

## TITLE 9. HEALTH SERVICES

## CHAPTER 26. COMMISSION FOR THE DEAF AND THE HARD OF HEARING

(Authority: A.R.S. §§ 36-1946 and 36-1947 et seq.)

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(Authority: A.R.S. § 36-1946(A))

*Article 5, consisting of Sections R9-26-501 through R9-26-511, adopted effective April 4, 1997 (Supp. 97-2).*

## Section

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## ARTICLE 1. GENERAL

## R9-26-101. Definitions

In addition to the definitions listed in A.R.S. § 36-1941, the following terms apply to this Chapter and to A.R.S. § 36-1947:

“Applicant” means a person who applies to the Commission for telecommunications equipment.

“Audiologist” means a person who is licensed under A.R.S. § 36-1940 by the Arizona Department of Health Services.

“Commission” means the Arizona Commission for the Deaf and Hard of Hearing.

“Deafblind” means a person who is either deaf or hard of hearing and:

Has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or

Has a field defect where the peripheral diameter of the visual field subtends an angular distance no greater than 20 degrees, or

Has a progressive visual loss with a prognosis of one or both of the conditions stated in the two preceding subsections.

“Director” means the Executive Director of the Arizona Commission for the Deaf and Hard of Hearing.

“Hearing aid dispenser” has the same meaning as in A.R.S. § 36-1901(8).

“Hearing or speech-related disability” means a disability that prevents a person from hearing or articulating speech audibly or clearly, including deafness.

“Program” means the Telecommunications Equipment Distribution Program.

“Recipient” means a person who receives telecommunications equipment through the Program.

“Relay operator” means a person hired by a telecommunication relay center to transmit a conversation between a person who is hearing or speech-related disabled and another person who uses a standard telephone.

“Severely hearing or speech impaired” under A.R.S. § 36-1947(A) means a hearing or speech-related disability.

“Telecommunications equipment” means equipment that allows a person with a hearing or speech-related disability to access the telephone network.

“Telecommunication relay center” means a facility authorized by the Commission to provide telecommunication services through a third party to a person with a hearing or speech-related disability, and to any other person who uses a standard telephone.

“Vendor” means a person who sells telecommunications equipment.

“Vocational rehabilitation counselor” means a Department of Economic Security employee who has a Master’s degree in rehabilitation counseling from a university accredited by the National Council on Rehabilitation Education and who is certified by the Commission on Rehabilitation Counseling.

“Voucher” means the Commission’s authorization of payment for telecommunications equipment.

## Historical Note

Adopted effective May 12, 1986 (Supp. 86-3). Amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Amended by final rulemaking

at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

## ARTICLE 2. TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM

### R9-26-201. Eligibility

To be eligible for telecommunications equipment through the Program, a person shall:

1. Reside in Arizona;
2. Have a need for telecommunications equipment available through the Program due to a hearing or speech-related disability, as certified by an authorized person described in R9-26-203;
3. Have access to a telephone line in the person's place of residence;
4. Not have used a voucher to purchase telecommunications equipment within five years before the date of application under R9-26-202(A)(1) unless the individual's disability status has changed during that time; and,
5. Have returned to the Commission all telecommunications equipment that was distributed to the person by the Commission before June 30, 2002.

#### Historical Note

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Section repealed; new Section made by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

### R9-26-202. Application Process

To apply for telecommunications equipment under the Program, an eligible person shall:

1. Request an application for participation in the Program from the Commission; and
2. Complete and return the application to the Commission with certification from an authorized person described under A.A.C. R9-26-203 that the applicant has a hearing or speech-related disability and needs the telecommunications equipment requested on the application.

#### Historical Note

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed; new Section R9-26-202 renumbered from R9-26-301 and amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Section repealed; new Section made by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

### R9-26-203. Persons Authorized to Certify Need for Telecommunications Equipment

- A. The following licensed professionals may certify an applicant's hearing or speech-related disability and need for the requested telecommunications equipment:
1. A dispensing audiologist licensed in accordance with A.R.S. Title 36, Chapter 17;
  2. An audiologist licensed in accordance with A.R.S. Title 36, Chapter 17;
  3. A physician licensed in accordance with A.R.S. Title 32, Chapter 13;
  4. A physician assistant licensed in accordance with A.R.S. Title 32, Chapter 25;
  5. A nurse practitioner licensed in accordance with A.R.S. Title 32, Chapter 15;
  6. A speech-language pathologist licensed in accordance with A.R.S. Title 36, Chapter 17;

7. A hearing aid dispenser licensed in accordance with A.R.S. Title 36, Chapter 17; or
8. A vocational rehabilitation counselor.

- B. By certifying a hearing or speech-related disability and need for the requested telecommunications equipment, the certifier attests that the certifier:

1. Is authorized to certify under subsection (A);
2. Has evaluated the applicant's hearing or speech-related disability to determine the applicant's need for the telecommunications equipment requested on the application; and
3. Has determined that the applicant will benefit from the telecommunications equipment requested on the application.

#### Historical Note

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed; new Section R9-26-203 renumbered from R9-26-304 and amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Section repealed; new Section made by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

### R9-26-204. Vouchers

- A. The Commission shall issue to an eligible applicant an individually numbered voucher for a specified dollar amount for the applicant to purchase telecommunications equipment for which the applicant has a certified need. The voucher shall be used only towards the purchase of the telecommunications equipment specified on the voucher.
- B. Vouchers are non-transferable and have no cash value.
- C. A voucher expires 90 days after its issuance date.
- D. If a voucher is lost or stolen, the applicant may apply for a replacement voucher by requesting, completing and returning to the Commission a replacement voucher form in which the applicant shall attest under penalty of perjury that:
1. The original voucher was stolen or lost; and
  2. If the original voucher is recovered, the original voucher shall be returned to the Commission within 30 days of its recovery date.

#### Historical Note

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed; new Section R9-26-204 renumbered from R9-26-305 and amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Section repealed; new Section made by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

### R9-26-205. Redeeming a Voucher

- A. To redeem a voucher for telecommunications equipment under this Program, a vendor shall submit to the Commission the voucher with a copy of a receipt, which is signed by the vendor and the recipient of the telecommunications equipment and which specifies the telecommunications equipment sold and its purchase price.
- B. The Commission shall verify the accuracy of information submitted on the receipt and the validity of the voucher.
- C. The Commission shall reimburse to the vendor the portion of the purchase price of the telecommunications equipment that does not exceed the amount printed on the voucher.
- D. The Commission shall not reimburse to the vendor an amount in excess of the amount printed on the voucher.
- E. If the amount printed on the voucher exceeds the purchase price of the telecommunications equipment, the vendor shall not refund the difference between the two amounts to the recipient of the telecommunications equipment in any form including money, equipment, or other goods and services.

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**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section renumbered to R9-26-302 by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). New Section made by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

**R9-26-206. Confidentiality**

- A.** The Commission shall use the information provided by the Program's applicants or recipients in the course of the administration of the Program solely to administer the Program.
- B.** The Commission shall not disclose the name of an applicant for or a recipient of telecommunications equipment without a written request for disclosure.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section renumbered to R9-26-301 by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). New Section made by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

**R9-26-207. Repealed****Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**ARTICLE 3. ADMINISTRATIVE PROCEDURES****R9-26-301. Hearings**

- A.** Within 30 days of a notice of denial from the Director, the applicant or recipient may file a notice of appeal under A.R.S. § 41-1092.03 with the Commission. The notice shall identify the party, the party's address, the agency, the action being appealed, and shall contain a concise statement of the reasons for the hearing.
- B.** The hearing shall be conducted by the Office of Administrative Hearings as prescribed in A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section renumbered to R9-26-202; new Section R9-26-301 renumbered from R9-26-206 and amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**R9-26-302. Informal Settlement Conference**

- A.** An applicant or recipient whose request for an original or replacement device is denied and who has filed an appeal under A.R.S. § 41-1092.03, may request in writing that the Director hold an informal settlement conference.
- B.** The informal settlement conference shall be held within 15 days after receiving the request and shall follow the procedures under A.R.S. § 41-1092.06.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed; new Section R9-26-302 renumbered from R9-26-205 and amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**R9-26-303. Rehearing or Review of Decision**

- A.** Any party to a case who is aggrieved by a decision rendered in the case may, within 30 days after the date of the Commission's decision, file with the Director a written request for a rehearing or review of the decision. The request shall specify the particular grounds for the rehearing or review. The requesting party shall serve copies upon all other parties. A request

for rehearing or review under this Section may be amended at any time before it is ruled upon by the Director.

- B.** The opposing party may file a response to the request for a rehearing or review within 15 days after the written request is received.
- C.** A rehearing or review of the decision may be granted for any of the following causes which materially affect the requesting party's rights:
1. Irregularity in the proceedings or any abuse of discretion that deprives the requesting party of a fair hearing;
  2. Misconduct of the hearing officer or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
  5. Excessive or insufficient penalties;
  6. Error in the admission or rejection of evidence or other errors of law occurring during the proceedings;
  7. That the decision is the result of passion or prejudice; or
  8. That the decision is not supported by the evidence or is contrary to law.
- D.** Upon examination of a request for rehearing or review and any response, the Director may affirm or modify the decision.
- E.** Within 15 days after a decision is rendered, the Director may, on the Director's own initiative, order a rehearing or review of a decision for any reason for which a rehearing on motion of a party might have been granted. The order granting the rehearing shall specify the grounds for the review of the decision.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**R9-26-304. Renumbered****Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section renumbered to R9-26-203 by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**R9-26-305. Renumbered****Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section renumbered to R9-26-204 by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**ARTICLE 4. RELAY SERVICES****R9-26-401. Expired****Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Section expired under A.R.S. § 41-1056(E) at 13 A.A.R. 4411, effective September 30, 2007 (Supp. 07-4).

**R9-26-402. Expired****Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Section expired under A.R.S. § 41-1056(E) at 13 A.A.R. 4411, effective September 30, 2007 (Supp. 07-4).

**R9-26-403. Repealed****Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**ARTICLE 5. INTERPRETER LICENSURE AND REGULATION****R9-26-501. Definitions**

In addition to the definitions in A.R.S. §§ 12-242 and 36-1941, in this Article, the following definitions apply unless otherwise specified:

“ACCI” means American Consortium of Certified Interpreters, an organization that certifies interpreters at one of three levels: ACCI Generalist, ACCI Advanced, or ACCI Master.

“Accredited” means approved by the:

New England Association of Schools and Colleges,  
Middle States Association of Colleges and Secondary Schools,  
North Central Association of Colleges and Schools,  
Northwest Association of Schools and Colleges,  
Southern Association of Colleges and Schools, or  
Western Association of Schools and Colleges.

“Applicant” means an individual seeking an original or renewal license from the Commission.

“Application” means the documents, forms, and additional information required by the Commission to be submitted by or on behalf of an applicant.

“CDI” means certified deaf interpreter, a certification issued by RID.

“CI” means certificate of interpretation, a certification issued by RID.

“CLIP-R” means conditional legal interpreting permit--relay, a certification issued by RID to a deaf or hard-of-hearing interpreter or transliterator who works in a legal setting.

“Continuing education” means a workshop, seminar, lecture, conference, class, or other educational activity relevant to the practice of interpreting.

“CSC” means comprehensive skills certificate, a certification issued by RID.

“CT” means certificate of transliteration, a certification issued by RID.

“Direct supervision” means an individual licensed under R9-26-503 or R9-26-504 is physically present when an individual licensed under R9-26-505 provides interpreting services.

“EIPA” means educational interpreter performance assessment, a diagnostic tool that measures proficiency in interpreting for children or young adults in an educational setting.

“Generalist interpreter” means an individual who provides interpreting in any community setting for which the individual is qualified by education, examination, and work history.

“IAC” means interpreter advisory committee.

“IC” means interpretation certificate, a certification issued by RID.

“Interpreter” means an individual who provides interpreting.

“Legal interpreter” means an individual who is qualified by education, examination, and work history to provide interpreting in a legal setting.

“Class A legal interpreter” means a legal interpreter who provides interpreting in court, a police environment, or administrative adjudicatory proceedings.

“Class B legal interpreter” means a legal interpreter who provides interpreting in administrative adjudicatory proceedings only.

“Class C legal interpreter” means a legal interpreter who provides interpreting in a legal setting when teamed with a Class A or Class B legal interpreter.

“Class D legal interpreter” means a legal interpreter who is also either a deaf or hard-of-hearing interpreter or an oral transliterator.

“Legal training” means a structured program presented by the Commission, a court, Bar Association, law-enforcement association, RID, accredited institution, or comparable organization, providing information relevant to legal interpreting such as the following:

The requirements of A.R.S. § 12-242,

The structure of the judiciary system of this state,

The judiciary process of this state,

Administrative adjudicatory procedures,

Law enforcement procedures related to interpreting, or

Commonly used legal terms.

“Licensee” means an interpreter who holds a current license issued under A.R.S. § 36-1974 and this Article.

“Mentor” means an individual licensed under R9-26-503 or R9-26-504 who agrees to assist a provisional licensee to develop as an interpreter by occasionally observing the provisional licensee providing interpreting services and providing feedback.

“MCSC” means master comprehensive skills certificate, a certification issued by RID.

“NAD” means the National Association of the Deaf, which issues three levels of certification: NAD III (generalist), NAD IV (advanced), and NAD V (master).

“NIC” means National Interpreter Certification, a certification issued by NAD-RID at one of three levels, NIC Certified, NIC Advanced, or NIC Master.

“OIC” means oral interpreting certificate, a certification issued by RID in one of three categories: comprehensive, spoken to visible, or visible to spoken.

“Oral transliteration” means to facilitate communication between an individual who is deaf or hard of hearing and an individual who hears by using inaudible speech and natural gestures to convey a message to the deaf or hard-of-hearing individual and understanding and verbalizing the message and intent of the speech and mouth movements of the individual who is deaf or hard of hearing.

“OTC” means oral transliteration certificate, a certification issued by RID.

“Provisional interpreter” means an individual who is qualified by education, examination, and work history to provide interpreting while pursuing RID certification.

“Class A provisional interpreter” means a provisional interpreter who provides oral transliteration and does not have an OTC.

“Class B provisional interpreter” means a provisional interpreter who was paid for interpreting services before the effective date of this Article and is qualified to provide interpreting services when working with a mentor or when teamed with an individual licensed under R9-26-503 or R9-26-504.

“Class C provisional interpreter” means a provisional interpreter who is qualified to provide interpreting services only under direct supervision.

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“Class D provisional interpreter” means a provisional interpreter who is deaf or hard of hearing and does not have a CDI.

“Qualified interpreter” means an individual licensed under this Chapter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary required by the interpreting situation.

“RID” means Registry of Interpreters for the Deaf.

“RSC” means reverse skills certificate, a certification issued by RID.

“SC:L” means specialist certificate: legal, a certification issued by RID.

“SC:PA” means specialist certificate: performing arts, a certification issued by RID.

“TC” means transliteration certificate, a certification issued by RID.

“Team” means two or more licensed interpreters providing interpreting for an individual or group of individuals during a single interpreting session.

“Unprofessional conduct,” as used in A.R.S. § 36-1976, means violation of the NAD-RID Code of Professional Conduct, 2005, which is incorporated by reference and available from the Commission and RID, 333 Commerce Street, Alexandria, VA 22314, or www.rid.org. The material incorporated includes no later edition or amendment.

#### Historical Note

Adopted effective April 4, 1997 (Supp. 97-2). Amended by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

#### R9-26-502. License Application

A. An applicant for an original license shall submit to the Commission the following information, on an application form provided by the Commission:

1. Applicant’s full name;
2. Applicant’s Social Security number;
3. Applicant’s home or business address;
4. Applicant’s e-mail address;
5. Applicant’s home, business, or mobile telephone number;
6. Applicant’s birth date;
7. Any name by which the applicant has ever been known;
8. Category of licensure for which application is made and if applicable, the class of legal or provisional interpreter license for which application is made;
9. Name of any state or foreign country in which the applicant is or has been licensed or certified to practice as an interpreter, the license or certificate number, date issued, date expired, and a statement whether the license or certificate is or has ever been the subject of discipline and if the answer is yes, a complete explanation of the discipline including date, nature of complaint, and discipline imposed;
10. A statement of whether the applicant has ever been denied a license or certificate to practice as an interpreter by a government licensing authority and if the answer is yes, a complete explanation of the denial including date, name of the government licensing authority, and reason for denial;
11. A statement of whether the applicant has ever been convicted of a felony or of an offense involving moral turpitude in this or any other jurisdiction and if the answer is yes, a complete explanation of the charge and place and date of conviction;
12. A statement of whether the applicant has been adjudicated insane or incompetent and if the answer is yes, a

complete explanation including date and place of adjudication;

13. A statement of whether the applicant wishes to have the applicant’s professional credentials and contact information listed on the Commission’s web site and in Commission materials; and
  14. A statement signed by the applicant verifying the truthfulness of the information provided and affirming that the applicant will comply with the NAD-RID Code of Professional Conduct.
- B. In addition to the form required under subsection (A), an applicant shall submit or have submitted on the applicant’s behalf the following:
1. Documentation of name change if the applicant is applying under a name different from the name on the applicant’s credentials;
  2. A photocopy of the applicant’s:
    - a. High school diploma or GED, or
    - b. Diploma from an accredited college or university;
  3. If the answer to subsection (A)(10), (A)(11), or (A)(12) is yes, a copy of any relevant order; and
  4. The fee required under R9-26-508.

#### Historical Note

Adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

#### R9-26-503. Application for Generalist Interpreter License

To apply for a generalist interpreter license, an applicant shall:

1. Comply with R9-26-502; and
2. Submit a photocopy of the front of the applicant’s current RID membership card showing that the applicant holds one or more of the following certifications:
  - a. NAD III, IV, or V;
  - b. RID CDI, CI, CLIP-R, CSC, CT, IC, MCSC, OIC, OTC, RSC, SC:L, SC:PA, or TC; or
  - c. NIC Certified, Advanced, or Master.

#### Historical Note

Adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

#### R9-26-504. Application for Legal Interpreter License

A. To apply for a legal interpreter license, an applicant shall comply with R9-26-502 and submit documentation of the following:

1. Certification by RID or NAD.
  - a. For a Class A legal interpreter license, SC:L, NIC Advanced or Master, NAD IV or V, CI and CT, or CSC is required;
  - b. For a Class B legal interpreter license, NIC Advanced or Master, NAD IV or V, CI, CT, or CSC is required;
  - c. For a Class C legal interpreter license, NIC Certified, Advanced, or Master, NAD III, IV, or V, CI, CT, or CSC is required; and
  - d. For a Class D legal interpreter license, CDI, CLIP-R, OIC, or OTC is required;
2. Hours of paid interpreting after initial certification by RID or NAD.
  - a. For a Class A, Class B, or Class C legal interpreter license, 10,000 hours are required; and
  - b. For a Class D legal interpreter license, 25 hours are required; and
3. Hours of legal training. Twenty-four hours in the five years before the date of application are required.

- B.** The Commission shall accept the following documentation:
1. RID or NAD certification.
    - a. A photocopy of the front of the current membership card provided by RID or NAD, and
    - b. A photocopy of the certificate provided by RID or NAD or a copy of the letter received from RID or NAD at the time of initial certification;
  2. Hours of paid interpreting.
    - a. An applicant shall submit an affidavit affirming that the applicant provided the number of hours of paid interpreting required under subsection (A)(2) after initial certification by RID or NAD; and
    - b. Within the time provided under R9-26-509(F) and upon receipt of a comprehensive written request for documentation of the hours of paid interpreting provided, an applicant shall submit evidence that demonstrates the truthfulness of the affirmation provided under subsection (B)(2)(a).
  3. Hours of legal training. A photocopy of a certificate of attendance from the organization providing the legal training that includes the information required under R9-26-510(C).
- Historical Note**
- Adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).
- R9-26-505. Application for Provisional Interpreter License**
- A.** To apply for a provisional interpreter license, an applicant shall comply with R9-26-502 and submit documentation of the following:
1. Education. The following hours of participation in an interpreter-preparation training program offered by an accredited college or university or approved by RID:
    - a. Class A or D provisional license: 40 hours; and
    - b. Class B or C provisional license: 80 hours;
  2. Examination. Pass the written portion of the NIC or RID examination; and
  3. Work experience. The following hours of interpreting for which a license is not required under A.R.S. § 36-1971:
    - a. Class A provisional license: 24 hours;
    - b. Class B provisional license:
      - i. 150 hours for which the applicant received pay before May 1, 2007;
      - ii. A score of at least 4.0 on the EIPA performance test; or
      - iii. ACCI certification;
    - c. Class C provisional license: 80 hours; and
    - d. Class D provisional license: 40 hours.
- B.** In addition to the documentation required under subsection (A):
1. An applicant for a provisional interpreter license shall ensure that letters of recommendation are submitted directly to the Commission by two individuals who are familiar with the applicant's skill as an interpreter. An individual who submits a letter of recommendation shall use a form that is available from the Commission and provide the following information:
    - a. Name of the applicant for a provisional interpreter license;
    - b. The following information about the individual completing the letter of recommendation form:
      - i. Name;
      - ii. Telephone number;
      - iii. Interpreter license number, if any;
    - c. How long the individual has known the applicant;
    - d. The capacity in which the individual knows the applicant; and
    - e. Why the individual believes the individual is qualified to assess the applicant's skill as an interpreter;
    - f. An assessment of the applicant's receptive, expressive, and voicing skills; and
    - g. The individual's dated signature.
  2. An applicant for a Class B provisional license shall:
    - a. Have a letter submitted directly to the Commission by an individual licensed under R9-26-503 or R9-26-504 indicating that the individual agrees to:
      - i. Act as a mentor to the applicant if the applicant is granted a provisional license;
      - ii. Observe the provisional licensee providing interpreting services at least once each month;
      - iii. Provide feedback to the provisional licensee following each observation; and
      - iv. Provide 30-days notice to the provisional licensee and the Commission before terminating the mentoring relationship; and
    - b. Submit a letter to the Commission indicating that if the applicant is issued a provisional license, the applicant agrees to:
      - i. Make and maintain a record of each time the mentor observes the applicant and a summary of the feedback provided; and
      - ii. Make the record maintained under subsection (B)(2)(b)(i) available to the Commission upon request; or
    - c. Submit a letter to the Commission indicating that if the applicant is issued a provisional license, the applicant agrees to:
      - i. Team with an individual licensed under R9-26-503 or R9-26-504 for an average of eight hours each month;
      - ii. Maintain a journal that records the dates on which and the name of the licensee with whom teaming was done and a summary of any feedback provided; and
      - iii. Make the journal maintained under subsection (B)(2)(c)(ii) available to the Commission upon request.
- C.** The Commission shall accept the following documentation of the criteria in subsection (A):
1. Education. A photocopy of certificates of completion showing that the applicant completed hours of interpreter preparation training required under subsection (A)(1);
  2. Examination. A photocopy of the letter provided by NIC or RID indicating that the applicant passed the written portion of either the NIC or RID examination;
  3. Work experience.
    - a. One or more letters, each of which is signed by an individual or a representative of an entity for whom the applicant provided interpreting, indicating:
      - i. The name of the applicant,
      - ii. The dates on which interpreting was provided, and
      - iii. The hours of interpreting provided by the applicant; and
    - b. For an applicant for a Class B provisional license:
      - i. A photocopy of the letter provided by EIPA indicating the applicant's score on the EIPA performance test; or

- ii. A photocopy of the applicant's ACCI certificate.

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 35, effective September 30, 2002 (Supp. 02-4). New Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-506. Short-term Registration of an Interpreter**

- A. To register with the Commission to provide interpreting in Arizona in a non-legal situation for fewer than 20 days in a year, an interpreter shall submit the following information in writing to the Commission:
  - 1. Interpreter's name;
  - 2. Interpreter's business addresses;
  - 3. Interpreter's business and mobile telephone numbers;
  - 4. Dates on which interpreting will be provided; and
  - 5. Date of most recent short-term registration with the Commission, if any.
- B. In addition to complying with subsection (A), the interpreter shall submit a copy of the interpreter's RID membership card or license from a government licensing authority.

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-507. License Renewal**

- A. Renewal of a generalist or legal interpreter license.
  - 1. A generalist or legal interpreter license expires on the licensee's birthday beginning with the licensee's second birthday following initial licensure. To continue to practice as a generalist or legal interpreter, the licensee shall, no more than 60 days before the licensee's birthday, submit to the Commission a license renewal application form that provides the following information about the licensee:
    - a. Full name;
    - b. Social Security number;
    - c. Arizona interpreter license number;
    - d. Home or business address;
    - e. E-mail address;
    - f. Home, business, or mobile telephone number;
    - g. If applicable, the name of the licensee's employer and the employer's address and telephone number;
    - h. Name of any state or country in which the licensee is or has been licensed or certified to practice as an interpreter, the license or certificate number, and a statement whether the license or certificate has been the subject of discipline since the date of last application and if the answer is yes, a complete explanation of the discipline including date, nature of complaint, and discipline imposed;
    - i. A statement of whether the licensee has been denied a license or certificate to practice as an interpreter by a government licensing authority since the date of last application and if the answer is yes, a complete explanation of the denial including date, name of the government licensing authority, and reason for denial;
    - j. A statement of whether the licensee has been convicted of a felony or of an offense involving moral turpitude in this or any other jurisdiction since the date of last application and if the answer is yes, a

- complete explanation of the charge and place and date of conviction;
  - k. A statement of whether the licensee has been adjudicated insane or incompetent since the date of last application and if the answer is yes, a complete explanation including date and place of adjudication;
  - l. A statement of whether the licensee wishes to have the licensee's professional credentials and contact information listed on the Commission's web site and in Commission materials; and
  - m. A statement signed by the licensee attesting to the truthfulness of the information provided and affirming that the licensee will comply with the NAD-RID Code of Professional Conduct.
- 2. In addition to the license renewal application form required under subsection (A)(1), the generalist or legal licensee shall submit or have submitted on the licensee's behalf:
    - a. A photocopy of the front of the licensee's current RID membership card;
    - b. If the answer to the item in subsection (A)(1)(i), (A)(1)(j), or (A)(1)(k) is yes, a copy of any relevant order;
    - c. An affirmation of compliance with the continuing education requirement in R9-26-510 or, if subject to an audit under R9-26-511, documentation that demonstrates compliance with the continuing education requirement; and
    - d. The fee required under R9-26-508.
  - 3. If a generalist or legal licensee fails to comply with subsections (A)(1) and (A)(2) on or before the licensee's birthday, the license expires and the former licensee shall cease providing interpreting for which a license is required under A.R.S. § 36-1971. The former licensee may renew the expired license by complying with subsections (A)(1) and (A)(2), affirming that the former licensee did not provide interpreting for which a license is required under A.R.S. § 36-1971 after the license expired, and paying the penalty prescribed under R9-26-508 no later than 30 days after the license expired.
  - 4. If an expired license is not renewed under subsection (A)(3), the former licensee may obtain a license only by applying as a new applicant.
- B. Renewal of a provisional interpreter license.
    - 1. A provisional interpreter license expires on the licensee's birthday beginning with the second birthday following initial licensure and may be renewed once by complying with subsections (B)(2) and (B)(3).
    - 2. To continue to practice as a provisional interpreter, the licensee shall, no more than 60 days before the licensee's birthday, submit to the Commission a license renewal application form that provides the information specified under subsection (A)(1).
    - 3. In addition to the license renewal application form required under subsection (B)(2), the provisional licensee shall submit or have submitted on the licensee's behalf:
      - a. If the answer to the item in subsection (A)(1)(i), (A)(1)(j), or (A)(1)(k) is yes, a copy of any relevant order;
      - b. An affirmation of compliance with the continuing education requirement in R9-26-510 or, if subject to an audit under R9-26-511, documentation that demonstrates compliance with the continuing education requirement;
      - c. The fee required under R9-26-508;

- d. If a Class B provisional licensee, letters that meet the standards at R9-26-505(B)(2)(a) and R9-26-505(B)(2)(b) or a letter that meets the standards at R9-26-505(B)(2)(c); and
  - e. If a Class C provisional licensee, an affirmation that the licensee has provided and will continue to provide interpreting services only under direct supervision.
4. If a provisional licensee fails to comply with subsections (B)(2) and (B)(3) on or before the licensee's birthday, the license expires and the former licensee shall cease providing interpreting for which a license is required under A.R.S. § 36-1971. Unless the expired provisional license has previously been renewed under subsections (B)(2) and (B)(3), the former licensee may renew the expired license by complying with subsections (B)(2) and (B)(3), affirming that the former licensee did not provide interpreting for which a license is required under A.R.S. § 36-1971 after the license expired, and paying the penalty prescribed under R9-26-508 no later than 30 days after the license expired.
  5. If an expired provisional license is not renewed under subsection (B)(4), the former licensee may obtain a license only by applying under R9-26-503 or R9-26-504.
  6. A provisional interpreter license may be renewed a second time only if, in addition to complying with subsections (B)(2) and (B)(3), the licensee submits evidence to the Commission that the licensee attempted to pass the performance portion of a RID certification examination and intends to take the performance portion of a RID certification examination again within the next year.
  7. The Commission shall not renew a provisional license more than two times. The Commission shall not issue more than one provisional license to an individual.

#### Historical Note

Adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

#### R9-26-508. Fees

- A. Under the authority provided by A.R.S. §§ 36-1973(A) and 36-1974(C), the Commission establishes and shall collect the following fees, which are not refundable unless A.R.S. § 41-1077 applies:
  1. Generalist or legal license application fee, \$125;
  2. Generalist or legal license renewal application fee, \$50;
  3. Provisional license application fee, \$25;
  4. Provisional license renewal application fee, \$25;
  5. Penalty for late license renewal, \$100; and
  6. Duplicate license, \$25.
- B. Before the Commission issues an initial license to an applicant, the Commission shall collect from the applicant a prorated license renewal application fee, which will make the initial license valid until the applicant's second birthday following issuance of the initial license. The Commission shall prorate the license renewal application fee as follows:
  1. Generalist or legal license renewal application fee: \$5 for each month between issuance of the initial license and the applicant's first birthday following issuance of the initial license to a maximum of \$50; and
  2. Provisional license renewal application fee: \$2.50 for each month between issuance of the initial license and the applicant's first birthday following issuance of the initial license to a maximum of \$25.

#### Historical Note

Adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

#### R9-26-509. Procedures for Processing Applications; Time-frames

- A. For the purpose of A.R.S. § 41-1073, the Commission establishes the following licensing time-frames:
  1. Administrative completeness review time-frame: 30 days;
  2. Substantive review time-frame: 60 days; and
  3. Overall time-frame: 90 days.
- B. The administrative completeness review time-frame listed in subsection (A)(1) begins on the date that the Commission receives a license application or license renewal application. During the administrative completeness review time-frame, the Commission shall notify the applicant that the application is either complete or incomplete. If the application is incomplete, the Commission shall specify in the notice what information is missing.
- C. An applicant with an incomplete application shall supply the missing information within 30 days from the date of the notice. Both the administrative completeness review and overall time-frames are suspended from the date of the Commission's notice until the date that the Commission's office receives all missing information.
- D. Upon receipt of all missing information, the Commission shall notify the applicant that the application is complete. The Commission shall not send a separate notice of completeness if the Commission grants or denies a license within the administrative completeness review time-frame in subsection (A)(1).
- E. The substantive review time-frame listed in subsection (A)(2) begins on the date of the Commission's notice of administrative completeness or on expiration of the time listed in subsection (A)(1).
- F. If the Commission determines during the substantive review time-frame that additional information is needed, the Commission shall send the applicant a comprehensive written request for the additional information. The applicant shall supply the additional information within 60 days from the date of the request. Both the substantive review and overall time-frames are suspended from the date on the Commission's request until the date that the Commission office receives the additional information.
- G. If an applicant needs additional time in which to respond under subsection (C) or (F), the applicant shall submit a written notice of extension to the Commission before expiration of the time to respond that includes the date by which the applicant will submit the information. The applicant shall establish an extension date that is no more than 120 days from the date established under subsection (C) or (F).
- H. If an applicant fails to submit information within the time provided under subsection (C) or (F) or as extended under subsection (G), the Commission shall close the applicant's file. An applicant whose file is closed and who later wishes to be licensed, shall apply anew.
- I. Within the time listed in subsection (A)(3), the Commission shall:
  1. Grant a license to an applicant who meets the requirements in A.R.S. § 36-1973 and this Article, or
  2. Deny a license to an applicant who does not meet the requirements in A.R.S. § 36-1973 or this Article.
- J. If the Commission denies a license, the Commission shall send the applicant a written notice explaining:
  1. The reason for the denial with citations to supporting statutes or rules,



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2. The applicant's right to appeal the denial and have a hearing,
3. The time for appealing the denial, and
4. The applicant's right to request an informal settlement conference.

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-510. Continuing Education Requirement**

- A.** Continuing education is required as a condition of licensure renewal. During each license year, a licensee shall complete the following hours of continuing education:
1. General interpreter, eight hours;
  2. Legal interpreter, Class A or B, six hours, of which two hours are legal training;
  3. Legal interpreter, Class C, six hours, of which three hours are legal training;
  4. Legal interpreter, Class D, six hours, of which two hours are legal training; and
  5. Provisional interpreter, 12 hours.
- B.** Between the time of initial licensure and a licensee's first birthday following initial licensure, the licensee shall complete a pro-rated amount of the continuing education required under subsection (A).
- C.** A licensee shall obtain from the provider of a continuing education attended by the licensee a certificate of attendance that includes:
1. Licensee's name and license number,
  2. Name of the continuing education provider,
  3. Name of the continuing education,
  4. Number of hours of attendance, and
  5. Date of the continuing education.
- D.** A licensee shall maintain the certificates of attendance described in subsection (C) for three years.
- E.** A licensee shall submit a copy of the certificates of attendance obtained during a license year if subject to an audit by the Commission under R9-26-511.

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-511. Audit of Compliance with Continuing Education Requirement**

At the time of license renewal, the Commission shall provide notice of an audit of continuing education records to a random sample of licensees. A licensee subject to a continuing education audit shall submit documentation that demonstrates compliance with the continuing education requirement at the same time the licensee submits the license renewal application form required under R9-26-507.

**Historical Note**

Adopted effective April 4, 1997 (Supp. 97-2). Section repealed; new Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-512. Making a Complaint**

- A.** A complaint may be filed by:
1. An individual for whom interpreting is provided,
  2. A person having a direct or professional interest in the incident specified in the complaint, or
  3. A person having reason to believe that interpreting was provided by an individual who is not licensed by the Commission and not exempt from licensure under A.R.S. § 36-1971(C).

- B.** Complaint requirements. A complainant shall:
1. Submit the complaint to the Commission in writing or by videotape. If a complaint is submitted by videotape, the Commission shall have the complaint interpreted and transcribed into English and forward the transcript to the complainant for review and approval;
  2. Submit the complaint to the Commission within 90 days of the alleged offense; and
  3. Specify in the complaint the name of the individual complained against, date and location of the alleged offense, the action complained about, and the statute or rule alleged to have been violated.
- C.** A complainant may withdraw a complaint at any time by providing notice to the Commission.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-513. Reserved****R9-26-514. Reserved****R9-26-515. Hearing Procedures**

The Commission shall conduct all hearings in accordance with A.R.S. Title 41, Chapter 6, Article 10 and the rules established by the Office of Administrative Hearings.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-516. Rehearing or Review of Commission Decision**

- A.** The Commission shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10 and the rules established by the Office of Administrative Hearings.
- B.** A party may amend a motion for rehearing or review at any time before the Commission rules on the motion.
- C.** The Commission may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
1. Irregularity in the proceedings or an order or abuse of discretion that deprived the moving party of a fair hearing;
  2. Misconduct by the Commission, its staff, an administrative law judge, or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
  5. Excessive penalty;
  6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings;
  7. The Commission's decision is the result of passion or prejudice; or
  8. The findings of fact or decision is not justified by the evidence or is contrary to law.
- D.** The Commission may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (C). The Commission shall specify the particular grounds for any order modifying a decision or granting a rehearing.
- E.** When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits.
- F.** Not later than 10 days after the date of a decision, after giving parties notice and an opportunity to be heard, the Commission may grant a rehearing or review on its own initiative for any

reason for which it might have granted relief on motion of a party. The Commission may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.

- G.** If a rehearing is granted, the Commission shall hold the rehearing within 60 days after the date on the order granting the rehearing.
- H.** The Commission may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that an extension of time will:
1. Further administrative convenience, expedition, or economy; or
  2. Avoid undue prejudice to any party.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-517. Disciplinary Action**

After a hearing that results in a determination that a licensee violated A.R.S. Title 36, Chapter 17.1, or this Chapter, the Commission shall consider the following factors to determine the degree of discipline to impose under A.R.S. § 36-1976(A):

1. Prior conduct resulting in discipline;
2. Dishonest or self-serving motive;
3. Amount of experience as an interpreter;

4. Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the Commission;
5. Submission of false evidence, false statements, or other deceptive practices during the investigative or disciplinary process;
6. Refusal to acknowledge wrongful nature of conduct;
7. Degree of harm resulting from the conduct; and
8. Whether harm resulting from the conduct was cured.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).

**R9-26-518. Change of Name or Address**

The Commission shall communicate with a licensee or applicant using the name and address provided to the Commission by the licensee or applicant. To ensure timely receipt of communication from the Commission, a licensee or applicant shall notify the Commission of any change in the licensee's or applicant's name or address.

**Historical Note**

New Section made by final rulemaking at 13 A.A.R. 1720, effective May 1, 2007 (Supp. 07-2).