



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1277

Introduced 2/20/2007, by Rep. Sara Feigenholtz - Angelo Saviano

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 80/4.19b new

5 ILCS 80/4.28 new

30 ILCS 105/5.675 new

735 ILCS 5/8-911

from Ch. 110, par. 8-911

735 ILCS 5/8-912 new

745 ILCS 49/63 new

Creates the Interpreter for the Deaf Licensure Act of 2007 to replace the Interpreters for the Deaf Act. Provides for the regulation of interpreters for the deaf through licensure by the Deaf and Hard of Hearing Commission. Establishes the Board of Interpreters. Preempts home rule. Amends the Regulatory Sunset Act to set a repeal date of January 1, 2009 for the Interpreters for the Deaf Act and January 1, 2018 for the Interpreter for the Deaf Licensure Act of 2007. Amends the State Finance Act to create the Interpreters for the Deaf Fund. Amends the Code of Civil Procedure to add a provision concerning privileged communications involving interpreters for the hearing impaired. Amends the Good Samaritan Act to provide an exemption from civil liability for sign language interpreters who provide sign language interpreting services to a person in an emergency. Effective July 1, 2007.

LRB095 09605 RAS 29805 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Interpreter for the Deaf Licensure Act of 2007.

6 Section 5. Purpose. The practice of interpreting for the
7 deaf in the State of Illinois is hereby declared to affect the
8 public health, safety, and welfare and to be subject to
9 regulation in the public interest. It is further declared to be
10 a matter of public interest and concern that the practice of
11 interpreting for the deaf merit and receive the confidence of
12 the public.

13 The purpose of this Act is to protect and benefit the deaf
14 and hard of hearing consumers by setting standards of
15 qualifications, education, training, and experience for those
16 who represent themselves as interpreters for the deaf and hard
17 of hearing, to promote high standards of professional
18 performance for those licensed as interpreters for the deaf,
19 and to protect the deaf and hard of hearing consumers from
20 unprofessional conduct by persons licensed to practice.

21 Section 10. Definitions. In this Act:

22 "Accepted certificate" means a certificate required for

1 licensure that is issued by the Commission, National
2 Association for the Deaf, Registry of Interpreters for the
3 Deaf, Testing Evaluation and Certification Unit Inc.
4 (TECUnit), or any other certifying entities authorized by rule.

5 "American Sign Language (ASL)" means a visual-gestural
6 language that is recognized and accepted as linguistically
7 independent from English language and has its own syntax,
8 rhetoric, and grammar that is recognized, accepted, and used by
9 many deaf Americans.

10 "Board" means the Board of Interpreters for the Deaf as
11 established within the Illinois Deaf and Hard of Hearing
12 Commission.

13 "Commission" means the Illinois Deaf and Hard of Hearing
14 Commission.

15 "Consumer" means any individual with or without a hearing
16 loss who is the recipient of interpreter services.

17 "Cued speech" means a phonetically based hand supplement to
18 speech reading that is independent of all sign language
19 modalities. It is a system of hand shapes that represents
20 groups of consonant sounds, combined with hand placements that
21 represent groups of vowel sounds, used with natural speech to
22 represent a visual model of spoken language.

23 "Deaf" means any person who, because of the severity of a
24 hearing loss, is not able to discriminate speech when spoken in
25 a normal conversational tone regardless of the use of
26 amplification devices and whose primary means of receiving

1 spoken communication is through visual input, including but not
2 limited to, American Sign Language, speech reading, sign
3 systems, tactile sign, fingerspelling, reading, or writing.

4 "Director" means the Director of the Illinois Deaf and Hard
5 of Hearing Commission.

6 "Educational interpreter" means any person, including
7 those with a hearing loss, who provides deaf or hard of hearing
8 interpreting services in all educational environments under
9 the regulatory authority of the State Board of Education.

10 "Hard of hearing" means any person who, because of a
11 hearing loss, finds hearing difficult, but does not preclude
12 the understanding of spoken communication through the ear
13 alone, regardless of the use of amplification devices or
14 assistive devices, and whose primary means of receiving spoken
15 communication is through visual or auditory input, including,
16 but not limited to, assistive devices, speech reading, sign
17 language, fingerspelling, reading, or writing.

18 "Hearing" means any person who does not have a hearing
19 loss.

20 "Interpreter for the deaf" means any person who offers to
21 render deaf or hard of hearing interpreting services implying
22 that he or she is trained and experienced in interpreting for
23 the deaf and holds a license to practice interpreting for the
24 deaf in this State.

25 "Interpreting" means the interpreting or transliterating
26 of English language concepts to any communication modes of the

1 deaf or hard of hearing consumer or the interpreting or
2 transliterating of the communication modes of the deaf and hard
3 of hearing consumers to English language concepts.
4 Communication modes include, but are not limited to, American
5 Sign Language, cued speech, oral, tactile sign, and persons
6 with language deficient skills.

7 "Language deficient" means modes of communication used by
8 deaf individuals who lack crucial language components,
9 including, but not limited to, vocabulary, language concepts,
10 expressive skills, language skills, and receptive skills.

11 "License" or "licensure" means the authorization to
12 practice interpreting by the Commission under the provisions of
13 this Act.

14 "Oral" means the mode of communication having
15 characteristics of speech, speech reading, and residual
16 hearing as a primary means of communication using situational
17 and culturally appropriate gestures, without the use of sign
18 language.

19 "Practice of interpreting" means rendering or offering to
20 render or supervise those who render to individuals, couples,
21 groups, organizations, institutions, corporations, schools,
22 government agencies, or the general public any interpreting
23 service involving the interpreting of any mode of communication
24 used by a deaf or hard of hearing consumer to English language
25 concepts or of an English language consumer to a mode of
26 communication used by a deaf or hard of hearing consumer.

1 "Tactile sign" means mode of communication, used by deaf
2 and blind individuals, using any one or a combination of
3 tactile sign or constricted space signing.

4 "Transliterating" means the process of conveying a message
5 from either spoken language into a manually coded language or
6 from a manually coded language into a spoken language.

7 Section 15. Licensure requirement.

8 (a) On or after the date of January 1, 2009, no person
9 shall practice as an interpreter for the deaf or hold herself
10 or himself out as being an interpreter for the deaf or render
11 deaf or hard of hearing interpreting services in this State
12 unless he or she is licensed in accordance with the provisions
13 of this Act.

14 (b) The provisions of the Act shall not be construed to
15 invalidate the requirement that interpreters continue to
16 register pursuant to the Interpreters for the Deaf Act prior to
17 the effective date of this Act.

18 (c) Beginning January 1, 2009, the Commission shall cease
19 to register interpreters pursuant to the Interpreters for the
20 Deaf Act. After that date, applicants shall apply for a license
21 to practice as an interpreter for the deaf and shall meet the
22 requirements set forth in this Act.

23 Section 20. Unlicensed practice; violation; administrative
24 fine.

1 (a) Any person who practices, offers to practice, attempts
2 to practice, or holds himself or herself out to practice as an
3 interpreter for the deaf without being licensed or exempt under
4 this Act shall, in addition to any other penalty provided by
5 law, pay an administrative fine to the Commission in an amount
6 not to exceed \$2,500 for each offense as determined by the
7 Commission. The administrative fine shall be assessed by the
8 Commission after a hearing is held in accordance with the
9 provisions set forth in this Act regarding the provision of a
10 hearing for the discipline of a licensee and shall be deposited
11 in the Interpreters for the Deaf Fund.

12 (b) The Commission has the authority and power to
13 investigate any and all actual, alleged, or suspected
14 unlicensed activity.

15 (c) The administrative fine shall be paid within 60 days
16 after the effective date of the order imposing the
17 administrative fine. The order shall constitute a judgment and
18 may be filed and executed in the same manner as any judgment
19 from any court of record.

20 Section 25. Exemptions. The following do not constitute
21 violations of this Act:

22 (1) Persons interpreting in religious activities.

23 (2) Persons rendering interpreting services in cases
24 of emergency, as provided in the Good Samaritan Act.

25 (3) Persons currently enrolled in a course of study

1 leading to a certificate or degree in interpreting,
2 provided that such persons engage only in activities and
3 services that constitute a part of a supervised course of
4 study and clearly designate themselves as student,
5 trainee, or intern.

6 (4) Persons working as an educational interpreter in
7 compliance with the rules established by the State Board of
8 Education.

9 (5) Persons interpreting pro bono where circumstances
10 do not allow for the fulfillment of the requirements for
11 licensure under this Act and where the services of a
12 qualified interpreter are not required under State or
13 federal law, including, but not limited to, the Illinois
14 Human Rights Act, the federal Americans with Disabilities
15 Act, Section 504 of the federal Rehabilitation Act of 1973,
16 or the regulations adopted under those Acts.

17 Section 30. Application for licensure.

18 (a) An application for licensure as an interpreter for the
19 deaf shall be made to the Commission on forms prescribed by the
20 Commission and accompanied by the appropriate documentation
21 and the required non-refundable fee. All applications shall
22 contain information that, in the judgment of the Commission,
23 shall enable the Commission to determine an applicant's
24 qualifications.

25 (b) Applicants have one year from the date the application

1 is initially submitted to the Commission to complete the
2 application process. If the process has not been completed in
3 the one-year period, the application shall be denied and the
4 fee forfeited and the applicant must reapply and meet the
5 requirements in effect at the time of application.

6 (c) A license shall not be denied to an applicant because
7 of the applicant's race, religion, creed, national origin,
8 political beliefs or activities, age, sex, sexual orientation,
9 or physical disability.

10 Section 35. Examination and evaluation.

11 (a) The Commission, by rule, may establish a written
12 examination and performance evaluation of applicants for
13 licensure as interpreters for the deaf at such times and places
14 as it may determine. The written examination shall test
15 knowledge of interpreting and the performance evaluation shall
16 test the competence and skills of interpreting and
17 transliterating.

18 (b) Applicants for examination or evaluation shall pay to
19 the Commission a fee covering the cost of providing the
20 examination or evaluation. Failure to appear for the
21 examination or evaluation on the scheduled date at the time and
22 place specified shall result in the forfeiture of the
23 examination or evaluation fee.

24 Section 40. Social security number. In addition to any

1 other information required to be contained in the application,
2 every application for an original, renewal, or restored license
3 under this Act shall include the applicant's Social Security
4 Number.

5 Section 45. Qualifications for licensure. A person shall be
6 qualified to be licensed as an interpreter for the deaf and the
7 Commission shall issue a license to an applicant who:

8 (1) has applied in writing on the prescribed forms and
9 paid the required fees;

10 (2) is of good moral character; in determining good
11 moral character, the Commission may take into
12 consideration whether the applicant has engaged in conduct
13 or activities that would constitute grounds for discipline
14 under Section 110 of this Act;

15 (3) is an accepted certificate holder;

16 (4) has high school diploma or equivalent; and

17 (5) has met any other requirements established by the
18 Commission by rule.

19 Section 50. Powers and duties of the Commission.

20 (a) The Commission shall exercise the powers and duties
21 prescribed by the Civil Administrative Code of Illinois for the
22 administration of licensing acts.

23 (b) The Commission shall adopt rules consistent with the
24 provisions and purposes of this Act for the administration and

1 enforcement thereof, and for the payment of fees connected
2 therewith, and may prescribe forms, which shall be issued in
3 connection therewith.

4 (c) The Commission may seek the advice and the expert
5 knowledge of the Board on any matter relating to the
6 administration of this Act.

7 (d) The Commission shall conduct hearings on proceedings to
8 refuse to issue or renew or to revoke a license or to suspend,
9 place on probation, censure, or reprimand a person licensed
10 under this Act.

11 (e) The Commission may develop, contract, purchase, or
12 authorize examination and evaluation materials necessary to
13 license interpreters for the deaf that are cost effective and
14 accessible.

15 Section 55. Interpreter Coordinator. The Director may
16 employ, pursuant to the Personnel Code, an Interpreter
17 Coordinator and any other necessary staff. The Interpreter
18 Coordinator shall be a professional interpreter for the deaf
19 licensed in this State. The Interpreter Coordinator hired
20 initially must hold an accepted certification and must qualify
21 for and obtain licensure within 6 months after the effective
22 date of this Act. All Interpreter Coordinators hired thereafter
23 must be licensed at the time of hire. The Interpreter
24 Coordinator shall perform such administrative functions as may
25 be delegated by the Director.

1 Section 60. Illinois Board of Interpreters.

2 (a) The Director shall appoint an Illinois Board of
3 Interpreters for the Deaf consisting of 7 voting members who
4 shall serve in an advisory capacity to the Director. The Board
5 shall be composed of 4 licensed interpreters for the deaf, 3
6 deaf or hard of hearing consumers, and the Interpreter
7 Coordinator who shall serve as a non-voting member.

8 (b) The Board shall meet no less than 2 times per year and
9 may hold additional meetings as required in the performance of
10 its duties.

11 (c) The members shall be appointed to serve 4-year terms
12 and shall serve until successors are appointed and qualified,
13 except that initial appointments shall be staggered with one
14 member appointed to serve for one year, 2 members appointed to
15 serve for 2 years, 2 members appointed to serve for 3 years,
16 and 2 members appointed to serve for 4 years. No member shall
17 be eligible to serve more than 2 consecutive terms. A vacancy
18 in the Board shall be filled by appointment by the Director for
19 the remainder of the unexpired term. Those interpreter members
20 appointed initially must qualify for and obtain licensure under
21 this Act within 6 months after the effective date of this Act.

22 (d) The membership of the Board must reasonably reflect
23 representation from different geographic areas of the State.

24 (e) The membership of the Board shall reflect the
25 differences in certification, experience, education, and

1 background and knowledge of interpreting for the deaf and
2 evaluation.

3 (f) The Director may terminate the appointment of any
4 member for misconduct, inefficiency, incompetence, or neglect
5 of his or her official duties.

6 (g) The Director shall consider the recommendation of the
7 Board on all matters and questions relating to this Act.

8 (h) The Board shall annually elect from its membership a
9 chairperson, vice chairperson, and a secretary.

10 (i) Members of the Board shall be reimbursed for all
11 authorized legitimate and necessary expenses incurred in
12 attending the meetings of the Board.

13 (j) A majority of the Board members currently appointed
14 shall constitute a quorum. A vacancy in the membership of the
15 Board shall not impair the right of a quorum to perform all of
16 the duties of the Board.

17 (k) Members shall be immune from suit in any action based
18 upon any disciplinary proceedings or other acts performed in
19 good faith as members of the Illinois Board of Interpreters for
20 the Deaf.

21 Section 65. Privileged communications. Interpreters for
22 the deaf licensed under this Act shall be subject to the
23 provisions concerning privileged communications between
24 interpreters for the deaf and hard of hearing and consumers set
25 forth in Section 8-912 of the Code of Civil Procedure.

1 Section 70. Provisional licensure. The Commission may, at
2 its discretion, issue a provisional license to an applicant who
3 has not met all of the requirements for full licensure under
4 this Act, but has met the requirements for provisional
5 licensure as established by the Commission.

6 Provisional licenses must be renewed as set by rule and
7 shall not be renewed for a period exceeding 2 years. If, at the
8 end of 2 years, a provisional licensee still does not meet the
9 requirements for full licensure under this Act, he or she shall
10 be unable to practice interpreting under this Act until granted
11 a license by the Commission.

12 Section 75. Expiration, renewal, and restoration of
13 license.

14 (a) The expiration date and renewal period for each license
15 issued under this Act shall be determined by the Commission and
16 set by rule. Every holder of a license under this Act may renew
17 his or her license during the 60-day period preceding the
18 expiration date thereof upon payment of the required renewal
19 fees.

20 (b) Any person who has permitted his or her license to
21 expire or who has had his or her license placed on inactive
22 status may have his or her license restored by making
23 application to the Commission and filing proof acceptable to
24 the Commission, as defined by the Commission by rule, of his or

1 her fitness to have the license restored, if applicable,
2 including evidence attesting to active practice in another
3 jurisdiction satisfactory to the Commission and by paying the
4 required restoration fee.

5 (c) If an interpreter for the deaf has not maintained an
6 active practice in another jurisdiction satisfactory to the
7 Commission, the Commission shall determine his or her fitness
8 to resume active status and may require satisfactory evaluation
9 of skills.

10 (d) Any interpreter for the deaf whose license expires
11 while he or she is (i) in federal service on active duty with
12 the Armed Forces of the United States, or the State Militia
13 called into service or training, or (ii) in training or
14 education under the supervision of the United States
15 preliminary to induction into the military service, may have
16 his or her license renewed or restored without paying any
17 lapsed renewal fees if, within 2 years after honorable
18 termination of such service, training, or education, and he or
19 she furnishes the Commission with satisfactory evidence to the
20 effect that he or she has been so engaged.

21 (e) Any licensee who practices interpreting while his or
22 her license is expired shall be considered to be practicing
23 without a license, which constitutes grounds for discipline
24 under this Act.

25 Section 80. Inactive status.

1 (a) Any interpreter for the deaf who notifies the
2 Commission, on forms prescribed by the Commission, may place
3 his or her license on inactive status and shall be exempt from
4 payment of renewal fees until he or she notifies the
5 Commission, in writing, of the intention to restore his or her
6 license, pays the current renewal fee, and demonstrates
7 compliance with any requisite continuing education.

8 (b) Any interpreter for the deaf requesting restoration
9 from inactive status must pay the current renewal fee and
10 restore his or her license as provided in Section 75 of this
11 Act.

12 (c) Any interpreter for the deaf whose license is placed on
13 inactive status shall not practice in this State. Any licensee
14 who practices interpreting while his or her license is placed
15 on inactive status shall be considered to be practicing without
16 a license, which constitutes grounds for discipline under this
17 Act.

18 Section 85. Continuing education. The Commission may adopt
19 rules of continuing education for persons licensed under this
20 Act. These rules shall be consistent with the requirements of
21 relevant professional associations and training programs and
22 address variances for illness or hardship. In establishing
23 these rules, the Commission may consider continuing education
24 requirements as a condition of membership in organizations in
25 order to assure that licensees are given the opportunity to

1 participate in those programs sponsored by or through the
2 professional associations or interpreter training programs
3 that are relevant to their practice.

4 The Commission shall establish by rule a means for
5 verifying the completion of the continuing education required
6 by this Section. This verification may be accomplished through
7 audits of records maintained by licensees, the filing of
8 continuing education certificates with the Commission, or any
9 other means established by the Commission.

10 Section 90. Roster. The Commission shall maintain a list of
11 licensed interpreters for the deaf authorized to practice in
12 the State. The list shall show the name of every licensee, type
13 of certification, county, areas of specialty, and a form of
14 contact. This list shall be available for public distribution
15 upon request and payment of the required fee.

16 The Commission shall maintain rosters of the names of all
17 persons whose licenses have been suspended, revoked, or denied
18 renewal for cause within the previous calendar year. This list
19 shall be available for public distribution upon request and
20 payment of the required fee.

21 Section 95. Fees. The Commission may charge fees for the
22 administration and enforcement of this Act, including, but not
23 limited to, application, administration of an examination or
24 evaluation, licensure renewal and restoration, and provision

1 of duplicate licenses. The fees shall be in an amount
2 sufficient to cover the cost of the licensure program and shall
3 be set by rule.

4 Section 100. Checks or order dishonored. Any person who
5 delivers a check or other payment to the Commission that is
6 returned to the Commission unpaid by the financial institution
7 upon which it is drawn shall pay to the Commission, in addition
8 to the amount already owed to the Commission, a fine of \$50. If
9 the check or other payment was for a renewal or issuance fee
10 and that person practices without paying the renewal fee or
11 issuance fee and the fine due, an additional fine of \$100 shall
12 be imposed. The fines imposed by this Section are in addition
13 to any other discipline provided under this Act for unlicensed
14 practice or practice on a nonrenewed license. The Commission
15 shall notify the person that payment of fees and fines shall be
16 paid to the Commission by certified check or money order within
17 30 calendar days after the notification. If, after the
18 expiration of 30 days from the date of the notification, the
19 person has failed to submit the necessary remittance, the
20 Commission shall automatically terminate the license or deny
21 the application, without hearing. If, after termination or
22 denial, the person seeks a license, he or she shall apply to
23 the Commission for restoration or issuance of the license and
24 pay all fees and fines due to the Commission. The Commission
25 may establish a fee for the processing of an application for

1 restoration of a license to pay all expenses of processing the
2 application. The Director may waive the fines due under this
3 Section in individual cases where the Director finds that the
4 fines would be unreasonable or unnecessarily burdensome.

5 Section 105. Interpreters for the Deaf Fund. The moneys
6 received as fees and fines by the Commission under this Act
7 shall be deposited in the Interpreters for the Deaf Fund, which
8 is hereby created as a special fund in the State treasury, and
9 shall be used only for the administration and enforcement of
10 this Act, including (i) for costs directly related to the
11 regulating of persons under this Act, (ii) by the Board and
12 Commission in the exercise of its powers and performance of its
13 duties, and (iii) for direct and allocable indirect cost
14 related to the public purposes of the Commission. All moneys
15 deposited in the Fund shall be appropriated to the Commission
16 for expenses of the Commission and the Board in the
17 administration and enforcement of this Act. Moneys in the Fund
18 may be invested and reinvested, with all earnings deposited in
19 the Fund and used for the purposes set forth in this Act. The
20 Fund shall comply with the Illinois State Auditing Act.

21 Section 110. Grounds for disciplinary action.

22 (a) The Commission may refuse to issue, refuse to renew,
23 suspend, or revoke any license, or may place on probation,
24 censure, reprimand, or take other disciplinary action deemed

1 appropriate by the Commission, including the imposition of
2 administrative fines not to exceed \$2,500 for each violation,
3 with regard to any license issued under the provisions of this
4 Act for any one or more of the following reasons:

5 (1) Material deception in furnishing information to
6 the Commission.

7 (2) Violations or negligent or intentional disregard
8 of any provision of this Act or its rules.

9 (3) Conviction of any crime under the laws of any
10 jurisdiction of the United States that is a felony or a
11 misdemeanor, an essential element of which is dishonesty,
12 or of any crime that is directly related to the practice of
13 the profession.

14 (4) A pattern of practice or other behavior that
15 demonstrates incapacity or incompetence to practice under
16 this Act.

17 (5) Knowingly aiding or assisting another person in
18 violating any provision of this Act or rules adopted
19 thereunder.

20 (6) Failing, within 60 days, to provide a response to a
21 request for information in response to a written request
22 made by the Commission by certified mail.

23 (7) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public.

26 (8) Conviction for the unlawful sale or distribution of

1 any drug, narcotic, or prescription device, or unlawful
2 conversion of any drug, narcotic, or prescription device.

3 (9) Being under the influence or habitual use of or
4 addiction to alcohol, narcotics, stimulants, or any other
5 chemical agent or drug, which results in a licensee's
6 inability to practice with reasonable judgment, skill, or
7 safety.

8 (10) Discipline by another jurisdiction or foreign
9 nation, if at least one of the grounds for the discipline
10 is the same or substantially equivalent to those set forth
11 in this Section.

12 (11) A finding that the licensee, after having his or
13 her license placed on probationary status, has violated the
14 terms of probation.

15 (12) Being named as a perpetrator in an indicated
16 report by the Department of Children and Family Services
17 and under the Abused and Neglected Child Reporting Act, and
18 upon proof by clear and convincing evidence that the
19 licensee has caused a child to be an abused child or
20 neglected child as defined in the Abused and Neglected
21 Child Reporting Act.

22 (13) Gross negligence in the practice of interpreting.

23 (14) Holding oneself out to be a practicing interpreter
24 for the deaf under any name other than one's own.

25 (15) Fraud, deceit, or misrepresentation in applying
26 for or procuring a license under this Act or in connection

1 with applying for renewal of a license under this Act.

2 (16) Allowing another person or organization to use the
3 licensee's license to deceive the public.

4 (17) Attempting to subvert or cheat on an
5 interpreter-related examination or evaluation.

6 (18) Immoral conduct in the commission of an act, such
7 as sexual abuse, sexual misconduct, or sexual
8 exploitation, related to the licensee's practice.

9 (19) Willfully or negligently violating the
10 confidentiality between an interpreter and client, except
11 as required by law.

12 (20) Practicing or attempting to practice interpreting
13 under a name other than the name listed on the license.

14 (21) The use of any false, fraudulent, or deceptive
15 statement in any document connected with the licensee's
16 practice.

17 (22) Failure of a licensee to report to the Commission
18 any adverse final action taken against him or her by
19 another licensing jurisdiction, any peer review body, any
20 professional deaf or hard of hearing interpreting
21 association, any governmental Commission, by law
22 enforcement Commission, or any court for a deaf or hard of
23 hearing interpreting liability claim related to acts or
24 conduct similar to acts or conduct that would constitute
25 grounds for action as provided in this Section.

26 (23) Failure of a licensee to report to the Commission

1 surrender by the licensee of his or her license or
2 authorization to practice interpreting in another state or
3 jurisdiction or current surrender by the licensee of
4 membership in any deaf or hard of hearing interpreting
5 association or society while under disciplinary
6 investigation by any of those authorities or bodies for
7 acts or conduct similar to acts or conduct that would
8 constitute grounds for action as provided by this Section.

9 (24) Physical illness or injury including, but not
10 limited to, deterioration through the aging process or loss
11 of motor skill, mental illness, or disability that results
12 in the inability to practice the profession with reasonable
13 judgment, skill, or safety.

14 (b) The determination by a circuit court that a licensee is
15 subject to involuntary admission or judicial admission as
16 provided in the Mental Health and Developmental Disabilities
17 Code, as amended, operates as an automatic suspension. The
18 suspension will end only (i) upon a finding by a court that the
19 patient is no longer subject to involuntary admission or
20 judicial admission and issues an order so finding and
21 discharging the patient and (ii) upon the recommendation of the
22 Board to the Director that the licensee be allowed to resume
23 his or her practice.

24 (c) The Commission may refuse to issue or may suspend the
25 license of any person who fails to file a return, to pay the
26 tax, penalty, or interest shown in a filed return, or to pay

1 any final assessment of the tax, penalty, or interest as
2 required by any tax Act administered by the Illinois Department
3 of Revenue, until such time as the requirements of any such tax
4 Act are satisfied.

5 (d) In enforcing this Section, the Commission, upon a
6 showing of a possible violation, may compel an individual
7 licensed under this Act, or who has applied for licensure under
8 this Act, to submit to a mental or physical examination, or
9 both, as required by and at the expense of the Commission. The
10 Commission may order the examining physician to present
11 testimony concerning the mental or physical examination of the
12 licensee or applicant. No information shall be excluded by
13 reason of any common law or statutory privilege relating to
14 communications between the licensee or applicant and the
15 examining physician. The Commission shall specifically
16 designate the examining physicians. The individual to be
17 examined may have, at his or her own expense, another physician
18 of his or her choice present during all aspects of this
19 examination. Failure of an individual to submit to a mental or
20 physical examination, when directed, shall be grounds for
21 suspension of his or her license until the individual submits
22 to the examination if the Commission finds, after notice and
23 hearing, that the refusal to submit to the examination was
24 without reasonable cause.

25 If the Commission finds an individual unable to practice
26 because of the reasons set forth in this subsection (d), the

1 Commission may require that individual to submit to care,
2 counseling, or treatment by physicians approved or designated
3 by the Commission as a condition, term, or restriction for
4 continued, reinstated, or renewed licensure to practice or, in
5 lieu of care, counseling, or treatment, the Commission may file
6 a complaint to immediately suspend, revoke, or otherwise
7 discipline the license of the individual. An individual whose
8 license was granted, continued, reinstated, renewed,
9 disciplined, or supervised subject to such terms, conditions,
10 or restrictions and who fails to comply with such terms,
11 conditions, or restrictions, shall be referred to the Director
12 for a determination as to whether the individual shall have his
13 or her license suspended immediately, pending a hearing by the
14 Commission.

15 In instances in which the Director immediately suspends a
16 person's license under this subsection (d), a hearing on that
17 person's license must be convened by the Commission within 15
18 days after the suspension and completed without appreciable
19 delay. The Commission shall have the authority to review the
20 subject individual's record of treatment and counseling
21 regarding the impairment to the extent permitted by applicable
22 State and federal statutes and regulations safeguarding the
23 confidentiality of medical records.

24 An individual licensed under this Act and affected under
25 this subsection (d) shall be afforded an opportunity to
26 demonstrate to the Commission that he or she can resume

1 practice in compliance with acceptable and prevailing
2 standards under the provisions of his or her license.

3 Section 115. Violations; injunction; cease and desist
4 order.

5 (a) If any person violates the provisions of this Act, the
6 Director may, in the name of the People of the State of
7 Illinois, through the Attorney General, petition for an order
8 enjoining the violation or for an order enforcing compliance
9 with this Act. Upon the filing of a verified petition, the
10 court with appropriate jurisdiction may issue a temporary
11 restraining order without notice or bond, and may preliminarily
12 and permanently enjoin the violation. If it is established that
13 the person has violated or is violating the injunction, the
14 court may punish the offender for contempt of court.
15 Proceedings under this Section are in addition to all other
16 remedies and penalties provided by this Act.

17 (b) If any person holds himself or herself out as being a
18 licensed interpreter for the deaf under this Act and is not
19 licensed to do so, then any licensed interpreter for the deaf,
20 interested party, or any person injured thereby may petition
21 for relief as provided in subsection (a) of this Section.

22 (c) Whenever, in the opinion of the Commission, a person
23 violates any provision of this Act, the Commission may issue an
24 order to show cause why an order to cease and desist should not
25 be entered against that person. The order shall clearly set

1 forth the grounds relied upon by the Commission and shall allow
2 at least 7 days from the date of the order to file an answer
3 satisfactory to the Commission. Failure to answer to the
4 satisfaction of the Commission shall cause an order to cease
5 and desist to be issued.

6 Section 120. Investigations; notice and hearing. The
7 Commission may investigate the actions of any applicant or any
8 person holding or claiming to hold a license under this Act.
9 The Commission shall, before revoking, suspending, placing on
10 probation, reprimanding, or taking any other disciplinary
11 action under Section 110 of this Act, at least 30 days prior to
12 the date set for the hearing, (i) notify the accused, in
13 writing, of any charges made and the time and place for the
14 hearing, (ii) direct him or her to file a written answer to the
15 charges with the Commission under oath within 20 days after the
16 service on him or her of the notice, and (iii) inform the
17 accused that, if he or she fails to answer, default will be
18 taken against him or her or that his or her license may be
19 suspended, revoked, placed on probationary status, or other
20 disciplinary action taken with regard to the license, including
21 limiting the scope, nature, or extent of his or her practice,
22 as the Commission may deem proper. In case the person, after
23 receiving notice, fails to file an answer, his or her license
24 may, in the discretion of the Commission, be suspended,
25 revoked, placed on probationary status, or the Commission may

1 take whatever disciplinary action deemed proper, including
2 limiting the scope, nature, or extent of the person's practice
3 or the imposition of a fine, without a hearing, if the act or
4 acts charged constitute sufficient grounds for such action
5 under this Act. At the time and place fixed in the notice, the
6 Director shall proceed to hear the charges and the parties or
7 their counsel shall be accorded ample opportunity to represent
8 such statements, testimony, evidence, and argument as may be
9 pertinent to the charges or to their defense. The Director may
10 continue the hearing from time to time.

11 Section 125. Disposition by consent order. Disposition may
12 be made of any charge by consent order between the Commission
13 and the licensee. The Board shall be apprised of the consent
14 order at its next meeting.

15 Section 130. Record of proceedings; transcript. The
16 Commission, at its expense, shall preserve a record of all
17 proceedings at any formal hearing of any case. The notice of
18 hearing, complaint, and all other documents in the nature of
19 pleadings and written motions filed in the proceedings, the
20 transcript of testimony, the report of the Board, the report of
21 the hearing officer, and the orders of the Commission shall be
22 the record of the proceedings.

23 Section 135. Subpoenas; depositions; oaths. The Commission

1 shall have power to subpoena and bring before it any person and
2 to take testimony either orally or by deposition, or both, with
3 the same fees and mileage and in the same manner as prescribed
4 by law in judicial proceedings in civil cases in courts in this
5 State. The Director, the designated hearing officer, and any
6 member of the Board shall each have power to administer oaths
7 to witnesses at any hearings which the Commission is authorized
8 to conduct and any other oaths authorized in the Act.

9 Section 140. Compelling testimony. Any circuit court, upon
10 the application of the Commission, designated hearing officer,
11 applicant, or licensee against whom proceedings under Section
12 110 of the Act are pending, may enter an order requiring the
13 attendance of witnesses and their testimony and the production
14 of documents, papers, files, books, and records in connection
15 with any hearing or investigation. The court may compel
16 obedience to its order by proceedings for contempt.

17 Section 145. Findings and recommendations. At the
18 conclusion of the hearing, the Board shall present to the
19 Director a written report of its findings of fact, conclusions
20 of law, and recommendations. The report shall contain a finding
21 of whether the licensee violated this Act or failed to comply
22 with the conditions required in this Act. The Board shall
23 specify the nature of the violation or failure to comply, and
24 shall make its recommendations to the Director. The report of

1 findings of fact, conclusions of law, and recommendation of the
2 Board shall be the basis for the Commission's order for refusal
3 or for the granting of the license. If the Director disagrees
4 with the recommendations of the Board, the Director may issue
5 an order in contravention of the Board recommendations. The
6 Director shall provide a written report to the Board on any
7 disagreement and shall specify the reasons for the action in
8 the final order. The finding is not admissible in evidence
9 against the person in a criminal prosecution brought for the
10 violation of this Act, but the hearing and findings is not a
11 bar to a criminal prosecution brought for the violation of this
12 Act.

13 Section 150. Appointment of hearing officer. The Director
14 shall have the authority to appoint any attorney duly licensed
15 to practice law in the State of Illinois to serve as the
16 hearing officer in any action for discipline of a license. The
17 hearing officer shall have full authority to conduct the
18 hearing. The hearing officer shall report his or her findings
19 of fact, conclusions of law, and recommendations to the Board
20 and the Director. The Board shall have 60 days after receipt of
21 the report to review the report of the hearing officer and to
22 present its findings of fact, conclusions of law and
23 recommendations to the Director. If the Board fails to present
24 its report within the 60-day period, the Director may issue an
25 order based on the report of the hearing officer.

1 Section 155. Board; rehearing. At the conclusion of the
2 hearing, a copy of the Board's report shall be served upon the
3 applicant or licensee by the Commission, either personally or
4 as provided in this Act for the service of the notice of
5 hearing. Within 20 days after such service, the applicant or
6 licensee may present to the Commission a motion in writing for
7 a rehearing, which shall specify the particular grounds for
8 rehearing. If no motion for a rehearing is filed, then upon the
9 expiration of the time specified for filing such a motion, or
10 if a motion for rehearing is denied, then upon such denial, the
11 Director may enter an order in accordance with recommendations
12 of the Board, except as provided in Section 170 of this Act. If
13 the applicant or licensee requests and pays for a transcript of
14 the record within the time for filing a motion for rehearing,
15 the 20-day period within which a motion may be filed shall
16 commence upon the delivery of the transcript to the applicant
17 or licensee.

18 Section 160. Director; rehearing. Whenever the Director
19 believes justice has not been done in the revocation,
20 suspension, or refusal to issue or renew a license or the
21 discipline of a licensee, he or she may order a rehearing.

22 Section 165. Order or certified copy; prima facie proof. An
23 order of revocation, suspension, placing the license on

1 probationary status, or other formal disciplinary action as the
2 Commission may deem proper, or a certified copy thereof, over
3 the seal of the Commission and purporting to be signed by the
4 Director, is prima facie proof that:

5 (1) the signature is the genuine signature of the
6 Director;

7 (2) the Director is duly appointed and qualified; and

8 (3) the Board and the members thereof are qualified to
9 act.

10 Section 170. Restoration of suspended or revoked license.
11 At any time after the suspension or revocation of any license,
12 the Commission may restore it to the licensee upon the written
13 recommendation of the Board, unless after an investigation and
14 hearing the Board determines that restoration is not in the
15 public interest.

16 Section 175. Surrender of license. Upon the revocation or
17 suspension of a license, the licensee shall immediately
18 surrender his or her license to the Commission. If the licensee
19 fails to do so, the Commission has the right to seize the
20 license.

21 Section 180. Summary suspension of license. The Director
22 may summarily suspend the license of an interpreter for the
23 deaf without a hearing, simultaneously with the institution of

1 proceedings for a hearing provided for in Section 110 of this
2 Act, if the Director finds that evidence in the possession of
3 the Director indicates that the continuation of practice by the
4 interpreter for the deaf would constitute an imminent danger to
5 the public. In the event that the Director summarily suspends
6 the license of an individual without a hearing, a hearing must
7 be held within 30 days after the suspension has occurred.

8 Section 185. Administrative review; venue.

9 (a) All final administrative decisions of the Commission
10 are subject to judicial review pursuant to the Administrative
11 Review Law and its rules. The term "administrative decision" is
12 defined as in Section 3-101 of the Code of Civil Procedure.

13 (b) Proceedings for judicial review shall be commenced in
14 the circuit court of the county in which the party applying for
15 review resides, but if the party is not a resident of Illinois,
16 the venue shall be in Sangamon County.

17 Section 190. Certification of record; costs. The
18 Commission shall not be required to certify any record to the
19 court, to file an answer in court, or to otherwise appear in
20 any court in a judicial review proceeding, unless there is
21 filed in the court, with the complaint, a receipt from the
22 Commission acknowledging payment of the costs of furnishing and
23 certifying the record. Failure on the part of the plaintiff to
24 file the receipt in court is grounds for dismissal of the

1 action.

2 Section 195. Offenses and punishment. Unless otherwise
3 specified, any person found to have violated any provision of
4 this Act is guilty of a Class A misdemeanor.

5 Section 200. Administrative Procedure Act. The Illinois
6 Administrative Procedure Act is hereby expressly adopted and
7 incorporated in this Act as if all of the provisions of such
8 Act were included in this Act.

9 Section 205. Home rule. The regulation and licensing of the
10 practice of interpreting are exclusive powers and functions of
11 the State. A home rule unit may not regulate or license
12 interpreters for the deaf. This Section is a denial and
13 limitation of home rule powers and functions under subsection
14 (h) of Section 6 of Article VII of the Illinois Constitution.

15 Section 210. Savings provision.

16 (a) This Act is intended to replace the Interpreters for
17 the Deaf Act in all respects.

18 (b) Beginning on January 1, 2009, the rights, powers, and
19 duties exercised by the Deaf and Hard of Hearing Commission
20 under the Interpreters for the Deaf Act shall continue to be
21 vested in, be the obligation of, and shall be exercised by the
22 Deaf and Hard of Hearing Commission under the provisions of

1 this Act.

2 (c) This Act does not affect any act done, ratified, or
3 cancelled, or any right occurring or established, or any action
4 or proceeding had or commenced in an administrative, civil, or
5 criminal cause before the effective date of this Act, by the
6 Deaf and Hard of Hearing Commission under the Interpreters for
7 the Deaf Act, and those actions or proceedings may be
8 prosecuted and continued by the Deaf and Hard of Hearing
9 Commission under this Act.

10 (d) The rules adopted by the Deaf and Hard of Hearing
11 Commission relating to the Interpreters for the Deaf Act,
12 unless inconsistent with the provisions of this Act, are not
13 affected by this Act, and on the effective date of this Act,
14 those rules become the rules under this Act. The Deaf and Hard
15 of Hearing Commission shall, as soon as practicable, adopt new
16 or amended rules consistent with the provisions of this Act.

17 Section 900. Severability. The provisions of this Act are
18 severable under Section 1.31 of the Statute on Statutes.

19 Section 905. The Regulatory Sunset Act is amended by adding
20 Sections 4.19b and 4.28 as follows:

21 (5 ILCS 80/4.19b new)

22 Sec. 4.19b. Act repealed on January 1, 2009. The following
23 Act is repealed on January 1, 2009:

1 The Interpreters for the Deaf Act.

2 (5 ILCS 80/4.28 new)

3 Sec. 4.28. Act repealed on January 1, 2018. The following
4 Act is repealed on January 1, 2018:

5 The Interpreter for the Deaf Licensure Act of 2007.

6 Section 910. The State Finance Act is amended by adding
7 Section 5.675 as follows:

8 (30 ILCS 105/5.675 new)

9 Sec. 5.675. The Interpreters for the Deaf Fund.

10 Section 915. The Code of Civil Procedure is amended by
11 changing Section 8-911 and by adding Section 8-912 as follows:

12 (735 ILCS 5/8-911) (from Ch. 110, par. 8-911)

13 Sec. 8-911. Language interpreter's ~~Interpreter's~~
14 privilege.

15 (a) A "language interpreter" ~~An "interpreter"~~ is a person
16 who aids a communication when at least one party to the
17 communication has a ~~hearing or speaking impairment or a~~
18 language difficulty.

19 (b) If a communication is otherwise privileged, that
20 underlying privilege is not waived because of the presence of
21 the language interpreter.

1 (c) The language interpreter shall not disclose the
2 communication without the express consent of the person who has
3 the right to claim the underlying privilege.

4 (Source: P.A. 87-409.)

5 (735 ILCS 5/8-912 new)

6 Sec. 8-912. Interpreter for the deaf and hard of hearing's
7 privilege.

8 (a) An "interpreter for the deaf and hard of hearing" is a
9 person who aids a communication when at least one party to the
10 communication has a hearing loss.

11 (b) An interpreter for the deaf and hard of hearing who
12 interprets a conversation between a hearing person and a deaf
13 person is deemed a conduit for the conversation and may not
14 disclose or be compelled to disclose by subpoena the contents
15 of the conversation that he or she facilitated without the
16 written consent of all persons involved who received his or her
17 professional services.

18 (c) All communications that are recognized by law as
19 privileged shall remain privileged even in cases where an
20 interpreter for the deaf and hard of hearing is utilized to
21 facilitate such communications.

22 (d) Communications may be voluntarily disclosed under the
23 following circumstances:

24 (1) the formal reporting, conferring, or consulting
25 with administrative superiors, colleagues, or consultants

1 who share similar professional responsibility, in which
2 instance all recipients of such information are similarly
3 bound to regard the communication as privileged;

4 (2) a person waives the privilege by bringing any
5 public charges against an interpreter for the deaf and hard
6 of hearing, including a person licensed under the
7 Interpreter for the Deaf Licensure Act of 2007; and

8 (3) a communication reveals the intended commission of
9 a crime or harmful act and such disclosure is judged
10 necessary by the interpreter for the deaf and hard of
11 hearing to protect any person from a clear, imminent risk
12 of serious mental or physical harm or injury or to
13 forestall a serious threat to public safety.

14 (e) Nothing in this Section shall be construed to prohibit
15 a person licensed under the Interpreter for the Deaf Licensure
16 Act of 2007 from voluntarily testifying in court hearings
17 concerning matters of adoption, child abuse, child neglect, or
18 other matters pertaining to children, except as provided under
19 the Abused and Neglected Child Reporting Act.

20 Section 920. The Good Samaritan Act is amended by adding
21 Section 63 as follows:

22 (745 ILCS 49/63 new)

23 Sec. 63. Sign language interpreters; exemption from civil
24 liability for emergency assistance. Any person who in good

1 faith and without compensation provides sign language
2 interpreting services to a person in an emergency shall not be
3 liable for civil damages as a result of his or her acts or
4 omissions, except for willful or wanton misconduct on the part
5 of the person in providing the services.

6 Section 999. Effective date. This Act takes effect July 1,
7 2007.