

Michigan Office of Administrative Hearings and Rules

Administrative Rules Division (ARD)

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**REGULATORY IMPACT STATEMENT
and COST-BENEFIT ANALYSIS (RIS)**

Agency Information:

Department name:

Licensing and Regulatory Affairs

Bureau name:

Bureau of Professional Licensing

Name of person filling out RIS:

Andria Ditschman

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Rule Set Information:

ARD assigned rule set number:

2018-70 LR

Title of proposed rule set:

Qualified Interpreter – General Rules

Comparison of Rule(s) to Federal/State/Association Standard:

1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.

The Americans with Disabilities Act of 1990 (ADA), 42 USC 12101 et seq., ADA Amendments Act of 2008 (ADAAA), Public Law 110-325, and regulations pursuant to the ADA, 28 CFR Parts 35, 36 (2016), provide protections for individuals who have a communication disability. The ADA requires that state and local governments, businesses, and nonprofit organizations that serve the public, to communicate effectively with deaf, deafblind, and hard of hearing persons. Entities that are required to provide effective communication must provide auxiliary aids and services when needed to provide effective communication, unless doing so would result in an undue burden on the entity. Auxiliary aids and services may include an interpreter depending on the situation and the desire of the person needing the services. This state legislature has made the determination in the Deaf Persons' Interpreters Act (Act), 1982 PA 204, that if an interpreter is required as an accommodation under this state's law or federal law, and for other various circumstances listed in the Act, then the interpreter shall be a qualified interpreter. Section 2 of the Act, MCL 393.502, defines a qualified interpreter as a person who is certified through the National Registry of Interpreters for the Deaf or certified by this state. The existing Qualified Interpreter – General Rules regulate the minimum credential requirements and levels, standards of practice, continuing education (CE), and the procedures for application, certification, listing, testing, grievances, complaints, revocation, suspension, limitations on certifications, reinstatement, and renewal.

The National Association of the Deaf (NAD) Registry of Interpreters for the Deaf (RID) Code of Professional Conduct includes seven tenets, with guiding principles and illustrative behavior for professional behavior for interpreters. The code is adopted by reference in the administrative rules.

Video Relay Service (VRS) is a form of telecommunications that enables persons with hearing loss who use American Sign Language (ASL) to communicate with a person on the telephone through video equipment. VRS is regulated by the Federal Communications Commission and, therefore, is not regulated in the proposed rules.

The Michigan Supreme Court Administrative Order No. 2015-5, dated September 16, 2015, requires all courts to implement procedures in compliance with the ADA, ADAAA, and the Act. On March 3, 2016, the State Court Administrative Office issued a memorandum stating that effective July 7, 2016, qualified interpreters who work in legal settings must meet the Act and Qualified Interpreter-General Rules. The memorandum further states that a court shall not provide an interpreter without the proper credentials unless it can establish that it was the most effective communication accommodation available in the particular circumstances.

Each state establishes its own requirements with respect to the precertification education, minimum credentials, testing, certification, certification renewal, recertification, CE, waivers and exceptions, and discipline for interpreters.

A. Are these rules required by state law or federal mandate?

Yes, section 8a of the Act, MCL 393.508a, requires the Division of Deaf, Deaf Blind and Hard of Hearing within the Department of Civil Rights, now the Department of Licensing and Regulatory Affairs (Department), with the advice of the Department of Education, to promulgate rules that govern procedures for application, testing, revocation, suspension, limitation of certification, CE, renewals, grievances, minimum credential requirements and levels, and minimum standards of practice.

The following provisions allow for rulemaking: MCL 445.2001, MCL 445.2011, MCL 445.2030, MCL 445.2035, and MCL 445.2036.

B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.

The rules do not exceed a federal standard as the ADA does not regulate the certification of interpreters.

2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.

The proposed rules are consistent with the standards required by the Act. The regulations in states that register, license, or regulate interpreters vary widely. In Michigan, a qualified interpreter must pass a test of English proficiency (TEP) and a performance test. Michigan allows certification as a qualified interpreter either through RID testing or the Board of Evaluation of Interpreters (BEI) testing. In the Great Lakes Region some states require testing with RID while others require testing with BEI. Illinois, Indiana, Pennsylvania, and Wisconsin require some form of testing for interpreters. Ohio requires licensure for interpreters who work in a school setting and certification if an interpreter works in a legal setting. Not all states will allow out of state applicants to test in their state.

A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.

The regulations in this state exceed the standards of most states in the Great Lakes Region due to the desire of this state to ensure that deaf, deafblind, and hard of hearing persons receive effective communication.

3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.

The Code of Federal Regulations (CFR), Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services, 28 CFR 35 (2016), and Part 36, Nondiscrimination in the Basis of Disability in Public Accommodations and Commercial Facilities, 28 CFR 36 (2016), require that an interpreter be qualified. However, the CFR does not require that an interpreter be certified to be qualified. In this state an interpreter must be certified to be considered a qualified interpreter.

Parts 35 and 36 prohibit exclusion of a person with a disability from participation or be denied benefits of a public entity on the basis of their disability. Parts 35 and 36 require that a public entity take appropriate steps to ensure that communication with persons with disabilities are as effective as communications with persons who do not have a disability. Parts 35 and 36 also prohibit a public entity from requiring an individual with a disability to bring another individual to interpret for him or her except in an emergency or where the person with the disability requests that specific person to interpret. Parts 35 and 36 provide that if video remote interpreting (VRI) services are used by a public entity, that certain protections are included.

The proposed rules also regulate these subjects, and in some cases are more restrictive than Parts 35 and 36. However, the administrative rules are not in conflict with any laws, rules, or other legal requirements.

There are no other laws, rules, or other legal requirements in this state that may duplicate, overlap, or conflict with these proposed rules.

A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.

The proposed rules have been coordinated with the ADA, the regulations pursuant to the ADA, the NAD RID Code of Professional Conduct, and R 340.1793a of the Michigan Administrative Code regarding special education.

4. If MCL 24.232(8) applies and the proposed rules are more stringent than the applicable federally mandated standard, a statement of specific facts that establish the clear and convincing need to adopt the more stringent rules and an explanation of the exceptional circumstances that necessitate the more stringent standards is required.

There is no applicable federally mandated standard for states to establish rules. Consequently, MCL 24.232(8) is not applicable.

5. If MCL 24.232(9) applies and the proposed rules are more stringent than the applicable federal standard, either the statute that specifically authorizes the more stringent rules or a statement of the specific facts that establish the clear and convincing need to adopt the more stringent rules and an explanation of the exceptional circumstances that necessitate the more stringent standards is required.

Section 2 of the Act, MCL 393.502 requires that a qualified interpreter be certified through RID or through the state.

Section 3 of the Act, MCL 393.503 requires that in any action before a court or grand jury, or in proceedings before an appointing authority, where a deaf or deafblind person is a participant in the action, the court shall appoint a qualified interpreter.

Section 3a of the Act, MCL 393.503a requires a qualified interpreter if an interpreter is required as an accommodation for a deaf or deafblind person under state or federal law.

Section 5 of the Act, MCL 393.505 requires that if a deaf or deafblind person is arrested and taken into custody for a violation of a criminal law, a qualified interpreter shall be used to interrogate the deaf or deafblind person.

Section 8a of the Act, MCL 393.508a, requires the Division of Deaf, Deaf Blind and Hard of Hearing within the Department of Civil Rights, now the Department of Licensing and Regulatory Affairs, with the advice of the Department of Education, to promulgate rules that govern procedures for application, testing, revocation, suspension, limitation of certification, CE, renewals, grievances, minimum credential requirements and levels, and minimum standards of practice.

6. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.

The proposed rules are designed to alter the behavior and frequency of behavior and include the following changes: clarify who is subject to the rules to reduce confusion; clarify that there are minimum credentials, four different levels of certification, and endorsements for specialized situations; add a deaf qualified interpreter certification and educational qualified interpreter certification; separate the requirements for state certification as a RID holder, versus state certification based on other credentials and testing; place the types of certifications in a table that includes the credentials needed, as well as the proceedings and environments where the interpreter may work; increase the requirements for endorsements, which allow an interpreter to work in a setting that requires more specialized skills; establish an interpreter trainee permit and interpreter trainee supervisor; clarify the testing requirements and no longer require that applicants retest as long as their certification does not lapse; clarify the requirements for certification, renewal, and recertification; expand the list of offenses that may be used as evidence of a lack of good moral character when evaluating an application; clarify the process for a school district to use the exception to the 4.0 educational standard for an educational qualified interpreter; clarify the use of a waiver to the requirement to use a qualified interpreter; clarify exemptions to state certification; clarify and expand on the minimum requirements for qualified interpreters; update and clarify the requirements for video remote interpreting; clarify the complaint and hearing process; streamline the CE requirements; allow for a waiver of CE in extenuating circumstances; provide a list of CE programs that are preapproved; clarify the CE review process; and clarify fees.

A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.

Promulgation of rules that govern procedures for application, testing, revocation, suspension, or limitation of certification, CE, renewals, and grievances, minimum credential requirements and levels, and minimum standards of practice, certification and CE are required by statute. This provides a regulatory framework for the practice of interpreters. The proposed changes should provide greater clarity to interpreters in this state and aid in compliance with requirements under the rules.

B. Describe the difference between current behavior/practice and desired behavior/practice.

Interpreters are regulated by law. This mandates certification for provision of interpreting services. Updating standards for certification, organizing the rule set into a more user-friendly format, updating outdated information, and providing additional detail related to CE helps add clarity and certainty to the rules and will make compliance easier for applicants and those who have been certified.

C. What is the desired outcome?

Individuals who wish to be certified as qualified interpreters will be regulated. By making improvements and clarifications to the rules, applicants and those certified should find compliance easier. This should result in fewer questions, fewer regulatory problems, and greater safety and protection of the public.

7. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.

The use of rules that create confusion for applicants and qualified interpreters is undesirable. Under section 8a of the Act, MCL 393.508a, the Department, with the advice of the Department of Education, may promulgate rules that govern procedures for application, testing, revocation, suspension, limitation of certification, CE, renewals, grievances, minimum credential requirements and levels, and minimum standards of practice. The proposed rule set updates the previously adopted rules and puts the rules in a format that is more user friendly for qualified interpreters. Specifically, changes have been made to address the following:

Part 1. General Provisions: clarify who is subject to the rules to reduce confusion.

Part 2. Minimum Credentials Requirements and Levels: clarify that there are minimum credentials, four different levels of certification, and endorsements for specialized situations; add a deaf qualified interpreter certification and educational qualified interpreter; separate the requirements for state certification as a RID holder, versus state certification based on other credentials and testing; place the types of certifications in a table that includes the types of credentials needed, as well as the proceedings and environments where the interpreter may work; increase the requirements for endorsements, which allow an interpreter to work in a setting that requires more specialized skills; and establish an interpreter trainee permit and interpreter trainee supervisor.

Part 3. Testing, Application, Certification, and Listing: clarify the testing requirements and no longer require that applicants retest as long as their certification does not lapse; clarify the requirements for certification; expand the list of offenses that may be used as evidence of a lack of good moral character when evaluating an application.

Part 4. Exception, Waiver, Exemptions: clarify the process for a school district to use the exception to the 4.0 educational standard for an educational qualified interpreter; clarify the use of a waiver to the requirement to use a qualified interpreter; and clarify exemptions to state certification.

Part 5. Minimum Standards of Practice: clarify and expand on the minimum requirements for qualified interpreters; and update and clarify the requirements for video remote interpreting.

Part 6. Procedures for Filing Complaints, Initiating Formal Complaints, Investigations, Denial, Revocation, Suspension, Limitation of Certifications, Reinstatement: clarify the complaint, hearing process, and investigations.

Part 8. Continuing Education: streamline the CE requirements; allow for a waiver of CE in extenuating circumstances; provide a list of CE programs that are preapproved; and clarify the CE review process.

Part 9. Procedures for Renewal: clarify the requirements for renewal of certifications and endorsements and recertification; and modify fees.

A. What is the rationale for changing the rules instead of leaving them as currently written?

The proposed rule set primarily updates the previously adopted rules and puts the rules in a format that it is more user friendly.

8. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.

The proposed rules provide a regulatory mechanism for the practice of qualified interpreters. To protect the health and safety of Michigan's citizens, it is important that members of the profession adhere to minimal educational and professional standards.

9. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.

R 393.5005 provides for verification of interpreter qualifications. This rule is being rescinded as the Act requires that the division, now Department, shall keep and annually update a listing of qualified, intermediary, and deaf interpreters and shall make the listing available to appointing authorities.

R 393.5023, R 393.5024, R 393.5025, and R 393.5026 provide the interpreter levels and educational interpreter qualifications, which are modified in the proposed rules and listed as basic qualified interpreter, advanced qualified interpreter, educational qualified interpreter, and qualified deaf interpreter.

R 393.5027 provides the exceptions to the qualified interpreter rules. These exceptions have been moved and rewritten as Part 4. Exception, Waiver, Exemptions, which clarify the process for a school district to use the exception to the 4.0 educational standard for an educational qualified interpreter; clarify the use of a waiver to the requirement to use a qualified interpreter; clarify exemptions to state certification;

R 393.5032 provides the requirements for reciprocity. This rule is being rescinded as the proposed rules require that all interpreters in this state must meet this state's requirements.

R 393.5058 provides for waivers to the requirement to use a qualified interpreter. This rule is being rescinded because the Act provides for the waiver.

R 393.5075 provides for hearings. The rule has been moved and modified.

R 393.5083 provides for the CE requirements for endorsements. The proposed rules have moved all of the CE requirements to one rule.

R 393.5086 provides for an independent study as CE. The proposed rules include a list of CE that is automatically approved and all other CE programs must be submitted for approval.

10. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).

The proposed rules are being placed in ASL. The cost of translation is approximately \$8,000.00.

11. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.

No agency appropriation has been made nor has a funding source been provided for expenditures associated with implementing these rules.

12. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.

The cost for taking the TEP with the Department is \$20.00. The cost of taking the BEI performance test with the Department is \$125.00 for Michigan residents and \$175.00 for non-Michigan residents. The costs to an applicant for these examinations will benefit Michigan citizens by ensuring that an interpreter is appropriately trained to assist deaf, deafblind, and hard of hearing individuals in this state.

A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.

The rules are required by statute to provide a mechanism for certification and regulation of the profession. The rules are not any more restrictive than is allowed by statute. Despite the cost-related burden of certification, the rules and regulations are necessary in order to provide a framework of standards for educational, certification, and CE requirements.

13. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

There are no anticipated increases or decreases in revenues to state or local governmental units as a result of the proposed rules.

14. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.

There are no anticipated or intended programs, services, duties, or responsibilities imposed on any city, county, township, or village. School districts that request an exception from the 4.0 educational standard for an educational interpreter must file an application with the Department in which the district describes and attests to its efforts to provide a qualified interpreter, and the district asserts and the Department agrees that the unfeasibility of doing so necessitates a variance from the rules.

A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.

A school district and the interpreter applying to be a substitute or regularly assigned interpreter may annually file for an exception to the 4.0 or higher performance score on the Educational Interpreter Performance Assessment (EIPA) examination and the Department may grant the exception if all of the following conditions are met:

- (a) Both the school district and interpreter submit a completed application on a form provided by the Department.
- (b) The school district includes the consent of a parent or guardian that he or she has been notified in writing that the school district is unable to hire a qualified interpreter who meets the required standards in these rules.
- (c) The school district has exhausted all reasonable efforts to locate a qualified interpreter who possesses the required standard to fill the position as determined by the Department when considering, including but not limited to, all of the following:
 - (i) Proof of advertising for the position, including a copy of the notice, a list of where it was posted, and the dates of posting. The postings must remain active while the application for exception is pending.
 - (ii) Proof that the salary offered is sufficient compared to salaries offered for similar positions in this state.
 - (iii) An explanation of how MiPLUS online system was used to identify and contact possible applicants for the position.
- (d) Proof that the school district has informed the Department in writing describing its attempts and inability to locate a qualified interpreter who possesses the required 4.0 or higher performance score on the EIPA examination.
- (e) Without the exception, a deaf, deaf blind, hard of hearing student would be without communication access for his or her education.
- (f) Other educational options including enrollment in the Michigan School for the Deaf, participation in a regional deaf education program, or enrollment in a remote educational program have been discussed with, evaluated by, and considered with the parent or parents of the student by the individualized education program team.

15. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.

No appropriations have been made to any governmental units as a result of these rules. No additional expenditures are anticipated or intended with the proposed rules.

16. In general, what impact will the rules have on rural areas?

The proposed rules are not expected to impact rural areas. The proposed rules apply to individuals certified under the Act as qualified interpreters, regardless of his or her location.

A. Describe the types of public or private interests in rural areas that will be affected by the rules.

No disparate impact of public or private interests is anticipated on rural areas because of the proposed rules.

17. Do the proposed rules have any impact on the environment? If yes, please explain.

The proposed rules do not have an environmental impact.

18. Describe whether and how the agency considered exempting small businesses from the proposed rules.

The proposed rules impose requirements on individual interpreters rather than small businesses. Even if an interpreter's workplace qualifies as a small business, the Department could not exempt his or her business because it would create a disparity in the regulation of the profession.

19. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.

The rules regulate individual interpreters. Further, the Act requires an interpreter to be certified and he or she may work in a small business.

While an interpreter may work independently or as part of a small business, the law does not allow the rules to exempt these individuals from the requirements of the rules. However, the impact on an interpreter who works as part of a small business is minimized in the proposed rules, as the rules are written broadly. As a result, an interpreter, whether he or she works in small business or not, should not be significantly impacted by the changes.

A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.

There are approximately 758 qualified interpreters in Michigan.

A qualified interpreter may work in a small business, but no matter what type of business environment he or she works in, they will have to comply with the proposed rules. The rules do not impact small businesses differently because the impact is to the individual interpreter only.

B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.

The agency did not establish separate compliance or reporting requirements for small businesses. The proposed rules will apply to all qualified interpreters. The rules were drafted to be the least burdensome on all affected qualified interpreters.

C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.

The agency did not consolidate or simplify compliance and reporting requirements with the proposed rules.

D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.

The agency did not establish performance standards to replace design or operation standards required by these rules.

20. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.

The proposed rules do not impact small business; rather, they impact an individual qualified interpreter. Therefore, there is no disproportionate impact on a small business because of its size or geographic location.

21. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.

There is no report preparation cost to small businesses.

22. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.

There will be no increased costs of compliance for a small business concerning the costs of equipment, supplies, labor, or administrative costs.

23. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.

There are no expected costs for legal, consulting, or accounting services that a small business would incur in complying with the proposed rules.

24. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.

There are no expected costs to a small business that will cause economic harm to a small business or the marketplace as a result of the proposed rules.

25. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.

The proposed rules impose requirements on individual qualified interpreters rather than a small business. Even if a qualified interpreter's practice qualifies as a small business, the Department could not exempt his or her business because it would create disparity in the regulation of the profession. Therefore, there is no cost to the agency for administering or enforcing the rules because exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

26. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.

The proposed rules impose requirements on individual qualified interpreters rather than a small business. Even if a qualified interpreter qualifies as a small business, the Department could not exempt his or her business because it would create a disparity in the regulation of the profession. Therefore, exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

27. Describe whether and how the agency has involved small businesses in the development of the proposed rules.

The Department worked with the Board of Interpreters for the Deaf, Deaf-Blind and Hard of Hearing as well as stakeholders who attended public meetings and submitted written comments in the development of the proposed rules. The Board is composed of members of the profession and public members who work in small and large businesses in Michigan.

A. If small businesses were involved in the development of the rules, please identify the business(es).

No small businesses were involved in the development of the rules.

28. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.

There are no estimated compliance costs with these rule amendments on businesses or groups.

A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.

No businesses or groups will be directly affected or benefitted by the proposed rules. No additional costs will be imposed on any businesses or groups.

B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.

No additional costs will be imposed on any businesses or groups.

29. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.

The cost for taking the TEP with the Department is \$20.00. The cost of taking the BEI performance test with the Department is \$125.00 for Michigan residents and \$175.00 for non-Michigan residents. The costs to an applicant for these examinations will benefit Michigan citizens by ensuring that an interpreter is appropriately trained to assist deaf, deafblind, and hard of hearing individuals in this state.

A. How many and what category of individuals will be affected by the rules?

The individuals affected are applicants for certification as qualified interpreters.

B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?

The reduction in the requirement to be retested periodically will reduce the cost of testing for applicants.

30. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

The reduction in the requirement to be retested periodically will reduce the cost of testing for applicants by approximately \$175.00 every 4 years. There are no other cost reductions for businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

31. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.

The direct benefits of the proposed rules are: ensure that the interpreters who interpret for deaf, deaf blind, and hard of hearing persons in this state are appropriately trained; to reduce confusion for applicants; reduce the amount of testing of applicants; provide a qualified deaf certification designation; make it easier to read the requirements by placing certain information in a table; provide additional hands on training for interpreters; and protect citizens when VRI is being used.

The indirect benefits of the proposed rules include reducing questions from applicants regarding processes and procedures and increasing the deaf communities' trust in the process of certifying interpreters.

32. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.

The rules are not expected to have an impact on business growth or job creation.

33. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

There is not expected to be a disproportionate affect due to industrial sector, segment of the public, business size, or geographic location.

34. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.

National Association of the Deaf <https://www.nad.org/>

U.S Department of Labor, Bureau of Labor Statistics

<https://www.bls.gov/ooh/media-and-communication/interpreters-and-translators.htm>

Wikipedia Interpretation https://en.wikipedia.org/wiki/Language_interpretation

Wikipedia Video Remote Interpreting

https://en.wikipedia.org/wiki/Video_remote_interpreting
 Alabama: http://www.albit.alabama.gov/PDF/ALBIT_Full_Law.pdf
 Rules: <http://www.albit.alabama.gov/PDF/rules/AdminCode2016.pdf>
 FAQ: <http://www.albit.alabama.gov/FAQ.aspx>
 Alaska: <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing.aspx>
 Rules: https://apps.azsos.gov/public_services/Title_09/9-26.pdf
 Arizona: Rules: https://apps.azsos.gov/public_services/Title_09/9-26.pdf
 Arkansas: <https://www.arkansasrid.org/interpreters-and-interpreting/certification-and-licensure/>
 Connecticut: <https://portal.ct.gov/-/media/AgingandDisability/FORMS/ctinterpreterregistryfillableformpdf.pdf?la=en>
<https://portal.ct.gov/AgingandDisability/Content-Pages/Programs/Deaf-and-Hard-of-Hearing-Interpreter-Registry>
 Florida: <https://www.flcourts.org/Resources-Services/Court-Services/Court-Interpreting/Prospective-Court-Interpreters>
 Georgia: <https://law.justia.com/codes/georgia/2010/title-24/chapter-9/article-5/24-9-101/>
<https://www.gapsc.com/Commission/Rules/Proposed/Download/20130325/505-2-.043.pdf>
 Idaho: <https://legislature.idaho.gov/statutesrules/idstat/Title54/T54CH29/SECT54-2916A/>
 Illinois: Illinois Deaf and Hard of Hearing Commission Sign Language Interpreters
<https://www2.illinois.gov/idhhc/licensure/Pages/default.aspx>
 Illinois Interpreter Licensing Page
<https://www2.illinois.gov/idhhc/licensure/Pages/Licensure.aspx>
 Illinois Testing
<https://www2.illinois.gov/idhhc/licensure/Pages/Certification.aspx>
 Illinois Statutes
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2948&ChapterID=24>
 Illinois Rules
<http://www.ilga.gov/commission/jcar/admincode/068/06801515sections.html>
 Illinois Educational Interpreting
<https://www2.illinois.gov/idhhc/licensure/Documents/25%20interpreters%20educational.pdf>
 Indiana: Indiana Chapter of Registry of Interpreters for the Deaf
<http://icrid.org/>
 Deaf and Hard of Hearing Services Indiana
http://www.in.gov/fssa/files/IIC-_EIC_Reinstatement_Process.pdf
 Indiana Statutes
<http://www.in.gov/fssa/ddrs/2712.htm>
 Indiana Grandfathered Interpreter Certifications
http://www.in.gov/fssa/files/DHHS_20100604_Grandfather_Cert_Policy_draft.pdf
 Indiana IIC Qualifications
<http://www.in.gov/fssa/ddrs/4259.htm>
 Indiana Interpreter Standards
http://www.in.gov/fssa/files/Rule_2_-_BIS.pdf
http://www.in.gov/fssa/files/460_Adm_Code_IIC_Rule_3.pdf
 Iowa: <https://www.legis.iowa.gov/docs/code/2020/154E.3.pdf>
<https://www.legis.iowa.gov/docs/iac/rule/10-12-2016.645.361.1.pdf>
 Kansas: <http://www.dcf.ks.gov/services/RS/Pages/KCDHH.aspx>
 Kentucky: <https://www.kcdhh.ky.gov/oea/kbi.html>
 Louisiana: http://www.lasc.org/court_interpreters/Registered_American_Sign_Language_Court_Interpreter.pdf
 Maine: <http://www.maine.gov/sos/cec/rules/02/chaps02.htm#041>
 Minnesota: <https://www.revisor.mn.gov/rules/3525.1331/>
 Mississippi: <https://www.odhh.org/interpreter-registration/interpreters/>
 Missouri: <https://mcdhh.mo.gov/interpreters/>
<https://mcdhh.mo.gov/wp-content/uploads/sites/12/2016/08/Brochure-MICS-Brochure-2016.pdf>
<https://www.sos.mo.gov/cmsimages/adrules/csr/current/20csr/20c2232-1.pdf>
 Montana: https://leg.mt.gov/bills/mca/title_0490/chapter_0040/part_0050/section_0070/0490-0040-0050-0070.html
 Nebraska: <https://nebraskalegislature.gov/laws/statutes.php?statute=20-150>
<https://nebraskalegislature.gov/laws/statutes.php?statute=20-156>

<https://ncdhh.nebraska.gov/content/qast-faqs>

Nevada: <https://www.leg.state.nv.us/NRS/NRS-656A.html#NRS656ASec100>

<https://www.leg.state.nv.us/NRS/NRS-656A.html#NRS656ASec110>

http://adsd.nv.gov/uploadedFiles/adsdnvgov/content/Programs/Physical/ComAccessSvc/Interpreter_Registry/NRS-NAC656A%20Explanation%20-%20ADA%20Accessible%20Version.pdf

New Hampshire: <http://www.gencourt.state.nh.us/rsa/html/XXX/326-I/326-I-mrg.htm>

http://www.gencourt.state.nh.us/rules/state_agencies/int100-500.html

New Mexico: [http://www.rld.state.nm.us/uploads/files/Clean%20Copy%20of%20Table%20of%20Contents%2C%20Statues%2C%20Rules%2001_15_14\(1\).pdf](http://www.rld.state.nm.us/uploads/files/Clean%20Copy%20of%20Table%20of%20Contents%2C%20Statues%2C%20Rules%2001_15_14(1).pdf)

North Carolina: <https://ncitlb.org/>

http://www.ncitlb.org/wp-content/uploads/2013/03/Chapter_90D.pdf

North Dakota: <https://www.legis.nd.gov/cencode/t43c52.pdf?20150311104828>

Ohio: Ohio Department of Education

<https://education.ohio.gov/Topics/Special-Education/Students-with-Disabilities/Deaf-and-Hearing-Impaired-%e2%80%94-Information-and-Resour>

Ohio Chapter of the Registry of Interpreters for the Deaf

<http://www.ocrid.org/become.html>

Pennsylvania: Pennsylvania Interpreter Statute

<http://www.parid.org/Resources/Act%2057%20Amended%202010.pdf>

Pennsylvania Registry of Interpreters for the Deaf

<http://www.parid.org/Legislation>

Pennsylvania Sign Language Interpreter Registration

<http://www.dli.pa.gov/Indi>

A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., which demonstrate a need for the proposed rules.

There were no estimates or assumptions made.

35. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.

The rules are required by statute; there is no reasonable alternative to the proposed rules.

A. Please include any statutory amendments that may be necessary to achieve such alternatives.

There is no reasonable alternative to the proposed rules.

36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.

Since the rules are required by statute, private market-based systems cannot serve as an alternative. States regulate interpreters by statute, regulation, or both. Private market-based systems are not used for licensing and regulation.

The licensing and regulation of interpreters are state functions, so a regulatory program independent of state intervention cannot be established. There are professional associations that establish criteria for membership as an interpreter, but these professional organizations would provide the public with significantly less protection because membership in many of these organizations is voluntary. This means an individual who meets the membership requirements, but does not join one of the professional organizations, would be able to practice and there would be no way to ensure their competency or hold them accountable.

36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.

Since the rules are specifically required by statute, there are no alternatives to the proposed rules that the agency could consider. They are necessary for the administration and enforcement of the certification process.

38. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.

Instructions regarding certification, renewal, recertification, trainees, supervisors, and exceptions will be included on the Department's website as well as in the applications.