

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 25 - INTERPRETER AND TRANSLITERATOR LICENSING BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Interpreter and Transliterators Licensing Board intends to amend the rule cited as 21 NCAC 25 .0205.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://ncitlb.org/>

Proposed Effective Date: July 1, 2022

Public Hearing:

Date: March 31, 2022

Time: 10:00 a.m.

Location:

<https://us02web.zoom.us/j/81262280421?pwd=N1JWam9VMVkiTzlnVlVvUmJSZlVRUT09>

Meeting ID: 812 6228 0421

Password: 366307

Reason for Proposed Action: *Through an amendment in 2016, the NCITLB removed the then-existing 21 NCAC 25 .0205(f), which prohibited the NCITLB from renewing a provisional license for a sixth time. That change was necessary at that time due to a testing moratorium preventing provisional licensees on a major pathway to full licensure from taking the examination required to become fully licensed. However, that moratorium has since been lifted. An additional moratorium regarding testing for interpreters who are deaf has also been effectively lifted by a new test that is now available.*

Since the prohibition was removed in 2016, the number of provisional licensees seeking renewal for a sixth time and beyond (rather than obtaining full licensure) has increased. In 2021 alone, approximately 20 provisional licensees would not qualify for an extension of their provisional license under the pre-2016 version of 21 NCAC 25 .0205(f).

The Deaf and Hard of Hearing Community, which the licensees of the NCITLB serve as interpreters, has expressed concern over the poor quality of the interpreting skills of the provisional licensees seeking multiple renewals/extensions of their provisional licenses. In fact, a person currently seeking a provisional license need only obtain an Associate's Degree in interpreting to qualify for a provisional license under one pathway to licensure. That person need not pass any separate skills test to determine the accuracy of the words correctly interpreted in order to obtain a provisional license. At present, such person can linger for years as a provisional licensee without developing the accuracy and skills necessary to become fully licensed. Interpreting accuracy and skill are of paramount importance during medical appointments, financial transactions, and numerous other interpreting situations.

The NCITLB finds that there is a compelling need to protect both the Deaf and Hard of Hearing Community and the hearing community, which also relies upon accurate interpreting, by requiring provisional interpreters to advance to full licensure in an expedient manner by limiting the number of provisional license extensions allowable. In this regard, the NCITLB also finds that there is a compelling need to motivate provisional licensees to increase their skills to become full licensees in a timely manner in order to improve the quality of interpreting necessary for the protection of the health, safety, and welfare of the members of the public who rely upon interpreters.

The NCITLB further finds that the standards for becoming a provisional licensee contained in N.C. Gen. Stat. § 90D-8, while in need of improvement, mean that a person holding a provisional license must (or should) already have basic interpreting skills, education, and training, such that the marginal advancement to full licensee should not take unlimited or even several years. Limiting renewals to four at most in the proposed amendment means that a provisional licensee would have an initial provisional license lasting up to a year and then up to four additional renewal years in which to progress from provisional licensee to full licensee. The Board finds that such is ample time, it is just and reasonable, and that the benefit to, and protection of, the deaf and hearing consumers of interpreting services substantially outweighs any burden to provisional licensees affected by this amendment.

Finally, the NCITLB has considered the impact of Covid-19 and the months during which testing was not conducted. However, during those months, most provisional licensees could have been working on their skills at home and/or through online resources and/or otherwise to improve their skills for obtaining full licensure when testing resumed. At present, testing has been generally available for at least several months.

Comments may be submitted to: Caitlin Schwab-Falzone, Board Administrator, North Carolina Interpreter and Transliterators Licensing Board, P.O. Box 98328, Raleigh, NC 27624; 701 Exposition Place, Suite 206, Raleigh, NC 27615; phone 919-779-5709; email ncitlb@caphill.com

Comment period ends: May 2, 2022

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
 Local funds affected
 Substantial economic impact (\geq \$1,000,000)
 Approved by OSBM
 No fiscal note required

SECTION .0200 – LICENSING

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 use 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 no more than 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 pandemic, flood, hurricane, or tornado; or
- (4) the certifying organization s 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. ~~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 the moratorium.~~

(f) The Board shall not for any reason renew or extend a provisional license for a fifth time.

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

~~(g)~~(h) 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.

History Note: Authority G.S. 90D-6; 90D-8; 90D-11; 90D-12; 93B-15;
Eff. March 21, 2005;
Amended Eff. July 1, 2022; July 1, 2016; May 1, 2011; August 1, 2007.