

**PROPOSED REGULATION OF THE
AGING AND DISABILITY SERVICES DIVISION OF THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

LCB FILE NO. R016-221

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by the agency submitted on 02/07/2022**

**REVISED PROPOSED REGULATION OF THE
AGING AND DISABILITY SERVICES
DIVISION
OF THE DEPARTMENT OF HEALTH AND HUMAN
SERVICES LCB File No. XXXX**

Date

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY:

A REGULATION relating to *sign language* interpreters and Communication Access Realtime Translation providers; revising requirements relating to the registration and practice of *sign language* interpreters and Communication Access Realtime Translation providers; prescribing ethical standards for *sign language* interpreters; revising the information that *sign language* interpreters and Communication Access Realtime Translation providers who provide services in a school district are required to report to the Aging and Disability Services Division of the Department of Health and Human Services; revising provisions relating to complaints concerning *sign language* interpreters and Communication Access Realtime Translation providers; eliminating certain definitions and professional classification of *sign language* interpreters; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1. Chapter 656A of NAC is hereby amended by adding thereto the definitions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. *“Postsecondary educational setting” has the meaning ascribed to it in NRS656A.XXX*

(As added by SB 179 (2021), Section 1)

Sec. 3. *“Mentoring” means activities facilitated by another person that are individually tailored to improve the skills and knowledge of the sign language interpreter.*

Sec. 4. *“Practice of sign language interpreting” has the meaning ascribed to it in NRS656A.060.*

Sec. 5. *“Interpreter” has the meaning ascribed to it in NRS 656A.100.*

Sec. 6. *“Person who is deaf” has the meaning ascribed to it in NRS 656A.040.*

Sec. 7. *“Person whose hearing is impaired” has the meaning ascribed to it in NRS 656A.050.*

Sec. 8. Chapter 656A of NAC is hereby amended by adding thereto the provisions set forth as sections 9 to 13, inclusive, of this regulation.

Sec. 9. *Professional development must:*

1. Consist of educational activities designed to improve the work performance of a sign language interpreter; and

2. Be related to language, linguistics, culture, ethics, theory of interpreting, skills for Interpreting, or a topic specific to the work of the sign language interpreter.

Sec. 10. *A sign language interpreter shall:*

(a) Maintain the confidentiality of communication with persons to whom he or she provides services;

- (b) Engage in the practice of sign language interpreting only in situations for which the sign language interpreter possesses the necessary professional skills and knowledge;*
- (c) Conduct himself or herself in a manner appropriate for each situation in which the sign language interpreter engages in the practice of sign language interpreting;*
- (d) Demonstrate respect for persons to whom the sign language interpreter provides services, colleagues, interns and students; and*
- (e) Engage in ethical business practices.*

Sec. 11. *The Division may approve a recognized sign language interpreter or transliterator certification for the purposes of NAC 656A.240 as amended by section 24 and 656A.290 as amended by section 25 of this regulation if the organization that issues the certification prescribes a process by which a person may submit a grievance against the holder of a certification and requires, as a condition of certification, that a person:*

1. Achieve a passing score on:

- (a) An examination of knowledge and ethics that is psychometrically valid and reliable; and*
- (b) An examination of sign language interpreting performance or transliterating performance, as applicable, that is psychometrically valid and reliable; and*

2. Complete an average of at least 20 hours of professional development pursuant to section 9 of this regulation each year.

Sec. 12. *The Division may approve a recognized sign language interpreter training program for the purposes of NAC 656A.240 as amended by section 24, and section 13 of this regulation if the institution that provides the program is an accredited college or university, and requires,*

as a condition of completion of the program, that the student successfully completes all coursework including field experience providing authentic sign language interpreting services under supervision.

Sec. 13. 1. *To apply for and maintain registration as a student sign language interpreter, a person must:*

(a) Have at least a high school diploma or a general equivalency diploma; and

(b) Be currently enrolled in a recognized sign language interpreter training program course that requires field experience providing authentic sign language interpreting services under supervision.

2. *A student sign language interpreter shall not:*

(a) Engage in the practice of sign language interpreting in a legal setting; and

(b) Engage in the practice of sign language interpreting without direct supervision of a professional sign language interpreter.

3. *A student sign language interpreter registration will expire upon the completion of the course and must be renewed with each course requiring field experience providing authentic sign language interpreting services.*

Sec. 14. NAC 656A.010 is hereby amended to read as follows:

656A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC ~~[656A.020]~~ 656A.030 to ~~[656A.205,]~~ 656A.175, inclusive, *and sections 2 to 7, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 15. NAC 656A.055 is hereby amended to read as follows:

656A.055 “Certifying body” means the ~~[state or national]~~ organizations that ~~[certifies]~~ *certify sign language* interpreters *or transliterators*, or Communication Access Realtime Translation providers.

Sec. 16. NAC 656A.075 is hereby amended to read as follows:

656A.075 “Contact hour” means not less than 50 minutes and not more than 60 minutes of participation in ~~[continuing education.]~~ *professional development pursuant to section 9 of this regulation.*

Sec. 17. NAC 656A.095 is hereby amended to read as follows:

656A.095 “Educational Interpreter Performance Assessment” means the assessment administered by the Boys Town National Research Hospital ~~[located in Omaha, Nebraska]~~, which specifically ~~[addresses]~~ *assesses* the knowledge and skills of *sign language* interpreters working in a ~~[n]~~ *primary or secondary* educational setting. ~~[and employing:~~

- ~~—1.— American Sign Language;~~
- ~~—2.— Manually Coded English; or~~
- ~~—3.— Pidgin Signed English.]~~

Sec. 18. NAC 656A.100 is hereby amended to read as follows:

NAC 656A.100 “Educational ~~[Interpreters]~~ *Interpreter Performance Assessment Written Knowledge [Assessment?] Test*” means the ~~[written]~~ *knowledge test* portion of the ~~[assessment]~~ *Educational Interpreter Performance Assessment* administered by the Boys Town National Research Hospital ~~[in Omaha, Nebraska]~~.

Sec. 19. NAC 656A.105 is hereby amended to read as follows:

656A.105 “*Primary or Secondary* ~~[E]~~educational setting” has the meaning ascribed to it in NRS 656A.XXX. ~~[The term does not include a college or university.]~~ The term also includes a prekindergarten program in a public school.

Sec. 20. NAC 656A.115 is hereby amended to read as follows:

656A.115 “Good standing” means ~~[being a current member and]~~ being in compliance with the ~~[continuing education requirements]~~ *certification maintenance requirements* of a certifying body.

Sec. 21. NAC 656A.220 is hereby amended to read as follows:

656A.220 1. Except as otherwise provided in subsection 2 ~~[and NRS 656A.070]~~, any person who provides *sign language* interpreting, Communication Access Realtime Translation or realtime captioning services in this State shall:

(a) Register with the Division ~~[on a form]~~ *via electronic platform* provided by the Division pursuant to NRS 656A.100 or 656A.400, as appropriate;

(b) Provide proof of compliance with the requirements for each professional classification set forth in NAC 656A.230 to ~~[656A.310]~~ *656A.290*, inclusive, pursuant to which the applicant will be engaged;

(c) Operate only within the professional classifications for which he or she is registered;

(d) Comply with the provisions of this chapter and chapter 656A of NRS; and

(e) Comply with ~~[code of ethics of the appropriate certifying body]~~ *the ethical standards as prescribed by the Division pursuant to section 10 of this regulation.*

2. The provisions of this section may be temporarily waived by the Division when an emergency has been declared by a governmental entity or for good cause.

Sec. 22. NAC 656A.225 is hereby amended to read as follows:

656A.225 1. Each *sign language* interpreter or Communication Access Realtime Translation provider who provides services for a school district in this State shall report to the Division:

(a) His or her name;

~~—(b) The modality he or she uses to provide services;~~

~~(c) Each grade level he or she serves;]~~

~~(d)~~ (b) The name, telephone number and electronic mail address of his or her direct supervisor; and

~~—(e)~~ (c) Any other information requested by the Division.

2. Each *sign language* interpreter or Communication Access Realtime Translation provider required to submit a report pursuant to subsection 1 shall submit the report ~~{on a form}~~ *via electronic platform* prescribed by the Division within 30 days after the date on which the *sign language* interpreter or Communication Access Realtime Translation provider begins serving pupils in the school district.

3. Each *sign language* interpreter or Communication Access Realtime Translation provider required to submit a report pursuant to subsection 1 shall report, ~~{on a form}~~ *via electronic platform* prescribed by the Division, any changes in the information required to be reported pursuant to subsection 1 within 30 days after the change occurs.

Sec. 23. NAC 656A.230 is hereby amended to read as follows:

NAC 656A.230 1. To apply for ~~{and maintain}~~ *or renew* registration as a Communication Access Realtime Translation provider or realtime captioning provider, a person must:

(a) Have at least a high school diploma or a general equivalency diploma.

(b) Hold certification in good standing from:

(1) The Certified Court Reporters' Board of Nevada pursuant to chapter 656 of NRS; *or*

~~[(2) The National Court Reporters Association as a:~~

~~———— (I) Registered Professional Reporter;~~

~~———— (II) Certified Communication Access Realtime Translation Provider;~~

~~———— (III) Certified Broadcast Captioner; or~~

~~———— (IV) Certified Realtime Reporter; or]~~

~~(3)~~ **(2)** Any other state *or national* licensing board with a minimum of skills assessment of 200 words per minute or more.

2. A Communication Access Realtime Translation provider or realtime captioning provider shall accept each assignment with due caution and care commensurate with his or her skills and experience.

3. A Communication Access Realtime Translation provider or realtime captioning provider who works solely as a broadcast captioner is not required to register with the Division or comply with the provisions of this chapter or chapter 656A of NRS.

Sec. 24. NAC 656A.240 is hereby amended to read as follows:

656A.240 1. To apply for and maintain registration as a ~~[n-interpreter in a]~~ community ~~[setting as a apprentice level]~~ *sign language* interpreter, a person must *have*:

(a) ~~[Have a]~~ At least ~~[a high school diploma or a general equivalency diploma]~~ *the following education:*

(1) For an initial application filed before August 1, 2023 a high school diploma or general equivalency diploma from an accredited institution.

(2) For an initial application filed on or after August 1, 2023, a bachelor's degree from an accredited institution.

~~(b) [Be a person who is deaf or hard of hearing in the process of becoming a certified deaf interpreter through the Registry of Interpreters for the Deaf or have successfully completed an accredited interpreter preparation program.] at least one of the following:~~

~~(1) A nationally recognized sign language interpreter or transliterator certification in good standing; or~~

~~(2) A score of 4.0 or higher on the Educational Interpreter Performance Assessment, and successfully passed a nationally recognized sign language interpreter certification knowledge examination.~~

~~[(c) Hold in good standing:~~

~~—(1) Level 2 certification from the National Association of the Deaf;~~

~~—(2) Level II certification from the American Consortium of Certified Interpreters;~~

~~or~~

~~—(3) A score of 3.5 to 3.9 on the Educational Interpreter Performance Assessment.~~

~~—(d) Participate in the Associate Continuing Education Tracking program, with at least 75 contact hours of continuing education every 3 years, or maintain a professional development plan provided by the Division.~~

~~—(e) Except as otherwise provided in this paragraph, participate a plan of mentoring, with at least 40 hours of mentoring every 3 years, with a mentor, who is certified with the Registry of Interpreters for the Deaf. A person who is not certified with the Registry of Interpreters for the Deaf but who is deemed by the Division to be competent in American Sign Language and to be knowledgeable about the deaf culture may serve as a mentor if he or she has passed the written portion of the Educational Interpreter Performance Assessment or the exam provided by the Registry of Interpreters for the Deaf, is able to show proof of completion of a course in~~

~~mentorship training which has been approved by the Division or holds an associate's degree or a higher degree in interpretation, English or a related field from an accredited college or university. A mentor must have a working knowledge of English, American Sign Language and any other relevant languages, and a working knowledge of interpreting methodologies, the interpreter code of ethics and other skills salient to the mentoring relationship. The plan of mentoring must be signed by the apprentice level interpreter and his or her mentor. Any hours of mentoring which exceed the 40 hours of mentoring required pursuant to this paragraph may be applied toward the hours of continuing education the apprentice level interpreter is required to complete.~~

~~—2.— If an apprentice level interpreter is not required to have continuing education units by his or her certifying body, the interpreter must participate in a professional development plan provided by the Division.~~

~~—3.— An apprentice level interpreter shall not engage in the practice of interpreting in a medical or legal setting.~~

~~—4.— An apprentice level interpreter shall only accept assignments:~~

~~—(a) In which the apprentice is teamed with or accompanied by a certified interpreter at the skilled level or above; and~~

~~—(b) With due caution and care commensurate with his or her skills and experience.]~~

2. A community sign language interpreter shall:

(a) only accept assignments in community settings unless he or she is registered to practice sign language interpreting in a primary or secondary educational setting pursuant to NAC 656A.290 as amended by section 25 of this act;

(b) accept assignments with due caution and care commensurate with his or her skills and experience; and

(c) maintain his or her certification through his or her certifying body or participate in 20 contact hours of professional development annually if no professional development is required through the credentialing body.

3. A person may apply for provisional status if he or she has:

(a) At least the following education:

(1) For an initial application filed before August 1, 2023, a high school diploma or general equivalency diploma from an accredited institution.

(2) For an initial application filed on or after August 1, 2023, an associate's degree from an accredited institution.

(b) Successfully passed a nationally recognized sign language interpreter certification knowledge examination; and

(c) Have at least one of the following:

(1) A score of at least 3.5 on the Educational Interpreter Performance Assessment;

(2) Recognized sign language interpreter or transliterator certification in good standing; or

(3) A degree certificate from an accredited sign language interpreter training program approved by the Division.

4. A provisional community sign language interpreter shall only accept assignments in community settings unless he or she is registered to practice sign language interpreting in a primary or secondary educational setting pursuant to NAC 656A.290 as amended by section 25 of this act.

5. A provisional community sign language interpreter may renew his or her provisional status

by providing, without limitation, proof of:

(a) Participation in professional development with at least 20 contact hours annually; and

(b) Participation in at least 20 contact hours of mentoring annually.

6. A provisional community sign language interpreter shall not:

(a) Engage in the practice of sign language interpreting in a legal setting; and

(b) Maintain provisional registration for more than a total of 5 years, including renewals.

Sec. 25. NAC 656A.290 is hereby amended to read as follows:

NAC 656A.290 1. To apply for and maintain registration as a ~~an interpreter in an~~ *primary or secondary* educational ~~setting as an apprentice level~~ *sign language* interpreter, a person must *have:*

(a) ~~Have a~~ *At least* ~~a high school diploma or a general equivalency diploma~~ *the following education:*

(1) For an initial application filed before August 1, 2023, a high school diploma or general equivalency diploma from an accredited institution.

(2) For an initial application filed on or after August 1, 2023, a bachelor's degree from an accredited institution;

(b) ~~Hold in good standing a score of 3.0 on the Educational Interpreter Performance Assessment or achieve a comprehension skill level of 3 on the Educational Sign Skills Evaluation which is valid for 1 year after registration.~~ *Passed the written knowledge portion of the Educational Interpreter Performance Assessment; and*

(c) ~~[On or after August 13, 2012, have passed the portion of the Educational Interpreter Performance Assessment.]~~ *At least one of the following:*

- (1) *A score of 4.0 or higher on the Educational Interpreter Performance Assessment; or*
- (2) *A nationally recognized sign language interpreter or transliterator certification in good standing.*

~~[(d) Except as otherwise provided in this paragraph, participate a plan of mentoring, with at least 40 hours of mentoring every 3 years, with a mentor who is registered at an advanced level pursuant to NAC 656A.310. If the mentor does not reside in this State, he or she is not required to be registered pursuant to this chapter and chapter 656A of NRS, but he or she must possess the appropriate certification status as an intermediate interpreter pursuant to NAC 656A.300 or an advanced interpreter pursuant to NAC 656A.310. A person who is not certified with the Registry of Interpreters for the Deaf but who is deemed by the Division to be competent in American Sign Language and to be knowledgeable about the deaf culture may serve as a mentor if he or she has passed the written portion of the Educational Interpreter Performance Assessment or the exam provided by the Registry of Interpreters for the Deaf, is able to show proof of completion of a course in mentorship training which has been approved by the Division or holds an associate's degree or a higher degree in interpretation, English or a related field from an accredited college or university. A mentor must have a working knowledge of English, American Sign Language and any other relevant languages, and a working knowledge of interpreting methodologies, the interpreter code of ethics and other skills salient to the mentoring relationship. The plan of mentoring must be signed by the apprentice level interpreter and the mentor. Any hours of mentoring which exceed the 40 hours of mentoring required pursuant to this paragraph may be~~

~~applied toward the hours of professional development the apprentice level interpreter is required to complete.~~

~~—(e) Have a professional development plan, prepared on a form provided by his or her local school district and approved in writing by his or her supervisor, which includes specific goals for professional development as an interpreter and includes 75 contact hours of continuing education every 3 years.~~

~~—2. If an apprentice level interpreter is not required to have continuing education units by his or her certifying body, the interpreter must participate in a professional development plan provided by the Division.~~

~~—3. An apprentice level interpreter is not qualified to engage in the practice of interpreting in a community setting without holding the appropriate professional certification as set forth in NAC 656A.240 to 656A.270, inclusive.~~

~~—4. Except as otherwise provided in this subsection, an apprentice level interpreter may only engage in the practice of interpreting in the grade levels for which he or she is assessed. An apprentice level interpreter may engage in the practice of interpreting in a grade level for which he or she is not assessed if:~~

~~—(a) The apprentice level interpreter is acting as a substitute interpreter, but he or she may not do so for more than 10 consecutive working days.~~

~~—(b) An interpreter is required pursuant to a pupil's individualized education program, as defined in NRS 388.524, and if the school has documentation showing that a reasonable attempt to find interpreting services for the pupil was made.~~

~~—5. Except as otherwise provided in this subsection, an apprentice level interpreter may only engage in the practice of interpreting in a modality for which he or she is assessed. An apprentice~~

~~level interpreter may engage in the practice of interpreting in a modality for which he or she is not assessed if:~~

~~—(a) The apprentice level interpreter is acting as a substitute interpreter, but he or she may not do so for more than 5 consecutive working days.~~

~~—(b) An interpreter is required pursuant to a pupil's individualized education program, as defined in NRS 388.524, and if the school has documentation showing that a reasonable attempt to find interpreting services for the pupil was made.]~~

2. A primary or secondary educational sign language interpreter shall:

(a) only accept assignments in primary or secondary educational settings unless he or she is registered to practice sign language interpreting in a community setting pursuant to NAC 656A.240 as amended by section 24 of this act;

(b) accept assignments with due caution and care commensurate with his or her skills and experience; and

(c) maintain his or her certification through his or her certifying body or participate in 20 contact hours of professional development annually if no professional development is required through the credentialing body.

3. A person may apply for provisional status if he or she has:

(a) At least the following education:

(1) For an initial application filed before August 1, 2023, a high school diploma or general equivalency diploma from an accredited institution.

(2) For an initial application filed on or after August 1, 2023, an associate's degree from an accredited institution.

(b) Passed the written knowledge portion of the Educational Interpreter

Performance Assessment; and

(c) At least one of the following:

(1) A score of at least 3.5 on the Educational Interpreter

Performance Assessment; or

(2) Recognized sign language interpreter or transliterator certification in good standing.

4. A provisional primary or secondary educational sign language interpreter shall only accept assignments in primary or secondary educational settings unless he or she is registered to practice sign language interpreting in a community setting pursuant to NAC 656A.240 as amended by section 24 of this act.

5. A provisional primary or secondary educational sign language interpreter may renew his or her provisional status by providing, without limitation, proof of:

(a) Participation in professional development with at least 20 contact hours annually; and

(b) Participation in at least 20 contact hours of mentoring annually.

6. A provisional primary or secondary educational sign language interpreter shall not maintain provisional registration for more than a total of 5 years, including renewals.

Sec. 26. NAC 656A.320 is hereby amended to read as follows:

656A.320 1. Registration with the Division as a ~~an~~ *sign language* interpreter or Communication Access Realtime Translation provider must be renewed ~~[-~~

~~——(a) If the person is certified as an interpreter or Communication Access Realtime Translation provider, every 5 years on a form prescribed by the Division.~~

~~——(b) If the person is not certified as an interpreter or Communication Access Realtime Translation provider, every 3 years on a form prescribed by the Division.] on or before August 1 of each year.~~

2. If a person fails to renew his or her registration pursuant to subsection 1 ~~[not later than 90 days after the end of the period prescribed in subsection 1.]~~ *on or before August 31*, the registration expires.

3. A ~~[n]~~ *sign language* interpreter ~~[and]~~ *or* Communication Access Realtime Translation provider shall inform the Division of any changes in contact information or in his or her assessment *score* or certification status. The Division may revoke the registration of a ~~[n]~~ *sign language* interpreter or Communication Access Realtime Translation provider whose certification is revoked by his or her certifying body.

~~[4. An interpreter or Communication Access Realtime Translation provider may, within 2 years after revocation of his or her registration pursuant to this section, request that the Division restore the registration.]~~

Sec. 27. NAC 656A.600 is hereby amended to read as follows:

The Division may initiate disciplinary action against a ~~[n]~~ *sign language* interpreter or Communication Access Realtime Translation provider, or may deny the issuance or renewal of his or her registration if the Division finds, after providing notice and a hearing, that the *sign language* interpreter or Communication Access Realtime Translation provider:

1. Willfully and intentionally made a false or fraudulent statement or submitted a forged or false document to the Division;

2. Performed *sign language* interpreting or Communication Access Realtime Translation services which were not delivered properly according to the classification pursuant to which he or she is registered;
3. Provided *sign language* interpreting or Communication Access Realtime Translation services when he or she did not have the ability to provide such services with reasonable skill and safety;
4. Provided *sign language* interpreting and Communication Access Realtime Translation services in a negligent manner;
5. Failed to obey an order or regulation of the Division or an investigative committee of the Division, which related to the provision of *sign language* interpreting or Communication Access Realtime Translation;
6. Is not competent to provide the services required of a ~~n~~ *sign language* interpreter or Communication Access Realtime Translation provider;
7. Has been convicted of a felony or any offense involving moral turpitude in the past 10-year period;
8. Failed to submit any report required pursuant to NAC 656A.225; or
9. Has had disciplinary action taken against him or her in another jurisdiction or by another board that regulates the practice of *sign language* interpreting or Communication Access Realtime Translation if the disciplinary action was taken against the *sign language* interpreter or Communication Access Realtime Translation provider in his or her capacity as the holder of a certification which authorizes him or her to provide *sign language* interpreting or Communication Access Realtime Translation services.

Sec. 28. NAC 656A.610 is hereby amended to read as follows:

656A.610 1. If the Division or a recipient of services from a ~~an~~ *sign language* interpreter or Communication Access Realtime Translation provider, who is party to and aware of any act or circumstance that constitutes grounds for disciplinary action against a ~~an~~ *sign language* interpreter or Communication Access Realtime Translation provider, desires to pursue disciplinary action against that *sign language* interpreter or Communication Access Realtime Translation provider, the person must file a complaint with the Division specifying the charge against the *sign language* interpreter or Communication Access Realtime Translation provider. A complaint may not be accepted from a recipient of *sign language* interpreting or Communication Access Realtime Translation services who knowingly and willingly used an unregistered *sign language* interpreter or Communication Access Realtime Translation provider.

2. Unless the Division determines that a complaint is without merit, the Division will:

(a) ~~Direct~~ *Advise the complainant to direct* the complaint to the ~~complainant's~~ certifying body *of the sign language interpreter or Communication Access Realtime Translation provider, as applicable;*

(b) Assign an investigative committee to determine whether a charge against a ~~an~~ *sign language* interpreter or Communication Access Realtime Translation provider justifies disciplinary action;

~~[(c) Utilize the services of a mediator certified by the Registry of Interpreters for the Deaf to resolve complaints between parties;]~~ or

~~[(d)]~~ (c) Intervene on behalf of the complainant and the *sign language* interpreter or Communication Access Realtime Translation provider, as appropriate, if they agree to the intervention.

3. The Division will assign to the investigative committee pursuant to paragraph (b) of subsection 2 one ~~[program specialist]~~ *employee* from the Division, one person who is deaf or hard of hearing and one ~~[service provider]~~ *sign language interpreter, or Communication Access Realtime Translation provider* who is registered with the Division. Each member of the investigative committee will be required to sign a confidentiality agreement and must not have a conflict of interest in the outcome of the investigation.

4. Before assigning the complaint to an investigative committee, the Division must provide the *sign language* interpreter or Communication Access Realtime Translation provider, as applicable, with a copy of the complaint. If the Division determines that a complaint is without merit, the Division may provide the *sign language* interpreter or Communication Access Realtime Translation provider with a copy of the complaint, including the name of the person who filed the complaint.

5. Following an investigation, the investigative committee will present its evaluation and recommendations to the Division. The Division will review the findings of the committee to determine whether to take further action against the *sign language* interpreter or Communication Access Realtime Translation provider.

6. If the Division determines after investigation that a ~~[a]~~ *sign language* interpreter or Communication Access Realtime Translation provider has violated the provisions of this chapter or [chapter 656A](#) of NRS, and there is no certifying body to report to, the Division will notify the Attorney General of its findings and any disciplinary action taken.

7. A member of the Division who participates in an investigation will not participate in the review conducted or in a subsequent hearing or action which is related to the investigation.

Sec. 29. NAC 656A.620 is hereby amended to read as follows:

656A.620 1. If the Division proceeds with disciplinary action against a ~~an~~ *sign language* interpreter or Communication Access Realtime Translation provider, it will set a time and place for a disciplinary hearing. The Division will notify the *sign language* interpreter or Communication Access Realtime Translation provider of:

- (a) The specific complaint against the *sign language* interpreter or Communication Access Realtime Translation provider;
- (b) The time and place set for the disciplinary hearing;
- (c) The date set for resolution of the complaint; and
- (d) The sanctions which the Division may impose for the conduct in which the *sign language* interpreter or Communication Access Realtime Translation provider allegedly engaged.

2. The Division will serve the notice not less than 20 days before the date set for the disciplinary hearing, and will serve notice in the manner set forth in NAC 656A.630.

3. During a disciplinary hearing conducted pursuant to this section:

- (a) Formal rules of evidence will not be applied;
- (b) Proof of actual injury need not be established; and
- (c) The Division will consider a certified copy of the record of a court or a certifying body showing a conviction, plea of nolo contendere, or the suspension, revocation, limitation, modification, denial or surrender of certification to practice as a ~~an~~ *sign language* interpreter or Communication Access Realtime Translation provider as conclusive evidence of its occurrence.

Sec. 30. NAC 656A.630 is hereby amended to read as follows:

656A.630 The Division will cause the notice required pursuant to NAC 656A.620 to be made either in person or by registered or certified mail, return receipt requested, and addressed to the

sign language interpreter or Communication Access Realtime Translation provider, and the school district in which he or she works, if applicable, at the last known address of each person. If service cannot be made in person and if notice by mail is returned as undelivered, the Division will publish notice once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the *sign language* interpreter or Communication Access Realtime Translation provider or, if no newspaper is published in the county, in a newspaper widely distributed in that county.

Sec. 31. NAC 656A.640 is hereby amended to read as follows:

656A.640 1. If the Division determines that a ~~an~~ *sign language* interpreter or Communication Access Realtime Translation provider has engaged in an activity for which disciplinary action is authorized pursuant to NAC 656A.600, the Division will issue an order:

(a) Placing the *sign language* interpreter or Communication Access Realtime Translation provider on probation with the Division for a specified period of time, according to any conditions set forth in the order;

(b) Placing a limitation on the registration of the *sign language* interpreter or Communication Access Realtime Translation provider;

(c) Suspending the registration of the *sign language* interpreter or Communication Access Realtime Translation provider for a specified period of time or until the Division orders his or her registration to be reinstated;

(d) Revoking the registration of the *sign language* interpreter or Communication Access Realtime Translation provider; or

(e) Requiring the *sign language* interpreter or Communication Access Realtime Translation provider to sign a plan of correction developed by the Division that:

(1) Describes the actions to be taken by the *sign language* interpreter or Communication Access Realtime Translation provider to correct deficiencies; and

(2) Specifies the date by which those deficiencies must be corrected.

2. If the Division determines that a ~~an~~ *sign language* interpreter or Communication Access Realtime Translation provider has engaged in an activity for which disciplinary action is authorized pursuant to NAC 656A.600, the Division may issue an order imposing an administrative fine in accordance with NAC 656A.600. If the Division determines that a ~~an~~ *sign language* interpreter or Communication Access Realtime Translation provider has engaged in an activity for which disciplinary action is required pursuant to NAC 656A.600, the Division will issue an order imposing an administrative fine or suspending the registration of the *sign language* interpreter or Communication Access Realtime Translation provider in accordance with NAC 656A.600.

3. An order of the Division which limits the ability of a ~~an~~ *sign language* interpreter or Communication Access Realtime Translation provider to provide *sign language* interpreting or Communication Access Realtime Translation services or revokes his or her registration is effective from the date the Division certifies the order until the date the order is modified or reversed by the Division.

4. The Division may, in an emergency, impose a ban on a ~~an~~ *sign language* interpreter or Communication Access Realtime Translation provider and suspend his or her registration without notice or upon oral notice. In any case where sanctions are imposed without written notice, the Division shall provide written notice to the *sign language* interpreter or Communication Access Realtime Translation provider within 48 hours after the imposition of the sanctions.

5. For the purposes of chapter 233B of NRS, a decision of the Division pursuant to this section is a final decision.

6. In addition to any other action, if the Division determines that a ~~an~~ *sign language* interpreter or Communication Access Realtime Translation provider is engaging in unlawful or unauthorized conduct, the Division will take any appropriate action authorized by law to prevent such conduct.

Sec. 32. NAC 656A.650 is hereby amended to read as follows:

656A.650 1. A ~~an~~ *sign language* interpreter or realtime captioning provider whose registration to engage in the practice of *sign language* interpreting or Communication Access Realtime Translation has been limited, suspended or revoked pursuant to NAC 656A.640 may apply to the Division to remove the limitation or to restore or reinstate his or her registration.

2. Such an applicant has the burden of proving by clear and convincing evidence that the applicant has complied with all of the terms and conditions set forth in the final order of the Division and that the applicant is capable of practicing as a ~~an~~ *sign language* interpreter or realtime captioning provider with reasonable skill. The Division will not remove a limitation or restore or reinstate a registration pursuant to this section until it is satisfied that the applicant has met this burden of proof.

3. In addition to the requirements of subsection 2, a ~~an~~ *sign language* interpreter or Communication Access Realtime Translation provider whose registration has been suspended or revoked pursuant to NAC 656A.640 must submit an application to the Division pursuant to NAC 656A.220 and successfully complete the application process required of new applicants.

Sec. 33. NAC 656A.020, 656A.025, 656A.035, 656A.045, 656A.050, 656A.070, 656A.080, 656A.085, 656A.110, 656A.120, 656A.130, 656A.140, 656A.145, 656A.150, 656A.155,

656A.160, 656A.165, 656A.170, 656A.180, 656A.185, 656A.190, 656A.195, 656A.200,
656A.205, 656A.250, 656A.260, 656A.270, 656A.280, 656A.300, and 656A.310 are hereby
repealed.