# TITLE 9. HEALTH SERVICES

## CHAPTER 26. ARIZONA COMMISSION FOR THE DEAF AND HARD OF HEARING

(Authority: A.R.S. §§ 36-1946 and 36-1947 et seq.)

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(Authority: A.R.S. § 36-1946(A))

*Article 5, consisting of Sections R9-26-501 through R9-26-511, adopted effective April 4, 1997 (Supp. 97-2).*

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### ARTICLE 1. GENERAL

**R9-26-101. Definitions**

In addition to the definitions listed in A.R.S. § 36-1941, the following terms apply to this Chapter and to A.R.S. § 36-1947:

"Applicant" means a person who applies to the Commission for telecommunications equipment.

"Audiologist" means a person who is licensed under A.R.S. § 36-1940 by the Arizona Department of Health Services.

"Commission" means the Arizona Commission for the Deaf and Hard of Hearing.

"Deafblind" means a person who is either deaf or hard of hearing and:

Has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or

Has a field defect where the peripheral diameter of the visual field subtends an angular distance no greater than 20 degrees, or

Has a progressive visual loss with a prognosis of one or both of the conditions stated in the two preceding subsections.

"Director" means the Executive Director of the Arizona Commission for the Deaf and Hard of Hearing.

"Hearing aid dispenser" has the same meaning as in A.R.S. § 36-1901(8).

"Hearing or speech-related disability" means a disability that prevents a person from hearing or articulating speech audibly or clearly, including deafness.

"Program" means the Telecommunications Equipment Distribution Program.

"Recipient" means a person who receives telecommunications equipment through the Program.

"Relay operator" means a person hired by a telecommunication relay center to transmit a conversation between a person who is hearing or speech-related disabled and another person who uses a standard telephone.

"Severely hearing or speech impaired" under A.R.S. § 36-1947(A) means a hearing or speech-related disability.

"Telecommunications equipment" means equipment that allows a person with a hearing or speech-related disability to access the telephone network.

"Telecommunication relay center" means a facility authorized by the Commission to provide telecommunication services through a third party to a person with a hearing or speech-related disability, and to any other person who uses a standard telephone.

"Vendor" means a person who sells telecommunications equipment.

"Vocational rehabilitation counselor" means a Department of Economic Security employee who has a Master's degree in rehabilitation counseling from a university accredited by the National Council on Rehabilitation Education and who is certified by the Commission on Rehabilitation Counseling.

"Voucher" means the Commission's authorization of payment for telecommunications equipment.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Amended by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

### ARTICLE 2. TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM

**R9-26-201. Eligibility**

To be eligible for telecommunications equipment through the Program, a person shall:

1. Reside in Arizona;
2. Have a need for telecommunications equipment available through the Program due to a hearing or speech-related disability, as certified by an authorized person described in R9-26-203;
3. Have access to a telephone line in the person's place of residence;
4. Not have used a voucher to purchase telecommunications equipment within five years before the date of application under R9-26-202(A)(1) unless the individual's disability status has changed during that time; and,
5. Have returned to the Commission all telecommunications equipment that was distributed to the person by the Commission before June 30, 2002.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Section repealed; new Section made by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

**R9-26-202. Application Process**

To apply for telecommunications equipment under the Program, an eligible person shall:

1. Request an application for participation in the Program from the Commission; and
2. Complete and return the application to the Commission with certification from an authorized person described under A.A.C. R9-26-203 that the applicant has a hearing or speech-related disability and needs the telecommunication equipment requested on the application.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed; new Section R9-26-202 renumbered from R9-26-301 and amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Section repealed; new Section made by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

**R9-26-203. Persons Authorized to Certify Need for Telecommunications Equipment**

**A.** The following licensed professionals may certify an applicant's hearing or speech-related disability and need for the requested telecommunications equipment:
1. A dispensing audiologist licensed in accordance with A.R.S. Title 36, Chapter 17;
2. An audiologist licensed in accordance with A.R.S. Title 36, Chapter 17;
3. A physician licensed in accordance with A.R.S. Title 32, Chapter 13;
4. A physician assistant licensed in accordance with A.R.S. Title 32, Chapter 25;
5. A nurse practitioner licensed in accordance with A.R.S. Title 32, Chapter 15;
6. A speech-language pathologist licensed in accordance with A.R.S. Title 36, Chapter 17;
7. A hearing aid dispenser licensed in accordance with A.R.S. Title 36, Chapter 17; or
8. A vocational rehabilitation counselor.

**B.** By certifying a hearing or speech-related disability and need for the requested telecommunications equipment, the certifier attests that the certifier:
1. Is authorized to certify under subsection (A);
2. Has evaluated the applicant's hearing or speech-related disability to determine the applicant's need for the telecommunications equipment requested on the application; and
3. Has determined that the applicant will benefit from the telecommunications equipment requested on the application.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed; new Section R9-26-203 renumbered from R9-26-304 and amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Section repealed; new Section made by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

**R9-26-204. Vouchers**

**A.** The Commission shall issue to an eligible applicant an individually numbered voucher for a specified dollar amount for the applicant to purchase telecommunications equipment for which the applicant has a certified need. The voucher shall be used only towards the purchase of the telecommunications equipment specified on the voucher.

**B.** Vouchers are non-transferable and have no cash value.

**C.** A voucher expires 90 days after its issuance date.

**D.** If a voucher is lost or stolen, the applicant may apply for a replacement voucher by requesting, completing and returning to the Commission a replacement voucher form in which the applicant shall attest under penalty of perjury that:
1. The original voucher was stolen or lost; and
2. If the original voucher is recovered, the original voucher shall be returned to the Commission within 30 days of its recovery date.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed; new Section R9-26-204 renumbered from R9-26-305 and amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). Section repealed; new Section made by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

**R9-26-205. Redeeming a Voucher**

**A.** To redeem a voucher for telecommunications equipment under this Program, a vendor shall submit to the Commission the voucher with a copy of a receipt, which is signed by the vendor and the recipient of the telecommunications equipment and which specifies the telecommunications equipment sold and its purchase price.

**B.** The Commission shall verify the accuracy of information submitted on the receipt and the validity of the voucher.

**C.** The Commission shall reimburse to the vendor the portion of the purchase price of the telecommunications equipment that does not exceed the amount printed on the voucher.

**D.** The Commission shall not reimburse to the vendor an amount in excess of the amount printed on the voucher.

**E.** If the amount printed on the voucher exceeds the purchase price of the telecommunications equipment, the vendor shall not refund the difference between the two amounts to the recipient of the telecommunications equipment in any form including money, equipment, or other goods and services.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section renumbered to R9-26-302 by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). New Section made by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

**R9-26-206. Confidentiality**

**A.** The Commission shall use the information provided by the Program's applicants or recipients in the course of the administration of the Program solely to administer the Program.

**B.** The Commission shall not disclose the name of an applicant for or a recipient of telecommunications equipment without a written request for disclosure.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section renumbered to R9-26-301 by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3). New Section made by final rulemaking at 8 A.A.R. 4292, effective November 18, 2002 (Supp. 02-3).

**R9-26-207. Repealed**

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

## ARTICLE 3. ADMINISTRATIVE PROCEDURES

**R9-26-301. Hearings**

**A.** Within 30 days of a notice of denial from the Director, the applicant or recipient may file a notice of appeal under A.R.S. § 41-1092.03 with the Commission. The notice shall identify the party, the party's address, the agency, the action being appealed, and shall contain a concise statement of the reasons for the hearing.

**B.** The hearing shall be conducted by the Office of Administrative Hearings as prescribed in A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section renumbered to R9-26-202; new Section R9-26-301 renumbered from R9-26-206 and amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**R9-26-302. Informal Settlement Conference**

**A.** An applicant or recipient whose request for an original or replacement device is denied and who has filed an appeal under A.R.S. § 41-1092.03, may request in writing that the Director hold an informal settlement conference.

**B.** The informal settlement conference shall be held within 15 days after receiving the request and shall follow the procedures under A.R.S. § 41-1092.06.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed; new Section R9-26-302 renumbered from R9-26-205 and amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**R9-26-303. Rehearing or Review of Decision**

**A.** Any party to a case who is aggrieved by a decision rendered in the case may, within 30 days after the date of the Commission's decision, file with the Director a written request for a rehearing or review of the decision. The request shall specify the particular grounds for the rehearing or review. The requesting party shall serve copies upon all other parties. A request for rehearing or review under this Section may be amended at any time before it is ruled upon by the Director.

**B.** The opposing party may file a response to the request for a rehearing or review within 15 days after the written request is received.

**C.** A rehearing or review of the decision may be granted for any of the following causes which materially affect the requesting party's rights:

1. Irregularity in the proceedings or any abuse of discretion that deprives the requesting party of a fair hearing;
2. Misconduct of the hearing officer or the prevailing party;
3. Accident or surprise that could not have been prevented by ordinary prudence;
4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
5. Excessive or insufficient penalties;
6. Error in the admission or rejection of evidence or other errors of law occurring during the proceedings;
7. That the decision is the result of passion or prejudice; or
8. That the decision is not supported by the evidence or is contrary to law.

**D.** Upon examination of a request for rehearing or review and any response, the Director may affirm or modify the decision.

**E.** Within 15 days after a decision is rendered, the Director may, on the Director's own initiative, order a rehearing or review of a decision for any reason for which a rehearing on motion of a party might have been granted. The order granting the rehearing shall specify the grounds for the review of the decision.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**R9-26-304. Renumbered**

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section renumbered to R9-26-203 by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**R9-26-305. Renumbered**

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Section renumbered to R9-26-204 by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

## ARTICLE 4. RELAY SERVICES

**R9-26-401. Telecommunication Relay Centers**

A telecommunication relay center shall:

1. Operate seven days a week, 24 hours a day, including holidays; and
2. Hire relay operators who are salaried employees and not volunteers.

**Historical Note**

Adopted effective May 12, 1986 (Supp. 86-3). Amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**R9-26-402. Confidentiality**

**A.** A telecommunication relay center shall protect the privacy of any person to whom relay services are provided.

**B.** A relay operator shall maintain the confidentiality of all telephone messages.

**C.** The confidentiality and privacy of any person using a relay service is protected under the Mandatory Minimum Standards of 47 CFR 64.604, 1999 Edition. This information is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Arizona Commission for the Deaf and Hard of Hearing and the Office of the Secretary of State.

1. A telecommunication relay center shall not maintain permanent copies of messages relayed by a relay operator or allow the content of a telephone message to be communicated to, or accessible to, a non-staff member.
2. Any person using a relay service is not required to provide identifying information until the party the person is calling is on the line. The person's identity shall then be revealed to the extent necessary to fulfill the purpose of the call.
3. A relay operator shall not leave a message with a 3rd party unless instructed by the person making the call.
4. Any person using a relay service may file a complaint about the relay service with the telecommunication relay center or with the Commission. All complaints shall be reviewed by the Director.

**Historical Note**
Adopted effective May 12, 1986 (Supp. 86-3). Amended by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

**R9-26-403. Repealed**

**Historical Note**
Adopted effective May 12, 1986 (Supp. 86-3). Section repealed by final rulemaking at 6 A.A.R. 3827, effective September 15, 2000 (Supp. 00-3).

## ARTICLE 5. INTERPRETER CERTIFICATION

**R9-26-501. Definitions**
The following definitions apply in this Article:

1. "Applicant" means an individual who submits a completed application, and documentation to the Council to obtain a certificate of competency.
2. "Application" means a form provided to applicants by the Council, requiring the following information:
   a. A photograph, measuring not less than 1 inch by 1 inch, of the applicant that was taken within five years of the date of filing the application;
   b. The applicant's full current name and any former names;
   c. The applicant's current address and telephone number;
   d. The applicant's social security number;
   e. Whether the applicant previously has applied for a certificate of competency;
   f. The applicant's notarized signature, attesting to the truthfulness of the information provided by the applicant; and
   g. The documentation required by this Article.
3. "ASL" means American Sign Language, the visual language used by deaf persons in the United States to communicate.
4. "CDI" means a certified deaf interpreter certificate, a certification issued by RID, evidencing that the certificate holder is deaf or hard-of-hearing, and performs at or above RID standards for deaf interpreters, but provides interpretation services with a hearing qualified interpreter.
5. "Certificate of competency" means a certificate issued by the Council indicating that the certificate holder has met the criteria set forth in this Article for the provision of interpretation services to deaf persons in court proceedings, government entity proceedings, and law enforcement encounters.
6. "Certification" means a currently valid card issued by RID, with the word "certified", and the categories in which the cardholder is certified, listed under the cardholder's name.
7. "Certified copy" means having a copy of the original document notarized as being a true and accurate copy of the original.
8. "CI" means certificate of interpretation, issued by RID, evidencing that the certificate holder performs at or above RID standards for sign language interpreters who interpret between ASL and English in both sign-to-voice and voice-to-sign.
9. "Continuing legal education" means seminars sponsored by a bar association, law firm, law department, or government entity, at which attendance is not limited to members of the association, firm, department, or entity, and that constitute an organized program of learning, dealing with matters directly related to the practice of law, and following an agenda defined by written materials or exercises distributed as part of the program.
10. "Council" means the Council for the Hearing Impaired.
11. "Court" means a place where people are officially assembled for the administration of justice, including all proceedings before every Grand Jury, Municipal Court, Justice Court, Magistrate Court, Superior Court, Court of Appeals, and Supreme Court in Arizona.
12. "CRR" means a certified realtime reporter certification issued by the NCRA, reflecting that the certificate holder has the training, experience, skills, and equipment to provide realtime on-screen translation, with at least 96% accuracy, for a deaf person in a proceeding.
13. "CSC" means a comprehensive skills certificate issued by RID, evidencing that the certificate holder performs at or above RID standards for sign language interpreters who interpret between ASL and English, and convert spoken English to an English-based sign system, in both sign-to-voice and voice-to-sign.
14. "CT" means a certificate of transliteration issued by RID and evidencing that the certificate holder performs at or above RID standards for sign language interpreters who convert spoken or written English to an English-based sign system, in both sign-to-voice and voice-to-sign.
15. "Custody" means that a person in a law enforcement encounter is not free to leave.
16. "Deaf person" means a person who is unable to fully process linguistic information through hearing, including any person who has an average pure tone decibel loss greater than 20dB in the better ear, any person who is observed by a court, government entity, or law enforcement personnel, without an interpreter, to need communication assistance to effectively participate in the proceeding, or any person who is hard-of-hearing, regardless of whether they wear hearing aids.
17. "English-based sign system" means using conceptually accurate American signs in English syntax. This is distinguishable from finger spelling using the alphabet, and from ASL, which also uses Americans signs, but not necessarily in conceptually accurate English syntax.
18. "Executive Secretary" means the executive officer of the Council who is responsible for implementing the Council's programs and activities, under A.R.S. § 36-1942.
19. "Government entity" means any department, board, commission, agency, or licensing authority of Arizona, or a political subdivision of Arizona.
20. "Intermediary interpreter" means a person holding a CDI certificate, an RSC certificate, or any person that a deaf person chooses to assist with interpretation services between the deaf person and a qualified interpreter.

21. "Law enforcement encounter" means any situation where a deaf person is questioned, arrested, or taken into custody for any alleged violation of Arizona criminal law, by any law enforcement personnel.
22. "NCRA" means the National Court Reporters Association.
23. "OIC" means an oral interpretation certificate issued by RID, evidencing that the certificate holder performs at or above RID standards for oral interpreters.
24. "Oral Interpreter" means a person who mouths a spoken message so that a deaf person can accurately speech read and understand the intent of the spoken message, and who accurately verbalizes the message and intent of the deaf person's speech and mouth movements.
25. "Party" means a deaf person who is a parent of a juvenile, a witness, complainant, defendant, or attorney in a court proceeding; a deaf person who is a principal party of interest, or a witness in a government entity proceeding; or a deaf person who is a defendant, or a criminal suspect in a law enforcement encounter.
26. "Proceeding" means any civil, criminal, or grand jury proceeding; any government entity proceeding; or any law enforcement encounter.
27. "Qualified interpreter" means a person who has a certificate of competency issued by the Council, and who is a court reporter who provides realtime translation, a sign language interpreter, or an oral interpreter.
28. "Realtime translation" means a court reporter's computer- aided method of accurately and simultaneously translating and displaying spoken words, including punctuation, in live proceedings, within five seconds of steno type input, for a deaf person to read.
29. "RID" means Registry of Interpreters for the Deaf.
30. "RSC" means a reverse skills certificate, which is the prior name of a CDI, and is synonymous with CDI.
31. "SC:L" means specialist certificate: legal issued by RID, evidencing that the certificate holder has specialized knowledge of the legal system, and performs at or above RID standards for interpreting in proceedings.
32. "Sign language interpreter" means a person who has a: (1) CI and CT; (2) CSC; (3) CDI; (4) RSC; or (5) SC:L certification from RID.
33. "Speech read" means determining what a person is saying by the person's mouth movements, body language, and the context of the conversation.
34. "Supervision" means that the supervising qualified interpreter has direct, in person contact with the interpreter that he or she is supervising, and provides orientation information to the supervisee about providing interpreter services in proceedings, observes the supervisee providing interpretation services in proceedings, has the supervisee observe the supervisor providing interpretation services in proceedings, and provides feedback to the supervisee about the supervisee's performance.

**Historical Note**
Adopted effective April 4, 1997 (Supp. 97-2).

**R9-26-502. Process for Obtaining Interpreters**

**A.** The court, government entity, or law enforcement personnel responsible for obtaining a qualified interpreter in any proceeding where a deaf person is a party, shall follow the steps stated in subsection (B).

**B.** The court, government entity, or law enforcement personnel shall:
1. Determine whether a party is a deaf person, either based on the party's request, or on the observation of the court, governmental entity, or law enforcement personnel;
2. Once a party is determined to be deaf, determine from the deaf person whether the deaf person needs sign language interpretation, oral interpretation, court reporter realtime translation, or a combination of interpretation services;
3. Determine, for sign language interpretation services, whether the deaf person needs ASL or an English-based sign system;
4. Arrange for a qualified interpreter to provide interpretation services; and
5. Determine from the deaf person whether the qualified interpreter meets the deaf person's communication needs at the outset of the proceeding or encounter, either upon complaint by the deaf person, or by observation of the court, government entity, or law enforcement personnel.

**C.** The deaf person may object to the qualified interpreter because the interpreter cannot meet the deaf person's communication needs. The court, government entity, or law enforcement personnel shall then appoint either an intermediary interpreter to work with the qualified interpreter or may provide another qualified interpreter that can meet the deaf person's communication needs.

**Historical Note**
Adopted effective April 4, 1997 (Supp. 97-2).

**R9-26-503. Sign Language Interpreter Certification**

**A.** The Council may issue a certificate of competency to an applicant who files an application with the Council, and submits all of the following:
1. A certified copy of the applicant's sign language interpreter RID certification;
2. An affidavit signed by the applicant, and notarized, attesting whether the applicant:
   a. Is a CI and CT, CSC, or SC:L certificate holder and has at least 2,000 hours of sign language interpreting experience within the five years immediately preceding the date of filing the affidavit with the Council, or is a CDI or RSC certificate holder and has at least 50 hours of sign language interpreting experience within the five years immediately preceding the date of filing the affidavit with the Council;
   b. Has ever been disciplined, or is currently the subject of any disciplinary action, in any jurisdiction or before RID relating to providing interpreting services or adhering to the RID Code of Ethics, set forth in subsection (C);
   c. Has ever been named, or is currently named, as a defendant in any law suit alleging the applicant was negligent in providing the applicant's interpreter services or alleging that the applicant violated the RID Code of Ethics, set forth in subsection (C);
   d. Follows the RID Code of Ethics, set forth in subsection (C), including the obligation to be absolutely neutral in all proceedings;
   e. Understands that the applicant shall ensure that the applicant's interpreting skills meet the deaf person's communication needs, and that failure to do so may be grounds for revocation of the applicant's certificate of competency;
   f. Understands that the applicant shall complete the continuing education requirements necessary to maintain current RID certification in the category or categories in which the Council issued the applicant's certificate of competency;

g. Understands that the applicant shall complete at least three clock hours of continuing legal education every year in addition to RID continuing education requirements, shall maintain accurate records of compliance with this subsection, and shall produce the records upon the Council's request; and
h. Understands that the applicant shall obtain RID SC:L certification by January 1, 2005.

3. Documentation that the applicant has provided at least 20 hours of sign language interpretation services to a deaf person under the supervision of a qualified interpreter in proceedings.

**B.** After January 1, 2005, a RID SC:L certification shall be the only RID certification that shall satisfy subsection (A)(1).

**C.** Interpreters shall comply with the following RID Code of Ethics requirements:
1. Keep all interpreting assignment related information confidential;
2. Render the message to accurately convey the content and spirit of the speaker, using language that the deaf person readily understands;
3. Not counsel, advise, or interject personal opinions;
4. Accept assignments using discretion with regard to their skills, the setting, and the deaf person involved;
5. Request compensation for services in a professional and judicious manner;
6. Maintain high professional standards in providing services, including maintaining absolute neutrality in all proceedings; and
7. Further their knowledge and skills by participating in workshops, professional meetings, interacting with professional colleagues, and reading current literature.

**Historical Note**
Adopted effective April 4, 1997 (Supp. 97-2).

**R9-26-504. Temporary Sign Language Interpreter Certification**

**A.** The Council may issue a temporary sign language interpreter certificate of competency to an applicant, who holds a CI and CT, CSC, or CDI RID certification, to provide interpretation services in proceedings under the supervision of a qualified interpreter for one year. This applicant shall file an application with the Council, and submit the following:
1. A certified copy of the applicant's CI and CT, CSC, or CDI RID certification; and
2. The names and addresses of the applicant's qualified interpreter supervisors.

**B.** The temporary certificate of competency shall automatically expire one year after the date of issue. The temporary certificate holder shall provide 20 hours of sign language interpretation services during the year that the temporary certificate is valid. If the 20 hours are not obtained before the temporary certificate expires, the applicant shall apply for another temporary certificate.

**C.** Beginning January 1, 2005, the Council shall no longer issue temporary certificates of competency.

**Historical Note**
Adopted effective April 4, 1997 (Supp. 97-2).

**R9-26-505. Expired**

**Historical Note**
Adopted effective April 4, 1997 (Supp. 97-2). Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 35, effective September 30, 2002 (Supp. 02-4).

**R9-26-506. Oral Interpreter Certification**

**A.** The Council may issue an oral interpreter certificate of competency to an applicant who files an application with the Council, and submits the following:
1. A certified copy of the applicant's RID OIC certification, or documentation indicating that the applicant has provided at least 360 hours of oral interpreter services within the three years immediately preceding the date the applicant filed the documentation with the Council;
2. The information required in R9-26-503(A)(2)(b), (c), (d), (e), (f), and (g); and
3. A statement on the applicant's affidavit that the applicant understands that the applicant shall obtain RID OIC certification by January 1, 2005, if not already obtained, and shall complete the continuing education requirements necessary to maintain current RID certification.

**B.** After January 1, 2005, applicants for oral interpreter certificates of competency shall have an RID OIC certification to satisfy subsection (A)(1).

**Historical Note**
Adopted effective April 4, 1997 (Supp. 97-2).

**R9-26-507. Realtime Reporter Certification**

**A.** The Council may issue a realtime reporter certificate of competency to an applicant who files an application with the Council, and submits the following:
1. A certified copy of the applicant's Superior Court certification issued pursuant to A.R.S. § 12-222, and a notarized affidavit, signed by the applicant, attesting that the applicant has provided realtime translation in at least two trials in state or federal court; or
2. A certified copy of the applicant's NCRA Registered Professional Reporter, Registered Merit Reporter, or Registered Diplomate Reporter certification, and a notarized affidavit, signed by the applicant, attesting that the applicant has provided realtime translation in at least two trials in state or federal court; or
3. A certified copy of the applicant's CRR, and a notarized affidavit, signed by the applicant, attesting that the applicant follows the NCRA ethical requirements, set forth in subsection (C); and
4. A statement on the applicant's affidavit that the applicant understands that the applicant shall obtain NCRA CRR certification by January 1, 2005, if not already obtained, and shall complete the continuing education requirements necessary to maintain current NCRA CRR certification.

**B.** After January 1, 2005, NCRA CRR certification shall be the only certification that shall satisfy subsection (A).

**C.** Realtime translators shall comply with the following NCRA Code of Professional Ethics, Section II: Realtime Reporter as Assistive Technology in Legal Proceeding requirements:
1. Explain, before beginning realtime reporting, who has hired the reporter, what is to be reported, and that the realtime is to be used as assistive technology, not as a verbatim record of the proceeding;
2. Determine, before beginning realtime reporting, who owns the residual computer file;
3. Keep all assistive, assignment-related information confidential;
4. Render as near a verbatim translation as possible, conveying the content and spirit of the speaker, using substitute language that is computer-translatable for the deaf person to understand, and using parentheticals to describe to the deaf person all sounds during the proceeding;
5. Maintain absolute neutrality in all proceedings, by not counseling, advising, or interjecting personal opinions;

6. Accept assignments using discretion with regard to their skills, the setting, the deaf person being assisted, and accurately assessing the reporter's qualifications for realtime translation;
7. Know how to operate the software and hardware being used, including being able to troubleshoot anticipated problems that occur with software and hardware;
8. Further their knowledge and skills by participating in workshops, professional meetings, interaction with professional colleagues, reading current literature, and achieving additional state or national realtime certifications; and
9. Save a hard copy or computer disk of the actual translation that the deaf person saw on screen. If the translation is saved on computer disk, it shall be in text, or American standard code for information interchange format.
10. In addition to the ethical requirements in subsections (C)(1) through (9), realtime reporters shall not simultaneously act in a dual capacity as a realtime reporter for the benefit of a deaf person, and the stenographer who is recording the official verbatim record of the proceeding.

**Historical Note**
Adopted effective April 4, 1997 (Supp. 97-2).

**R9-26-508. Application Processing Procedures; Issuance; Denial**

**A.** Within 15 calendar days of receiving an initial or renewal certificate of competency application of any type, the Council shall notify the applicant, in writing, that the application package is complete or incomplete. If the package is incomplete, the notice shall specify what information is missing.

**B.** An applicant with an incomplete package shall supply the missing information within 10 calendar days from the date of the notice. If the applicant fails to do so, the Council may close the file. An applicant whose file has been closed shall begin the application process anew.

**C.** Upon receipt of all missing information within 10 calendar days, the Council shall notify the applicant, in writing, that the application is complete.

**D.** The Council shall not process a certificate of competency application until the applicant has fully complied with the requirements of this Article.

**E.** The Council shall notify an applicant, in writing, whether the certificate of competency is granted or denied, no later than 30 calendar days after the postmark date of the notice advising the applicant that the package is complete.

**F.** The Council may deny a certificate of competency for any of the following reasons:
1. Failure to provide complete documentation,
2. Providing false or misleading information, or
3. Failure to meet the requirements stated in this Article.

**G.** The notice of denial shall include the following:
1. Reasons for the denial, with citations to the statutes or rules on which the denial is based;
2. The applicant's right to request reconsideration pursuant to subsection (H); and
3. The name and telephone number of an agency contact person who can answer questions regarding the application process.

**H.** The following time-frames shall apply for initial and renewal certificate of competency applications:
1. Administrative completeness review time-frame: 15 calendar days.
2. Substantive review time-frame: 30 calendar days:
3. Overall time-frame: 45 calendar days.

**I.** Within 15 calendar days of the mailing date of the Council's notice of denial, the applicant may submit a request for reconsideration to the Council, setting forth the facts that justify reconsideration of the denial. The Council shall review all documentation, and interview any persons with information relevant to issuing or denying the applicant's certificate.

**J.** Within 10 calendar days of receiving the applicant's request for reconsideration, the Council shall notify the applicant, in writing, whether the denial is upheld. If a denial is upheld, the Council's notice upholding the denial shall include the following:
1. Reasons for the denial, with citations to the statutes or rules on which the denial is based;
2. The applicant's right to appeal the denial, including the number of days in which the applicant has to file a request for hearing to challenge the denial, and the right to request an informal settlement conference pursuant to A.R.S. § 41-1092.06;
3. The name and telephone number of an agency contact person who can answer questions regarding the appeal process.

**K.** An applicant whose certificate is denied has a right to a hearing, an opportunity for rehearing, and, if the denial is upheld, judicial review pursuant to A.R.S. Title 41, Chapter 6, Articles 6 and 10, and A.R.S. Title 12, Chapter 7, Article 6.

**Historical Note**
Adopted effective April 4, 1997 (Supp. 97-2).

**R9-26-509. Certification Renewal**

Certification of competency holders shall renew their certificates on or before January 1 of every year. If January 1 is a Saturday, Sunday, or legal holiday, the renewal deadline is the first business day following the Saturday, Sunday, or legal holiday. To renew certificates of competency, the certificate holder shall file all the following documentation with the Council:
1. A certified copy of the certificate holder's current RID, or NCRA, certification;
2. A notarized affidavit, signed by the certificate holder, attesting that since the Council issued the certificate, whether the certificate holder:
   a. Has been disciplined or is currently the subject of any disciplinary action in any jurisdiction, or before RID or NCRA, as applicable, relating to providing interpretation or realtime reporting services, respectively, or adhering to the RID or NCRA ethical requirements of R9-26-503(C) or R9-26-507(C), respectively;
   b. Has been named as a defendant in any law suit alleging that the certificate holder was negligent in providing interpretation services, or alleging the certificate holder violated the RID ethical requirements of R9-26-503(C), or alleging the certificate holder was negligent in providing realtime reporting services, or alleging the certificate holder violated the NCRA ethical requirements of R9-26-507(C);
   c. Follows the RID ethical requirements of R9-26-503(C), or NCRA ethical requirements of R9-26-507(C), as applicable;
   d. Understands that it is the certificate holder's duty to ensure that the certificate holder's interpreting, or translating, skills meet the deaf person's communication needs, and that failure to do so may be grounds for revocation of the certificate holder's certificate of competency;
   e. Has completed the requirements necessary to maintain RID, or NCRA certification and understands the

certificate holder shall continue to maintain current RID, or NCRA certification;

f. Has completed at least three clock hours of continuing legal education since the effective date, or the last renewal date of the certificate of competency, whichever is more recent; and

g. Has maintained accurate records of compliance with the continuing legal education requirements of this Article, and shall make these records available for examination upon this Council's request.

3. The certificate holder's current name, address, and telephone number.

**Historical Note**
Adopted effective April 4, 1997 (Supp. 97-2).

**R9-26-510. Certification Revocation**

**A.** The Council may revoke a certificate of competency based on a complaint from any person alleging any of the following reasons:

1. The certificate holder has falsified any application or renewal information; or
2. The certificate holder has violated the RID or NCRA ethical requirements of R9-26-503(C) or R9-26-507(C), respectively.

**B.** A complaint alleging any of the reasons for revocation shall be in writing, with the name, address, telephone number, and signature of the person filing the complaint. A complaint may be written by someone on behalf of the complainant, but also shall include the complainant's name, address, telephone number, and signature, indicating that the complaint is filed by the complainant. A complaint may be videotaped, with the complainant signing the complaint, but also shall include the complainant's name, address, and telephone number.

**C.** Within 20 calendar days of receiving a complaint, the Council shall mail the complaint to the certificate holder, and request the certificate holder to respond.

**D.** The certificate holder shall file a written response to the complaint with the Council, in writing, within 20 calendar days of the date that the complaint was mailed to the certificate holder.

**E.** The Council shall investigate the complaint and either dismiss the complaint, or send the matter to a formal hearing, within 60 calendar days of receiving the complaint. If no grounds are found to support the complaint, the Council shall dismiss the complaint.

**F.** If the complaint is sent to a formal hearing, the hearing shall be conducted pursuant to A.R.S. Title 41, Chapter 6, Articles 6 and 10. A party to the hearing has an opportunity for rehearing or review, and judicial review pursuant to A.R.S. Title 41, Chapter 6, Article 10, and A.R.S. Title 12, Chapter 12, Article 6.

**Historical Note**
Adopted effective April 4, 1997 (Supp. 97-2).

**R9-26-511. Rehearing or Review of Decisions**

**A.** If a party to an appealable agency action or contested case files a Motion for Rehearing or Review with the Council, it shall be filed not later than 30 calendar days after service of the decision, and shall specify the particular grounds for the motion. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed by certified mail to the party's last known residence or place of business.

**B.** A rehearing or review may only be granted for any of the following reasons materially affecting the moving party's rights, or ability to receive a fair hearing;

1. Any irregularity in the administrative hearing, any order or abuse of discretion by the administrative law judge or the Council;
2. Misconduct of the Council, or the administrative law judge, or prevailing party;
3. Accident or surprise which could not have been prevented by ordinary prudence;
4. Newly discovered material evidence which could not have been discovered with reasonable diligence and produced at the original hearing;
5. Excessive or insufficient penalties;
6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing; or
7. A decision which is not justified by the evidence or is contrary to law.

**C.** Not later than 15 calendar days after the Council's receipt of a motion for rehearing or review, the Council may affirm or modify its decision, or grant a rehearing or review. After giving the parties or their counsel notice and an opportunity to be heard, the Council may grant a rehearing or review for a reason not stated in the party's motion. An order modifying a decision or granting a rehearing or review shall specify with particularity the ground or grounds on which the rehearing or review is granted. The rehearing or review shall cover only those matters so specified.

**D.** Not later than 15 calendar days after a decision is rendered, the Council may on its own initiative order a rehearing or review for any of the reasons stated in subsection (B), after giving the parties or their counsel notice and an opportunity to be heard.

**E.** When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party shall have 10 calendar days from the date of service to serve opposing affidavits. This period may be extended by the Council for good cause up to 20 calendar days, or by written stipulation of the parties. If reply affidavits are permitted, they shall be served within five calendar days of service of the opposing affidavits.

**Historical Note**
Adopted effective April 4, 1997 (Supp. 97-2).