



NOTICES OF PROPOSED RULEMAKING

This section of the Arizona Administrative Register contains Notices of Proposed Rulemakings.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same Register issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the Register within three weeks of filing. See the publication schedule in the back of each issue of the Register for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the Register before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

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

PREAMBLE

[R16-11]

<u>1. Article, Part or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
Article 1	Repeal
R9-26-101	Renumber
R9-26-201	Renumber
R9-26-201	Amend
R9-26-202	Renumber
R9-26-202	Amend
R9-26-203	Renumber
R9-26-203	Amend
R9-26-204	Renumber
R9-26-204	Amend
R9-26-205	Renumber
R9-26-205	Amend
R9-26-206	Renumber
R9-26-207	Renumber
R9-26-207	New Section
R9-26-301	Repeal
R9-26-301	Renumber
R9-26-301	Amend
R9-26-302	Repeal
R9-26-302	Renumber
R9-26-303	Repeal
R9-26-303	Renumber
R9-26-303	Amend
R9-26-304	Renumber
R9-26-304	Amend
R9-26-501	Amend
R9-26-502	Amend
R9-26-503	Amend
R9-26-504	Amend
R9-26-505	Amend
R9-26-506	Amend
R9-26-507	Amend
R9-26-508	Amend



R9-26-509	Amend
R9-26-510	Amend
R9-26-511	Repeal
R9-26-511	New Section
R9-26-512	Amend
R9-26-515	Renumber
R9-26-515	New Section
R9-26-516	Renumber
R9-26-517	Amend
R9-26-518	Amend

**2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 36-1946(1), (2), and (3)  
 Implementing statute: A.R.S. §§ 36-1947, 36-1971, 36-1973, 36-1974, 36-1975, and 36-1976

**3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**

Notice of Rulemaking Docket Opening: 21 A.A.R. 1493, August 7, 2015  
 Notice of Public Information: 21 A.A.R. 1498, August 7, 2015

**4. The agency’s contact person who can answer questions about the rulemaking:**

Name: Carmen Green, Deputy Director  
 Address: Commission for the Deaf and the Hard of Hearing  
 100 N. 15th Ave., Suite 104  
 Phoenix, AZ 85007  
 Telephone: (602) 542-3362  
 Fax: (602) 542-3380  
 E-mail: C.green@acdhh.az.gov

**5. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

The Commission is completing a rulemaking that was interrupted in 2009 by successive rulemaking moratoriums. The rulemaking also makes changes that result from eight years’ experience using its licensing rules. The Commission is also addressing issues identified in the Commission’s five-year-review report approved by Council on November 6, 2012.

As of June 30, 2005, the National Association of the Deaf stopped giving certification examinations. Certifications issued by NAD before June 30, 2005, remain valid but it currently is not possible to be certified by NAD. Additionally, as of January 1, 2016, the Registry of Interpreters for the Deaf has imposed a moratorium on providing certification examinations. Although certifications issued by RID before January 1, 2016, remain valid, it currently is not possible to be certified by RID. The Commission is adding the Board for Evaluation of Interpreters as an acceptable certifying entity.

An exemption from Executive Order 2015-01 was provided to the Department by Ted Vogt, Chief of Operations in the Governor’s office, in an e-mail dated June 26, 2015.

**6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

**7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

Most of the changes made in this rulemaking will have minimal economic impact. This includes addition of the Board for Evaluation of Interpreters as an acceptable certifying entity and elimination of the Class B legal interpreter. There currently are no Class B legal interpreters. Other changes will have some economic impact. For example, a Class A legal interpreter who does not have a legal certification from RID has five years in which to obtain a legal certification from BEI and the hours of required paid interpreting and hours of legal interpreting are increased for Class C and D legal interpreters. These changes are made because of concern regarding the quality of interpreting in legal settings where the consequences of miscommunication can be so great. The Commission’s concern



about interpreters who abuse short-term registrations is responsible for the new limit on the number of short-term registrations an individual may obtain.

**9. The agency’s contact person who can answer questions the economic, small business, and consumer impact statement:**

Name: Carmen Green, Deputy Director  
Address: Commission for the Deaf and the Hard of Hearing  
100 N. 15th Ave., Suite 104  
Phoenix, AZ 85007  
Telephone: (602) 542-3362  
Fax: (602) 542-3380  
E-mail: C.green@acdhh.az.gov

**10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:**

An oral proceeding regarding the proposed rules will be held as follows:

Date: Thursday, March 17, 2016  
Time: 5:00 p.m.  
Location: 100 N. 15th Ave., Suite 104  
Phoenix, AZ 85007

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 9. HEALTH SERVICES**

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

**ARTICLE 1. ~~GENERAL~~ REPEALED**

Section

R9-26-101. ~~Definitions~~ Renumbered

**ARTICLE 2. TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM**

Section

~~R9-26-101~~.R9-26-201.Definitions

~~R9-26-201~~.R9-26-202.Eligibility

~~R9-26-202~~.R9-26-203.Application Process

~~R9-26-203~~.R9-26-204.Persons Authorized to Certify Need for Telecommunications Equipment

~~R9-26-204~~.R9-26-205.Vouchers

~~R9-26-205~~.R9-26-206.Redeeming a Voucher

~~R9-26-206~~.R9-26-207.~~Repealed~~Confidentiality

**ARTICLE 3. ADMINISTRATIVE PROCEDURES**

Section

R9-26-301. ~~Hearings~~ Repealed

~~R9-26-512~~.R9-26-301.Making a Complaint

R9-26-302. ~~Informal Settlement Conference~~ Repealed

~~R9-26-515~~.R9-26-302.Hearing Procedures

R9-26-303. ~~Rehearing or Review of Decision~~ Repealed

~~R9-26-516~~.R9-26-303.Rehearing or Review of Commission Decision

~~R9-26-517~~.R9-26-304.~~Renumbered~~ Disciplinary Action

**ARTICLE 5. INTERPRETER LICENSURE AND REGULATION**

Section

R9-26-501. Definitions

R9-26-502. License Application



- R9-26-503. Application for Generalist Interpreter License  
 R9-26-504. Application for Legal Interpreter License  
 R9-26-505. Application for Provisional Interpreter License  
 R9-26-506. Short-term Registration of an Interpreter  
 R9-26-507. License Renewal  
 R9-26-508. Fees and Charges  
 R9-26-509. Procedures for Processing Applications; ~~Time frames~~ Time Frames  
 R9-26-510. Continuing Education Requirement; ~~Waiver~~; Extension of Time to Complete  
 R9-26-511. ~~Audit of Compliance with Continuing Education Requirement~~ Video Remote Interpreting  
 R9-26-512. Making a Complaint  
 R9-26-515. ~~Hearing Procedures~~ Identification Badge Required  
 R9-26-516. ~~Rehearing or Review of Commission Decision~~ Renumbered  
 R9-26-517. ~~Disciplinary Action~~ Renumbered  
 R9-26-518. ~~Change of Name or Address~~ Required Notices to the Commission

### ARTICLE 1. ~~GENERAL~~ REPEALED

#### R9-26-101. Definitions Renumbered

### ARTICLE 2. TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM

#### ~~R9-26-101~~R9-26-201. Definitions

In addition to the definitions listed in A.R.S. § 36-1941, the following terms apply to this ~~Chapter~~ Article 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.  
~~“Supplier” means a person that sells telecommunications equipment.~~  
 “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.

#### ~~R9-26-201~~R9-26-202. Eligibility

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

1. No change
2. Be a citizen of the U.S. or an alien whose presence in the U.S. is authorized under federal law;
- ~~2-3.~~ No change
- ~~3-4.~~ Have access to a telephone line ~~in the person’s place of residence;~~
- ~~4-5.~~ Not have used a voucher to purchase telecommunications equipment within five years before the date of application under ~~R9-26-202(A)(1)~~ R9-26-203 unless the individual’s disability status has changed during that time; and,



~~5-6.~~ No change

**~~R9-26-202.~~R9-26-203. Application Process**

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

1. No change
2. Complete and return the application to the Commission with:
  - a. ~~certification~~ Certification from an authorized person described under A.A.C. ~~R9-26-203~~ R9-26-204 that the applicant has a hearing or speech-related disability and needs the telecommunication equipment requested on the application; and
  - b. As required under A.R.S. § 41-1080(A), the specified documentation of citizenship or alien status indicating the applicant's presence in the U.S. is authorized under federal law.

**~~R9-26-203.~~R9-26-204. Persons Authorized to Certify Need for Telecommunications Equipment**

- A. No change
  1. No change
  2. No change
  3. A physician licensed in accordance with A.R.S. Title 32, Chapter 13 or 17;
  4. No change
  5. No change
  6. No change
  7. No change
  8. No change
- B. No change
  1. No change
  2. No change
  3. No change

**~~R9-26-204.~~R9-24-205. 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 applicant shall use the voucher ~~shall be used~~ only towards the ~~to~~ purchase of the telecommunications equipment specified on the voucher.
- B. No change
- C. No change
- D. No change
  1. No change
  2. If the original voucher is recovered, the applicant shall return the original voucher ~~shall be returned~~ to the Commission within 30 days ~~of its recovery date~~ after the voucher is recovered.

**~~R9-26-205.~~R9-26-206. Redeeming a Voucher**

- A. To redeem a voucher for telecommunications equipment under ~~this~~ the Program, a vendor supplier shall submit to the Commission the voucher with a copy of a receipt, which is signed by the vendor supplier and the recipient of the telecommunications equipment and which specifies the telecommunications equipment sold and its purchase price.
- B. No change
- C. The Commission shall reimburse to the vendor supplier 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 supplier 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 supplier 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.

**~~R9-26-206.~~R9-26-207. Repealed 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 recipient of telecommunications equipment without a written request for disclosure. Even with a written request for disclosure, the Commission shall not disclose personal identifying or protected health information regarding an applicant or recipient.

ARTICLE 3. ADMINISTRATIVE PROCEDURES

**R9-26-301. Hearings Repealed**

- 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.~~

**~~R9-26-512~~R9-26-301, Making a Complaint**

- A. No change
  1. No change
  2. No change
  3. No change
- B. No change
  1. No change
  2. No change
  3. Specify in the complaint the name of the individual complained against, date and location of the alleged offense, and the action complained about, and the statute or rule alleged to have been violated.
- C. No change

**~~R9-26-302~~, Informal Settlement Conference Repealed**

- ~~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.~~

**~~R9-26-515~~R9-26-302, 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.

**~~R9-26-303~~, Rehearing or Review of Decision Repealed**

- ~~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.~~

**~~R9-26-516~~R9-26-303, 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)~~ (D). 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~~ on affidavits, ~~they~~ the affidavits shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits.



- F. No later than ~~10~~ 15 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.~~
- H. If the Commission makes a specific finding that a particular decision needs to be effective immediately to preserve the public peace, health, or safety and that a review or rehearing of the decision is impracticable, unnecessary, or contrary to the public interest, the Commission shall issue the decision as a final decision without an opportunity for rehearing or review.

~~R9-26-517.~~**R9-26-304. Disciplinary Action**

After an opportunity for hearing ~~that results in a~~ and a Commission 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.

**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 a regional or national accrediting agency recognized by the U.S. Department of Education ~~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.

“BEI” means Board for Evaluation of Interpreters.

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

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

“CIC” means Court Interpreter Certification, a legal specialist certification issued by BEI.

“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.

“Deaf interpreter” means an individual who is deaf or hard of hearing and provides interpreting for deaf individuals with special language needs.

“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, except a legal setting, for which the individual is qualified by education, examination, and work history. A generalist interpreter provides interpreting in a legal setting only if appointed by a judge under A.R.S. § 12-242.

~~“IAC” means interpreter advisory committee.~~

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

“Intermediary Level III or V” means a certification issued by BEI for interpreters who are deaf or hard of hearing.

“Interpreter” means an individual who provides interpreting between American Sign Language and English.

“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 or any other legal setting, as prescribed under A.R.S. § 12-242, and meets the certification requirement under R9-26-504(A)(1)(a). An individual who is licensed by the Commission as a Class A legal interpreter on the date this Section takes effect, shall meet the certification requirement under R9-26-504(A)(1)(a) no later than January 1, 2021.

~~“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, as prescribed under A.R.S. § 12-242, when teamed with a Class A or Class B legal interpreter and meets the certification requirement under R9-26-504(A)(1)(b).

“Class D legal interpreter” means a legal interpreter who meets the certification requirement under R9-26-504(A)(1)(c) and 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.

“License year” means the days between the date of license issuance and the date of license expiration.

“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).~~

“NAD III (generalist)” means a certification issued by NAD.

“NAD IV (advanced)” means a certification issued by NAD.

“NAD V (master)” means a certification issued by NAD.

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

“NIC Certified” means a certification issued by NAD-RID.

“NIC Advanced” means a certification issued by NAD-RID.

“NIC Master” means a certification issued by NAD-RID.



- “OC:B” means oral certificate: basic, a certification issued by BEI.
- “OC:C” means oral certificate: comprehensive, a certification issued by BEI.
- “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.
- “Platform or performance setting” means an environment involving a raised surface on which a designated speaker or performers appear.
- “Provisional interpreter” means an individual who is qualified by education, examination, and work history to provide interpreting while pursuing RID, NAD, or BEI certification.
  - “Class A provisional interpreter” means a provisional interpreter who provides oral transliteration and ~~does not have an OTC~~ is working towards certification by RID, NAD, or BEI. A Class A provisional interpreter shall not provide interpreting services in a legal setting.
  - “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~~ without a team interpreter licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) and (b), except in a medical, mental health, platform or performance, or legal setting. A Class B provisional interpreter may provide interpreting services in a medical, mental health, or platform or performance setting only when working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b). A Class B provisional interpreter shall not provide interpreting services in a legal setting.
  - “Class C provisional interpreter” means a provisional interpreter who is qualified to provide interpreting services only ~~under direct supervision when working as part of a team that includes at least one individual~~ licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b). A Class C provisional interpreter shall not provide interpreting services in a legal setting.
  - “Class D provisional interpreter” means a provisional interpreter who is deaf or hard of hearing and ~~does not have a CDI~~ qualified to provide interpreting services only when working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or (b) or R9-26-504(A)(1)(a) through (c). A Class D provisional interpreter shall not provide interpreting services in a legal setting.
- “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, at least one of whom is licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b), providing interpreting for an individual or group of individuals during a single interpreting session.
- “Trilingual Advanced or Master” means a specialist certification issued by BEI for interpreters of Spanish, English, and American Sign Language.
- “Unprofessional conduct,” as used in A.R.S. § 36-1976, means:
  - ~~violation~~ 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: or
  - Failure to comply with a provision of A.R.S. Title 36, Chapter 17.1, Article 2 or this Chapter.
- “VRI” means video remote interpreting, a service that uses video telecommunication devices to provide interpreting between or among individuals who are at one or more locations separate from the interpreter.

**R9-26-502. License Application**

- A. No change
  1. No change
  2. No change



3. No change
  4. No change
  5. No change
  6. No change
  7. No change
  8. The start and end dates of the applicant's current certification cycle with RID, NAD, or BEI, as applicable;
  - ~~8-9.~~ No change
  - ~~9-10.~~ Name of any state or foreign country in which the applicant is ~~or has been~~ currently licensed or certified to practice as an interpreter, the license or certificate number, date issued, date ~~expired~~ of expiration, and a statement whether the license or certificate is ~~or has ever been~~ was the subject of discipline and if the answer is yes, a complete explanation of the discipline including date, nature of complaint, and discipline imposed;
  - ~~10-11.~~ No change
  - ~~11-12.~~ No change
  - ~~12-13.~~ No change
  - ~~13-14.~~ 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 A statement of whether the applicant's NAD, RID, or BEI certification lapsed and if so, a complete explanation including date of and reason for the lapse;
  15. A statement of whether the applicant's interpreter license from Arizona or another jurisdiction lapsed and if so, a complete explanation including date of and reason for the lapse;
  16. A statement of whether the applicant's interpreter license from Arizona or another jurisdiction was subject to a complaint and if so, a complete explanation including date, allegation, and discipline imposed, if any;
  17. A statement of whether the applicant's NAD, RID, or BEI certification was subject to a complaint and if so, a complete explanation including date, allegation, and discipline imposed, if any; and
  - ~~14.~~ 18. 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.** No change
1. Documentation of name change if the applicant is applying under a name different from the name on any of the documents required under this Article;
  2. No change
    - a. High school diploma or GED or a transcript, official or unofficial, showing the degree awarded and date; ; or
    - b. Diploma from an accredited college or university or a transcript, official or unofficial, showing the degree awarded and date;
  3. If the answer to ~~subsection~~ any item in subsections (A)(9), (A)(10), (A)(11), or (A)(12) through (A)(15) is yes, a copy of any relevant order; ~~and~~
  4. As required under A.R.S. § 41-1080(A), the specified documentation of citizenship or alien status indicating the applicant's presence in the U.S. is authorized under federal law;
  5. Two identical passport-size photographs of the applicant that:
    - a. Are in color, and
    - b. Are taken no more than six months before the date of application; and
  - ~~4-6.~~ No change

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

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

1. No change
2. Submit a photocopy of ~~the front of the applicant's current RID membership card~~ documentation showing that the applicant holds one or more of the following certifications:
  - a. Hearing interpreters: NAD III, IV, or V; RID CI, CSC, CT, IC, MCSC, RSC, SC:L, SC:PA, or TC; NIC Certified, Advanced, or Master; or BEI Basic, Advanced, Master, Trilingual Advanced, Trilingual Master, or CIC;
  - b. Deaf interpreters: RID CDI, ~~CI~~, CLIP-R, ~~CSC~~, ~~CT~~, ~~IC~~, ~~MCSC~~, ~~OIC~~, ~~OTC~~, ~~RSC~~, or SC:L, SC:PA, or TC; BEI Intermediary Level III or V; or
  - c. NIC Certified, Advanced, or Master. Oral interpreters: RID OIC or OTC or BEI OC:B or OC:C, or
  - d. Other certifications deemed appropriate by the Commission.

#### **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, ~~or~~ BEI.
  - a. For a Class A legal interpreter license, RID SC:L, NIC Advanced or Master, NAD IV or V, CI and CT, or CSC BEI CIC, or other legal specialist certification deemed appropriate by the Commission is required;
  - b. For a Class B legal interpreter license, NIC Certified, Advanced, or Master, NAD III, IV, or V, CI, CT, or CSC is required;



- e. For a Class C legal interpreter license, NIC Certified, Advanced, or Master, NAD III, IV, or V, CI, CT, or CSC, or BEI Advanced, Master, Trilingual Advanced or Master, or other certification deemed appropriate by the Commission is required; and
  - ~~e.c.~~ For a Class D legal interpreter license, RID CDI, CLIP-R, OIC, or OTC or BEI OC:B or OC:C is required;
  - 2. Hours of paid interpreting after initial certification by RID, ~~or~~ NAD, or BEI.
    - 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~~ 500 hours are required;
  - 3. Hours of legal training. ~~Twenty four hours in~~ For a Class C or Class D legal interpreter, 50 hours obtained during the five years before the date of application are required.
- B.** No change
- 1. RID, ~~or~~ NAD, or BEI certification.
    - a. A photocopy of ~~the front of the current membership card~~ documentation provided by RID, ~~or~~ NAD, or BEI. If an applicant's documentation expires during the application process, the Commission shall not complete the licensure process until the applicant submits current documentation of certification; and
    - b. A photocopy of the certificate provided by RID, ~~or~~ NAD, or BEI or a copy of the letter received from RID, ~~or~~ NAD, or BEI at the time of initial certification;
  - 2. No change
    - 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, or BEI; and
    - b. No change
  - 3. Hours of legal training. A photocopy of ~~a certificate of attendance~~ documentation from the organization providing the legal training that includes the information required under R9-26-510~~(C)~~ (B).

**R9-26-505. Application for Provisional Interpreter License**

- A.** No change
- 1. No change
    - a. No change
    - b. No change
  - 2. Examination. Pass the written portion of the ~~NIC or~~ RID, NAD, or BEI examination; and
  - 3. No change
    - a. No change
    - b. No change
      - ~~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; or~~
      - iii. A state-issued certification or certificate of competency in good standing;
    - c. No change
    - d. No change
- 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;~~
      - ~~iv. How long the individual has known the applicant;~~
      - ~~v. The capacity in which the individual knows the applicant; and~~
      - ~~vi. Why the individual believes the individual is qualified to assess the applicant's skill as an interpreter;~~
    - ~~e. An assessment of the applicant's receptive, expressive, and voicing skills; and~~
    - ~~d. The individual's dated signature.~~
  - ~~2. An~~ an applicant for a Class B provisional license shall:
    - ~~a.1.~~ 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.a.~~ Act as a mentor to the applicant if the applicant is granted a provisional license;
      - ~~ii.b.~~ Observe the provisional licensee providing interpreting services at least once each month;
      - ~~iii.c.~~ Provide feedback to the provisional licensee following each observation; and
      - ~~iv.d.~~ Provide ~~30 days~~ 30 days' notice to the provisional licensee and the Commission before terminating the mentoring relationship; and



- b-2. Submit a letter to the Commission indicating that if the applicant is issued a provisional license, the applicant agrees to:
- i-a. Make and maintain a record of each time the mentor observes the applicant and a summary of the feedback provided; ~~and~~
  - ii-b. Make the record maintained under subsection ~~(B)(2)(b)(i)~~ (B)(2)(a) available to the Commission ~~upon request~~ annually at license renewal; ~~or and~~
  - c. Provide 30 days' notice to the Commission and the mentor before terminating the mentoring relationship; or
- e-3. Submit a letter to the Commission indicating that if the applicant is issued a provisional license, the applicant agrees to:
- i-a. Team with an individual licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b) for ~~an average of at least~~ at least eight hours each month;
  - ii-b. 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-c. Make the journal maintained under subsection ~~(B)(2)(c)(ii)~~ (B)(3)(b) available to the Commission annually upon request license renewal.

C. No change

1. Education. A photocopy of ~~certificates of completion documents~~ showing that the applicant completed the hours of interpreter preparation training required under subsection (A)(1);
2. Examination. A photocopy of the letter provided by ~~NIC or RID, NAD, or BEI~~ indicating that the applicant passed the written portion of either the NIC or RID, NAD, or BEI examination;
3. No change
  - a. No change
    - i. No change
    - ii. No change
    - iii. The hours of interpreting provided by the applicant; ~~and or~~
  - b. One or more paystubs, each of which indicates:
    - i. The name of the applicant.
    - ii. The job title of the applicant.
    - iii. The dates on which interpreting was provided by the applicant, and
    - iv. The hours of interpreting provided by the applicant, and
  - b-c. No change
    - i. No change
    - ii. A photocopy of the applicant's ACCI certificate; ~~or~~
    - iii. A photocopy of the applicant's state-issued certification or certificate of competency in good standing.

**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 residential and e-mail~~ business residential and e-mail addresses;
  3. Interpreter's ~~business and mobile telephone numbers number~~ business and mobile telephone numbers number;
  4. Dates on which interpreting will be provided; ~~and~~
  5. Name, address, and contact information of the person or event for which interpreting services will be provided; and
  - 5-6. 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 current documentation from RID, NAD, or BEI membership card or license from a government licensing authority showing the interpreter's certification is in good standing or a copy of the interpreter's license from another state's interpreter licensing authority.~~ the interpreter's current documentation from RID, NAD, or BEI membership card or license from a government licensing authority showing the interpreter's certification is in good standing or a copy of the interpreter's license from another state's interpreter licensing authority.
- C. An interpreter who makes application under subsections (A) and (B) for a short-term registration shall not provide interpreting services in Arizona until the Commission provides notice the registration has been granted.
- D. Within five days after providing interpreting services under a short-term registration, the interpreter shall submit a report to the Commission that provides the dates on and persons or events for which interpreting services were provided.
- E. The Commission shall not issue more than two short-term registrations to an interpreter.

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

- A. No change
1. A generalist or legal interpreter license expires ~~on the licensee's birthday beginning with the licensee's second birthday following initial licensure~~ one year after the license is issued. To continue to practice as a generalist or legal interpreter, the licensee shall, no more than 60 days before the ~~licensee's birthday~~ licensee's birthday expiration date, submit to the Commission a license renewal application form that provides the following information about the licensee:
    - a. No change
    - b. No change
    - e. Arizona interpreter license number;



- ~~d.c.~~ Home or business address;
  - ~~e.d.~~ E-mail address;
  - ~~f.e.~~ Home, business, or mobile telephone number;
  - ~~g.~~ If applicable, the name of the licensee's employer and the employer's address and telephone number;
  - ~~f.~~ The start and end dates of the applicant's current certification cycle with RID, NAD, or BEI, as applicable;
  - ~~h.g.~~ Name of any state or country in which the licensee is ~~or has been~~ currently licensed or certified to practice as an interpreter, the license or certificate number, date issued and date of expiration, and a statement whether the license or certificate is or has been the subject of discipline ~~since the date of last application~~ during the previous year and if the answer is yes, a complete explanation of the discipline including date, nature of complaint, and discipline imposed;
  - ~~i.h.~~ 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~~ during the previous year and if the answer is yes, a complete explanation of the denial including date, name of the ~~government~~ interpreter licensing authority, and reason for denial;
  - ~~j.i.~~ 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~~ during the previous year and if the answer is yes, a complete explanation of the charge and place and date of conviction;
  - ~~k.j.~~ A statement of whether the licensee has been adjudicated insane or incompetent ~~since the date of last application~~ during the previous year 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.
  - ~~k.~~ A statement of whether the applicant's NAD, RID, or BEI certification lapsed during the previous year and if so, a complete explanation including date of and reason for the lapse;
  - ~~l.~~ A statement of whether the applicant's interpreter license from Arizona or another jurisdiction lapsed during the previous year and if so, a complete explanation including date of and reason for the lapse;
  - ~~m.~~ A statement of whether the applicant's interpreter license from Arizona or another jurisdiction was subject to a complaint during the previous year and if so, a complete explanation including date, allegation, and discipline imposed, if any;
  - ~~n.~~ A statement of whether the applicant's NAD, RID, or BEI certification was subject to a complaint during the previous year and if so, a complete explanation including date, allegation, and discipline imposed, if any, and if discipline was imposed, a statement of whether the notice required under R9-26-518 was submitted to the Commission;
  - ~~o.~~ A statement of whether the applicant completed any continuing education during the previous year and if so, the number of hours completed; and
  - ~~p.~~ A statement signed by the licensee verifying the truthfulness of the information provided and affirming that the licensee will comply with the NAD-RID Code of Professional Conduct.
2. No change
    - a. A photocopy of ~~the front of the licensee's current RID membership card~~ documentation showing the applicant's NAD, RID, or BEI certification is in good standing. If the licensee's documentation expires during the renewal process, the Commission shall not complete the license renewal process until the licensee submits a photocopy of current documentation;
    - b. If the answer to ~~the any~~ item in ~~subsection (A)(1)(i), (A)(1)(j), or (A)(1)(k)~~ subsections (A)(1)(g) through (A)(1)(m) is yes, a copy of any relevant order; and
    - 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.~~ No change
  3. If a generalist or legal licensee fails to comply with subsections (A)(1) and (A)(2) on or before the ~~licensee's birthday~~ license expiration date, the license expires ~~and the former licensee shall cease providing interpreting for which a license is required under A.R.S. § 36-1974.~~ 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. If a former licensee fails to renew an expired license within the 30 days provided in this subsection, the former licensee shall stop providing interpreting for which a license is required under A.R.S. § 36-1971.
  4. No change
- B.** No change



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) one year after the date of issuance.~~
2. To continue to practice as a provisional interpreter, the licensee shall, no more than 60 days before the licensee's ~~birthday expiration date,~~ submit to the Commission a license renewal application form that provides the information specified under subsection (A)(1).
3. No change
  - a. If the answer to ~~the any~~ item in ~~subsection (A)(1)(i), (A)(1)(j), or (A)(1)(k)~~ subsections (A)(1)(h) through (A)(1)(m) 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~~ Documentation required under R9-26-510(C) that demonstrates compliance with the continuing education requirement in R9-26-510; and
  - c. No change
  - d. If a Class B provisional licensee ~~wishes to renew the Class B provisional license,~~ letters that meet the standards at ~~R9-26-505(B)(2)(a) R9-26-505(B)(1) and R9-26-505(B)(2)(b) (2)~~ or a letter that meets the standards at ~~R9-26-505(B)(2)(e) R9-26-505(B)(3);~~ and
  - e. If a Class C provisional licensee ~~wishes to renew the Class C provisional license,~~ an affirmation that the licensee has provided and will continue to provide interpreting services only ~~under direct supervision when working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b);~~ or
  - f. ~~If a Class C provisional licensee wishes to move to a Class B provisional license:~~
    - i. ~~Letters that meet the standards at R9-26-505(B)(1) and (2) or a letter that meets the standards at R9-26-505(B)(3), and~~
    - ii. ~~Evidence required under R9-26-505(C)(3)(a) or (b) showing at least 500 hours of work experience earned while working as part of a team that includes at least one individual licensed under R9-26-503(2)(a) or R9-26-504(A)(1)(a) or (b), or~~
    - iii. ~~A score of at least 4.0 on the EIPA performance test.~~
4. If a provisional licensee fails to comply with subsections (B)(2) and ~~(B)(3)~~ on or before the licensee's ~~birthday license expiration date,~~ 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. ~~If a former licensee fails to renew an expired license within the 30 days provided in this subsection, the former licensee shall stop providing interpreting for which a license is required under A.R.S. § 36-1971.~~
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. The Commission shall not issue a provisional interpreter license to an interpreter for more than five years over the interpreter's lifetime.~~
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.~~
- C. ~~If the documentation previously submitted under R9-26-502(B)(4) was a limited form of work authorization issued by the federal government, an applicant for license renewal shall submit evidence that the work authorization has not expired.~~
- D. ~~The Commission shall require a licensee to submit the information required under R9-26-502(B)(5) every five years so an updated photograph is used in the identification badge required under R9-26-515.~~

#### **R9-26-508. Fees and Charges**

- 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. No change
  2. No change
  3. No change
  4. Provisional license renewal application fee, \$25; and
  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 fol-~~



lowing issuance of the initial license. The Commission shall pro-rate the license renewal application fee as follows: The Commission shall charge \$25 to:

1. Replace an identification badge.
2. Issue a duplicate license.
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.~~

**R9-26-509. Procedures for Processing Applications; ~~Time frames~~ Time Frames**

- A. For the purpose of A.R.S. § 41-1073, the Commission establishes the following licensing ~~time frames~~ time frames:
  1. Administrative completeness review ~~time frame~~ time frame: 30 days;
  2. Substantive review ~~time frame~~ time frame: 60 days; and
  3. Overall ~~time frame~~ time frame: 90 days.
- B. The administrative completeness review ~~time frame~~ 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~~ 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~~ 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~~ time frame in subsection (A)(1).
- E. The substantive review ~~time frame~~ 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~~ 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~~ 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,
  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.

**R9-26-510. Continuing Education Requirement; ~~Waiver; Extension of Time to Complete~~**

- 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 A generalist interpreter, eight hours;~~ shall complete continuing education required by NAD, RID, or BEI to maintain certification by NAD, RID, or BEI. If the certification of a generalist interpreter is suspended or revoked by NAD, RID, or BEI because the generalist interpreter failed to complete the required continuing education, the Commission shall initiate proceedings under Article 3 against the generalist interpreter's license.
  2. A Class A legal interpreter shall complete continuing education required by NAD, RID, or BEI to maintain legal certification by NAD, RID, or BEI. If the certification of a Class A legal interpreter is suspended or revoked by NAD, RID, or BEI because the Class A legal interpreter failed to complete the required continuing education, the Commission shall initiate proceedings under Article 3 against the legal interpreter's license.
  3. A Class C or D legal interpreter shall complete continuing education required by NAD, RID, or BEI to maintain certification by NAD, RID, or BEI including at least 20 hours of legal training. If the certification of a Class C or D legal interpreter is suspended or revoked by NAD, RID, or BEI because the Class C or D legal interpreter failed to complete the required continuing education or if the Class C or D legal interpreter fails to complete the required hours of legal training, the Commission shall initiate proceedings under Article 3 against the legal interpreter's license.



- ~~2-4. Legal~~ When renewing a license under R9-26-507(B), a provisional interpreter, ~~Class A, or B, six hours, of which two hours are legal training~~ shall submit the evidence required under subsection (B) showing completion of 12 hours of continuing education; ~~The Commission shall accept continuing education:~~
- ~~a. Designed to enhance the provisional licensee's skill and ability to provide quality interpreting to the deaf and hard-of-hearing community;~~
  - ~~b. Approved by RID, NAD, or BEI, as applicable, for certification maintenance;~~
  - ~~c. Provided by an accredited institution of higher education; or~~
  - ~~d. Provided by an entity involved with the deaf and hard-of-hearing community.~~
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.B. A provisional licensee shall obtain from the provider of a continuing education attended by the licensee a certificate of attendance documentation that includes:~~
- ~~1. Licensee's name and license number,~~
  - ~~2. No change~~
  - ~~3. No change~~
  - ~~4. No change~~
  - ~~5. No change~~
- ~~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.~~
- C. Waiver of continuing education requirement.
1. To obtain a waiver of the continuing education requirement, a provisional licensee shall submit to the Commission a written request that includes the following:
    - a. The period for which the waiver is requested.
    - b. Continuing education completed during the current license year and the documentation required under subsection (B).
    - c. Reason a waiver is needed and supporting documentation:
      - i. For military service. A copy of current orders or a letter on official letterhead from the licensee's commanding officer;
      - ii. For absence from the United States. A copy of pages from the licensee's passport showing exit and reentry dates;
      - iii. For disability. A letter from the licensee's treating physician stating the nature of the disability; and
      - iv. For circumstances beyond the licensee's control. A letter from the licensee stating the nature of the circumstances and documentation that provides evidence of the circumstances.
  2. The Commission shall grant a request for waiver of the continuing education requirement that:
    - a. Is based on a reason listed in subsection (C)(1)(c).
    - b. Is supported by the required documentation.
    - c. Is submitted no sooner than 60 days before and no later than the license expiration date, and
    - d. Will promote the safe and professional practice of interpreting in this state.
- D. Extension of time to complete continuing education requirement.
1. To obtain an extension of time to complete the continuing education requirement, a provisional licensee shall submit to the Commission a written request that includes the following:
    - a. Ending date of the requested extension.
    - b. Continuing education completed during the current license year and the documentation required under subsection (B).
    - c. Proof of registration for additional continuing education that is sufficient to enable the provisional licensee to complete all continuing education required for license renewal before the end of the requested extension, and
    - d. Licensee's attestation that the continuing education obtained under the extension will be reported only to fulfill the current license renewal requirement and will not be reported on a subsequent license renewal application.
  2. The Commission shall grant a request for an extension that:
    - a. Specifies an ending date no more than three months from the current license expiration date.
    - b. Includes the required documentation and attestation.
    - c. Is submitted no sooner than 60 days before and no later than the license expiration date, and
    - d. Will promote the safe and professional practice of interpreting in this state.
- E. Except as provided in subsection (D), a provisional licensee shall report only hours of continuing education obtained during the license year immediately preceding license renewal. A licensee shall not carry over hours in excess of those required under subsection (A)(4) to a subsequent license year.



**R9-26-511. ~~Audit of Compliance with Continuing Education Requirement~~ Video Remote Interpreting**

~~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 an 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.~~

- ~~A. Only an interpreter who is licensed under A.R.S. Title 36, Chapter 17.1 and this Article is authorized to provide VRI for individuals who are located in Arizona.~~
- ~~B. An interpreter who is licensed under A.R.S. Title 36, Chapter 17.1 and this Article and provides VRI shall comply fully with the requirements of this Article.~~
- ~~C. An interpreter who is located outside of Arizona shall not provide VRI for an individual located in Arizona before being licensed under A.R.S. Title 36, Chapter 17.1 and this Article.~~

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

**R9-26-515. ~~Hearing Procedures~~ Identification Badge Required**

- ~~A. To protect the public, a licensee shall have and present on request, an identification badge issued by the Commission whenever the licensee provides interpreting services.~~
- ~~B. A licensee who loses or damages the identification badge required under subsection (A) may obtain a replacement identification badge by submitting a request to the Commission and paying the charge specified under R9-26-508.~~

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

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

**R9-26-518. ~~Change of Name or Address~~ Required Notices to the Commission**

- ~~A. If a licensee's certification by RID, NAD, or BEI is suspended, revoked, or subject to other disciplinary action by RID, NAD, or BEI, the licensee shall provide immediate written notice of the disciplinary action to the Commission. Failure to provide the notice required under this subsection is unprofessional conduct.~~
- ~~B. If a licensee's state-issued certification submitted as qualification for a Class B provisional license is suspended, revoked, or subject to other disciplinary action by the state that issued the certification, the licensee shall provide immediate written notice of the disciplinary action to the Commission. Failure to provide the notice required under this subsection is unprofessional conduct.~~
- ~~C. 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.~~