

2021
STATE OF NEBRASKA



Rules and Regulations
Relating to
Sign Language Interpreters

Effective August 1, 2021

Nebraska Commission for the
Deaf and Hard of Hearing

Nebraska Commission for the Deaf and Hard of Hearing
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TITLE 96, NEBRASKA COMMISSION FOR THE DEAF AND HARD OF HEARING

CHAPTER 1 PRACTICE AND APPOINTMENT OF SIGN LANGUAGE INTERPRETERS

001 SCOPE OF REGULATIONS

These regulations apply to the licensure of interpreters, transliterators and video remote interpreting (VRI) providers as defined by Nebraska Revised Statutes §20-150 to §20-159.

002 DEFINITIONS

Apprentice License: A one-time license valid for three years allowing applicants to practice while working toward obtaining community sign language licensure requirements as outlined in 003.01.

Apprentice Licensee: A person who holds an Apprentice License.

Auxiliary aid: Includes, but is not limited to, sign language interpreters, oral interpreters, tactile interpreters, deaf interpreters, note takers, transcription services, written materials, assistive listening devices, assisted listening systems, videotext displays, and other visual delivery systems.

Board: The Interpreter Review Board. A regulatory Board under the auspices of the Nebraska Commission for the Deaf and Hard of Hearing Full Commission Board.

Calendar year: A period of twelve months from January 1 to December 31.

CASLI – Center for the Assessment of Sign Language Interpreters: The principal activity of CASLI shall be the development and administration of knowledge and performance tests that measure the proficiency of an individual to interpret between deaf individuals who use sign language and individuals who speak English. This testing is conducted solely for the purpose of RID, Inc. certification.

Certificate: A formal document verifying completion of a specific sign language proficiency level, course, or training program.

Commission: The Nebraska Commission for the Deaf and Hard of Hearing.

Complaint: Any allegation against an interpreter, a VRI provider or against a hiring entity submitted to the Nebraska Commission for the Deaf and Hard of Hearing. The complaint may be submitted in any form.

Completed Application: An application with all of the information requested on the application filled in, the signature of the applicant, fees and all required documentation submitted.

Continuing Education Unit (CEU): For every ten hours of instruction, a participant receives one continuing education unit or one CEU.

Deaf-Blind person: Anyone with a dual sensory loss of both vision and hearing.

Deaf or hard of hearing person: A person whose hearing, with or without amplification, is so severe that they may have difficulty in auditorily processing spoken language without the use of an interpreter; or a person with a fluctuating or permanent hearing loss which may adversely affect the ability to understand spoken language without the use of an interpreter or other auxiliary aid.

Formal Complaint: Written statement, prepared by legal counsel retained on behalf of the Full Commission Board, stating formal allegations or violations of the Rules and Regulations and Statutes relating to Sign Language Interpreters.

Full Commission Board: The Nebraska Commission for the Deaf and Hard of Hearing Full Commission Board.

Hearing Officer: The person or persons conducting a hearing, contested case, or other proceeding pursuant to the Administrative Procedure Act, whether designated as the presiding officer, administrative law judge, or some other title designation.

Intermediary interpreter: Any deaf or hard of hearing person who is able to assist in providing an accurate interpretation between spoken English and sign language or between variants of sign language in order to facilitate communication between a deaf or hard of hearing person and an interpreter.

Intermediary interpreting: Involves the use of sign language, gesture, mime, props, drawings, and/or other tools to enhance communication.

Intermediary License: A license that indicates proficiencies in interpretation or transliteration as described in 003.01B in these regulations and as established by the Commission for the Deaf and Hard of Hearing pursuant to Neb. Rev. Stat. §20-150.

Intermediary Licensee: A person who holds an Intermediary License.

Interpreter or Transliterator: A person who is able to interpret or transliterate accurately and impartially both receptively and expressively using any specialized vocabulary necessary.

Interpreter or Transliterators License: A license that indicates proficiencies in interpretation or transliteration as described in 003.01A in these regulations and as established by the Commission for the Deaf and Hard of Hearing pursuant to Nebraska Revised Statute §20-150.

Interpreter or Transliterators Licensee: A person who holds an Interpreter/Transliterators License.

Interpreting: Conveying what is being spoken through Sign Language and conveying what is being signed into spoken English in an equivalent manner maintaining the speaker's intent.

NAD: The National Association of the Deaf.

NAD Certification: The National Association of the Deaf (NAD) Interpreter Assessment and Certification Program, established in 1991, was designed to evaluate and certify qualified candidates to serve as sign language interpreters. (Assessment no longer offered.)

NAD-RID Code of Professional Conduct: The document adopted by members of NAD and RID to outline the high standards of professionalism and ethical conduct expected of interpreters. The driving force behind the guiding principles is the notion that the interpreter will do no harm.

National Interpreter Certification (NIC): The interpreter certification test developed by the National Council on Interpreting.

Political Subdivision: A division of government less than the State.

QAST: The Mid-America Quality Assurance Screening Test is an assessment tool used to determine an interpreter's level of proficiency. (Assessment no longer offered.)

RID: The Registry of Interpreters for the Deaf, Inc. (RID) is a national organization that awards certification to interpreters and transliterators who successfully pass a national test.

RID Certification: Any interpreter certification developed and administered by the Registry of Interpreters for the Deaf.

State agency: Any state entity which receives appropriations from the Legislature and includes the Legislature, legislative committees, executive agencies, courts, and probation officials but does not include political subdivisions.

Temporary Permit: A permit that indicates proficiencies in interpretation or transliteration as described in 003.01C in these regulations, and which allows an interpreter to practice for a limited term.

Transliterating: The process of conveying the message into an English-based sign system.

Video Remote Interpreting Business License: A license held by a person or entity that demonstrates their employed interpreters' proficiencies as described in 004.01 in these regulations and as established by the Commission for the Deaf and Hard of Hearing pursuant to Nebraska Revised Statute §20-150.

Video Remote Interpreting (VRI) provider: A person or an entity licensed to provide video remote interpreting services.

Video Remote Interpreting (VRI) services: The use of videoconferencing technology with the intent to provide effective interpreting services.

003 INTERPRETERS/TRANSLITERATORS

A license is required to practice interpreting or transliterating. In accordance with Neb. Rev. Stat. §20-150 to §20-159, except as otherwise provided in section §20-156.01, no person or entity shall (a) practice as an interpreter for the deaf or hard of hearing for compensation, (b) hold himself, herself, or itself out as a licensed interpreter for the deaf or hard of hearing, (c) provide video remote interpreting services, (d) use the title Licensed Interpreter for the Deaf or Licensed Transliterating for the Deaf, or (e) use any other title or abbreviation to indicate that the person or entity is a licensed interpreter unless licensed by the state of Nebraska.

003.01 ELIGIBILITY CRITERIA TO OBTAIN A LICENSE

003.01A Interpreter/Transliterating License

An applicant for an Interpreter or Transliterating license to practice interpreting or transliterating for deaf or hard of hearing individuals in Nebraska must:

- 1) Have completed one of the following:
 - a) Hold a valid interpreter certification awarded by the Registry of Interpreters for the Deaf, Inc. (RID), except for Ed:K-12; or
 - b) Hold a valid Level IV or higher on the Interpreter Proficiency Certificate awarded by the National Association of the Deaf (NAD); or
 - c) Hold a valid Level IV or higher in Interpreting or Transliterating on the Mid-America Quality Assurance Screening Test (QAST) awarded by the Nebraska Commission for the Deaf and Hard of Hearing; or
 - d) Hold a state certification or licensure that is substantially equivalent to one of the above and approved by the Full Commission Board; and
- 2) Be 18 years of age or older; and
- 3) Have documentation of a high school diploma or equivalent, or proof of higher education.

003.01B Intermediary License

An applicant for an Intermediary license to practice interpreting or transliterating for deaf and hard of hearing individuals in Nebraska must:

- 1) Have completed one of the following sets of requirements:
 - a) Hold a valid interpreter certification awarded by the Registry of Interpreters for the Deaf, Inc. (RID); Certified Deaf Interpreter Certification; or
 - b) Have written documentation of the following:
 - i) Passed a written English language proficiency examination at the minimum of an advanced level or equivalent; and
 - ii) Passed a written examination on ethics and ethical behavior for sign language interpreting; and
 - iii) Completed 8 hours of training on ethics and ethical behavior for sign language interpreting and 8 hours of training related to the role and function of a deaf or hard of hearing intermediary interpreter, which is approved by the Full Commission Board; or
 - iv) Hold a state certification or licensure that is substantially equivalent to one of the above and approved by the Full Commission Board; and
 - c) Be 18 years of age or older; and
 - d) Have documentation of a high school diploma or equivalent, or proof of higher education.

003.01C Temporary Permit

A Temporary Permit is valid for a maximum of 14 days per calendar year. An applicant for a Temporary Permit must satisfy the requirements as specified in 003.01A or 003.01B. At the end of the calendar year, permit holders must submit a record, on a form supplied by the Commission, of interpreting service hours provided in Nebraska except for any exception outlined in Neb. Rev. Stat. §20-156.1.

003.01D Apprentice License

An Apprentice License is a one-time license valid for three years allowing applicants to practice while working toward obtaining community sign language licensure requirements as outlined in 003.01. In accordance with the NAD-RID Code of Professional Conduct, license holders will practice in settings where the outcomes do not have potentially serious ramifications for any parties involved. At the end of each 12-month period, license holders must submit a record, on a form supplied by the Commission, of interpreting service hours provided in Nebraska.

003.02 APPLICATION PROCESS FOR OBTAINING A LICENSE OR A TEMPORARY PERMIT

The process for obtaining a license to practice interpreting or transliterating for deaf or hard of hearing individuals in Nebraska is set forth below:

003.02A Interpreter/Transliterators or Intermediary License

- 1) An applicant for an Interpreter/Transliterators license or Intermediary license must submit the following to the Commission:
 - a) Documentation that the applicant meets the requirements as cited in 003.01A or 003.01B in these regulations; and
 - b) A completed application supplied by the Commission. Incomplete applications will be returned; and
 - c) Documentation of a high school diploma or equivalent, or proof of higher education; and
 - d) Copy of a valid government issued photo identification; and
 - e) The required license fee.
- 2) Applicants who are denied an Interpreter/Transliterators or Intermediary license may appeal this action in accordance with section 003.09.
- 3) All Interpreter/Transliterators and Intermediary licenses shall expire on June 30 of odd-numbered years unless revoked, suspended or cancelled prior to such date.

003.02B Temporary Permit

- 1) An applicant for a Temporary Permit must submit the following to the Commission:
 - a) Documentation that the applicant meets the requirements as cited in 003.01A or 003.01B in these regulations; and
 - b) A completed application supplied by the Commission. Incomplete applications will be returned; and
 - c) Documentation of a high school diploma or equivalent, or proof of higher education; and
 - d) Copy of a valid government issued photo identification; and
 - e) The required permit fee.
- 2) Applicants who are denied a Temporary Permit may appeal this action in accordance with section 003.09.
- 3) All Temporary Permits shall expire on December 31 of the current calendar year unless revoked, suspended or cancelled prior to such date.

003.02C Apprentice License

- 1) An applicant for an Apprentice License must meet strict criteria and guidelines and must submit the following to the Commission:
 - a) A copy of a valid government issued photo identification and be at least 18 years of age; and
 - b) Proof of having taken and passed the RID written examination; and
 - c) Documentation of eligibility to take the national performance exam as currently defined by RID; and
 - d) Current RID membership card showing that the applicant is an associate member; and
 - e) Proof of completion of an interpreter preparation or training program; and

- f) A letter of recommendation, signed by the interpreter preparation program (IPP) chairperson attesting to the competency of the applicant to practice; and
- g) A completed application supplied by the Commission. Incomplete applications will be returned; and
- h) The required one-time fee.

003.03 FEES

All fees shall be set by the Full Commission Board to be paid as a condition of issuance of a license pursuant to Neb. Rev. Stat. §20-156.

003.03A Interpreter/Transliterator License, Intermediary License, or Temporary Permit

An applicant for an Interpreter/Transliterator license, Intermediary license, or Temporary Permit must pay the required fee on a biennial basis to maintain licensure.

003.03B Apprentice License

An applicant for an Apprentice license must pay the required one-time fee.

003.03C Renewal Fee

An applicant for renewal of an Interpreter/Transliterator license or Intermediary license must pay the required fee on a biennial basis to maintain licensure.

003.03D Late Fee

An applicant for renewal of an Interpreter/Transliterator license or Intermediary license who fails to pay the renewal fee on or before the expiration date of the license will have 30 calendar days to pay the required late fee in addition to the renewal fee. After 30 days, the license is revoked and the reinstatement fee applies.

003.03E Duplicate Original License

A request for a duplicate original license will be granted with the payment of the required fee. This includes issuing a duplicate license due to a name change.

003.03F Certified Statement

A request for a certified statement that a license holder is licensed by the state of Nebraska will be granted with the payment of the required fee.

003.03G Reinstatement Fee

An applicant for reinstatement of an Interpreter/Transliterators license or Intermediary license must pay a required fee in addition to the renewal fee.

003.04 CONTINUING EDUCATION

003.04A Continuing Education Requirements

- 1) All persons applying for renewal of an Interpreter/Transliterators license or an Intermediary license must:
 - a) Have completed 24 clock hours of approved continuing education during the preceding 24-month period. A minimum of 18 clock hours must be completed in the area of Professional Studies, of which 3 clock hours must be related to interpreter ethics. Professional Studies contains content that directly affects the field of interpreting or transliterating. A maximum of 6 clock hours may be completed in the area of General Studies. General Studies includes topics that enhance the interpreter/transliterators critical thinking skills and general ideas typically understood within mainstream American culture. The Commission has final approval of all continuing education activities. License holders must:
 - i) Ensure that the continuing education activity is approved by the Commission; and
 - ii) Maintain certificates of attendance or records of credit from continuing education activities; and
 - iii) Submit to the Commission documentation of continuing education hours.
 - (1) Documentation of continuing education activities must include:
 - (a) The title of the approved activity; and

(b) The date(s) of the activity; and

(c) The number of hours received for the activity.

2) All persons holding an Apprentice license must:

- a) Complete 1.2 CEUs (12 clock hours) of approved continuing education, of which 0.3 CEUs (3 clock hours) must be related to interpreter ethics, during each 12-month period of the 3-year license cycle. The Commission has final approval of all continuing education activities.

License holders must:

- i) Ensure that the continuing education activity is approved by the Commission or by any RID Sponsor and continuing education activities must include:
- (a) The title of the approved activity; and
- (b) The date(s) of the activity; and
- (c) The number of continuing education hours awarded for the activity.
- ii) Maintain certificates of attendance or records of credit from continuing education activities; and
- iii) At the end of each 12-month period, submit to the Commission documentation of the continuing education hours.
- b) If documentation of required continuing education hours is not submitted within 30 days after the end of each 12-month period, the Apprentice license will be revoked with no opportunity for appeal.

003.04B Approval of Continuing Education Activities

Continuing education activities are approved by the Commission or by any RID Sponsor for continuing education credit.

003.04C Denial of Continuing Education Activities

Applicants who are denied approval of a continuing education activity may appeal this action in accordance with section 003.09.

003.05 PROCESS FOR LICENSE RENEWAL

003.05A Expiration Date

- 1) All Interpreter/Transliterators and Intermediary licenses shall expire on June 30 of odd-numbered years unless revoked, suspended, or cancelled prior to such date.
- 2) All Temporary Permits shall expire on December 31 of the year of issuance unless revoked, suspended, or cancelled prior to such date.

003.05B Interpreter/Transliterators or Intermediary License

- 1) An applicant for renewal of an Interpreter/Transliterators or Intermediary license must submit to the Commission:
 - a) Documentation that the applicant meets the requirements as cited in 003.01A or 003.01B in these regulations; and
 - b) Documentation that the applicant meets the continuing education requirements as cited in 003.04; and
 - c) A completed renewal application supplied by the Commission. Incomplete applications will be returned; and
 - d) A copy of a valid government issued photo identification; and
 - e) The required license fee.
- 2) Applicants who are denied an Interpreter/Transliterators or Intermediary license renewal may appeal this action in accordance with section 003.09.

003.06 LICENSE EXPIRATION

003.06A Expiration for Non Payment of Renewal Fees

- 1) If a license holder fails to submit a completed application and the required renewal fee by the expiration date, a license expiration notice will be sent from the Commission. The notice will specify:
 - a) That the license holder has a right to appeal the expiration notice in accordance with section 003.09; and
 - b) That the license holder has a right to request reinstatement of the license in accordance with section 003.08.

003.06B Expiration for Failure to Maintain Required Certification or Assessment Level

- 1) If a license holder fails to maintain the requirements as cited in 003.01, a license expiration notice will be sent from the Commission. The notice will specify:
 - a) That the license holder has a right to appeal the expiration notice in accordance with section 003.09; and
 - b) That the license holder has a right to request reinstatement of the license in accordance with section 003.08.

003.06C Expiration for Failure to Meet Continuing Education Requirements

- 1) If a license holder fails to meet the continuing education requirements for license renewal as cited in 003.04, a license expiration notice will be sent from the Commission. The expiration notice will specify:
 - a) That the license holder has a right to appeal the expiration notice in accordance with section 003.09; and
 - b) That the license holder has a right to request reinstatement of the license in accordance with section 003.08.

003.07 INVESTIGATING REPORTS OF POTENTIAL VIOLATIONS

This rule outlines the procedures for investigating reports of conduct constituting a violation of Neb. Rev. Stat. §20-150 to §20-159, §71-4728 to §71-4732 or any

regulation in section 003.07 and for taking disciplinary action against hiring entities, and licensed or unlicensed interpreters.

- 1) The Commission will acknowledge all reports of potential violations in writing within 10 business days. At a minimum, individuals will receive notification of the facts, circumstances, and identity of the complainant, unless special circumstances exist.
- 2) Upon designation by the Full Commission Board, the Board will investigate any of the following:
 - a) Reports alleging the use of an unlicensed interpreter in violation of Neb. Rev. Stat. §20-150 to §20-159, or complaints, as defined in 002, alleging the violation of the Rules and Regulations of the Commission; or
 - b) Reports alleging a licensed interpreter has violated any provision of Neb. Rev. Stat. §20-150 to §20-159, §71-4728 to §71-4732, or any rule or regulation of the Commission adopted and promulgated pursuant to such sections, including rules and regulations governing unprofessional conduct; or
 - c) Reports alleging fraud, forgery, or misrepresentation of material facts, in procuring or attempting to procure, or renewing or attempting to renew a license; or
 - d) Reports alleging unethical, unprofessional, dishonorable or grossly immoral conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for the practice of interpreting or transliterating; or
 - e) Convictions of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction, which has rational connection with the license holder's renewal or fitness or capacity to practice interpreting; or
 - f) Reports of violating the terms of a probation should the Commission have placed the license holder on probation; or
 - g) Reports of committing any act of abusive behavior, misconduct or exploitation related to the practice of interpreting.

003.07A Evaluation and Action

- 1) The Board will investigate and evaluate reports of potential violations. In conducting an investigation, and prior to a formal hearing on reports of potential violations, the Board may, at its discretion, request the complainant and/or the person who is under investigation to appear before the Board or its designee to voluntarily and informally discuss the alleged violation.
 - a) The Board or its designee will obtain technical or investigatory assistance from persons, including but not limited to, the agency Interpreter Program Coordinator, one interpreter representative from the Board and one deaf representative from the Board.
 - b) In addition to being asked to answer charges in writing, the interpreter under investigation and/or the complainant may request to meet with the Board designee and provide testimony in person.
- 2) After the investigation is complete and upon determination that the report of potential violation has merit, the matter goes to the Board to determine their recommendation to the Full Commission Board.
 - a) The interpreter under investigation and/or the complainant may request to appear before the Board when the report of potential violation is reviewed in Executive Session.
- 3) The Full Commission Board may, at its discretion, request the person under investigation and/or the complainant appear before the Full Commission Board to discuss the alleged violation.
 - a) The person under investigation and/or the complainant may request to meet with the Full Commission Board to provide testimony in person.
 - b) If the investigation reveals that there is not good cause to believe that the interpreter has committed a violation of any Neb. Rev. Stat. §20-150 to §20-159, §71-4728 to §71-4732, or the Title 96 Rules and Regulations promulgated by the Full Commission Board, the matter will be dismissed and no formal complaint will be initiated by the Full Commission Board; or
 - c) If the investigation discloses a probability that the actions of the person under investigation constitutes a violation of any Neb. Rev. Stat. §20-150 to §20-159, §71-4728 to §71-4732, or

the Title 96 Rules and Regulations promulgated by the Full Commission Board, the Full Commission Board will proceed with possible disciplinary action.

- i) The Full Commission Board may enter into a consent agreement or negotiated settlement at any time before or after filing a formal complaint. Voluntary surrender or nonrenewal of a license to avoid or expedite enforcement or disciplinary action does not preclude any enforcement action or sanction for any alleged violation and will prohibit consideration for subsequent reinstatement.
 - ii) A formal complaint may be filed and served on the interpreter. Such formal complaint will specify the allegation(s) being brought against the interpreter and set forth, in general terms, the alleged facts to support the allegation(s).
- d) If the Full Commission Board decides to proceed with possible disciplinary action, the Executive Director will consult with the Nebraska Attorney General's office and will retain legal counsel to prosecute the disciplinary charges. A formal complaint will be prepared, filed with the Executive Director and served on the interpreter. Such formal complaint will specify the charges being brought against the interpreter and set forth, in general terms, the alleged facts to support the charges.
- i) If the interpreter does not wish to contest the allegation(s) within 15 days and request a formal hearing, the following will occur:
 - (1) The Full Commission Board will, by majority vote, make its final decision in the matter.
 - ii) If the interpreter wishes to contest the allegation(s), a request for a formal hearing must be submitted, in writing, within 15 days to the Executive Director of the Commission.
 - iii) The Commission shall appoint a neutral hearing officer to schedule an evidentiary hearing within 30 days. The hearing officer will preside over all proceedings in the case until completion of the hearing and submission of

the hearing officer's report and recommendations to the Commission and will serve copies of such document on the interpreter and the attorney prosecuting the charges.

iv) The Full Commission Board may, but is not required to, afford the interpreter and the attorney prosecuting the matter for the Commission the opportunity to present written and/or oral argument to it in response to the hearing officer's written findings of fact, conclusions of law and recommended decision.

v) The Full Commission Board will, by majority vote, make its final decision in the matter.

- 4) Notice of the Full Commission Board's final decision will be served on the interpreter or the interpreter's attorney of record promptly after it is made. If the allegation(s) are substantiated, a disciplinary notice will be sent from the Commission. The disciplinary notice will specify:
 - a) The specific ground(s) violated; and
 - b) That the Full Commission Board has taken disciplinary action against an individual, and the nature of the disciplinary action; and
 - c) That an individual has a right to appeal the disciplinary action in accordance with section 003.09; and
 - d) That a previously licensed individual has a right to request reinstatement of the license in accordance with section 003.08.
- 5) Any entity aggrieved by the final Full Commission Board's decision in a contested case is entitled to judicial review in accordance with Neb. Rev. Stat. §84-917.
- 6) The procedure for formal hearings in contested disciplinary cases before the Full Commission Board shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice, which chapter is hereby adopted by the Commission for this purpose.

003.07B Types of Disciplinary Actions

- 1) If the Full Commission Board determines that a licensed interpreter or an applicant for licensure has committed a violation of Neb. Rev. Stat. §20-150 to §20-159, or of the Rules and Regulations of the Commission, it may discipline the individual by taking one or more of the following actions which includes, but is not limited to:
 - a) Additional education requirements
 - b) Letter of reprimand
 - c) Probation
 - d) Limit the type of practice
 - e) Suspension
 - f) Revocation.
- 2) If the Full Commission Board determines that an unlicensed interpreter has committed a violation of Neb. Rev. Stat. §20-150 to §20-159, or of the Rules and Regulations of the Commission, the Full Commission Board may impose a civil penalty against the unlicensed interpreter not to exceed \$500 for each offense.
- 3) Applicants who are denied renewal of a license may appeal this action in accordance with section 003.09.

003.08 LICENSE REINSTATEMENT

- 1) An applicant whose Interpreter/Transliterater or Intermediary license was not renewed within 30 days of the expiration date has 2 years to submit the following to the Commission:
 - a) A completed reinstatement application supplied by the Commission. Incomplete applications will be returned; and
 - b) The required fees; and
 - c) If the license expired due to failure to maintain certification or assessment level, documentation that the applicant currently possesses the required certification or assessment level as cited in 003.01; and

- d) If the license expired due to failure to complete required continuing education hours as cited in 003.04, documentation of completed approved continuing education earned in the 24 months prior to the date of application for reinstatement must be submitted; and
 - e) A written statement signed by the applicant that contains the rationale for requesting reinstatement of the license.
- 2) An applicant whose Interpreter/Transliterator or Intermediary license has been revoked, suspended, limited or refused renewal may seek reinstatement by submitting the following to the Commission:
- a) A completed reinstatement application supplied by the Commission. Incomplete applications will be returned; and
 - b) The required fees; and
 - c) A written statement signed by the applicant that contains the rationale for requesting reinstatement of the license; and
 - d) Evidence that the applicant has fulfilled all requirements of any disciplinary action and has met the requirements cited in 003.01.
- 3) All reinstatement applications require Full Commission Board approval.
- a) If the interpreter is denied reinstatement, the Commission will notify the applicant. Applicants who are denied license reinstatement may appeal this action in accordance with section 003.09.
- 4) The reinstatement fee is nonrefundable.

003.09 APPEAL RIGHTS FOR INTERPRETER/TRANSLITERATORS

The procedure to appeal any decision made by the Full Commission Board shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice, which chapter is hereby adopted by the Commission for this purpose.

- 1) The procedure for individuals to appeal any administrative decision(s) related to the denial of an initial license, license renewal, continuing education credits, or license expiration notice is as follows:
 - a) Submit to the Executive Director a letter of appeal for the Full Commission Board's review.
 - b) The interpreter will be notified of the Full Commission Board's decision.
- 2) The procedure for formal hearings in contested disciplinary cases before the Full Commission Board shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice, which chapter is hereby adopted by the Commission for this purpose.
- 3) Any person aggrieved by the final Full Commission Board's decision in a contested case is entitled to judicial review in accordance with Neb. Rev. Stat. §84-917.
- 4) All investigations or disciplinary actions that are not formally dismissed will be public information after a disposition has been determined by the Full Commission Board and the Board will abide by Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice.

004 VIDEO REMOTE INTERPRETING (VRI) PROVIDERS

A license is required to practice interpreting or transliterating. In accordance with Neb. Rev. Stat. §20-150 to §20-159, except as otherwise provided in section §20-156.01, no person or entity shall:

- (a) practice as an interpreter for the deaf or hard of hearing for compensation,
- (b) hold himself, herself, or itself out as a licensed interpreter for the deaf or hard of hearing,
- (c) provide video remote interpreting services,
- (d) use the title Licensed Interpreter for the Deaf or Licensed Transliterating for the Deaf, or use any other title or abbreviation to indicate that the person or entity is a licensed interpreter unless licensed by the state of Nebraska.

004.01 ELIGIBILITY CRITERIA TO OBTAIN A VIDEO REMOTE INTERPRETING BUSINESS LICENSE

- 1) An applicant for a business license to provide VRI services for deaf or hard of hearing individuals in Nebraska must assure all employed and contracted sign language interpreters meet the following criteria:
 - a) Have completed one or more of the following:
 - i) Hold a valid certification awarded by the Registry of Interpreters for the Deaf, Inc. (RID), except for Ed:K-12; or
 - ii) Hold a valid level IV or higher on the Interpreter Proficiency Certificate awarded by the National Association of the Deaf (NAD); or
 - iii) Hold a valid level IV or higher in Interpreting or Transliterating on the Mid-America Quality Assurance Screening Test (QAST) awarded by the Nebraska Commission for the Deaf and Hard of Hearing; or
 - iv) Hold a state certification or licensure that is substantially equivalent to one of the above and approved by the Full Commission Board; and
 - b) Be 18 years of age or older; and
 - c) Have documentation of a high school diploma or equivalent, or proof of higher education.

004.02 APPLICATION PROCESS FOR OBTAINING A VIDEO REMOTE INTERPRETING BUSINESS LICENSE

All Video Remote Interpreting business licenses shall expire on June 30 of even-numbered years unless revoked, suspended or cancelled prior to such date.

- 1) An applicant for a Video Remote Interpreting business license must submit the following to the Commission:
 - a) A completed application supplied by the Commission. Incomplete applications will be returned; and

- b) A signed agreement stating compliance with 004.01 criteria, including all employed and contracted sign language interpreters' maintenance of certification levels, any applicable state license(s); and
 - c) A roster of employed and contracted sign language interpreters; and
 - d) The required license fee.
- 2) Applicants who are denied a business license may appeal this action in accordance with section 004.08.

004.03 FEES

All fees shall be set by the Full Commission Board to be paid as a condition of issuance of a license pursuant to Neb. Rev. Stat. §20-156.

004.03A VRI Business License

An applicant for a Video Remote Interpreting business license must pay the required fee on a biennial basis to maintain licensure.

004.03B Renewal Fee

An applicant for renewal of a Video Remote Interpreting business license must pay the required fee on a biennial basis to maintain licensure.

004.03C Late Fee

An applicant for renewal of a Video Remote Interpreting business license who fails to pay the renewal fee on or before the expiration date of the license will have 30 calendar days to pay the required late fee in addition to the renewal fee. After 30 days, the license is revoked and the reinstatement fee applies.

004.03D Duplicate Original Business License

A request for a duplicate original business license will be granted with the payment of the required fee. This includes issuing a duplicate business license due to a name change.

004.03E Certified Statement

A request for a certified statement that a business license holder is licensed by the state of Nebraska will be granted with the payment of the required fee.

004.03F Reinstatement Fee

An applicant for reinstatement of a business license must pay a required reinstatement fee in addition to the renewal fee.

004.04 PROCESS FOR VIDEO REMOTE INTERPRETING BUSINESS LICENSE RENEWAL

004.04A Expiration Date

All Video Remote Interpreting business licenses shall expire on June 30 of even-numbered years unless revoked, suspended or cancelled prior to such date.

004.04B Video Remote Interpreting Business License Renewal

- 1) An applicant for renewal of a Video Remote Interpreting business license must submit to the Commission:
 - a) A completed application supplied by the Commission. Incomplete applications will be returned; and
 - b) A signed agreement stating compliance with 004.01 criteria, including all employed and contracted sign language interpreters' maintenance of certification levels, any applicable state license(s); and
 - c) A roster of employed and contracted sign language interpreters; and
 - d) The required license fee.
- 2) Applicants who are denied renewal of a business license may appeal this action in accordance with section 004.08.

004.05 LICENSE EXPIRATION

004.05A Expiration for Nonpayment of Renewal Fees

- 1) If a business license holder fails to submit a completed application and the required renewal fee by the expiration date, a license expiration notice will be sent from the Commission. The notice will specify:
 - a) That the business license holder has a right to appeal the expiration notice in accordance with section 004.08; and
 - b) That the business license holder has a right to request reinstatement of the business license in accordance with section 004.07.

004.06 INVESTIGATING REPORTS OF POTENTIAL VIOLATIONS

This rule outlines the procedures for investigating reports of potential violations and taking disciplinary action against hiring entities, and licensed or unlicensed Video Remote Interpreting providers.

- 1) The Commission will acknowledge all reports of potential violations in writing within 10 business days after being received.
- 2) Upon designation by the Full Commission Board, the Board will investigate any of the following:
 - a) Reports alleging the use of an unlicensed Video Remote Interpreting provider by any hiring entity in violation of Neb. Rev. Stat. §20-150 to §20-159, or reports alleging the violation of the Rules and Regulations of the Commission.
 - b) Reports alleging a licensed Video Remote Interpreting provider has violated any Neb. Rev. Stat. §20-150 to §20-159, §71-4728 to §71-4732, or of the Title 96 Rules and Regulations promulgated by the Commission pursuant to such sections, including rules and regulations governing unprofessional conduct.
 - c) Reports alleging fraud, forgery, or misrepresentation of material facts in procuring or attempting to procure, or renewing or attempting to renew a business license; or

- d) Reports alleging unethical, unprofessional, dishonorable or grossly immoral conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for the practice of interpreting or transliterating; or
- e) Conviction(s) of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction, which has rational connection with the license holder's renewal or fitness or capacity to provide Video Remote Interpreting services; or
- f) Reports of violating the terms of a probation should the Full Commission Board have placed the license holder on probation; or
- g) Reports of employed or contracted interpreters committing any act of abusive behavior, misconduct or exploitation related to the practice of interpreting.

00406A Evaluation and Action

- 1) The Board will investigate and evaluate reports of potential violations. In conducting an investigation, and prior to a formal hearing, the Board may, at its discretion, request the Video Remote Interpreting business that is under investigation answer the charges in writing or appear before the Board or its designee to voluntarily and informally discuss the alleged violation(s).
 - a) The Board may obtain technical or investigatory assistance. All persons appointed to assist with investigating and hearing the matter shall report their findings, in writing, to the Board for final determination.
 - b) In addition to being asked to answer charges in writing, the Video Remote Interpreting business under investigation and/or the complainant may request to meet with the Board designee and provide testimony in person.
- 2) After the investigation is complete, the matter goes to the Board to determine their recommendation to the Full Commission Board.
 - a) The Video Remote Interpreting business under investigation and/or the complainant may request to appear before the Board when the report of potential violation is reviewed in Executive Session.

- 3) The Full Commission Board will evaluate the report of potential violation, the investigation and the Board recommendation. The Full Commission Board may, at its discretion, request the business under investigation and/or the complainant appear before the Full Commission Board and discuss the alleged violations.
 - a) The business under investigation and/or the complainant may request to meet with the Full Commission Board and provide testimony in person.
 - b) If the investigation reveals that there is not good cause to believe that the Video Remote Interpreting business has committed a violation of any Neb. Rev. Stat. §20-150 to §20-159, §71-4728 to §71-4732, or of the Title 96 Rules and Regulations promulgated by the Full Commission Board, the matter will be dismissed and no formal complaint will be initiated by the Full Commission Board; or
 - c) If the investigation discloses a probability that the actions of the Video Remote Interpreting business under investigation constitutes a violation of any Neb. Rev. Stat. §20-150 to §20-159, §71-4728 to §71-4732, or of the Title 96 Rules and Regulations promulgated by the Full Commission Board, the Full Commission Board will proceed with possible disciplinary action.
 - i) The Full Commission Board may enter into a consent agreement or negotiated settlement at any time before or after filing a formal complaint. Voluntary surrender or nonrenewal of a license to avoid or expedite enforcement or disciplinary action does not preclude any enforcement action or sanction for any alleged violation and will prohibit consideration for subsequent reinstatement.
 - ii) A formal complaint may be filed and served on the Video Remote Interpreting business. Such formal complaint will specify the alleged violations being brought against the Video Remote Interpreting business and set forth in general terms the facts alleged to support the alleged violations.
- 4) If the Full Commission Board decides to proceed with possible disciplinary action, the Executive Director will consult with the Nebraska Attorney General's office and will retain legal counsel to

prosecute the disciplinary charges. A formal complaint will be prepared by the Attorney General's office, filed with the Commission and served on the Video Remote Interpreting business. Such formal complaint will specify the charges being brought against the Video Remote Interpreting business and set forth, in general terms, the alleged facts to support the charges.

- a) If the Video Remote Interpreting business does not wish to contest the allegation(s) within 15 days and request a formal hearing, the following will occur:
 - i) The Full Commission Board will, by majority vote, make its final decision in the matter.
- b) If the Video Remote Interpreting business wishes to contest the allegation(s), a request for a formal hearing must be submitted in writing within 15 days to the Executive Director of the Commission.

- i) The Commission shall appoint a neutral hearing officer to schedule an evidentiary hearing within 30 days. The hearing officer will preside over all proceedings in the case until completion of the hearing and submission of the hearing officer's report and recommendations to the Commission and will also serve copies of such documents on the Video Remote Interpreting business and the attorney prosecuting the charges.
- ii) The Full Commission Board may, but is not required to, afford the Video Remote Interpreting business and the attorney prosecuting the matter for the Commission the opportunity to present written and/or oral arguments to it in response to the hearing officer's written findings of fact, conclusions of law and recommended decision.

(1) The Full Commission Board will, by majority vote, make its final decision in the matter.

- 5) Notice of the Full Commission Board's final decision will be served on the Video Remote Interpreting business or the Video Remote Interpreting business's attorney of record promptly after it is made. If the allegation(s) are substantiated, a disciplinary notice will be sent from the Commission. The disciplinary notice will specify:

- a) The specific grounds violated; and

- b) That the Full Commission Board has taken disciplinary action against the Video Remote Interpreting business, and the nature of the disciplinary action; and
 - c) That the Video Remote Interpreting business has the right to appeal the disciplinary action in accordance with section 004.08; and
 - d) That a previously licensed Video Remote Interpreting business has the right to request reinstatement of the license in accordance with section 004.07.
- 6) Any entity aggrieved by the final Full Commission Board's decision in a contested case is entitled to judicial review in accordance with Neb. Rev. Stat. §84-917.
- 7) The procedure for formal hearings in contested disciplinary cases before the Full Commission Board shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice, which chapter is hereby adopted by the Commission for this purpose.

004.06B Types of Disciplinary Actions

- 1) If the Full Commission Board determines that a licensed Video Remote Interpreting business or an applicant for business licensure has committed a violation of Neb. Rev. Stat. §20-150 to §20-159, §71-4728 to §71-4732, or of the Title 96 Rules and Regulations of the Commission, it may discipline the Video Remote Interpreting business by taking one or more of the following actions which includes, but is not limited to:
- a) Additional education requirements
 - b) Letter of reprimand
 - c) Probation
 - d) Limit the type of practice
 - e) Suspension
 - f) Revocation.

- 2) If the Full Commission Board determines that an unlicensed Video Remote Interpreting business has committed a violation of Neb. Rev. Stat. §20-150 to §20-159, or of the Rules and Regulations of the Commission, the Full Commission Board may impose a civil penalty against the unlicensed Video Remote Interpreting business not to exceed \$500 for each offense.
- 3) Appeals will be conducted in accordance with section 004.08.

004.07 **VIDEO REMOTE INTERPRETING BUSINESS LICENSE REINSTATEMENT**

- 1) A Video Remote Interpreting business that has not renewed their business license within 30 days after the expiration date has 2 years to submit the following:
 - a) A completed reinstatement application supplied by the Commission. Incomplete applications will be returned; and
 - b) A signed agreement stating compliance with 004.01 criteria, including all employed and contracted sign language interpreters' maintenance of certification(s), any applicable state license(s); and
 - c) A roster of employed and contracted sign language interpreters; and
 - d) The required fees; and
 - e) A written statement, signed by the applicant, that contains the rationale for requesting reinstatement of the business license.
- 2) An entity whose business license has been revoked, suspended, or refused renewal may seek reinstatement by submitting the following:
 - a) A completed reinstatement application supplied by the Commission. Incomplete applications will be returned; and
 - b) A signed agreement stating compliance with 004.01 criteria, including all employed and contracted sign language interpreters' maintenance of certification(s), any applicable state license(s); and

- c) A roster of employed and contracted sign language interpreters; and
 - d) The required fees; and
 - e) A written statement, signed by the applicant, that contains the rationale for requesting reinstatement of the Video Remote Interpreting business license.
 - f) Evidence that the applicant has fulfilled all requirements of any disciplinary action and has met the requirements cited in 004.01.
- 3) All reinstatement applications require Full Commission Board approval.
 - 4) If the Video Remote Interpreting business is denied reinstatement, a letter will be sent from the Commission. Applicants who are denied license reinstatement may appeal this action in accordance with section 004.08.
 - 5) The reinstatement fee is nonrefundable.

004.08 APPEAL RIGHTS FOR VIDEO REMOTE INTERPRETING BUSINESSES

004.08A Appeal Procedure

The procedure to appeal any decision made by the Full Commission Board shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice, which chapter is hereby adopted by the Commission for this purpose.

- 1) The procedure for Video Remote Interpreting businesses to appeal any administrative decision related to the denial of an initial application or renewal of a Video Remote Interpreting business license is as follows:
 - a) Submit to the Executive Director a letter of appeal for the Full Commission Board's review.
 - b) The Video Remote Interpreting business will be notified of the Full Commission Board's decision.
- 2) The procedure for formal hearings in contested disciplinary cases before the Full Commission Board shall be in accordance with Title

53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice, which chapter is hereby adopted by the Commission for this purpose.

- 3) Any entity aggrieved by the final Full Commission Board's decision in a contested case is entitled to judicial review in accordance with Neb. Rev. Stat. §84-917.
- 4) All investigations or disciplinary actions that are not formally dismissed will be public information after a disposition has been determined by the Full Commission Board. The Full Commission Board and the Board will abide by Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice.