



Chapter 17.1 COMMISSION FOR THE DEAF AND THE HARD OF HEARING Article 1 In General

36-1941. Definitions

In this chapter, unless the context otherwise requires:

1. "Commission" means the commission for the deaf and the hard of hearing.
2. "Deaf" means those persons who cannot generally understand speech sounds with or without a hearing aid when in optimal listening conditions.
3. "Hard of hearing" means those persons who have a degree of hearing loss greater than 40dB PTA-2, but less than 85dB PTA-2, in the better ear.
4. "Interpreting" means translating or transliterating of English concepts to any necessary specialized vocabulary used by a consumer or the translating of a consumer specialized vocabulary to English concepts.
5. "Necessary specialized vocabulary" includes American sign language, English based sign language, cued speech and oral interpreting.
6. "PTA-2" means the average of hearing levels at one thousand, two thousand and four thousand Hz.

36-1942. Commission for the deaf and the hard of hearing

A. The commission for the deaf and the hard of hearing is established consisting of the following members appointed by the governor:

1. One member who is selected from the department of economic security.
2. One member who is selected from the Arizona state schools for the deaf and the blind at Tucson or the Phoenix day school for the deaf.
3. One member who is a dispensing clinical audiologist licensed pursuant to chapter 17 of this title.
4. One member who is a hearing aid dispenser licensed pursuant to chapter 17 of this title.
5. Four members who are deaf persons.
6. One member who is a licensed sign language interpreter.
7. One member who is a parent of a deaf person.
8. Four members who are hard of hearing.

B. Commission members serve three years and may be reappointed once. The governor may remove a commission member for cause.

C. The commission shall meet at least four times a year at the call of the chairman, who shall be selected by the commission from among its membership.

D. Members of the commission are not eligible to receive compensation but are eligible to receive reimbursement of expenses pursuant to title 38, chapter 4, article 2.

36-1943. Executive director; duties

A. Subject to title 41, chapter 4, article 4, the commission shall appoint an executive director who serves at the pleasure of the commission. Subject to title 41, chapter 4, article 4, the commission may employ other employees as necessary, determine their compensation pursuant to section 38-611 and prescribe their powers and duties. With the approval of the commission, the executive

director may contract for professional, technical and clerical services necessary to carry out functions of the commission.

B. The executive director shall be a trained professional experienced in problems of the deaf and the hard of hearing and skilled in the use of manual communication, commonly referred to as sign language, and may be either a deaf person, a person who is hard of hearing or a person with normal hearing. The executive director shall assist the commission to implement its programs and activities and to implement this chapter. The executive director shall not be a commission member. The executive director is eligible to receive compensation set by the commission within the range determined pursuant to section 38-611.

36-1944. Duties

The commission shall act as a bureau of information to the deaf and the hard of hearing, state agencies and institutions providing services to the deaf and the hard of hearing, local agencies of government and other public or private community agencies and programs. In this capacity, the commission shall:

1. Inform the deaf and the hard of hearing of the availability of the programs and activities of the commission and other services available for the deaf and the hard of hearing at all levels of government.
2. Develop and foster a framework for consultation and cooperation with the rehabilitation services bureau of the department of economic security and with all institutions represented on the commission.
3. Study issues relating to the deaf and the hard of hearing, review the administration and operation of the various programs for the deaf and the hard of hearing in this state and make recommendations concerning these problems and programs to the several agencies and institutions represented on the commission as it deems necessary.
4. Submit an annual report to the governor and the legislature concerning its findings and recommendations.
5. Review the problems of the deaf and the hard of hearing as they relate to the need for effective and appropriate auxiliary aids in public places.
6. Review and compile information on the development of acoustical technology for the hard of hearing and advocate the use of this technology if it deems appropriate.
7. Make recommendations to state agencies, political subdivisions and institutions on how to meet the needs of the hard of hearing.
8. Make recommendations to the legislature regarding statutory changes needed to implement a statewide newborn child hearing loss screening program.

36-1945. Commission for the deaf and the hard of hearing fund; gifts and donations; annual report

A. The commission for the deaf and the hard of hearing fund is established consisting of fees, penalties and any legislative appropriations. The commission shall administer the fund. Monies in the fund are subject to legislative appropriation.

B. The commission may accept and spend federal monies and private grants, gifts, contributions and devise to assist in carrying out the purposes of this chapter. These monies do not revert to the state general fund at the end of a fiscal year.

C. The commission shall submit an annual report to the governor on all monies accepted by the commission pursuant to subsection B, the names of the donors and the respective amounts contributed and the amount of all disbursements from the fund.

36-1946. Interpreters for the deaf and the hard of hearing; certification; licensure

The commission shall:

1. Adopt rules necessary to achieve the purposes of section 12-242.
2. By rule, classify interpreters for the deaf and the hard of hearing based on the level of interpreting skills acquired by that person.

3. By rule, establish standards and procedures for the qualification and licensure of each classification of interpreters.
4. Help establish partnerships with colleges and universities in this state to provide interpreter and support service provider training and degree programs.
5. By rule, establish standards and procedures to certify sign language teachers to teach American sign language.
6. Beginning on September 1, 2007, license interpreters for the deaf and the hard of hearing pursuant to article 2 of this chapter.

36-1947. Telecommunication devices for the deaf and the hearing and speech impaired; fund

- A. The commission shall establish and administer a statewide program to purchase, repair and distribute telecommunication devices to residents of this state who are deaf or severely hearing or speech impaired and establish a dual party relay system making all phases of public telephone service available to persons who are deaf or severely hearing or speech impaired.
- B. The commission may adopt administrative procedures, rules, criteria and forms to establish and administer the telecommunication device program under this section.
- C. Telecommunication devices furnished by the commission under this section remain the property of this state. A person who receives a telecommunication device from the commission under this section is liable for the loss of or damage to the device. The commission may impose a civil penalty against the person in an amount equal to the cost of the device or the amount of damage done to the device. If a person objects to the imposition of a civil penalty, the commission shall conduct a hearing as prescribed in title 41, chapter 6, article 10. Monies collected by the commission under this subsection shall be deposited in the telecommunication fund for the deaf established by subsection D of this section.
- D. The telecommunication fund for the deaf is established. The commission shall administer the fund. Monies in the fund shall be derived from the telecommunication services excise tax revenues distributed pursuant to section 42-5252, subsection B. Interest accruing to the fund shall be deposited in the fund. Monies in the fund are exempt from section 35-190 relating to lapsing of appropriations. Subject to legislative appropriation, the commission shall use fund monies to purchase and repair telecommunication devices, to administer the program established by this section and for the operating costs of the commission.

Article 2 Licensure

36-1971. Licensure; acts and persons not affected

- A. A person shall not practice as an interpreter for the deaf and the hard of hearing without a license issued pursuant to this article. The licensure requirements of this article also apply to interpreters who provide services for legal proceedings as prescribed in section 12-242.
- B. The commission by rule shall prescribe education, examination and work history requirements for the following three categories of licenses:
 1. Legal.
 2. Generalist.
 3. Provisional.
- C. This article does not apply to:
 1. An interpreter who works in this state for less than twenty days if that person registers with the commission to provide interpreting services in nonlegal situations.
 2. An interpreter who provides interpreting services at religious activities.
 3. An interpreter who provides interpreting services on an emergency basis if the delay necessary to obtain a licensed interpreter is likely to cause injury or loss to the consumer.
 4. An interpreter who works without compensation in nonlegal situations.
 5. An interpreter who works in a school in this state pursuant to the individual education plan of a deaf or hard of hearing pupil. The qualifications of an interpreter working in a school in this state shall be determined by the individualized education program team. A school district shall inform a

parent or guardian of a deaf or hard of hearing pupil of the parent or guardian's right to request a licensed interpreter.

6. Activities and services of an interpreter intern or student in training if both of the following are true:

(a) The interpreter is enrolled in a program of study in interpreting at an accredited institution of higher learning.

(b) The interpreter works under the supervision of a person licensed pursuant to this article as part of a supervised program of study and is identified to all consumers as an interpreter intern or student in training.

36-1972. Use of title; prohibited acts; violation; classification

A. A person who is not licensed pursuant to this article shall not:

1. Use any title, abbreviation, words, letters, signs or figures to indicate that the person is licensed pursuant to this chapter.

2. Practice as an interpreter for the deaf and the hard of hearing.

3. Use another person's license.

B. A person who violates this section is guilty of a class 2 misdemeanor.

36-1973. Qualifications for licensure

A. To receive a license to practice as an interpreter pursuant to this article a person shall submit an application and application fee as prescribed by the commission.

B. The applicant shall document to the commission's satisfaction that the applicant has successfully completed the education, examination and work history requirements for the specific category of license for which the licensee is applying.

36-1974. Issuance and renewal of license; continuing education

A. The executive director shall issue a license if the applicant has satisfied all of the requirements for licensure under this article.

B. A license issued pursuant to this article is subject to renewal one year after the date it was issued and terminates thirty days after the renewal date unless it is renewed.

C. Each licensee shall renew the license not earlier than sixty days before and not later than thirty days after the license expires by submitting the renewal fee and a completed renewal form. A licensee who does not renew a license as required by this article must also pay a penalty fee as prescribed by the commission for late renewal. A person who practices interpreting in this state after that person's license has expired is in violation of this article.

D. A person whose license terminates shall submit an application and application fee as an original applicant for licensure.

E. The commission by rule may prescribe continuing education requirements as a condition of license renewal.

36-1975. Denial of licensure

The commission may refuse to issue or renew a license if the commission finds that any of the following is true:

1. The applicant committed fraud or misrepresentation in applying for a license in this state or another state.

2. The applicant was convicted of a felony offense or any other offense involving moral turpitude.

3. The applicant does not meet minimum qualifications as prescribed by this article.

4. The applicant was adjudicated insane or incompetent.

5. The applicant engaged in fraud, dishonesty or corruption on a certification examination in another state.

36-1976. Revocation or suspension of license

A. The commission may revoke or suspend a license issued under this article, place a licensee on probation, issue a reprimand or impose a civil penalty for any of the following reasons:

1. Unprofessional conduct.
2. A violation of this article.
3. Gross negligence or incompetence in the performance of duties.
4. Fraud, dishonesty or corruption.
5. Inability to perform the duties of an interpreter at a level of skill that is required by the commission.
6. Conviction of a felony offense or any other offense involving moral turpitude.
7. Failing to meet minimum qualifications as prescribed by this article.
8. Adjudication of insanity or incompetency.

B. Before it takes disciplinary action pursuant to this section, the commission shall give a licensee notice and an opportunity for a hearing pursuant to its rules.

C. The commission may issue subpoenas, examine witnesses and administer oaths pursuant to a hearing held under this section.

36-1977. Right to examine and copy evidence

In connection with a commission investigation conducted pursuant to section 36-1976, the commission at all reasonable times has the right to examine and copy any documents, reports, records or other physical evidence of any person being investigated or reports, records and any other documents maintained by and in the possession of any public or private agency if the commission believes this information is related to unprofessional conduct or the mental or physical ability of a licensee to practice pursuant to this article.

36-1978. Injunctive relief; bond; service of process

A. In addition to all other available remedies, if the commission has any reason to believe that a person has violated this article or a commission rule, the commission through the attorney general or the county attorney of the county in which the violation is alleged to have occurred may apply to the superior court in that county for an injunction restraining that person from engaging in the violation.

B. The court shall issue a temporary restraining order, a preliminary injunction or a permanent injunction without requiring the commission to post a bond.

C. Service of process may be on the defendant in any county of this state where the defendant is found.