TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 28 SIGNED LANGUAGE INTERPRETERS
PART 3 APPLICATION AND LICENSURE REQUIREMENTS

16.28.3.1 ISSUING AGENCY: Regulation and Licensing Department, Signed Language Interpreting Practices Board
[16.28.3.1 NMAC - N, 07/21/09]

16.28.3.2 SCOPE: The provisions of Part 3 apply to all applicants for licensure.
[16.28.3.2 NMAC - N, 07/21/09]

16.28.3.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Signed Language Interpreting Practices Act, Section 61-34-1 through 61-34-17.
[16.28.3.3 NMAC - N, 07/21/09]

16.28.3.4 DURATION: Permanent
[16.28.3.4 NMAC - N, 07/21/09]

16.28.3.5 EFFECTIVE DATE: July 21, 2009 unless a later date is cited at the end of this section.[16.28.3.5 NMAC - N, 07/21/09]

16.28.3.6 OBJECTIVE: The objective of Part 3 is to establish requirements and procedures to apply for licensure, to renew licenses, to place provisional licenses on inactive status, to establish grounds for license denial, suspension, or revocation, and to establish exemptions from licensure.
[16.28.3.6 NMAC - N, 07/21/09]

16.28.3.7 DEFINITIONS: [Reserved]
[Refer to 16.28.1.7 NMAC]

16.28.3.8 COMMUNITY SIGNED LANGUAGE INTERPRETER LICENSE: A community signed language interpreter's license entitles its holder to provide signed language interpreting services in community, K-12 educational, and post-secondary educational settings as appropriate under the NAD-RID code of professional conduct.
[16.28.3.8 NMAC - N, 07/21/09]

16.28.3.9 EDUCATIONAL SIGNED LANGUAGE INTERPRETER LICENSE: An educational signed language interpreter's license entitles its holder to provide signed language interpreting services in K-12 educational settings as appropriate under the NAD-RID code of professional conduct, and in post-secondary education settings only for consumers currently enrolled in a secondary program and not earning college credit.
[16.28.3.9 NMAC - N, 07/21/09]

16.28.3.10 PROVISIONAL SIGNED LANGUAGE INTERPRETER LICENSE: A provisional signed language interpreter's license entitles its holder to provide signed language interpreting services in community and educational settings as appropriate under the NAD-RID code of professional conduct for a maximum of five years while working to satisfy the requirements for a community signed language interpreter's license or an educational signed language interpreter's license. An interpreter may hold a provisional license and an educational license simultaneously, and is therefore permitted to provide interpreting services in both educational settings and appropriate community settings.
[16.28.3.10 NMAC - N, 07/21/09]

16.28.3.11 APPLICATION FOR LICENSURE:

A. An application for any license to be issued or renewed by the board shall be made on the official form provided by the board for that purpose.

B. All applications for licensure must include:

(1) a completed and signed application;

(2) applicant name;

(3) proof of age indicating applicant is at least eighteen years of age (copy of birth certificate, driver's license, state issued identification card, or baptismal certificate);

(4) mailing address;

(5) business address;

(6) phone number;

(7) non-refundable application fee as required by the board;

(8) photograph: applicants for original licensure shall attach a recent color photograph, front-view of face.

C. An application for a community signed language interpreter license must also include: a copy of the applicant's current registry of interpreters for the deaf (RID) membership card or verification letter from the RID member portal showing that the applicant holds one (1) or more certifications recognized by RID at the time of application for licensure with the exception of exception of educational certificate: K-12 (ED-K-12).

D. An application for an educational signed language interpreter license must also include: proof of educational interpreter performance assessment (EIPA) rating of 4.0 - 5.0 and a copy of the applicant's current RID membership card or verification letter from the RID member portal showing that the applicant holds the ED: K-12 certified member status by virtue of EIPA rating; or a copy of the applicant's current RID membership card or verification letter from the RID member portal showing that the applicant holds one or more certifications currently recognized by RID, or proof of an educational interpreter performance assessment (EIPA) rating of 4.0 – 5.0, proof of passing the EIPA Written test, proof of satisfying the RID educational requirements, and a copy of the applicant's current RID membership card or verification letter from the RID member portal showing associate membership status

E. An application for a provisional signed language interpreter license must also include: proof of completion of an interpreter education program or interpreter preparation program at an accredited institution; or proof of employment as a community signed language interpreter or an educational signed language interpreter at the time the act became effective (June 15, 2007) and after the applicant reached the age of eighteen (18); and a copy of the applicant's current RID membership card or verification letter from the RID member portal showing that the applicant is an associate member for purposes of tracking continuing education units (CEUs) requirements through the associate continuing education tracking (ACET) program as outlined in Subsection B of 16.28.2.9 NMAC). In lieu of proof of completion of an interpreter training program, deaf applicants may submit proof of satisfying the training requirement established by RID to take the certified deaf interpreter (CDI) written exam. If the applicant provides proof of completion of an interpreter education program or interpreter preparation program more than one year prior to their application for a provisional license, they must also submit a résumé and one professional letter of reference from an employer, internship supervisor, mentorship director, graduate school, or other applicable source documenting continued involvement in interpreting and/or the deaf community since the time of completion of the program.

F. If an applicant submits an incomplete license application they will be requested to submit any missing documentation; failure to do so within six (6) months of receipt of the original application will result in the application file being closed. After the file has been closed, the applicant will be required to submit a new application and application fee to apply again.

G. ELECTRONIC APPLICATIONS: In accordance with Section 14-16-1 thru 14-16-21 NMSA 1978 of the Uniform Electronic Transactions Act, the board or its designee will accept electronic applications.

(1) Any person seeking a New Mexico signed language interpreting license may do so by submitting an electronic application. Applicants are required to also submit all required information as stated in 16.28.3.11 NMAC.

(2) Any licensee may renew his or her license electronically through a designated website provided by the board. All license holders renewing their signed language interpreting license are also required to submit all documentation as stated in 16.28.3.17 NMAC.

(3) Any person whose license has been expired may apply electronically to the board for renewal of the license at any time within sixty (60) days of the expiration. Any persons seeking renewal are also required to submit all supporting documents as stated in 16.28.3.17 NMAC.

(4) Any person whose license has been lapsed may apply electronically to the board for reinstatement of the license at any time. Any persons seeking reinstatement are also required to submit all supporting documents as stated in 16.28.3.17 NMAC.

H. ELECTRONIC SIGNATURES: Electronic signatures will be acceptable for applications submitted pursuant to Sections 14-16-1 through 14-16-19 NMSA 1978.

I. "ADMINISTRATIVE ERRORS" In the event that a community or educational license is issued due to an administrative error, and if the Interpreter is qualified for a provisional license, the permitted five (5) years for the provisional license shall began at the time of the issuance of the erroneously issued license.
[16.28.3.11 NMAC - N, 07/21/09; A, 08/18/11; A, 01/15/14; A, 12/16/15]

16.28.3.12 REQUIREMENTS FOR A LICENSE FOR A COMMUNITY SIGNED LANGUAGE INTERPRETER: A license for a community signed language interpreter shall be granted to a person who:

A. files a completed application that is accompanied by the required fees; and,

B. submits satisfactory evidence that the person:

(1) has reached the age of majority;

(2) is of good moral character;

(3) has completed all educational requirements established by the board;

(4) holds active certification recognized at the time of application by the registry of interpreters for the deaf (RID) with the exception of ED: K-12 (educational certificate: K-12); and

(5) complies with the registry of interpreters for the deaf (RID) certification maintenance program (CMP).

[16.28.3.12 NMAC - N, 07/21/09; A, 08/18/11]

16.28.3.13 REQUIREMENTS FOR A LICENSE FOR AN EDUCATIONAL SIGNED LANGUAGE INTERPRETER: A license for an educational signed language interpreter shall be granted to a person who:

A. files a completed application that is accompanied by the required fees; and,

B. submits satisfactory evidence that the person:

(1) has reached the age of majority;

(2) is of good moral character;

(3) has completed all educational requirements established by the board;

(4) has passed the educational interpreter written and performance assessment (EIPA) with a score of 4.0 – 5.0 and holds active ED: K-12 (educational certification: K-12) or other certification recognized at the time of application by the registry of interpreters for the deaf (RID); or has passed the educational interpreter written and performance assessment (EIPA) with a score of 4.0 – 5.0, has passed the EIPA written test, and is an associate member of RID and

(5) complies with the registry of interpreters for the deaf (RID) certification maintenance program (CMP).

[16.28.3.13 NMAC - N, 07/21/09; A, 08/18/11]

16.28.3.14 REQUIREMENTS FOR A ONE-TIME, FIVE-YEAR PROVISIONAL LICENSE TO A PERSON NOT MEETING THE COMMUNITY SIGNED LANGUAGE INTERPRETER OR EDUCATIONAL SIGNED LANGUAGE INTERPRETER REQUIREMENTS FOR LICENSURE: A one-time, five-year provisional license shall be granted to a person who:

A. files a completed application that is accompanied by the required fees; and,

B. has completed an interpreter education program or interpreter preparation program at an accredited institution; or

C. provides verifiable documentation that he or she was employed as a community signed language interpreter or an educational signed language interpreter at the time the act became effective on June 15, 2007 and that the applicant had reached the age of 18 at the time;

D. provides proof of associate membership in the registry of interpreters for the deaf (RID) (for purposes of meeting the CEU requirements outlined in Subsection B of 16.28.2.9 NMAC).

E. If the applicant provides proof of completion of an interpreter education program or interpreter preparation program more than one year prior to their application for a provisional license, they must also submit a résumé and one professional letter of reference from an employer, internship supervisor, mentorship director, graduate school, or other applicable source documenting continued involvement in interpreting and/or the deaf community since the time of completion of the program

[16.28.3.14 NMAC - N, 07/21/09; A, 08/18/11; A, 01/15/14]

16.28.3.15 [RESERVED]
[16.28.3.15 NMAC - N, 07/21/09; A, 08/18/11; Repealed, 01/15/14]

16.28.3.16 LICENSE EXPIRATION:

A. Community signed language interpreter licenses expire two years from the last day of the month in which they were issued.

B. Educational signed language interpreter licenses expire two years from the last day of the month in which they were issued.

C. Provisional signed language interpreter licenses expire five years from the last day of the month in which they were issued, but are subject to an annual compliance review. Revocation proceedings may be initiated by the board if the holder of a provisional license fails to pass the annual compliance review:

(1) provisional signed language interpreter licenses issued prior to August 15, 2013 must complete the compliance review each year by September 30;

(2) provisional signed language interpreter licensees with provisional licenses issued after August 15, 2013 must complete the compliance review each year by the last day of the month in which the license was issued.

[16.28.3.16 NMAC - N, 07/21/09; A, 01/15/14]

16.28.3.17 LICENSE RENEWAL:

A. A licensee may renew a community signed language interpreter license or an educational signed language interpreter license every two years by:

(1) submitting a completed renewal application provided by the board that is accompanied by the required fees; and

(2) submitting the continuing education requirements as specified in 16.28.2.9 NMAC.

B. A licensee must complete the mandatory annual compliance review for a provisional interpreter license four consecutive times by:

(1) submitting a completed compliance review application provided by the board that is accompanied by the required fees; and

(2) submitting the continuing education requirements as specified in 16.28.2.9 NMAC.

C. If a community or educational license is not renewed by the expiration date, the license shall be considered expired, and the licensee shall refrain from practicing. The licensee may renew within a sixty-day grace period, which begins the first day the license expires, by submitting payment of the renewal fee and late fee and complying with all renewal requirements. Upon renewal of the license, the licensee may resume practice.

D. If a provisional license does not complete the annual compliance review by the due date, the license shall be considered expired, and the licensee shall refrain from practicing. The licensee may complete the review within a 60-day grace period, which begins the first day the license expires, by submitting payment of the compliance review fee and late fee and complying with all compliance review requirements. Upon passing the compliance review, the licensee may resume practice.

E. Any person whose provisional license has lapsed may apply to the board for reinstatement of the license.

(1) In making application for reinstatement, the applicant must state why the license should be reinstated and should specifically set forth an explanation of why the license lapsed and how changed circumstances would justify reinstatement. Documentation must be provided.

(2) Any licensed interpreter applying for reinstatement of a license must submit an application fee as set forth in 16.28.6.8 NMAC and provide proof of attendance of continuing education hours as set forth in 16.28.2.9 NMAC for each year of lapse.

(3) Provisionally licensed interpreters will still be limited to a total of five years from the time the initial license was granted.

(4) If the board approves the reinstatement application, the original license number will be issued to the applicant.

[16.28.3.17 NMAC - N, 07/21/09; A, 08/18/11; A, 01/15/14]

16.28.3.18 INACTIVE STATUS FOR PROVISIONAL LICENSEES:

A. A provisional licensee whose license is in good standing with the board may request his/her license to be placed on inactive status for the purpose of pursuing education or training that will assist the licensee in obtaining licensure as a community signed language interpreter or an educational signed language interpreter by meeting the following requirements.

(1) Complete, sign, and return the inactive status application form provided by the board, specifying the intent to be placed on inactive status.

(2) Submit verifications for the required number of continuing education hours.

(3) Return the application postmarked on or before the license expiration date.

B. Inactive status notification: Upon receipt of a duly and properly made application for inactive status, the board or its designee will review and approve the application and send the licensee written verification that the license has been placed on inactive status.

C. During the period of inactive status, the licensee is prohibited from practicing signed language interpreting in the state of New Mexico and must be actively working toward obtaining licensure as a community signed language interpreter or an educational signed language interpreter.

D. Reporting requirement: any licensee who has placed his or her license on inactive status must submit transcripts to the board by June 30 of every year as verification of the licensee's pursuit of education or training to obtain licensure.

E. Notification of intent to reactivate license: Any licensee who has placed his or her license on inactive status may, within five years from the official date his or her license was placed on inactive status, notify the board in writing of his/her desire to practice in New Mexico. The applicant shall provide the following information:

(1) a New Mexico license number;

(2) the applicants full name;

(3) the applicants home address and phone number;

(4) the date the applicant's license was originally issued;

(5) the date the applicant's license was placed on inactive status;

F. Reactivation process: Upon receipt of the written request, the board shall place the licensee on active status once the licensee submits approved continuing education hours required for activation of his/her license.

[16.28.3.18 NMAC - N, 07/21/09]

16.28.3.19 EXEMPTIONS:

A. The Signed Language Interpreting Practices Act does not apply to:

(1) non-resident interpreters working in New Mexico less than thirty (30) calendar days per year;

(2) non-resident interpreters must contact the board administrator via e-mail prior to providing Interpreting services in New Mexico, regardless of the number of hours of service they provide each time. interpreters must provide the following for the purpose of tracking the number of days services are provided in New Mexico:

(a) name;

(b) address;

(c) email address;

(d) credentials, (a copy of their current RID card or other credentials);

(e) date(s) and city or cities in which services will be provided.

B. This exception is for interpreters living outside of New Mexico and providing occasional services within the state. It is not for use by interpreters in the process of moving to New Mexico temporarily or permanently.

(1) interpreting in religious or spiritual settings;

(2) interpreting in informal settings for friends, families or guests;

(3) interpreting in emergency situations where the deaf, hard-of-hearing or deaf-blind person or that person's legal representative decides that the delay necessary to obtain a licensed interpreter is likely to cause injury or loss to the consumer;

(4) the activities or services of a supervised interpreter intern or student in training who is enrolled in an interpreter education program, interpreter preparation program, or a program of study in signed language interpreting at an accredited institution of higher learning approved by the board;

C. Interpreter interns must contact the board administrator via email at the beginning of their internship period and provide the following:

(1) name;

(2) address;

(3) email address;

(4) institution at which they are enrolled;

(5) name of program internship coordinator;

(6) anticipated date of graduation;

[16.28.3.19 NMAC - N, 07/21/09; A, 08/18/11; A, 12/16/15]

16.28.3.20 LICENSE DENIAL, SUSPENSION, OR REVOCATION:

A. In accordance with procedures contained in the Uniform Licensing Act [61-1-1 NMSA 1978], the board may deny, revoke or suspend a license held or applied for under the Signed Language Interpreting Practices Act, upon grounds that the licensee or applicant:

(1) is guilty of fraud or deceit in procuring or attempting to procure a license;

(2) is guilty of gross incompetence;

(3) is guilty of unprofessional or unethical conduct as defined by rule of the board;

(4) uses untruthful or misleading advertising;

(**5)** is habitually or excessively using controlled substances or alcohol to such a degree the licensee or applicant is rendered unfit to practice as a signed language interpreter pursuant to the Signed Language Interpreting Practices Act;

(6) has violated the Signed Language Interpreting Practices Act;

(7) is guilty of aiding and abetting a person not licensed to practice signed language interpreting pursuant to the Signed Language Interpreting Practices Act; or

(8) as evidenced by a certified copy of the record of jurisdiction, has had a license, certificate or registration to practice signed language interpreting revoked, suspended or denied in any state or territory of the United States for actions pursuant to this section.

B. Disciplinary proceedings may be initiated by a complaint of a person, including members of the board, and shall conform with the provisions of the Uniform Licensing Act.

C. A person filing a complaint shall be immune from liability arising out of civil action if the complaint is filed in good faith and without actual malice.

D. In the event that a community or educational license is issued in error and if the interpreter is qualified for a provisional license the permitted five (5) years for the provisional license shall began at the time of the issuance of the improperly issued license.

[16.28.3.20 NMAC - N, 12/16/15; A, 2/29/16]

HISTORY OF 16.28.3 NMAC: [RESERVED]