

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

HLO 6-2023

CHAPTER 331
OREGON HEALTH AUTHORITY
HEALTH LICENSING OFFICE

FILED

12/13/2023 4:45 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Enact rules licensing sign language interpreters and comply with the requirements of HB 2696 (2023).

EFFECTIVE DATE: 12/13/2023 THROUGH 06/07/2024

AGENCY APPROVED DATE: 12/12/2023

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Filed By:

Samantha Patnode

Rules Coordinator

NEED FOR THE RULE(S):

The temporary rule is needed to enact licensing requirements for sign language interpreters..

JUSTIFICATION OF TEMPORARY FILING:

(1) Specific consequences that result from the failure to immediately adopt, amend, or suspend the rules: HB 2696 (2023) requires all individuals who perform "sign language interpretation services" be licensed on January 1, 2024, and requires the Board of Sign Language Interpreters (Board) to determine the minimum qualifications for each license. The Board is not lawfully allowed to meet until after January 1, 2024, and therefore are unable to set licensing requirements and adopt rules. To ensure there is no disruption in sign language translation services HLO has adopted temporary rules to issue temporary sign language interpreting licenses. If rules are not immediately adopted to license sign language interpreters there could be serious consequences to individuals providing sign language translation services and Deaf, Hard of Hearing and DeafBlind consumers seeking those services. Examples of these consequences are as follows:

- A deaf patient is unable to provide consent for necessary surgery because the person cannot ask questions of healthcare personnel to gain the understanding needed to provide consent.
- A deaf student is unable to have the class lesson communicated and falls behind the other students.
- A deaf person is unable to receive needed legal advice in advance of a court appearance and therefore is not prepared for the hearing.
- A deaf person may be unable to participate fully in various aspects of life including personal and professional interactions.
- A deaf person would not have equal access to information and interactions.
- A person who provides sign language translation services would be unable to work and may not be able to pay bills or afford to purchase essential products and services (food, water).
- Companies will not be able to provide sign language interpreting services without being in violation of the law.
- Employers will not receive the benefit of the deaf person's knowledge or skills in situations where written communications are not sufficient.

(2) Who would suffer these consequences: Individuals providing sign language interpretation services; Deaf, Hard of Hearing and DeafBlind consumers; and business employing or contracting with individuals providing sign language interpreting services without a license will suffer the consequences if licensing or interpretation services are not available on January 1, 2024.

(3) Why or how failure to immediately take rulemaking action would cause these consequences: As of January 1, 2024, providing sign language interpretation services without a license will be illegal and a Class C misdemeanor.

As of January 1, 2024, it will be illegal and a Class C Misdemeanor for businesses to employ or contract with individuals who do not hold a sign language interpreter license, unless exempt. Businesses may also be subject to discipline under HLO or the Board.

(4) How the temporary action will avoid or mitigate those consequences: The temporary rule will allow individuals to obtain a temporary sign language interpreter license issued by HLO on or before January 1, 2024. Temporary licensure will avoid a gap in necessary interpretation services because interpreters will be able to be licensed and can provide needed interpretation services, consumers will be able to communicate, and businesses will be able to continue to contract and employ for sign language interpreter services.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Documents relied upon: HB 2696 (2023), Health Licensing Office (HLO) Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR), profession and consumer-based organizational information, Oregon Department of Education rules, Office of Equity and Inclusion, Healthcare Interpreter Program laws, rules, and forms.

All documents are available at the HLO, 1430 Tandem Ave Suite 180, Salem, OR 97301-1287. To obtain information or copies of information please contact Samie Patnode, Policy Analyst, at 503-373-1917 or by email at samie.patnode@oha.oregon.gov during normal business hours Monday through Friday between 7 am to 2:30 pm.

RULES:

331-050-0000, 331-050-0010, 331-050-0020, 331-050-0030, 331-050-0040, 331-050-0050, 331-050-0060, 331-050-0070, 331-050-0080, 331-050-0090, 331-050-0100, 331-050-0110, 331-050-0120

ADOPT: 331-050-0000

RULE TITLE: Definitions

RULE SUMMARY: Definitions for sign language interpreter temporary licenses.

RULE TEXT:

The following abbreviations apply to OAR Chapter 331, Divisions 050:

- (1) "ASL" means American Sign Language.
- (2) "Board" means the State Board of Sign Language Interpreters.
- (3) "Educational setting" means a public agency or school district as those terms are defined in OAR 581-015-2000.
- (4) "EIPA" means the Educational Interpreting Performance Assessment.
- (5) "HLO" means the Health Licensing Office.
- (6) "NAD" means the National Association of the Deaf.
- (7) "DOE" means Department of Education.
- (8) "RID" means Registry of Interpreters for the Deaf.

(9) "SLI" means "sign language interpreter" as that term is defined in HB 2696 (2023) section 1.

(10) "SLI generalist license" means a "sign language interpreter license" corresponding to HB 2696 (2023) section 3.

(11) "TBEI" means Texas Board for Evaluation of Interpreters.

STATUTORY/OTHER AUTHORITY: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615, ORS 676.576(1)(a), (b), (c), (f), (g), (h), (i), (L), (m), (n), (o), (q)

STATUTES/OTHER IMPLEMENTED: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615, ORS 676.576(1)(a), (b), (c), (f), (g), (h), (i), (L), (m), (n), (o), (q)

ADOPT: 331-050-0010

RULE TITLE: General Administration, Emergency Care and Exceptions

RULE SUMMARY: General administration and exceptions for sign language interpreter temporary licensing.

RULE TEXT:

- (1) Holding a license under these rules does not guarantee that the license holder will be granted a license under the State Board of Sign Language Interpreters.
- (2) Nothing in these rules is meant to prevent an Emergency Medical Services provider from providing prehospital care as that term is defined in ORS 682.025 to an individual who communicates in signed language.
- (3) Nothing in these rules is meant to delay assistance or care in emergency situations involving imminent or immediate harm and during which a licensee is not available.
- (4) Nothing in these rules is meant to conflict with or supersede federal law.
- (5) Sign language interpretation services may be provided by a person who is a qualified interpreter under ORS 45.288, or a court interpreter certified under ORS 45.291 providing signed language interpretation services for the purpose of a proceeding in the Supreme Court, Court of Appeals, Oregon Tax Court, or a circuit court.

STATUTORY/OTHER AUTHORITY: ORS 676.615, HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2)

STATUTES/OTHER IMPLEMENTED: ORS 676.615, HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2)

ADOPT: 331-050-0020

RULE TITLE: Supervisory SLI License

RULE SUMMARY: Supervisory SLI license information.

RULE TEXT:

(1) A supervisory SLI license holder:

(a) May provide SLI services.

(b) May supervise provisional SLI license holders.

(c) May provide SLI services in an educational setting.

(d) May not provide SLI services in a medical setting unless the person holds a license under HB 2696 (2023) section 6 or OAR 331-050-0100.

(e) May not provide SLI services in a legal setting unless the person holds a license under HB 2696 (2023) section 7 or OAR 331-050-0120.

(2) A supervisory SLI license becomes invalid when one of the following occurs, whichever occurs first: June 8, 2024, or the HLO grants or denies the license holder a license under HB 2696 (2023) section 2-5.

(3) This supervisory SLI license may not be renewed.

(4) The issuance or the licensee's holding of a supervisory SLI license does not supersede, replace, or negate the need for the licensee to comply with other laws requiring licensure or registration, or competent SLI services.

STATUTORY/OTHER AUTHORITY: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

STATUTES/OTHER IMPLEMENTED: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

ADOPT: 331-050-0030

RULE TITLE: Application Requirements for Supervisory License

RULE SUMMARY: Application requirements for temporary supervisory license.

RULE TEXT:

An individual applying for a supervisory SLI license must:

- (1) Meet the requirements of OAR 331 division 30.
- (2) Submit a completed application form prescribed by HLO, which must contain the information listed in OAR 331-030-0000.
- (3) Submit proof of being at least 18 years of age; documentation to prove age may include identification listed under OAR 331-030-0000.
- (4) Attest to being in compliance with a nationally recognized code of professional conduct such as the code authored by the RID and NAD.
- (5) Attest to holding a credential from one of the following for at least three years:
 - (a) RID Certified Deaf Interpreter Certification.
 - (b) RID National Interpreting Certification.
 - (c) RID National Interpreting Certification: Advanced.
 - (d) RID National Interpreting Certification: Master.
 - (e) RID Certificate of Interpretation.
 - (f) RID Certificate of Transliteration.
 - (g) RID Comprehensive Skills Certificate.
 - (h) RID Master Comprehensive Skills Certificate.
 - (i) RID Reverse Skills Certificate.
 - (j) RID Interpretation Certificate.
 - (k) RID Transliteration Certificate.
 - (l) NAD IV Level Certification.
 - (m) NAD V Level Certification.
 - (n) TBEI Advanced Certificate.
 - (o) TBEI Master Certificate.
 - (p) TBEI Trilingual Advanced Certificate.
 - (q) TBEI Trilingual Master Certificate.
 - (r) TBEI Level IV Certificate.
 - (s) TBEI Level V Certificate.
 - (t) TBEI Level III Intermediary Certificate.
 - (u) TBEI Level IV Intermediary Certificate.
 - (v) TBEI Level V Intermediary Certificate.
 - (w) EIPA Secondary Level PSE 4.0 or above.
 - (x) EIPA Secondary Level ASL 4.0 or above.

STATUTORY/OTHER AUTHORITY: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

STATUTES/OTHER IMPLEMENTED: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

ADOPT: 331-050-0040

RULE TITLE: SLI Generalist License

RULE SUMMARY: SLI generalist license information.

RULE TEXT:

(1) A SLI generalist license holder:

(a) May provide SLI services.

(b) May supervise provisional SLI license holders.

(c) May provide SLI services in an educational setting.

(d) May not provide SLI services in a medical setting unless the person holds a license under HB 2696 (2023) section 6 or OAR 331-050-0100.

(e) May not provide SLI services in a legal setting unless the person holds a license under HB 2696 (2023) section 7 or OAR 331-050-0120.

(2) A SLI generalist license becomes invalid when one of the following occurs, whichever occurs first: June 8, 2024, or the HLO grants or denies the license holder a license under HB 2696 (2023) section 2-5.

(3) This SLI generalist license may not be renewed.

(4) The issuance or the licensee's holding of a SLI generalist license does not supersede, replace, or negate the need for the licensee to comply with other laws requiring licensure or registration, or competent SLI services.

STATUTORY/OTHER AUTHORITY: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

STATUTES/OTHER IMPLEMENTED: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

ADOPT: 331-050-0050

RULE TITLE: Application Requirements for SLI Generalist License

RULE SUMMARY: Application requirements for temporary SLI generalist license.

RULE TEXT:

An individual applying for a SLI generalist license must:

- (1) Meet the requirements of OAR 331 division 30.
- (2) Submit a completed application form prescribed by HLO, which must contain the information listed in OAR 331-030-0000.
- (3) Submit proof of being at least 18 years of age; documentation to prove age may include identification listed under OAR 331-030-0000.
- (4) Attest to being in compliance with a nationally recognized code of professional conduct such as the code authored by the RID and NAD.
- (5) Attest to holding a credential from one of the following:
 - (a) RID Certified Deaf Interpreter Certification.
 - (b) RID National Interpreting Certification.
 - (c) RID National Interpreting Certification: Advanced.
 - (d) RID National Interpreting Certification: Master.
 - (e) RID Certificate of Interpretation.
 - (f) RID Certificate of Transliteration.
 - (g) RID Comprehensive Skills Certificate.
 - (h) RID Master Comprehensive Skills Certificate.
 - (i) RID Reverse Skills Certificate.
 - (j) RID Interpretation Certificate.
 - (k) RID Transliteration Certificate.
 - (l) NAD IV Level Certification.
 - (m) NAD V Level Certification.
 - (n) TBEI Advanced Certificate.
 - (o) TBEI Master Certificate.
 - (p) TBEI Trilingual Advanced Certificate.
 - (q) TBEI Trilingual Master Certificate.
 - (r) TBEI Level IV Certificate.
 - (s) TBEI Level V Certificate.
 - (t) TBEI Level III Intermediary Certificate.
 - (u) TBEI Level IV Intermediary Certificate.
 - (v) TBEI Level V Intermediary Certificate.
 - (w) EIPA Secondary Level PSE 4.0 or above.
 - (x) EIPA Secondary Level ASL 4.0 or above.

STATUTORY/OTHER AUTHORITY: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

STATUTES/OTHER IMPLEMENTED: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

ADOPT: 331-050-0060

RULE TITLE: Provisional SLI License

RULE SUMMARY: Provisional SLI license information.

RULE TEXT:

(1) A provisional SLI license holder:

(a) May provide SLI services under the supervision of a person holding a supervisory SLI license or a SLI generalist license.

(b) May be supervised onsite or remotely.

(c) May have more than one supervisor.

(d) May not supervise any other person providing SLI services.

(e) May not provide SLI services in a medical or legal setting.

(f) May not provide SLI services in an educational setting unless the person holds a license under HB 2696 (2023) section 5 or OAR 331-050-0080.

(2) A provisional SLI license becomes invalid when one of the following occurs, whichever occurs first: June 8, 2024, or the HLO grants or denies a license under HB 2696 (2023) section 2-5.

(3) This provisional SLI license may not be renewed.

(4) The issuance or the licensee's holding of a provisional SLI license does not supersede, replace, or negate the need for the licensee to comply with other laws requiring licensure or registration, or competent SLI services.

STATUTORY/OTHER AUTHORITY: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

STATUTES/OTHER IMPLEMENTED: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

ADOPT: 331-050-0070

RULE TITLE: Application Requirements for Provisional SLI License

RULE SUMMARY: Application requirements for temporary provisional SLI license.

RULE TEXT:

An individual applying for a provisional SLI license must:

- (1) Meet the requirements of OAR 331 division 30.
- (2) Submit a completed application form prescribed by HLO, which must contain the information listed in OAR 331-030-0000.
- (3) Submit proof of being at least 18 years of age; documentation to prove age may include identification listed under OAR 331-030-0000.
- (4) Attest that the individual will only provide SLI services under the supervision of a person holding a supervisory SLI license or a SLI generalist license.
- (5) Attest to being in compliance with a nationally recognized code of professional conduct such as the code authored by the RID and NAD.
- (6) Attest to holding a credential from one of the following:
 - (a) EIPA Secondary PSE 3.5 or above.
 - (b) EIPA Secondary ASL 3.5 or above.
 - (c) American Sign Language Performance Interview 4 or above.
 - (d) Sign Language Proficiency Interview score of Advanced or above.
 - (e) TBEI Basic Certificate.
 - (f) TBEI Level III Certificate.
 - (g) TBEI Level II Certificate.
 - (h) NAD Level III Certification.
 - (i) Center for the Assessment of Sign Language Interpretation Generalist Knowledge Exam.

STATUTORY/OTHER AUTHORITY: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.615

STATUTES/OTHER IMPLEMENTED: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.615

ADOPT: 331-050-0080

RULE TITLE: Educational SLI License

RULE SUMMARY: Educational SLI license information.

RULE TEXT:

- (1) An educational SLI license allows an individual to provide SLI services in an educational setting only.
- (2) An educational SLI license becomes invalid when one of the following occurs, whichever occurs first: June 8, 2024, or the HLO grants or denies a license under HB 2696 (2023) section 2-5.
- (3) This educational SLI license may not be renewed.
- (4) The issuance or the licensee's holding of an educational SLI license does not supersede, replace, or negate the need for the licensee to comply with other laws requiring licensure or registration, or competent SLI services.

STATUTORY/OTHER AUTHORITY: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

STATUTES/OTHER IMPLEMENTED: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

ADOPT: 331-050-0090

RULE TITLE: Application Requirements for Educational SLI License

RULE SUMMARY: Application requirements for educational SLI license.

RULE TEXT:

An individual applying for an educational SLI license must:

- (1) Meet the requirements of OAR 331 division 30.
- (2) Submit a completed application form prescribed by HLO, which must contain the information listed in OAR 331-030-0000.
- (3) Submit proof of being at least 18 years of age; documentation to prove age may include identification listed under OAR 331-030-0000.
- (4) Attest to being in compliance with a nationally recognized code of professional conduct such as the code authored by the RID and NAD.
- (5) Attest to meeting minimum standard requirements established by the Department of Education in OAR 581-015-2035.
- (6) Attest to meeting the following minimum standards:
 - (a) Achieving a passing score of 3.5 or above on the EIPA Performance Test or holding RID National Interpreting Certification, RID Certificate of Interpretation or RID Certificate of Transliteration; and
 - (b) Holding a bachelor's or associate degree from an Interpreter Education Program or in a related educational field; or achieving a passing score on the EIPA Written test.

STATUTORY/OTHER AUTHORITY: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

STATUTES/OTHER IMPLEMENTED: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

ADOPT: 331-050-0100

RULE TITLE: Medical SLI License

RULE SUMMARY: Medical SLI license information.

RULE TEXT:

- (1) A medical SLI license holder may provide SLI services in a medical setting.
- (2) Only a person holding a medical SLI license under this rule or under HB 2696 (2023) section 6 may provide SLI services in a medical setting.
- (3) A medical SLI license holder becomes invalid when one of the following occurs, whichever occurs first: June 8, 2024, or the HLO grants or denies the license holder a license under HB 2696 (2023) section 2-6.
- (4) This medical SLI license may not be renewed.
- (5) The issuance or the licensee's holding of a medical SLI license does not supersede, replace, or negate the need for the licensee to comply with other laws requiring licensure or registration, or competent SLI services.

STATUTORY/OTHER AUTHORITY: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

STATUTES/OTHER IMPLEMENTED: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

ADOPT: 331-050-0110

RULE TITLE: Application Requirements for Medical SLI

RULE SUMMARY: Application requirements for medical SLI license.

RULE TEXT:

An individual applying for a medical SLI license must:

- (1) Meet the requirements of OAR 331 division 30.
- (2) Submit a completed application form prescribed by HLO, which must contain the information listed in OAR 331-030-0000.
- (3) Hold a license listed under HB 2696 (2023) section 2 or 3, OAR 331-050-0020, or OAR 331-050-0040.
- (4) Attest to holding one of the following credentials:
 - (a) Certification in ASL interpreting from the RID; or
 - (b) American Sign Language Proficiency Interview or the Sign Language Proficiency Interview with a minimum proficiency level of 4 or advanced.

STATUTORY/OTHER AUTHORITY: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

STATUTES/OTHER IMPLEMENTED: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2)

ADOPT: 331-050-0120

RULE TITLE: Legal SLI License

RULE SUMMARY: Legal SLI license information.

RULE TEXT:

- (1) A legal SLI license holder may provide SLI services in a legal setting.
- (2) Only a person holding a legal SLI license under this rule or under HB 2696 (2023) section 7 may provide signed language interpretation services in a legal setting.
- (3) A legal SLI license holder becomes invalid when one of the following occurs, whichever occurs first: June 8, 2024, or the HLO grants or denies the license holder a license under the HB 2696 (2023) section 2-5 or 7.
- (4) This legal SLI license may not be renewed.
- (5) The issuance or the licensee's holding of a legal SLI license does not supersede, replace, or negate the need for the licensee to comply with other laws requiring licensure or registration, or competent SLI services.
- (6) A legal setting does not include proceedings in federal courts.

STATUTORY/OTHER AUTHORITY: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

STATUTES/OTHER IMPLEMENTED: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.568(2), ORS 676.615

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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

HLO 7-2023

CHAPTER 331
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HEALTH LICENSING OFFICE

FILED

12/14/2023 9:42 AM
ARCHIVES DIVISION
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EFFECTIVE DATE: 12/14/2023 THROUGH 06/07/2024

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CONTACT: Samie Patnode

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Filed By:

Samantha Patnode

Rules Coordinator

NEED FOR THE RULE(S):

The temporary rule is needed to enact licensing requirements for sign language interpreters..

JUSTIFICATION OF TEMPORARY FILING:

Specific consequences that result from the failure to immediately adopt, amend, or suspend the rules: HB 2696 (2023) requires all individuals who perform "sign language interpretation services" be licensed on January 1, 2024, and requires the Board of Sign Language Interpreters (Board) to determine the minimum qualifications for each license. The Board is not lawfully allowed to meet until after January 1, 2024, and therefore are unable to set licensing requirements and adopt rules. To ensure there is no disruption in sign language translation services HLO has adopted temporary rules to issue temporary sign language interpreting licenses. If rules are not immediately adopted to license sign language interpreters there could be serious consequences to individuals providing sign language translation services and Deaf, Hard of Hearing and DeafBlind consumers seeking those services. Examples of these consequences are as follows:

- A deaf patient is unable to provide consent for necessary surgery because the person cannot ask questions of healthcare personnel to gain the understanding needed to provide consent.
- A deaf student is unable to have the class lesson communicated and falls behind the other students.
- A deaf person is unable to receive needed legal advice in advance of a court appearance and therefore is not prepared for the hearing.
- A deaf person may be unable to participate fully in various aspects of life including personal and professional interactions.
- A deaf person would not have equal access to information and interactions.
- A person who provides sign language translation services would be unable to work and may not be able to pay bills or afford to purchase essential products and services (food, water).
- Companies will not be able to provide sign language interpreting services without being in violation of the law.
- Employers will not receive the benefit of the deaf person's knowledge or skills in situations where written communications are not sufficient.

(2) Who would suffer these consequences: Individuals providing sign language interpretation services; Deaf, Hard of Hearing and DeafBlind consumers; and business employing or contracting with individuals providing sign language interpreting services without a license will suffer the consequences if licensing or interpretation services are not available on January 1, 2024.

(3) Why or how failure to immediately take rulemaking action would cause these consequences: As of January 1, 2024, providing sign language interpretation services without a license will be illegal and a Class C misdemeanor.

As of January 1, 2024, it will be illegal and a Class C Misdemeanor for businesses to employ or contract with individuals who do not hold a sign language interpreter license, unless exempt. Businesses may also be subject to discipline under HLO or the Board.

(4) How the temporary action will avoid or mitigate those consequences: The temporary rule will allow individuals to obtain a temporary sign language interpreter license issued by HLO on or before January 1, 2024. Temporary licensure will avoid a gap in necessary interpretation services because interpreters will be able to be licensed and can provide needed interpretation services, consumers will be able to communicate, and businesses will be able to continue to contract and employ for sign language interpreter services.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Documents relied upon: HB 2696 (2023), Health Licensing Office (HLO) Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR), profession and consumer-based organizational information, Oregon Department of Education rules, Office of Equity and Inclusion, Healthcare Interpreter Program laws, rules, and forms.

All documents are available at the HLO, 1430 Tandem Ave Suite 180, Salem, OR 97301-1287. To obtain information or copies of information please contact Samie Patnode, Policy Analyst, at 503-373-1917 or by email at samie.patnode@oha.oregon.gov during normal business hours Monday through Friday between 7 am to 2:30 pm.

ADOPT: 331-050-0130

RULE TITLE: Application Requirements for Legal SLI License

RULE SUMMARY: Application requirements for legal SLI license.

RULE TEXT:

An individual applying for a legal SLI license must:

- (1) Meet the requirements of OAR 331 division 30.
- (2) Submit a completed application form prescribed by HLO, which must contain the information listed in OAR 331-030-0000.
- (3) Hold a license listed under HB 2696 (2023) section 2 or 3, OAR 331-050-0020, or OAR 331-050-0040.
- (4) Attest to having completed 40 hours of education on legal interpreting or attest to holding one of the following credentials:
 - (a) Qualified interpreter under ORS 45.288.
 - (b) Court interpreter certified under ORS 45.291.
 - (c) RID Specialist Certification: Legal.
 - (d) RID Conditional Legal Interpreting Permit-Relay.
 - (e) Board for Evaluation of Interpreters Court Interpreter Certificate.

STATUTORY/OTHER AUTHORITY: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.615

STATUTES/OTHER IMPLEMENTED: HB 2696 (2023), Chapter 414, (2023 Laws), ORS 676.576(1)(f), ORS 676.568(1)(e), (f), (g), (h), (m), (q), (r), (t), ORS 676.615