

PROPOSED REGULATION OF THE  
AGING AND DISABILITY SERVICES DIVISION OF THE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

LCB File No. \_\_\_\_\_

Effective

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

Authority: §§ 1-8, NRS 656A.090 and 656A.110; § 9, NRS 656A.090, 656A.110, and 656A.410.

A REGULATION relating to signed language interpreters who provide services in a school district or for the community; defining a qualified mentor; revising classifications, registration requirements and scope of practice limitations; clarifying continued education requirements; eliminating Cued Speech transliterators need for registration.

**Section 1.** NAC 656A.140 is hereby amended to read as follows:

“Mentor” means a person approved by the Division who guides an interpreter ~~with less experience~~ in gaining the skills, techniques and knowledge required to engage in the practice of interpreting. ~~A mentor shall meet the requirements for registration as set forth in NAC 656A.300 or 656A.310, as appropriate.~~

**Sec. 2.** NAC 656A.240 is hereby amended to read as follows:

1. To apply for and maintain registration as an interpreter in a community setting as an apprentice level interpreter, a person must:

(a) Have at least a high school diploma or a general equivalency diploma.

(b) ~~Hold in good standing;~~ *Have:*

~~(1) Level 2 certification from the National Association of the Deaf;~~

~~(2) Level II certification from the American Consortium of Certified Interpreters; or~~

~~(3) (1) A score of 3.5 to 3.9 on the Educational Interpreter Performance Assessment[-]; or~~

*(2) Have passed a nationally recognized sign language interpreting knowledge exam approved by the Division within the last five (5) years of the application date.*

~~(c) Be a person who is deaf or hard of hearing in the process of becoming a certified deaf interpreter through the Registry of Interpreters for the Deaf or have successfully completed an accredited interpreter preparation program.~~

*(c) Adhere to the code of ethical standards established by the Division for persons who engage in the practice of interpreting.*

(d) ~~Participate in the Associate Continuing Education Tracking program, with~~ **Provide proof of participation in** at least ~~[75]~~ **60** contact hours of continuing education **during the 3-year registration period.** ~~[every 3 years, or maintain a professional development plan provided by the Division.]~~

(e) ~~[Except as otherwise provided in this paragraph, p]~~ Participate in ~~[a plan of mentoring, with]~~ at least 40 hours of mentoring every 3 years, with a mentor who is **approved by the Division.** ~~[certified with the Registry of Interpreters for the Deaf. A person who is not certified with the Registry of Interpreters for the Deaf but who is deemed by the Division to be competent in American Sign Language and to be knowledgeable about the deaf culture may serve as a mentor if he or she has passed the written portion of the Educational Interpreter Performance Assessment or the exam provided by the Registry of Interpreters for the Deaf, is able to show proof of completion of a course in mentorship training which has been approved by the Division or holds an associate's degree or a higher degree in interpretation, English or a related field from an accredited college or university. A mentor must have a working knowledge of English, American Sign Language and any other relevant languages, and a working knowledge of interpreting methodologies, the interpreter code of ethics and other skills salient to the mentoring relationship. The plan of mentoring must be signed by the apprentice level interpreter and his or her mentor. Any hours of mentoring which exceed the 40 hours of mentoring required pursuant to this paragraph may be applied toward the hours of continuing education the apprentice level interpreter is required to complete.]~~

~~[—2.— If an apprentice level interpreter is not required to have continuing education units by his or her certifying body, the interpreter must participate in a professional development plan provided by the Division.]~~

~~[3]~~ **2. An apprentice level interpreter is not qualified to engage in the practice of interpreting in an educational setting without holding appropriate registration as an educational interpreter as set forth in NAC 656A.290 to 656A.310, inclusive.**

**3.** An apprentice level interpreter shall not engage in the practice of interpreting in a medical or legal setting.

**4.** An apprentice level interpreter shall only accept assignments:

(a) In which the apprentice **level interpreter** is teamed with or accompanied by a **registered** ~~[certified]~~ interpreter at the skilled level or above; and

(b) With due caution and care commensurate with his or her skills and experience.

**5. An interpreter can only hold an apprentice level registration for one registration period (3 years) at which time the interpreter must have achieved the credentials to register at the community skilled level or the community advanced level.**

**Sec. 3.** NAC 656A.250 is hereby amended as follows:

1. To apply for and maintain registration as an interpreter in a community setting as a skilled **level** interpreter, a person must:

(a) Have at least a high school diploma or a general equivalency diploma.

(b) Hold in good standing:

(1) *A nationally recognized signed language interpreter or transliterator certification approved by the Division; or* ~~[One of the following certifications from the Registry of Interpreters for the Deaf:~~

~~———— (I) National Interpreter certification;~~

~~———— (II) Certification of Interpretation; or~~

~~———— (III) Certification of Transliteration;~~

~~———— (2) Level III certification from the National Association of the Deaf;~~

~~———— (3) Level III certification from the American Consortium of Certified Interpreters; or]~~

~~[———— (4)] (2) A score of *at least* 4.0 ~~[to 4.7]~~ on the Educational Interpreter Performance Assessment (EIPA) and have passed the EIPA written knowledge test. ~~[hold an Educational Certificate: K-12, issued by the Registry of Interpreters for the Deaf.]~~~~

*(c) Adhere to the code of ethical standards established by the Division for persons who engage in the practice of interpreting.*

*2. If a skilled level interpreter is not required to participate in a continuing education program by his or her certifying body, he or she must provide proof of participation in at least 60 contact hours of continuing education every 3 years.*

*3. A skilled level interpreter is not qualified to engage in the practice of interpreting in an educational setting without holding appropriate registration as an educational interpreter as set forth in NAC 656A.290 to 656A.310, inclusive.*

~~[2] 4.~~ A skilled *level* interpreter shall accept each assignment in a:

(a) Legal setting with due caution and care commensurate with his or her skills and experience. ~~[A skilled interpreter who does not hold supplemental certification to engage in the practice of interpreting in a legal setting may be used only in situations involving misdemeanors and is subject to voir dire by the court.]~~

(b) Medical setting with due caution and care commensurate with his or her skills and experience.

(c) Postsecondary educational institution, as defined in NRS 394.099, with due caution and care commensurate with his or her skills and experience.

**Sec. 4.** NAC 656A.260 is hereby amended to read as follows:

1. To apply for and maintain registration as an interpreter in a community setting as an advanced ~~[certified]~~ *level* interpreter, a person must:

(a) Have at least a high school diploma or a general equivalency diploma.

(b) Hold in good standing:

(1) *A nationally recognized signed language interpreter or transliterator certification approved by the Division; and* ~~[From the Registry of Interpreters for the Deaf:~~

~~———— (I) National Interpreter Certification Advanced;~~

~~———— (II) A Certificate of Interpretation and a Certificate of Transliteration;~~

- ~~— (III) Comprehensive Skills Certificate; or~~
- ~~— (IV) A certification as a Certified Deaf Interpreter;~~
- ~~— (2) Level IV certification from the National Association of the Deaf;~~
- ~~— (3) Level IV certification from the American Consortium of Certified Interpreters; or~~
- ~~— (4) A score of 4.8 to 5.0 on the Educational Interpreter Performance Assessment and an Educational Certificate: K-12, issued by the Registry of Interpreters for the Deaf.]~~

*(2) Specialist certification or training as approved by the Division.*

*(c) Adhere to the code of ethical standards established by the Division for persons who engage in the practice of interpreting.*

2. *An advanced level interpreter is not qualified to engage in the practice of interpreting in an educational setting without holding appropriate registration as an educational interpreter as set forth in NAC 656A.290 to 656A.310, inclusive.*

3. An advanced ~~[certified]~~ *level* interpreter shall accept each assignment in a:

(a) Legal setting with due caution and care commensurate with his or her skills and experience. ~~[An advanced certified interpreter who does not hold supplemental certification to engage in the practice of interpreting in a legal setting is subject to voir dire by the court.]~~

(b) Medical setting with due caution and care commensurate with his or her skills and experience.

(c) Postsecondary educational institution, as defined in NRS 394.099, with due caution and care commensurate with his or her skills and experience.

**Sec. 5.** NAC 656A.290 is hereby amended to read as follows:

1. To apply for and maintain registration as an interpreter in an educational setting as an apprentice level interpreter, a person must:

(a) Have at least a high school diploma or a general equivalency diploma.

(b) ~~[Hold in good standing]~~ *Have* a score of 3.0 *to 3.4* on the Educational Interpreter Performance Assessment. ~~[for achieve a comprehension skill level of 3 on the Educational Sign Skills Evaluation which is valid for 1 year after registration.]~~

(c) ~~[On or after August 13, 2012, h]~~ *Have* passed the *EIPA* written *knowledge test* ~~portion of the Educational Interpreter Performance Assessment.]~~

*(d) Adhere to the code of ethical standards established by the Division for persons who engage in the practice of interpreting.*

*(e) [(d) Except as otherwise provided in this paragraph, p] Participate in [a plan of mentoring, with] at least 40 hours of mentoring every 3 years, with a mentor who is *approved by the Division*. [If the mentor does not reside in this State, he or she is not required to be registered pursuant to this chapter and chapter 656A of NRS, but he or she must possess the appropriate certification status as an intermediate interpreter pursuant to NAC 656A.300*

~~or an advanced interpreter pursuant to NAC 656A.310. A person who is not certified with the Registry of Interpreters for the Deaf but who is deemed by the Division to be competent in American Sign Language and to be knowledgeable about the deaf culture may serve as a mentor if he or she has passed the written portion of the Educational Interpreter Performance Assessment or the exam provided by the Registry of Interpreters for the Deaf; is able to show proof of completion of a course in mentorship training which has been approved by the Division or holds an associate's degree or a higher degree in interpretation, English or a related field from an accredited college or university. A mentor must have a working knowledge of English, American Sign Language and any other relevant languages, and a working knowledge of interpreting methodologies, the interpreter code of ethics and other skills salient to the mentoring relationship. The plan of mentoring must be signed by the apprentice level interpreter and the mentor. Any hours of mentoring which exceed the 40 hours of mentoring required pursuant to this paragraph may be applied toward the hours of continuing education the apprentice level interpreter is required to complete.]~~

~~(f) [(e) Have a professional development plan, prepared on a form provided by his or her local school district and approved in writing by his or her supervisor, which includes specific goals for professional development as an interpreter and includes 75] **Provide proof of participation in at least 60** contact hours of continuing education [every 3 years.] **during the 3-year registration period.**~~

~~[—2.— If an apprentice level interpreter is not required to have continuing education units by his or her certifying body, the interpreter must participate in a professional development plan provided by the Division.]~~

~~[3]2. An apprentice level interpreter is not qualified to engage in the practice of interpreting in a community setting without **holding appropriate registration as a community interpreter** [the appropriate professional certification] as set forth in NAC 656A.240 to ~~[656A.270]~~ **656A.260**, inclusive.~~

~~[—4] 3. Except as otherwise provided in this subsection, an apprentice level interpreter may only engage in the practice of interpreting in the grade levels for which he or she is assessed. An apprentice level interpreter may engage in the practice of interpreting in a grade level for which he or she is not assessed if:~~

~~(a) The apprentice level interpreter is acting as a substitute interpreter, but he or she may not ~~[do so]~~ **practice interpreting in a grade level for which he or she is not assessed** for more than ~~[10 consecutive]~~ **15 total** working days **per academic year.**~~

~~(b) An interpreter is required pursuant to a pupil's individualized education program, as defined in NRS 388.524, and if the school has documentation showing that a reasonable attempt to find interpreting services for the pupil was made.~~

~~[—5.— Except as otherwise provided in this subsection, an apprentice level interpreter may only engage in the practice of interpreting in a modality for which he or she is assessed. An apprentice level interpreter may engage in the practice of interpreting in a modality for which he or she is not assessed if:~~

~~—(a) The apprentice level interpreter is acting as a substitute interpreter, but he or she may not do so for more than 5 consecutive working days.~~

~~—(b) An interpreter is required pursuant to a pupil's individualized education program, as defined in NRS 388.524, and if the school has documentation showing that a reasonable attempt to find interpreting services for the pupil was made.]~~

*5. An interpreter can only hold an apprentice level registration for one registration period (3 years) at which time the interpreter must have achieved the credentials to register at the educational intermediate level or the educational advanced level.*

**Sec. 6.** NAC 656A.300 is hereby amended to read as follows:

1. To apply for and maintain registration as an interpreter in an educational setting as an intermediate *level* interpreter, a person must:

(a) Have at least a high school diploma or a general equivalency diploma.

(b) ~~[Hold in good standing]~~ *Have* a score of ~~[3.1]~~ *3.5* to 3.9 on the Educational Interpreter Performance Assessment ~~[or achieve a comprehension skill level of 4 on the Educational Sign Skills Evaluation which is valid for 1 year after registration].~~

(c) ~~[On or after August 13, 2012, h]~~ *Have* passed the *EIPA* written *knowledge test*. ~~[portion of the Educational Interpreter Performance Assessment.]~~

*(d) Adhere to the code of ethical standards established by the Division for persons who engage in the practice of interpreting.*

~~(e) [(d) Except as otherwise provided in this paragraph, p] Participate in [a plan of mentoring, with] at least 40 hours of mentoring every 3 years, with a mentor who is *approved by the Division*. [registered as an advanced interpreter pursuant to NAC 656A.310. If the mentor does not reside in this State, he or she is not required to be registered pursuant to this chapter and chapter 656A of NRS, but he or she must possess the appropriate certification status as an advanced interpreter pursuant to NAC 656A.310. A person who is not certified with the Registry of Interpreters for the Deaf but who is deemed by the Division to be competent in American Sign Language and to be knowledgeable about the deaf culture may serve as a mentor if he or she has passed the written portion of the Educational Interpreter Performance Assessment or the exam provided by the Registry of Interpreters for the Deaf, is able to show proof of completion of a course in mentorship training which has been approved by the Division or holds an associate's degree or a higher degree in interpretation, English or a related field from an accredited college or university. A mentor must have a working knowledge of English, American Sign Language and any other relevant languages, and a working knowledge of interpreting methodologies, the interpreter code of ethics and other skills salient to the mentoring relationship. The plan of mentoring must be signed by the intermediate interpreter and the mentor. Any hours of mentoring which exceed the 40 hours of mentoring required pursuant to this paragraph may be applied toward the hours of continuing education the intermediate interpreter is required to complete.]~~

~~(f) (e) Have a professional development plan, prepared on a form provided by his or her local school district and approved in writing by his or her supervisor, which includes specific goals for professional development as an interpreter and includes 75~~ **Proof of participation in at least 60** contact hours of continuing education every 3 years.

~~2. If an intermediate interpreter is not required to have continuing education units by his or her certifying body, the interpreter must participate in a professional development plan provided by the Division.]~~

~~3] 2.~~ An intermediate **level** interpreter is not qualified to engage in the practice of interpreting in a community setting without holding the appropriate registration ~~[professional certification]~~ **as a community interpreter** as set forth in [NAC 656A.240](#) to ~~[656A.270]~~ **656A.260**, inclusive.

~~4] 3.~~ Except as otherwise provided in this subsection, an intermediate **level** interpreter may only engage in the practice of interpreting in the grade levels for which he or she is assessed. An intermediate **level** interpreter may engage in the practice of interpreting in a grade level for which he or she is not assessed if:

(a) The intermediate level interpreter is acting as a substitute interpreter, but he or she may not ~~[do so]~~ **practice interpreting in a grade level for which he or she is not assessed** for more than ~~[10 consecutive]~~ **15 total** working days **per academic year**.

(b) An interpreter is required pursuant to a pupil's individualized education program, as defined in [NRS 388.524](#), and if the school has documentation showing that a reasonable attempt to find interpreting services for the pupil was made.

~~5. Except as otherwise provided in this subsection, an intermediate interpreter may only engage in the practice of interpreting in a modality for which he or she is assessed. An intermediate interpreter may engage in the practice of interpreting in a modality for which he or she is not assessed if:~~

~~(a) The intermediate interpreter is acting as a substitute interpreter, but he or she may not do so for more than 5 consecutive working days.~~

~~(b) An interpreter is required pursuant to a pupil's individualized education program, as defined in [NRS 388.524](#), and if the school has documentation showing that a reasonable attempt to find interpreting services for the pupil was made.]~~

**Sec. 7.** NAC 656A.310 is hereby amended to read as follows:

1. To apply for and maintain registration as an interpreter in an educational setting as an advanced **level** interpreter, a person must ~~[have at least a high school diploma or a general equivalency diploma and:]~~

(a) Have at least a high school diploma or a general equivalency diploma.

~~[(a)]~~ **(b) Have:**

~~[(b)]~~ **(1)** ~~[Hold in good standing a]~~ A score of **at least 4.0** ~~[or more]~~ on the Educational Interpreter Performance Assessment; or ~~[achieve a comprehension skill level of 5 on the Educational Sign Skills Evaluation which is valid for 1 year after registration;]~~

~~[(e)]~~ (2) *A nationally recognized signed language interpreter or transliterator certification, approved by the Division, in good standing.*

~~[(d) Be registered as a skilled interpreter or an advanced interpreter in a community setting pursuant to NAC 656A.250 or 656A.260, as applicable, apply with the Registry of Interpreters for the Deaf to receive an Educational Certificate: K-12, and participate in the Certification Maintenance Program; or]~~

(c) ~~[Meet the certification requirements for community interpreters as set forth in NAC 656A.250, 656A.260 or 656A.270 and, on or after August 13, 2012, h]~~ *Have passed the EIPA written knowledge test.* ~~[portion of the Educational Interpreter Performance Assessment.]~~

*(d) Adhere to the code of ethical standards established by the Division for persons who engage in the practice of interpreting.*

2. ~~[Except as otherwise provided in this subsection, an advanced interpreter must have a professional development plan, prepared on a form provided by his or her local school district and approved in writing by his or her supervisor, which includes specific goals for professional development as an interpreter.]~~ *If [A]n advanced level interpreter is not required to [have a professional development plan if the advanced interpreter is required by the Registry of Interpreters for the Deaf to maintain continuing education units.] participate in a continuing education program by his or her certifying body, he or she must provide proof of participation in at least 60 contact hours of continuing education every 3 years.*

3. *An advanced level interpreter is not qualified to engage in the practice of interpreting in a community setting without holding the appropriate registration as a community interpreter as set forth in NAC 656A.240 to 656A.260, inclusive.*

4. An advanced *level* interpreter may engage in the practice of interpreting in any grade level.

~~[4. An advanced interpreter may only engage in the practice of interpreting:~~

~~—(a) In a modality for which he or she is assessed, if he or she is only assessed by the Educational Interpreter Performance Assessment.~~

~~—(b) Except as otherwise provided in this paragraph, in a modality for which he or she is certified. An advanced interpreter may engage in the practice of interpreting in a modality for which he or she is not certified if the advanced interpreter is acting as a substitute interpreter, but he or she may not do so for more than 5 consecutive working days.]~~

**Sec. 8.** NAC 656A.320 is hereby amended to read as follows:

1. Registration with the Division as an interpreter or Communication Access Realtime Translation provider must be renewed:

(a) *Every five (5) years [If the] for interpreters who hold a nationally recognized signed language interpreter or transliterator certification.* ~~[person is certified as an interpreter or Communication Access Realtime Translation provider, every 5 years on a form prescribed by the Division.]~~



(b) *Every three (3) years for interpreters who do not hold a nationally recognized signed language interpreter or transliterator certification.* ~~{If the person is not certified as an interpreter or Communication Access Realtime Translation provider, every 3 years on a form prescribed by the Division.}~~

(c) *Every five (5) years for Communication Access Realtime Translation providers.*

2. If a person fails to renew his or her registration pursuant to subsection 1 not later than 90 days after the end of the period prescribed in subsection 1, the registration expires.

3. An interpreter ~~{and}~~ *or* Communication Access Realtime Translation provider shall inform the Division of any changes in contact information or in his or her assessment *score* or certification status. The Division may revoke the registration of an interpreter or Communication Access Realtime Translation provider whose certification is revoked by his or her certifying body.

4. An interpreter or Communication Access Realtime Translation provider may, within 2 years after revocation of his or her registration pursuant to this section, request that the Division restore the registration.

**Sec. 9.** NAC 656A.610 is hereby amended to read as follows:

1. If the Division or a recipient of services from an interpreter or Communication Access Realtime Translation provider, who is party to and aware of any act or circumstance that constitutes grounds for disciplinary action against an interpreter or Communication Access Realtime Translation provider, desires to pursue disciplinary action against that interpreter or Communication Access Realtime Translation provider, the person must file a complaint with the Division specifying the charge against the interpreter or Communication Access Realtime Translation provider. A complaint may not be accepted from a recipient of interpreting or Communication Access Realtime Translation services who knowingly and willingly used an unregistered interpreter or Communication Access Realtime Translation provider.

2. Unless the Division determines that a complaint is without merit, the Division will:

(a) *Advise the complainant to d*~~{D}~~*irect the complaint to the *interpreter or Communication Access Realtime Translation provider's* ~~{complainant's}~~ certifying body; *or**

(b) Assign an investigative committee to determine whether a charge against an interpreter or Communication Access Realtime Translation provider justifies disciplinary action; *or*

(c) ~~{Utilize the services of a mediator certified by the Registry of Interpreters for the Deaf to resolve complaints between parties; or}~~

(d) Intervene on behalf of the complainant and the interpreter or Communication Access Realtime Translation provider, as appropriate, if they agree to the intervention.

3. The Division will assign to the investigative committee pursuant to paragraph (b) of subsection 2 one program specialist from the Division, one person who is deaf or hard of hearing and one service provider who is registered with the Division. Each member of the investigative committee will be required to sign a confidentiality agreement and must not have a conflict of interest in the outcome of the investigation.

4. Before assigning the complaint to an investigative committee, the Division must provide the interpreter or Communication Access Realtime Translation provider, as applicable, with a copy of the complaint. If the Division determines that a complaint is without merit, the Division may provide the interpreter or Communication Access Realtime Translation provider with a copy of the complaint, including the name of the person who filed the complaint.

5. Following an investigation, the investigative committee will present its evaluation and recommendations to the Division. The Division will review the findings of the committee to determine whether to take further action against the interpreter or Communication Access Realtime Translation provider.

6. If the Division determines after investigation that an interpreter or Communication Access Realtime Translation provider has violated the provisions of this chapter or chapter 656A of NRS, and there is no certifying body to report to, the Division will notify the Attorney General of its findings and any disciplinary action taken.

7. A member of the Division who participates in an investigation will not participate in the review conducted or in a subsequent hearing or action which is related to the investigation.

**Sec. 10.** NAC 656A.025, 656A.035, 656A.045, 656A.050, 656A.070, 656A.080, 656A.085, 656A.100, 656A.110, 656A.120, 656A.130, 656A.145, 656A.150, 656A.155, 656A.160, 656A.170, 656A.180, 656A.185, 656A.190, 656A.195, 656A.200, 656A.205, 656A.270, 656A.280 are hereby repealed.