

HB 525-FN - AS INTRODUCED

2025 SESSION

25-0190

05/09

HOUSE BILL **525-FN**

AN ACT transferring administration of the program for the deaf and hard of hearing and the board of licensure of interpreters for the deaf, deafblind, and hard of hearing to the office of professional licensure and certification.

SPONSORS: Rep. C. McGuire, Merr. 27; Rep. D. McGuire, Merr. 14

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill transfers the program for the deaf and hard of hearing from the department of education, vocational rehabilitation to the advisory board for interpreters for the deaf, deafblind, and hard of hearing. The bill also transfers board administration and licensing to the office of professional licensure and certification.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT transferring administration of the program for the deaf and hard of hearing and the board of licensure of interpreters for the deaf, deafblind, and hard of hearing to the office of professional licensure and certification.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subparagraph; Office of Professional Licensure and Certification; Advisory Board for
2 Interpreters for the Deaf, Deafblind, and Hard of Hearing Added. Amend RSA 310:2, II by inserting
3 after subparagraph (ccc) the following new subparagraph:

4 (ddd) The advisory board for interpreters for the deaf, deafblind, and hard of hearing,
5 established in RSA 326-I.

6 2 Interpreters for the Deaf, Deafblind, and Hard of Hearing. Amend RSA 326-I:2 through 326-
7 I:7 to read as follows:

8 326-I:2 Definitions. In this chapter:

9 I. "Board" means the **advisory** board of licensure of interpreters for the deaf, deafblind, and
10 hard of hearing **established in RSA 326-I:3**.

11 II. "Deaf" person means a person whose primary communication is visual.

12 III. "Deafblind" person means a person who has a combination of hearing loss and vision
13 loss. A person who uses a combination of visual and/or tactile communication.

14 IV. "Hard-of-hearing" person means a person who has a hearing loss, who may or may not
15 primarily use visual communication, and who may or may not use assistive devices.

16 V. "Intermediary interpreting" means interpreting services rendered by a deaf person
17 between another deaf or deafblind person and another licensed interpreter or between 2 or more deaf
18 or deaf blind persons.

19 VI. "Interpreter" means a person who conveys meaning between people who use signed
20 language and spoken language.

21 VII. "Interpreting" means the act of conveying meaning between people who use signed
22 and/or spoken languages.

23 VIII. "Interpreting organization" means an organization whose function is to provide
24 qualified interpreter services for a fee and who access interpreters licensed under this chapter.

25 **VIII-a. "Office" or "OPLC" means the office of professional licensure and**
26 **certification.**

27 IX. "Oral deaf" person means a person whose primary communication is speech reading and
28 spoken English.

29 X. "Qualified interpreter" means an interpreter meeting the requirements of this chapter.

1 326-I:3 Board of Licensing for Interpreters for the Deaf, Deafblind, and Hard of Hearing;
2 Administrative Attachment.

3 I. There shall be [a] ***an advisory*** board of licensing for interpreters for the deaf, deafblind,
4 and hard of hearing, each member to be appointed by the governor, with the approval of the council.

5 II. The board shall consist of 9 members as follows:

6 (a) Four licensed interpreters, at least 2 of whom hold national certification, from names
7 submitted by the New Hampshire Registry of Interpreters for the Deaf in conjunction with the New
8 Hampshire Association of the Deaf.

9 (b) Five consumers, including 3 deaf or deafblind persons from names submitted by the
10 New Hampshire Association of the Deaf, one consumer of oral interpreting services, and a non-deaf
11 member of the public not licensed under this chapter.

12 III. No member of the board shall serve concurrently in an elected, appointed, or employed
13 position in any other state-level organization representing interpreters for the deaf, deafblind, or
14 hard of hearing if it would present a direct conflict of interest.

15 IV.(a) Appointments to the board shall be for 3 years, except that one of the initial
16 interpreter members and one of the initial consumer members shall serve one-year terms, and one of
17 the initial interpreter members and one of the initial consumer members shall serve 2-year terms. A
18 member shall hold office until a successor has been appointed and qualified. No member may serve
19 more than 2 consecutive terms. Initial interpreter member appointments to the board shall be
20 required to be licensed under this chapter, as of January 1, 2003.

21 (b) The governor and council may remove any member of the board for malfeasance,
22 misfeasance, or nonfeasance pertaining to the duties of the board.

23 (c) The board shall review and take action on all applications for licensure, renewal, and
24 reinstatement licenses for interpreters for the deaf, deafblind, and hard of hearing.

25 V. Members of the board shall receive mileage incurred while conducting the business of the
26 board.

27 VI. A quorum of the board shall be 5 members.

28 VII. The board shall be an administratively attached agency, under RSA 21-G:10, to the
29 department of education.

30 326-I:4 Powers and Duties of the Board. The powers and duties of the board include:

31 I. Accepting applications for licensure under this chapter, and approving or denying such
32 applications.

33 II. Approving and enforcing performance requirements, including education and
34 examination standards, for interpreters for the deaf, deafblind, and hard of hearing.

35 III. ~~[Suspending or revoking licenses and conducting investigations and hearings regarding~~
36 ~~the denial, suspension, revocation, and renewal of licenses.~~

37 IV.] Adopting a code of professional conduct for licensees.

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1 ~~[V. Renewing licenses for interpreters for the deaf, deafblind, and hard of hearing.~~

2 ~~VI.]~~ **IV.** Maintaining a directory of all licensed interpreters for the deaf, deafblind, and hard
3 of hearing. The directory shall be updated, published, and shall be offered for sale to the public at a
4 fee to be equal to the cost of reproduction.

5 ~~[VII. Accepting written complaints from the public against licensees, conducting necessary~~
6 ~~investigations of such complaints, and publicizing the complaint procedure.~~

7 ~~VIII.]~~ **V.** Accepting funds from federal and other non-state sources to be used for the
8 purposes of this chapter.

9 ~~[IX.]~~ **VI.** Cooperating with the New Hampshire Registry of Interpreters for the Deaf, the
10 New Hampshire Association of the Deaf, the Association of Late Deafened Adults (ALDA), Northeast
11 Deaf and Hard of Hearing Services, Inc., the department of education, division of vocational
12 rehabilitation, and interpreting organizations to provide access to the services of interpreters to
13 persons communicating with deaf, deafblind, and hard of hearing persons.

14 ~~[X.]~~ **VII.** Reporting to the governor and council annually on the activities conducted under
15 this chapter.

16 326-I:5 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

17 I. The form and content of license applications ~~[authorized in RSA 326-I:7, II]~~. For licensed
18 interpreters such rules shall include application criteria including proof of an approved valid
19 credential.

20 II. ~~[License and application fees, renewal fees, and any other fees required under this~~
21 ~~chapter which shall be sufficient to produce estimated revenues equal to 125 percent of the direct~~
22 ~~operating expenses of the board for the previous fiscal year.~~

23 ~~III.]~~ The conditions under which an applicant from another jurisdiction may be issued a
24 license.

25 ~~[IV.]~~ **III.** Requirements for continuing professional education and competency of interpreters
26 for the deaf, deafblind, and hard of hearing.

27 ~~[V.]~~ **IV.** The contents of the code of professional conduct, and the application of the code to
28 the provision of services by interpreters.

29 ~~[VI. Expiration of licenses.~~

30 ~~VII. The conduct of investigations and hearings under this chapter, consistent with due~~
31 ~~process requirements.~~

32 ~~VIII. Procedural and substantive requirements for assessing, compromising, and collecting~~
33 ~~administrative fines as authorized by RSA 326-I:14, III.]~~

34 **V. Implementation of the program for the deaf and hard of hearing, established in**
35 **RSA 326-I:14.**

1 326-I:6 Application for Licensure. An application for licensure under this chapter shall be filed
2 with the ~~[board]~~ **office** in such form and detail as required in accordance with rules adopted under
3 RSA 541-A, shall be duly signed and verified, and shall be available for public inspection.

4 326-I:7 Licensure Required; Exemptions.

5 I. No person shall receive remuneration as an interpreter for the deaf, deafblind, or hard of
6 hearing or represent oneself as an interpreter for the deaf, deafblind, or hard of hearing in this state
7 after January 1, 2003, unless such person is licensed in accordance with the provisions of this
8 chapter.

9 II. The ~~[board]~~ **office of professional licensure and certification** shall license each
10 applicant who satisfies the requirements of the board, including a valid credential recognized by the
11 board. Upon payment of a license fee, the ~~[board]~~ **office** shall issue to such person a certificate of
12 licensure which shall be evidence of the right to practice as an interpreter for the deaf, deafblind,
13 and hard of hearing.

14 III. The following persons shall be exempt from the license requirements of this chapter:

15 (a) Nonresident interpreters legally certified or legally trained by a board recognized
16 body when working in legal settings, provided that such interpreter shall be subject to disciplinary
17 proceedings of the board.

18 (b) Interpreters for the deaf, deafblind and hard of hearing working in religious settings.

19 (c) Interpreters working in emergency situations where the parties determine that the
20 delay to obtain a licensed interpreter is likely to cause injury or loss.

21 (d) Students exempted under RSA 326-I:8.

22 (e) Interpreters employed by a school district for a K-12 program.

23 (f) Court reporters licensed under RSA 310-A:161-RSA 310-A:181 while employed as
24 court reporters as defined in RSA 310-A:162, II.

25 (g) Interpreters holding a valid credential from a board recognized body who are
26 representatives from a critical shortage area (any area that is currently underrepresented in the
27 licensed pool) provided that such interpreter shall be subject to disciplinary proceedings of the board.

28 (h) An individual interpreting between a pair of signed languages for which there is no
29 existing certification, provided that such interpreter shall be subject to disciplinary proceedings of
30 the board.

31 IV. The recipient of services shall have the right to apply to the ~~[department of education]~~
32 **board** for, and to receive, a waiver in writing from using a licensed interpreter.

33 3 Advisory Board for Interpreters for the Deaf, Deafblind, and Hard of Hearing. RSA 326-I:9
34 through 326-I:18 is repealed and reenacted to read as follows:

35 326-I:9 License Requirements; Fees; Disciplinary Proceedings.

36 I. To be eligible for licensure by the office as an interpreter for the deaf, deafblind, and hard
37 of hearing, an applicant shall:

1 (a) Be at least 18 years of age and make application to the board, upon a form prescribed
2 by the board.

3 (b) Pay to the board the appropriate license application fee.

4 (c) Possess the minimum standards of performance and training pursuant to rules
5 adopted by the board under RSA 541-A and RSA 326-I:5.

6 (d) Demonstrate sufficient evidence of good professional character and reliability to
7 satisfy the board that the applicant shall faithfully and conscientiously avoid professional
8 misconduct and otherwise adhere to the requirements of this chapter.

9 (e) If applicable, submit proof of licensure in another state in which the licensure
10 requirements are equivalent to or greater than those in this chapter.

11 II. All licensing procedures, licensing fees, and disciplinary proceedings shall be handled by
12 the office of professional licensure and certification in accordance with RSA 310.

13 326-I:10 Prohibited Acts. No person shall:

14 I. Practice as an interpreter for the deaf, deafblind, and hard of hearing without holding a
15 license issued the office of professional licensure and certification.

16 II. Fail to comply with an order of the office issued pursuant to this chapter.

17 III. Fail to comply with a rule adopted pursuant to this chapter.

18 326-I:11 Display of License. Any person who has been issued a license under this chapter shall
19 conspicuously display such license to a client or consumer upon request when acting as an
20 interpreter for the deaf, deafblind, and hard of hearing.

21 326-I:12 Record; Directory. The board shall maintain a record of its proceedings under this
22 chapter and a directory of all persons licensed as an interpreter for the deaf, deafblind, and hard of
23 hearing. The directory shall list the name and last known contact information for each licensee, and
24 may include such other information as the board deems necessary.

25 326-I:13 Penalties.

26 I. Any person who shall practice or attempt to practice as an interpreter for the deaf,
27 deafblind and hard of hearing in this state without a license and without a waiver under RSA 326-
28 I:7, IV shall be guilty of a class A misdemeanor if a natural person or guilty of a felony if any other
29 person.

30 II. Any person who violates any other provision of this chapter or any rule adopted by the
31 board under this chapter, or who knowingly makes a false statement in an application for licensure
32 or in response to any inquiry of the board shall be guilty of a violation. Upon conviction of a second
33 or subsequent violation under this chapter, the person shall be guilty of a class A misdemeanor and
34 may, in addition, be subject to a civil penalty of up to \$2,000 per offense or, in the case of a
35 continuing offense, \$250 for each day the violation continues.

36 Program for the Deaf and Hard of Hearing

37 326-I:14 Program for the Deaf and Hard of Hearing.

1 I. The board shall administer the program for the deaf and hard of hearing in accordance
2 with this subdivision.

3 II. All functions, powers, duties, and responsibilities of the department of education, division
4 of vocational rehabilitation in administering the program are hereby transferred to and vested in the
5 board on the effective date of this section. The transfer provided in this section includes all the
6 books, papers, records, equipment, unexpended appropriations or other funds, and any other
7 property or obligations of the program.

8 326-I:15 Functions. The program established under this chapter shall:

9 I. Provide leadership and direction in the area of serving persons with hearing impairment.

10 II. Review, update, and implement the state plan for the deaf and hard of hearing and
11 ensure it is an integral part of the operation of the department of education.

12 III. Provide administrative support upon request of the board. Such support may include
13 the operation of a state screening for New Hampshire interpreters.

14 IV. Collect data on the needs of the deaf or hard of hearing community and investigate
15 resources to meet those needs.

16 V. Provide technical assistance to state and private agencies requesting such assistance in
17 order to ensure accessibility for the deaf or hard of hearing.

18 VI. Assist in development of legislation affecting deaf or hard of hearing people in the state
19 as approved by the board.

20 VII. Work with the New Hampshire registry of interpreters for the deaf, the New
21 Hampshire Association of the Deaf, Self-Help for the Hard of Hearing, and any other consumer
22 group interested in hearing loss, as needed, to ensure quality of services for the deaf or hard of
23 hearing.

24 VIII. Serve as an information and referral source for the state on the subject of hearing
25 impairment.

26 326-I:16 National Level and State Level Examination Fee; Revolving Fund Established.

27 I. Interpreters seeking to be licensed under RSA 326-I shall be charged a fee for the national
28 level or state level examination by the board, as appropriate. The office, in consultation with the
29 board, shall establish a fee schedule for such purpose. The office shall assess and collect such fees.

30 II. There is established in the state treasury a revolving fund into which shall be deposited
31 fees collected under paragraph I. The revolving fund shall be nonlapsing and continually
32 appropriated to the office for the purpose of funding the program established in this subdivision.

33 4 Application of Receipts; Reference Updated. Amend RSA 6:12, I(b)(137) to read as follows:

34 (137) Moneys deposited in the sign language interpreter's certification revolving
35 fund under RSA **236-I:16** [~~200-C:20-a~~].

36 5 Repeal. RSA 200-C:18 - 200-C:20-a, and the subdivision heading preceding RSA 200-C:18,
37 relative to the program for the deaf and hard of hearing, are repealed.

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1 6 Effective Date. This act shall take effect July 1, 2025.

HB 525-FN- FISCAL NOTE
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FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Revenue Fund(s)</i>	Office of Professional Licensure and Certification Fund			
Expenditures*	\$0	Indeterminable Increase in excess of \$10,000	Indeterminable Increase in excess of \$217,000	Indeterminable Increase in excess of \$227,900
<i>Funding Source(s)</i>	Office of Professional Licensure and Certification Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill transfers the program for the deaf and hard of hearing to an advisory board for interpreters for the deaf, deafblind, and hard of hearing housed within the Office of Professional Licensure and Certification. (OPLC).

The Department of Education concludes that the Board of Licensing for Interpreters for the Deaf, Deafblind, and hard of hearing's self sufficient financial model pursuant to RSA 326-I:5 (II) would continue under the OPLC and therefore no additional state funding would be necessary to support the transition. The minimal costs associated with the transition would be manageable within the board's existing budget. The Bureau of Vocational Rehabilitation would no longer allocate money to the Board and staff currently processing work for the Board would require reassignment.

Additionally, the DOE notes that the Bureau as of December 2024 has \$243,701.80 cash on hand for the Board which would need to be transferred to OPLC. Also, they suggest that state revenues for fiscal year 2025 through fiscal year 2028 to be \$40,628 and state expenditures in the same time frame to be \$8,153. These numbers are based on averages from the previous 5

years of revenue and expenditures. Therefore the Department suggests a fiscal impact of less than \$10,000.

The Office of Professional Licensure and Certification states the overall fiscal impact of this bill is indeterminable because it is difficult to know how much licensing, enforcement, hearings, board administration, and rulemaking functions will increase. The bill creates advisory board and licensing processes that may be inconsistent with RSA 310 and the statutory schemes of other advisory boards. This in turn could create less efficiency in the way the OPLC is able to provide operational support and thus increase costs. It is also unknown how involved the rulemaking process will be in order to implement the intent of the statute. The OPLC anticipates needing two additional positions: a dedicated board administrator position for this advisory board in order to ensure the Office has an interpreter and a dedicated grant writer to assist it in complying with proposed RSA 326-I:4, V to which the estimated cost is in the table below. This bill does not have an appropriation nor does it authorize new positions.

ESTIMATED FISCAL IMPACT (ROUNDED)			
	FY 2026	FY 2027	FY 2028
Administrator III (1 position)	\$117,000	\$118,000	\$123,000
Grant Administrator (1 position)	\$130,000	\$132,000	\$137,000
Computers, office equipment and other supplies	\$20,000	\$0	\$0
Expenditures Anticipated by the Bureau	\$8,000	\$8,000	\$8,000
Revenues Anticipated by the Bureau	-\$41,000	-\$41,000	-\$41,000
Cash on Hand for the Board that would need to be transferred to OPLC (as of December 2024)	-\$244,000	\$0	\$0
Total Estimated Cost	\$10,000	\$217,000	\$227,900

Additionally, the revenue the OPLC may receive through licensing and administrative fines is indeterminable due to how many licenses are pursued, how many inspections conducted, how many settlement agreements, and any disciplinary actions as a result which shall offset some of the costs.

The bill also provides for civil remedies. There is no way to predict how many such actions would occur, but the Judicial Branch has provided average cost information for civil cases in the Superior Court:

NH Judicial Branch Average Civil Case Estimates

Judicial Branch Average Cost	FY 2025	FY 2026
Superior Court	\$1,430	\$1,473

Complex Civil Case		
Superior Court Routine Civil Case	\$535	\$552

Common Civil Case Fees

Superior Court Fees	As of 2/12/2020
Original Entry Fee	\$280
Third-Party Claim	\$280
Motion to Reopen	\$160

AGENCIES CONTACTED:

Department of Education, Office of Professional Licensure and Certification, Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association