



# House of Representatives

General Assembly

**File No. 198**

February Session, 2022

Substitute House Bill No. 5224

*House of Representatives, March 30, 2022*

The Committee on General Law reported through REP. D'AGOSTINO of the 91st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING STANDARDS FOR INTERPRETERS FOR DEAF, DEAFBLIND AND HARD OF HEARING PERSONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-33a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2022*):

3 (a) For the purposes of this section:

4 (1) "Department" means the Department of [Rehabilitation Services]  
5 Aging and Disability Services;

6 (2) "Interpreting" means the translating or transliterating of English  
7 concepts to a language concept used by a person who is deaf, [deaf-  
8 blind] deafblind or hard of hearing or the translating of a deaf, [deaf-  
9 blind] deafblind or hard of hearing person's language to English  
10 concepts through the use of American Sign Language, English-based  
11 sign language, cued speech, oral transliterating and information  
12 received tactually;

13 (3) ["Deaf-blind"] "Deafblind" means combined vision and hearing  
14 impairments that challenge a person's ability to communicate, interact  
15 with others, access information and move about safely;

16 (4) "Educational setting" means any setting where interpretive  
17 services are provided concerning education-related matters, including,  
18 but not limited to, all schools, school-based programs, services and  
19 activities and other educational programs;

20 (5) "Legal setting" means any criminal or civil action involving a court  
21 of competent jurisdiction, any investigation or action conducted by a  
22 duly authorized law enforcement agency, employment-related  
23 hearings, appointments and situations requiring the presence of an  
24 attorney;

25 (6) "Medical setting" means gatherings or gathering places where  
26 [health and wellness] physical health, mental health or both issues are  
27 addressed, including, but not limited to, hospitals, clinics, assisted  
28 living and rehabilitation facilities, mental health treatment sessions,  
29 psychological evaluations, substance abuse treatment sessions, crisis  
30 intervention and appointments or other treatment requiring the  
31 presence of a doctor, nurse, medical staff or other health care  
32 professional; and

33 (7) "Transliterating" means converting or rendering English concepts  
34 to a language concept used by a person who is deaf, [deaf-blind]  
35 deafblind or hard of hearing or the translating of a deaf, [deaf-blind]  
36 deafblind or hard of hearing person's language concept to English  
37 concepts.

38 (b) Except as provided in subsections (g) and (h) of this section, all  
39 persons providing interpreting services shall register, annually, with the  
40 Department of Aging and Disability Services. Such registration shall be  
41 on a form prescribed or furnished by the Commissioner of Aging and  
42 Disability Services and shall include the registrant's name, residential or  
43 business address, or both, contact information, including, but not  
44 limited to, phone number, place of employment as interpreter and

45 interpreter certification or credentials. The department shall issue  
46 interpreter identification cards for those who register in accordance with  
47 this section, [and] maintain a current listing on its Internet web site of  
48 such registered interpreters, categorized by interpreter settings for  
49 which they are qualified, and regularly update such list. The  
50 department may also require documentation of the registrant's training  
51 hours. The department shall annually issue interpreter identification  
52 cards listing the type of settings in which the registrant is qualified to  
53 interpret. The department shall establish an Internet web page  
54 containing information about services for deaf, deafblind and hard of  
55 hearing individuals, including, but not limited to, services provided by  
56 the department and the Departments of Social Services, Mental Health  
57 and Addiction Services and Children and Families. Each such  
58 department shall place a link to the Internet web page established by the  
59 Department of Aging and Disability Services on the Internet web site of  
60 each department.

61 (c) [No] Except as provided in subsections (g) and (h) of this section,  
62 no person shall provide interpreting services unless such person is  
63 registered with the Department of Aging and Disability Services  
64 according to the provisions of this section, holds recognized national or  
65 state interpreter credentials determined by the department to be  
66 acceptable for interpreting purposes where appropriate in Connecticut  
67 and has met at least one of the following qualifications:

68 (1) (A) Has passed the National Registry of Interpreters for the Deaf  
69 written generalist test or the National Association of the Deaf-National  
70 Registry of Interpreters for the Deaf certification knowledge  
71 examination, (B) holds a level three certification provided by the  
72 National Association of the Deaf, and (C) (i) documents the achievement  
73 of two continuing education units per year for a maximum of five years  
74 of training approved by the Commissioner of Aging and Disability  
75 Services, and (ii) on or before the fifth anniversary of having passed the  
76 National Registry of Interpreters for the Deaf written generalist test or  
77 the National Association of the Deaf-National Registry of Interpreters  
78 for the Deaf certification knowledge examination, has passed the

79 National Registry of Interpreters for the Deaf performance examination  
80 or the National Association of the Deaf-National Registry of Interpreters  
81 for the Deaf national interpreter certification examination;

82 (2) (A) Has passed the National Registry of Interpreters for the Deaf  
83 written generalist test or the National Association of the Deaf-National  
84 Registry of Interpreters for the Deaf certification knowledge  
85 examination, (B) is a graduate of an accredited interpreter training  
86 program and documents the achievement of two continuing education  
87 units per year for a maximum of five years of training approved by the  
88 commissioner, and (C) on or before the fifth anniversary of having  
89 passed the National Registry of Interpreters for the Deaf written  
90 generalist test or the National Association of the Deaf-National Registry  
91 of Interpreters for the Deaf certification knowledge examination, has  
92 passed the National Registry of Interpreters for the Deaf performance  
93 examination or the National Association of the Deaf-National Registry  
94 of Interpreters for the Deaf national interpreter certification  
95 examination;

96 (3) Holds a level four or higher certification from the National  
97 Association of the Deaf;

98 (4) Holds certification by the National Registry of Interpreters for the  
99 Deaf;

100 (5) For situations requiring an oral interpreter only, holds oral  
101 certification from the National Registry of Interpreters for the Deaf;

102 (6) For situations requiring a cued speech transliterator only, holds  
103 certification from the National Training, Evaluation and Certification  
104 Unit and has passed the National Registry of Interpreters for the Deaf  
105 written generalist test;

106 (7) Holds a reverse skills certificate or is a certified deaf interpreter  
107 under the National Registry of Interpreters for the Deaf;

108 (8) Holds a National Association of the Deaf-National Registry of  
109 Interpreters for the Deaf national interpreting certificate; or

110 (9) Holds the credential of Approved Deaf Interpreter, Approved  
111 American Sign Language-English Interpreter, or Approved Sign  
112 Language Transliterater by the Massachusetts Commission on the Deaf  
113 and Hard of Hearing.

114 (d) No person shall provide interpreting services in a medical setting  
115 unless such person is registered with the Department of Aging and  
116 Disability Services according to the provisions of this section and holds  
117 (1) a comprehensive skills certificate from the National Registry of  
118 Interpreters for the Deaf, (2) a certificate of interpretation or a certificate  
119 of transliteration from the National Registry of Interpreters for the Deaf,  
120 (3) a level four or higher certification from the National Association of  
121 the Deaf, (4) a reverse skills certificate or certification as a deaf  
122 interpreter under the National Registry of Interpreters for the Deaf, (5)  
123 for situations requiring an oral interpreter only, an oral certification  
124 from the National Registry of Interpreters for the Deaf, (6) for situations  
125 requiring a cued speech transliterater only, a certification from the  
126 National Training, Evaluation and Certification Unit and has passed the  
127 National Registry of Interpreters for the Deaf written generalist test, [or]  
128 (7) a National Association of the Deaf-National Registry of Interpreters  
129 for the Deaf national interpreting certificate, or (8) the credential of  
130 Approved Deaf Interpreter by the Massachusetts Commission on the  
131 Deaf and Hard of Hearing.

132 (e) No person shall provide interpreting services in a legal setting  
133 unless such person is registered with the Department of Aging and  
134 Disability Services according to the provisions of this section and holds  
135 (1) a comprehensive skills certificate from the National Registry of  
136 Interpreters for the Deaf, (2) a certificate of interpretation and a  
137 certificate of transliteration from the National Registry of Interpreters  
138 for the Deaf, (3) a level five certification from the National Association  
139 of the Deaf, (4) a reverse skills certificate or is a certified deaf interpreter  
140 under the National Registry of Interpreters for the Deaf, (5) for  
141 situations requiring an oral interpreter only, an oral certification from  
142 the National Registry of Interpreters for the Deaf, (6) for situations  
143 requiring a cued speech transliterater only, certification from the

144 National Training, Evaluation and Certification Unit and has passed the  
145 National Registry of Interpreters for the Deaf written generalist test, [or]  
146 (7) a National Association of the Deaf-National Registry of Interpreters  
147 for the Deaf national interpreting certificate, or (8) the credential of  
148 Approved Deaf Interpreter by the Massachusetts Commission on the  
149 Deaf and Hard of Hearing.

150 (f) No person who is not registered as a qualified interpreter pursuant  
151 to this section shall:

152 (1) Engage in the practice of or offer to engage in the practice of  
153 interpreting for another person, an agency or an entity;

154 (2) Use the title "interpreter", "transliterator" or a similar title in  
155 connection with services provided under his or her name;

156 (3) Present or identify himself or herself as an interpreter qualified to  
157 engage in interpreting in this state;

158 (4) Use the title "interpreter", "transliterator" or a similar title in  
159 advertisements or communications; or

160 (5) Perform the function of or convey the impression that he or she is  
161 an interpreter or transliterator.

162 (g) The requirements of this section shall apply to persons who (1)  
163 receive compensation for the provision of interpreting services, and (2)  
164 provide interpreting services as part of their job duties. The  
165 requirements of this section shall not apply to nonregistered individuals  
166 such as family members and friends who voluntarily provide  
167 interpreting services at the request of a deaf, [deaf-blind] deafblind or  
168 hard of hearing person.

169 (h) The following individuals shall be exempt from the registration  
170 requirements of this section:

171 (1) An individual interpreting at (A) a worship service conducted by  
172 a religious entity, or (B) services for educational purposes conducted by

173 a religious entity or religiously affiliated school;

174 (2) An individual engaged in interpreting during an emergency  
175 situation, when obtaining a registered interpreter or registered  
176 transliterator could cause a delay that may lead to injury or loss to the  
177 individual requiring the services, provided such emergency assistance  
178 does not waive any communication access requirements for any entity  
179 pursuant to the federal Americans with Disabilities Act or Section 504  
180 of the Rehabilitation Act of 1973, as both may be amended from time to  
181 time;

182 (3) An individual engaged in interpreting as part of a supervised  
183 internship or practicum in an interpreting program at an accredited  
184 college or university or an interpreting mentorship program approved  
185 by the department if (A) such interpreting is not in a legal, medical or  
186 educational setting, or (B) the individual is accompanied by an  
187 interpreter registered pursuant to this section; or

188 (4) An interpreter who is certified by a recognized national  
189 professional certifying body such as the National Registry of  
190 Interpreters for the Deaf or the National Association of the Deaf or a  
191 recognized state professional certifying body from outside the state and  
192 provides interpreting services in the state for a period of time not  
193 exceeding fourteen days during a calendar year.

194 (i) Deaf, [deaf-blind] deafblind and hard of hearing persons may  
195 exercise their right to request or use a different registered interpreter  
196 than the interpreter provided to interpret for such persons in any  
197 interpreting setting in accordance with a nationally recognized  
198 interpreter code of professional conduct.

199 [(j) Any person may report a violation of the provisions of this section  
200 to the nonprofit entity designated by the Governor in accordance with  
201 section 46a-10b to serve as the state's protection and advocacy system  
202 for persons with disabilities.]

203 (j) Any person who is not registered in accordance with this section

204 who represents himself or herself as an interpreter registered with the  
205 Department of Aging and Disability Services, or who engages in wilful  
206 or fraudulent misrepresentation of his or her credentials in an attempt  
207 to register with the department, shall be guilty of a class C  
208 misdemeanor. Failure to renew such registration in a timely manner  
209 shall not in and of itself constitute a violation for the purposes of this  
210 subsection. For purposes of this subsection, "timely manner" means not  
211 later than thirty days after such registration has expired.

212       Sec. 2. Section 46a-34 of the 2022 supplement to the general statutes  
213 is repealed and the following is substituted in lieu thereof (*Effective from*  
214 *passage*):

215       As used in this section and sections 4-61aa, 46a-27, 46a-28, 46a-29 and  
216 46a-35:

217       (1) "Deaf person" means a person who has a hearing loss which is so  
218 severe that the person has difficulty in processing linguistic information  
219 through hearing, with or without amplification or other assistive  
220 technology;

221       (2) "Deafblind person" means a person who has both a hearing loss  
222 and a visual loss that present challenges in (A) processing linguistic  
223 information through hearing and sight, and (B) functioning  
224 independently as a sighted person without training;

225       (3) "Hard of hearing person" means a person who has a hearing loss,  
226 whether permanent or fluctuating, which may be corrected by  
227 amplification or other assistive technology or means but presents  
228 challenges in processing linguistic information through hearing;

229       (4) "American Sign Language" or "ASL" means the visual language  
230 used by deaf and hard of hearing persons in the United States and  
231 Canada, with semantic, syntactic, morphological and phonological rules  
232 distinct from the English language;

233       (5) "English-based manual or sign system" means a sign system that  
234 uses manual signs in English language word order, sometimes with



235 added affixes that are not present in ASL;

236 (6) "Oral, aural or speech-based system" means a communication  
237 system which uses a deaf or hard of hearing person's speech or residual  
238 hearing abilities, with or without the assistance of technology or cues;

239 (7) "Language, communication mode or style" means one or more of  
240 the following: (A) ASL, (B) English-based manual or sign systems, (C) a  
241 minimal sign language system to communicate with persons who use  
242 home-based signs, idiosyncratic signs or a sign system or language from  
243 another country, (D) oral, aural or speech-based systems with or  
244 without assistive technology, and (E) tactile method ASL or protactile  
245 ASL as used by [deaf-blind] deafblind persons;

246 (8) "Primary language, communication mode or style" means the  
247 language, communication mode or style which is preferred by and most  
248 effective for a particular person, or as determined by an appropriate  
249 language assessment undertaken by persons proficient in the language,  
250 communication mode or style being assessed;

251 (9) "Culturally and linguistically affirmative mental health services"  
252 means the provision of a full continuum of mental health services to a  
253 deaf, deafblind or hard of hearing person through an appropriately  
254 licensed mental health professional fluent in the primary language,  
255 communication mode or style and cultural needs of the person requiring  
256 such services; and

257 (10) "Accessible mental health services" means the provision of a full  
258 continuum of mental health services with the use of auxiliary aids and  
259 services necessary for a deaf, deafblind or hard of hearing person to  
260 communicate with appropriately qualified mental health professionals  
261 who are not fluent in the primary language, communication mode or  
262 style of the person requiring such services, including, but not limited to,  
263 qualified interpreters utilizing the language or communication mode  
264 used by such person, written communications or assistive listening  
265 devices.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	46a-33a
Sec. 2	<i>from passage</i>	46a-34

**Statement of Legislative Commissioners:**

In Section 1(b), "website" was changed to "Internet web site" for consistency; and, in Section 1(j), "more" was changed to "later" for consistency.

**GL**            *Joint Favorable Subst. -LCO*

---

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

---

### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

The bill makes various changes related to interpreters registered with the Department of Aging and Disability Services (ADS) and requires ADS to establish a webpage with information on an array of state services for deaf, deafblind, and hard of hearing people. These provisions do not result in a fiscal impact to the state or municipalities. ADS has the expertise to continue to make required information available on their website.

The bill also bill makes it a class C misdemeanor, punishable by a fine of up to \$500, 3-months imprisonment, or both, for someone to (1) engage in willful or fraudulent misrepresentation in an attempt to register with ADS or (2) falsely represent himself or herself as registered. While this provision could result in fine related revenue, it is not expected to.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sHB 5224*****AN ACT CONCERNING STANDARDS FOR INTERPRETERS FOR DEAF, DEAFBLIND AND HARD OF HEARING PERSONS.*****SUMMARY**

This bill makes several changes related to interpreters registered with the Department of Aging and Disability Services (ADS). It:

1. requires ADS to regularly update its online list of registered interpreters and categorize them by the settings for which they are qualified;
2. eliminates a provision allowing people to report violations of interpreter credentialing laws to the state's protection and advocacy system (i.e., Disability Rights Connecticut);
3. expands the acceptable qualifications for registered interpreters working in medical or legal settings to include holding an Approved Deaf Interpreter credential from the Massachusetts Commission on the Deaf and Hard of Hearing; and
4. specifies that the circumstances under which interpreters must be credentialed for medical settings are those in which "physical health, mental health, or both" are discussed, rather than in which "health and wellness" are discussed.

The bill makes it a class C misdemeanor, punishable by a fine of up to \$500, 3-months imprisonment, or both, for someone to (1) engage in willful or fraudulent misrepresentation in an attempt to register with ADS or (2) falsely represent himself or herself as registered. However, an interpreter is not guilty of the latter merely because his or her registration renewal was delinquent for 30 days or less.

The bill also requires ADS to establish a webpage with information on services for deaf, deafblind, and hard of hearing people, including services it provides and those provided by the Social Services, Mental Health and Addiction Services, and Children and Families departments. It also requires the other departments to provide a link to ADS on their websites.

Lastly, the bill makes technical and conforming changes (e.g., updating terminology by changing from deaf-blind to deafblind; replacing references to the Department of Rehabilitation Services with the Department of Aging and Disability Services).

EFFECTIVE DATE: October 1, 2022, except a conforming change is effective upon passage

**BACKGROUND**

***Related Bill***

sHB 5230, favorably reported by the Human Services Committee, contains (1) the same provisions expanding qualifications for medical and legal settings and establishing penalties, (2) similar provisions on agency website requirements, and (3) separate provisions categorizing settings that are not educational, medical, or legal as “community settings.”

**COMMITTEE ACTION**

General Law Committee

Joint Favorable

Yea 18    Nay 0    (03/15/2022)