



Registration and Regulation Committee

Filed: 6/20/2007

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LRB095 10694 RAS 37690 a

1 AMENDMENT TO SENATE BILL 259

2 AMENDMENT NO. _____. Amend Senate Bill 259 by replacing
3 everything after the enacting clause with the following:

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

1 practice of interpreting, to promote high standards of
2 professional performance for those licensed as interpreters
3 for the deaf, and to protect deaf and hard of hearing consumers
4 from unprofessional conduct by persons licensed to practice.

5 Section 7. Applicability of Act. Nothing contained in this
6 Act shall be construed to limit the means in which effective
7 communication is achieved under the federal Americans with
8 Disabilities Act (ADA).

9 This Act requires that when effective communication under
10 the ADA is achieved through a sign language interpreter, the
11 sign language interpreter must be licensed under this Act,
12 unless covered by an exemption.

13 Nothing in this Act shall be construed to prohibit the use
14 of technology or other forms of effective communication when
15 accepted by the consumer.

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

19 "Accepted certificate" means a certificate required for
20 licensure that is issued by the Commission, National
21 Association for the Deaf, Registry of Interpreters for the
22 Deaf, Testing Evaluation and Certification Unit Inc.
23 (TECUnit), or any other certifying entities authorized by rule.

24 "American Sign Language (ASL)" means a visual-gestural

1 language that is recognized and accepted as linguistically
2 independent from English language and has its own syntax,
3 rhetoric, and grammar that is recognized, accepted, and used by
4 many deaf Americans.

5 "Board" means the Illinois Board of Interpreters for the
6 Deaf as established within the Illinois Deaf and Hard of
7 Hearing Commission.

8 "Commission" means the Illinois Deaf and Hard of Hearing
9 Commission.

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

12 "Cued speech" means a phonetically based hand supplement to
13 speech reading that is independent of all sign language
14 modalities. It is a system of hand shapes that represents
15 groups of consonant sounds, combined with hand placements that
16 represent groups of vowel sounds, used with natural speech to
17 represent a visual model of spoken language.

18 "Deaf" means any person who, because of the severity of a
19 hearing loss, is not able to discriminate speech when spoken in
20 a normal conversational tone regardless of the use of
21 amplification devices and whose primary means of receiving
22 spoken communication is through visual input, including but not
23 limited to, American Sign Language, speech reading, sign
24 systems, tactile sign, fingerspelling, reading, or writing.

25 "Department" means the Illinois Department of Financial
26 and Professional Regulation.

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

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

7 "Hard of hearing" means any person who, because of a
8 hearing loss, finds hearing difficult, but does not preclude
9 the understanding of spoken communication through the ear
10 alone, regardless of the use of amplification devices or
11 assistive devices, and whose primary means of receiving spoken
12 communication is through visual or auditory input, including,
13 but not limited to, assistive devices, speech reading, sign
14 language, fingerspelling, reading, or writing.

15 "Hearing" means any person who does not have a hearing
16 loss.

17 "Interpreter for the deaf" means any person who offers to
18 render deaf or hard of hearing interpreting services implying
19 that he or she is trained and experienced in interpreting for
20 the deaf and holds a license to practice interpreting for the
21 deaf in this State.

22 "Interpreting" means the interpreting or transliterating
23 of English language concepts to any communication modes of the
24 deaf or hard of hearing consumer or the interpreting or
25 transliterating of the communication modes of the deaf and hard
26 of hearing consumers to English language concepts.

1 Communication modes include, but are not limited to, American
2 Sign Language, cued speech, oral, tactile sign, and persons
3 with language deficient skills.

4 "Language deficient" means modes of communication used by
5 deaf individuals who lack crucial language components,
6 including, but not limited to, vocabulary, language concepts,
7 expressive skills, language skills, and receptive skills.

8 "License" or "licensure" means the authorization to
9 practice interpreting by the Commission under the provisions of
10 this Act.

11 "Oral" means the mode of communication having
12 characteristics of speech, speech reading, and residual
13 hearing as a primary means of communication using situational
14 and culturally appropriate gestures, without the use of sign
15 language.

16 "Practice of interpreting" means rendering or offering to
17 render or supervise those who render to individuals, couples,
18 groups, organizations, institutions, corporations, schools,
19 government agencies, or the general public any interpreting
20 service involving the interpreting of any mode of communication
21 used by a deaf or hard of hearing consumer to English language
22 concepts or of an English language consumer to a mode of
23 communication used by a deaf or hard of hearing consumer.

24 "Secretary" means the Secretary of Financial and
25 Professional Regulation.

26 "Tactile sign" means mode of communication, used by deaf

1 and blind individuals, using any one or a combination of
2 tactile sign or constricted space signing.

3 "Transliterating" means the process of conveying a message
4 from either spoken language into a manually coded language or
5 from a manually coded language into a spoken language.

6 Section 15. Licensure requirement.

7 (a) On or after January 1, 2009, no person shall practice
8 as an interpreter for the deaf, hold himself or herself out as
9 a licensed interpreter for the deaf, or use the title "Licensed
10 Interpreter for the Deaf", "Licensed Transliterating for the
11 Deaf", or any other title or abbreviation to indicate that the
12 person is a licensed interpreter, unless he or she is licensed
13 in accordance with the provisions of this Act.

14 (b) On or before January 1, 2011, a person who, as of July
15 1, 2007, maintained valid and unencumbered registration under
16 the Interpreters for the Deaf Act, may be issued a license as
17 an interpreter for the deaf upon filing an application and
18 paying the required fees. A person licensed under this
19 subsection (b) must meet all applicable licensure requirements
20 of this Act on or before January 1, 2011.

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

22 (a) On or after January 1, 2009, any person who practices,
23 offers to practice, attempts to practice, or holds himself or
24 herself out to practice as an interpreter for the deaf without

1 being licensed or exempt under this Act shall, in addition to
2 any other penalty provided by law, pay a civil penalty to the
3 Commission in an amount not to exceed \$2,500 for each offense
4 as determined by the Commission. The civil penalty shall be
5 assessed by the Department after a hearing is held in
6 accordance with the provisions set forth in this Act regarding
7 the provision of a hearing for the discipline of a licensee and
8 shall be deposited in the Interpreters for the Deaf Fund.

9 (b) The Commission has the authority and power to
10 investigate any and all actual, alleged, or suspected
11 unlicensed activity.

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

16 Section 25. Exemptions. The following do not constitute
17 violations of this Act:

18 (1) Persons interpreting in religious activities.

19 (2) Notwithstanding other State or federal laws or
20 rules regarding emergency treatment, persons interpreting
21 in an emergency situation involving health care services in
22 which the consumer and a health care provider or
23 professional agree that the delay necessary to obtain a
24 licensed interpreter is likely to cause injury or loss to
25 the consumer, until such time as the services of a licensed

1 interpreter can be obtained, where there is continued need
2 for an interpreter.

3 (3) Persons currently enrolled in a course of study
4 leading to a certificate or degree in interpreting,
5 provided that such persons engage only in activities and
6 services that constitute a part of a supervised course of
7 study and clearly designate themselves as student,
8 trainee, or intern.

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

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

16 (6) Persons who do not reside in Illinois and hold
17 either an accepted certificate or an interpreting license
18 from another state and who either:

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

24 (B) engage in interpreting by teleconference,
25 video conference, or other use of technological means
26 of communication.

1 (7) Instances in which sign language interpreters for
2 the deaf are necessary for effective communication for the
3 provision of services to the consumer and in which
4 teleconference, video conference, or other use of
5 technological means of communication or an interpreter are
6 unavailable.

7 Section 30. Application for licensure.

8 (a) An application for licensure as an interpreter for the
9 deaf shall be made to the Commission on forms prescribed by the
10 Commission and accompanied by the appropriate documentation
11 and the required nonrefundable fee. All applications shall
12 contain information that, in the judgment of the Commission,
13 shall enable the Commission to determine an applicant's
14 qualifications.

15 (b) Applicants have one year from the date the application
16 is initially submitted to the Commission to complete the
17 application process. If the process has not been completed in
18 the one-year period, the application shall be denied and the
19 fee forfeited and the applicant must reapply and meet the
20 requirements in effect at the time of reapplication.

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

1 Section 35. Examination and evaluation.

2 (a) The Commission, by rule, may establish a written
3 examination and performance evaluation of applicants for
4 licensure as interpreters for the deaf at such times and places
5 as it may determine. The written examination shall test
6 knowledge of interpreting and the performance evaluation shall
7 test the competence and skills of interpreting and
8 transliterating.

9 (b) Applicants for examination or evaluation shall pay to
10 the Commission a fee covering the cost of providing the
11 examination or evaluation. Failure to appear for the
12 examination or evaluation on the scheduled date at the time and
13 place specified shall result in the forfeiture of the
14 examination or evaluation fee.

15 Section 40. Social security number. In addition to any
16 other information required to be contained in the application,
17 every application for an original, renewal, or restored license
18 under this Act shall include the applicant's Social Security
19 Number.

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

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

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

6 (3) is an accepted certificate holder;

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

8 (5) has met any other requirements established by the
9 Commission by rule.

10 Section 50. Powers and duties of the Commission.

11 (a) The Commission 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 Commission shall adopt rules consistent with
16 consistent with its duties, as set forth in this Act, for the
17 administration and enforcement of this Act, and for the payment
18 of fees connected therewith, and may prescribe forms, which
19 shall be issued in connection therewith.

20 (c) The Commission may seek the advice and the expert
21 knowledge of the Board on any matter relating to the
22 administration of this Act.

23 (d) Prior to January 1, 2009, the Commission shall conduct
24 statewide training to interpreters and deaf and hard of hearing
25 consumers regarding the rights and obligations affected by this

1 Act and shall continue to conduct statewide outreach,
2 education, and training annually thereafter.

3 (e) The Commission may develop, contract, purchase, or
4 authorize examination and evaluation materials necessary to
5 license interpreters for the deaf that are cost effective and
6 accessible.

7 (f) Beginning on January 1, 2011 and concluding January 1,
8 2017, the Commission shall file a biannual report with the
9 General Assembly on the impact of the Act with data including,
10 but not limited to, the following:

- 11 (1) the number of licensed interpreters by level and
12 geographic location;
- 13 (2) the number of new applicants;
- 14 (3) the number of renewed licenses; and
- 15 (4) the number of formal training programs for sign
16 language interpreters for the deaf.

17 Section 55. Powers and duties of the Department.

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

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

25 (c) The Department may seek the advice and expert knowledge

1 of the Board and the Director on any matter related to the
2 administration of this Act.

3 (d) The Department shall conduct hearings on proceedings to
4 refuse to issue or renew or to revoke a license or to suspend,
5 place on probation, censure, or reprimand a person licensed
6 under this Act.

7 (e) The Department shall provide the Commission with the
8 names and addresses of all persons whose licenses have been
9 suspended, revoked, or denied renewal for cause on a monthly
10 basis.

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

24 Section 65. Illinois Board of Interpreters.

1 (a) The Director shall appoint an Illinois Board of
2 Interpreters for the Deaf consisting of 7 voting members who
3 shall serve in an advisory capacity to the Commission and to
4 the Department. The Director shall consider recommendations by
5 consumer and professional groups related to the interpreting
6 profession and deaf and hard of hearing community. The Board
7 shall be composed of 4 licensed interpreters for the deaf, 3
8 deaf or hard of hearing consumers, and the Interpreter
9 Coordinator who shall serve as a non-voting member.

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

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

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

26 (e) In making appointments, the Director shall attempt to

1 ensure that various ethnic and geographic regions of the State
2 are properly represented.

3 (f) The membership of the Board shall reflect the
4 differences in certification, experience, education, and
5 background and knowledge of interpreting for the deaf and
6 evaluation.

7 (g) The Director may terminate the appointment of any
8 member for misconduct, inefficiency, incompetence, or neglect
9 of his or her official duties.

10 (h) The Board shall make recommendations to the Director in
11 establishing guidelines for policies and procedures under this
12 Act. Notice of proposed rulemaking shall be transmitted to the
13 Board and the Director shall review the response, with the
14 exception of the need for emergency rulemaking.

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

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

19 (k) Members of the Board shall be reimbursed for all
20 authorized legitimate and necessary expenses incurred in
21 attending the meetings of the Board.

22 (l) A majority of the Board members currently appointed
23 shall constitute a quorum. A vacancy in the membership of the
24 Board shall not impair the right of a quorum to perform all of
25 the duties of the Board.

26 (m) Except in cases of willful and wanton misconduct,

1 members shall be immune from suit in any action based upon any
2 disciplinary proceedings or other acts performed in good faith
3 as members of the Board.

4 Section 70. Privileged communications. Interpreters for
5 the deaf licensed under this Act shall be subject to the
6 provisions concerning privileged communications between
7 interpreters for the deaf and hard of hearing and consumers set
8 forth in Section 8-912 of the Code of Civil Procedure.

9 Section 75. Provisional licensure. The Commission may, at
10 its discretion, issue a provisional license to an applicant who
11 has not met all of the requirements for full licensure under
12 this Act, but has met the requirements for provisional
13 licensure, as established by the Commission.

14 Provisional licenses must be renewed as set by rule and
15 shall not be renewed for a period exceeding 2 years. If, at the
16 end of 2 years, a provisional licensee still does not meet the
17 requirements for full licensure under this Act, he or she shall
18 be unable to practice interpreting under this Act until granted
19 a license by the Commission.

20 Section 80. Expiration, renewal, and restoration of
21 license.

22 (a) The expiration date and renewal period for each license
23 issued under this Act shall be determined by the Commission and

1 set by rule. Every holder of a license under this Act may renew
2 his or her license during the 60-day period preceding the
3 expiration date thereof upon payment of the required renewal
4 fees.

5 (b) Any person who has practiced in another jurisdiction
6 and has permitted his or her license to expire or had his or
7 her license placed on inactive status may have his or her
8 license restored by making application to the Commission and
9 filing proof acceptable to the Commission, as defined by the
10 Commission by rule, of his or her fitness to have the license
11 restored, including evidence attesting to active practice in
12 another jurisdiction satisfactory to the Commission and by
13 paying the required restoration fee.

14 (c) If a person has not maintained an active practice in
15 another jurisdiction satisfactory to the Commission and has
16 permitted his or her license to expire or has had his or her
17 license placed on inactive status, the Commission shall
18 determine his or her fitness to resume active status and may
19 require satisfactory evaluation of his or her skills.

20 (d) Any person whose license expires while he or she is (i)
21 in federal service on active duty with the Armed Forces of the
22 United States, or the State Militia called into service or
23 training, or (ii) in training or education under the
24 supervision of the United States preliminary to induction into
25 the military service, may have his or her license renewed or
26 restored without paying any lapsed renewal fees, provided that

1 he or she furnishes the Commission with satisfactory evidence
2 to the effect that he or she has been so engaged.

3 (e) Any person whose license is expired or on inactive
4 status and who practices interpreting without being exempt
5 under this Act shall be considered to be practicing without a
6 license, which constitutes grounds for discipline under this
7 Act.

8 Section 85. Inactive status. Any interpreter for the deaf
9 who notifies the Commission, on forms prescribed by the
10 Commission, may place his or her license on inactive status and
11 shall be exempt from payment of renewal fees until he or she
12 notifies the Commission, in writing, of the intention to
13 restore his or her license, pays the current renewal fee, and
14 demonstrates compliance with any requisite continuing
15 education.

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

19 Section 90. Continuing education. The Commission may adopt
20 rules of continuing education for persons licensed under this
21 Act. These rules shall be consistent with the requirements of
22 relevant professional associations and training programs and
23 address variances for illness or hardship. In establishing
24 these rules, the Commission may consider continuing education

1 requirements as a condition of membership in organizations in
2 order to assure that licensees are given the opportunity to
3 participate in those programs sponsored by or through the
4 professional associations or interpreter training programs
5 that are relevant to their practice.

6 The Commission shall establish by rule a means for
7 verifying the completion of the continuing education required
8 by this Section. This verification may be accomplished through
9 audits of records maintained by licensees, the filing of
10 continuing education certificates with the Commission, or any
11 other means established by the Commission.

12 Section 95. Roster. The Commission shall maintain a list of
13 licensed interpreters for the deaf authorized to practice in
14 the State. The list shall show the name of every licensee, type
15 of certification, county, and a form of contact. This list
16 shall be posted for public review on the Internet website of
17 the Commission.

18 The Commission shall maintain rosters of the names of all
19 persons whose licenses have been suspended, revoked, or denied
20 renewal for cause, as provided by the Department within the
21 previous calendar year. This list shall be posted for review on
22 the Internet website of the Commission.

23 Section 100. Fees. The Commission may charge fees for the
24 administration and enforcement of this Act, including, but not

1 limited to, application, administration of an examination or
2 evaluation, licensure renewal and restoration, and provision
3 of duplicate licenses. The fees shall be in an amount
4 sufficient to cover the cost of the licensure program and set
5 by rule and shall be nonrefundable.

6 Section 105. Checks or order dishonored. Any person who
7 delivers a check or other payment to the Commission that is
8 returned to the Commission unpaid by the financial institution
9 upon which it is drawn shall pay to the Commission, in addition
10 to the amount already owed, a fine of \$50. If the check or
11 other payment was for a renewal or issuance fee and that person
12 practices without paying the renewal fee or issuance fee and
13 the fine due, an additional fine of \$100 shall be imposed. The
14 fines imposed by this Section are in addition to any other
15 discipline provided under this Act for unlicensed practice or
16 practice on a nonrenewed license. The Commission shall notify
17 the person that payment of fees and fines shall be paid to the
18 Commission by certified check or money order within 30 calendar
19 days after the notification. If, after the expiration of 30
20 days after the date of the notification, the person has failed
21 to submit the necessary remittance, the Commission shall
22 automatically terminate the license or deny the application,
23 without hearing. If, after termination or denial, the person
24 seeks a license, he or she shall apply to the Commission for
25 restoration or issuance of the license and pay all fees and

1 fines due to the Commission. The Commission may establish a fee
2 for the processing of an application for restoration of a
3 license to pay all expenses of processing the application. The
4 Director may waive the fines due under this Section in
5 individual cases where the Commission finds that the fines
6 would be unreasonable or unnecessarily burdensome.

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

23 Section 115. Grounds for disciplinary action.

24 (a) The Commission may refuse to issue or renew any license

1 and the Department may suspend or revoke any license or may
2 place on probation, censure, reprimand, or take other
3 disciplinary action deemed appropriate by the Department,
4 including the imposition of fines not to exceed \$2,500 for each
5 violation, with regard to any license issued under this Act for
6 any one or more of the following reasons:

7 (1) Material deception in furnishing information to
8 the Commission or the Department.

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

11 (3) Conviction of any crime under the laws of any
12 jurisdiction of the United States that is a felony or a
13 misdemeanor, an essential element of which is dishonesty,
14 or that is directly related to the practice of
15 interpreting.

16 (4) A pattern of practice or other behavior that
17 demonstrates incapacity or incompetence to practice under
18 this Act.

19 (5) Knowingly aiding or assisting another person in
20 violating any provision of this Act or rules adopted
21 thereunder.

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

25 (7) Engaging in dishonorable, unethical, or
26 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public.

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

6 (9) Discipline by another jurisdiction or foreign
7 nation, if at least one of the grounds for the discipline
8 is the same or substantially equivalent to those set forth
9 in this Section.

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

13 (11) Being named as a perpetrator in an indicated
14 report by the Department of Children and Family Services
15 under the Abused and Neglected Child Reporting Act and upon
16 proof by clear and convincing evidence that the licensee
17 has caused a child to be an abused child or a neglected
18 child, as defined in the Abused and Neglected Child
19 Reporting Act.

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

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

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

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

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

4 (17) Willfully violating State or federal
5 confidentiality laws or the confidentiality between an
6 interpreter and client, except as required by State or
7 federal law.

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

10 (19) The use of any false, fraudulent, or deceptive
11 statement in any document connected with the licensee's
12 practice.

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

22 (21) Failure of a licensee to report to the Commission
23 surrender by the licensee of his or her license or
24 authorization to practice interpreting in another state or
25 jurisdiction or current surrender by the licensee of
26 membership in any deaf or hard of hearing interpreting

1 association or society while under disciplinary
2 investigation by any of those authorities or bodies for
3 acts or conduct similar to acts or conduct that would
4 constitute grounds for action as provided by this Section.

5 (22) Physical illness or injury including, but not
6 limited to, deterioration through the aging process or loss
7 of motor skill, mental illness, or disability that results
8 in the inability to practice the profession with reasonable
9 judgment, skill, or safety.

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

13 (b) The Commission may refuse to issue or the Department
14 may suspend the license of any person who fails to file a
15 return, to pay the tax, penalty, or interest shown in a filed
16 return, or to pay any final assessment of the tax, penalty, or
17 interest as required by any tax Act administered by the
18 Illinois Department of Revenue, until such time as the
19 requirements of any such tax Act are satisfied.

20 (c) In enforcing this Section, the Commission, upon a
21 showing of a possible violation, may compel an individual
22 licensed under this Act, or who has applied for licensure under
23 this Act, to submit to a mental or physical examination, or
24 both, as required by and at the expense of the Commission. The
25 Commission may order the examining physician to present
26 testimony concerning the mental or physical examination of the

1 licensee or applicant. No information shall be excluded by
2 reason of any common law or statutory privilege relating to
3 communications between the licensee or applicant and the
4 examining physician. The Commission shall specifically
5 designate the examining physicians. The individual to be
6 examined may have, at his or her own expense, another physician
7 of his or her choice present during all aspects of this
8 examination. Failure of an individual to submit to a mental or
9 physical examination, when directed, shall be grounds for
10 suspension of his or her license until the individual submits
11 to the examination if the Commission finds, after notice and
12 hearing, that the refusal to submit to the examination was
13 without reasonable cause.

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

1 for a determination as to whether the individual shall have his
2 or her license suspended immediately, pending a hearing by the
3 Department.

4 In instances in which the Director immediately suspends a
5 person's license under this subsection (c), a hearing on that
6 person's license must be convened by the Department within 15
7 days after the suspension and completed without appreciable
8 delay. The Commission or the Department shall have the
9 authority to review the subject individual's record of
10 treatment and counseling regarding the impairment to the extent
11 permitted by applicable State and federal statutes and
12 regulations safeguarding the confidentiality of medical
13 records.

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

19 Section 120. Violations; injunction; cease and desist
20 order.

21 (a) If any person violates the provisions of this Act, the
22 Attorney General, may petition for an order enjoining the
23 violation or for an order enforcing compliance with this Act.
24 Upon the filing of a verified petition, the court with
25 appropriate jurisdiction may issue a temporary restraining

1 order without notice or bond, and may preliminarily and
2 permanently enjoin the violation. If it is established that the
3 person has violated or is violating the injunction, the court
4 may punish the offender for contempt of court. Proceedings
5 under this Section are in addition to all other remedies and
6 penalties provided by this Act.

7 (b) If any person holds himself or herself out as being a
8 licensed interpreter for the deaf under this Act and is not
9 licensed to do so, then any licensed interpreter for the deaf,
10 interested party, or any person injured thereby may petition
11 for relief as provided in subsection (a) of this Section.

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

21 Section 125. Investigations; notice and hearing. The
22 Commission may investigate the actions of any applicant or any
23 person holding or claiming to hold a license under this Act.
24 Before revoking, suspending, placing on probation,
25 reprimanding, or taking any other disciplinary action under

1 Section 115 of this Act, the Commission shall refer the
2 findings of its investigating to the Department. The Department
3 shall, at least 30 days prior to the date set for the hearing,
4 (i) notify the accused, in writing, of any charges made and the
5 time and place for the hearing, (ii) direct him or her to file
6 a written answer to the charges with the Department under oath
7 within 20 days after the service on him or her of the notice,
8 and (iii) inform the accused that, if he or she fails to
9 answer, default will be taken against him or her or that his or
10 her license may be suspended, revoked, placed on probationary
11 status, or other disciplinary action taken with regard to the
12 license, including limiting the scope, nature, or extent of his
13 or her practice, as the Department may deem proper. In case the
14 person, after receiving notice, fails to file an answer, his or
15 her license may, in the discretion of the Department, be
16 suspended, revoked, placed on probationary status, or the
17 Department may take whatever disciplinary action deemed
18 proper, including limiting the scope, nature, or extent of the
19 person's practice or the imposition of a fine, without a
20 hearing, if the act or acts charged constitute sufficient
21 grounds for such action under this Act. At the time and place
22 fixed in the notice, the Department shall proceed to hear the
23 charges and the parties or their counsel shall be accorded
24 ample opportunity to represent such statements, testimony,
25 evidence, and argument as may be pertinent to the charges or to
26 their defense. The Secretary may continue the hearing if the

1 Board is unavailable or for another just cause.

2 Section 130. Disposition by consent order or settlement
3 agreement. Disposition may be made of any charge by consent
4 order or settlement agreement between the Commission and the
5 licensee. Disposition may include restrictions upon the
6 interpreter's ability to practice and monetary penalties not to
7 exceed the maximum disciplinary fines allowed under this Act.
8 The Board shall be apprised of the consent order or settlement
9 agreement at its next meeting.

10 Section 135. Record of proceedings; transcript. The
11 Commission, at its expense, shall preserve a record of all
12 proceedings at any formal hearing of any case. The notice of
13 hearing, complaint, and all other documents in the nature of
14 pleadings and written motions filed in the proceedings, the
15 transcript of testimony, the report of the Board, the report of
16 the hearing officer, and the orders of the Commission shall be
17 the record of the proceedings.

18 Section 140. Subpoenas; depositions; oaths. The Department
19 shall have power to subpoena and bring before it any person and
20 to take testimony either orally or by deposition, or both, with
21 the same fees and mileage and in the same manner as prescribed
22 by law in judicial proceedings in civil cases in courts in this
23 State. The Secretary, the designated hearing officer, and any

1 member of the Board shall each have power to administer oaths
2 to witnesses at any hearings which the Department is authorized
3 to conduct and any other oaths authorized in the Act.

4 Section 145. Compelling testimony. Any circuit court, upon
5 the application of the Department, designated hearing officer,
6 applicant, or licensee against whom proceedings under Section
7 115 of the Act are pending, may enter an order requiring the
8 attendance of witnesses and their testimony and the production
9 of documents, papers, files, books, and records in connection
10 with any hearing or investigation. The court may compel
11 obedience to its order by proceedings for contempt.

12 Section 150. Findings and recommendations. At the
13 conclusion of the hearing, the Board shall present to the
14 Secretary a written report of its findings of fact, conclusions
15 of law, and recommendations. The report shall contain a finding
16 of whether the licensee violated this Act or failed to comply
17 with the conditions required in this Act. The Board shall
18 specify the nature of the violation or failure to comply, and
19 shall make its recommendations to the Director of the
20 Department. The report of findings of fact, conclusions of law,
21 and recommendation of the Board shall be the basis for the
22 Department's order for discipline, refusal or for the granting
23 of the license. If the Secretary disagrees with the
24 recommendations of the Board, the Secretary may issue an order

1 in contravention of the Board recommendations. The Secretary
2 shall provide a written report to the Board on any disagreement
3 and shall specify the reasons for the action in the final
4 order. The finding is not admissible in evidence against the
5 person in a criminal prosecution brought for the violation of
6 this Act, but the hearing and findings is not a bar to a
7 criminal prosecution brought for the violation of this Act.

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

21 Section 160. Board; rehearing. At the conclusion of the
22 hearing, a copy of the Board's report shall be served upon the
23 applicant or licensee by the Commission, either personally or
24 as provided in this Act for the service of the notice of

1 hearing. Within 20 days after such service, the applicant or
2 licensee may present to the Department a motion in writing for
3 a rehearing, which shall specify the particular grounds for
4 rehearing. If no motion for a rehearing is filed, then upon the
5 expiration of the time specified for filing such a motion, or
6 if a motion for rehearing is denied, then upon such denial, the
7 Secretary may enter an order in accordance with recommendations
8 of the Board, except as provided in Section 175 of this Act. If
9 the applicant or licensee requests and pays for a transcript of
10 the record within the time for filing a motion for rehearing,
11 the 20-day period within which a motion may be filed shall
12 commence upon the delivery of the transcript to the applicant
13 or licensee.

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

18 Section 170. Order or certified copy; prima facie proof. An
19 order of revocation, suspension, placing the license on
20 probationary status, or other formal disciplinary action as the
21 Department may deem proper, or a certified copy thereof, over
22 the seal of the Department and purporting to be signed by the
23 Secretary, is prima facie proof that:

24 (1) the signature is the genuine signature of the

1 Secretary;

2 (2) the Secretary is duly appointed and qualified; and

3 (3) the Board and the members thereof are qualified to
4 act.

5 Section 175. Restoration of suspended or revoked license.
6 At any time after the suspension or revocation of any license,
7 the Commission may restore it to the licensee upon the written
8 recommendation of the Board, unless after an investigation and
9 hearing the Board determines that restoration is not in the
10 public interest.

11 Section 180. Surrender of license. Upon the revocation or
12 suspension of a license, the licensee shall immediately
13 surrender his or her license to the Commission. If the licensee
14 fails to do so, the Commission has the right to seize the
15 license.

16 Section 185. Summary suspension of license. The Director
17 may summarily suspend the license of an interpreter for the
18 deaf without a hearing, simultaneously with the institution of
19 proceedings for a hearing provided for in Section 115 of this
20 Act, if the Director finds that evidence in the possession of
21 the Director indicates that the continuation of practice by the
22 interpreter for the deaf would constitute an imminent danger to
23 the public. In the event that the Director summarily suspends

1 the license of an individual without a hearing, a hearing must
2 be held by the Department within 30 days after the suspension
3 has occurred.

4 Section 190. Administrative review; venue.

5 (a) All final administrative decisions of the Department
6 are subject to judicial review pursuant to the Administrative
7 Review Law and its rules. The term "administrative decision" is
8 defined as in Section 3-101 of the Code of Civil Procedure.

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

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

22 Section 200. Offenses and punishment. Unless otherwise
23 specified, any person found to have violated any provision of

1 this Act is guilty of a Class A misdemeanor.

2 Section 205. Administrative Procedure Act. The Illinois
3 Administrative Procedure Act is hereby expressly adopted and
4 incorporated in this Act as if all of the provisions of such
5 Act were included in this Act.

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

12 Section 215. Savings provision.

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

15 (b) The provisions of this Act shall not be construed to
16 invalidate the requirement that interpreters continue to
17 register pursuant to the Interpreters for the Deaf Act prior to
18 the effective date of this Act.

19 (c) Beginning January 1, 2009, the Commission shall cease
20 to register interpreters pursuant to the interpreters for the
21 Deaf Act. After that date, applicants shall apply for a license
22 to practice as an interpreter for the deaf and shall meet the
23 requirements set forth in this Act.

1 (d) Beginning on January 1, 2009, the rights, powers, and
2 duties exercised by the Deaf and Hard of Hearing Commission
3 under the Interpreters for the Deaf Act shall continue to be
4 vested in, be the obligation of, and shall be exercised by the
5 Deaf and Hard of Hearing Commission under the provisions of
6 this Act.

7 (e) This Act does not affect any act done, ratified, or
8 cancelled, or any right occurring or established, or any action
9 or proceeding had or commenced in an administrative, civil, or
10 criminal cause before the effective date of this Act, by the
11 Deaf and Hard of Hearing Commission under the Interpreters for
12 the Deaf Act, and those actions or proceedings may be
13 prosecuted and continued by the Deaf and Hard of Hearing
14 Commission under this Act.

15 (f) The rules adopted by the Deaf and Hard of Hearing
16 Commission relating to the Interpreters for the Deaf Act,
17 unless inconsistent with the provisions of this Act, are not
18 affected by this Act, and on the effective date of this Act,
19 those rules become the rules under this Act. The Deaf and Hard
20 of Hearing Commission shall, as soon as practicable, adopt new
21 or amended rules consistent with the provisions of this Act.

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

24 Section 905. The Regulatory Sunset Act is amended by adding

1 Sections 4.19b and 4.28 as follows:

2 (5 ILCS 80/4.19b new)

3 Sec. 4.19b. Act repealed on January 1, 2009. The following

4 Act is repealed on January 1, 2009:

5 The Interpreters for the Deaf Act.

6 (5 ILCS 80/4.28 new)

7 Sec. 4.28. Act repealed on January 1, 2018. The following

8 Act is repealed on January 1, 2018:

9 The Interpreter for the Deaf Licensure Act of 2007.

10 Section 910. The State Finance Act is amended by adding
11 Section 5.675 as follows:

12 (30 ILCS 105/5.675 new)

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

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

16 (735 ILCS 5/8-911) (from Ch. 110, par. 8-911)

17 Sec. 8-911. Language interpreter's ~~Interpreter's~~
18 privilege.

19 (a) A "language interpreter" ~~An "interpreter"~~ is a person
20 who aids a communication when at least one party to the

1 communication has a ~~hearing or speaking impairment or a~~
2 language difficulty.

3 (b) If a communication is otherwise privileged, that
4 underlying privilege is not waived because of the presence of
5 the language interpreter.

6 (c) The language interpreter shall not disclose the
7 communication without the express consent of the person who has
8 the right to claim the underlying privilege.

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

10 (735 ILCS 5/8-912 new)

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

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

16 (b) An interpreter for the deaf and hard of hearing who
17 interprets a conversation between a hearing person and a deaf
18 person is deemed a conduit for the conversation and may not
19 disclose or be compelled to disclose by subpoena the contents
20 of the conversation that he or she facilitated without the
21 written consent of all persons involved who received his or her
22 professional services.

23 (c) All communications that are recognized by law as
24 privileged shall remain privileged even in cases where an
25 interpreter for the deaf and hard of hearing is utilized to

1 facilitate such communications.

2 (d) Communications may be voluntarily disclosed under the
3 following circumstances:

4 (1) the formal reporting, conferring, or consulting
5 with administrative superiors, colleagues, or consultants
6 who share similar professional responsibility, in which
7 instance all recipients of such information are similarly
8 bound to regard the communication as privileged;

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

13 (3) a communication reveals the intended commission of
14 a crime or harmful act and such disclosure is judged
15 necessary by the interpreter for the deaf and hard of
16 hearing to protect any person from a clear, imminent risk
17 of serious mental or physical harm or injury or to
18 forestall a serious threat to public safety.

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

25 Section 999. Effective date. This Act takes effect upon

1 becoming law.".