

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 311

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO SIGN LANGUAGE VIDEO REMOTE INTERPRETING; AMENDING SECTION 54-2903, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 54-2905, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM LICENSING AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 29, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2916B, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING VIDEO REMOTE INTERPRETING PROVIDERS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-2903, Idaho Code, be, and the same is hereby amended to read as follows:

54-2903. DEFINITIONS. As used in this chapter:

(1) "Applicant" means a person applying for a license or permit under this chapter.

(2) "Audiologist" means a natural person who meets the requirements of this chapter, is duly licensed in accordance with this chapter and is engaged in the practice of audiology.

(3) "Board" means the speech, hearing and communication services licensure board.

(4) "Department" means the department of self-governing agencies.

(5) "Division" means the division of occupational and professional licenses.

(6) "Hearing aid" means any wearable electronic instrument or other device designed for the purpose of aiding or compensating for a loss of human hearing and any parts, attachments or accessories, including earmolds attached to the hearing aid, but excluding batteries and cords. "Hearing aid" does not include those devices classified by the federal food and drug administration as assistive listening devices.

(7) "Hearing aid dealer and fitter" means a person licensed pursuant to this chapter to provide hearing aid evaluations and to sell, dispense and fit hearing aids in the state of Idaho.

(8) "Hearing aid evaluation" means the measurement of human hearing for the purpose of selecting or adapting a hearing aid, and not for obtaining medical diagnosis or legal documentation, and includes the following:

(a) Air conduction threshold testing;

(b) Bone conduction threshold testing;

(c) Speech reception threshold testing;

(d) Speech discrimination testing;

(e) Most comfortable loudness level testing; and

(f) Uncomfortable loudness level testing.

(9) "Improper fitting" means a pattern of hearing aid selections or adaptations that cause physical damage to any portion of the ear in which the

1 electroacoustic characteristics of the hearing aid are inadequate for the
 2 consumer, or in which the hearing aid is physically or acoustically unsuited
 3 to the consumer including, but not limited to:

4 (a) An all-in-the-ear hearing aid that continually falls out of the
 5 ear;

6 (b) Any hearing aid or earmold that causes inappropriate feedback, pain
 7 or discomfort to the ear within thirty (30) days of the original deliv-
 8 ery of the hearing aid to the consumer;

9 (c) Fitting a consumer with impacted cerumen; or

10 (d) Fitting a consumer with either an apparent unilateral sensorineu-
 11 ral hearing loss or a significant air-bone gap without prior medical
 12 evaluation and approval.

13 (10) "License" means a license issued by the board under this chapter.

14 (11) "Practice of audiology" means to apply the principles, methods and
 15 procedures of measurement, evaluation, testing, counseling, consultation
 16 and instruction that relate to the development and disorders of hearing,
 17 vestibular functions and related language and speech disorders to prevent,
 18 modify or rehabilitate the disorders or to assist individuals in auditory
 19 and related skills for communication, and may include intraoperative moni-
 20 toring and the fitting, adjustment, programming, selling and dispensing of
 21 hearing aids and assistive devices.

22 (12) "Practice of fitting and dealing in hearing aids" means the selec-
 23 tion, adaptation, dispensing, fitting or sale of hearing aids, and includes
 24 the testing of hearing by means of an audiometer, or by any other device de-
 25 signed specifically for these purposes. The practice also includes the mak-
 26 ing of impressions for earmolds.

27 (13) "Practice of sign language interpreting" means the application of
 28 the process of providing effective communication between and among persons
 29 who are deaf, hard of hearing or deaf-blind, speech impaired and those who
 30 can hear. The process includes, but is not limited to, communication between
 31 American sign language or other forms of manual communication and English.
 32 The process may also involve various other modalities that involve visual,
 33 gestural and tactile methods.

34 (14) "Practice of speech-language pathology" means the application of
 35 principles, methods and procedures of measurement, evaluation, testing,
 36 counseling, rehabilitation, screening, consultation and instruction that
 37 relate to the development and disorders of human communication including,
 38 but not limited to, speech (articulation, fluency, voice, accent reduction)
 39 and language, swallowing, cognitive communication disorders, augmentative
 40 and alternative communication systems and related hearing disorders.

41 (15) "Provisional permit" means a permit issued to an applicant who is
 42 registered to obtain required experience to become licensed.

43 (16) "Sign language interpreter" means a natural person who meets the
 44 requirements of this chapter, is duly licensed in accordance with this chap-
 45 ter, and who engages in the practice of sign language interpreting.

46 (17) "Speech-language pathologist" means a natural person who meets the
 47 requirements of this chapter, is duly licensed in accordance with this chap-
 48 ter, and who engages in the practice of speech-language pathology.

49 (18) "Speech-language pathologist aide" means a natural person who
 50 meets the requirements of this chapter, is duly licensed in accordance

1 with this chapter, and who works under the direction and supervision of a
 2 speech-language pathologist. A speech-language pathologist aide shall
 3 not act or provide services independently of a supervising speech-language
 4 pathologist licensed in Idaho.

5 (19) "Speech-language pathologist assistant" means a natural person
 6 who meets the requirements of this chapter, is duly licensed in accor-
 7 dance with this chapter, and works under the direction and supervision of
 8 a speech-language pathologist. A speech-language pathologist assistant
 9 shall not act or provide services independently of a supervising speech-lan-
 10 guage pathologist licensed in Idaho.

11 (20) "Video remote interpreting provider" means a person or entity reg-
 12 istered to do business in the state of Idaho and licensed to provide video re-
 13 mote interpreting services.

14 (21) "Video remote interpreting services" means the use of videoconfer-
 15 encing technology with the intent to provide the practice of sign language
 16 interpreting.

17 SECTION 2. That Section 54-2905, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 54-2905. EXEMPTIONS. (1) Nothing in this chapter shall be construed to
 20 restrict:

21 (a) Any person licensed or regulated by the state of Idaho from engag-
 22 ing in the profession or practice for which he or she is licensed or
 23 regulated, including, but not limited to, any certified or accredited
 24 teacher of the deaf, nurse, physician, occupational therapist, physio-
 25 logical therapist, surgeon, or any other licensed or regulated practitioner
 26 of the healing arts;

27 (b) Any employee working under the direct supervision of those per-
 28 sons referred to in this section, as long as such employee does not
 29 hold himself or herself out as an audiologist, speech-language pathol-
 30 ogist, speech-language pathologist aide or assistant, sign language
 31 interpreter, hearing aid dealer or fitter, or a person engaged in the
 32 practice of audiology, speech-language pathology, sign language inter-
 33 preting, or hearing aid dealing and fitting; or

34 (c) Any person working in an Idaho public school setting who has re-
 35 ceived and holds, in good standing, a pupil personnel services certifi-
 36 cate with a speech-language pathologist endorsement or audiologist en-
 37 dorsement, or any person working as a speech-language pathologist aide
 38 or speech-language pathologist assistant, as those terms are defined in
 39 section 54-2903, Idaho Code, in a public school setting under the direc-
 40 tion and supervision of a person with such endorsement in good standing.
 41 Such persons, while practicing in the public school setting, shall be
 42 exempt from all provisions of this chapter; provided however, that
 43 any such person working in an Idaho public school setting with a pupil
 44 personnel services certificate with a speech-language pathologist en-
 45 dorsement or audiology endorsement, or a speech-language pathologist
 46 aide or speech-language pathologist assistant, shall be prohibited
 47 from practicing independently in a setting other than a public school
 48 unless such person is duly licensed as set forth in this chapter.

(2) Licensure shall not be required for persons pursuing a course of study leading to a degree in audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting at a college or university with a curriculum acceptable to the board provided that:

(a) Activities and services otherwise regulated by this chapter constitute a part of a planned course of study at that institution;

(b) Such persons are designated by a title such as "intern," "trainee," "student," or by other such title clearly indicating the status appropriate to their level of education; and

(c) Such persons work under the supervision of a person licensed by this state to practice audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting in accordance with administrative rules governing supervision as adopted by the board. The supervising audiologist, speech-language pathologist, sign language interpreter, or hearing aid dealer and fitter accepts full responsibility for the activities and services provided by such persons supervised.

(3) Nothing in this chapter shall restrict a person residing in another state or country and authorized to practice audiology, speech-language pathology, sign language interpreting, or hearing aid dealing or fitting in that jurisdiction, who is called in consultation by a person licensed in this state to practice audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting, or who, for the purpose of furthering audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting education, is invited into this state to conduct a lecture, clinic or demonstration, while engaged in activities in connection with the consultation, lecture, clinic or demonstration, as long as such person does not open an office or appoint a place to meet clients or receive calls in this state.

(4) The provisions of this chapter regarding licensure of sign language interpreters shall not apply to the following:

(a) A person holding a current license is allowed to interpret in a preschool and/or K-12 setting pursuant to section 33-1304, Idaho Code;

(b) A person working in an Idaho public school setting who engages in the practice of sign language interpreting and meets the requirements of and is interpreting within the scope of the Idaho educational interpreter act, chapter 13, title 33, Idaho Code;

(c) A person who is deaf or hard of hearing and does not possess interpreter certification or credentials may, at the discretion of the board by rule, perform in the role of a deaf interpreter;

(d) A student enrolled in a sign language interpreter educational program provided by an accredited college or university performing sign language interpretation as an integral part of the student's course of study and as supervised by a licensed sign language interpreter;

(e) Individuals licensed and/or state or nationally certified as sign language interpreters in another state authorizing such individuals to practice sign language interpreting in Idaho for a period not to exceed thirty (30) days pursuant to such terms and requirements as set forth in the rules of the board;

1 (f) A person providing services to the activities and services of any
2 religious denomination or sect;

3 (g) Interpreting in an inconsequential situation, which means the
4 level of significance is such that a licensed interpreter would not be
5 deemed necessary for effective communication during that interaction.
6 Inconsequential situations may include, but are not limited to: order-
7 ing food at a restaurant, checking into a hotel or purchasing an item
8 from a retailer;

9 (h) A person providing services in a private, noncommercial, family
10 event; ~~or~~

11 (i) Exigent emergency circumstances for temporary interpreting ser-
12 vices until a qualified interpreter can be obtained; or

13 (j) A person employed by a person or an entity that is a licensed video
14 remote interpreting provider in this state.

15 (5) Interpreters and video remote interpreting services performing in-
16 terpretation for the judicial department will be selected and assigned and
17 will provide interpreting services pursuant to rules and orders promulgated
18 by the Idaho supreme court to ensure full access to the courts and court ser-
19 vices for all deaf and hard of hearing persons as required by the due process
20 provisions of the United States and Idaho constitutions and the provisions
21 of the Americans with disabilities act (ADA).

22 SECTION 3. That Chapter 29, Title 54, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 54-2916B, Idaho Code, and to read as follows:

25 54-2916B. QUALIFICATIONS FOR LICENSURE -- VIDEO REMOTE INTERPRET-
26 ING PROVIDER. To be eligible for licensure as a video remote interpreting
27 provider, the applicant shall:

28 (1) File a written application with the board on forms prescribed and
29 furnished by the board. A nonrefundable application fee shall accompany the
30 completed written application. Such fees shall be established by the admin-
31 istrative rules of the board, subject to legislative approval, and shall be
32 in such amounts as are reasonable and necessary for the proper execution and
33 enforcement of this chapter;

34 (2) Provide a roster of all employed sign language interpreters; and

35 (3) Provide verification acceptable to the board that all employed sign
36 language interpreters meet the qualifications of a sign language inter-
37 preter in this state and have:

38 (a) Successfully passed a nationally recognized competency examina-
39 tion approved by the board or achieved certification as defined by board
40 rule;

41 (b) Successfully graduated from a four (4) year course at an accredited
42 high school or the equivalent;

43 (c) Successfully passed an examination approved by the board;

44 (d) Never had a license or certification revoked or otherwise sanc-
45 tioned as part of disciplinary action from this or any other state;

46 (e) Never been convicted of, found guilty of, or received a with-
47 held judgment or a suspended sentence in this state or in any other
48 state for any crime that is deemed relevant in accordance with section
49 67-9411(1), Idaho Code;

1 (f) Never been found by the board to have engaged in conduct prohibited
2 by this chapter;

3 (g) Maintained required continuing education units under nationally
4 recognized certification or other certification recognized by the
5 board; and

6 (h) Knowledge of and compliance with the provisions of this chapter.

7 SECTION 4. An emergency existing therefor, which emergency is hereby
8 declared to exist, this act shall be in full force and effect on and after
9 July 1, 2025.