

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Interpreter & Transliterator Licensing Board

RULE CITATION: 21 NCAC 25 .0205

DEADLINE FOR RECEIPT: Monday, April 9, 2018

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 call our office to inquire concerning the staff recommendation.

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

Line 3 – replace “Is not timely filed unless it is” with “shall be” or, alternatively, replace “is not” with “shall not be deemed to be”

Line 15 – replace “as many as” with “no more than”

Line 31 – replace “a” with “the”

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

Jason Thomas
Commission Counsel
Date submitted to agency: Friday, March 23, 2018

21 NCAC 25 .0205 is readopted as published in 32:07 NCR 667 as follows:

21 NCAC 25 .0205 RENEWAL OF A PROVISIONAL LICENSE

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

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

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

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

(e) The Board shall renew a provisional license as many as three times upon receipt of timely applications that demonstrate that the applicant continues to qualify for a provisional license. The Board may extend a provisional license on an annual basis after the third renewal if the applicant timely files an application prior to the expiration of the third renewal, and on an annual basis thereafter if further extension is sought by the applicant, that demonstrates that the applicant's progress toward full licensure was delayed by:

- (1) a life-altering event, such as the birth or adoption of a child to the applicant or the applicant's spouse or an acute or chronic illness suffered by either the applicant or a member of the applicant's immediate family;
- (2) active military service;
- (3) a catastrophic natural event, such as a flood, hurricane, or tornado; or
- (4) the certifying organization identified in G.S. 90D-7 having imposed a moratorium on testing or certification that has prevented the applicant from sitting for the qualifying examination and obtaining the results thereof prior to the expiration of the provisional license or any annual extension thereof; provided, however, that a provisional license that has been extended because of a moratorium may be extended one additional time following the end of the moratorium to allow sufficient time for the applicant to take the qualifying examination and to receive the results thereof, but it shall not be extended thereafter on the basis of a moratorium.

(f) The Board shall not issue an initial provisional license to anyone who has previously held a provisional license.

(g) The Board shall extend the deadline for filing a license renewal application for any individual who currently holds a provisional license and is in good standing with the Board, if the individual is serving in the armed forces of the United 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 for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability for a federal tax.

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2 *History Note:* *Authority G.S. 90D-6; 90D-8; 90D-11; 90D-12; 93B-15;*
3 *Eff. March 21, 2005;*
4 *Amended Eff. July 1, 2016; May 1, 2011; August 1, 2007.*
5 *Readoption Effective June 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Interpreter & Transliterator Licensing Board

RULE CITATION: 21 NCAC 25 .0501

DEADLINE FOR RECEIPT: Monday, April 9, 2018

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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 call our office to inquire concerning the staff recommendation.

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

Lines 10-11 – revise as follows:

licensure year to meet the requirements of Paragraph (a) of this Rule. The licensee shall demonstrate that he or she earned the CEU credits sought to be carried over in the

Line 14 – delete the comma

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

Jason Thomas
Commission Counsel
Date submitted to agency: Friday, March 23, 2018

21 NCAC 25 .0501 is amended as published in 32:11 NCR 1080 as follows:

21 NCAC 25 .0501 CONTINUING EDUCATION REQUIREMENTS

(a) A licensee shall earn at least two continuing education units ("CEUs") each licensure year. At least 1.0 of those CEUs shall be earned in professional studies and at least 1.0 of those CEUs shall be earned in a setting in which three or more persons come together at the same location at the same time as a group to listen to a lecture, to view a demonstration, to participate in group discussions, or to learn through any combination of these or similar activities.

~~(b) Surplus CEUs shall not be carried forward from the licensure year in which they were earned to any subsequent licensure year.~~ A licensee may carry over up to two (2) surplus CEUs earned in one licensure year to the next licensure year to meet the requirements of Paragraph (a) of this Rule. To lessen the Board's administrative review time and costs, the licensee shall provide sufficient proof of the CEU credits sought to be carried over in the licensee's license renewal application packet submitted for the carry over year in order to receive credit therefore. Except as specifically provided hereby, surplus CEUs shall only be carried forward from the licensure year in which they were earned to the next subsequent licensure year, and not beyond.

(c) A licensee may not earn CEUs while interpreting, whether or not the licensee is compensated for his or her services.

(d) The Board shall waive the continuing education requirements in this Section for any individual who is currently licensed by and in good standing with the Board if the individual is serving in the armed forces of the United States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The waiver shall be in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability for a federal tax.

History Note: Authority G.S. 90D-6; 90D-8; 90D-11; 93B-15;

Eff. March 21, 2005;

Amended Eff. May 1, 2011; August 1, 2007, June 1, 2018..