

REQUEST FOR CHANGES

AGENCY: NC Interpreter and Transliterator Licensing Board

RULE CITATION: 21 NCAC 25 .0202

DEADLINE FOR RECEIPT: June 21, 2026

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:

On line 5, are the contents or substantive requirements of the form prescribed by rule or statute? Where? See 150B-2(8a)d.

Regarding lines 10-12, it appears that G.S. 90D-7(c) [second paragraph] permits DPS, not your agency for charging a fee for the background check. Where does your agency get the authority to collect these checks?

Why is item (b), lines 15-32, still a possible path to licensure? It appears that the session laws established this as an alternate path to licensure for practicing interpreters prior to 2005. This path appears to no longer be available under the law.

Is “good moral character as determined by the board”, on lines 36, 50, and 64, further defined somewhere? Note that the RRC has previously objected to similar language as being impermissibly vague under the APA, see State Board of Education temporary rule under V.2. here: <https://www.oah.nc.gov/news/events/rrc-meeting-agenda-march-2024>. The RRC has approved this phrase when CJETS added some additional clarification/examples, see 12 NCAC 09G .0208. To be clear, I am not recommending that you have to use the same rule as CJETS, but to give you some context for the kind of definitions you could consider.

The “Board of Evaluation of Interpreters” is mentioned in several places, lines 43, 44, 60, 61. What is this? When I searched for the “Board of Evaluation of Interpreters” it appears to be the name of agencies in several different states.

Regarding line 51, are there rules or statutes about how the Board approves “continuing education units”?

On line 51, it appears that “unites” is a typo.

Seth Ascher
Commission Counsel

Date submitted to agency: June 10, 2024

On line 64, you have “the board may also issue a provisional license”. “May” is generally not appropriate language in this context, since it does not specify what is necessary to obtain a license? Do you mean “shall”? If not, how will the Board determine whether or not to issue a license to a person who meets the criteria in the remainder of these rules?

On lines 80 and 81, what is paragraph (f) for? This rule would only apply after the effective date anyway.

The history note, starting on line 83 is improperly formatted and in particular should not have two authority sections. 26 NCAC 02C .0108 and 26 NCAC 02C .0406 establish the requirements for a history note.

On lines 83 and 85, why are the Session Laws still necessary authority? It appears to me that the still applicable material has been put into code.

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



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

The North Carolina Interpreter and Transliterator Licensing Board

2. Rule citation & name:

21 NCAC 25 .0202 The Application Package and Requirements for Licensure

3. Action:



Adoption



Amendment



Repeal

4. Was this an Emergency Rule:



Yes



No

Effective date: June 1, 2024

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: April 22, 2024

b. Proposed Temporary Rule published on the OAH website: April 26, 2024

c. Public Hearing date: May 1, 2024

d. Comment Period: April 22, 2024 - May 24, 2024

e. Notice pursuant to G.S. 150B-21.1(a3)(2): April 22, 2024

f. Adoption by agency on: May 28, 2024

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: June 1, 2024

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.



A serious and unforeseen threat to the public health, safety or welfare.



The effective date of a recent act of the General Assembly or of the U.S. Congress.

Cite: HB 600

Effective date: December 1, 2023



A recent change in federal or state budgetary policy.

Effective date of change:



A recent federal regulation.

Cite:

Effective date:



A recent court order.

Cite order:



Other:

Explain:

The North Carolina Interpreter and Transliterator Licensing Board is submitting these temporary rules to align with what is required in the statute changes, as outline in HB 600, to implement the provisions of act. The statute directs the North Carolina Interpreter and Transliterator Licensing Board to make temporary rules

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The Board has gone through the necessary steps of holding a public hearing regarding this proposed rule.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Caitlin Schwab-Falzone

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919-779-5709

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10. Signature of Agency Head*:

Beverly Fletcher-Woodel

*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name:

Beverly Fletcher-Woodel

Title:

Board Chair

E-Mail: fletcherwoodelncitlb@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

21 NCAC 25 .0202 IS ADOPTED UNDER TEMPORARY PROCEDURES 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 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.

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

(d) 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.
- (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 of Evaluation of Interpreters (BEI) assessment of Basic.

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

(e) Upon application to the Board, payment of the required fees under 21 NCAC 25 .0203(a), is 18 years of age or older, and is of good moral character as determined by the Board, the Board may 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) Subsections (c)-(e) 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 11, 2023;

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

Temporary Amendment Eff. June 1, 2024