STATE OF NEW MEXICO SIGNED LANGUAGE INTERPRETING PRACTICE BOARD

2550 Cerrillos Rd. 2nd Floor
P.O. Box 25101
SANTA FE, NEW MEXICO 87505
PHONE: 505-476-4622 FAX: 505-476-4545
E-MAIL:
Signlanguage.board@state.nm.us

WEBSITE:
www.RLD.state.nm.us/boards/signed_language_interpreting_practices.aspx

Effective June 18, 2017

New Mexico Administrative Code

Title 16
Occupational and Professional Licensing

Chapter 28
New Mexico Signed Language Interpreters Practice Board Rules

16.28.1	GENERAL PROVISIONS	Pg.	1-3
16.28.2	EDUCATION AND CONTINUING EDUCATION REQUIREMENTS	Pg.	4
16.28.3	APPLICATION AND LICENSURE REQUIREMENTS	Pg.	5-9
16.28.4	STATUTORY AUTHORITY	Pg.	10-12
16.28.5	CODE OF PROFESSIONAL CONDUCT	Pg.	13
16.28.6	FEES	Pg.	14
16.28.7	LICENSURE FOR MILITARY SERVICE MEMBERS, SPOUSES AND VETERANS	Pg.	15-16

Also available on the board website:
www.rld.state.nm.us/boards/Signed_Language_Interpreting_Practices.aspx

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 28 SIGNED LANGUAGE INTERPRETERS
PART 1 GENERAL PROVISIONS

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

16.28.1.2 SCOPE: Any person licensed to practice interpreting.
[16.28.1.2 NMAC - N, 07/21/09]

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

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

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

16.28.1.6 OBJECTIVE: The objective of Part 1 is to set forth the provisions, which apply to all of Chapter 28, and to all persons affected or regulated by Chapter 28 of Title 16.
[16.28.1.6 NMAC - N, 7/21/09]

16.28.1.7 DEFINITIONS: As used in these regulations, the following words and phrases have the following meanings, unless the context or intent clearly indicates a different meaning:

A. **"Accredited"** means approved by the:
- **(1)** New England association of schools and colleges;
- **(2)** middle states association of colleges and secondary schools;
- **(3)** north central association of colleges and schools;
- **(4)** northwest association of schools and colleges;
- **(5)** southern association of colleges and schools; or
- **(6)** western association of schools and colleges.

B. **"ACET"** refers to the associate continuing education tracking system within registry of interpreters for the deaf (RID).

C. **"Act"** means the Signed Language Interpreting Practices Act, Section 61-34-1 through 61-34-17 NMSA 1978.

D. **"Administrator"** or "board administrator" means the staff person assigned certain express or implied executive and administrative functions of the board as defined by board regulations or as required to carry out the provisions of the Signed Language Interpreting Practices Act.

E. **"Adult"** means all persons 18 years of age or older.

F. **"Applicant"** means a person who has completed all educational requirements of the eligibility requirements for licensure and has submitted a complete application to the board. An applicant is seeking approval of their application by the board to advance them to candidacy for licensure.

G. **"Board"** means the signed language interpreting practices board.

H. **"Board regulations"** or "regulations" means any part adopted by the board pursuant to authority under the act and includes any superseding regulation.

I. **"CEU"** refers to continuing education unit as is used by the registry of interpreters for the deaf.

J. **"CMP"** means the certification maintenance program as is used by the registry of interpreters for the deaf.

K. **"Community signed language interpreter"** means an interpreter holding one or more certifications recognized by RID with the exception of educational certificate: K-12 (ED: K-12) and holding a community signed language interpreter's 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 national association of the deaf - registry of interpreters for the deaf (NAD-RID) code of professional conduct.

L. **"Annual compliance review"** means an annual review conducted by the board ensuring that interpreters holding a provisional signed language interpreting license are in compliance with all requirements established by the statute and rules.

M. **"Consumer"** means a person using the services of a signed language interpreter.

N. **"Confidential communication"** means a communication that is not intended to be disclosed to third persons other than those present to further the interest of the person requiring the interpreting.

O. **"Copy Signing"** means signing verbatim a comment or question for those who are not able to see the original signed message due to a visual obstruction.

P. **"Deaf person"** means a person who has either no hearing or who has significant hearing loss.

Q. **"Deaf-blind person"** means a person who has either no hearing or who has significant hearing loss and a significant vision loss.

R. **"Department"** means the New Mexico regulation and licensing department.

S. **"Educational signed language interpreter"** means an interpreter holding the ED: K-12 credential from the registry of interpreters for the deaf or meeting the criteria in Subsection D of 16.28.3.11 NMAC and holding an educational signed language interpreter's 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.

T. **"EIPA"** refers to the educational interpreter performance assessment, a diagnostic tool that measures proficiency in interpreting for children or young adults in an educational setting.

U. **"Filed with the board"** means hand delivered or postal mail received during normal business hours by the board office in Santa Fe, New Mexico.

V. **"Hard-of-hearing person"** means a person who has either no hearing or who has significant hearing loss.

W. **"Intern"** means a student in training who is currently 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, and actively supervised by an interpreter holding a community or educational signed language interpreter license or a consumer of interpreting services approved by the institution in which the intern is enrolled.

X. **"Interpreter"** means a person who practices signed language interpreting.

Y. **"Interpreter education program"** or "interpreter preparation program" means a post-secondary degree program of at least two year's duration accredited by the state or similar accreditation by another state, district or territory; or a substantially equivalent education program approved by the board.

Z. **"Interpreting"** means the process of providing accessible communication between deaf, hard of hearing, or deaf-blind persons and hearing persons, including communication between signed language and spoken language and other modalities such as visual, gesture and tactile methods, not to include written communication. A person is interpreting if the person advertises, offers to practice, is employed in a position described as interpreting or holds out to the public or represents in any manner that the person is an interpreter in New Mexico

AA. **"Licensee"** means an interpreter who holds a current license issued under the act and these rules.

BB. **"NAD"** means the national association of the deaf.

CC. **"New Mexico administrative code" or "NMAC",** Section 14-4-7.2 NMSA 1978 is the official compilation of current rules filed by state agencies in accordance with New Mexico statutes.

DD. **"New Mexico statutes annotated 1978 or NMSA 1978"** is the official compilation of state laws.

EE. **"Open Meetings Act"** or "OMA", 10-15-1 through 10-15-4 NMSA 1978 is the statutory provision requiring that public business be conducted in full public view; providing guidelines governing both public and closed meetings, and regulating the notice, agenda and minutes of such meetings.

FF. **"Properly made application"** means a completed application form for a signed language interpreter license filed with the board that is complete in all particulars and appears on its face to satisfy all minimum age, educational, supervision, payment and other requirements for licensure as required by the act and these regulations.

GG. **"Provisional signed language interpreter"** means an interpreter who holds a provisional signed language interpreter's 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.

HH. **"RID"** refers to the registry of interpreters for the deaf, which is a national association of signed language interpreters.

II. **"Rule"** means board regulations.

JJ. **"State Rules Act"**, Sections 14-4-1 through 14-4-5 NMSA 1978, is the statutory provision that ensures that state agencies file with the state records center and archives all rules and regulations including amendments or repeals.

KK. **"Statute"** means a law that governs conduct within its scope. A bill passed by the legislature becomes a statute; and "statutory authority" means the boundaries of the board's lawful responsibility as laid out by the statute that created it.

LL. **"Substantial compliance"** means sufficient compliance with the statutes or rules so as to carry out the intent for which the statutes or rules were adopted and in a manner that accomplished the reasonable objective of the statutes or rules.

MM. **"Supervised interpreter intern or student"** means a person who is currently 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.

NN. **"Uniform Licensing Act" or "ULA",** Section 61-1-1 through 61-1-33 NMSA 1978 is the statutory provision that governs the major duties of the board in area of:

(1) procedures which must be followed to accord due process to applicants for licensure and to licensees if the board takes action against the licensee for acts of misconduct that would adversely affect public health, safety and welfare, and

(2) rulemaking procedures that the board shall follow in adopting valid regulations affecting signed language interpreters.

[16.28.1.7 NMAC - N, 07/21/09; A, 08/18/11; A, 01/15/14; A, 12/16/15; A, 6/18/2017]

16.28.1.8 **BOARD OPERATIONS:**

A. **Elections.** At its annual meeting in July, the board shall elect a chair and vice-chair.

B. Duties of officers. All board officers shall exercise authority subject to the act, board regulations, and specific directions of the board.

(1) The chair shall preside at board meetings and adjudicatory hearings unless another presiding officer is named by the board. The chair may respond to inquiries and correspondence, execute orders of the board in any pending adjudicatory proceeding unless a hearing officer is appointed, or designate another board member to sign decisions of the board, appoint board members to formal committees, and provide direction to the board administrator on routine matters to facilitate the efficient operation of board functions between meetings.

(2) If the chair becomes vacant, the vice chair shall serve as chair until a new chair is elected.

C. Vacancy. If the office of board chair becomes vacant, the board shall elect a chair at the next meeting or any subsequent meeting. If the office of vice chair becomes vacant, the board may hold elections as it deems necessary and advisable.

D. Duties of board administrator. The board administrator or designee shall at all times perform those tasks directed by the board pursuant to those duties prescribed by the act, board regulations, the ULA, Sections 61-1-1 through 61-1-33 NMSA 1978, and other applicable state laws. In addition, the board administrator shall assume the role of custodian of records.

E. Board meetings. The board shall conduct meeting in an orderly fashion, with due regard for each board member and the public. The board may refer to Robert's Rules of Order, Revised, when necessary and advisable.

F. Quorum. The board shall transact official business only at a legally constituted meeting with a quorum present. A quorum shall consist of four (4) members.

G. Standards of practice committee. The board chair shall appoint a standards of practice committee consisting of at least one board member.

H. Addressing the board. Except for proceedings to adopt, amend, or repeal regulations in accordance with the ULA, Section 61-1-29 NMSA 1978, the board at its sole discretion, may provide a reasonable opportunity for persons attending an open meeting to address the board on an agenda item. The request to speak shall be timely made and shall not delay or disrupt the board's meeting. No person shall be permitted to address the board on any pending or concluded application, complaint, investigation, adjudicatory proceeding, or matter in litigation, except to confer for the purpose of settlement or adjudicatory proceeding, or matter in litigation, except to confer the purpose of settlement or simplification of the issues. Any public comment to the board shall be brief, concise, and relevant to the agenda item. The board may limit the total time allotted for comments and the time allotted to any person.

I. Telephone attendance. Pursuant to the OMA, Section 10-15-1 (C) NMSA 1978, a board member may participate in a meeting of the board by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, and shall give advance notice to the board administrator an ample time to arrange such accommodation.

J. Conflict of interest, recusal. Any board member who cannot be impartial in the determination of a matter before the board and who cannot judge a particular matter or controversy fairly on the basis of its own merits shall not participate in any board deliberation or vote on the matter.

K. Confidentiality. Board members shall not disclose to any non-member content of any executive session, or any other confidential matters that may be the subject of an executive session or attorney-client privileged communications except as ordered by a court of competent jurisdiction or where the board knowingly and intentionally permits disclosure.

L. Code of conduct. Board members shall adhere to the standards set forth in the Governmental Conduct Act, Section 10-16-1 through 10-16-18 NMSA 1978.

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

16.28.1.9 BOARD RECORDS:

A. Inspection of Public Records Act ("IPRA"). Public records shall be available for inspection in accordance with the provisions of the IPRA, Section 14-2-1 through 14-2-12 NMSA 1978 and Section 61-9-5.1 NMSA 1978.

B. Removal. Public records shall not be removed from the board office except by board member, board staff, or agents of the board for official public business.

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

HISTORY OF 16.28.1 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 28 SIGNED LANGUAGE INTERPRETERS
PART 2 EDUCATION AND CONTINUING EDUCATION REQUIREMENTS

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

16.28.2.2 SCOPE: Any person licensed to practice interpreting.
[16.28.2.2 NMAC - N, 07/21/09]

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

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

16.28.2.5 EFFECTIVE DATE: July 21, 2009 unless a later date is cited at the end of this section. [16.28.2.5 NMAC - N, 07/21/09]

16.28.2.6 OBJECTIVE: The objective of Part 2 is to establish the minimum education requirements for applicants applying for licensure and to establish the continuing education requirements for license renewal.
[16.28.2.6 NMAC - N, 07/21/09]

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

16.28.2.8 EDUCATION REQUIREMENTS: The board shall issue a license as a signed language interpreter to an applicant, otherwise qualified, who furnishes evidence satisfactory to the board that the applicant has fulfilled the degree requirements for certification as established by registry of interpreters for the deaf (RID). Official or unofficial transcripts showing the degree awarded is acceptable evidence.
[16.28.2.8 NMAC - N, 07/21/09; A, 12/16/15]

16.28.2.9 CONTINUING EDUCATION REQUIREMENTS:

A. Community or educational signed language interpreter license shall submit a copy of the applicant's current RID membership card or verification letter from the RID member portal showing current membership status documenting compliance with the requirements of the certification maintenance program (CMP) which requires eight RID-approved continuing education units (CEUs) 80 contact hours per four-year CMP cycle. Should RID change its number of CEUs required an interpreter must comply with the new requirement in order to maintain licensure in New Mexico. An educational signed language interpreter meeting the criteria in Subsection D of 16.28.3.11 NMAC but not holding the ED:K-12 credential must submit associate continuing education tracking (ACET) transcripts showing four CEU's (40 hours) of continuing education at each biannual renewal.

B. Provisional license: two CEUs (20 hours) of continuing education annually documented on the applicant's associate continuing education tracking (ACET) transcript from RID. Interpreting students should be aware that they need to become associate members of RID before the end of March in their year of graduation for CEU's earned prior to July 1st to be tracked on their ACET transcripts.

C. Provisional licensees who are within their first year may provide certificates of completion to the board office if the approved CEUs are not on ACET transcripts.
[16.28.2.9 NMAC - N, 07/21/09; A, 08/18/11; A, 01/15/14; A, 12/16/15; A, 6/18/2017]

HISTORY OF 16.28.2 NMAC: [RESERVED]

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; A, 6/18/2017]

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; A, 6/18/2017]

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 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 (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 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 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 their 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 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 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; A, 6/18/2017]

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 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; A, 6/18/2017]

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 they were 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 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; A, 6/18/2017]

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 their 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 their 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 their license on inactive status may, within five years from the official date their license was placed on inactive status, notify the board in writing of their 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 their license.
[16.28.3.18 NMAC - N, 07/21/09; A, 6/18/2017]

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 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; A, 6/18/2017]

16.28.3.20 LICENSE DENIAL, SUSPENSION, OR REVOCATION:

A. In accordance with procedures contained in the Uniform Licensing Act, Section 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 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; A, 6/18/2017]

HISTORY OF 16.28.3 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 28 SIGNED LANGUAGE INTERPRETERS
PART 4 COMPLAINT PROCEDURES; ADJUDICATORY PROCEEDINGS

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

16.28.4.2 SCOPE: The provisions of Part 4 shall apply to all licensees and applicants for license entitled to notice and hearing under the Uniform Licensing Act, ("ULA") Section 61-1-1 through 61-1-33 NMSA 1978 and to any interested person who may file a complaint against a licensee or applicant.
[16.28.4.2 NMAC - N, 07/21/09]

16.28.4.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Signed Language Interpreting Practices Act, Section 61-34-1 through 61-34-17.
[16.28.4.3 NMAC - N, 07/21/09; A, 01/15/14]

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

16.28.4.5 EFFECTIVE DATE: July 21, 2009 unless a later date is cited at the end of this section. [16.28.4.5 NMAC - N, 07/21/09]

16.28.4.6 OBJECTIVE: The objective of Part 4 is to establish procedures for filing, processing, and investigating complaints against licensees and applicants and establishes procedures for the conduct of disciplinary proceedings.
[16.28.4.6 NMAC - N, 07/21/09]

16.28.4.7 DEFINITIONS:

A. **"Complaint"** means a complaint filed with the board against an applicant for licensure or against a licensee.

B. **"Complainant"** means the party who files a complaint against a licensee or an applicant for licensure.

C. **"Respondent"** means the applicant for licensure or the licensee who is the subject of the complaint filed with the board.

D. **"Hearing"** means the formal process whereby the respondent is afforded the opportunity to be heard by the board, or its designated hearing officer, before the board takes action which might result in the disciplinary action against the respondent's application for licensure or his or her license to practice signed language interpreting.

E. **"Violation"** means a violation of the Signed Language Interpreting Practices Act or the rules and regulations duly adopted by the board.

F. **Notice of contemplated action"** or **"NCA"** means the administrative process provided for by the Uniform Licensing Act whereby the respondent is notified of the board's intent to take action based upon the alleged violations of practice and whereby the respondent is afforded the opportunity for a hearing before the board.

G. **"License revocation"** means to prohibit the conduct authorized by the license.

H. **"License suspension"** means to prohibit, for a stated period of time, the conduct authorized by the license.

I. **"License restricted subject to conditions"** means to allow the conduct authorized by the license for a stated period of time, subject to conditions that are reasonably related to the grounds for disciplinary action.
[16.28.4.7 NMAC - N, 08/18/11]

16.28.4.8 COMPLAINTS: The disciplinary process may be instituted by a complaint on a board approved form by any person, including board members and board staff.
[16.28.4.8 NMAC - N, 07/21/09; 16.28.4.8 NMAC - N, 08/18/11]

16.28.4.9 COMPLAINT PROCEDURES: Inquiries regarding filing of complaints.

A. Inquiries made to the board or to a board member regarding a potential complaint will be referred to the board administrator for a response.

B. Upon receipt of an inquiry, the board administrator shall forward to the potential complainant a statement regarding the board's jurisdiction, the conduct or grounds for possible action by the board against a licensee or applicant, and a complaint form with instructions on how to file the complaint. Complaints should be submitted in writing on the prescribed form, signed and notarized, and state the facts upon which the complaint is based, however, oral complaints may be received and investigated. An oral complaint submitted to the board administrator shall be in an audio, visual or audiovisual format. After the complaint committee reviews the complaint facts and determines there is cause for further investigation, the board will have the complaint translated into written English and entered onto the form provided by the board, then present the transcription to the complainant for clarification and approval. Once approved, the complainant shall resubmit the signed, notarized complaint to the board administrator. Anonymous complaints will not be investigated, unless the board determines an exception is valid due to unusual circumstances.

C. Once a complaint is made, it will come under the provisions of this section and cannot be withdrawn.

[16.28.4.9 NMAC - N, 07/21/09; 16.28.4.9 NMAC - Rn & A, 16.28.4.8 NMAC, 08/18/11]

16.28.4.10 INVESTIGATION: Upon receipt of the complaint, the board will cause an investigation to be made into the subject complaint by the boards standards of practice committee.
[16.28.4.10 NMAC - N, 07/21/09; Repealed, 08/18/11; 16.28.4.10 NMAC - N, 08/18/11]

16.28.4.11 STANDARDS OF PRACTICE COMMITTEE: The standards of practice committee is formed for the purpose of investigating disciplinary matters referred to it by the board. The board chairperson shall appoint a member or members of the board to the standards of practice committee.

A. The standards of practice committee shall review all documentation provided to it in reference to the subject complaint.

B. The standards of practice committee may provide the respondent with a copy of the complaint and allow a reasonable time for the respondent to respond to the allegations in the complaint.

C. The foregoing notwithstanding, the standards of practice committee will not be required to provide the respondent with notice of the complaint filing, or a copy of the complaint, or any related investigatory evidence prior to the notice of contemplated action, if the committee determines that disclosure may impair, impede, or compromise the efficacy or integrity of the investigation.

D. The standards of practice committee may employ an investigator or other persons determined to be necessary in order to assist in the processing and investigation of the complaint.

E. The standards of practice committee will have independent authority to direct the board administrator to contract for the services of such persons without prior approval of the board after the board administrator has determined budgetary availability for such services.

F. Upon completion of its investigation, the standards of practice committee shall submit to the board its proposed recommendations concerning the proper disposition of the subject complaint.

G. Upon review the board shall vote upon the proposed recommendations and either uphold, reverse, or modify the standards of practice committee recommendations.

H. Standards of practice committee members who participate in the preparation of recommendations to the remaining board members shall not participate further in any actions initiated by the board against the licensee or applicant who is the subject of the complaint.

I. If the board determines that it lacks jurisdiction, or that there is insufficient evidence or cause to issue a notice of contemplated action, the board may vote to dismiss or close the complaint.

J. If the board determines that there is sufficient evidence or cause to issue a notice of contemplated action, it may vote to refer the complaint to the attorney general's office for possible prosecution in accordance with the provisions contained in the Uniform Licensing Act.

K. The board may take any other action with regard to the complaint which is within its authority and which is within the law, including referring the complaint to the attorney general and/or the district attorney for prosecution of persons alleged to be practicing without a valid license.
[16.28.4.11 NMAC - N, 07/21/09; Repealed, 08/18/11; 16.28.4.11 NMAC - N, 08/18/11]

16.28.4.12 PRIVATE CAUSE OF ACTION: Neither the action nor inaction by the board on any complaint shall preclude the initiation of any private cause of action by the complainant.
[16.28.4.12 NMAC - N, 08/18/11]

16.28.4.13 DISCIPLINARY ACTION: In accordance with the Uniform Licensing Act, the board has authority to impose penalties in disciplinary matters. The Uniform Licensing Act allows discipline in many forms including but not limited to fines, letters of reprimand, corrective action plans, suspension, and revocation of license.

A. Formal letter of reprimand: The board shall have discretionary authority to issue formal letters of reprimand or warning instead of revocation or suspension. Issuance of formal letters of reprimand shall be subject to the provisions of the Uniform Licensing Act and shall be matters of public record.

B. Prehearing motions: The board may appoint a hearing officer to decide non- dispositive motions filed prior to a hearing. Until such time as the board appoints a hearing officer, the chair of the board shall serve as hearing officer.

C. Settlement agreements: Following the issuance of a notice of contemplated action, the board may enter into a settlement agreement with the respondent as a means of resolving a complaint.

D. Costs of disciplinary proceedings: Licensees or applicants shall bear all costs of disciplinary proceedings unless they are excused by the board from paying all or part of the fees, or if they prevail at the hearing and an action in Section 61-1-3 NMSA 1978 of the Uniform Licensing Act is not taken by the board.

E. Uniform licensing provisions: In accordance with Section 61-1-7.G NMSA 1978 of the Uniform Licensing Act, a licensee who directly or through an agent intimidates, threatens, injures or takes any adverse action against a person for providing information to the board shall be subject to disciplinary action.

F. License returned to the board: Any license issued by the board must be returned to the board subsequent to revocation or suspension. The item(s) listed must be returned in person or by certified mail no later than thirty (30) days after the suspension or revocation order to the board.

[16.28.4.13 NMAC - N, 08/18/11]

16.28.4.14 DELEGATION OF AUTHORITY: The authority of the New Mexico signed language interpreting practices board to refer any licensee or applicant for licensure whose name appears on the certified list issued by the New Mexico department of human services, as provided in NMSA 1978, 40-5A-1, et seq, for administrative prosecution is delegated to the administrator of the board. This section shall not be construed to deprive the board of its authority and power to issue a notice of contemplated action for any apparent violation of the Parental Responsibility Act, and to refer any such case for administrative prosecution.
[16.28.4.14 NMAC - N, 08/18/11]

HISTORY OF 16.28.4 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 28 SIGNED LANGUAGE INTERPRETERS
PART 5 CODE OF PROFESSIONAL CONDUCT

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

16.28.5.2 SCOPE: Any and all individuals licensed under the New Mexico Signed Language Interpreting Practices Act shall abide by the NAD-RID code of professional conduct.
[16.28.5.2 NMAC - N, 07/21/09]

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

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

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

16.28.5.6 OBJECTIVE: The objective of Part 5 is to outline standards in order to preserve integrity and ethical principles of professionals serving the public in the signed language interpreting practices field.
[16.28.5.6 NMAC - N, 07/21/09]

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

16.28.5.8 STANDARDS OF PRACTICE:

A. NON-DISCRIMINATION: The licensee shall provide interpreting services with objectivity and with respect for the unique needs and values of an individual; the licensee shall avoid discrimination on the basis of factors that are irrelevant to the provision of interpreting services, including, but not limited to race, creed, sex, age or disability.

B. CREDENTIALS: The licensee shall accurately represent his professional qualifications and credentials;

C. COMPLIANCE WITH LAW: The licensee shall comply with all laws and regulations concerning the profession.

D. PROFESSIONAL CONDUCT:

(1) Interpreters adhere to standards of confidential communication.
(2) Interpreters possess the professional skills and knowledge required for the specific interpreting situation.
(3) Interpreters conduct themselves in a manner appropriate to the specific interpreting situation.
(4) Interpreters demonstrate respect for consumers.
(5) Interpreters demonstrate respect for colleagues, interns, and students of the profession.
(6) Interpreters maintain ethical business practices.
(7) Interpreters engage in professional development.

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

HISTORY OF 16.28.5 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 28 SIGNED LANGUAGE INTERPRETERS
PART 6 FEES

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

16.28.6.2 SCOPE: Any person licensed to practice interpreting.
[16.28.6.2 NMAC - N, 07/21/09]

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

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

16.28.6.5 EFFECTIVE DATE: July 21, 2009 unless a later date is cited at the end of this section. [16.28.6.5 NMAC - N, 07/21/09]

16.28.6.6 OBJECTIVE: The objective of Part 6 is to establish fees for applications, renewal and late fee.
[16.28.6.6 NMAC - N, 07/21/09]

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

16.28.6.8 INITIAL APPLICATION FEES: A non-refundable application fee is due at the time of each initial application, as outlined below.

A. A fee of $65.00 is required for a community signed language interpreter license.
B. A fee of $65.00 is required for an educational signed language interpreter license.
C. A fee of $40.00 is required for a provisional signed language interpreter license.

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

16.28.6.9 LICENSE RENEWAL FEES:

A. for community signed language interpreter licensure a nonrefundable biennial licensure fee of $50.00;
B. for educational signed language interpreter licensure a nonrefundable biennial license renewal fee of $50.00;
C. for provisional signed language interpreter licensure a nonrefundable annual compliance review fee of $25.00, limited to four consecutive compliance review cycles.

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

16.28.6.10 OTHER FEES:

A. Late license renewal or compliance review: $20.00.
B. Replacement license: badge or license certificate is lost or destroyed: $10.00.

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

HISTORY OF 16.28.6 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 28 SIGNED LANGUAGE INTERPRETERS
PART 7 LICENSURE FOR MILITARY SERVICE MEMBERS, SPOUSES AND VETERANS

16.28.7.1 ISSUING AGENCY: New Mexico Regulation and Licensing Department, Signed Language Interpreting Practices Board
[16.28.7.1 NMAC - N, 01/15/14]

16.28.7.2 SCOPE: This part sets forth application procedures to expedite licensure for military service members, spouses and veterans.
[16.28.7.2 NMAC - N, 01/15/14]

16.28.7.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to 61-1-34 NMSA 1978.
[16.28.7.3 NMAC - N, 01/15/14]

16.28.7.4 DURATION: Permanent.
[16.28.7.4 NMAC - N01/15/14]

16.28.7.5 EFFECTIVE DATE: 01/15/2014 unless a later date is cited at the end of a section.
[16.28.7.5 NMAC - N, 01/15/14]

16.28.7.6 OBJECTIVE: The purpose of this part is to expedite licensure for military service members, spouses and veterans pursuant to 61-1-34 NMSA 1978.
[16.28.7.6 NMAC - N, 01/15/14]

16.28.7.7 DEFINITIONS:

A. Military service member: means a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the National Guard.

B. Recent veteran: means a person who has received an honorable discharge or separation from military service within the two years immediately preceding the date the person applied for an occupational or professional license pursuant to this section.
[16.28.7.7 NMAC - N, 01/15/14]

16.28.7.8 APPLICATION REQUIREMENTS:

A. Applications for registration shall be completed on a form provided by the department.

B. The information shall include:

(1) Completed application and fee.

(2) Satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction, including a branch of armed forces of the United States, that has met the minimal licensing requirements that are substantially equivalent to the licensing requirements for the occupational or professional license the applicant applies for pursuant to Chapter 61, Articles 2 through 34 NMSA 1978.

C. Electronic signatures will be acceptable for applications submitted pursuant to Section 14-16-1 through 14-16-19 NMSA 1978.
[16.28.7.8 NMAC - N, 01/15/14]

16.28.7.9 FEES:

A. The fee for application for community and educational license is $65.00.

B. The fee for application for provisional license is $40.00.

C. The fee for renewal of community and educational license is $50.00.

D. The fee for compliance review of provisional license is $25.00.
[16.28.7.9 NMAC - N, 01/15/14]

16.28.7.10 RENEWAL REQUIREMENTS:

A. A license issued pursuant to this section shall not be renewed unless the license holder satisfies the requirements for the issuance and for the renewal of a license pursuant to Chapter 61, Articles 2 through 34 NMSA 1978.

(1) 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 registry of interpreters for the deaf RID member portal showing that the applicant holds one or more certifications recognized by the RID at the time of application for licensure with the exception of educational certificate: K-12 (ED: K-12).

(2) An application for an educational signed language interpreter license must also include: proof of educational interpreters performance assessment (EIPA) rating of 4.0 - 5.0 and 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 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 registry of

interpreters for the deaf RID member portal showing that the applicant holds one or more certifications currently recognized by the registry of interpreters for the deaf RID, or has passed the educational interpreter performance assessment (EIPA) with a score of 4.0 – 5.0, has passed the EIPA written test, and is an associate member of RID.

(3) 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 18; and a copy of the applicant's current registry of interpreters for the deaf RID membership card or verification letter from the registry of interpreters for the deaf 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). 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 or the deaf community since the time of completion of the program.

B. Original and renewed community and educational license shall be valid for a period of two years.

C. Original and completed compliance reviewed provisional license shall be valid for a period of one year, not to exceed four consecutive annual compliance review cycles.

D. Prior to the expiration of the license, all licensed interpreters shall apply for license renewal and shall pay the renewal fee as set forth in 16.28.6.9 NMAC.

[16.28.7.10 NMAC - N, 01/15/14; A, 12/16/15; A, 6/18/2017]

HISTORY OF 16.28.7 NMAC: [RESERVED]

61-34-1. Short title.
Chapter 61, Article 34 NMSA 1978 may be cited as the "Signed Language Interpreting Practices Act".
History: Laws 2007, ch. 248, § 1; 2013, ch. 166, § 6.

61-34-2. Definitions.
As used in the Signed Language Interpreting Practices Act:

A. "board" means the signed language interpreting practices board;

B. "consumer" means a person using the services of a signed language interpreter;

C. "deaf, hard-of-hearing or deaf-blind person" means a person who has either no hearing or who has significant hearing loss;

D. "department" means the regulation and licensing department;

E. "interpreter" means a person who practices interpreting;

F. "interpreter education program" or "interpreter preparation program" means:

(1) a post-secondary degree program of at least two year's duration accredited by the state or similar accreditation by another state, district or territory; or

(2) a substantially equivalent education program approved by the board; and

G. "interpreting" means the process of providing accessible communication between deaf, hard-of-hearing or deaf-blind persons and hearing persons, including;

(1) communication between signed language and spoken language; or

(2) other modalities such as visual, gestural and tactile methods, not to include written communication.

History: Laws 2007, ch. 248, § 2.

61-34-3. Scope of practice.
For the purposes of the Signed Language Practices Act, a person is interpreting if the person advertises, offers to practice, is employed in a position described as interpreting or holds out to the public or represents in any manner that the person is an interpreter in this state.
History: Laws 2007, ch. 248, § 3.

61-34-4. License required.
Unless licensed pursuant to the Signed Language Interpreting Practices Act, a person shall not:

A. practice as an interpreter or perform interpreting services:

(1) for compensation or where compensation could be reasonably expected; or

(2) where effective communication is mandated by state or federal law;

B. use the title of interpreter or make any representation as being an interpreter, or use any other title, abbreviation, letters, figures, signs or devices that indicate the person is licensed to practice interpreting; or

C. advertise or make any representation to the public or in any manner that the person is licensed to provide interpreting services.

History: Laws 2007, ch. 248, § 4.

61-34-5. Exemptions.
The Signed Language Interpreting Practices Act does not apply to:

A. nonresident interpreters working in New Mexico less than thirty calendar days per year;

B. interpreting in religious or spiritual settings;

C. interpreting in informal settings for friends, families or guests;

D. 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;

E. 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; or

F. multilingual interpreting in order to accommodate the personal choice of the consumer.

History: Laws 2007, ch. 248, § 5.

61-34-6. Confidential communication.

A. A communication is confidential when it is not intended to be disclosed to third persons other than those present to further the interest of the person requiring the interpreting.

B. A licensed signed language interpreter shall not disclose confidential information obtained in the course of professional services.

History: Laws 2007, ch. 248, § 6.

61-34-7. Board created.

A. The "signed language interpreting practices board" is created.

B. The board is administratively attached to the department with administrative staff provided by the department.

C. The governor shall appoint the members to serve on the board.

D. The board shall consist of seven members, at least two of whom are from each congressional district, as follows:

(1) two licensed community interpreters and two licensed educational interpreters, at least one of whom is a deaf or hard-of-hearing person;

(2) two deaf, hard-of-hearing, deaf-blind persons who are regular consumers of signed language interpreting services; and

(3) one person representing the general public who has never been a licensed signed language interpreter and has no financial interest in the profession of signed language interpreting.

E. Members shall serve for staggered terms of three years each, except that the initial board shall be appointed so that the terms of three members expire June 30, 2009 and the terms of four members expire June 30, 2010.

F. Vacancies shall be filled by appointment by the governor for the unexpired term within ninety days of the vacancy. Board members shall serve until their successors have been appointed and qualified.

G. Members shall be paid per diem and mileage as provided in the Per Diem and Mileage Act [10-8-1 NMSA 1978] and shall receive no other compensation, perquisite or allowance.

H. No member shall serve more than two consecutive terms. A member failing to attend three meetings, after proper notice, shall be recommended for removal as a board member unless excused for reasons set forth in board rules.

I. The board shall elect a chair and other officers as it deems necessary to administer its duties.

J. The board shall hold at least two meetings annually and additional meetings as the board deems necessary. The additional meetings may be held upon call of the chair or upon written request of four members. Four members of the board, including the public member, constitutes a quorum to conduct business.

History: Laws 2007, ch. 248, § 7.

61-34-8. Board powers and duties.

A. The board shall:

(1) administer and enforce provisions of the Signed Language Interpreting Practices Act [61-34-1 NMSA 1978];

(2) promulgate rules setting forth the qualifications of applicants for licensure and the provisions for the administration of examinations and the issuance, renewal, suspension or revocation of licenses;

(3) evaluate the qualifications of applicants for licensure and issue licenses;

(4) promulgate rules pursuant to the State Rules Act [14-4-1 NMSA 1978] to effectively carry out and enforce the provisions of the Signed Language Interpreting Practices Act;

(5) submit an annual budget for each fiscal year to the department;

(6) maintain a record of all proceedings; and

(7) provide an annual report to the governor.

B. The board may refuse, suspend or revoke a license of an interpreter, conduct investigations, issue subpoenas and hold hearings as provided in the Uniform Licensing Act [61-1-1 NMSA 1978].

History: Laws 2007, ch. 248, § 8.

61-34-9. Requirements for licensure.

A. The board shall issue a license as a community signed language interpreter to a person who:

(1) files a completed application that is accompanied by the required fees; and

(2) submits satisfactory evidence that the person:

(a) has reached the age of majority;

(b) is of good moral character;

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

(d) holds certification under a nationally recognized signed language interpreter's organization or by an equivalent organization as defined by rule of the board.

B. The board shall issue a license as an educational signed language interpreter to a person who:

(1) files a completed application that is accompanied by the required fees; and

(2) submits satisfactory evidence that the person:

(a) has reached the age of majority;

(b) is of good moral character;

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

(d) provides evidence of passing a skill assessment exam as established by rule.

C. The board shall issue 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 as a signed language interpreter pursuant to the Signed Language Interpreting Practices Act [61-34-1 NMSA 1978] if the person:

(1) has completed an interpreter education program or interpreter preparation program; or

(2) is employed as a community signed language interpreter or an educational signed language interpreter at the time that act becomes effective.

History: Laws 2007, ch. 248, § 9.

61-34-10. License renewal.

A. Notwithstanding Subsection B of Section 8 [61-34-8 NMSA 1978] of the Signed Language Interpreting Practices Act, a licensee may renew a license every two years by submitting a completed renewal application provided by the board.

B. The board may require continuing education for license renewal as established by rule.

C. If a 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 a late fee and complying with all renewal requirements. Upon renewal of the license, the licensee may resume practice.

D. The board may issue rules providing for the inactive status of licenses.

History: Laws 2007, ch. 248, § 10.

61-34-11. Fees.

The board may, by rule, establish a schedule of fees as follows:

A. an initial nonrefundable biennial licensure fee not to exceed two hundred fifty dollars ($250);

B. a nonrefundable biennial license renewal fee not to exceed two hundred dollars ($200);

C. an initial nonrefundable annual provisional licensure fee not to exceed two hundred dollars ($200); and

D. an annual nonrefundable provisional licensure renewal fee not to exceed one hundred dollars ($100) limited to five years that the licensee may renew.

History: Laws 2007, ch. 248, § 11.

61-34-12. Uniform licensing act.

The Signed Language Interpreting Practices Act is enforceable according to the procedures set forth in the Uniform Licensing Act [61-1-1 NMSA 1978].

History: Laws 2007, ch. 248, § 12.

61-34-13. Fund created.

A. The "signed language interpreting practices fund" is created in the state treasury.

B. All money received by the board under the Signed Language Interpreting Practices Act shall be deposited with the state treasurer for credit to the signed language interpreting practices fund. The fund consists of fees as provided in the Signed Language Interpreting Practices Act and money received from the telecommunications access fund. The state treasurer shall invest the fund as other state funds are invested. Earnings from investment of the fund shall be credited to the fund. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert.

C. Money in the fund is subject to appropriation by the legislature to be used only for purposes of carrying out the provisions of the Signed Language Interpreting Practices Act.

D. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the superintendent of regulation and licensing.

History: Laws 2007, ch. 248, § 13.

61-34-14. 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.

History: Laws 2007, ch. 248, § 14.

61-34-15. Penalties.
A person who violates a provision of the Signed Language Interpreting Practices Act is guilty of a misdemeanor and upon conviction shall be sentenced pursuant to Section 31-19-1 NMSA 1978.
History: Laws 2007, ch. 248, § 15.

61-34-16. Criminal Offender Employment Act.
The provisions of the Criminal Offender Employment Act [28-2-1 NMSA 1978] shall govern any consideration of criminal records required or permitted by the Signed Language Interpreting Practices Act.
History: Laws 2007, ch. 248, § 16.
61-34-17. Repealed.