

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1453

By: Williams

4
5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 creating the Oklahoma Licensed Interpreter Act;
9 defining terms; creating the Oklahoma Board of
10 Licensed Interpreters for the Deaf and Hard-of-
11 Hearing; providing for membership, qualifications,
12 and terms of office for the Board; providing for
13 powers and duties of the Board; providing for
14 investigators of the Board; providing for meetings
15 and notice of meetings of the Board; providing
16 licensure requirements; providing for reinstatement
17 of suspended license; providing for renewal of
18 license; defining practice of interpreting; providing
19 for exceptions; providing for disciplinary actions;
20 providing for inability to practice in certain
21 circumstances; providing for reporting of certain
22 information; providing immunity from certain
23 liability; providing for citations and fines;
24 creating the Oklahoma Licensed Interpreters for the
Deaf and Hard-of-Hearing Fund; stating source of
revenue; stating purpose; providing for expenditures;
providing for confidentiality of certain information;
providing for administrative rules; providing for
codification; and providing an effective date.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 3301 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Oklahoma
2 Licensed Interpreter Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3302 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 As used in the Oklahoma Licensed Interpreter Act:

7 1. "American Sign Language" means the visual/gestural language
8 used by deaf people in the United States with semantic, syntactic,
9 morphological and phonological rules which are distinct from
10 English;

11 2. "Board" means the Oklahoma Board of Licensed Interpreters
12 for the Deaf and Hard-of-Hearing;

13 3. "Certification" means certificates awarded to individuals by
14 those organizations recognized by the Board reflecting skill level
15 and/or professional competence;

16 4. "Communication ally" means an individual selected to be
17 present by a consumer who is deaf or hard-of-hearing. A
18 communication ally is not a professional interpreter;

19 5. "Consumer" means an individual who is deaf, hearing, hard-
20 of-hearing, deaf-blind, speech-disabled, or other individuals who
21 use special communication techniques in order to communicate, or any
22 other person or agency that requires the services of an interpreter
23 to effectively communicate and comprehend signed or spoken
24 discourse;

1 6. "Cued speech" means a phonetically based hand supplement to
2 speech reading that is independent of all sign language modalities.
3 It is a system of hand shapes that represents groups of consonant
4 sounds, combined with hand placements that represent groups of vowel
5 sounds, used with natural speech to represent a visual model of
6 spoken language;

7 7. "Director" means an individual selected by the Board to
8 serve as the Director of the Oklahoma Board of Licensed Interpreters
9 for the Deaf and Hard-of-Hearing or the authorized representative of
10 such official;

11 8. "Interpreter" means any person who renders or offers to
12 render the facilitation of communication between consumers who are
13 deaf or hard-of-hearing and those who are hearing. Communication
14 modes include but are not limited to American Sign Language,
15 Conceptually Accurate Signed English, Manually Coded English, cued
16 speech, oral transliteration, tactile sign, and spoken language;

17 9. "Interpreter trainee" means any person meeting the minimum
18 requirements established by the Oklahoma Board of Licensed
19 Interpreters for the Deaf and Hard-of-Hearing who is currently
20 enrolled in an accredited interpreter training program recognized by
21 the Oklahoma State Regents for Higher Education;

22 10. "License" means authorization to practice as an interpreter
23 granted by the Board to an individual found by the Board to meet
24

1 certain requirements pursuant to the Oklahoma Licensed Interpreter
2 Act or any other applicable statutes;

3 11. "Licensed interpreter" means a person who possesses a
4 document issued by the Oklahoma Board of Licensed Interpreters for
5 the Deaf and Hard-of-Hearing attesting that the person has
6 satisfactorily met the established professional standards for
7 interpreting for persons who are deaf, hard-of-hearing, and hearing
8 and may practice interpreting in the State of Oklahoma;

9 12. "Manually Coded English" means a specific type of sign
10 language interpreting which conveys written or spoken English in an
11 English-based form of manual communication and vice versa;

12 13. "Nationally recognized certification" means certification
13 granted by a national organization recognized by the Board that is
14 based on a skills assessment of the applicant;

15 14. "Oral transliterating" means the mode of communication
16 having characteristics of speech, speech reading, and residual
17 hearing as a primary means of communication using situational and
18 culturally appropriate gestures, with or without the use of sign
19 language;

20 15. "Person" means any individual, firm, partnership,
21 association, joint venture, cooperative, corporation, or any other
22 group or combination acting in concert, and whether or not acting as
23 principal, trustee, fiduciary, receiver, or as any other kind of
24 legal or personal representative, or as the successor in interest,

1 assignee, agent, factor, servant, employee, director, officer,
2 fictitious name certificate, or any other representative of such
3 person;

4 16. "Provisional permit" means restricted permits, authorized
5 and issued by the Board;

6 17. "Spoken language" means language communicated aurally;

7 18. "State certification" means any Quality Assurance Screening
8 Test (QAST) level granted by the State Department of Rehabilitation
9 Services; and

10 19. "Tactile sign" means mode of communication used by
11 individuals who are deaf-blind, using any one of a combination of
12 tactile sign or constricted space signing.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3303 of Title 59, unless there
15 is created a duplication in numbering, reads as follows:

16 A. The Oklahoma Board of Licensed Interpreters for the Deaf and
17 Hard-of-Hearing is hereby created, to continue until July 1, 2015,
18 in accordance with the provisions of the Oklahoma Sunset Law, to
19 regulate and enforce the practice of interpreting in this state in
20 accordance with the Oklahoma Licensed Interpreter Act.

21 B. 1. The duty of determining a person's initial and
22 continuing qualification and fitness for the practice of
23 interpreting, of proceeding against the unlawful and unlicensed
24 practice of interpreting and of enforcing the Oklahoma Licensed

1 Interpreter Act is hereby delegated to the Board. That duty shall
2 be discharged in accordance with the Oklahoma Licensed Interpreter
3 Act and other applicable statutes.

4 2. a. It is necessary that the powers conferred on the Board
5 by the Oklahoma Licensed Interpreter Act be construed
6 to protect the health, safety and welfare of the
7 people of this state.

8 b. No member of the Board, acting in that capacity or as
9 a member of any Board committee, shall participate in
10 the making of any decision or the taking of any action
11 affecting such member's own personal, professional or
12 pecuniary interest, or that of a person related to the
13 member within the third degree by consanguinity,
14 marriage or adoption or of a business or professional
15 associate.

16 c. With advice of legal counsel, the Board shall adopt
17 and annually review a conflict of interest policy to
18 enforce the provisions of the Oklahoma Licensed
19 Interpreter Act.

20 C. The practice of interpreting is a privilege granted by
21 statute. It is not a natural right of individuals. In the interest
22 of the public, and to protect the public, it is necessary to provide
23 laws and rules to govern the granting and subsequent use of the
24 privilege to practice interpreting. The primary responsibility and

1 obligation of the Board is to ensure the public receives the
2 professional, proper, competent and lawful practice of interpreting.

3 D. The liability of any member or employee of the Board acting
4 within the scope of Board duties or employment shall be governed by
5 The Governmental Tort Claims Act.

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 3304 of Title 59, unless there
8 is created a duplication in numbering, reads as follows:

9 A. 1. The Oklahoma Board of Licensed Interpreters for the Deaf
10 and Hard-of-Hearing shall consist of seven (7) members, appointed by
11 the Governor with the advice and consent of the Senate. The Board
12 shall consist of three members who are deaf or hard-of-hearing who
13 are knowledgeable in the field of professional interpreting, one who
14 is a nationally certified interpreter who is also an interpreter
15 trainer in an accredited interpreter training program recognized by
16 the Oklahoma State Regents for Higher Education, one professional
17 interpreter, one professional interpreter specializing in the field
18 of educational interpreting, and one lay person representing the
19 general public and who is knowledgeable in the field of professional
20 interpreting.

21 2. Each member who is an interpreter shall be licensed to
22 practice in the State of Oklahoma. The interpreter trainer to be
23 appointed to the Board shall be a person who is employed as such in
24 a state-approved or state-accredited institution of higher

1 education. The interpreter trainer shall not be required to be
2 licensed by the Board. One member shall be appointed from each
3 congressional district, when possible, and any remaining members
4 shall be appointed from the state at large. However, when
5 congressional districts are redrawn each member appointed prior to
6 July 1 of the year in which such modification becomes effective
7 shall complete the current term of office and appointments made
8 after July 1 of the year in which such modification becomes
9 effective shall be based on the redrawn districts. Appointments
10 made after July 1 of the year in which such modification becomes
11 effective shall be from any redrawn districts which are not
12 represented by a board member until such time as each of the
13 modified congressional districts are represented by a board member.
14 No appointments may be made after July 1 of the year in which such
15 modification becomes effective if such appointment would result in
16 more than two members serving from the same modified district.

17 3. The lay member shall have no financial interest in the
18 profession other than as a consumer or potential consumer of its
19 services.

20 4. Members must be residents of the State of Oklahoma. No
21 member shall be a registered lobbyist. Any member who is an
22 officer, board member or employee of a statewide or national
23 organization established for the purpose of conducting peer review
24 of interpreters licensed pursuant to the Oklahoma Licensed

1 Interpreter Act shall disqualify or seek to disqualify themselves
2 from participation in a decision on grounds in regards to when there
3 is prejudice or personal involvement. The remaining members will
4 conduct the review.

5 B. The Governor shall appoint members to the Board and for
6 terms of years as follows:

7 1. Three members shall be appointed to a term ending May 31,
8 2012;

9 2. One member shall be appointed to a term ending May 31, 2013;

10 3. One member shall be appointed to a term ending May 31, 2014;

11 4. One member shall be appointed to a term ending May 31, 2015;

12 and

13 5. One member shall be appointed to a term ending May 31, 2016.

14 Successors shall be appointed for a term of five (5) years. No
15 member shall serve consecutively for more than two terms. Not more
16 than two terms shall expire in each year, and vacancies for the
17 remainder of an unexpired term shall be filled by appointment by the
18 Governor. Members shall serve beyond the expiration of their term
19 until a successor is appointed by the Governor. The Governor shall
20 fill a vacancy within ninety (90) days after the beginning of the
21 vacancy. Nominees considered by the Governor for appointment to the
22 Board must be free of pending disciplinary action or active
23 investigation by the Board.

24

1 C. A member may be removed from the Board by the Governor for
2 cause which shall include, but not be limited to, if a member:

3 1. Ceases to be qualified;

4 2. Is found guilty by a court of competent jurisdiction of a
5 felony or unlawful act which involves moral turpitude;

6 3. Is found guilty of malfeasance, misfeasance or nonfeasance
7 in relation to Board duties;

8 4. Is found mentally incompetent by a court of competent
9 jurisdiction;

10 5. Is found in violation of the Oklahoma Licensed Interpreter
11 Act; or

12 6. Fails to attend three successive Board meetings without just
13 cause as determined by the Board.

14 SECTION 5. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3305 of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 A. 1. Each member of the Oklahoma Board of Licensed
18 Interpreters for the Deaf and Hard-of-Hearing shall take the
19 constitutional oath of office.

20 2. The Board shall organize annually, at the last meeting of
21 the Board before the beginning of the next fiscal year, by electing
22 from the Board membership a president, vice president and secretary-
23 treasurer. Officers of the Board shall serve for terms of one (1)
24 year or until their successors are elected. Officers shall not

1 succeed themselves for more than one term. The lay members
2 appointed to the Board shall not hold elective office.

3 B. 1. The president shall:

- 4 a. preside at Board meetings,
- 5 b. arrange the Board agenda,
- 6 c. sign Board orders and other required documents,
- 7 d. appoint Board committees and their chairpersons,
- 8 e. coordinate Board activities,
- 9 f. represent the Board before legislative committees, and
- 10 g. perform those other duties assigned by the Board and
11 this section.

12 2. The vice president shall perform the duties of president
13 during the president's absence or disability and shall assist the
14 president in duties as requested.

15 3. The secretary-treasurer shall be responsible for the
16 administrative functions of the Board.

17 4. The employment of administrative, investigative, legal and
18 clerical personnel shall be subject to the approval of the Board.

19 5. At the end of each fiscal year the president and secretary-
20 treasurer shall prepare or cause to be prepared and submit to the
21 Governor a report on the transactions of the Board.

22 C. To facilitate its work effectively, fulfill its duties and
23 exercise its powers, the Board may establish standing or ad hoc
24 committees. The president shall appoint members and chairpersons of

1 the committees and determine the length of terms of service. The
2 president may appoint individuals to serve on a standing or ad hoc
3 committee for a term not to exceed one (1) year.

4 SECTION 6. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3306 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

7 A. Investigators for the Oklahoma Board of Licensed
8 Interpreters for the Deaf and Hard-of-Hearing shall perform such
9 services as are necessary in the investigation of criminal activity
10 or preparation of administrative actions.

11 B. Any investigator hired by the Board, whether part-time or
12 full-time, shall hold a certification as a peace officer by the
13 Council on Law Enforcement Education and Training, and shall have
14 statewide jurisdiction to perform the duties authorized by this
15 section. In addition, any full-time investigator shall be
16 considered a peace officer and shall have the powers now or
17 hereafter vested by law in peace officers.

18 SECTION 7. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 3307 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 A. The Oklahoma Board of Licensed Interpreters for the Deaf and
22 Hard-of-Hearing shall meet at least once each year in the first half
23 of the calendar year and once each year in the second half of the
24 calendar year. In addition, the Board may meet at other times of

1 the year as is deemed necessary to conduct the business of the
2 Board. The Board shall meet at the time and place fixed by order of
3 the Board president or by order of three members of the Board acting
4 jointly upon refusal of the president to call for or fix a time and
5 place for said meeting.

6 B. 1. Notice of meetings shall be filed in conformance with
7 the Oklahoma Open Meeting Act. Members shall be notified of each
8 meeting at least twenty (20) business days before said meeting,
9 except in the case of a meeting called for emergency purposes.

10 2. Emergency meetings may be called at any time by the
11 president or at the request of three Board members as required to
12 enforce the Oklahoma Licensed Interpreter Act. The Board may
13 establish procedures by which the Board may call an emergency
14 meeting in accordance with the Oklahoma Open Meeting Act. The Board
15 may establish procedures by which committee advice may be obtained
16 in cases of emergency.

17 3. The Board shall establish a system for giving all Board and
18 committee members and the public reasonable notice of scheduled
19 meetings. Minutes of all Board and committee meetings shall be kept
20 in accordance with promulgated rules of the Board and other
21 applicable statutes.

22 C. All meetings of the Board and its committees shall be open
23 to the public except as set out in Article II of the Administrative
24 Procedures Act and the Oklahoma Open Meeting Act.

1 D. Each Board member shall receive reimbursement for expenses
2 in accordance with the State Travel Reimbursement Act and rules
3 promulgated by the Board.

4 E. 1. The Board shall be fully supported by the revenues
5 generated from its activities, including fees, charges and
6 reimbursed costs.

7 2. All such revenues, with the exception of the ten percent
8 (10%) of its revenue required to be deposited in the General Revenue
9 Fund, shall be deposited to the Oklahoma Licensed Interpreters for
10 the Deaf and Hard-of-Hearing Fund and shall be credited to the
11 account of said Board. Any revenue remaining in the revolving fund
12 at the end of any fiscal year shall be carried over to the next
13 fiscal year in the account of the Board.

14 3. The Board shall operate on the fiscal year beginning July 1
15 and ending June 30 of each year.

16 4. The Board shall develop and adopt its own budget reflecting
17 revenues, including reimbursed costs associated with the
18 administrative, investigative, and legal expenditures for taking
19 disciplinary action, and the establishment and maintenance of a
20 reasonable reserve fund.

21 F. All fees, charges, reimbursement minimums and other revenue
22 generating amounts shall be promulgated by the Board by rule and
23 shall reflect normal increases due to inflation or cost of doing
24 business.

1 SECTION 8. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3308 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 The Oklahoma Board of Licensed Interpreters for the Deaf and
5 Hard-of-Hearing shall have the powers and duty to regulate the
6 practice of interpreting. In addition to any other powers placed on
7 it by the Oklahoma Licensed Interpreter Act or as otherwise provided
8 by law, the Board shall have the power and duty to:

- 9 1. Set fees;
- 10 2. Issue or deny licenses and renewals thereof;
- 11 3. Acquire information about and evaluate the professional
12 education and training of applicants for licensure; accept or deny
13 applications for licensure, or renewal of licensure based on the
14 evaluation of information relating to applicant fitness, performance
15 or competency to practice;
- 16 4. Determine which professional schools, colleges,
17 universities, training institutions, certifying bodies and
18 educational programs are acceptable in connection with licensure
19 pursuant to the Oklahoma Licensed Interpreter Act, and accept the
20 approval of such facilities and programs by accredited institutions
21 in the United States and Canada;
- 22 5. Require supporting documentation or other acceptable
23 verifying evidence for any information provided the Board by an
24 applicant for licensure;

1 6. Require information on an applicant's fitness, qualification
2 and previous professional record and performance from recognized
3 data sources including, but not limited to, other licensing and
4 disciplinary authorities of other jurisdictions, professional
5 education and training institutions, liability insurers, and law
6 enforcement agencies;

7 7. Develop and use applications and other necessary forms and
8 related procedures for purposes of the Oklahoma Licensed Interpreter
9 Act;

10 8. a. review and investigate complaints and adverse
11 information about licensees,
12 b. conduct hearings in accordance with the Oklahoma
13 Licensed Interpreter Act and the Administrative
14 Procedures Act, and
15 c. adjudicate matters that come before the Board for
16 judgment pursuant to the Oklahoma Licensed Interpreter
17 Act upon clear and convincing evidence and issue final
18 decisions on such matters to discipline licensees;

19 9. a. impose sanctions, deny licenses and renewals thereof,
20 levy reimbursement costs, seek appropriate
21 administrative civil or criminal penalties or any
22 combination of these against who attempt to or who do
23 obtain licensure by fraud, who knowingly assist in
24

1 illegal activities, or who aid and abet the illegal
2 practice of interpreting,

3 b. institute proceedings in courts of competent
4 jurisdiction to enforce Board orders and provisions of
5 the Oklahoma Licensed Interpreter Act,

6 c. (1) establish mechanisms for dealing with licensees
7 who abuse or are dependent on or addicted to
8 alcohol or other chemical substances, and enter
9 into agreements, at its discretion, with

10 professional organizations whose relevant
11 procedures and techniques it has evaluated and
12 approved for their cooperation or participation
13 in the rehabilitation of the licensee, and

14 (2) establish by rules, cooperation with other
15 professional organizations for the identification
16 and monitoring of licensees in treatment who are
17 chemically dependent or addicted, and

18 d. issue conditional, restricted or otherwise
19 circumscribed modifications to licensure as determined
20 to be appropriate by due process procedures and
21 summarily suspend a license if the Board has cause to
22 believe by clear and convincing evidence such action
23 is required to protect public health and safety or to
24 prevent continuation of incompetent practices;

1 10. Promulgate rules of professional conduct and require all
2 licensees to practice in accordance therewith;

3 11. Act to halt the unlicensed or illegal practice of
4 unlicensed interpreting and seek administrative, criminal and civil
5 penalties against those engaged in such practice;

6 12. Employ, direct, reimburse, evaluate and dismiss staff in
7 accordance with state procedures;

8 13. Establish policies for Board operations;

9 14. Respond to legislative inquiry regarding those changes in,
10 or amendments to, the Oklahoma Licensed Interpreter Act;

11 15. Act on its own motion in disciplinary matters, administer
12 oaths, issue notices, issue subpoenas in the name of the State of
13 Oklahoma, including subpoenas for client records, hold hearings,
14 institute court proceedings for contempt or to compel testimony or
15 obedience to its orders and subpoenas, take evidentiary depositions
16 and perform such other acts as are reasonable and necessary under
17 law to carry out its duties;

18 16. Use clear and convincing evidence as the standard of proof
19 and issue final decisions when acting as trier of fact in the
20 performance of its adjudicatory duties;

21 17. Determine and direct Board operating, administrative,
22 personnel and budget policies and procedures in accordance with
23 applicable statutes;

24

1 18. Promulgate uniform rules such as may be necessary for
2 carrying out and enforcing the provisions of the Oklahoma Licensed
3 Interpreter Act and such as in its discretion may be necessary to
4 protect the health, safety and welfare of the public;

5 19. Determine continuing education requirements;

6 20. Conduct a national criminal history records search for
7 applicants;

8 21. Hire investigators, attorneys, and independent contractors;
9 and

10 22. Perform such other duties and exercise such other powers as
11 the provisions and enforcement of the Oklahoma Licensed Interpreter
12 Act may require.

13 SECTION 9. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3309 of Title 59, unless there
15 is created a duplication in numbering, reads as follows:

16 A. It shall be unlawful to practice interpreting in this state
17 without a license issued by the Oklahoma Board of Licensed
18 Interpreters for the Deaf and Hard-of-Hearing.

19 B. An applicant for licensure shall furnish the Board two
20 complete fingerprint cards and a money order or cashier's check made
21 payable to the Oklahoma State Bureau of Investigation. The Board
22 shall forward the fingerprint cards, along with the applicable fee
23 for a national fingerprint criminal history records search, to the
24 Bureau, and the Bureau shall retain one set of fingerprints in the

1 Automated Fingerprint Identification System (AFIS) and submit the
2 other set to the Federal Bureau of Investigation (FBI) for a
3 national criminal history records search.

4 C. Requirements for licensure shall be set by the Board. Prior
5 to issuance of a license to practice interpreting in this state, the
6 Board shall require but not be limited to the following evidence of
7 suitability to practice:

8 1. a. national certification granted by a national
9 certifying body of interpreters as recognized by the
10 Board, or

11 b. Quality Assurance Screening Test (QAST) level granted
12 by the State Department of Rehabilitation Services;

13 2. Evidence that the applicant has demonstrated familiarity
14 with the statutes and rules set by the Board;

15 3. Evidence that the applicant has not been found guilty by a
16 court of law of any conduct that would constitute grounds for
17 disciplinary action under the Oklahoma Licensed Interpreter Act or
18 rules of the Board, and there has been no disciplinary action taken
19 against the applicant by any public agency concerned with the
20 practice of interpreting; and

21 4. Evidence that all required fees have been paid.

22 D. Requirements for provisional permits shall be set by the
23 Board. Provisional permits may be issued to any interpreter who has
24 failed to obtain or failed to maintain a regular license to practice

1 interpreting. Such provisional permits may be issued by the Board
2 at such times as the Board determines that all requirements for
3 possession of such permits have been met as set by rules and
4 policies of the Board. Provisional permits may be issued for, but
5 not limited to, the practice of interpreting while the application
6 for full licensure is pending. Prior to issuance of a provisional
7 permit to practice interpreting in this state, the Board shall
8 consider but not be limited to the following evidence of suitability
9 to practice:

- 10 1. a. graduation from an approved school of interpreter
11 training whose requirements at the time of graduation
12 are acceptable to the Board, and
- 13 b. graduates of schools of interpreting located outside
14 the United States and Canada shall be held to the same
15 standards for evidence of suitability to practice as
16 are graduates of schools of interpreting located
17 within the United States in that applicants shall
18 conform in all respects to the requirements set forth
19 in this section. Where necessary, further examination
20 shall be administered by the Board or its designee to
21 determine competency to practice. In addition,
22 applicants shall demonstrate a command of the English
23 language satisfactory to the Board. Documents and
24 material submitted in support of application for a

1 provisional permit, if in a foreign language, shall be
2 translated and verified as accurate by an organization
3 acceptable to the Board;

4 2. Satisfactory completion of a minimum number of months of
5 education in interpreter training as a requirement for graduation
6 from a school recognized by the Board;

7 3. a. except as otherwise provided by this paragraph,
8 evidence that the applicant has passed examinations
9 satisfactory to the Board and that the examination
10 score is acceptable to the Board. The Board may set
11 minimum passing scores for examinations and limit the
12 number of times an applicant may take an examination
13 in this state, and

14 b. in lieu of national and state certification
15 requirements, an applicant shall have actively engaged
16 in the practice of interpreting for a period of at
17 least one thousand five hundred (1,500) hours during
18 the three (3) consecutive years immediately prior to
19 making application in Oklahoma and hold a license to
20 practice interpreting in another state, territory,
21 district or province of the United States and Canada;

22 4. Evidence that the applicant has demonstrated familiarity
23 with the statutes and rules set by the Board;

1 5. Evidence that the applicant is professionally capable of
2 interpreting in a competent manner as determined by the Board and
3 willing to submit, if deemed appropriate by the Board, to an
4 evaluation of skills and abilities;

5 6. Evidence that the applicant has not been found guilty by a
6 court of law of any conduct that would constitute grounds for
7 disciplinary action under the Oklahoma Licensed Interpreter Act or
8 rules of the Board, and there has been no disciplinary action taken
9 against the applicant by any public agency concerned with the
10 practice of interpreting;

11 7. If the Board deems it necessary, a personal appearance by
12 the applicant before the Board in support of the applicant's
13 application for a provisional permit. If the Board is not satisfied
14 with the credentials of the applicant, or demonstration of knowledge
15 or skills presented, the Board may require further examination or
16 supervised practice before reconsideration of the application; and

17 8. Evidence that all required fees have been paid.

18 E. Practice without the legal possession of an active license
19 or permit shall be prohibited and unlawful, and evidence of said
20 practice shall be investigated by the Board and subsequently
21 reported by the Board to the district attorney of the county in
22 which the practice is found to occur.

23

24

1 SECTION 10. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3310 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. 1. Licenses or permits suspended or revoked or not renewed
5 for any purpose may be reinstated upon the motion of the Oklahoma
6 Board of Licensed Interpreters for the Deaf and Hard-of-Hearing upon
7 proper application of the licensee.

8 2. A license or permit suspended for failure to renew may be
9 reinstated by the president or secretary-treasurer of the Board,
10 provided such action shall be approved or ratified, or may be
11 rescinded by the Board at the Board meeting following such action.

12 B. Requirements for reinstatement of a license or permit which
13 has been suspended, revoked or not renewed shall be by rule and
14 shall include, but not be limited to, evidence that:

15 1. All requirements for full licensure or provisional permit
16 have been met; and

17 2. The applicant has not been convicted or the applicant's
18 license or permit suspended, revoked or not renewed or placed on
19 probation in another state for violations of an act that would
20 constitute the same or similar penalty in this state.

21 SECTION 11. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3311 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

24

1 A. Every licensed interpreter who is the holder of a license
2 authorizing the practice of interpreting in any manner whatsoever
3 shall on or before the first day of July of each and every year
4 apply to the Oklahoma Board of Licensed Interpreters for the Deaf
5 and Hard-of-Hearing on forms furnished by the Board, for a renewal
6 entitling such interpreter to practice interpreting in this state
7 during the next fiscal year. Each such application shall be
8 accompanied by a renewal fee in an amount fixed by the Board.

9 B. The Board may modify the terms and dates of renewal
10 requirements in order to expedite the efficiency of the procedure
11 and to prevent inequitable financial burden on its applicants and
12 licensees.

13 C. 1. Failure to renew a license properly shall be evidence of
14 noncompliance with the laws of this state and rules of the Board.

15 2. The license shall automatically be placed in an inactive
16 status for failure to renew and shall be considered inactive and not
17 in good standing for purposes of the practice of interpreting.

18 D. 1. If, within sixty (60) calendar days beginning July 1,
19 the licensee pays the renewal fee plus any reactivation fee set by
20 rule by the Board, the president or secretary-treasurer of the Board
21 may reactivate the license.

22 2. If sixty (60) calendar days elapse and the license is not
23 reactivated, the license shall be automatically suspended for
24 failure to renew.

1 3. A license suspended for failure to renew may be reinstated
2 pursuant to the provisions of Section 10 of this act.

3 E. The practice of interpreting is prohibited unless the
4 license is active and in good standing with the Board.

5 SECTION 12. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 3312 of Title 59, unless there
7 is created a duplication in numbering, reads as follows:

8 A. The practice of interpreting shall include, but not be
9 limited to:

10 1. Interpreting - rendering or offering to render the
11 facilitation of communication between consumers who are deaf or
12 hard-of-hearing and those who are hearing. Communication modes
13 include but are not limited to American Sign Language, Conceptually
14 Accurate Signed English, Manually Coded English, cued speech, oral
15 transliteration, tactile sign, and spoken language;

16 2. Representing, directly or indirectly, publicly or privately,
17 an ability and willingness to do any act prescribed in paragraph 1
18 of this subsection; and

19 3. Using any title words, abbreviation or letters by any person
20 other than a licensed interpreter in a manner or under circumstances
21 which induce the belief that the person using them is qualified to
22 do any act described in paragraph 1 of this subsection. Such use
23 shall be prima facie evidence of the intention to represent oneself
24 as a licensed interpreter engaged in the practice of interpreting.

1 B. Only persons licensed to practice interpreting pursuant to
2 the Oklahoma Licensed Interpreter Act, may use the words "Licensed
3 Interpreter", or an abbreviation thereof, and shall be required to
4 use the level of certification attained as approved by the Oklahoma
5 Board of Licensed Interpreters for the Deaf and Hard-of-Hearing,
6 whether or not in conjunction with the words "Licensed Interpreter"
7 or any abbreviation thereof.

8 C. Persons who are under Provisional Permits are pending full
9 licensure to practice interpreting and can only use the words
10 "Provisional Permit" or an abbreviation thereof, and shall be
11 required to use the level, if any has been attained, whether or not
12 in conjunction with the words "Provisional Permit" or any
13 abbreviation thereof.

14 SECTION 13. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3313 of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The Oklahoma Licensed Interpreter Act shall not be construed
18 to prohibit:

19 1. Nonresident interpreters working in Oklahoma less than
20 thirty (30) calendar days per year;

21 2. Interpreting in religious settings;

22 3. Interpreting in informal settings for friends, families or
23 guests;

24 4. Interpreting in emergency situations;

1 5. The activities or services of a supervised interpreter
2 intern or student in training that is enrolled in a program of study
3 in sign language interpreting at an accredited institution of higher
4 learning;

5 6. Interpreting in video relay service settings regulated by
6 the Federal Communications Commission; or

7 7. Any person who is deaf or hard-of-hearing from choosing to
8 utilize a communication ally.

9 B. Any services provided by a communication ally shall not be
10 construed as professional interpreting and therefore not regulated
11 as such by the Oklahoma Board of Licensed Interpreters for the Deaf
12 and Hard-of-Hearing. No recourse for filing a formal complaint with
13 the Board shall be available to any person utilizing a communication
14 ally in lieu of a licensed, professional interpreter. In the event
15 a communication ally is utilized by the deaf or hard-of-hearing
16 consumer, said consumer shall thereby waive their right to file a
17 complaint against their chosen communication ally with the Board.
18 The choice of deaf or hard-of-hearing consumers to utilize a
19 communication ally shall not preclude hearing consumers from hiring
20 licensed, professional interpreters to facilitate communication
21 thereby ensuring equal access between those who are deaf or hard-of-
22 hearing and those who are hearing. Communication allies shall not
23 be utilized in lieu of existing statutory requirements as mandated
24 by Sections 2407 through 2415 of Title 63 of the Oklahoma Statutes,

1 the Oklahoma Legal Interpreter for the Deaf and Hard-of-Hearing Act,
2 and Sections 13-115 through 13-115.4 of Title 70 of the Oklahoma
3 Statutes, the Oklahoma Educational Interpreter for the Deaf Act.

4 SECTION 14. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3314 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

7 A. The Oklahoma Board of Licensed Interpreters for the Deaf and
8 Hard-of-Hearing shall have the authority to impose the following
9 sanctions:

- 10 1. Revocation of licensure or permit;
- 11 2. Suspension of licensure or permit;
- 12 3. Probation of licensure or permit;
- 13 4. Refusal to renew a license or permit;
- 14 5. Injunctions and other civil court actions;
- 15 6. Reprimand, censure, agreement to voluntary stipulation of
16 facts and imposition of terms of disciplinary action;
- 17 7. Administrative citation and administrative penalties;
- 18 8. Prosecution through the office of the district attorney; and
- 19 9. Any other action that the nature of the violation requires.

20 B. 1. Upon a determination that a violation has been
21 committed, the Board shall have the authority to impose upon the
22 violator, the payment of costs expended by the Board in
23 investigating and prosecuting the cause, to include but not be
24 limited to staff time, salary and travel expenses, witness fees and

1 attorney fees and the same shall be considered part of the order of
2 the Board.

3 2. The Board shall make a report of action to any association,
4 organization or entity deemed appropriate for transmittal of the
5 public record but shall in no cause be held liable for the content
6 of the reported action or be made a party to action taken as a
7 result of the sanction imposed by the Board.

8 C. The Board may require an applicant for licensure or a
9 licensee to be examined on the applicant's or holder's knowledge and
10 skills should the Board find, after due process, that there is
11 probable cause to believe the licensee or provisional permit holder
12 or applicant may be deficient in such knowledge and skills.

13 D. The Board may take disciplinary action or other sanctions
14 upon clear and convincing evidence of unprofessional or dishonorable
15 conduct which shall include, but not be limited to:

16 1. Fraud or misrepresentation in applying for or procuring a
17 license or provisional permit to practice interpreting in any
18 federal, state or local jurisdiction;

19 2. The conviction of or entry of a guilty plea or plea of nolo
20 contendere involving a felony in this or any other jurisdiction,
21 whether or not related to the practice of interpreting;

22 3. Conduct likely to deceive, defraud, or harm the public;

23 4. The making of a false or misleading statement regarding
24 one's status of licensure or certification;

- 1 5. Negligence in the practice of interpreting;
- 2 6. Failure to notify the Board of current address of practice;
- 3 7. Aiding or abetting the practice of interpreting by an
- 4 unlicensed or impaired person;
- 5 8. Use or abuse of alcohol or of a habit-forming drug or
- 6 chemical which impairs the ability of the licensee while engaged in
- 7 the practice of interpreting;
- 8 9. Obtaining a fee by fraud or misrepresentation;
- 9 10. Failure to report to the Board any felonious conviction by
- 10 another jurisdictional body, by any peer review body, licensing or
- 11 disciplinary jurisdiction;
- 12 11. Failure to report to the Board any felonious conviction by
- 13 any law enforcement agency or court for acts or conduct whether or
- 14 not related to the practice of interpreting;
- 15 12. Failure to report to the Board surrender of a license or
- 16 other certificate of authorization to perform functions based on the
- 17 holding of a license to practice interpreting or surrender of
- 18 membership in any organization or association related to
- 19 interpreting while under investigation by that association or
- 20 organization for conduct similar to or the same as acts which would
- 21 constitute grounds for action as defined in the Oklahoma Licensed
- 22 Interpreter Act;

23
24

1 13. Failure to furnish the Board, its staff or agents,
2 information legally requested or failure to cooperate with a lawful
3 investigation conducted by or on behalf of the Board;

4 14. Failure to pay appropriately assessed fees or failure to
5 make any personal appearance required by the Board or any of its
6 officers; or

7 15. Violation of any provisions of the Oklahoma Licensed
8 Interpreter Act or the rules and policies of the Board or of an
9 action, stipulation or agreement of the Board.

10 E. 1. The Board may commence any legal action to enforce the
11 provisions of the Oklahoma Licensed Interpreter Act and may exercise
12 full discretion and authority with respect to enforcement actions.
13 Administrative sanctions taken by the Board shall be made in
14 accordance with Article II of the Administrative Procedures Act, the
15 Oklahoma Licensed Interpreter Act, and other applicable laws of this
16 state. The Board shall take appropriate enforcement action when
17 required, assuring fairness and due process to the defendant.

18 2. The Board or its designee may hold informal conferences to
19 negotiate a settlement of a dispute, provided that the conference is
20 agreed to in writing by all parties and said conference does not
21 preclude a hearing on the same matters. The Board shall not
22 consider the agreement binding should a hearing be held subsequent
23 to the agreement.

1 F. The Board may summarily suspend a license prior to a formal
2 hearing when it has found upon clear and convincing evidence that
3 such action is required to protect the public health or welfare or
4 when a person under the jurisdiction of the Board is convicted of a
5 felony, whether or not related to the practice of interpreting;
6 provided such action is taken simultaneously with proceedings for
7 setting a formal hearing to be held within thirty (30) calendar days
8 after the summary suspension.

9 G. 1. The Board may issue an order to any licensee or permit
10 holder, obtain an injunction or take other administrative, civil or
11 criminal court action against any person or any corporation or
12 association, its officers, or directors, to restrain said persons
13 from violating the provisions of the Oklahoma Licensed Interpreter
14 Act.

15 2. Violations of an injunction shall be punishable as contempt
16 of court. No proof of actual damage to any person shall be required
17 for issuance of an order or an injunction, nor shall an injunction
18 relieve those enjoined from administrative, civil or criminal
19 prosecution for violation of the Oklahoma Licensed Interpreter Act.

20 H. 1. The Board may suspend, revoke or refuse to renew the
21 license or permit of any person holding a license or permit to
22 practice interpreting in this state or place such person on
23 probation for unprofessional conduct, but no such suspension or
24 revocation or refusal to renew, or probation shall be made, unless

1 otherwise provided for herein, until such person be cited to appear
2 for hearing. No such citation shall be issued except upon a sworn
3 complaint filed with the president or secretary-treasurer of said
4 Board charging the licensee or permit holder with having been guilty
5 of unprofessional conduct and setting forth the particular act or
6 acts alleged to constitute such unprofessional conduct.

7 2. In the event it comes to the attention of the Board that a
8 violation of the rules of professional conduct may have occurred,
9 even though a formal complaint or charge may not have been filed,
10 the Board may conduct an investigation of such possible violation,
11 and may, upon its own motion, institute a formal complaint. In the
12 course of such investigation, persons appearing before the Board may
13 be required to testify under oath.

14 I. 1. Upon the filing of a complaint, either by an individual
15 or the Board, the citation shall be issued by the president or
16 secretary-treasurer of the Board over such officer's signature and
17 seal of the Board, setting forth the particulars of the complaint,
18 and giving due notice of the time and place of the hearing by the
19 Board. The citation shall be made returnable at the next meeting of
20 the Board at which hearing is set and shall be no less than thirty
21 (30) days after issuance of the citation.

22 2. The accused shall file a written answer under oath with
23 notice of intent to appear or be represented within twenty (20) days
24

1 after the service of the citation. Failure to respond to the
2 citation within the prescribed time shall constitute default.

3 3. The license or permit of the accused shall be suspended,
4 revoked or not renewed if the charges are found, by clear and
5 convincing evidence, sufficient by the Board; provided, the
6 president or secretary-treasurer of the Board may extend the time of
7 answer upon satisfactory showing that the defendant is for
8 reasonable cause, unable to answer within the prescribed twenty (20)
9 business days, but in no case shall the time be extended beyond the
10 date of the next scheduled meeting for hearing the complaint, unless
11 continuance thereof be granted by the Board.

12 4. All citations and subpoenas under the contemplation of the
13 Oklahoma Licensed Interpreter Act shall be served in general
14 accordance with the statutes of this state applying to the service
15 of such documents. All provisions of the statutes of this state
16 relating to citations and subpoenas are hereby made applicable to
17 the citations and subpoenas herein provided. All the provisions of
18 the statutes of this state governing the taking of testimony by
19 depositions are made applicable to the taking of depositions
20 pursuant to the Oklahoma Licensed Interpreter Act.

21 J. The Director, secretary-treasurer, designee, or prosecuting
22 attorney for the Board, during the course of any lawful
23 investigation, may order or subpoena the attendance of witnesses,
24 the inspection of records, the production of relevant records,

1 books, memoranda, documents, or other papers or things for the
2 investigation of matters that may come before the Board.

3 K. 1. The attendance of witnesses may be compelled in such
4 hearings by subpoenas issued by the president or secretary-treasurer
5 of the Board over the seal thereof, and the president or secretary-
6 treasurer shall in no case refuse to issue subpoenas upon praecipe
7 filed therefore accompanied by the fee set by the Board by rule for
8 the issuance of such subpoenas.

9 2. If any person refuses to obey a subpoena properly served
10 upon such person, the fact of such refusal shall be certified by the
11 secretary-treasurer of the Board over the seal thereof to the
12 district attorney of the county in which such service was had, and
13 the court shall proceed to hear said matter in accordance with the
14 statutes of this state then in force governing contempt as for
15 disobedience of its own process.

16 L. 1. The State of Oklahoma is a proper and necessary party in
17 the prosecution of all such actions and hearings before the Board in
18 all matters pertaining to unprofessional conduct and disciplinary
19 action. The Attorney General of the state, in person or by deputy,
20 is authorized to appear in behalf thereof. The defendant in any
21 such actions shall have the right to be represented by counsel.

22 2. The Board is empowered to enter into agreement with or
23 employ one or more attorneys to conduct the business of the Board in
24 the absence of representation by the Attorney General or designee or

1 in conjunction with representation by the Attorney General or
2 designee.

3 3. The Board shall sit as a trial body and the rulings of the
4 Board shall be by majority vote. Appeal to the rulings thereof
5 shall be by petition to the district court of the district in which
6 the hearing was held. The secretary-treasurer of the Board shall
7 cause a record of all proceedings to be made and a transcript of the
8 proceedings or any part thereof may be obtained by payment of actual
9 cost of taking and preparation of transcript of such proceedings or
10 part thereof.

11 M. All final disciplinary actions, license or permit denials,
12 related findings of fact and conclusions of law are matters of
13 public record. Voluntary surrender of and voluntary limitations on
14 the interpreter's practice or license or permit shall be public
15 record.

16 N. The Board shall consider violation of any of the Rules of
17 Professional Conduct a violation of Section 14 of the Oklahoma
18 Licensed Interpreter Act on unprofessional conduct and shall proceed
19 with disciplinary action as set out in the Oklahoma Licensed
20 Interpreter Act.

21 O. 1. In addition to other penalties prescribed by the
22 Oklahoma Licensed Interpreter Act, any person who the Board has
23 determined by clear and convincing evidence to have violated any
24 provisions of the Oklahoma Licensed Interpreter Act, or any rule, or

1 order issued pursuant thereto shall be liable for an administrative
2 penalty of not more than Five Thousand Dollars (\$5,000.00) for each
3 day that the violation continues.

4 2. The amount of the penalty shall be assessed by the Board
5 pursuant to the provisions of paragraph 1 of this subsection, after
6 notice and hearing. In determining the amount of the penalty, the
7 Board shall, by clear and convincing evidence, include but not be
8 limited to, consideration of the nature, circumstances, and gravity
9 of the violation and, with respect to the person found to have
10 committed the violation, the degree of culpability, the effect on
11 ability of the person to continue to do business, and any show of
12 good faith in attempting to achieve compliance with the provisions
13 of the Oklahoma Licensed Interpreter Act.

14 3. All penalties collected pursuant to the provisions of this
15 subsection shall be deposited in the Oklahoma Licensed Interpreters
16 for the Deaf and Hard-of-Hearing Fund.

17 SECTION 15. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3315 of Title 59, unless there
19 is created a duplication in numbering, reads as follows:

20 A. Impairment is defined as the inability of a person to
21 practice interpreting with reasonable skill and safety by reason of:

22 1. Mental illness as diagnosed by a qualified mental health
23 professional and a licensed physician specializing in the area of
24 mental health; or

1 2. Use of drugs or chemicals defined in law as controlled
2 substances or habit-forming substances to include, but not be
3 limited to, alcohol or other substances that impair the ability of
4 the licensee while engaged in the practice of interpreting.

5 B. Upon findings by the Oklahoma Board of Licensed Interpreters
6 for the Deaf and Hard-of-Hearing, after evaluation and hearing, that
7 the licensee or provisional permit holder is impaired, the Board may
8 take one of the following actions or any other action deemed
9 appropriate to the circumstances by the Board:

10 1. Direct the person to submit to care, counseling or treatment
11 acceptable to the Board;

12 2. Suspend, limit or restrict the license to practice for the
13 duration of the impairment; or

14 3. Revoke or refuse to renew the license or permit.

15 C. Any person who is prohibited from practicing pursuant to the
16 provisions of this section shall be afforded at reasonable intervals
17 the opportunity to present evidence or material not before seen by
18 the Board to demonstrate to the satisfaction of the Board that such
19 person can resume or begin the practice of interpreting with
20 reasonable skill and safety; provided, that all fees have been paid
21 and all requirements for licensure, reinstatement or other form of
22 authorization to practice have been satisfactorily completed.

23 D. 1. The Board may establish rules for the approval of
24 medically directed, nonprofit, voluntary treatment programs for

1 | impaired licensees and to set standards for the treatment of
2 | licensees.

3 | 2. The Board may exempt from reporting those who are
4 | participating voluntarily in a Board-approved treatment program.
5 | Participation in an approved treatment program does not protect an
6 | impaired interpreter from Board action resulting from a report from
7 | another source of violation of the Oklahoma Licensed Interpreter
8 | Act, whether related to the impairment or not.

9 | 3. Programs for the treatment of impaired professionals
10 | approved by this Board shall be reviewed annually or more frequently
11 | at the Board's discretion.

12 | SECTION 16. NEW LAW A new section of law to be codified
13 | in the Oklahoma Statutes as Section 3316 of Title 59, unless there
14 | is created a duplication in numbering, reads as follows:

15 | No person or entity which, in good faith, reports or provides
16 | information or investigates any person as authorized by the Oklahoma
17 | Licensed Interpreter Act, shall be liable in a civil action for
18 | damages or relief arising from the reporting, providing of
19 | information or investigation except upon clear and convincing
20 | evidence that the report of information was completely false, or
21 | that the investigation was based on false information, and that the
22 | falsity was actually known to the person or entity making the
23 | report, providing the information or conducting the investigation at
24 | the time thereof.

1 SECTION 17. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3317 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 Any person who in good faith renders or attempts to render
5 interpreting services for a consumer or consumers at the scene of an
6 accident, disaster, emergency care, or treatment to a human victim
7 thereof, shall not be liable for practicing without a license.

8 SECTION 18. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 3318 of Title 59, unless there
10 is created a duplication in numbering, reads as follows:

11 A. 1. If, upon completion of an investigation, the Director of
12 the Oklahoma Board of Licensed Interpreters for the Deaf and Hard-
13 of-Hearing has probable cause to believe that a licensed interpreter
14 or any other person has violated provisions of the Oklahoma Licensed
15 Interpreter Act or rules promulgated thereto, the Director may issue
16 a field citation to the licensed interpreter or other person, as
17 provided in this section. Each field citation shall be in writing
18 and shall describe with particularity the nature of the violation,
19 including but not limited to a reference to the provision of the
20 Oklahoma Licensed Interpreter Act alleged to have been violated.

21 2. In addition, each field citation may contain an order of
22 abatement fixing a reasonable time for abatement of the violation,
23 and may contain an assessment of an administrative penalty not to
24 exceed Five Hundred Dollars (\$500.00) for a first offense and not to

1 exceed Five Thousand Dollars (\$5,000.00) for a second or each
2 subsequent offense. Each day such violation continues shall
3 constitute a separate offense.

4 3. The field citation shall be served upon the licensed
5 interpreter or other person personally or by any certified mail,
6 return receipt requested.

7 B. Before any field citation shall be issued to a licensed
8 interpreter or any other person, the Director shall have submitted
9 the alleged violation for the review and examination to a probable
10 cause committee, comprised of the Board's attorney, an investigator,
11 and an interpreter licensed in the State of Oklahoma. The probable
12 cause committee, during its review, may contact the licensed
13 interpreter or other person to discuss and resolve the alleged
14 violation. Upon conclusion of the probable cause committee's
15 review, the committee shall prepare findings of fact and a
16 recommendation. If the committee concludes that probable cause
17 exists that the interpreter has violated any provisions of the
18 Oklahoma Licensed Interpreter Act or rules promulgated thereto, an
19 administrative penalty shall be assessed upon the licensed
20 interpreter or other person.

21 C. 1. If a licensed interpreter or other person who has been
22 determined by the Board or agent thereof to have violated any
23 provision of the Oklahoma Licensed Interpreter Act or rules
24 promulgated or issued pursuant thereto desires to contest a field

1 citation or the proposed assessment of an administrative penalty
2 therefore, the licensed interpreter or other person shall, within
3 ten (10) business days after service of the field citation, notify
4 the Director in writing, requesting an informal conference with the
5 probable cause committee.

6 2. The probable cause committee shall hold, within sixty (60)
7 days from the receipt of the written request, an informal
8 conference. After the conclusion of the informal conference, and
9 based on recommendations thereof, the Director may affirm, modify or
10 dismiss the field citation or proposed assessment of an
11 administrative penalty, and the Director shall state with
12 particularity in writing, the reasons for the action and shall
13 immediately transmit a copy thereof to the licensed interpreter or
14 other person and the person who submitted the complaint.

15 D. 1. If the interpreter or person desires to contest
16 administratively a decision made after the informal conference, the
17 licensed interpreter or other person shall inform the Director in
18 writing within thirty (30) calendar days after such person receives
19 the decision resulting from the informal conference.

20 2. If the licensed interpreter or other person fails to request
21 an informal conference within the time specified in this section,
22 the field citation, the proposed assessment of the administrative
23 penalty, or the decision made after an informal conference shall be
24

1 deemed a final order of the Board and shall not be subject to
2 further administrative reviews.

3 E. If a fine is paid to satisfy an assessment based on the
4 findings of a violation, payment of the fine shall be represented as
5 a satisfactory resolution of the matter for the purpose of public
6 disclosure.

7 F. An interpreter or other person, in lieu of contesting a
8 field citation pursuant to this section, may transmit to the Board
9 the amount assessed in the citation as an administrative penalty,
10 within thirty (30) days after service of the field citation. If a
11 hearing is not requested pursuant to this section, payment of any
12 fine shall not constitute an admission of the violation charged.

13 G. 1. If an interpreter or other person has notified the
14 Director within ten (10) business days of the issuance of the
15 assessment or field citation that such interpreter or other person
16 intends to contest the decision made after the informal conference,
17 the Board shall hold a hearing to be held in accordance with the
18 Administrative Procedures Act and adjudicating such matters for
19 judgment only upon clear and convincing evidence as required by the
20 Oklahoma Licensed Interpreter Act with the Board having all of the
21 powers granted therein.

22 2. After the hearing, the Board shall issue a decision based on
23 findings of the fact, affirming, modifying or vacating the citation,
24 or directing other appropriate relief which shall include, but need

1 not be limited to, a notice that the failure of the interpreter or
2 other person to comply with any provision of the Board's decision
3 may subject such interpreter or person to the imposition of the
4 sanctions authorized by the Oklahoma Licensed Interpreter Act.

5 H. After the exhaustion of the review procedures provided for
6 in this section, the Board may bring an action for judicial review
7 and administrative penalty and obtain an order compelling the cited
8 person to comply with any order issued pursuant to this section.

9 I. Failure of a licensee to pay a fine within thirty (30) days
10 of the date of assessment, unless the field citation is being
11 appealed, may result in action being taken by the Board. When a
12 citation is not contested and a fine is not paid, the full amount of
13 the assessed fine shall be added to the fee for the renewal of the
14 license. A license shall not be renewed without payment of the
15 renewal fee and fine.

16 J. The Board shall promulgate rules covering the issuance of
17 field citations, the assessment of administrative penalties and
18 other duties specified by this section pursuant to this section
19 which give due consideration to the appropriateness of the penalty
20 with respect to the following factors:

- 21 1. The gravity of the violation;
- 22 2. The good faith of the person being charged; and
- 23 3. The history of previous violations.

24

1 SECTION 19. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3319 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 There is hereby created in the State Treasury a revolving fund
5 to be designated the "Oklahoma Licensed Interpreters for the Deaf
6 and Hard-of-Hearing Fund" which shall consist of all monies received
7 by the Oklahoma Board of Licensed Interpreters for the Deaf and
8 Hard-of-Hearing as provided by statute. The fund shall be a
9 continuing fund not subject to fiscal year limitations. Monies
10 accruing to the credit of the fund are hereby appropriated and may
11 be expended by the Board for carrying out the provisions of the
12 Oklahoma Licensed Interpreter Act. Expenditures from the fund shall
13 be made upon warrants issued by the State Treasurer against claims
14 submitted by the Board to the Director of the Office of State
15 Finance for audit and payment.

16 SECTION 20. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 3320 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 The Oklahoma Board of Licensed Interpreters for the Deaf and
20 Hard-of-Hearing and its employees, independent contractors,
21 appointed committee members, or other agents shall keep
22 confidential, all information obtained:
23
24

1 1. During an investigation of citizen complaints into
2 allegations of violations of the Oklahoma Licensed Interpreter Act,
3 including:

- 4 a. any review or investigation made to determine whether
5 to allow an applicant to take an examination, or
- 6 b. whether the Board shall grant a license, or
7 provisional license; and

8 2. In the course of conducting an investigation, including:

- 9 a. investigative reports provided to the Board by a
10 registrant, and
- 11 b. examinations and test scores.

12 SECTION 21. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 3321 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 The Oklahoma Board of Licensed Interpreters for the Deaf and
16 Hard-of-Hearing is hereby authorized to promulgate, adopt, amend,
17 and repeal rules consistent with the provisions of the Oklahoma
18 Licensed Interpreter Act for the purpose of governing the
19 establishment and levying of administrative fines and the
20 examination and licensure of interpreters.

21 SECTION 22. This act shall become effective November 1, 2011.

22
23 53-1-6140 LRB 01/11/11
24