

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
 Third Reader

House Bill 1107 (Delegate Bagnall)
 Health and Government Operations Education, Health, and Environmental Affairs

Maryland Sign Language Interpreters Act

This bill establishes a regulatory framework for the licensure of individuals who provide sign language interpretation services in the State. The State Board of Sign Language Interpreters is established in the Office of the Deaf and Hard of Hearing (ODHH). Beginning January 1, 2024, an individual must be licensed by the board before providing sign language interpretation services in the State. The Sign Language Interpreters Fund is established to collect associated revenues and pay for the board’s costs. In fiscal 2024 only, the Governor must appropriate \$100,000 in general funds to the board. **Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, the bill terminates July 1, 2032.**

Fiscal Summary

State Effect: General fund expenditures increase by \$100,000 in FY 2024 to reflect the mandated appropriation; general/special fund expenditures increase by \$303,300 in FY 2024. Special fund revenues increase by \$415,000 in FY 2024 and by \$315,000 annually thereafter. **This bill establishes a mandated appropriation for FY 2024.**

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
SF Revenue	\$0	\$415,000	\$315,000	\$315,000	\$315,000
GF Expenditure	\$0	\$100,000	\$0	\$0	\$0
GF/SF Exp.	\$0	\$303,300	\$301,600	\$309,400	\$317,600
Net Effect	\$0	\$11,700	\$13,400	\$5,600	(\$2,600)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Circuit courts may be affected to the extent that the bill limits the number of available sign language interpreters for court cases, which may create operational delays and/or increased costs for such services. Local government finances and operations are not otherwise materially affected.

Small Business Effect: Meaningful.

Analysis

Bill Summary:

General Requirements, Definitions, and Exclusions

“Provide sign language interpretation services” means to convey the meaning of a message that is expressed in (1) an oral or signed language by rendering the message in American Sign Language (ASL) or (2) ASL by rendering the message in an oral or signed language. It includes providing sign language interpretation services in a video remote interpreting setting.

The licensure requirement does not apply in limited circumstances, such as to an individual who provides sign language interpretation services as an uncompensated volunteer and in a setting in which a sign language interpreter is not otherwise required by law or provides sign language interpretation services to prevent undue harm in the event of an emergency until a licensed sign language interpreter becomes available.

State Board of Sign Language Interpreters

The State Board of Sign Language Interpreters is established in ODHH, subject to specified conditions and requirements for board membership and appointment. The board exercises its powers, duties, and functions subject to the authority of the Governor. A member of the board may not receive compensation but is entitled to reimbursement for travel expenses. ODHH must provide appropriate staff to assist the board in carrying out its duties.

Board Regulatory Requirements

In addition to other regulatory requirements, such as establishing fees in regulation, the board must:

- establish a visiting sign language interpreter registry;
- develop and maintain an Internet portal to accept license applications and related documentation, complaints, and registrations of visiting sign language interpreters;
- adopt regulations to govern sign language interpretation services provided in a video remote interpreting setting;
- maintain a list of the names and mailing addresses of all licensees, including by license type (the board is authorized to release the list of names to the public);
- develop and implement a public awareness campaign to inform the public and relevant professionals of the licensing requirement under the bill; and
- reasonably seek additional funding sources.

The board may establish criteria for the development of portfolios and requirements in the following specialist areas: (1) legal settings; (2) medical settings; (3) behavioral health settings; (4) language pairs for other than ASL and spoken English; (5) conference interpreting; (6) tactile and low-vision sign language interpretation services; (7) intralinguistic translations and sign language interpretation; and (8) any other areas determined to be necessary by the board.

Sign Language Interpreters Fund

The Sign Language Interpreters Fund is a special, nonlapsing fund administered by the director of ODHH. The board must set by regulation reasonable fees for the issuance and renewal of licenses and other services to produce funds to approximate the cost of maintaining the board. The fund must be used exclusively to cover the actual documented direct and indirect costs of fulfilling the duties of the board, as specified. Fee revenue collected by the board accrues to the fund; investment earnings accrue to the general fund. Expenditures from the fund may only be made in accordance with the State budget.

Licensure

The bill establishes two categories for licensure: a standard license and a provisional license. The standard license requires an individual to have a valid nationally or regionally recognized certification or other certification approved by the board, in addition to any other qualifications established by the board. The license fee and term must be set by the board (until established by the board in regulation, initial license fees are \$150).

A provisional license requires an individual to have taken and passed the first part of an examination for a nationally or regionally recognized certification, in addition to otherwise qualifying for a standard license. A provisional licensee may not provide services in a legal, medical, or behavioral health setting, except as specified. The license fee must be set by the board. The license term is two years, and the license may be renewed one time (there is also a five-year limit on total provisional license duration).

Prohibited Actions and Penalties

The bill specifies prohibited actions for individuals and licensees, subject to specified enforcement actions by the board or a court of competent jurisdiction. The board may use a restorative justice program in lieu of taking final action on a complaint against a licensee. The board must adopt regulations for the use of such programs.

In the case of enforcement by a court, on conviction, the individual is jointly and severally liable to the party who brought the action for up to \$1,000 per incident, plus all attorney's fees and court costs.

Current Law: Sign language interpreters are not required to be licensed in Maryland. The Judiciary (Administrative Office of the Courts) advises that its courts are required to assign an ASL interpreter with a national certification when possible.

State Fiscal Effect: General/special fund expenditures increase by \$403,318 in fiscal 2024 (\$100,000 in general funds). Special fund expenditures increase by \$301,598 to \$317,558 annually thereafter for the board’s ongoing implementation costs. Special fund revenues increase by \$415,000 in fiscal 2024 (\$100,000 from the required general fund appropriation) and by about \$315,000 annually thereafter from license fees.

Implementation Costs

ODHH must provide staff for the board, and the director of ODHH must administer the Sign Language Interpreters Fund. This analysis phases in implementation costs in fiscal 2024 and assumes that general fund support for the board flows through the special fund.

Accordingly, special fund expenditures increase by \$303,318 in fiscal 2024, which accounts for the bill’s delayed licensure requirement. This estimate reflects the cost of hiring one program manager and one half-time assistant Attorney General, effective July 1, 2023, to begin implementation of the bill, followed by one additional administrative position beginning October 1, 2023. It includes salaries, fringe benefits, one-time start-up costs, one-time information technology (IT) costs, travel costs, and ongoing operating expenses.

Positions	2.5
Salaries and Fringe Benefits	\$217,777
One-time Information Technology Costs	60,000
Other Operating Expenses	<u>25,541</u>
Total FY 2024 ODHH Implementation Costs	\$303,318

Future year expenditures reflect full salaries with annual increases and employee turnover and annual increases in operating expenses, as well as contractual expenses for ongoing IT costs and interpreter services for board meetings. These costs are supported by general funds in fiscal 2024 and are otherwise paid for in future years with licensing revenues and fund balance.

Revenues

This analysis assumes 1,500 initial two-year licenses are issued at \$420 each, split evenly between fiscal 2024 and 2025, reflecting increased industry awareness and compliance after the initial licensure date, with a minimal number of additional licenses issued

thereafter. This analysis assumes that the board establishes such a fee in regulations and that all licensees pay this fee rather than the temporary fee of \$150 specified in the bill (which is not sufficient to cover estimated board costs). This analysis also assumes that the fiscal 2024 mandated general fund appropriation of \$100,000 accrues to the Sign Language Interpreter Fund. Under these assumptions, special fund revenues increase by approximately \$415,000 in fiscal 2024 and by approximately \$315,000 annually thereafter to reflect renewal fees and additional applicants for licensure. Fees will ultimately be adjusted further to approximate the cost of the board, once there is a known licensee base.

Other Effects

District Courts and the Maryland School for the Deaf may be affected to the extent that the bill limits the number of available sign language interpreters for court cases as well as student instruction and support, which may create operational delays and/or increase the cost of providing the service.

Local Fiscal Effect: Circuit courts may be affected to the extent that the bill limits the number of available sign language interpreters for court cases, which may create operational delays and/or increase the cost of providing the service. Local government finances and operations are not otherwise materially affected.

Small Business Effect: To the extent that small businesses have employees that currently provide sign language interpretation services, those employees must become licensed beginning January 1, 2024. Any delay in initial implementation of licensing could potentially disrupt the ability of these businesses to continue providing such services. Conversely, all businesses, including small businesses, benefit from enhanced assurance that sign language interpretation services are being provided by qualified individuals.

Additional Information

Prior Introductions: SB 431 of 2021, a similar bill, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. Its cross file, HB 535, received a hearing in the House Health and Government Operations Committee, but no further action was taken. HB 1652 of 2020, a similar bill, was withdrawn. HB 1064 of 2019, a similar bill, was withdrawn.

Designated Cross File: SB 748 (Senator King) - Education, Health, and Environmental Affairs.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Maryland School for the Deaf; Department of Budget and Management; Maryland Department of Health; Office of Administrative Hearings; Office of the Deaf and Hard of Hearing; Department of Legislative Services

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