration; (6) suspension or revocation of an interpreter registration; and (7) any other matter deemed necessary for the implementation and administration of this section.

Unlawful Acts

Section 2 would make it unlawful for any person who is not registered with the KCDHH to: (1) Practice as an interpreter; (2) hold oneself out as having the intention, authority or skill to interpret; (3) provide video remote interpreting services; or (4) indicate that a person is registered with the KCDHH.

Section 2 would also make it unlawful for any entity to: (1) Cause or permit an unregistered person to interpret; (2) represent that an unregistered person is a registered interpreter; (3) hold out to the public that an unregistered person has the authority, skill or authority to interpret; or (4) accept payment for securing a court appointed interpreter if the person is not registered.

The prohibitions in this section would not apply for any person or entity that: (1) Interprets during a religious event; (2) interprets as a volunteer without compensation if approved by the KCDHH; (3) interprets during an emergency until the services of a registered interpreter can be obtained; or (4) students who are training to be an interpreter under the supervision of a registered interpreter.

Communication Access Services, Service Providers and Interpreter Service Agencies

Section 3 would require the KCDHH to develop and administer a program to guidelines for the utilization of communication access services, communication access service providers and interpreter service agencies. The executive director of KCDHH would be authorized to adopt rules and regulations that may include: (1) Program fees; (2) qualifications of communication access service providers; (3) minimum training standards for communication access service providers; (4) registration of communication access service providers and interpreter service agencies; (5) a code of professional conduct; (6) standards for equipment and technology supporting communication access services; (7) a system of statewide coordination of communication access services; and (8) any other rules and regulations deemed necessary by the executive director.

Criminal History Record Check

Section 3 would also allow the KCDHH to require communication access service providers to be fingerprinted and submit to a criminal history record check. Local and state law enforcement agencies would be required to assist and would be authorized to charge a fee for such services.

Commission for the Deaf and Hard of Hearing Fee Fund

Section 4 would establish the commission for the deaf and hard of hearing fee fund. Any moneys collected pursuant to registration fees, charges or penalties would be remitted to such fund. SB 185 authorizes KCDHH to use the moneys in the fund to carry out the powers, duties and functions of the commission.

Definitions

Section 5 would provide relevant definitions for new sections 1 through 5 and K.S.A. 75-4355a through 75-4355d. This includes definitions for "communication access services," "interpreter," "interpreter service agency" and "video remote interpreter."

KCDHH Powers and Duties

Section 8 would amend K.S.A. 75-5391 to include the following in the powers and duties of the KCDHH: (1) Develop and oversee programs concerning interpreters; (2) affiliate with any professional organization related to the functions of KCDHH; and (3) undertake any other actions necessary to administer the KCDHH's statutory functions.

Additional Amendments

Conforming amendments are made to K.S.A. 75-4355a, 75-4355b, 75-5393 and 75-5397a.

Effective Date

The bill would become effective on July 1, 2021, upon publication in the statute book.