

Indiana Certification Statutes
460 Indiana Administrative Code
Indiana Interpreter Certificate (IIC)

Rule 3. Interpreter Standards for the Deaf and Hard of Hearing

460 IAC 2-3-1 Purpose; exclusion

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 1.

(a) The purpose of this rule is to establish standards pursuant to IC 12-12-7-5 that determine the necessary standards of behavior, competency, and proficiency in sign language and oral interpreting and ensure quality, professional interpreting services in order to protect the public and persons who are deaf or hard of hearing from misrepresentation.

(b) The provisions of this rule will not apply to interpreters while they are interpreting in a public or private primary or secondary school setting. Rules applying specifically to such interpreters are at 460 IAC 2-5.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-1; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3084; filed Nov 4, 2002, 12:11 p.m.: 26 IR 747; errata filed Jun 9, 2004, 2:50 p.m.: 27 IR 3078)

460 IAC 2-3-2 Definitions and acronyms

Authority: IC 12-12-7-5

Affected: IC 12-12-7; IC 20-10.1-7-17; IC 20-12-72

Sec. 2.

(a) The definitions and acronyms in this section apply throughout this rule unless specifically noted.

(b) ASL means American Sign Language.

(c) BIS means board of interpreter standards.

(d) CDI means certified deaf interpreter.

(e) CDIP means certified deaf interpreter provisional.

(f) CEU means continuing education unit.

(g) Consumer means the persons for and between whom the interpreter is facilitating communication, and includes both hearing and deaf consumers.

(h) DDARS means the division of disability, aging, and rehabilitative services.

(i) Deaf/blind interpreting means using the special skills required to interpret for a person who uses ASL and is both deaf and blind.

(j) DHHS means deaf and hard of hearing services.

(k) Identified interpreting agency means an agency whose business is providing interpreting services, has been in business prior to July 1, 1999, and is found on a list of identified interpreting agencies with DHHS.

(l) Interpreter refers to both interpreters and transliterators.

(m) ITP means interpreter training program.

(n) Minimal language skilled interpreting means using the special skills required to interpret for a person who has no first language and minimal skills in any other language.

(o) NAD means National Association of the Deaf.

(p) Payee means a person who contracts with a freelance interpreter on behalf of a public or private agency, organization, or business for a particular assignment involving one (1) or more deaf clients and one (1) or more hearing consumers.

(q) Proof of employment means a letter from approved agency, or copy of pay stub, or 1099 Form, or W-2.

(r) RID, means Registry of Interpreters for the Deaf.

(s) Setting means the context within which an interpreting assignment takes place.

(t) Team stage interpreting means using the special skills required to interpret on stage or at a large event in tandem with a team of interpreters.

(u) TECUnit means Testing, Evaluation, and Certification Unit, Inc. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-2; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3085; filed Nov 4, 2002, 12:11 p.m.: 26 IR 747)*

460 IAC 2-3-3 Certification requirements

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 3.

(a) In order to receive certification as an interpreter under this rule by the state, an individual must register with DHHS in the manner prescribed by DHHS and fulfill at least one (1) of the following criteria:

- (1) Pass the RID written generalist test, hold NAD Level III, and obtain two (2) DHHS-approved CEUs per year for up to five (5) years.
- (2) Pass the RID written generalist test, be a graduate of an accredited ITP, and obtain two (2) DHHS-approved CEUs per year for up to five (5) years.
- (3) Hold NAD Level IV or above.
- (4) Hold RID certification.
- (5) Hold RID oral certification for situations requiring an oral interpreter only.
- (6) Hold certification from TECUnit and have passed the RID written generalist test for situations requiring a cued speech transliterator.
- (7) Hold RID, CDI, or CDIP.
- (8) Be a deaf or hard of hearing person, produce one (1) letter of recommendation to be filed with DHHS from an identified interpreting agency which has previously hired the applicant for deaf/blind interpreting, minimal language skilled interpreting, or team stage interpreting, and obtain two (2) DHHS-approved CEUs per year for up to five (5) years.
- (9) Provide documentation of proof of employment as an interpreter prior to July 1, 1999, to be placed on file with DHHS, produce one (1) letter of recommendation from an identified interpreting agency which hired the applicant prior to July 1, 1999, and obtain two (2) DHHS-approved CEUs per year. (This includes deaf, hard of hearing, and hearing interpreters.)

(b) Commencing July 1, 2010, in order to receive certification by the state, an individual must fulfill the requirements in subsection (a) and also hold a bachelor's degree from an accredited college or university. An interpreter who has met the requirements of subsection (a) prior to July 1, 2010, shall be exempt from the additional requirement of this subsection.

(c) Interpreters holding NAD or RID certifications must maintain these certifications in good standing in order to maintain their certification by the state, including fulfilling the continuing education requirements of NAD or RID.

(d) Fulfillment of the requirements of subsection (a)(1), or (a)(2), or (a)(8) shall allow an interpreter to be certified by the state for a maximum period of five (5) years from the date originally certified. At or before the conclusion of this period, an interpreter must fulfill the requirements of at least one (1) of subsection (a)(3) through (a)(7) to continue certification by the state.

(e) An interpreter certified by the state shall renew such certification at least every two (2) years in the manner prescribed by DHHS. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-3; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3085; filed Nov 4, 2002, 12:11 p.m.: 26 IR 748*)

460 IAC 2-3-4 Certificate; professional qualifications

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 4.

(a) After being certified by the state, an interpreter shall be issued a certificate signed by the DHHS deputy director and DDARS director evidencing such certification. An interpreter shall also be issued an identification card signed by the DHHS deputy director and DDARS director, which the interpreter shall carry with him or her during interpreting assignments as proof of certification.

(b) An interpreter shall accurately present his or her Indiana identification card, certificate, professional qualifications, and/or credentials upon request. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-4; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3085*)

460 IAC 2-3-5 Code of ethics; confidentiality

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 5.

An interpreter shall maintain the confidentiality of all information covered during an interpreting assignment and all information about interpreting services being performed, including identity of those consumers present, regardless of perceived importance, except for the following:

- (1) An interpreter may reveal information to his or her employer, members of the employee's staff, or a professional team designated by the employer for purposes of record keeping, program management, or supervision.
- (2) An interpreter may share information with peer interpreters employed by the same employer, which is necessary to best serve consumers in an ongoing interpreting situation or assignment.
- (3) Unless the consumer otherwise directs, an interpreter may disclose factual information or professional assessment of the language and communication process regarding the current interpreting assignment to the payee of the interpreter or the payee's designee. Disclosure of further information requires consent of the consumer.
- (4) Information that is public or not otherwise confidential under this rule or any other rule or law may be disclosed.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-5; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3086)

460 IAC 2-3-6 Code of ethics; rendering of interpreting services; language used

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 6.

- (a) Interpreting services shall be rendered faithfully, conveying all communication messages with the exact spirit, intent, and affect of the communicator.
- (b) An interpreter shall withdraw from an assignment if his or her personal feelings interfere with performing the duties in subsection (a).
- (c) An interpreter shall use the language or mode of communication most readily understood or preferred by all consumers involved. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-6; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3086)*

460 IAC 2-3-7 Code of ethics; impartiality of interpreter

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 7.

- (a) The interpreted message shall be transmitted impartially without the interjection of personal advice, counsel, or opinions of the interpreter.
- (b) An interpreter shall not omit or add to anything that is signed or vocalized by a party, even when asked to do so by other parties involved.
- (c) An interpreter shall not attempt to take on any dual role but shall act only as interpreter to assist in communications between parties involved.
- (d) An interpreter may communicate directly with a party involved in order to clarify to that party the interpreter's role of facilitating communication.
- (e) An interpreter should refrain from providing interpreter services in situations where family members or close personal or professional relationships may affect impartiality. However, this is not to be construed as a ban on interpreting for family, friends, or close associates in emergency situations or where the interpreter is otherwise compelled to interpret for such people. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-7; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3086)*

460 IAC 2-3-8 Code of ethics; appropriateness of assignment for interpreter

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 8.

In determining whether to accept an interpreting assignment, an interpreter:

- (1) must use discretion in considering:
 - (A) his or her skill level;
 - (B) the setting of the assignment;
 - (C) the expected content and subject matter of the assignment; and
 - (D) the consumers involved; and
- (2) shall not accept an assignment when any of these factors make it inappropriate to do so in the best interests of the consumers involved.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-8; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3086)

460 IAC 2-3-9 Code of ethics; compensation requests

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 9.

An interpreter shall request compensation for services using accepted business practices and in a professional and judicious manner, taking into account usual fees commensurate with their:

- (1) level of skill;
- (2) level of certification;
- (3) amount of experience;
- (4) nature of assignment; and
- (5) geographic region.

Terms of compensation shall be arranged in advance of the interpreting assignment whenever possible.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-9; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3086)

460 IAC 2-3-10 Code of ethics; professional development

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 10.

An interpreter, in order to maintain his or her certification, shall pursue advanced knowledge, increased skills competency, and the maintenance of high professional standards through active participation in workshops, professional meetings, interaction with professional colleagues, and reading literature in the field. As part of this, an interpreter shall obtain continuing education as required in section 3 of this rule. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-10; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3087)*

460 IAC 2-3-11 Code of ethics; interpreter manner and behavior

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 11.

(a) Interpreting services shall be provided completely, impartially, and professionally in a manner appropriate to the situation, including behavior suitable to the particular circumstances of the interpreting assignment.

(b) An interpreter shall attempt to become familiar with the anticipated discussion topic, type of activity, level of formality, expected behaviors, and any presentational materials prior to commencement of the interpreting assignment.

(c) An interpreter shall dress in a manner that will be as unobtrusive to communication facilitation as possible and that will assure the best possible background for signing, including proper skin to clothing color contrasts and avoiding clothing patterns that may tire the eyes of deaf consumers.

(d) An interpreter shall consider background, positioning, and lighting to assure all are adequately within comfortable, nondistracting range for all parties involved.

(e) An interpreter shall assure that all consumers are duly advised that the interpreter assumes a position of neutrality in the relationship between all consumers, despite the fact that a given consumer may have hired the interpreter for the current or previous interpreting assignment, and consumers must be given the option of acceptance or rejection of the interpreter. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-11; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3087)*

460 IAC 2-3-12 Code of ethics; appropriate use of interpreter

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 12.

In situations where the consumer of interpreting services is not familiar with the use of an interpreter, the interpreter should share information on the appropriate use of an interpreter to help make the interpreting process successful. This should be done prior to commencing the interpreting assignment. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-12; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3087)*

460 IAC 2-3-13 Grievances; grievance committee; composition; term

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 13.

(a) DHHS shall create a grievance committee, of which the DHHS deputy director shall be the chair, consisting of a minimum of five (5) other members, which must consist of at least the following:

(1) At least two (2) members who:

- (A) are deaf or hard of hearing; and
- (B) have experience using interpreters.

(2) Two (2) members must hold either NAD or RID certification.

(3) One (1) member may be a professional other than an interpreter but must be knowledgeable of the interpreter standards set forth in this rule.

(b) The term of grievance committee members shall be three (3) years. However, the initial committee will have three (3) members to be determined by the committee who shall serve two (2) years and the remaining members shall serve three (3) years. After the initial term of each appointment, all members shall be appointed for a term of three (3) years and may be appointed for one (1) additional term. If a member of the committee resigns, dies, or is removed, the new appointee shall serve the remainder of the unexpired term. Committee members shall not be eligible for reappointment for at least one (1) year after serving two (2) consecutive terms.

(c) DHHS shall seek training in negotiation and mediation for the committee members. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-13; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3087*)

460 IAC 2-3-14 Grievances; jurisdiction of grievance committee

Authority: IC 12-12-7-5

Affected: IC 12-12-7

Sec. 14.

The jurisdiction of the grievance committee referred to in this rule extends to interpreters certified and working in Indiana. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-14; filed Jul 21, 2000, 10:01 a.m.: 23 IR3087*)

460 IAC 2-3-15 Grievances; procedures; complaint and response

Authority: IC 4-21.5-3-34; IC 12-12-7-5

Affected: IC 12-12-7

Sec. 15.

(a) A complaint may be filed by either of the following:

(1) Any person utilizing interpreting services.

(2) Any person clearly demonstrating a direct or personal interest in the occurrence specified in the complaint.

(b) The complaint must be in writing and filed with the grievance committee referred to in section 13 of this rule.

(c) The complaint must include the following:

(1) The name, address, and phone number of each person against whom charges are being filed.

(2) The date and location of the alleged violation.

(3) The specific action or actions in question making reference to a portion or portions of this rule alleged to have been violated.

(d) The complaint may be filed any time up to ninety (90) days after the date of the alleged violation or date of discovery by

the complainant of the alleged violation.

(e) If a matter of extreme urgency should arise requiring immediate review by the grievance committee, the aggrieved party

must attach to the complaint a request in writing for immediate review and the specific reasons for the urgency.

(f) Within thirty (30) days of receiving the complaint, each person against whom charges are made may file a response to the

allegations against him or her.

(g) The response shall address, either by admitting, denying, or further explaining, each relevant aspect of each allegation

stated in the complaint.

(h) The response must be sent to the grievance committee with a copy to the person who filed the complaint.

(Division of

Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-15; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3088)

460 IAC 2-3-16 Grievances; committee action

Authority: IC 4-21.5-3-34; IC 12-12-7-5

Affected: IC 12-12-7

Sec. 16.

(a) After a complaint has been received and a response has been filed or the thirty (30) day period has elapsed for filing a response, the DHHS deputy director as grievance committee chairperson shall review the documents and make an initial decision on the merits of the pleadings.

(b) If the DHHS deputy director finds that no violation of this rule occurred and no cause of action exists, the complaint shall be dismissed and all parties notified in writing.

(c) Upon dismissal of the complaint, the complainant may request a hearing by the full grievance committee within thirty (30) days of dismissal.

(d) If the DHHS deputy director determines that an investigation is warranted, the formal charges and grounds upon which they are based shall be set forth in writing and sent to the grievance committee and all parties involved, and the grievance committee may hold a hearing pursuant to section 17 of this rule. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-16; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3088*)

460 IAC 2-3-17 Grievances; hearing procedure

Authority: IC 4-21.5-3-34; IC 12-12-7-5

Affected: IC 12-12-7

Sec. 17.

(a) The complainant and respondent, whether or not participating in person, may be advised and represented at the party's own expense by counsel or, unless prohibited by law, by another representative. Representatives may participate in all proceedings.

(b) Any party may present any affidavits, documents, or other written evidence as to any relevant aspect of a charge or defense asserted.

(c) Any party may present witnesses to give testimony as to any relevant aspect of the charge or defense asserted.

(d) The grievance hearing shall meet at a location most convenient to all parties involved.

(e) All parties involved shall be given at least two (2) weeks notice of the scheduled hearing date, time, and location.

(f) The complainant and the respondent shall bear their own costs and expenses in connection with the grievance process.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-17; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3088*)

460 IAC 2-3-18 Grievances; decision of grievance committee; recommendation

Authority: IC 4-21.5-3-34; IC 12-12-7-5

Affected: IC 12-12-7

Sec. 18.

(a) The grievance committee shall carefully review all documents and evidence presented.

(b) Committee members other than the DHHS deputy director may vote on the grievance. The committee's decision shall require a majority vote. If there is no majority following the vote of the committee members, the DHHS deputy director shall cast a vote to determine the majority.

(c) The committee's decision on the charges shall become a written recommendation to the DHHS deputy director and shall identify in detail the charges, the evidence used in reaching a decision, and the relevant standard for ethical behavior citation.

(d) The DHHS deputy director shall review the committee's recommendation and either adopt it, modify it, or dissolve it. The DHHS deputy director may remand the matter, with or without instructions, to the grievance committee for further proceedings.

(e) The DHHS deputy director shall issue a final decision on the grievance. One (1) copy shall be kept for the committee's records, and a copy shall be given to each party. If copies are mailed, they must be sent via certified mail, return receipt requested. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-18; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3088*)

460 IAC 2-3-19 Grievances; enforcement; disciplinary actions

Authority: IC 4-21.5-3-34; IC 12-12-7-5

Affected: IC 12-12-7

Sec. 19.

- (a) When the standards of ethical behavior set forth in this rule are found by the grievance committee to have been violated, the committee may recommend to the DHHS deputy director that disciplinary action be taken against an interpreter based upon the severity of the interpreter's misconduct.
- (b) The available disciplinary actions that the DHHS deputy director may take include the following:
- (1) Verbal warning, which is an oral reprimand given by the DHHS deputy director.
 - (2) Written reprimand, which is a written notification of unsatisfactory performance.
 - (3) Probation, which is a trial period of a length of time specified by the DHHS deputy director during which the interpreter is required to fulfill a set of conditions or to improve work performance or on-the-job behavior.
 - (4) Suspension or revocation, which is suspension or revocation of Indiana interpreter certification and referral to the grievance committee of the national organization, either RID or NAD, whose certification is held.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-19; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3089)

460 IAC 2-3-20 Grievances; appeals

Authority: IC 12-12-7-5

Affected: IC 4-21.5; IC 12-12-7

Sec. 20.

An interpreter who has received disciplinary action from the DHHS deputy director may request a reconsideration of the decision to the director of DDARS. The director of DDARS shall provide a response to the request within fifteen (15) days of the date the request is received, including a notice of the right to appeal the decision. An interpreter that is dissatisfied with the decision on reconsideration may appeal the decision. The appeal shall be conducted in accordance with IC 4-21.5. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 2-3-20; filed Jul 21, 2000, 10:01 a.m.: 23 IR 3089)*