DEPARTMENT OF HEALTH

Amendment and Compilation of Chapter 11-218
Hawaii Administrative Rules

SEP 15 2011

SUMMARY

1. §11-218-3 is amended.

2. §11-218-4 is amended.

3. §11-218-5.1 is amended.

4. §11-218-9.5 is amended.

5. §11-218-13 is amended.

6. §11-218-13.5 is amended.

7. Chapter 218 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 218

# COMMUNICATION ACCESS SERVICES FOR PERSONS WHO ARE DEAF, HARD OF HEARING, AND DEAF-BLIND


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§11-218-1 Purpose and scope. The purpose of these rules is to establish guidelines for the use of communication access services by persons who are deaf, hard of hearing, or deaf-blind for effective communication in programs and activities of state departments and agencies. The optimal situation is one in which the state program or activity is able to communicate directly with the person who is deaf, hard of hearing, or deaf-blind. When direct communication is not possible, this chapter provides guidelines for hiring communication access providers. [Eff 5/17/91; am and comp 6/10/94; comp 4/3/97; am and comp 11/6/00; am and comp 12/24/01; am and comp 10/13/05; comp 7/23/07; comp 02/27/09; comp OCT 27 2011 ] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-2 Interpretation. If any provision of these rules is inconsistent with requirements of the Americans with Disabilities Act of 1990, Public Law 101-336, as amended, and Section 504 of the Federal Rehabilitation Act of 1973, Public Law 93-112, as amended, the provision shall be construed to be superseded or governed thereby. These rules shall be construed liberally and consistent with the purpose stated in section 11-218-1. [Eff 5/17/91; am and comp 6/10/94; am and comp 4/3/97; am and comp 11/6/00; comp 12/24/01; comp 10/13/05; comp 7/23/07; comp 02/27/09; comp OCT 27 2011 ] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-3 Definitions. As used in this chapter, unless the context clearly indicates otherwise:

"Board" means the disability and communication access board.

"Certified real-time captioner" means any person who holds any valid certifications awarded by either the National Court Reporters Association (NCRA) or a state board of certified shorthand reporters as defined in Appendix G "Recognized Certifications of a Certified Real-Time Captioner (April 19, 2010).

"Communication access services" means services rendered by a provider to facilitate communication between the person who is deaf, hard of hearing, or deaf-blind and hearing consumers. Communication access services include, but are not limited to, interpreter services, real-time captioning services, and computer-assisted notetaking services.

"Computer-assisted notetaker" means a person who provides computer-assisted notetaking services.

"Computer-assisted notetaking services" means services performed by a typist using a word processor on a computer. The services provide a summary of a speaker's words or notes for situations such as a meeting or a group discussion. The words are typed into a word processor and displayed onto a screen. Computer-assisted notetaking services are distinguished from real-time captioning services in that the words are typed simultaneously but not necessarily verbatim and that stenographic equipment and skills are not involved.

"Continuing Education Unit" means the equivalent of ten hours of participation in a state screening agency pre-approved workshop, seminar, lecture, conference, class or other educational activity to increase knowledge, skills and competency relevant to the practice of sign language and interpreting.

"Continuing Education Program" means a state screening agency that establishes the criteria for the number of continuing education units required for HQAS interpreters to maintain their credential as defined in Appendix B "Hawaii Quality Assurance System Continuing Education Program".

"Credentials" means any certification or classification that is awarded to providers as defined in this section.

"Person who is Deaf or hard of hearing" means any person who, with or without amplification, cannot hear and understand spoken language.

"Person who is Deaf-blind" means any person who, with or without the assistance of hearing or visual aids, has both auditory and visual disabilities that interfere with communication.

"Hearing consumer" means any hearing individual that requires communication access services to communicate with persons who are deaf, hard of hearing, or deaf-blind.

"HQAS" means the Hawaii Quality Assurance System, an interpreter screening instrument administered by the state screening agency. Functional descriptions for HQAS levels are shown in Appendix C, "Functional Description of HQAS Levels" May 20, 2010.

"HQAS+H" means the Hawaii Quality Assurance System in addition to the optional local Hawaii language competency test.

"Interpreter services" means services rendered by a locally-classified or nationally-certified interpreter as defined in this section.

"Nationally-certified interpreter" means any person who holds valid certificates or credentials awarded by the Registry of Interpreters for the Deaf, Inc. (RID) or National Council on Interpreting (NCI), as defined in Appendix D "Registry of Interpreters for the Deaf, Inc. Description of Certifications" April 19, 2010 or the National Association of the Deaf, Inc. (NAD) as defined in Appendix E, "National Association of the Deaf, Inc. Interpreter Assessment and Certification" April 19, 2010.

"Provider" means any provider of communication access services including, but not limited to, a nationally-certified interpreter, a state credentialed interpreter, a certified real-time captioner, or a computer-assisted notetaker.

"Real-time captioning services" means services performed by a certified real-time captioner in order to facilitate communication for persons who are deaf, hard of hearing, and deaf-blind. The services provide simultaneous transcription of a speaker's words by using a stenographic machine, a computer, and real-time captioning software, and by projecting the words onto a screen.

"State agency" means any department, office, board, or commission of the State, or the University of Hawaii.

"State screening agency" means the disability and communication access board issuing credentials under

the Hawaii Quality Assurance System which shall be honored statewide.

"State credentialed interpreter" means any person who holds valid HQAS credentials defined in Appendix C and awarded by the state screening agency. [Eff 5/17/91; am and comp 6/10/94; am and comp 4/3/97; am and comp 11/6/00; am and comp 12/24/01; am and comp 10/13/05; comp 7/23/07; am and comp 02/27/09; am and comp OCT 27 2011 ] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-4 Credentials of providers. (a) The credentials of providers shall be based on the level and specialization determined by the national organizations or state screening agency which provide the credentials listed in section 11-218-3. The board shall review criteria of the credentials awarded by national organizations and the state screening agency with input from the community. Documentation of completion of sign language courses or interpreter training programs shall not be substituted for credentials listed in section 11-218-3.

(b) Currently there are no known national organizations or state screening agency that award credentials for computer-assisted notetakers. It is recommended that the state agencies utilize persons who meet the following characteristics in order to provide computer-assisted notetaking services: ability to organize and summarize information; ability to type at least 60 words per minute; familiarity with the subject being discussed; experience working with persons who are deaf, hard of hearing, or deaf-blind; working knowledge of laptop computers and word processing software; and good auditory, verbal, and spelling skills. [Eff 5/17/91; comp 6/10/94; comp 4/3/97; am and comp 11/6/00; am and comp 12/24/01; am and comp 10/13/05; comp 7/23/07; comp 02/27/09; am and comp OCT 27 2011 ] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-5 Repealed. [R 11/6/00]

§11-218-5.1 Fee schedule guidelines. (a) State agencies hiring providers as independent contractors on a fee for service basis may negotiate fees with the provider. Appendix A, "Recommended Fee Schedules for Providers" (July 21, 2011), located at the end of this chapter, is made a part of this chapter. The hourly rates listed in Appendix A are recommended rates for providers used by state agencies for one-time, ad-hoc, or single units of service. In addition, Appendix A includes recommendations for mileage, travel, and other allowable charges.

(b) State agencies hiring providers as independent contractors for on-going or continuing assignments may negotiate fees and terms independent of the hourly rates shown in Appendix A. This paragraph shall not be construed to supersede the provisions of section 11-218-8.

(c) The board shall review the recommended fee schedules, annually or as needed, with consideration of the current market value of those services as well as input from consumers, providers, and state agencies. [Eff and comp 11/6/00; am and comp 12/24/01; am and comp 10/13/05; am and comp 7/23/07; am and comp 02/27/09; am and comp OCT 27 2011 ] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-6 Cancellation of services. Fees shall be determined in accordance with the time of cancellation of services:

(1) For assignments less than two hours in duration, and if a cancellation notice is given at least twenty-four hours in advance, no fee shall be assessed. If the cancellation notice is given less than twenty-four hours in advance, the full charge for the requested period shall be assessed.

(2) For assignments two hours or more but less than four hours in duration, and if a cancellation notice is given at least forty-eight hours in advance, no fee shall be assessed. If the cancellation notice is given less than forty-eight hours in advance, the full charge for the requested period shall be assessed.

(3) For assignments four hours or more in duration, and if a cancellation notice is given at least seventy-two hours in advance, no fee shall be assessed. If the cancellation notice is given less than seventy-two hours in advance, the minimum two hour fee plus one-half of the fee for the remaining scheduled time shall be assessed. If the cancellation notice is given less than forty-eight hours in advance, the full fee shall be assessed.

(4) If an essential person who is deaf, hard of hearing, or deaf-blind, or a hearing consumer of interpreting or other communication access services fails to appear, this shall be considered a cancellation and the provider hired for that assignment shall be paid the full fee for the requested period by the state agency.

(5) If a provider fails to appear, no fee shall be paid by the state agency.

(6) For assignments where two providers are scheduled and one fails to appear, the solo provider shall be paid the full fee plus 30 per cent of the hourly rate. [Eff 5/17/91; comp 6/10/94; comp 4/3/97; am and comp 11/6/00; comp 12/24/01; am and comp 10/13/05; comp 7/23/07; comp 02/27/09; comp OCT 27 2011 ] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-7 Repealed. [R 11/6/00]

§11-218-7.1 Repealed. [R 11/6/00]

§11-218-7.2 Repealed. [R 11/6/00]

§11-218-8 Provision of services. (a) Any person meeting any one of the definitions of nationally-certified or state credentialed interpreter, certified real-time captioner, or computer-assisted notetaker provided in section 11-218-3 may be hired as a provider of interpreter services, real-time captioning services, or computer-assisted notetaking services.

(b) Any state agency shall acquire the services of a provider with the appropriate credentials when one is necessary for a person who is deaf, hard of hearing, or deaf-blind to effectively participate in an activity or program of that agency. A state agency shall hire the preferred provider of the person who is deaf, hard of hearing, or deaf-blind when possible. If no preference is stated, providers with the highest level of credentials shall be hired first, followed by lesser levels of credentials, in the order listed in Appendix A.

(c) For assignments of more than one and one-half hours in length, and with continuous work (for example, a workshop or meeting), the state agency shall request two providers for the total time of the assignment to actively work for alternate periods of twenty minutes each. If only one provider is available and hired for an assignment with continuous work of more than one and one-half hours in length, the state agency shall ensure that the provider is given breaks as necessary or as negotiated prior to the assignment.

(d) Any person who is deaf, hard of hearing, or deaf-blind shall inform the state agency of the need for communication access services, allowing reasonable time to hire providers. [Eff 5/17/91; am and comp 6/10/94; am and comp 4/3/97; am and comp 11/6/00; am and comp 12/24/01; am and comp 10/13/05; comp 7/23/07;

comp 02/27/09; comp OCT 27 2011 ] (Auth: HRS§348F-6) (Imp: HRS §348F-3)

§11-218-8.1 Role of a provider who is deaf, hard of hearing, or deaf-blind. If a person who is deaf, hard of hearing, or deaf-blind cannot benefit from conventional communication access services, then a team of two providers shall be hired upon request to ensure effective communication. The second provider, who is deaf, hard of hearing, or deaf-blind, would relay information between the consumer and the hearing provider, using a three-way communication. [Eff and comp 11/6/00; comp 12/24/01; am and comp 10/13/05; comp 7/23/07; comp 02/27/09; comp OCT 27 2011 ] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-9 Rights of consumers to communication access services. Any person meeting any one of the definitions of person who is deaf, hard of hearing, or deaf-blind or hearing consumer as provided in section 11-218-3 shall be provided communication access services as requested in any program or activity of a state agency. Persons who are deaf, hard of hearing, or deaf-blind who request communication access services for any program or activity may identify and request their preferred provider. The requirement for credentials may be waived if the person who is deaf, hard of hearing, or deaf-blind indicates preference for someone who does not have credentials. The state agency shall certify and document that the person who is deaf, hard of hearing, or deaf-blind specified a provider without credentials. [Eff 5/17/91; am and comp 6/10/94; am and comp 4/3/97; am and comp 11/6/00; comp 12/24/01; am and comp 10/13/05; comp 7/23/07; comp 02/27/09; comp OCT 27 2011 ] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-9.5 Code of ethics. Services of HQAS interpreters shall be rendered in a manner consistent with Appendix F, "The Hawaii Quality Assurance System

Code of Ethics" (October 19, 2000). RID, NAD, NCRA, or NAD-RID NCI certified interpreters shall follow their respective code of ethics. Services shall be rendered by providers in a manner consistent with Appendix F, or their respective certification's code of ethics. [Eff and comp 11/6/00; am and comp 12/24/01; am and comp 10/13/05; comp 7/23/07; comp 02/27/09; am and comp OCT 27 2011 ] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-10 Repealed. [R 6/10/94]

§11-218-11 Repealed. [R 6/10/94]

§11-218-12 Application and renewal of credentials. Every application for credentials shall be made upon forms available from the appropriate national organizations or the state screening agency which provides credentials, as indicated in section 11-218-3. Fees accompanying the application, if any, shall be set by these organizations.

It is the responsibility of the provider to maintain current credentials. [Eff 5/17/91; am and comp 6/10/94; comp 4/3/97; am and comp 11/6/00; am and comp 12/24/01; comp 10/13/05; comp 7/23/07; comp 02/27/09; comp OCT 27 2011 ] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-13 Validity of credentials. The validity of credentials shall be based on criteria for maintenance of credentials established by the appropriate national organizations or the state screening agency which provides credentials as indicated in section 11-218-3. The continuing education program for HQAS interpreters shall be administered by the state screening agency. Appendix B is the continuing education program for HQAS

interpreters. It is the responsibility of the provider to furnish, upon request, documentation of credentials to the state agency when communication access services are contracted. [Eff 5/17/91; am and comp 6/10/94; comp 4/3/97; am and comp 11/6/00; am and comp 12/24/01; comp 10/13/05; comp 7/23/07; comp 02/27/09; am and comp OCT 27 2011 ] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-13.4 Test Procedures and Grievances. The HQAS shall be administered by the state screening agency. Candidate grievances shall be filed in writing to the disability and communication access board executive director. The disability and communication access board executive director shall reply in writing within 30 days. If the candidate is not satisfied with the response of the executive director, then the candidate may request a reply from the disability and communication access board. The board shall consider all relevant comments and materials of record before taking final action. [Eff and comp 10/13/05; comp 7/23/07; am and comp 02/27/09; comp OCT 27 2011 ] (Auth: HRS §348F-6] (Imp: HRS §348F-3)

§11-218-13.5 Non Refundable and Non Transferable Fees. The disability and communication access board shall establish a fee to be charged to each candidate applying for HQAS credentials or renewals.

(1) Fees collected under this section shall be deposited in the special fund.
(2) Candidate fees for the HQAS or HQAS+H test including the written and interpreting/transliterating performance test shall be $200 with increased increments of $50 over a two year period to $300 to begin after the effective date of the rules.
(3) A candidate must pass the written test to take the interpreting/transliterating performance test. If the candidate fails

the written test, then the candidate may retake the next scheduled written test. If the candidate fails the written test three times, then the candidate shall reapply and submit a HQAS or HQAS+H test fee.

(4) Candidate fees shall be used to pay for the costs of the independent evaluators' services of the performance test. If a candidate wishes to appeal the test scores, the candidate may request for a second set of evaluations with the payment of a second candidate fee.

(5) For renewal of HQAS credential, an application fee shall be $100 for the continuing education program. [Eff and comp 12/24/01; am and comp 10/13/05; am and comp 7/23/07, comp 02/27/09; am and comp OCT 27 2011 ] (Auth: HRS §§348F-7 to 348F-8) (Imp: HRS §§348F-7 to 348F-8)

§11-218-14 Reciprocal recognition. State agencies are encouraged to recognize and honor providers with current and valid credentials from jurisdictions other than the State of Hawaii for a period of six months or until a state screening or testing is conducted. These credentials shall be considered current and valid if they were awarded not more than two years prior to the date of hire, unless otherwise indicated by the documentation of such credentials. [Eff 5/17/91; am and comp 6/10/94; am and comp 4/3/97; am and comp 11/6/00; am and comp 12/24/01; am and comp 10/13/05; comp 7/23/07, comp 02/27/09; comp OCT 27 2011 ] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

§11-218-15 Severability. If any provision of this chapter or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, the remaining portion of these rules or the application thereof to any person

or circumstance shall not be affected. [Eff 5/17/91; comp 6/10/94; comp 4/3/97; comp 11/6/00; comp 12/24/01; am and comp 10/13/05; am and comp 7/23/07, comp 02/27/09; comp OCT 27 2011 ] (Auth: HRS §348F-6) (Imp: HRS §348F-3)

Developed and approved by the

**Disability and Communication Access Board**

July 21, 2011

**Recommended Fee Schedule for Interpreters**

| Credential Level | Hourly Rate per Interpreter |
|---|---|
| RID: NIC Master | $75.00 |
| RID: NIC Advanced | $65.00 |
| RID: CI and CT (holding both), CDI, CSC, or RSC, or NAD Level V, or HQAS Level V, or HQAS Level V+H | $55.00 |
| RID: either CI or CT, or NAD Level IV, or HQAS Level IV, or HQAS Level IV+H | $51.00 |
| RID: NIC, IC and IT (holding both), or NAD Level III, or HQAS Level III, or HQAS Level III+H | $40.00 |
| RID: either IC or IT, or HQAS Level II, or HQAS Level II+H | $34.00 |
| Interpreters holding no credential who have been requested and approved by the Person who is Deaf, Hard of Hearing or Deaf-Blind, including RID CDI-P. | $27.00 |

An interpreter possessing a National Registry of Interpreters for the Deaf Special Certificate (i.e. SC:L, Prov. SC:L, and SC:PA) or HQAS+H credential may be paid up to $10.00 more than the hourly rate for the interpreter's credential level when interpreting in the particular situation identified on the certificate. An interpreter who is skilled at close-vision or tactile interpreting may be paid up to $10.00 more than the hourly rate for the interpreter's credential level when interpreting for a person who is deaf-blind.

There is a two-hour minimum requirement for a job assignment for two (2) hours or less. The compensation is for travel time. Additional charges to the two-hour minimum include tax, mileage, and parking.

An interpreter may charge an additional $5.00 more than the hourly rate for job assignments between the hours of 7:00 p.m. – 7:00 a.m., on state holidays and on weekends (Friday – Sunday).

**Recommended Fee Schedule for Real-Time Captioners**

| Credential Level | Hourly Rate per Captioner |
|---|---|
| RDR or RMR | $95.00 |
| CBC, CCP, CRR | $90.00 |
| CSR or RPR | $80.00 |

Hourly rates shown are for real-time captioning services only. Providers will supply use of basic equipment only including stenographic machine and laptop computer. Providers may negotiate additional charges for additional display and telecommunications equipment.

A captioner may charge a fee not more than $1.00 per page if a hard copy of the unedited transcript is requested.

## Recommended Fee Schedule for Computer-Assisted Notetakers

Hourly Rate per Computer-Assisted Notetaker

$18.00 For situations that involve basic typing and notetaking skills.

$20.00 For situations that involve typing at length or that use specialized vocabulary and knowledge of the subject.

The provider may charge a fee of not more than fifty cents per page for an edited hard copy of the notes; or $5.00 for the dedicated disk if not provided by the agency.

## Recommendations Regarding Travel Charges Including Mileage and Parking

Providers who are independent contractors may be paid the current federal or state mileage rate for travel by private car both to and from the assignment plus documented parking charges, if any. It is recommended that the state agency cover intrastate travel expenses for a provider when no appropriate provider is available on island where services are needed.

## Recommendations Regarding Other Allowable Charges

When specialized services are required to provide effective communication, the state agency may negotiate additional fees for those specialized services. The agency may contact DCAB for assistance in determining the reasonableness of additional fees and charges. Providers may negotiate additional fees for the use of specialized display equipment such as a monitor or overhead TV projector.

## Recommendations Regarding Cancellation Guidelines

When communication access services are cancelled, fees payable to the provider are based on the length of the scheduled assignment and the cancellation time as shown in the chart below. ("Full Charges" means the fee payable for the full time of the assignment.)

| *Length of Assignment* | *Cancellation Time* | *Fees Payable* |
|---|---|---|
| Less than 2 hours | At least 24 hours | None |
| Less than 2 hours | Less than 24 hours | Full Charges |
| 2 to 4 hours | At least 48 hours | None |
| 2 to 4 hours | Less than 48 hours | Full Charges |
| 4 hours or more | At least 72 hours | None |
| 4 hours or more | 24 to 72 hours | Minimum of 2 hours plus half of the remaining scheduled time |
| 4 hours or more | Less than 24 hours | Full Charges |

Failure to appear by an essential person who is deaf, hard of hearing, or deaf-blind or an essential person who is hearing is considered a cancellation and fees are payable to the provider as shown. Failure to appear by a communication access provider is not a cancellation and no fees are payable to the provider who fails to appear. For assignments where two providers are scheduled and one fails to appear, the solo provider shall be paid the full fee plus 30 per cent of the hourly rate.

# Hawaii Quality Assurance System
# Continuing Education Program

The Hawaii Quality Assurance System (HQAS) Continuing Education Program applies to any interpreter with HQAS certification.

Interpreters shall maintain their skill levels, be informed of new developments, and increase knowledge and competency in the interpreting field through continuing education units (CEUs).

The continuing education program application fee to renew a credential is $100.00. The application and fee must be submitted to the Disability and Communication Access Board (DCAB) prior to accruing CEUs. CEUs accrued prior to the application postmarked by DCAB will not be honored. Extra CEUs credits can not be transferred to the next application.

First time test takers, upon passing the HQAS test, will have a credential issued that will expire on December 31 of the subsequent year, no matter the month the test score is completed. The CEU requirement is pro-rated to his or her HQAS credential before accruing continuing education units.

An HQAS interpreter who retakes his or her test during the middle of a CEU cycle and prior to the expiration of the current credential will receive a new credential to expire on December 31 of the subsequent year.

An HQAS interpreter credentialed at the time of the adoption of these rules may accrue CEUs pro-rated to his or her credential.

When the interpreter completes the required CEUs by December of the year the credential is to expire the new credential will become valid in January of the subsequent year.

Example of Pro-rated cycle

| Month/Year of HQAS Credential Issued | New Credential Issued | CEUs required |
|---|---|---|
| January 2011 – March 2011 | January 2013 | 3.0 |
| April 2011 – June 2011 | January 2013 | 2.5 |
| July 2011 – September 2011 | January 2013 | 2.0 |
| October 2011 – March 2012 | January 2013 | 1.5 |
| April 2012 – June 2012 | January 2013 | 1.0 |
| July 2012 – September 2012 | January 2013 | 0.5 |
| October 2012 – December 2012 | January 2013 | 0.0 |

## RENEWAL PROCESS

One (1.0) CEU is equal to ten (10) hours of participation. Interpreters shall accrue 3.0 CEUs during the regular two-year cycle. A two-year cycle commences on January 1 of year one and ends on December 31 of year two (i.e., January 1, 2011 to December 31, 2012).

HQAS certified interpreters must submit a summary report or CEU tracking form of all workshops, conferences, etc., prior to attendance with the number of CEUs to earn during the two-year cycle. At the end of the two-year cycle, the summary form or CEU tracking form should be submitted to DCAB by November 30.

If the summary or CEU tracking form is incomplete, the interpreter has the month of December to complete the CEU requirements. After review, DCAB will issue a new credential card by January 1 valid for two years.

HQAS credentialed interpreters credentialed as of the effective date of the rules may accrue their CEUs prior to their expiration date and submit the form by November 30 of the expired year.

# FUNCTIONAL DESCRIPTION OF HQAS LEVELS

May 20, 2010

**Level V** is a master level interpreter-transliterator. This interpreter can function expressively and receptively in virtually all situations. A person holding a Level V credential should be pursuing national certification. While no restrictions are indicated, this interpreter demonstrates professional judgement in accepting assignments.

**HQAS V+H** is an interpreter-transliterator who satisfactorily met the requirements for local Hawaii language competency in addition to the requirements defined for the Level V credential.

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**Level IV** is an accomplished interpreter-transliterator. This interpreter can function expressively and receptively in most complex and technical situations. A Level IV interpreter may accept assignments for one-on-one and group sessions, as well as workshops and platform assignments. This interpreter is qualified for most medical and dental appointments, and limited legal interpreting, including client/lawyer meetings, and traffic or small claims court.

A Level IV interpreter should be pursuing continuing professional education or national certification. A Level IV interpreter should avoid critical medical situations, criminal court and civil court jury trials.

**HQAS IV+H** is an interpreter-transliterator who satisfactorily met the requirements for local Hawaii language competency in addition to the requirements defined for the Level IV credential.

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**Level III** is an intermediate level interpreter-transliterator. Level III is the lowest level receiving a credential as a qualified interpreter. This interpreter may accept assignments for many group sessions and workshops and most one-on-one situations. A Level III interpreter should be actively involved in professional development efforts.

An interpreter holding a Level III credential should not accept assignments for legal, mental health, or critical medical situations.

**HQAS III+H** is an interpreter-transliterator who satisfactorily met the requirements for local Hawaii language competency in addition to the requirements defined for the Level III credential.

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**Level II** is an entry-level communication assistant. The Level II communication assistant will be able to interpret during orientation sessions and basic tutoring sessions. A Level II communication assistant may accept assignments where communication can be interpreted consecutively in one-on-one situations, limited group sessions and workshops; and may accept limited platform assignments when accompanied and supervised by a qualified mentor.

A person holding a Level II credential should not accept assignments for legal, mental health, medical, employment interviews or critical situations of any nature.

**HQAS II+H** is an entry-level communication assistant who satisfactorily met the requirements for local Hawaii language competency in addition to the requirements defined for the Level II credential.

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**Level I** is a beginner level candidate. A Level I candidate is not considered qualified for professional assignments. This candidate may provide limited interpreting in low risk situations as an unpaid apprentice when accompanied by a qualified mentor. Further professional development is required prior to reevaluation.

**HQAS I+H** is a beginner level candidate who satisfactorily met the requirements for local Hawaii language competency.

(No credential is issued.)

***Registry of Interpreters for the Deaf, Inc.*** ***Description of Certifications***

**Generalist**

Certificates classified as generalist signify skills in a broad range of general interpreting/transliterating assignments. Holders of generalist certificates have met or exceeded a nationally recognized standard of minimum competence in interpreting and/or transliterating. Individual certificates vary in their scope so it is important to know what each credential means.

**NIC (National Interpreter Certification)**

**NIC**
Individuals who achieve the NIC level have passed the NIC Knowledge exam. They have also scored within the standard range of a professional interpreter on the interview and performance portions of the test.

**NIC Advanced**
Individuals who achieved the NIC Advanced level have passed the NIC Knowledge exam; scored within the standard range of a professional interpreter on the interview portion; and scored within the high range on the performance portion of the test.

**NIC Master**
Individuals who achieved the NIC Master level have passed the NIC Knowledge exam. They have scored within the high range of a professional interpreter on both the interview and performance portions of the test. Individuals who achieve any of the three NIC certification levels are to be commended.

**RID Certificates**

**CI (Certificate of Interpretation)**

Holders of this certificate are recognized as fully certified in interpretation and have demonstrated the ability to interpret between American Sign Language (ASL) and spoken English for both sign-to-voice and voice-to-sign tasks. The interpreter's ability to transliterate is not considered in this certification. Holders of the CI are recommended for a broad range of interpretation assignments. This test is no longer available.

**CT (Certificate of Transliteration)**

Holders of this certificate are recognized as fully certified in transliteration and have demonstrated the ability to transliterate between English-based sign language and spoken English for both sign-to-voice and voice-to-sign tasks. The transliterator's ability to interpret is not considered in this certification. Holders of the CT are recommended for a broad range of transliteration assignments. This test is no longer available.

**CI and CT (Certificate of Interpretation and Certificate of Transliteration)**

Holders of both full certificates (as listed above) have demonstrated competence in both interpretation and transliteration. Holders of the CI and CT are recommended for a broad range of interpretation and transliteration assignments.

**CDI-P (Certified Deaf Interpreter-Provisional)**

Holders of this provisional certification are interpreters who are deaf or hard-of-hearing and who have demonstrated a minimum of one year experience working as an interpreter; completion of at least eight hours of training on the NAD-RID Code of Professional Conduct; and eight hours of training in general interpretation as it relates to the interpreter who is deaf or hard-of-hearing. Holders of this certificate are recommended for a broad range of assignments where an interpreter who is deaf or hard-of-hearing would be beneficial. This test is no longer available.

**CDI (Certified Deaf Interpreter)**

Holders of this certification are interpreters who are deaf or hard-of-hearing and who have completed at least eight hours of training on the NAD-RID Code of Professional Conduct; and eight hours of training on the role and function of an interpreter who is deaf or hard-of-hearing; and have passed a comprehensive combination of written and performance tests. Holders of this certificate are recommended for a broad range of assignments where an interpreter who is deaf or hard-of-hearing would be beneficial. This test is currently available.

**CSC (Comprehensive Skills Certificate)**

Holders of this full certificate have demonstrated the ability to interpret between American Sign Language (ASL) and spoken English and to transliterate between spoken English and an English-based sign language. Holders of this certificate are recommended for a broad range of interpreting and transliterating assignments. The CSC examination was offered until 1987. This test is no longer offered.

**MCSC (Master Comprehensive Skills Certificate)**

The MCSC examination was designed with the intent of testing for a higher standard of performance than the CSC. Holders of this certificate were required to hold the CSC prior to taking this exam. Holders of this certificate are recommended for a broad range of interpreting and transliterating assignments. This test is no longer available.

**RSC (Reverse Skills Certificate)**

Holders of this full certificate demonstrated the ability to interpret between American Sign Language (ASL) and English-based sign language or transliterate between spoken English and a signed code for English. Holders of this certificate are deaf or hard-of-hearing and interpretation/transliteration is rendered in ASL, spoken English, a signed code for English or written English. Holders of the RSC are recommended for a broad range of interpreting assignments where the use of an interpreter who is deaf or hard-of-hearing would be beneficial. This test is no longer offered. Individuals interested in this certificate should take the CDI exam.

**OTC (Oral Transliteration Certificate)**

Holders of this generalist certificate have demonstrated, using silent oral techniques and natural gestures, the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing. They have also demonstrated the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf or hard-of-hearing. This test is currently available.

**OIC:C (Oral Interpreting Certificate: Comprehensive)**

Holders of this generalist certificate demonstrated the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf or hard-of-hearing. This test is no longer offered. Individuals interested in oral certification should take the OTC exam.

**OIC:S/V (Oral Interpreting Certificate: Spoken to Visible)**

Holders of this partial certificate demonstrated the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing. This individual received scores on the OIC:C examination which prevented the awarding of full OIC:C certification. This test is no longer offered. Individuals interested in oral certification should take the OTC exam.

**OIC:V/S (Oral Interpreting Certificate: Visible to Spoken)**

Holders of this partial certificate demonstrated ability to understand the speech and silent mouth movements of a person who is deaf or hard-of-hearing and to repeat the message for a hearing person. This individual received scores on the OIC:C examination which prevented the awarding of full OIC:C certification. This test is no longer offered. Individuals interested in oral certification should take the OTC exam noted above.

**IC/TC (Interpretation Certificate/Transliteration Certificate)**

Holders of this partial certificate demonstrated ability to transliterate between English and a signed code for English and the ability to interpret between American Sign Language (ASL) and spoken English. This individual received scores on the CSC examination which prevented the awarding of full CSC certification. The test is no longer offered.

**IC (Interpretation Certificate)**

Holder of this partial certificate demonstrated ability to interpret between American Sign Language and spoken English. This individual received scores on the CSC examination which prevented the awarding of full CSC certification or partial IC/TC certification. The IC was formerly known as the Expressive Interpreting Certificate (EIC). The IC is no longer offered.

**TC (Transliteration Certificate)**

Holders of this partial certificate demonstrated the ability to transliterate between spoken English and a signed code for English. This individual received scores on the CSC examination which prevented the awarding of full CSC certification or IC/TC certification. The TC was formerly known as the Expressive Transliterating Certificate (ETC). This test is no longer offered.

**CLIP (Conditional Legal Interpreting Permit)**
Holders of this conditional permit completed an RID-recognized training program designed for interpreters and transliterators who work in legal settings. Generalist certification (CI and CT, or CSC) was required prior to enrollment in the training program. Holders of this conditional permit are recommended for a broad range of assignments in the legal setting. This test is no longer available.

**CLIP-R (Conditional Legal Interpreting Permit-Relay)**
Holders of this conditional permit have completed an RID-recognized training program designed for interpreters and transliterators who work in legal settings, and who are also deaf or hard-of-hearing. Generalist certification for interpreters/transliterators who are deaf or hard-of-hearing (RSC, CDI-P or CDI) is required prior to enrollment in the training program. This permit is valid until one year after a legal written and performance test for deaf interpreters becomes available nationally. CLIP-R holders will be required to take and pass the new legal certification examination to maintain certification in the specialized area of interpreting in legal settings. Holders of this conditional permit are recommended for a broad range of assignments in the legal setting. This test is currently available.

**Specialist**

Certificates classified as specialist signify skills in a particular area or specialty of interpretation. Holders of specialty certificates have demonstrated specialized knowledge in a specific area of interpreting. Individual certificates vary in their scope so it is important to know what each credential means.

**SC:L (Specialist Certificate: Legal)**
Holders of this specialist certificate have demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system. Generalist certification, documented training and legal interpreting experience are required prior to sitting for this exam. Holders of the SC:L are recommended for a broad range of assignments in the legal setting. This test is currently available.

**Prov. SC:L (Provisional Specialist Certificate: Legal)**
Holders of this provisional certificate hold generalist certification and have completed RID approved legal training. Holders of this certificate are recommended for assignments in the legal setting. This test is no longer available.

**SC:PA (Specialist Certificate: Performing Arts)**
Holders of this certificate were required to hold RID generalist certification (CSC) prior to sitting for this examination and have demonstrated specialized knowledge in performing arts interpretation. Holders of this certificate are recommended for a broad range of assignments in the performing arts setting. This test is no longer available.

Reference: Registry of Interpreters for the Deaf, Inc. website
http://rid.org/
April 19, 2010

*National Association of the Deaf, Inc* *Interpreter Assessment and Certification*

**NAD III (Generalist) - Average Performance**
Holders of this certificate possess above average voice-to-sign skills and good sign to-voice skills or vise versa. This individual has demonstrated the minimum competence needed to meet generally accepted interpreter standards. Occasional words or phrases may be deleted but the expressed concept is accurate. The individual displays good control of the grammar of the second language and is generally accurate and consistent, but is not qualified for all situations. This test is no longer available.

**NAD IV (Advanced) - Above Average Performance**
Holders of this certificate possess excellent voice-to-sign skills and above average sign-to-voice skills or vice versa. This individual has demonstrated above average skill in any given area. Performance is consistent and accurate. Fluency is smooth, with little deleted, and the viewer has no question to the candidate's competency. With this certificate, an individual should be able to interpret in most situations. This test is no longer available.

**NAD V (Master) - Superior Performance**
Holders of this certificate possess superior voice-to-sign skills and excellent sign-to voice skills. This individual has demonstrated excellent to outstanding ability in any given area. There are minimum flaws in their performance, and they have demonstrated interpreting skills necessary in almost all situations. This test is no longer available.

Reference: Registry of Interpreters for the Deaf, Inc. website
http://rid.org/
April 19, 2010

***The Hawai'i Quality Assurance System, Interpreter Code of Ethics***

1. The interpreter/transliterator safeguards the confidentiality of all assignment-related information.
2. The interpreter/transliterator shall be dedicated to providing competent interpreting services in a manner befitting a professional.
3. The interpreter/transliterator conveys the content and affect of the communication transmitted using the language most easily understood by the persons involved in the communication/transaction.
4. The interpreter/transliterator uses discretion in accepting assignments based upon language competency and the capacity to maintain impartiality with regard to the setting and/or consumers involved.
5. The interpreter/transliterator should not counsel nor interject personal opinion, but may exercise professional judgement in assessing whether or not communication is being understood and may also inform the consumers involved of available resources when and where it is appropriate.
6. The interpreter/transliterator should pursue further knowledge and maintain competency in interpreting/transliterating skills.
7. The interpreter/transliterator should pursue compensation for services in a professional and reasonable manner.
8. The interpreter/transliterator will strive to maintain the highest professional standards in compliance with the Code of Ethics.

Adopted by the Disability and Communication Access Board, 19-October-2000

***Recognized Certifications of a Certified Real-Time Captioner***

1. Registered Diplomate Reporter (RDR). These certifications is awarded to an individual who has held Registered Merit Reporter (RMR) certificate for a minimum of six years and pass the written knowledge test.

2. Registered Merit Reporter (RMR). This certification is awarded to an individual who has been tested as having the ability to stroke at speeds of 260 words per minute, with a ninety-five per cent accuracy rate after transcription.

3. Certified Realtime Reporter (CRR). This certification is awarded to an individual who has a current Registered Professional Reporter (RPR) certificate and tested as having the ability to stroke at speeds up to 180 words per minute, with a ninety-six per cent accuracy rate after transcription.

4. Registered Professional Reporter (RPR). This certification is awarded to an individual who has been tested as having the ability to stroke at speeds of 225 words per minute, with a ninety-five per cent accuracy rate after transcription.

5. A Certified Shorthand Reporter (CSR) is awarded by a state board of certified shorthand reporters. This certification is awarded to an individual who has been tested as having the ability to stroke at speeds of 225 words per minute, with a ninety-five per cent accuracy rate after transcription.

6. Certified Broadcast Captioner (CBC). This certification is awarded to an individual who has been tested as having the ability to stroke at speed of 180 words per minute with ninety-six per cent accuracy rate.

7. Certified CART Provider (CCP). This certificate is awarded to an individual who has been tested as having the ability to stroke at speed of 180 words per minute with ninety-six per cent accuracy rate.

Note: The "stroke" action involves depressing multiple keys at a time on the stenographic machine, whereas the "type" action involves hitting one key at a time.

Reference: National Court Reporters Association website
http://www.ncraonline.org/
April 19, 2010

Department of Health

Amendments to and compilation of chapter 218, title 11, Hawaii Administrative Rules, on the Summary Page dated SEP 15 2011, were adopted on SEP 15 2011, following a public hearing on May 17, 2011, after public notice was given in the Honolulu Star Advertiser, Hawaii Tribune Herald, West Hawaii Today, Maui News, and The Garden Island on April 10, 2011.

The amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

Loretta J. Fuddy, A.C.S.W., M.P.H.

APPROVED:

FOR NEIL ABERCROMBIE
Governor
State of Hawaii

Date: 10/13/11

Filed

'11 OCT 17 P12:06

LIEUTENANT GOVERNOR OFFICE

APPROVED AS TO FORM:

Deputy Attorney General