

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Interpreter & Transliterator Licensing Board

RULE CITATION: 21 NCAC 25 .0205

**DEADLINE FOR RECEIPT: Friday, January 13, 2023.**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Generally speaking, for all rules, stating a rule is proposed “with changes” means there exists language in the rule which was not published in the Register but was added later. Only this added language should be highlighted. After reviewing the Register, it appears all the highlighted language was published. Have there been any post publication changes, or were all the changes made published in the Register?*

*In (b), line 11, I'd suggest adding a cross reference to the rule on the initial full license at the end of the sentence.*

*Paragraph (c), line 13, and (e), line 19, how does the applicant demonstrate that he or she continues to qualify for a provisional license? Is it just that they must meet the criteria in G.S. 90D-8? Please clarify.*

*In (d), line 16, is “the license being renewed” only applicable to “provisional licenses” or does this apply to all licenses?*

*Also, in (d), what is a “renewal license”? Perhaps you meant “renewed license”?*

*In (e), line 21, delete the comma following “applicant”.*

*In (e)(4), because you changed the punctuation following “extension” you need to reflect that change like this: “~~extension~~ extension.”*

*In (g), what is an “initial provisional license”?*

*How does (f) affect the Board’s ability to extend a deadline for filing a license renewal under (h)? If (h) is indeed is intended as an exception, you may want to add to (f) language like “With the exception of servicemembers who qualify for an extension under Paragraph (h) of this Rule...” or something similar.*

*In (h), page 2, line 2, remove the comma after “Board”.*

Brian Liebman  
Commission Counsel  
Submitted to agency 1/5/23

*In your History Note, is G.S. 90D-12 necessary as authority for this Rule? What disciplinary action is being taken here?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman  
Commission Counsel  
Submitted to agency 1/5/23

1 21 NCAC 25 .0205 is amended with changes as published in 36:17 NCR 1437 as follows:

2  
3 **21 NCAC 25 .0205 RENEWAL OF A PROVISIONAL LICENSE**

4 (a) An application for the renewal of a provisional license is not timely filed unless it is received by the Board on or  
5 before the expiration date of the license being renewed.

6 (b) If a licensee does not timely file an application for the renewal of a provisional license, the licensee shall not  
7 practice or offer to practice as an interpreter or transliterator for a fee or other consideration, represent himself or  
8 herself as a licensed interpreter or transliterator, ~~or~~ use the title "Licensed Interpreter for the Deaf," "Licensed  
9 Transliterator for the Deaf," or use any other title or abbreviation to indicate that the person is a licensed interpreter  
10 or transliterator until he or she receives either a renewed provisional license, as described in Paragraph (c) of this  
11 Rule, or an initial full license.

12 (c) An application to renew an expired provisional license shall be approved by the Board if it is received by the  
13 Board within one year after the provisional license expired and if the application demonstrates that the applicant  
14 continues to qualify for a provisional license. A provisional license shall not be renewed after it has expired a second  
15 time.

16 (d) If the license being renewed has been suspended by the Board, any renewal license issued to the applicant shall  
17 also be suspended until the term of the suspension has expired.

18 (e) The Board shall renew a provisional license no more than three times upon receipt of timely applications that  
19 demonstrate that the applicant continues to qualify for a provisional license. The Board may extend a provisional  
20 license on an annual basis after the third renewal if the applicant timely files an application prior to the expiration of  
21 the third renewal, and on an annual basis thereafter if further extension is sought by the applicant, that demonstrates  
22 that the applicant's progress toward full licensure was delayed by:

23 (1) a life-altering event, such as the birth or adoption of a child to the applicant or the applicant's spouse or  
24 an acute or chronic illness suffered by either the applicant or a member of the applicant's immediate family;

25 (2) active military service;

26 (3) a catastrophic natural event, such as a pandemic, flood, hurricane, or tornado; or

27 (4) the certifying organizations identified in G.S. 90D-7 having imposed a moratorium on testing or  
28 certification that has prevented the applicant from sitting for the qualifying examination and  
29 obtaining the results thereof prior to the expiration of the provisional license or any annual  
30 extension. thereof; provided, however, that a provisional license that has been extended because of  
31 a moratorium may be extended one additional time following the end of the moratorium to allow  
32 sufficient time for the applicant to take the qualifying examination and to receive the results  
33 thereof, but it shall not be extended thereafter on the basis of the moratorium.

34 (f) The Board shall not for any reason renew or extend a provisional license for a fifth time.

35 ~~(g)~~ (g) The Board shall not issue an initial provisional license to anyone who has previously held a provisional  
36 license.

1 ~~(e)~~ (h) The Board shall extend the deadline for filing a license renewal application for any individual who currently holds  
2 a provisional license and is in good standing with the Board, if the individual is serving in the armed forces of the United  
3 States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The extension shall be in effect  
4 for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability  
5 for a federal tax.

6

7 *Authority G.S. 90D-6; 90D-8; 90D-11; 90D-12; 93B-15;*

8 *Eff. March 21, 2005;*

9 *Amended Eff. February 1, 2023; July 1, 2016; May 1, 2011; August 1, 2007.*