



Michael R. Pence, Governor  
State of Indiana

*Office of General Counsel*  
402 W. WASHINGTON STREET, ROOM W451, MS27  
INDIANAPOLIS, IN 46204-2744

## REQUEST FOR RULEMAKING AND FAMILY IMPACT CERTIFICATION

### PURPOSE FOR RULE

- The Indiana Family and Social Services Administration (FSSA) – Division of Disability and Rehabilitative Services respectfully requests permission to amend the Deaf and Hard of Hearing Services (DHHS) program's current rules, which require all new applicants for an Indiana Interpreter Certificate to have a bachelor's degree.
- This requirement makes it very difficult for the DHHS program to hire qualified interpreters for its clients who must have interpreters to benefit from employment services provided through the Vocational Rehabilitation Services program.
- The proposed rule will amend the DHHS's current rules to mirror the Registry of Interpreters for the Deaf, the national interpreter organization, requirements to include an alternative path to certification for interpreter applicants who have sufficient skills and knowledge.

### REQUESTED RESPONSE TIME

FSSA anticipates an effective date for this rule of May 31, 2016. Given this effective date, FSSA respectfully requests a response to this submission on or before **August 15, 2015**.

Thank you for your attention to this matter. Should you have any questions regarding this submission, please feel free to contact me at 232-1282 or [shanida.sharp-byrnes@fssa.in.gov](mailto:shanida.sharp-byrnes@fssa.in.gov).





Michael R. Pence, Governor  
State of Indiana

*Indiana Family and Social Services Administration*  
402 W. WASHINGTON STREET, P.O. BOX 7083  
INDIANAPOLIS, IN 46207-7083

TO: Micah Vincent, Director  
Office of Management and Budget

RE: Request to Proceed with Rulemaking – Deaf and Hard of Hearing Services Rule

DATE: July 22, 2015

FROM: John J. Wernert, M.D., Secretary

The Indiana Family and Social Services Administration (FSSA) – Division of Disability and Rehabilitative Services (DDRS) intends to amend its rules to reflect changes to the Registry of Interpreters for the Deaf (RID) requirements that have impacted Deaf and Hard of Hearing Services (DHHS). Further, the amendment will provide uniformity in the certification requirements for both deaf and hard of hearing applicants and hearing applicants.

Pursuant to Executive Order 13-3 and the Financial Management Circular 2013-01, FSSA is requesting that the Office of Management and Budget (OMB) Director approve its request to proceed with rulemaking pursuant to the exception listed in subsection 6.a.

### **Background**

FSSA – DDRS enacted rules in 460 IAC 2-3 for the DHHS program in 2000. FSSA – DDRS amended these rules to include grandfathered interpreters in 2004. These rules require all new applicants for an Indiana Interpreter Certificate (IIC) to have a bachelor's degree. This requirement makes it very difficult for the DHHS program to hire qualified interpreters for its clients who must have interpreters to benefit from employment services provided through the Vocational Rehabilitation Services (VRS) program. Furthermore, there is an inconsistency within the rules regarding interpreters who are grandfathered IIC holders.

The proposed rule will amend 460 IAC 2-3 to adopt requirements for interpreter certifications made by the national interpreter organization, Registry of Interpreters for the Deaf (RID). RID added an alternative path to national certification for interpreter applicants who do not have a bachelor's degree but have sufficient skills and knowledge through other avenues, such as workshops, week-long classes, and active memberships in state or local interpreter organizations. Because the DHHS program does not have this alternative path to certification in its rules, FSSA - DDRS is proposing to amend its rules in order for it to be consistent with the requirements of

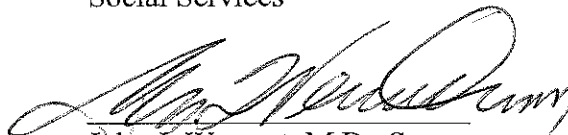
RID and to increase the number of certified interpreters for the VRS program. Furthermore, FSSA – DDRS proposes adding a five year time limitation on all grandfathered IIC holders who are not nationally certified by RID.

### **Job Creation**

Section 6.a. of the Executive Order excepts any rule from the rulemaking moratorium to “fulfill an objective related to job creation and increasing investment in Indiana or to improve the quality of Indiana’s workforce....” The proposed rule will amend the current DHHS rules and allow any American Sign Language interpreter (ASL) who holds a valid national ASL interpreter certification to receive their IIC thereby allowing them to work in Indiana. Furthermore, the proposed rule will improve the quality of Indiana’s workforce by establishing uniformity in the certification requirements for all grandfathered IIC holders regardless of whether they are deaf and hard of hearing applicants or hearing applicants.

FSSA requests that the OMB Director approve its request to proceed with the rulemaking necessary to implement this rule.

Office of the Secretary of Family and  
Social Services



John J. Wernert, M.D., Secretary

CC: Allison Taylor, FSSA General Counsel  
Nicole Norvell, Director of the Division of Disability and Rehabilitative Services  
Elizabeth T. Adedokun, Director of Policy and Due Process, Division of Disability and Rehabilitative Services  
Rhonda Marcum, Manager, Deaf and Hard of Hearing Services  
Shanida Sharp-Byrnes, FSSA Staff Attorney



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## **FSSA's Family Impact Statement for Deaf and Hard of Hearing Services Rule**

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Executive Order 13-05 (Order) requires the Family and Social Services Administration (FSSA) – Division of Disability and Rehabilitative Services (DDRS) to assess a policy or proposed rule's impact on family formation and general well-being and to certify its compliance with the Order. FSSA hereby submits this certification that it has assessed the proposed rule's impact on family formation and general well-being based on the enumerated considerations listed in the Order.

### **Background and Summary of the Rule**

FSSA – DDRS enacted rules in 460 IAC 2-3 for the DHHS program in 2000. FSSA – DDRS amended these rules to include grandfathered interpreters in 2004. These rules require all new applicants for an Indiana Interpreter Certificate (IIC) to have a bachelor's degree. This requirement makes it very difficult for the DHHS program to hire qualified interpreters for its clients who must have interpreters to benefit from employment services provided through the Vocational Rehabilitation Services (VRS) program. Furthermore, there is an inconsistency within the rules regarding interpreters who are grandfathered IIC holders.

The proposed rule will amend 460 IAC 2-3 to adopt requirements for interpreter certifications made by the national interpreter organization, Registry of Interpreters for the Deaf (RID). RID added an alternative path to national certification for interpreter applicants who do not have a bachelor's degree but have sufficient skills and knowledge through other avenues, such as workshops, week-long classes, and active memberships in state or local interpreter organizations. Because the DHHS program does not have this alternative path to certification in its rules, FSSA - DDRS is proposing to amend its rules in order for it to be consistent with the requirements of RID and to increase the number of certified interpreters for the VRS program. Furthermore, FSSA – DDRS proposes adding a five year time limitation on all grandfathered IIC holders who are not nationally certified by RID.

### **Impact of the proposed rule on the family well-being or family formation**

FSSA assessed the proposed rule's impact on family formation and well-being in light of the six considerations enumerated in the Order. In general, the proposed rule does not discourage traditional family formation or encourage family dissolution. Accordingly, FSSA expects that the proposed rule will have a positive impact on family well-being or family formation. The FSSA is

submitting this certification to the OMB that it has considered the requisite criteria in Executive Order 13-05 in developing the proposed rule. FSSA's response to the enumerated measures is as follows:

**1) Whether or not this action by government strengthens or erodes the stability of the family and the marital commitment.**

Response: The proposed rule neither strengthens nor erodes the stability of the family and marital commitment. The proposed rule allows any American Sign Language (ASL) interpreter who holds a valid national ASL interpreter certification to receive their IIC, thereby allowing them to work in Indiana. The proposed rule also provides uniformity in the certification requirements for all grandfathered IIC holders.

**2) Whether or not this action encourages or discourages non-marital childbearing.**

Response: The proposed rule neither encourages nor discourages non-marital childbearing. The proposed rule makes changes to the requirements for receiving one's IIC.

**3) Whether or not this action respects or inhibits the rights of parents to raise their children and make the best choices about their children's education, health, and well-being.**

Response: The proposed rule neither respects nor inhibits the rights of parents to raise their children and make parental choices. The proposed rule makes changes to the requirements for receiving one's IIC.

**4) Whether or not this action increases or decreases private family earnings or the incentive for parents to provide materially and emotionally for their children.**

Response: The proposed rule may increase family earnings. The proposed rule will allow an applicant to receive his or her IIC, if he or she does not have a bachelor's degree but has sufficient skills and knowledge through other avenues, such as workshops, week-long classes, and active memberships in state or local interpreter organizations.


**5) What message, intended or otherwise, does this program send to the public concerning the status of the family?**

Response: The proposed rule does not send any messages to the public concerning the status of the family. The proposed rule will allow an American Sign Language (ASL) interpreter who holds a valid national ASL interpreter certification to receive their IIC so he or she can work in Indiana.

**6) What message does the action send to children about the relationship between their present choices and their future well-being?**

Response: The proposed rule does not send any messages, positive or negative, to children about the relationship between their present choices and their future well-being. The proposed rule makes changes to the requirements for receiving one's IIC.

Office of the Secretary of Family and  
Social Services



John J. Wernert, M.D., Secretary

CC: Allison Taylor, FSSA General Counsel  
Nicole Norvell, Director of the Division of Disability and Rehabilitative Services  
Elizabeth T. Adedokun, Director of Policy and Due Process, Division of Disability and Rehabilitative Services (DDRS)  
Rhonda Marcum, Manager, Deaf and Hard of Hearing Services, DDRS  
Shanida Sharp-Byrnes, FSSA Staff Attorney



## Family Impact Assessment

### Documentation of new Policies and Rules

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#### Pursuant to Section 2(a)-(f) of Executive Order 13-05:


In formulating and implementing policies and rules that may have a significant impact on family formation and general well-being, the agencies listed in Section 1 of Executive Order 13-05 shall assess such measures in light of the following considerations:

- 1) **Whether or not this action by government strengthens or erodes the stability of the family and the marital commitment.**
- 2) **Whether or not this action encourages or discourages non-marital childbearing.**
- 3) **Whether or not this action respects or inhibits the rights of parents to raise their children and make the best choices about their children's education, health, and well-being.**
- 4) **Whether or not this action increases or decreases private family earnings or the incentive for parents to provide materially and emotionally for their children.**
- 5) **What message, intended or otherwise, does this program send to the public concerning the status of the family?**
- 6) **What message does the action send to children about the relationship between their present choices and their future well-being?**

These assessments should be answered on a separate document attached to this submission form and clearly marked as answers to considerations 1-6. If an agency does not think that a consideration applies to their proposal, the agency must include an explanation of why the consideration does not apply. Additionally, if the proposal contains a potentially negative impact on family well-being or family formation, the agency must include an explanation of why the proposal is necessary.

This submission form and the agency assessments should be submitted simultaneously with the proposed policy or rule to the Office of Management and Budget.

By signing below, the agency head certifies that they are aware of the Family Impact Assessment, and all information submitted is accurate to the best of their knowledge.

  
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John J. Wernert, M.D., Secretary

7/22/15  
\_\_\_\_\_  
Date

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FSSA