

Introduced by

Senators Berg, Traynor

Representatives Kunkel, Oban

1 A BILL for an Act to amend and reenact sections 43-37-01, 43-37-02, 43-37-03, 43-37-04,
2 43-37-05, 43-37-09, and 43-37-13 of the North Dakota Century Code, relating to licensing of
3 interpreters for deaf individuals.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 43-37-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **43-37-01. Policy.** It is ~~declared to be~~ a policy of ~~the~~ this state ~~of North Dakota~~ that, ~~in~~
8 ~~order~~ to safeguard the public health, safety, and welfare, ~~to~~ protect the public from being misled
9 by incompetent, unscrupulous, and unauthorized persons and from unprofessional conduct on
10 the part of persons providing services, ~~and to~~ obtain the highest possible quality audiology and
11 speech-language pathology services to the communicatively handicapped people of this state,
12 and obtain quality interpreting services for the deaf it is necessary to provide regulatory
13 authority over persons offering audiology, interpreting, and speech-language pathology
14 services to the public.

15 **SECTION 2. AMENDMENT.** Section 43-37-02 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **43-37-02. Definitions.** As used in this chapter, unless the context ~~or subject matter~~
18 otherwise requires:

19 1. "Audiologist" means a person who practices audiology and who presents oneself
20 to the public by any title or description of services ~~incorporating~~ using the words
21 audiologist, hearing clinician, hearing therapist, or any similar title or description of
22 service. No person may use the term "audiologist" in referring to oneself unless all
23 the requirements of this chapter pertaining to audiology are met.

- 1 2. "Audiology" means the application of principles, methods, and procedures of
- 2 measurement, testing, evaluation, prediction, consultation, counseling, instruction,
- 3 habilitation, or rehabilitation related to hearing and disorders of hearing including
- 4 vestibular testing, for the purpose of evaluating, identifying, preventing,
- 5 ameliorating, or modifying ~~such~~ those disorders and conditions in individuals or
- 6 groups of individuals.
- 7 3. "Board" means the state board of examiners on audiology, interpreting, and
- 8 speech-language pathology.
- 9 4. "Habilitation" and "rehabilitation" include hearing aid evaluation and
- 10 recommendation, auditory training, and speech reading.
- 11 5. "Interpreter" means a person who:
- 12 a. Interprets spoken English to American sign language;
- 13 b. Interprets American sign language to spoken English;
- 14 c. Translates spoken English to manually coded English or pidgin sign English;
- 15 d. Translates manually coded English or pidgin sign English to spoken English;
- 16 or
- 17 e. Translates spoken English to paraphrased nonaudible spoken English.
- 18 6. "Interpreting service" means a person who provides interpretation or translation
- 19 services to facilitate communication between a deaf or hard-of-hearing person and
- 20 a hearing person.
- 21 7. "Person" means a human being.
- 22 ~~6.~~ 8. "Speech-language pathologist" means a person who practices speech-language
- 23 pathology and meets all requirements of this chapter pertaining to
- 24 speech-language pathology.
- 25 ~~7.~~ 9. "Speech-language pathology" means the application of principles, methods, and
- 26 procedures for measurement, testing, evaluation, identification, prediction,
- 27 counseling, or instruction related to the development and disorders of speech and
- 28 language, including voice, rhythm, and articulation for the purpose of identifying,
- 29 evaluating, preventing, managing, habilitating or rehabilitating, ameliorating, or
- 30 modifying ~~such~~ those disorders and conditions in individuals or groups of
- 31 individuals.

1 **SECTION 3. AMENDMENT.** Section 43-37-03 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **43-37-03. License required - Exceptions.** No person may practice or represent
4 oneself as an audiologist or speech- language pathologist, or represent oneself as a licensed or
5 certified interpreter of the deaf, in this state unless licensed annually ~~in accordance with~~ under
6 this chapter. ~~However, this~~ This chapter does not prevent or restrict:

- 7 1. A physician or surgeon from engaging in the practice of medicine in this state.
- 8 2. A hearing aid dealer from engaging in testing of hearing and other practices and
9 procedures used solely for ~~the~~ fitting and selling ~~of~~ hearing aids in this state ~~as~~
10 ~~provided in~~ under chapter 43-33.
- 11 3. Any person licensed in this state by any other law from engaging in the profession
12 or occupation for which licensed.
- 13 4. ~~A~~ The activities and services of a person who holds a valid ~~credential~~ teacher's
14 certificate, issued by the education standards and practices board, as a
15 speech-language pathologist or teacher of the ~~hearing impaired, issued by the~~
16 ~~department of public instruction,~~ deaf; or a person employed as an audiologist or
17 speech-language pathologist by the government of the United States; ~~if such this~~
18 person performs speech-language pathology or audiology services solely within
19 the confines or under the jurisdiction of the employing governmental or state
20 educational organization ~~by which employed.~~ ~~However, such~~ A person covered by
21 this subsection may, without obtaining a license under this chapter, consult with or
22 disseminate one's research findings and other scientific information to
23 speech-language pathologists or audiologists outside the jurisdiction of the
24 organization ~~by which~~ employing that person ~~is employed.~~
- 25 5. The activities and services of a person pursuing a course of study leading to a
26 degree in speech-language pathology or audiology at a college or university if
27 ~~such these~~ these activities and services ~~constitute a~~ are part of a supervised course of
28 study and ~~such this~~ this person is designated an audiology or a speech-language
29 pathology intern, an audiology or a speech-language pathology trainee, or by any
30 other ~~such title~~ title clearly indicating the training status appropriate to the level of
31 training.

6. The activities and services of persons fulfilling the requirements of subsection 3 2 of section 43-37-04.
7. The performance of audiology or speech-language pathology services in this state by any person not a resident of this state who is not licensed under this chapter if ~~such~~ these services are performed for no more than five days in any calendar year and in cooperation with an audiologist or speech-language pathologist licensed under this chapter.
8. Any person holding a valid credential as a teacher of the hearing-impaired issued by the council on education of the deaf from engaging in the practice of habilitation and rehabilitation of hearing-impaired persons.
9. ~~No~~ A speech pathologist or audiologist licensed ~~pursuant to~~ under this chapter ~~may receive from receiving~~ any remuneration of any kind from the sale of any type of hearing aid ~~unless he~~ if that person is licensed ~~as provided in~~ under chapter 43-33.
10. Any person possessing a valid certificate as a certified audiometric technician recognized by the state board as meeting ~~Council~~ council for ~~Accreditation~~ accreditation in ~~Occupational Hearing Conservation Standards Appendix~~ occupational hearing conservation standards appendix II or its equivalent from providing audiometric testing if ~~such~~ this service is performed in cooperation with either an audiologist licensed under this chapter or a licensed physician.
11. Any person providing hearing screening services as part of a public service project solely intended for the purposes of identification of hearing impairment if ~~such~~ these services are performed in cooperation with an audiologist who is licensed under this chapter ~~who~~ and is directly responsible for:
 - a. The training of ~~said~~ this person;
 - b. The administration of hearing screening procedures;
 - c. The interpretation of testing results; and
 - d. Assuring appropriate referral and followup of the identified population.
12. The activities and services of a person who is pursuing a course of study or training at a college or university if the activities and services constitute part of a supervised course of study leading to a career as an interpreter and the person is

designated an interpreter intern, trainee, or by any other title clearly indicating the training status appropriate to the level of training.

13. A teacher using sign language or a manual communication system as an augmentative form of communication for a student whose primary disability is not deafness or hearing impairment.

14. A person using sign language or a manual communication system as a form of communication with or on behalf of a family member or a deaf person who has specifically requested that use by that person.

15. Communications necessary for the provision of an urgent or emergency medical or government service to a deaf person.

16. Communications made as a reasonable accomodation for the employment of a deaf person.

17. Communications with a deaf person who does not communicate using American sign language, manually coded English, or pidgin sign English.

18. Any activity by an unlicensed interpreter for deaf persons prior to August 1, 1999.

SECTION 4. AMENDMENT. Section 43-37-04 of the North Dakota Century Code is amended and reenacted as follows:

43-37-04. Eligibility for licensure. To be eligible for licensure by the board as an audiologist, interpreter for the deaf, or speech-language pathologist, a person ~~shall~~:

~~4.~~ Be must be of good moral character: and shall:

~~2.~~ 1. Possess at least a master's degree or its equivalent in the area of speech-language pathology or audiology from an educational institution recognized by the board, or an interpreting certification awarded by a national certifying agency, as appropriate for the type of license.

~~3.~~ 2. Submit evidence showing qualifications prescribed by rules of the board.

~~4.~~ 3. Pass an examination approved by the board and pay the prescribed fee. The board may waive the examination requirement if the applicant presents proof of licensure in another state ~~which that~~ has professional standards equivalent to those required by the board.

SECTION 5. AMENDMENT. Section 43-37-05 of the North Dakota Century Code is amended and reenacted as follows:

43-37-05. Board of examiners on audiology, interpreting, and speech-language pathology.

1. The board of examiners on audiology, interpreting, and speech-language pathology is ~~hereby~~ established.
2. The board ~~must be composed~~ consists of seven nine members appointed by the governor. ~~Appointees~~ An appointee must be ~~residents~~ a resident of this state for at least one year immediately ~~preceding their~~ before appointment and, except for the consumer member, must be engaged in rendering services to the public, in teaching, or in research in audiology, interpreting services, or speech-language pathology for at least three years ~~preceding their~~ before appointment. Two board members must be audiologists, two must be speech-language pathologists, one must be an otolaryngologist, one must be a hearing aid specialist, one must be an interpreter for the deaf, one must be a consumer of interpreter services, and one must be a consumer.
3. Each board member shall hold office for three years and until a successor is appointed and qualified. The terms must be arranged so ~~that~~ no more than three terms expire on July first of each year. The governor shall fill ~~vacancies~~ any vacancy for an unexpired term. No person may serve more than two successive terms.
4. The board shall meet at least twice each calendar year. Special meetings may be convened at the call of the chairman or at the written request of any three board members.
5. ~~Four members of the board constitute a quorum.~~ When an application for licensure is received, one member of ~~the~~ a quorum of the board must be engaged in the profession for which a license is sought.

SECTION 6. AMENDMENT. Section 43-37-09 of the North Dakota Century Code is amended and reenacted as follows:

43-37-09. License examination.

1. A separate examination ~~must be~~ is required for licensure in speech-language pathology or audiology. Any person may be licensed in both areas if that person meets the respective qualifications of each area.

2. The speech-language pathology examination and the audiology examination are the national examinations as established by the American speech-language hearing association. The board shall maintain proof that all licensees have passed the required examination. The examination is not required for renewal of ~~licenses~~ a license except as required by board rules.
3. The interpreter for the deaf examination is required for licensure. The required examination is the national examination as established by the national association of the deaf, registry of interpreters for the deaf, or other national certifying agency recognized by the board. The board shall maintain proof that all licensees have passed the required examination. The examination is not required for renewal of a license except as required by board rules.
4. A person who has completed an interpreter training program may be issued a temporary license and has up to two years before taking the national examination and becoming certified.
5. ~~The~~ Except as provided in subsection 4, the board may issue a temporary license to practice activities regulated by this chapter to any person who furnishes satisfactory evidence of qualifications to the board. A temporary license under this subsection may be issued for no longer than one year.

SECTION 7. AMENDMENT. Section 43-37-13 of the North Dakota Century Code is amended and reenacted as follows:

43-37-13. Suspension and revocation of license.

1. The board may refuse to issue or renew a license; or may suspend or revoke a license ~~where~~ when the licensee or applicant for license has engaged in unprofessional conduct. ~~Such unprofessional~~ Unprofessional conduct ~~may include~~ includes:
 - a. Obtaining a license by means of fraud, misrepresentation, or concealment of material facts;
 - b. Engaging in unprofessional conduct, as defined by the rules established by the board, or violating the code of ethics adopted and published by the board;
 - c. Conviction of an offense if the acts for which that person is convicted are determined by the board to have a direct bearing on ~~such~~ the applicant's or

- 1 licensee's ability to serve the public in the capacity of a speech-language
2 pathologist, interpreter for the deaf, or audiologist; or the board determines
3 that ~~such~~ the applicant or licensee, following conviction of any other offense,
4 is not sufficiently rehabilitated under section 12.1-33-02.1;
- 5 d. Violation of any order or rule adopted by the board; or
6 e. Violation of this chapter.
- 7 2. One year from the date of revocation of a license, the licensee may ~~make~~
8 ~~application~~ apply to the board for reinstatement. The board may accept or reject
9 an application for reinstatement or may require an examination for reinstatement.