

The following answers are for general informational purposes only. The answers may vary by situation and facts presented. They do not bind or otherwise estop the Board, which may take action different from the answers provided depending upon the facts or circumstances. Additionally, the answers do not constitute legal advice and should not be relied upon for any specific action.

1. *How can you get a rule changed?*

Rule changes can be made during a periodic rule review or as needed. The rule making process is outlined by The Office of Administrative Hearings (OAH) and the Rules Review Commission (RRC). All rule changes or additional must go through a process before they can be adopted and must be approved by the Board and the RRC.

2. *Explain rule v. law.*

Statute/Law: a written law passed by a legislative body.

Rule: one of a set of explicit or understood regulations or principles governing conduct within a particular activity or sphere.

3. *Is an interpreting agency allowed to use their paid employees on company time and still earn CEUs?*

As per the following rule:

21 NCAC 25 .0501 CONTINUING EDUCATION REQUIREMENTS

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

As long as the interpreters are not providing interpreting services while they obtain the CEUs, CEUs can be earned at the licensee's discretion.

4. *There is a new form, Public Disclosure Statement, required in the renewal packet. Can someone explain the purpose of this form? What is it?*

On the form it states the following:

Required by N.C. Gen. Stat. § 143-764(a)(5), effective December 31, 2017.

Note: Pursuant to North Carolina General Statute § 143-765(b);, "An occupational licensing board or commission shall deny the license, permit, or certification application of any applicant who fails to comply with the certification and disclosure requirements of this section."

This General Statute was put into effect by the general assembly and all occupational licensing boards must comply with this.

5. *If an interpreter who is not licensed but is getting paid and has a licensed interpreter as a mentor, is that legal in NC?*

Pursuant to the statute:

§ 90D-4. License required; exemptions.

(a) Except as provided in Chapter 8B of the General Statutes, **no person shall practice or offer to practice as an interpreter or transliterator for a fee or other consideration**, represent NC General Statutes - Chapter 90D 2 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 unless that person is currently licensed under this Chapter.

(b) The provisions of this Chapter do not apply to:

(1) Persons providing interpreting or transliterating services in religious proceedings.

(2) Persons providing interpreting or transliterating services in mentoring or training programs approved by the Board.

(3) An intern under the supervision of a person licensed under this Chapter to provide interpreting or transliterating services.

(4) Persons providing interpreting or transliterating services in an emergency situation until a licensed interpreter or transliterator can be obtained. An emergency situation is one where the deaf or hard-of-hearing person is in substantial danger of death or irreparable harm if interpreting or transliterating services are not provided immediately.

(5) Educational interpreters or transliterators.

(6) Nonresident persons who are nationally certified providing interpreting or transliterating services in this State no more than 20 days per year in accordance with rules adopted by the Board. (2002-182, s. 1; 2003-56, s. 3; 2005-299, s. 1.)

As listed above there is an exemption in the statute that states "Persons providing interpreting or transliterating services in mentoring or training programs approved by the Board" is the only case where interpreting without a license by having a mentor applies. Currently the only approved program for this is through DSDHH.

6. *Who wrote the Rules/Policies for the Licensure Board to follow?*

The policies and procedures were written by Jane Dolan and Jan Withers when they were Board members. The Policies and Procedures were written, reviewed, and approved by the Board.

7. *Why do some agencies have special privilege to earn interpreting hours while contractors outside of agency have to interpret to earn hours without pay?*

As previously stated in question 3, as per the following rule:

21 NCAC 25 .0501 CONTINUING EDUCATION REQUIREMENTS

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

As long as the interpreters are not providing interpreting services while they obtain the CEUs, CEUs can be earned at the licensee's discretion.

8. *Why isn't there a prorated rate when applying for licensure?*

No fees for this Board are prorated. All fees for this Board are set by statute.

9. *Are the civil penalties applicable to only the person interpreting without a license or to the hiring entity as well?*

This Board has no authority to penalize an agency, this Board's authority is with the licensees.

10. *These terms were mentioned: "the law allows" and "ethically acceptable". What is the difference?*

"The law allows" would mean something that is referred to in the statute that a licensee is able to perform or do.

"Ethically acceptable", is defined as: Of, relating to, or dealing with ethics. Being in accordance with the accepted principles of right and wrong that govern the conduct of a profession.

11. *Can the NC licensure renewal date be changed to match RID's renewal date?*

This Board has no plans at this time to change the renewal date.

12. *How can we get the community to understand that possessing a license is key, it is not "the end all, be all"?*

I do encourage anyone to give out the Board's phone number so people may contact the Board office with any questions they may have. Phone: 919-779-5709 or email ncitlb@caphill.com

13. *If we participate in an interactive webinar, why isn't this considered a "live session"?*

Pursuant to the following rule:

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

A classroom setting is defined in the rule above, and even though you may be able to see people on the interactive webinar you are not at the same location.

14. *Why was there no NCITLB FORUM at this year's NCRID Conference?*

The Board made the decision to hold their forum separately this year due to the hostility at the forums at the NCRID conference that have happened in the past. All NCITLB forums are open for any person to attend.

15. *Can you get a refund if your initial licensing was not prorated?*

No fees for this Board are prorated, and pursuant to the following rule:

21 NCAC 25 .0203 APPLICATION FEES

(a) The Board shall not review a license application until the appropriate license fee has been paid pursuant to the following fee schedule:

Application for Initial Full License under G.S. 90D-7 and -9 \$225.00

Application for Renewal of Full License \$150.00

Application for Initial Provisional License under G.S. 90D-8 \$225.00

Application for Renewal of Provisional License \$150.00

Application for Replacement of Lost, Damaged or Destroyed License \$10.00

(b) These fees shall be nonrefundable and shall be paid by cash or by cashier's check, certified check, or money order made payable to the North Carolina Interpreter and Transliterators Licensing Board.

(c) The Board shall waive the license application renewal fee 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.

16. *Can non-NC residents get licensed?*

Yes, anyone who qualifies for licensure is welcome to apply for a license with this Board, regardless of the state you live in.

17. *Is there mentoring or retraining available for interpreters trying to receive a full license?*

To my knowledge no.

18. *What is the time period for earning CEUs? Jan 1- Dec 31 or Oct 1-Sept 30?*

The time frame to obtain CEUs is from October 1 – September 30 annually.

19. *Can an intern mentor under a provisionally-licensed interpreter or does it have to be a full-licensed interpreter?*

Pursuant to the following rule:

21 NCAC 25 .0207 MENTORING AND TRAINING EXEMPTION

(a) A mentoring or training program is approved by the Board if it meets each of the following criteria:

(1) The program is operated by a school accredited by the Southern Association of Colleges and Schools, or any other accrediting agency recognized by the U.S. Department of Education;

(2) Each mentor or trainer used by the program:

(A) Holds a valid National Association of the Deaf ("NAD") level 4 or 5 certification; or

(B) Is nationally certified by the Registry of Interpreters for the Deaf, Inc. ("RID"); or

(C) Has a national certification recognized by the National Cued Speech Association ("NCSA"); or

(D) Holds a quality assurance North Carolina Interpreter Classification System ("NCICS") level A or B classification in effect on January 1, 2000;

(3) Each mentor or trainer used by the program has five years of professional experience as an interpreter or transliterator following graduation from an accredited Interpreter Training Program or following the date on which the mentor or trainer received the certification or classification specified in Subparagraph (b)(2) of this Rule; provided that, until July 1, 2008, a deaf person who is certified as an interpreter by RID may serve as a mentor or trainer without five years of professional experience;

(4) Each mentor or trainer used by the program is currently licensed by the Board; and

(5) The students being mentored or trained always work under the supervision of a mentor or trainer who meets the qualifications set out in Subparagraphs (a)(2) through (a)(4) of this Rule.

(b) A student in a mentoring or training program approved by the Board must obtain a license from the Board before the person provides interpreting or transliterating services for a fee or other consideration outside of the approved mentoring or training program.

(c) As used in Subparagraph (a)(3) of this Rule, the phrase "has five years of professional experience as an interpreter or transliterator" means that the mentor or trainer has provided interpreter or transliterator services for persons other than family members and friends, for a fee or other consideration, for a total of 60 consecutive or nonconsecutive months. Each full month of full-time or part-time employment as an interpreter or transliterator --- or as a teacher of interpreting or transliterating --- shall be counted toward the required 60 months of experience.

(d) As used in Subparagraph (a)(5) of this Rule, the phrase "always work[s] under the supervision of a mentor or trainer" means that a mentor or trainer is routinely available to observe and critique the student's performance, to answer questions, and to demonstrate proper technique. It does not mean that the student is always accompanied by the mentor or trainer.

The above highlighted qualifications describe an interpreter who holds a full license.

20. *What is the difference between criminal convictions and criminal prosecutions? Those 2 terms are listed separately in the law.*

Criminal Convictions: you have been judicially determined to be at fault for a crime.

Criminal prosecutions: the institution and conduct of legal proceedings against a defendant for criminal behavior

- 21. *Traditional classroom setting rule: It seems renewal paperwork is highly subject to the possibility that a licensee will report online CEUs as "in person". Does the licensure board check to see if the CEUs are reported accurately?***

Every renewal that is received is thoroughly reviewed for accuracy.

- 22. *Will educational interpreters ever be included in the licensure law?***

The Board is currently communicating with DPI regarding this. DPI is working on improving the standards for educational interpreters.

- 23. *At the recent Licensure Board forum, it was stated that anything that happens on school grounds is NOT covered by the licensure law. What if police officers show up at a school to question a student who is deaf?***

It was stated at the last forum, that the interpreter working with the deaf student at the school should use their discretion, and if they do not feel comfortable interpreting for the student for police questioning the interpreter should state that, and another interpreter can be brought in.

- 24. *What if a school has a deaf employee and the employee wants to talk with HR? Okay for the educational interpreter (not licensed) to interpret that meeting?***

Educational interpreters can interpret in any school sanctioned events. Any event that does not fall under that purview would need a North Carolina licensed interpreter.

- 25. *When licensure was being discussed prior to 2005, how did you get interpreters "on board" with the licensure law?***

This work was done by Pat Hauser, and she would be the better person to help answer this question.

Additional information submitted by Pat Hauser (added 7.31.2018)

All of the requirements for licensure were brought before the membership of NCRID for review, revision and discussion on an annual basis as they were in development from year to year. Approximately 9 years.

