

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

AGENCY: N.C. Interpreter and Transliterator Licensing Board

RULE CITATION: 21 NCAC 25 .0202

DEADLINE FOR RECEIPT: January 3, 2025

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:

Page 1, Line 5, Subparagraph (a)(2): What formats does the Board provide? If the Board requires applicants to use different formats, the formats must be specified in a rule.

Page 1, Line 11, Subparagraph (a)(5): Is there a rule by which DPS establishes the fees?

Page 1, Line 34, Paragraph (b): The use of the word "may" implies that the Board has discretion notwithstanding the applicant having met the qualifications listed in Paragraph (b)(1)-(3). Either change "may" to "shall" or state the criteria the Board will use in exercising this discretion.

Page 2, Line 38, Subparagraph (b)(2): Is the standard for good moral character 21 NCAC 25 .0301? If so, reference the rule. If not, what is the standard for good moral character?

Page 2, Line 52, Paragraph (c): The use of the word "may" implies that the Board has discretion notwithstanding the applicant having met the qualifications listed in Paragraph (c)(1)-(4). Either change "may" to "shall" or state the criteria the Board will use in exercising this discretion.

Page 2, Line 53, Paragraph (c): Is a "provisional license" different than an "initial provisional license" defined in 21 NCAC 25 .0101? If so, why have two terms which mean the same thing?

Page 2, Line 63, Paragraph (c)(4): "Accredited" by whom?

Page 3, Lines 77, 80-81: Does the coursework or workshops need to be provided by anyone in particular? Does it need to be from "accredited" institutions?

Page 3, Line 84: "recognized" how? By what procedure? Is there a rule on this?

William W. Peaslee
Commission Counsel

Date submitted to agency: December 16, 2024

Page 3, Line 88: Change “must” to “shall.”

Page 3, Line 91: Change “Subsections” to “Subparagraphs.”

Page 3, Line 89: What type of documentation is required? Will anything do?

Page 3, Lines 91-92: Explain the legality of making the provisions of this rule retroactively effective?

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

William W. Peaslee
Commission Counsel

Date submitted to agency: December 16, 2024

21 NCAC 25 .0202 is amended as published in NC register 39:06 **with changes** as follows::

21 NCAC 25 .0202 THE APPLICATION PACKAGE AND REQUIREMENTS FOR LICENSURE

(a) An applicant for licensure shall submit the following materials to the Board:

- (1) A completed, signed, and dated application in the format provided by the Board;
- (2) A clear, two-inch by two-inch, passport-style photograph of the head and shoulders of the applicant, made within two years of the date of application;
- (3) A legible, fully-completed finger print card obtained from a local law enforcement agency;
- (4) The applicant's signed, written consent to a criminal record check;
- (5) One or more cashier's checks, certified checks or money orders made payable to the North Carolina Interpreter and Transliterator Licensing Board in the amounts ~~necessary to cover the cost of~~ charged by the Department of Public Safety for all necessary local, State and federal criminal record checks; and
- (6) A cashier's check, certified check or money order made payable to the North Carolina Interpreter and Transliterator Licensing Board in the amount specified by Rule .0203 of this Section.

~~(b) An applicant for an initial license under S.L. 2002-182, s. 7, as amended by S.L. 2003-56, shall submit the following materials to the Board:~~

- ~~(1) Written verification that the applicant was actively engaged as an interpreter or transliterator in this State for at least 200 hours for each of the two years immediately preceding 31 October 2002. The written verification must be signed by the individual who paid or approved payment for the services or the individual who supervised the applicant when the services were rendered;~~
- ~~(2) Letters of recommendation from any two individuals who are:~~
 - ~~(A) Interpreters who hold valid National Association of the Deaf level 4 or 5 certifications; or~~
 - ~~(B) Interpreters who are nationally certified by the Registry of Interpreters for the Deaf, Inc.;~~
 - ~~or~~
 - ~~(C) Transliterators who have national certifications recognized by the National Cued Speech Association ("NCSA"); or~~
 - ~~(D) Interpreters who hold quality assurance North Carolina Interpreter Classification System ("NCICS") level A or B classifications in effect on January 1, 2000; or~~
 - ~~(E) Consumers of interpreter or transliterator services who have observed the applicant's performance as an interpreter or transliterator; or~~
 - ~~(F) The parent or legal guardian of a deaf consumer of interpreter or transliterator services who has observed the applicant's performance as an interpreter or transliterator.~~

~~(e)-(b)~~ Upon application to the Board and payment of the required fees under 21 NCAC 25 .0203(a), the Board may grant an Applicant a full license as an interpreter or transliterator if the applicant meets all of the following qualifications:

- (1) Is 18 years of age or older.

(2) Is of good moral character as determined by the Board presumptively established by the applicant's eligibility under 21 NCAC 25 .0302. If the Board determines there is probable cause to question an applicant's moral character, and after notice to the applicant and a hearing, the Board shall deny a license if there exists clear and convincing evidence rebutting the presumption that the applicant is of good moral character.

(3) Meets one of the following criteria:

(A) Is nationally certified by the Registry of Interpreters for the Deaf, Inc., (RID).

(B) Holds a valid Testing, Evaluation and Certification Unit, Inc. (TECUnit) national certification in cued language transliteration.

(C) Holds a current Cued Language Transliterator State Level Assessment (CLTSLA) level 3 or above classification.

(D) Holds a Board for Evaluation of Interpreters (BEI) assessment of Advanced or above.

(E) A Deaf Interpreter who holds a Board for Evaluation of Interpreters (BEI) intermediary certificate level IV or above.

~~(d)~~ (c) Upon application to the Board and payment of the required fees under 21 NCAC 25 .0203(a), the Board may grant an Applicant a one-time provisional license as an interpreter or transliterator if the applicant meets all of the following qualifications:

(1) Is 18 years of age or older.

(2) Is of good moral character as determined by the Board presumptively established by the applicant's eligibility under 21 NCAC 25 .0302. If the Board determines there is probable cause to question an applicant's moral character, and after notice to the applicant and a hearing, the Board shall deny a license if there exists clear and convincing evidence rebutting the presumption that the applicant is of good moral character.

(3) Completes two continuing education units approved by the Board. These units must be completed for each renewable year.

(4) Holds at least a two-year associate degree in interpreting from an accredited institution and satisfies one the following:

(A) Holds a quality assurance North Carolina Interpreter Classification System (NCICS) level C classification.

(B) Holds a valid National Association of the Deaf (NAD) level 2 or 3 certification.

(C) Holds a current Educational Interpreter Performance Assessment (EIPA) level 3.5 or above classification.

(D) Holds a Board for Evaluation of Interpreters (BEI) assessment of Basic.

(E) A Deaf Interpreter who holds a Board for Evaluation of Interpreters (BEI) intermediary certificate level III.

~~((e))~~ (d) Upon application to the Board, payment of the required fees under 21 NCAC 25 .0203(a), and meeting the requirements for a provisional license under subdivisions (1) and (2) of subsection (c) of this section, is 18 years of

~~age or older, and is of good moral character as determined by the Board, the Board may~~ shall also issue a provisional license to any of the following categories of persons seeking a one-time provisional license:

- (1) A deaf interpreter who completes 16 hours of training in interpreting coursework or workshops, including role and function or ethics, and 20 hours in the 12 months immediately preceding the date of application in the provision of interpreting services.
- (2) An oral interpreter who completes a total of 40 hours of training in interpreting coursework or workshops related to oral interpreting.
- (3) A cued language transliterator who holds a current TECUnit Cued language Transliterator State Level Assessment (CLTSLA) level 2 or above classification.
- (4) A person providing interpreting or transliterating services who has a recognized credential from another state in the field of interpreting or transliterating.
- (5) An interpreter or transliterator who has accumulated at least 200 hours per year in the provision of interpreting or transliterating services, in this State or another state, totaling at least 400 hours for the two years immediately preceding the date of the application. An applicant must provide documentation of hours when applying for a provisional license under this category, subject to verification by the Board.

~~(f)(e)~~ Subsections (e)–(e)(b)–(d) applies to licenses and provisional licenses issued or renewed by the North Carolina Interpreter and Transliterator Licensing Board on or after October 1, 2023.

History Note: Authority G.S. 90D-6; 90D-7; 90D-10; S.L. 2002-182, s. 7, as amended by S.L. 2003-56; Eff. March 21, 2005;

Authority G.S. 90D-7, 90D-8; S.L. 2002-182, s. 7, as amended by S.L. 2023-137; Eff. December 1, 2023; Amended Eff. December 1, 2023;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

Temporary Amendment Eff. July 5, 2024

Amended Eff. February 1, 2025