

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Interpreter for the Deaf Licensure Act of 2007.

6 Section 5. Purpose. The practice of interpreting for the
7 deaf in the State of Illinois is hereby declared to affect the
8 public health, safety, and welfare and to be subject to
9 regulation in the public interest. It is further declared to be
10 a matter of public interest and concern that the practice of
11 interpreting for the deaf merit and receive the confidence of
12 the public by permitting only qualified persons to practice the
13 profession in the State of Illinois.

14 The purpose of this Act is to protect and benefit the
15 public by setting standards of qualifications, education,
16 training, and experience for those who seek to engage in the
17 practice of interpreting, to promote high standards of
18 professional performance for those licensed as interpreters
19 for the deaf, and to protect deaf and hard of hearing consumers
20 from unprofessional conduct by persons licensed to practice.

21 Section 7. Applicability of Act. Nothing contained in this
22 Act shall be construed to limit the means in which effective

1 communication is achieved under the federal Americans with
2 Disabilities Act (ADA).

3 This Act requires that when effective communication under
4 the ADA is achieved through a sign language interpreter, the
5 sign language interpreter must be licensed under this Act,
6 unless covered by an exemption.

7 Nothing in this Act shall be construed to prohibit the use
8 of technology or other forms of effective communication when
9 accepted by the consumer.

10 Section 10. Definitions. The following words and phrases
11 have the meaning ascribed to them in this Section, unless the
12 context clearly indicates otherwise:

13 "Accepted certificate" means a certificate required for
14 licensure that is issued by the Commission, National
15 Association for the Deaf, Registry of Interpreters for the
16 Deaf, Testing Evaluation and Certification Unit Inc.
17 (TECUnit), or any other certifying entities authorized by rule.

18 "American Sign Language (ASL)" means a visual-gestural
19 language that is recognized and accepted as linguistically
20 independent from English language and has its own syntax,
21 rhetoric, and grammar that is recognized, accepted, and used by
22 many deaf Americans.

23 "Board" means the Illinois Board of Interpreters for the
24 Deaf as established within the Illinois Deaf and Hard of
25 Hearing Commission.

1 "Commission" means the Illinois Deaf and Hard of Hearing
2 Commission.

3 "Consumer" means any individual with or without a hearing
4 loss who is the recipient of interpreter services.

5 "Cued speech" means a phonetically based hand supplement to
6 speech reading that is independent of all sign language
7 modalities. It is a system of hand shapes that represents
8 groups of consonant sounds, combined with hand placements that
9 represent groups of vowel sounds, used with natural speech to
10 represent a visual model of spoken language.

11 "Deaf" means any person who, because of the severity of a
12 hearing loss, is not able to discriminate speech when spoken in
13 a normal conversational tone regardless of the use of
14 amplification devices and whose primary means of receiving
15 spoken communication is through visual input, including but not
16 limited to, American Sign Language, speech reading, sign
17 systems, tactile sign, fingerspelling, reading, or writing.

18 "Department" means the Illinois Department of Financial
19 and Professional Regulation.

20 "Director" means the Director of the Illinois Deaf and Hard
21 of Hearing Commission.

22 "Educational interpreter" means any person, including
23 those with a hearing loss, who provides deaf or hard of hearing
24 interpreting services in all educational environments under
25 the regulatory authority of the State Board of Education.

26 "Hard of hearing" means any person who, because of a

1 hearing loss, finds hearing difficult, but does not preclude
2 the understanding of spoken communication through the ear
3 alone, regardless of the use of amplification devices or
4 assistive devices, and whose primary means of receiving spoken
5 communication is through visual or auditory input, including,
6 but not limited to, assistive devices, speech reading, sign
7 language, fingerspelling, reading, or writing.

8 "Hearing" means any person who does not have a hearing
9 loss.

10 "Interpreter for the deaf" means any person who offers to
11 render deaf or hard of hearing interpreting services implying
12 that he or she is trained and experienced in interpreting for
13 the deaf and holds a license to practice interpreting for the
14 deaf in this State.

15 "Interpreting" means the interpreting or transliterating
16 of English language concepts to any communication modes of the
17 deaf or hard of hearing consumer or the interpreting or
18 transliterating of the communication modes of the deaf and hard
19 of hearing consumers to English language concepts.
20 Communication modes include, but are not limited to, American
21 Sign Language, cued speech, oral, tactile sign, and persons
22 with language deficient skills.

23 "Language deficient" means modes of communication used by
24 deaf individuals who lack crucial language components,
25 including, but not limited to, vocabulary, language concepts,
26 expressive skills, language skills, and receptive skills.

1 "License" or "licensure" means the authorization to
2 practice interpreting by the Commission under the provisions of
3 this Act.

4 "Oral" means the mode of communication having
5 characteristics of speech, speech reading, and residual
6 hearing as a primary means of communication using situational
7 and culturally appropriate gestures, without the use of sign
8 language.

9 "Practice of interpreting" means rendering or offering to
10 render or supervise those who render to individuals, couples,
11 groups, organizations, institutions, corporations, schools,
12 government agencies, or the general public any interpreting
13 service involving the interpreting of any mode of communication
14 used by a deaf or hard of hearing consumer to English language
15 concepts or of an English language consumer to a mode of
16 communication used by a deaf or hard of hearing consumer.

17 "Secretary" means the Secretary of Financial and
18 Professional Regulation.

19 "Tactile sign" means mode of communication, used by deaf
20 and blind individuals, using any one or a combination of
21 tactile sign or constricted space signing.

22 "Transliterating" means the process of conveying a message
23 from either spoken language into a manually coded language or
24 from a manually coded language into a spoken language.

25 Section 15. Licensure requirement.

1 (a) On or after January 1, 2009, no person shall practice
2 as an interpreter for the deaf, hold himself or herself out as
3 a licensed interpreter for the deaf, or use the title "Licensed
4 Interpreter for the Deaf", "Licensed Transliterator for the
5 Deaf", or any other title or abbreviation to indicate that the
6 person is a licensed interpreter, unless he or she is licensed
7 in accordance with the provisions of this Act.

8 (b) On or before January 1, 2011, a person who, as of July
9 1, 2007, maintained valid and unencumbered registration under
10 the Interpreters for the Deaf Act, may be issued a license as
11 an interpreter for the deaf upon filing an application and
12 paying the required fees. A person licensed under this
13 subsection (b) must meet all applicable licensure requirements
14 of this Act on or before January 1, 2011.

15 Section 20. Unlicensed practice; violation; civil penalty.

16 (a) On or after January 1, 2009, any person who practices,
17 offers to practice, attempts to practice, or holds himself or
18 herself out to practice as an interpreter for the deaf without
19 being licensed or exempt under this Act shall, in addition to
20 any other penalty provided by law, pay a civil penalty to the
21 Commission in an amount not to exceed \$2,500 for each offense
22 as determined by the Commission. The civil penalty shall be
23 assessed by the Department after a hearing is held in
24 accordance with the provisions set forth in this Act regarding
25 the provision of a hearing for the discipline of a licensee and

1 shall be deposited in the Interpreters for the Deaf Fund.

2 (b) The Commission has the authority and power to
3 investigate any and all actual, alleged, or suspected
4 unlicensed activity.

5 (c) The civil penalty shall be paid within 60 days after
6 the effective date of the order imposing the civil penalty. The
7 order shall constitute a judgment and may be filed and executed
8 in the same manner as any judgment from any court of record.

9 Section 25. Exemptions. The following do not constitute
10 violations of this Act:

11 (1) Persons interpreting in religious activities.

12 (2) Notwithstanding other State or federal laws or
13 rules regarding emergency treatment, persons interpreting
14 in an emergency situation involving health care services in
15 which the consumer and a health care provider or
16 professional agree that the delay necessary to obtain a
17 licensed interpreter is likely to cause injury or loss to
18 the consumer, until such time as the services of a licensed
19 interpreter can be obtained, where there is continued need
20 for an interpreter.

21 (3) Persons currently enrolled in a course of study
22 leading to a certificate or degree in interpreting,
23 provided that such persons engage only in activities and
24 services that constitute a part of a supervised course of
25 study and clearly designate themselves as student,

1 trainee, or intern.

2 (4) Persons working as an educational interpreter in
3 compliance with the rules established by the State Board of
4 Education.

5 (5) Persons interpreting at the request of a deaf or
6 hard of hearing individual, provided that the person
7 providing the service informs the deaf or hard of hearing
8 individual that he or she is not licensed under this Act.

9 (6) Persons who do not reside in Illinois and hold
10 either an accepted certificate or an interpreting license
11 from another state and who either:

12 (A) engage in interpreting in this State for a
13 period of time not to exceed 14 days in a calendar
14 year; services provided during declared State or
15 national emergencies shall not count towards the
16 limitation set forth in this subparagraph (A); or

17 (B) engage in interpreting by teleconference,
18 video conference, or other use of technological means
19 of communication.

20 (7) Instances in which sign language interpreters for
21 the deaf are necessary for effective communication for the
22 provision of services to the consumer and in which
23 teleconference, video conference, or other use of
24 technological means of communication or an interpreter are
25 unavailable.

1 Section 30. Application for licensure.

2 (a) An application for licensure as an interpreter for the
3 deaf shall be made to the Commission on forms prescribed by the
4 Commission and accompanied by the appropriate documentation
5 and the required nonrefundable fee. All applications shall
6 contain information that, in the judgment of the Commission,
7 shall enable the Commission to determine an applicant's
8 qualifications.

9 (b) Applicants have one year from the date the application
10 is initially submitted to the Commission to complete the
11 application process. If the process has not been completed in
12 the one-year period, the application shall be denied and the
13 fee forfeited and the applicant must reapply and meet the
14 requirements in effect at the time of reapplication.

15 (c) A license shall not be denied to an applicant because
16 of the applicant's race, religion, creed, national origin,
17 political beliefs or activities, age, sex, sexual orientation,
18 or disability.

19 Section 35. Examination and evaluation.

20 (a) The Commission, by rule, may establish a written
21 examination and performance evaluation of applicants for
22 licensure as interpreters for the deaf at such times and places
23 as it may determine. The written examination shall test
24 knowledge of interpreting and the performance evaluation shall
25 test the competence and skills of interpreting and

1 transliterating.

2 (b) Applicants for examination or evaluation shall pay to
3 the Commission a fee covering the cost of providing the
4 examination or evaluation. Failure to appear for the
5 examination or evaluation on the scheduled date at the time and
6 place specified shall result in the forfeiture of the
7 examination or evaluation fee.

8 Section 40. Social Security number. In addition to any
9 other information required to be contained in the application,
10 every application for an original, renewal, or restored license
11 under this Act shall include the applicant's Social Security
12 number.

13 Section 45. Qualifications for licensure. A person shall be
14 qualified to be licensed as an interpreter for the deaf and the
15 Commission shall issue a license to an applicant who:

16 (1) has applied in writing on the prescribed forms and
17 paid the required fees;

18 (2) is of good moral character; in determining good
19 moral character, the Commission shall take into
20 consideration whether the applicant has engaged in conduct
21 or activities that would constitute grounds for discipline
22 under Section 115 of this Act;

23 (3) is an accepted certificate holder;

24 (4) has a high school diploma or equivalent; and

1 (5) has met any other requirements established by the
2 Commission by rule.

3 Section 50. Powers and duties of the Commission.

4 (a) The Commission shall exercise the powers and duties
5 prescribed by the Civil Administrative Code of Illinois for the
6 administration of licensing Acts that are consistent with its
7 duties, as set forth in this Act.

8 (b) The Commission shall adopt rules consistent with its
9 duties, as set forth in this Act, for the administration and
10 enforcement of this Act, and for the payment of fees connected
11 therewith, and may prescribe forms, which shall be issued in
12 connection therewith.

13 (c) The Commission may seek the advice and the expert
14 knowledge of the Board on any matter relating to the
15 administration of this Act.

16 (d) Prior to January 1, 2009, the Commission shall conduct
17 statewide training to interpreters and deaf and hard of hearing
18 consumers regarding the rights and obligations affected by this
19 Act and shall continue to conduct statewide outreach,
20 education, and training annually thereafter.

21 (e) The Commission may develop, contract, purchase, or
22 authorize examination and evaluation materials necessary to
23 license interpreters for the deaf that are cost-effective and
24 accessible.

25 (f) Beginning on January 1, 2011 and concluding January 1,

1 2017, the Commission shall file a biannual report with the
2 General Assembly on the impact of the Act with data including,
3 but not limited to, the following:

4 (1) the number of licensed interpreters by level and
5 geographic location;

6 (2) the number of new applicants;

7 (3) the number of renewed licenses; and

8 (4) the number of formal training programs for sign
9 language interpreters for the deaf.

10 Section 55. Powers and duties of the Department.

11 (a) The Department shall exercise the powers and duties
12 prescribed by the Civil Administrative Code of Illinois for the
13 administration of licensing Acts that are consistent with its
14 duties, as set forth in this Act.

15 (b) The Department shall adopt rules consistent with its
16 duties, as set forth in this Act, for the enforcement and
17 disciplinary provisions of this Act.

18 (c) The Department may seek the advice and expert knowledge
19 of the Board and the Director on any matter related to the
20 administration of this Act.

21 (d) The Department shall conduct hearings on proceedings to
22 refuse to issue or renew or to revoke a license or to suspend,
23 place on probation, censure, or reprimand a person licensed
24 under this Act.

25 (e) The Department shall provide the Commission with the

1 names and addresses of all persons whose licenses have been
2 suspended, revoked, or denied renewal for cause on a monthly
3 basis.

4 Section 60. Interpreter Coordinator. The Director may
5 employ, pursuant to the Personnel Code, an Interpreter
6 Coordinator and any other necessary staff. The Interpreter
7 Coordinator shall be a professional interpreter for the deaf
8 licensed in this State. The Interpreter Coordinator hired
9 initially must hold an accepted certification and must qualify
10 for and obtain licensure on or before July 1, 2009. All
11 Interpreter Coordinators hired thereafter must be licensed at
12 the time of hire. The Interpreter Coordinator shall perform
13 such administrative functions as may be delegated by the
14 Director. The Interpreter Coordinator must keep all personal
15 information obtained during the performance of his or her
16 duties confidential.

17 Section 65. Illinois Board of Interpreters.

18 (a) The Director shall appoint an Illinois Board of
19 Interpreters for the Deaf consisting of 7 voting members who
20 shall serve in an advisory capacity to the Commission and to
21 the Department. The Director shall consider recommendations by
22 consumer and professional groups related to the interpreting
23 profession and deaf and hard of hearing community. The Board
24 shall be composed of 4 licensed interpreters for the deaf, 3

1 deaf or hard of hearing consumers, and the Interpreter
2 Coordinator who shall serve as a non-voting member.

3 (b) The initial Board shall be appointed no later than
4 January 31, 2008.

5 (c) The Board shall meet no less than 2 times per year and
6 may hold additional meetings as required in the performance of
7 its duties.

8 (d) The members shall be appointed to serve 4-year terms
9 and shall serve until successors are appointed and qualified,
10 except that initial appointments shall be staggered with one
11 member appointed to serve for one year, 2 members appointed to
12 serve for 2 years, 2 members appointed to serve for 3 years,
13 and 2 members appointed to serve for 4 years. No member shall
14 be eligible to serve more than 2 consecutive terms. A vacancy
15 in the Board shall be filled by appointment by the Director for
16 the remainder of the unexpired term. Those interpreter members
17 appointed initially must qualify for and obtain licensure under
18 this Act on or before July 1, 2009.

19 (e) In making appointments, the Director shall attempt to
20 ensure that various ethnic and geographic regions of the State
21 are properly represented.

22 (f) The membership of the Board shall reflect the
23 differences in certification, experience, education, and
24 background and knowledge of interpreting for the deaf and
25 evaluation.

26 (g) The Director may terminate the appointment of any

1 member for misconduct, inefficiency, incompetence, or neglect
2 of his or her official duties.

3 (h) The Board shall make recommendations to the Director in
4 establishing guidelines for policies and procedures under this
5 Act. Notice of proposed rulemaking shall be transmitted to the
6 Board and the Director shall review the response, with the
7 exception of the need for emergency rulemaking.

8 (i) The Director shall consider the recommendation of the
9 Board on all matters and questions relating to this Act.

10 (j) The Board shall annually elect from its membership a
11 chairperson, vice chairperson, and a secretary.

12 (k) Members of the Board shall be reimbursed for all
13 authorized legitimate and necessary expenses incurred in
14 attending the meetings of the Board.

15 (l) A majority of the Board members currently appointed
16 shall constitute a quorum. A vacancy in the membership of the
17 Board shall not impair the right of a quorum to perform all of
18 the duties of the Board.

19 (m) Except in cases of willful and wanton misconduct,
20 members shall be immune from suit in any action based upon any
21 disciplinary proceedings or other acts performed in good faith
22 as members of the Board.

23 Section 70. Privileged communications. Interpreters for
24 the deaf licensed under this Act shall be subject to the
25 provisions concerning privileged communications between

1 interpreters for the deaf and hard of hearing and consumers set
2 forth in Section 8-912 of the Code of Civil Procedure.

3 Section 75. Provisional licensure. The Commission may, at
4 its discretion, issue a provisional license to an applicant who
5 has not met all of the requirements for full licensure under
6 this Act, but has met the requirements for provisional
7 licensure, as established by the Commission.

8 Provisional licenses must be renewed as set by rule and
9 shall not be renewed for a period exceeding 2 years. If, at the
10 end of 2 years, a provisional licensee still does not meet the
11 requirements for full licensure under this Act, he or she shall
12 be unable to practice interpreting under this Act until granted
13 a license by the Commission.

14 Section 80. Expiration, renewal, and restoration of
15 license.

16 (a) The expiration date and renewal period for each license
17 issued under this Act shall be determined by the Commission and
18 set by rule. Every holder of a license under this Act may renew
19 his or her license during the 60-day period preceding the
20 expiration date thereof upon payment of the required renewal
21 fees.

22 (b) Any person who has practiced in another jurisdiction
23 and has permitted his or her license to expire or had his or
24 her license placed on inactive status may have his or her

1 license restored by making application to the Commission and
2 filing proof acceptable to the Commission, as defined by the
3 Commission by rule, of his or her fitness to have the license
4 restored, including evidence attesting to active practice in
5 another jurisdiction satisfactory to the Commission and by
6 paying the required restoration fee.

7 (c) If a person has not maintained an active practice in
8 another jurisdiction satisfactory to the Commission and has
9 permitted his or her license to expire or has had his or her
10 license placed on inactive status, the Commission shall
11 determine his or her fitness to resume active status and may
12 require satisfactory evaluation of his or her skills.

13 (d) Any person whose license expires while he or she is (i)
14 in federal service on active duty with the Armed Forces of the
15 United States, or the State Militia called into service or
16 training, or (ii) in training or education under the
17 supervision of the United States preliminary to induction into
18 the military service, may have his or her license renewed or
19 restored without paying any lapsed renewal fees, provided that
20 he or she furnishes the Commission with satisfactory evidence
21 to the effect that he or she has been so engaged.

22 (e) Any person whose license is expired or on inactive
23 status and who practices interpreting without being exempt
24 under this Act shall be considered to be practicing without a
25 license, which constitutes grounds for discipline under this
26 Act.

1 Section 85. Inactive status. Any interpreter for the deaf
2 who notifies the Commission, on forms prescribed by the
3 Commission, may place his or her license on inactive status and
4 shall be exempt from payment of renewal fees until he or she
5 notifies the Commission, in writing, of the intention to
6 restore his or her license, pays the current renewal fee, and
7 demonstrates compliance with any requisite continuing
8 education.

9 Any interpreter for the deaf requesting restoration from
10 inactive status must pay the current renewal fee and restore
11 his or her license as provided in Section 80 of this Act.

12 Section 90. Continuing education. The Commission may adopt
13 rules of continuing education for persons licensed under this
14 Act. These rules shall be consistent with the requirements of
15 relevant professional associations and training programs and
16 address variances for illness or hardship. In establishing
17 these rules, the Commission may consider continuing education
18 requirements as a condition of membership in organizations in
19 order to assure that licensees are given the opportunity to
20 participate in those programs sponsored by or through the
21 professional associations or interpreter training programs
22 that are relevant to their practice.

23 The Commission shall establish by rule a means for
24 verifying the completion of the continuing education required

1 by this Section. This verification may be accomplished through
2 audits of records maintained by licensees, the filing of
3 continuing education certificates with the Commission, or any
4 other means established by the Commission.

5 Section 95. Roster. The Commission shall maintain a list of
6 licensed interpreters for the deaf authorized to practice in
7 the State. The list shall show the name of every licensee, type
8 of certification, county, and a form of contact. This list
9 shall be posted for public review on the Internet website of
10 the Commission.

11 The Commission shall maintain rosters of the names of all
12 persons whose licenses have been suspended, revoked, or denied
13 renewal for cause, as provided by the Department within the
14 previous calendar year. This list shall be posted for review on
15 the Internet website of the Commission.

16 Section 100. Fees. The Commission may charge fees for the
17 administration and enforcement of this Act, including, but not
18 limited to, application, administration of an examination or
19 evaluation, licensure renewal and restoration, and provision
20 of duplicate licenses. The fees shall be in an amount
21 sufficient to cover the cost of the licensure program and set
22 by rule and shall be nonrefundable.

23 Section 105. Checks or order dishonored. Any person who

1 delivers a check or other payment to the Commission that is
2 returned to the Commission unpaid by the financial institution
3 upon which it is drawn shall pay to the Commission, in addition
4 to the amount already owed, a fine of \$50. If the check or
5 other payment was for a renewal or issuance fee and that person
6 practices without paying the renewal fee or issuance fee and
7 the fine due, an additional fine of \$100 shall be imposed. The
8 fines imposed by this Section are in addition to any other
9 discipline provided under this Act for unlicensed practice or
10 practice on a nonrenewed license. The Commission shall notify
11 the person that payment of fees and fines shall be paid to the
12 Commission by certified check or money order within 30 calendar
13 days after the notification. If, after the expiration of 30
14 days after the date of the notification, the person has failed
15 to submit the necessary remittance, the Commission shall
16 automatically terminate the license or deny the application,
17 without hearing. If, after termination or denial, the person
18 seeks a license, he or she shall apply to the Commission for
19 restoration or issuance of the license and pay all fees and
20 fines due to the Commission. The Commission may establish a fee
21 for the processing of an application for restoration of a
22 license to pay all expenses of processing the application. The
23 Director may waive the fines due under this Section in
24 individual cases where the Commission finds that the fines
25 would be unreasonable or unnecessarily burdensome.

1 Section 110. Interpreters for the Deaf Fund. The moneys
2 received as fees and fines by the Commission under this Act
3 shall be deposited in the Interpreters for the Deaf Fund, which
4 is hereby created as a special fund in the State treasury, and
5 shall be used only for the administration and enforcement of
6 this Act, including (i) for costs directly related to the
7 regulating of persons under this Act, (ii) by the Board and
8 Commission in the exercise of its powers and performance of its
9 duties, and (iii) for direct and allocable indirect cost
10 related to the public purposes of the Commission. All moneys
11 deposited in the Fund shall be appropriated to the Commission
12 for expenses of the Commission and the Board in the
13 administration and enforcement of this Act. Moneys in the Fund
14 may be invested and reinvested, with all earnings deposited in
15 the Fund and used for the purposes set forth in this Act. The
16 Fund shall comply with the Illinois State Auditing Act.

17 Section 115. Grounds for disciplinary action.

18 (a) The Commission may refuse to issue or renew any license
19 and the Department may suspend or revoke any license or may
20 place on probation, censure, reprimand, or take other
21 disciplinary action deemed appropriate by the Department,
22 including the imposition of fines not to exceed \$2,500 for each
23 violation, with regard to any license issued under this Act for
24 any one or more of the following reasons:

25 (1) Material deception in furnishing information to

1 the Commission or the Department.

2 (2) Violations or negligent or intentional disregard
3 of any provision of this Act or its rules.

4 (3) Conviction of any crime under the laws of any
5 jurisdiction of the United States that is a felony or a
6 misdemeanor, an essential element of which is dishonesty,
7 or that is directly related to the practice of
8 interpreting.

9 (4) A pattern of practice or other behavior that
10 demonstrates incapacity or incompetence to practice under
11 this Act.

12 (5) Knowingly aiding or assisting another person in
13 violating any provision of this Act or rules adopted
14 thereunder.

15 (6) Failing, within 60 days, to provide a response to a
16 request for information in response to a written request
17 made by the Commission or the Department by certified mail.

18 (7) Engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public.

21 (8) Habitual use of or addiction to alcohol, narcotics,
22 stimulants, or any other chemical agent or drug that
23 results in a licensee's inability to practice with
24 reasonable judgment, skill, or safety.

25 (9) Discipline by another jurisdiction or foreign
26 nation, if at least one of the grounds for the discipline

1 is the same or substantially equivalent to those set forth
2 in this Section.

3 (10) A finding that the licensee, after having his or
4 her license placed on probationary status, has violated the
5 terms of probation.

6 (11) Being named as a perpetrator in an indicated
7 report by the Department of Children and Family Services
8 under the Abused and Neglected Child Reporting Act and upon
9 proof by clear and convincing evidence that the licensee
10 has caused a child to be an abused child or a neglected
11 child, as defined in the Abused and Neglected Child
12 Reporting Act.

13 (12) Gross negligence in the practice of interpreting.

14 (13) Holding oneself out to be a practicing interpreter
15 for the deaf under any name other than one's own.

16 (14) Knowingly allowing another person or organization
17 to use the licensee's license to deceive the public.

18 (15) Attempting to subvert or cheat on an
19 interpreter-related examination or evaluation.

20 (16) Immoral conduct in the commission of an act, such
21 as sexual abuse, sexual misconduct, or sexual
22 exploitation, related to the licensee's practice.

23 (17) Willfully violating State or federal
24 confidentiality laws or the confidentiality between an
25 interpreter and client, except as required by State or
26 federal law.

1 (18) Practicing or attempting to practice interpreting
2 under a name other than one's own.

3 (19) The use of any false, fraudulent, or deceptive
4 statement in any document connected with the licensee's
5 practice.

6 (20) Failure of a licensee to report to the Commission
7 any adverse final action taken against him or her by
8 another licensing jurisdiction, any peer review body, any
9 professional deaf or hard of hearing interpreting
10 association, any governmental Commission, by law
11 enforcement Commission, or any court for a deaf or hard of
12 hearing interpreting liability claim related to acts or
13 conduct similar to acts or conduct that would constitute
14 grounds for action as provided in this Section.

15 (21) Failure of a licensee to report to the Commission
16 surrender by the licensee of his or her license or
17 authorization to practice interpreting in another state or
18 jurisdiction or current surrender by the licensee of
19 membership in any deaf or hard of hearing interpreting
20 association or society while under disciplinary
21 investigation by any of those authorities or bodies for
22 acts or conduct similar to acts or conduct that would
23 constitute grounds for action as provided by this Section.

24 (22) Physical illness or injury including, but not
25 limited to, deterioration through the aging process or loss
26 of motor skill, mental illness, or disability that results

1 in the inability to practice the profession with reasonable
2 judgment, skill, or safety.

3 (23) Gross and willful overcharging for interpreter
4 services, including filing false statements for collection
5 of fees for which services have not been rendered.

6 (b) The Commission may refuse to issue or the Department
7 may suspend the license of any person who fails to file a
8 return, to pay the tax, penalty, or interest shown in a filed
9 return, or to pay any final assessment of the tax, penalty, or
10 interest as required by any tax Act administered by the
11 Illinois Department of Revenue, until such time as the
12 requirements of any such tax Act are satisfied.

13 (c) In enforcing this Section, the Commission, upon a
14 showing of a possible violation, may compel an individual
15 licensed under this Act, or who has applied for licensure under
16 this Act, to submit to a mental or physical examination, or
17 both, as required by and at the expense of the Commission. The
18 Commission may order the examining physician to present
19 testimony concerning the mental or physical examination of the
20 licensee or applicant. No information shall be excluded by
21 reason of any common law or statutory privilege relating to
22 communications between the licensee or applicant and the
23 examining physician. The Commission shall specifically
24 designate the examining physicians. The individual to be
25 examined may have, at his or her own expense, another physician
26 of his or her choice present during all aspects of this

1 examination. Failure of an individual to submit to a mental or
2 physical examination, when directed, shall be grounds for
3 suspension of his or her license until the individual submits
4 to the examination if the Commission finds, after notice and
5 hearing, that the refusal to submit to the examination was
6 without reasonable cause.

7 If the Commission finds an individual unable to practice
8 because of the reasons set forth in this subsection (c), the
9 Commission may require that individual to submit to care,
10 counseling, or treatment by physicians approved or designated
11 by the Commission as a condition, term, or restriction for
12 continued, reinstated, or renewed licensure to practice or, in
13 lieu of care, counseling, or treatment, the Commission may file
14 a complaint to immediately suspend, revoke, or otherwise
15 discipline the license of the individual. An individual whose
16 license was granted, continued, reinstated, renewed,
17 disciplined, or supervised subject to such terms, conditions,
18 or restrictions and who fails to comply with such terms,
19 conditions, or restrictions, shall be referred to the Director
20 for a determination as to whether the individual shall have his
21 or her license suspended immediately, pending a hearing by the
22 Department.

23 In instances in which the Director immediately suspends a
24 person's license under this subsection (c), a hearing on that
25 person's license must be convened by the Department within 15
26 days after the suspension and completed without appreciable

1 delay. The Commission or the Department shall have the
2 authority to review the subject individual's record of
3 treatment and counseling regarding the impairment to the extent
4 permitted by applicable State and federal statutes and
5 regulations safeguarding the confidentiality of medical
6 records.

7 An individual licensed under this Act and affected under
8 this subsection (c) shall be afforded an opportunity to
9 demonstrate to the Commission that he or she can resume
10 practice in compliance with acceptable and prevailing
11 standards under the provisions of his or her license.

12 Section 120. Violations; injunction; cease and desist
13 order.

14 (a) If any person violates the provisions of this Act, the
15 Attorney General may petition for an order enjoining the
16 violation or for an order enforcing compliance with this Act.
17 Upon the filing of a verified petition, the court with
18 appropriate jurisdiction may issue a temporary restraining
19 order without notice or bond, and may preliminarily and
20 permanently enjoin the violation. If it is established that the
21 person has violated or is violating the injunction, the court
22 may punish the offender for contempt of court. Proceedings
23 under this Section are in addition to all other remedies and
24 penalties provided by this Act.

25 (b) If any person holds himself or herself out as being a

1 licensed interpreter for the deaf under this Act and is not
2 licensed to do so, then any licensed interpreter for the deaf,
3 interested party, or any person injured thereby may petition
4 for relief as provided in subsection (a) of this Section.

5 (c) Whenever, in the opinion of the Commission, a person
6 violates any provision of this Act, the Commission may issue an
7 order to show cause why an order to cease and desist should not
8 be entered against that person. The order shall clearly set
9 forth the grounds relied upon by the Commission and shall allow
10 at least 7 days from the date of the order to file an answer
11 satisfactory to the Commission. Failure to answer to the
12 satisfaction of the Commission shall cause an order to cease
13 and desist to be issued.

14 Section 125. Investigations; notice and hearing. The
15 Commission may investigate the actions of any applicant or any
16 person holding or claiming to hold a license under this Act.
17 Before revoking, suspending, placing on probation,
18 reprimanding, or taking any other disciplinary action under
19 Section 115 of this Act, the Commission shall refer the
20 findings of its investigation to the Department. The Department
21 shall, at least 30 days prior to the date set for the hearing,
22 (i) notify the accused, in writing, of any charges made and the
23 time and place for the hearing, (ii) direct him or her to file
24 a written answer to the charges with the Department under oath
25 within 20 days after the service on him or her of the notice,

1 and (iii) inform the accused that, if he or she fails to
2 answer, default will be taken against him or her or that his or
3 her license may be suspended, revoked, placed on probationary
4 status, or other disciplinary action taken with regard to the
5 license, including limiting the scope, nature, or extent of his
6 or her practice, as the Department may deem proper. In case the
7 person, after receiving notice, fails to file an answer, his or
8 her license may, in the discretion of the Department, be
9 suspended, revoked, placed on probationary status, or the
10 Department may take whatever disciplinary action deemed
11 proper, including limiting the scope, nature, or extent of the
12 person's practice or the imposition of a fine, without a
13 hearing, if the act or acts charged constitute sufficient
14 grounds for such action under this Act. At the time and place
15 fixed in the notice, the Department shall proceed to hear the
16 charges and the parties or their counsel shall be accorded
17 ample opportunity to represent such statements, testimony,
18 evidence, and argument as may be pertinent to the charges or to
19 their defense. The Secretary may continue the hearing if the
20 Board is unavailable or for another just cause.

21 Section 130. Disposition by consent order or settlement
22 agreement. Disposition may be made of any charge by consent
23 order or settlement agreement between the Commission and the
24 licensee. Disposition may include restrictions upon the
25 interpreter's ability to practice and monetary penalties not to

1 exceed the maximum disciplinary fines allowed under this Act.
2 The Board shall be apprised of the consent order or settlement
3 agreement at its next meeting.

4 Section 135. Record of proceedings; transcript. The
5 Commission, at its expense, shall preserve a record of all
6 proceedings at any formal hearing of any case. The notice of
7 hearing, complaint, and all other documents in the nature of
8 pleadings and written motions filed in the proceedings, the
9 transcript of testimony, the report of the Board, the report of
10 the hearing officer, and the orders of the Commission shall be
11 the record of the proceedings.

12 Section 140. Subpoenas; depositions; oaths. The Department
13 shall have power to subpoena and bring before it any person and
14 to take testimony either orally or by deposition, or both, with
15 the same fees and mileage and in the same manner as prescribed
16 by law in judicial proceedings in civil cases in courts in this
17 State. The Secretary, the designated hearing officer, and any
18 member of the Board shall each have power to administer oaths
19 to witnesses at any hearings which the Department is authorized
20 to conduct and any other oaths authorized in the Act.

21 Section 145. Compelling testimony. Any circuit court, upon
22 the application of the Department, designated hearing officer,
23 applicant, or licensee against whom proceedings under Section

1 115 of the Act are pending, may enter an order requiring the
2 attendance of witnesses and their testimony and the production
3 of documents, papers, files, books, and records in connection
4 with any hearing or investigation. The court may compel
5 obedience to its order by proceedings for contempt.

6 Section 150. Findings and recommendations. At the
7 conclusion of the hearing, the Board shall present to the
8 Secretary a written report of its findings of fact, conclusions
9 of law, and recommendations. The report shall contain a finding
10 of whether the licensee violated this Act or failed to comply
11 with the conditions required in this Act. The Board shall
12 specify the nature of the violation or failure to comply, and
13 shall make its recommendations to the Director of the
14 Department. The report of findings of fact, conclusions of law,
15 and recommendation of the Board shall be the basis for the
16 Department's order for discipline, refusal or for the granting
17 of the license. If the Secretary disagrees with the
18 recommendations of the Board, the Secretary may issue an order
19 in contravention of the Board recommendations. The Secretary
20 shall provide a written report to the Board on any disagreement
21 and shall specify the reasons for the action in the final
22 order. The finding is not admissible in evidence against the
23 person in a criminal prosecution brought for the violation of
24 this Act, but the hearing and findings is not a bar to a
25 criminal prosecution brought for the violation of this Act.

1 Section 155. Appointment of hearing officer. The Secretary
2 shall have the authority to appoint any attorney duly licensed
3 to practice law in the State of Illinois to serve as the
4 hearing officer in any action for discipline of a license. The
5 hearing officer shall have full authority to conduct the
6 hearing. The hearing officer shall report his or her findings
7 of fact, conclusions of law, and recommendations to the Board
8 and the Secretary. The Board shall have 60 days after receipt
9 of the report to review the report of the hearing officer and
10 to present its findings of fact, conclusions of law and
11 recommendations to the Secretary. If the Board fails to present
12 its report within the 60-day period, the Secretary may issue an
13 order based on the report of the hearing officer.

14 Section 160. Board; rehearing. At the conclusion of the
15 hearing, a copy of the Board's report shall be served upon the
16 applicant or licensee by the Commission, either personally or
17 as provided in this Act for the service of the notice of
18 hearing. Within 20 days after such service, the applicant or
19 licensee may present to the Department a motion in writing for
20 a rehearing, which shall specify the particular grounds for
21 rehearing. If no motion for a rehearing is filed, then upon the
22 expiration of the time specified for filing such a motion, or
23 if a motion for rehearing is denied, then upon such denial, the
24 Secretary may enter an order in accordance with recommendations

1 of the Board, except as provided in Section 175 of this Act. If
2 the applicant or licensee requests and pays for a transcript of
3 the record within the time for filing a motion for rehearing,
4 the 20-day period within which a motion may be filed shall
5 commence upon the delivery of the transcript to the applicant
6 or licensee.

7 Section 165. Director; rehearing. Whenever the Secretary
8 believes justice has not been done in the revocation,
9 suspension, or refusal to issue or renew a license or the
10 discipline of a licensee, he or she may order a rehearing.

11 Section 170. Order or certified copy; prima facie proof. An
12 order of revocation, suspension, placing the license on
13 probationary status, or other formal disciplinary action as the
14 Department may deem proper, or a certified copy thereof, over
15 the seal of the Department and purporting to be signed by the
16 Secretary, is prima facie proof that:

- 17 (1) the signature is the genuine signature of the
18 Secretary;
19 (2) the Secretary is duly appointed and qualified; and
20 (3) the Board and the members thereof are qualified to
21 act.

22 Section 175. Restoration of suspended or revoked license.
23 At any time after the suspension or revocation of any license,

1 the Commission may restore it to the licensee upon the written
2 recommendation of the Board, unless after an investigation and
3 hearing the Board determines that restoration is not in the
4 public interest.

5 Section 180. Surrender of license. Upon the revocation or
6 suspension of a license, the licensee shall immediately
7 surrender his or her license to the Commission. If the licensee
8 fails to do so, the Commission has the right to seize the
9 license.

10 Section 185. Summary suspension of license. The Director
11 may summarily suspend the license of an interpreter for the
12 deaf without a hearing, simultaneously with the institution of
13 proceedings for a hearing provided for in Section 115 of this
14 Act, if the Director finds that evidence in the possession of
15 the Director indicates that the continuation of practice by the
16 interpreter for the deaf would constitute an imminent danger to
17 the public. In the event that the Director summarily suspends
18 the license of an individual without a hearing, a hearing must
19 be held by the Department within 30 days after the suspension
20 has occurred.

21 Section 190. Administrative review; venue.

22 (a) All final administrative decisions of the Department
23 are subject to judicial review pursuant to the Administrative

1 Review Law and its rules. The term "administrative decision" is
2 defined as in Section 3-101 of the Code of Civil Procedure.

3 (b) Proceedings for judicial review shall be commenced in
4 the circuit court of the county in which the party applying for
5 review resides, but if the party is not a resident of Illinois,
6 the venue shall be in Sangamon County.

7 Section 195. Certification of record; costs. The
8 Department shall not be required to certify any record to the
9 court, to file an answer in court, or to otherwise appear in
10 any court in a judicial review proceeding, unless there is
11 filed in the court, with the complaint, a receipt from the
12 Commission acknowledging payment of the costs of furnishing and
13 certifying the record. Failure on the part of the plaintiff to
14 file the receipt in court is grounds for dismissal of the
15 action.

16 Section 200. Offenses and punishment. Unless otherwise
17 specified, any person found to have violated any provision of
18 this Act is guilty of a Class A misdemeanor.

19 Section 205. Administrative Procedure Act. The Illinois
20 Administrative Procedure Act is hereby expressly adopted and
21 incorporated in this Act as if all of the provisions of such
22 Act were included in this Act.

1 Section 210. Home rule. The regulation and licensing of the
2 practice of interpreting are exclusive powers and functions of
3 the State. A home rule unit may not regulate or license
4 interpreters for the deaf. This Section is a denial and
5 limitation of home rule powers and functions under subsection
6 (h) of Section 6 of Article VII of the Illinois Constitution.

7 Section 215. Savings provision.

8 (a) This Act is intended to replace the Interpreters for
9 the Deaf Act in all respects.

10 (b) The provisions of this Act shall not be construed to
11 invalidate the requirement that interpreters continue to
12 register pursuant to the Interpreters for the Deaf Act prior to
13 the effective date of this Act.

14 (c) Beginning January 1, 2009, the Commission shall cease
15 to register interpreters pursuant to the interpreters for the
16 Deaf Act. After that date, applicants shall apply for a license
17 to practice as an interpreter for the deaf and shall meet the
18 requirements set forth in this Act.

19 (d) Beginning on January 1, 2009, the rights, powers, and
20 duties exercised by the Deaf and Hard of Hearing Commission
21 under the Interpreters for the Deaf Act shall continue to be
22 vested in, be the obligation of, and shall be exercised by the
23 Deaf and Hard of Hearing Commission under the provisions of
24 this Act.

25 (e) This Act does not affect any act done, ratified, or

1 cancelled, or any right occurring or established, or any action
2 or proceeding had or commenced in an administrative, civil, or
3 criminal cause before the effective date of this Act, by the
4 Deaf and Hard of Hearing Commission under the Interpreters for
5 the Deaf Act, and those actions or proceedings may be
6 prosecuted and continued by the Deaf and Hard of Hearing
7 Commission under this Act.

8 (f) The rules adopted by the Deaf and Hard of Hearing
9 Commission relating to the Interpreters for the Deaf Act,
10 unless inconsistent with the provisions of this Act, are not
11 affected by this Act, and on the effective date of this Act,
12 those rules become the rules under this Act. The Deaf and Hard
13 of Hearing Commission shall, as soon as practicable, adopt new
14 or amended rules consistent with the provisions of this Act.

15 Section 900. Severability. The provisions of this Act are
16 severable under Section 1.31 of the Statute on Statutes.

17 Section 905. The Regulatory Sunset Act is amended by adding
18 Sections 4.19b and 4.28 as follows:

19 (5 ILCS 80/4.19b new)

20 Sec. 4.19b. Act repealed on January 1, 2009. The following
21 Act is repealed on January 1, 2009:

22 The Interpreters for the Deaf Act.

1 (5 ILCS 80/4.28 new)

2 Sec. 4.28. Act repealed on January 1, 2018. The following
3 Act is repealed on January 1, 2018:

4 The Interpreter for the Deaf Licensure Act of 2007.

5 Section 910. The State Finance Act is amended by adding
6 Section 5.675 as follows:

7 (30 ILCS 105/5.675 new)

8 Sec. 5.675. The Interpreters for the Deaf Fund.

9 Section 915. The Code of Civil Procedure is amended by
10 changing Section 8-911 and by adding Section 8-912 as follows:

11 (735 ILCS 5/8-911) (from Ch. 110, par. 8-911)

12 Sec. 8-911. Language interpreter's ~~Interpreter's~~
13 privilege.

14 (a) A "language interpreter" ~~An "interpreter"~~ is a person
15 who aids a communication when at least one party to the
16 communication has a ~~hearing or speaking impairment or a~~
17 language difficulty.

18 (b) If a communication is otherwise privileged, that
19 underlying privilege is not waived because of the presence of
20 the language interpreter.

21 (c) The language interpreter shall not disclose the
22 communication without the express consent of the person who has

1 the right to claim the underlying privilege.

2 (Source: P.A. 87-409.)

3 (735 ILCS 5/8-912 new)

4 Sec. 8-912. Interpreter for the deaf and hard of hearing's
5 privilege.

6 (a) An "interpreter for the deaf and hard of hearing" is a
7 person who aids communication when at least one party to the
8 communication has a hearing loss.

9 (b) An interpreter for the deaf and hard of hearing who
10 interprets a conversation between a hearing person and a deaf
11 person is deemed a conduit for the conversation and may not
12 disclose or be compelled to disclose by subpoena the contents
13 of the conversation that he or she facilitated without the
14 written consent of all persons involved who received his or her
15 professional services.

16 (c) All communications that are recognized by law as
17 privileged shall remain privileged even in cases where an
18 interpreter for the deaf and hard of hearing is utilized to
19 facilitate such communications.

20 (d) Communications may be voluntarily disclosed under the
21 following circumstances:

22 (1) the formal reporting, conferring, or consulting
23 with administrative superiors, colleagues, or consultants
24 who share similar professional responsibility, in which
25 instance all recipients of such information are similarly

1 bound to regard the communication as privileged;

2 (2) a person waives the privilege by bringing any
3 public charges against an interpreter for the deaf and hard
4 of hearing, including a person licensed under the
5 Interpreter for the Deaf Licensure Act of 2007; and

6 (3) a communication reveals the intended commission of
7 a crime or harmful act and such disclosure is judged
8 necessary by the interpreter for the deaf and hard of
9 hearing to protect any person from a clear, imminent risk
10 of serious mental or physical harm or injury or to
11 forestall a serious threat to public safety.

12 (e) Nothing in this Section shall be construed to prohibit
13 a person licensed under the Interpreter for the Deaf Licensure
14 Act of 2007 from voluntarily testifying in court hearings
15 concerning matters of adoption, child abuse, child neglect, or
16 other matters pertaining to children, except as provided under
17 the Abused and Neglected Child Reporting Act.

18 Section 999. Effective date. This Act takes effect upon
19 becoming law.