

1 STATE OF OKLAHOMA

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

3 SENATE BILL 831

By: Halligan of the Senate

4 and

5 Williams of the House

6
7
8 AS INTRODUCED

9 An Act relating to interpreters for the deaf and
10 hearing impaired; creating the Oklahoma Licensed
Interpreter Act; providing short title; defining
11 terms; creating the Oklahoma Board of Licensed
Interpreters for the Deaf and Hard-of-Hearing;
12 stating purpose and duties; prohibiting conflict of
interest; construing certain privilege and
13 responsibility; limiting liability to Governmental
Tort Claims Act; providing for membership,
14 qualifications, appointment, terms of office, and
election of officers; allowing removal of Board
15 member for certain causes; requiring oath of office;
stating duties of certain officers; allowing
16 employment of personnel; requiring annual report to
Governor; authorizing creating of certain committees;
17 requiring investigators to be CLEET certified;
granting peace officer status to Board investigators;
18 setting minimal meeting schedule; requiring
compliance with the Oklahoma Open Meeting Act;
19 providing for emergency meetings, notice and minutes;
providing for travel reimbursement; funding Board by
20 certain activities, fees, charges and reimbursed
costs; limiting Board expenditures to self-funding;
21 providing certain percentage to be deposited to the
General Revenue Fund; establishing term of fiscal
22 year; providing for budget to be set by Board;
authorizing promulgation of rules; establishing
23 powers and duties of Board; providing for national
fingerprint search of applicants; prohibiting
24 interpreting without a license; setting requirements
for licensure; allowing provisional license;

1 requiring report of practice without license to
2 district attorney; authorizing license reinstatement
3 upon certain approval of Board; providing procedure
4 for license renewal; defining practice of
5 interpreting; limiting use of certain credential
6 abbreviation; construing authorized acts without a
7 license; stating disciplinary sanctions; authorizing
8 costs and administrative fines for certain
9 disciplinary sanctions; establishing procedure for
10 hearing, legal action and enforcement actions;
11 setting maximum administrative fine per violation;
12 defining impairment due to mental illness or drug
13 abuse; establishing procedure for testing and
14 treatment; granting certain immunity from liability;
15 providing for acts of good Samaritan; setting
16 criminal penalties for certain violations; setting
17 minimum and maximum fines; authorizing citation for
18 certain violations; establishing revolving fund;
19 naming certain fund the "Oklahoma Licensed
20 Interpreters for the Deaf and Hard-of-Hearing
21 Revolving Fund"; providing for deposits and
22 expenditures; requiring certain information be kept
23 confidential; providing for codification; providing
24 an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3100.1 of Title 59, unless there
is created a duplication in numbering, reads as follows:

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

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3100.2 of Title 59, unless there
is created a duplication in numbering, reads as follows:

As used in the Oklahoma Licensed Interpreter Act:

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

3 2. "Director" means the Director of the Oklahoma Board of
4 Licensed Interpreters for the Deaf and Hard-of-Hearing or the
5 authorized representative of such official;

6 3. "Person" means any individual, firm, partnership,
7 association, joint venture, cooperative, corporation, or any other
8 group or combination acting in concert, and whether or not acting as
9 a principal, trustee, fiduciary, receiver, or as any other kind of
10 legal or personal representative, or as the successor in interest,
11 assignee, agent, factor, servant, employee, director, officer,
12 fictitious name certificate, or any other representative of such
13 person;

14 4. "Consumer" means an individual who is deaf, hearing, hard-
15 of-hearing, deaf-blind, speech-disabled, or other individuals who
16 use special communication techniques in order to communicate, or any
17 other person or agency that requires the services of an interpreter
18 to effectively communicate and comprehend signed or spoken
19 discourse;

20 5. "Interpreter" means any person or consumer who renders or
21 offers to render the facilitation of communication between consumers
22 who are deaf or hard-of-hearing and those who are hearing.
23 Communication modes include but are not limited to American Sign
24

1 Language, Manually Coded English, cued speech, oral transliteration,
2 tactile sign, and spoken language.

3 6. "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 he or she 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 such activity without restrictions.

9 7. "Interpreter Trainee" means any person meeting the minimum
10 requirements established by the Oklahoma Board of Licensed
11 Interpreters for the Deaf and Hard-of-Hearing who is currently
12 enrolled in an accredited interpreter training program recognized by
13 the Oklahoma Board of Regents for Higher Education.

14 8. "American Sign Language" means the visual/gestural language
15 used by Deaf people in the United States with semantic, syntactic,
16 morphological and phonological rules which are distinct from
17 English;

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

21 10. "Cued Speech" means a phonetically based hand supplement to
22 speech reading that is independent of all sign language modalities.
23 It is a system of hand shapes that represents groups of consonant
24 sounds, combined with hand placements that represent groups of vowel

1 sounds, used with natural speech to represent a visual model of
2 spoken language.

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

6 12. "Oral Transliterating" means the mode of communication
7 having characteristics of speech, speech reading, and residual
8 hearing as a primary means of communication using situational and
9 culturally appropriate gestures, without the use of sign language.

10 13. "Certificates" means certificates awarded to individuals by
11 those organizations recognized by the Board reflecting skill level
12 and/or professional competence.

13 14. "Spoken language" means a language communication by word of
14 mouth.

15 15. "Nationally recognized certification" means certification
16 granted by a national organization recognized by the Board that is
17 based on a skills assessment of the applicant. These organizations
18 include but are not limited to the Registry of Interpreters for the
19 Deaf, the National Association of the Deaf, and the National
20 Training, Evaluation, and Certification Unit.

21 16. "State certification" means certification granted by the
22 State-recognized Board that is based on a skills assessment of the
23 applicant, including but not limited to the Quality Assurance Screen
24 Test (QAST).

1 17. "License" means authorization to practice
2 interpreting/transliterating granted by the Board to an individual
3 found by the Board to meet certain requirements pursuant to the
4 Oklahoma Licensed Interpreter Act or any other applicable statutes;

5 18. "Provisional License" means a restricted license authorized
6 and issued by the Board.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3100.3 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 A. The Oklahoma Board of Licensed Interpreters for the Deaf and
11 Hard-of-Hearing is hereby created to continue until July 1, 2014, in
12 accordance with the provisions of the Oklahoma Sunset Law to
13 regulate and enforce the practice of interpreting in this state in
14 accordance with the Oklahoma Licensed Interpreter Act.

15 B. 1. The duty of determining a person's initial and
16 continuing qualification and fitness for the practice of
17 interpreting, of proceeding against the unlawful and unlicensed
18 practice of interpreting and of enforcing the Oklahoma Licensed
19 Interpreter Act is hereby delegated to the Board. That duty shall
20 be discharged in accordance with the Oklahoma Licensed Interpreter
21 Act and other applicable statutes.

22 2. It is necessary that the powers conferred on the Board by
23 the Oklahoma Licensed Interpreter Act be construed to protect the
24 health, safety and welfare of the people of this state.

1 3. No member of the Board, acting in that capacity or as a
2 member of any Board committee, shall participate in the making of
3 any decision or the taking of any action affecting such member's own
4 personal, professional or pecuniary interest, or that of a person
5 related to the member within the third degree by consanguinity,
6 marriage or adoption or of a business or professional associate.

7 4. With advice of legal counsel, the Board shall adopt and
8 annually review a conflict of interest policy to enforce the
9 provisions of the Oklahoma Licensed Interpreter Act.

10 C. The practice of interpreting is a privilege granted by the
11 people of this state acting through their elected representatives.
12 It is not a natural right of individuals. In the interest of the
13 public, and to protect the public, it is necessary to provide laws
14 and rules to govern the granting and subsequent use of the privilege
15 to practice interpreting. The primary responsibility and obligation
16 of the Board is to protect the public from the unprofessional,
17 improper, incompetent and unlawful practice of interpreting.

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

21 SECTION 4. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3100.4 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

1 A. 1. The Oklahoma Board of Licensed Interpreters for the Deaf
2 and Hard of Hearing shall consist of seven (7) members, appointed by
3 the Governor with the advice and consent of the Senate. The Board
4 shall consist of two (2) members who are deaf or hard-of-hearing who
5 are knowledgeable in the field of professional interpreting, two (2)
6 members who are nationally certified interpreters and who are also
7 interpreter trainers in an accredited interpreter training program
8 recognized by the Oklahoma Board of Regents for Higher Education,
9 two (2) members who are professional interpreters, and one (1) lay
10 member representing the general public and who is knowledgeable in
11 the field of professional interpreting.

12 2. Each Board member who is an interpreter trainer or
13 interpreter shall be licensed to practice in the State of Oklahoma.
14 The interpreter trainers to be appointed by the Governor shall be
15 persons who are employed as such in State-approved or State-
16 accredited institutions of higher education. One member shall be
17 appointed from each congressional district and any remaining members
18 shall be appointed from the state at large. However, when
19 congressional districts are redrawn each member appointed prior to
20 July 1 of the year in which such modification becomes effective
21 shall complete their current term of office, and any appointments
22 made after July 1 of the year in which such modification becomes
23 effective shall be based on the redrawn districts. Appointments
24 made after July 1 of the year in which such modification becomes

1 effective shall be from any redrawn districts which are not
2 represented by a board member until such time as each of the
3 modified congressional districts are represented by a board member.
4 No appointments may be made after July 1 of the year in which such
5 modification becomes effective if such appointment would result in
6 more than two members serving from the same modified district.

7 3. The lay member shall have no financial interest in the
8 profession other than as a consumer or potential consumer of its
9 services.

10 4. Members must be residents of the State of Oklahoma. No
11 member shall be a registered lobbyist. No member shall be an
12 officer, board member or employee of a statewide or national
13 organization established for the purpose of advocating the interests
14 of or conducting peer review of interpreters licensed pursuant to
15 the Oklahoma Licensed Interpreter Act.

16 B. Each member of the Board shall be appointed for a term of
17 five (5) years. No member shall serve consecutively for more than
18 two (2) terms. Not more than two (2) terms shall expire in each
19 year, and vacancies for the remainder of an unexpired term shall be
20 filled by appointment by the Governor. Members shall serve beyond
21 the expiration of their term until a successor is appointed by the
22 Governor. The initial appointed members for the Board shall be
23 appointed for less than five (5) years to abide by staggered terms
24 of membership. The Governor shall appoint a member to fill a

1 vacancy within ninety (90) days of the beginning of the vacancy.
2 Nominees considered by the Governor for appointment to the Board
3 must be free of pending disciplinary action or active investigation
4 by the Board.

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

7 1. Ceases to be qualified;

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

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

12 4. Is found mentally incompetent by a court of competent
13 jurisdiction;

14 5. Is found in violation of the Oklahoma Licensed Interpreter
15 Act; or

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

18 SECTION 5. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 3100.5 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 A. 1. Each member of the Oklahoma Board of Licensed
22 Interpreters for the Deaf and Hard of Hearing shall take the
23 constitutional oath of office.

24

1 2. The Board shall organize annually, at the last meeting of
2 the Board before the beginning of the next fiscal year, by electing
3 from the Board membership a president, vice president and secretary-
4 treasurer. Officers of the Board shall serve for terms of one (1)
5 year or until their successors are elected. Officers shall not
6 succeed themselves for more than one term. Each member shall have
7 one (1) vote.

- 8 B. 1. The president shall:
- 9 a. preside at Board meetings,
 - 10 b. arrange the Board agenda,
 - 11 c. sign Board orders and other required documents,
 - 12 d. appoint Board committees and their chairpersons,
 - 13 e. coordinate Board activities,
 - 14 f. represent the Board before legislative committees, and
 - 15 g. perform those other duties assigned by the Board and
 - 16 this section.

17 2. The vice-president shall perform the duties of president
18 during the president's absence or disability and shall assist the
19 president in duties as requested.

20 3. The secretary-treasurer shall be responsible for the
21 administrative functions of the Board.

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

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

4 C. To facilitate its work effectively, fulfill its duties and
5 exercise its powers, the Board may establish standing or ad hoc
6 committees. The president shall appoint members and chairpersons of
7 the committees and determine the length of terms of service. The
8 president may appoint individuals to serve on a standing or ad hoc
9 committee for a term not to exceed one (1) year.

10 SECTION 6. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 3100.6 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

13 A. Investigators for the Oklahoma Board of Licensed
14 Interpreters for the Deaf and Hard of Hearing shall perform such
15 services as are necessary in the investigation of criminal activity
16 or preparation of administrative actions.

17 B. Any investigator hired by the Board, whether part time or
18 full time, shall hold a certification as a peace officer by the
19 Council on Law Enforcement Education and Training, and shall have
20 statewide jurisdiction to perform the duties authorized by this
21 section. In addition, any full time investigator shall be
22 considered a peace officer and shall have the powers now or
23 hereafter vested by law in peace officers.

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1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3100.7 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Oklahoma Board of Licensed Interpreters for the Deaf and
5 Hard of Hearing shall meet at least once each year in the first half
6 of the calendar year and once each year in the second half of the
7 calendar year. In addition, the Board may meet at other times of
8 the year as is deemed necessary to conduct the business of the
9 Board. The Board shall meet at the time and place fixed by order of
10 the Board president or by order of three members of the Board acting
11 jointly upon refusal of the president to call for or fix a time and
12 place for the meeting.

13 B. 1. Notice of meetings shall be filed in conformance with
14 the Oklahoma Open Meeting Act. Members shall be notified of each
15 meeting at least twenty (20) days before the meeting, except in the
16 case of a meeting called for emergency purposes.

17 2. Emergency meetings may be called at any time by the
18 president or at the request of three Board members as required to
19 enforce the Oklahoma Licensed Interpreter Act. The Board may
20 establish procedures by which the Board may call an emergency
21 meeting in accordance with the Oklahoma Open Meeting Act.

22 3. The Board shall establish a system for giving all Board and
23 committee members and the public reasonable notice of scheduled
24 meetings. Minutes of all Board and committee meetings shall be kept

1 in accordance with promulgated rules of the Board and other
2 applicable statutes.

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

6 D. Each Board member shall receive reimbursement for expenses
7 in accordance with the Oklahoma Travel Reimbursement Act and rules
8 promulgated by the Board.

9 E. 1. The Board shall be fully supported by the revenues
10 generated from its activities, including fees, charges and
11 reimbursed costs.

12 2. All such revenues, with the exception of the ten percent
13 (10%) of its revenue required to be deposited in the General Revenue
14 Fund, shall be deposited to the Oklahoma Board of Licensed
15 Interpreters for the Deaf and Hard-of-Hearing Fund created in
16 Section 20 of this act and shall be credited to the account of the
17 Board. Any revenue remaining in the revolving fund at the end of
18 any fiscal year shall be carried over to the next fiscal year in the
19 account of the Board.

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

22 4. The Board shall develop and adopt its own budget reflecting
23 revenues, including reimbursed costs associated with the
24 administrative, investigative, and legal expenditures for taking

1 disciplinary action, and the establishment and maintenance of a
2 reasonable reserve fund.

3 F. All fees, charges, reimbursement minimums and other revenue-
4 generating amounts shall be promulgated by the Board by rule and
5 shall reflect normal increases due to inflation or cost of doing
6 business.

7 SECTION 8. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3100.8 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 The Oklahoma Board of Licensed Interpreters for the Deaf and
11 Hard of Hearing shall have the power and duty to regulate the
12 practice of interpreting. In addition to any other power delegated
13 to the Board by the Oklahoma Licensed Interpreter Act or as
14 otherwise provided by law, the Board shall have the power and duty
15 to:

16 A. Set fees;

17 B. Develop and use applications and other necessary forms and
18 related procedures for purposes of the Oklahoma Licensed Interpreter
19 Act;

20 C. Issue or deny licenses and renewals thereof, including, but
21 not limited to:

22 1. Acquire information about and evaluate the professional
23 education and training of applicants for licensure; accept or deny
24 applications for licensure, or renewal of licensure based on the

1 evaluation of information relating to applicant fitness, performance
2 or competency to practice,

3 2. Determine which professional schools, colleges,
4 universities, training institutions, certifying bodies and
5 educational programs are acceptable in connection with licensure
6 pursuant to the Oklahoma Licensed Interpreter Act, and accept the
7 approval of such facilities and programs by accredited institutions
8 in the United States and Canada,

9 3. Require supporting documentation or other acceptable
10 verifying evidence for any information provided the Board by an
11 applicant for licensure, and

12 4. Require information on an applicant's fitness, qualification
13 and previous professional record and performance from recognized
14 data sources including, but not limited to, other licensing and
15 disciplinary authorities of other jurisdictions, professional
16 educational and training institutions, liability insurers, and law
17 enforcement agencies;

18 D. 1. Review and investigate complaints and adverse
19 information about licensees;

20 2. Conduct hearings in accordance with the Oklahoma Licensed
21 Interpreter Act and the Administrative Procedures Act;

22 3. Adjudicate matters that come before the Board for judgment
23 pursuant to the Oklahoma Licensed Interpreter Act upon clear and
24

1 convincing evidence and issue final decisions on such matters to
2 discipline licensees;

3 4. Impose sanctions, deny licenses and renewals thereof, levy
4 reimbursement costs, seek appropriate administrative civil or
5 criminal penalties or any combination of these against those who
6 attempt to or who do obtain licensure by fraud, who knowingly assist
7 in illegal activities, or who aid and abet the illegal practice of
8 interpreting; and

9 5. Institute proceedings in courts of competent jurisdiction to
10 enforce Board orders and provisions of the Oklahoma Licensed
11 Interpreter Act:

12 a. establish mechanisms for dealing with licensees who
13 abuse or are dependent on or addicted to alcohol or
14 other chemical substances, and enter into agreements,
15 at its discretion, with professional organizations
16 whose relevant procedures and techniques it has
17 evaluated and approved for their cooperation or
18 participation in the rehabilitation of the licensee,

19 b. establish by rules cooperation with other professional
20 organizations for the identification and monitoring of
21 licensees in treatment who are chemically dependent or
22 addicted, and

23 c. issue conditional, restricted or otherwise
24 circumscribed modifications to licensure as determined

1 to be appropriate by due process procedures and
2 summarily suspend a license if the Board has cause to
3 believe by clear and convincing evidence such action
4 is required to protect public health and safety or to
5 prevent continuation of incompetent practices;

6 E. Promulgate rules of professional conduct and require all
7 licensees to practice in accordance therewith;

8 F. Act to halt the unlicensed or illegal practice of unlicensed
9 interpreting and seek administrative, criminal and civil penalties
10 against those engaged in such practice;

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

13 H. Establish policies for Board operations;

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

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

1 K. Use clear and convincing evidence as the standard of proof
2 and issue final decisions when acting as trier of fact in the
3 performance of its adjudicatory duties;

4 L. Determine and direct Board operating, administrative,
5 personnel and budget policies and procedures in accordance with
6 applicable statutes;

7 M. Promulgate uniform rules such as may be necessary for
8 carrying out and enforcing the provisions of the Oklahoma Licensed
9 Interpreter Act and such as in its discretion may be necessary to
10 protect the health, safety and welfare of the public;

11 N. Determine continuing education requirements;

12 O. Conduct a national criminal history records search for
13 applicants:

14 1. The applicant shall furnish the Board two complete
15 fingerprint cards and a money order or cashier's check made payable
16 to the Oklahoma State Bureau of Investigation;

17 2. The Board shall forward the fingerprint cards, along with
18 the applicable fee for a national fingerprint criminal history
19 records search, to the Bureau; and

20 3. The Bureau shall retain one set of fingerprints in the
21 Automated Fingerprint Identification System (AFIS) and submit the
22 other set to the Federal Bureau of Investigation (FBI) for a
23 national criminal history records search;

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1 P. Perform such other duties and exercise such other powers as
2 the provisions and enforcement of the Oklahoma Licensed Interpreter
3 Act may require.

4 SECTION 9. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3100.9 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

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

10 B. Requirements for licensure shall be set by the Board. Prior
11 to issuance of a license to practice interpreting in this state, the
12 Board shall require, but shall not be limited to, the following
13 evidence of suitability to practice:

14 1. National certification granted by a national certifying body
15 of interpreters as recognized by the Board;

16 2. State certification granted by a state certifying body of
17 interpreters as recognized by the Board;

18 3. Evidence that the applicant has demonstrated familiarity
19 with the statutes and rules set by the Board by reading,
20 initializing and signing the statement summary in the application;

21 4. Evidence that the applicant has not been found guilty by a
22 court of law of any conduct that would constitute grounds for
23 disciplinary action under the Oklahoma Licensed Interpreter Act or
24 rules of the Board, and there has been no disciplinary action taken

1 against the applicant by any public agency concerned with the
2 practice of interpreting; and

3 5. Evidence that all required fees have been paid.

4 C. Requirements for provisional licensure shall be set by the
5 Board. Provisional licenses may be issued to any interpreter who
6 has failed to obtain or failed to maintain a regular license to
7 practice interpreting. Such provisional licenses may be issued by
8 the Board at such times as the Board determines that all
9 requirements for possession of such licenses have been met as set by
10 rules and policies of the Board. Provisional licenses may be issued
11 for, but not limited to, the practice of interpreting while the
12 application for full licensure is pending. Prior to issuance of a
13 provisional license to practice interpreting in this state, the
14 Board shall consider, but not be limited to, the following evidence
15 of suitability to practice:

16 1. a. Graduation from an approved school of interpreter
17 training whose requirements at the time of graduation
18 are acceptable to the Board.

19 b. Graduates of schools of interpreting located outside
20 the United States and Canada shall be held to the same
21 standards for evidence of suitability to practice as
22 are graduates of schools of interpreting located
23 within the United States in that applicants shall
24 conform in all respects to the requirements set forth

1 in this section. Where necessary, further examination
2 shall be administered by the Board or its designee to
3 determine competency to practice. In addition,
4 applicants shall demonstrate a command of the English
5 language satisfactory to the Board. Documents and
6 material submitted in support of application for
7 provisional licensure, if in a foreign language, shall
8 be translated and verified as accurate by an
9 organization acceptable to the Board;

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

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

20 4. Evidence that the applicant has demonstrated familiarity
21 with the statutes and rules set by the Board by reading,
22 initializing and signing the statement summary in the application;

23 5. Evidence that the applicant is mentally and professionally
24 capable of interpreting in a competent manner as determined by the

1 Board and is willing to submit, if deemed appropriate by the Board,
2 to an evaluation of skills and abilities;

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

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

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

17 D. Practice without the legal possession of an active license
18 shall be prohibited and unlawful, and evidence of the practice shall
19 be investigated by the Board and, if found to be accurate,
20 subsequently reported by the Board to the District Attorney of the
21 county in which the practice is found to occur.

22 SECTION 10. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 3100.10 of Title 59, unless
24 there is created a duplication in numbering, reads as follows:

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

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

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

12 1. All requirements for full licensure have been met; and

13 2. The applicant has not been convicted or the applicant's
14 license suspended, revoked or not renewed or placed on probation in
15 another state for violations of an act that would constitute the
16 same or similar penalty in this state.

17 SECTION 11. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3100.11 of Title 59, unless
19 there is created a duplication in numbering, reads as follows:

20 A. Every licensed interpreter who is the holder of a license
21 authorizing the practice of interpreting in any manner whatsoever
22 shall on or before the first day of July of each and every year
23 apply to the Oklahoma Board of Licensed Interpreters for the Deaf
24 and Hard of Hearing on forms furnished by the Board, for a renewal

1 entitling such interpreter to practice interpreting in this state
2 during the next fiscal year. Each application shall be accompanied
3 by a renewal fee in an amount fixed by the Board.

4 B. The Board may modify the terms and dates of renewal
5 requirements in order to expedite the efficiency of the procedure
6 and to prevent inequitable financial burden on its applicants and
7 licensees.

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

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

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

17 2. If sixty (60) calendar days elapses and the license is not
18 reactivated, the license shall be automatically suspended for
19 failure to renew.

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

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

24

1 SECTION 12. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3100.12 of Title 59, unless
3 there is created a duplication in numbering, reads as follows:

4 A. The practice of interpreting shall include, but not be
5 limited to:

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

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

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

21 B. Only persons licensed to practice interpreting pursuant to
22 the Oklahoma Licensed Interpreter Act, may use the words "Licensed
23 Interpreter", or an abbreviation thereof, and shall be required to
24 use the level of QAST, RID, NAD, or EIPA certification attained,

1 whether or not in conjunction with the words "Licensed Interpreter"
2 or any abbreviation thereof.

3 SECTION 13. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3100.13 of Title 59, unless
5 there is created a duplication in numbering, reads as follows:

6 The Oklahoma Licensed Interpreter Act shall not be construed to
7 prohibit:

8 A. Acts of a person who is a student in good standing in a
9 school of higher education and enrolled in an approved interpreter
10 training program as recognized by the Oklahoma Board of Regents for
11 Higher Education, in performing duties or functions assigned by the
12 student's instructors performed as a part of the educational and
13 training curriculum of the school under the supervision of faculty.

14 B. An interpreter currently licensed in another state from
15 consulting with a licensed interpreter of this state.

16 C. Those interpreting religious services.

17 SECTION 14. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3100.14 of Title 59, unless
19 there is created a duplication in numbering, reads as follows:

20 A. A range of sanctions is hereby made available to the
21 Oklahoma Board of Licensed Interpreters for the Deaf and Hard of
22 Hearing which includes, but is not limited to:

- 23 1. Revocation of licensure;
- 24 2. Suspension of licensure;

1 3. Probation of licensure;

2 4. Refusal to renew a license;

3 5. Injunctions and other civil court actions;

4 6. Reprimand, censure, agreement to voluntary stipulation of
5 facts and imposition of terms of disciplinary action;

6 7. Administrative citation and administrative penalties; and

7 8. Prosecution through the office of the district attorney.

8 B. 1. Upon a determination that a violation has been
9 committed, the Board shall have the authority to impose upon the
10 alleged violator, the payment of costs expended by the Board in
11 investigating and prosecuting the cause, to include but not be
12 limited to, staff time, salary and travel expenses, witness fees and
13 attorney fees and the same shall be considered part of the order of
14 the Board.

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

20 C. The Board may require an applicant for licensure or a
21 licensee to be examined on the applicant's or holder's knowledge and
22 skills should the Board find, after due process, that there is
23 probable cause to believe the licensee or provisional licensee or
24 applicant may be deficient in such knowledge and skills.

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

4 1. Fraud or misrepresentation in applying for or procuring a
5 license or provisional license to practice interpreting in any
6 federal, state or local jurisdiction;

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

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

11 4. The making of a false or misleading statement regarding
12 one's skill;

13 5. Negligence in the practice of interpreting;

14 6. Practice or other behavior that demonstrates a manifest
15 incapacity or incompetency to practice interpreting;

16 7. The use of any false, fraudulent or deceptive statement in
17 any document connected with the practice of interpreting;

18 8. Failure to notify the Board of current address of practice;

19 9. Aiding or abetting the practice of interpreting by an
20 unlicensed or impaired person;

21 10. Habitual use or abuse of alcohol or of a habit-forming drug
22 or chemical which impairs the ability of the licensee to practice
23 interpreting;

24 11. Obtaining a fee by fraud or misrepresentation;

1 12. Directly or indirectly giving or receiving any fee,
2 commission, rebate or other compensation for professional services
3 not actually and personally rendered, not to preclude the legal
4 function of a lawful professional partnership, corporation or
5 association;

6 13. Failure to report to the Board any adverse action taken by
7 another jurisdictional body, by any peer review body, licensing or
8 disciplinary jurisdiction, law enforcement agency or court for acts
9 or conduct whether or not related to the practice of interpreting;

10 14. Failure to report to the Board surrender of a license or
11 other certificate of authorization to perform functions based on the
12 holding of a license to practice interpreting or surrender of
13 membership in any organization or association related to
14 interpreting while under investigation by that association or
15 organization for conduct similar to or the same as acts which would
16 constitute grounds for action as defined in the Oklahoma Licensed
17 Interpreter Act;

18 15. Failure to furnish the Board, its staff or agents
19 information legally requested or failure to cooperate with a lawful
20 investigation conducted by or on behalf of the Board;

21 16. Failure to pay appropriately assessed fees or failure to
22 make any personal appearance required by the Board or any of its
23 officers;

24

1 17. Violation of any provisions of the Oklahoma Licensed
2 Interpreter Act or the rules and policies of the Board or of an
3 action, stipulation or agreement of the Board.

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

12 2. The Board or its designee may hold informal conferences to
13 negotiate a settlement of a dispute, provided that the conference is
14 agreed to in writing by all parties and the conference does not
15 preclude a hearing on the same matters. The Board shall not
16 consider the agreement binding should a hearing be held subsequent
17 to the agreement.

18 F. The Board may summarily suspend a license prior to a formal
19 hearing when it has found upon clear and convincing evidence that
20 such action is required to protect the public health or welfare or
21 when a person under the jurisdiction of the Board is convicted of a
22 felony, whether or not related to the practice of interpreting;
23 provided such action is taken simultaneously with proceedings for
24

1 setting a formal hearing to be held within thirty (30) days after
2 the summary suspension.

3 G. 1. The Board may issue an order to any licensee, obtain an
4 injunction or take other administrative, civil or criminal court
5 action against any person or any corporation or association, its
6 officers, or directors, to restrain the person from violating the
7 provisions of the Oklahoma Licensed Interpreter Act.

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

13 H. 1. The Board may suspend, revoke or refuse to renew the
14 license of any person holding a license to practice interpreting in
15 this state or place such person on probation for unprofessional
16 conduct, but no such suspension or revocation or refusal to renew,
17 or probation shall be made, unless otherwise provided for herein,
18 until such be cited to appear for hearing. No such citation shall
19 be issued except upon a sworn complaint filed with the president or
20 secretary-treasurer of the Board charging the licensee with having
21 been guilty of unprofessional conduct and setting forth the
22 particular act or acts alleged to constitute such unprofessional
23 conduct.

24

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

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

16 2. The accused shall file a written answer under oath with
17 notice of intent to appear or be represented within twenty (20) days
18 after the service of the citation. Failure to respond to the
19 citation within the prescribed time shall constitute default;

20 3. The license of the accused shall be suspended, revoked or
21 not renewed if the charges are found, by clear and convincing
22 evidence, sufficient by the Board; provided, the president or
23 secretary-treasurer of the Board may extend the time of answer upon
24 satisfactory showing that the defendant is for reasonable cause,

1 unable to answer within the prescribed twenty (20) days, but in no
2 case shall the time be extended beyond the date of the next
3 scheduled meeting for hearing the complaint, unless continuance
4 thereof be granted by the Board; and

5 4. All citations and subpoenas under the contemplation of the
6 Oklahoma Licensed Interpreter Act shall be served in general
7 accordance with the statutes of this state applying to the service
8 of such documents. All provisions of the statutes of this state
9 relating to citations and subpoenas are hereby made applicable to
10 the citations and subpoenas herein provided. All the provisions of
11 the statutes of this state governing the taking of testimony by
12 depositions are made applicable to the taking of depositions
13 pursuant to the Oklahoma Licensed Interpreter Act.

14 J. The Director, secretary-treasurer or prosecuting attorney
15 for the Board, during the course of any lawful investigation, may
16 order or subpoena the attendance of witnesses, the inspection of
17 records, the production of relevant records, books, memoranda,
18 documents, or other papers or things for the investigation of
19 matters that may come before the Board.

20 K. 1. The attendance of witnesses may be compelled in such
21 hearings by subpoenas issued by the president or secretary-treasurer
22 of the Board over the seal thereof, and the president or secretary-
23 treasurer shall in no case refuse to issue subpoenas upon praecipe
24

1 filed therefore accompanied by the fee set by the Board by rule for
2 the issuance of such subpoenas.

3 2. If any person refuses to obey a subpoena properly served
4 upon such person or in the manner, the fact of such refusal shall be
5 certified by the secretary-treasurer of the Board over the seal
6 thereof to the district attorney of the county in which such service
7 was had, and the court shall proceed to hear the matter in
8 accordance with the statutes of this state then in force governing
9 contempt as for disobedience of its own process.

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

16 2. The Board is empowered to enter into agreement with or
17 employ one or more attorneys to conduct the business of the Board in
18 the absence of representation by the Attorney General or designee or
19 in conjunction with representation by the Attorney General or
20 designee.

21 3. The Board shall sit as a trial body and the rulings of the
22 Board shall be by majority vote. Appeal to the rulings thereof
23 shall be by petition to the district court of the district in which
24 the hearing was held. The secretary-treasurer of the Board shall

1 cause a record of all proceedings to be made and a transcript of the
2 proceedings or any part thereof may be obtained by payment of actual
3 cost of taking and preparation of transcript of such proceedings or
4 part thereof.

5 M. All final disciplinary actions, license denials, related
6 findings of fact and conclusions of law are matters of public
7 record. Voluntary surrender of and voluntary limitations on the
8 interpreter's practice or license shall be public record.

9 N. License holders or faculty of schools with interpreter
10 training programs shall report to the Board in writing any
11 information that gives reason to believe an interpreter is
12 incompetent, guilty of unprofessional conduct or is unable to engage
13 safely in the practice of interpreting. Cause for reporting shall
14 be for, but not limited to, the following instances:

- 15 1. Voluntary resignation from a professional partnership,
16 corporation or practice for reason of inability to practice;
- 17 2. Judgments, settlements or awards;
- 18 3. Civil or criminal convictions; or
- 19 4. Other actions that indicate inability to practice with
20 reasonable skill and safety.

21 O. The Board shall consider violation of any of the Rules of
22 Professional Conduct a violation of the Oklahoma Licensed
23 Interpreter Act or unprofessional conduct and shall proceed with
24

1 disciplinary action as set out in the Oklahoma Licensed Interpreter
2 Act.

3 P. 1. In addition to other penalties prescribed by the
4 Oklahoma Licensed Interpreter Act, any person that the Board has
5 determined by clear and convincing evidence to have violated any
6 provisions of the Oklahoma Licensed Interpreter Act, or any rule, or
7 order issued pursuant thereto shall be liable for an administrative
8 penalty of not more than Five Thousand Dollars (\$5,000.00) for each
9 day that the violation continues.

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

20 3. All penalties collected pursuant to the provisions of this
21 subsection shall be deposited in the Oklahoma Board of Licensed
22 Interpreters for the Deaf and Hard-of-Hearing Fund.

23

24

1 SECTION 15. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3100.15 of Title 59, unless
3 there is created a duplication in numbering, reads as follows:

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

6 1. Mental illness as diagnosed by a qualified mental health
7 professional and a licensed physician specializing in the area of
8 mental health; or

9 2. Habitual use or excessive use or abuse of drugs or chemicals
10 defined in law as controlled substances or habit forming substances,
11 to include, but not be limited to, alcohol or other substances that
12 impair the ability of the licensee to practice interpreting.

13 B. Upon probable cause, the Oklahoma Board of Licensed
14 Interpreters for the Deaf and Hard of Hearing may require a licensee
15 or provisional license holder or applicant for license to submit to
16 any test to determine the use of alcohol or drugs which affects the
17 ability of the licensee or provisional license holder to practice
18 interpreting. The Board, by rule, shall establish the nature and
19 criteria for any such test. The results of the test shall be
20 admissible in any hearing before the Board. Failure to submit to
21 the required test by any licensee, provisional license holder or
22 applicant when properly directed to do so by the Board shall be
23 grounds for disciplinary action against a licensee or provisional
24

1 license holder and, for any applicant, shall be grounds for denial
2 of license.

3 C. Upon findings by the Board, after evaluation and hearing,
4 that the licensee, provisional license holder or applicant is
5 impaired, the Board may take one of the following actions or any
6 other action deemed appropriate to the circumstances by the Board;

7 1. Direct the person to submit to care, counseling or treatment
8 acceptable to the Board;

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

11 3. Revoke or refuse to renew the license or deny the
12 application.

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

21 E. 1. All licensees or provisional license holders shall
22 report to the Board information about any and all colleagues that
23 indicates the colleagues are impaired.

24

1 2. The Board may establish rules for the approval of medically
2 directed, nonprofit, voluntary treatment programs for impaired
3 licensees and to set standards for the treatment of licensees.

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

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

13 SECTION 16. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3100.16 of Title 59, unless
15 there is created a duplication in numbering, reads as follows:

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

1 report, providing the information or conducting the investigation at
2 the time thereof.

3 SECTION 17. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3100.17 of Title 59, unless
5 there is created a duplication in numbering, reads as follows:

6 Any interpreter who is licensed in this state or a licensed
7 interpreter who is a resident of another state or the District of
8 Columbia, and who in good faith renders or attempts to render
9 interpreting services for a consumer or consumers at the scene of an
10 accident, disaster or emergency, without remuneration or expectation
11 of remuneration, shall not be liable for any civil damages as a
12 result of any acts or omissions by such person rendering or
13 attempting to render emergency interpreting services except for
14 gross negligence or wanton acts or omissions.

15 SECTION 18. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3100.18 of Title 59, unless
17 there is created a duplication in numbering, reads as follows:

18 A. It shall be unlawful for any person to knowingly aid or abet
19 in the unlicensed practice of interpreting in this state.

20 B. Any person who violates, aids, or abets in violating any of
21 the provisions of the Oklahoma Licensed Interpreter Act shall be
22 deemed guilty of a misdemeanor, upon conviction, and shall be
23 punishable by a fine in an amount not less than Five Hundred Dollars
24 (\$500.00) nor more than Two Thousand Five Hundred Dollars

1 (\$2,500.00), by imprisonment in the county jail for a term not less
2 than thirty (30) days, nor more than six (6) months, or by both such
3 fine and imprisonment.

4 SECTION 19. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3100.19 of Title 59, unless
6 there is created a duplication in numbering, reads as follows:

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

17 2. In addition, each field citation may contain an order of
18 abatement fixing a reasonable time for abatement of the violation,
19 and may contain an assessment of an administrative penalty not to
20 exceed Five Hundred Dollars (\$500.00) for a first offense and not to
21 exceed Five Thousand Dollars (\$5,000.00) for a second or subsequent
22 offense. Each day a violation continues shall constitute a separate
23 offense.

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

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

17 C. 1. If a licensed interpreter or other person who has been
18 determined by the Board or agent thereof to have violated any
19 provision of the Oklahoma Licensed Interpreter Act or rules
20 promulgated or issued pursuant thereto desires to contest a field
21 citation or the proposed assessment of an administrative penalty
22 therefore, the licensed interpreter or other person shall, within
23 ten (10) business days after service of the field citation, notify
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1 the Director in writing, requesting an informal conference with the
2 probable cause committee.

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

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

17 2. If the licensed interpreter or other person fails to request
18 an informal conference within the time specified in this section,
19 the field citation, the proposed assessment of the administrative
20 penalty or the decision made after an informal conference shall be
21 deemed a final order of the Board and shall not be subject to
22 further administrative reviews.

23 E. If a fine is paid to satisfy an assessment based on the
24 findings of a violation, payment of the fine shall be represented as

1 satisfactory resolution of the matter for the purpose of public
2 disclosure.

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

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

18 2. After the hearing, the Board shall issue a decision based on
19 findings of the fact, affirming, modifying or vacating the citation,
20 or directing other appropriate relief which shall include, but need
21 not be limited to, a notice that the failure of the interpreter or
22 other person to comply with any provision of the Board's decision
23 may subject such interpreter or person to the imposition of the
24 sanctions authorized by the Oklahoma Licensed Interpreter Act.

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

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

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

- 17 1. The gravity of the violation,
- 18 2. The good faith of the person being charged, and
- 19 3. The history of previous violations.

20 SECTION 20. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3100.20 of Title 59, unless
22 there is created a duplication in numbering, reads as follows:

23 There is hereby created in the State Treasury a revolving fund
24 to be designated the "Oklahoma Licensed Interpreters for the Deaf

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

11 SECTION 21. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 3100.21 of Title 59, unless
13 there is created a duplication in numbering, reads as follows:

14 The Oklahoma Board of Licensed Interpreters for the Deaf and
15 Hard of Hearing and its employees, independent contractors,
16 appointed committee members, or other agents shall keep
17 confidential, all information obtained:

18 1. During an investigation of citizen complaints into
19 allegations of violations of the Oklahoma Licensed Interpreter Act,
20 including whether the Board shall grant a license, or provisional
21 license; and

22 2. In the course of conducting an investigation, including
23 investigative reports provided to the Board by a registrant.

24 SECTION 22. This act shall become effective July 1, 2011.

1 SECTION 23. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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