

Alabama Licensure Board For Interpreters and Transliterators

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Licensure Board For Interpreters and Transliterators

RULE NO. & TITLE:

488-X-1-.01-Continuing Education Program
488-X-1-.02-Fees
488-X-1-.03- Board Meetings
488-X-1-.04-Initial License
488-X-1-.05-Renewal of License
488-X-1-.06-Initial (1st Application) Permit (Repealed)
488-X-1-.06-Permit (New)
488-X-1-.07-Renewal of Permit (Repealed)
488-X-1-.07- Permit Renewal (New)
488-X-1-.08-Subsequent renewable permit (Repealed)
488-X-1-.08-Non-renewable Permit (New)
488-X-1-.09-Exemptions (Repealed)
488-X-1-.09- Deaf Interpreter and Transliterator exemption request (New)
488-X-1-.10-Extensions (Repealed)
488-X-1-.10- Deaf Interpreter & Transliterator Exemption Renewal (New)
488-X-1-.11-Complaint Procedure (Repealed)
488-X-1-.11- Exemptions (New)
488-X-1-.12-Reinstatement of Permit (Repealed)
488-X-1-.12- Complaint Procedure (New)
488-X-1-.13-Reinstatement of Licensure (New)
488-X-1-.14-Reinstatement of Permit (New)
488-X-1-.15-Licensure/ Permit Limitations (New)
Appendices I, Forms List

INTENDED ACTION:

Repealed, Amended and New

SUBSTANCE OF PROPOSED ACTION:

The Alabama Licensure Board For Interpreters and Transliterators proposes to adopt an Administrative Code or Rules and Regulations under which to operate.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

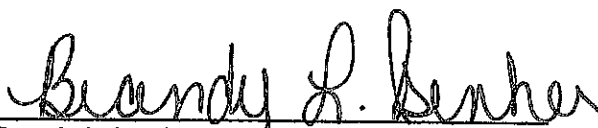
Written comments, views, or arguments will be received by the Board of Interpreters and Transliterators until 4:30 p.m. on November 6, 2014. Comments should be directed to Brandy L. Isenhour, Executive Director, at Post Office Box 240187, Montgomery, AL 36124-0636, or via fax at 334-277-0188.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

November 6, 2014

CONTACT PERSON AT AGENCY:

Brandy L. Isenhour
334.277.8881


Brandy L. Isenhour, Executive Director

~~488-X-1-11~~ Complaint Procedures.

~~(1) To file a complaint against an interpreter who has an Alabama license or permit but allegedly violates the Interpreter Code of Ethics, a person may use a general complaint form. The form may be completed and returned to ALBIT within 90 days of the incident. Complaints may also be filed in the form of a letter or may be videotaped instead of using the complaint form if a cover letter with the complainant's signature is included. No anonymous complaints will be considered.~~

~~(2) Receipt of Complaint~~

~~(a) When a complaint is filed an assigned ALBIT member will, within ten working days after the next meeting, notify the complainant in writing stating that:~~

- ~~1. their complaint has been received~~
- ~~2. a preliminary investigation will be done to verify the allegation(s)~~
- ~~3. the complainant may be contacted as part of the investigation~~
- ~~4. there is the possibility of a hearing before a circuit court in the jurisdiction of the residence of the interpreter, before which the complainant may be asked to appear and testify~~
- ~~5. the interpreter who becomes a defendant has 90 days, if found guilty, during which to appeal the decision.~~

~~(3) Defendant's Notification of Complaint~~

~~(a) The defendant who has been named in the complaint and accused of violating the Code of Ethics or the Alabama interpreter licensure law will be notified via certified mail that a complaint has been filed. The notification letter to the defendant will include the following:~~

- ~~1. Summary of the complaint, including dates and times of the alleged incident~~
- ~~2. Notification of his or her opportunity to respond in writing to the allegations~~
- ~~3. Notification that the deadline for responding is thirty (30) days from the date of notification.~~

~~(4) Preliminary Investigation. To determine whether any violations of the Alabama licensing law or the Registry of Interpreters for the Deaf Code of Ethics has~~

~~occurred, the assigned ALBIT board member will initiate a preliminary fact-finding investigation that should be completed within 45 days after the date the interpreter was required to respond. The complainant may be contacted for clarification and verification of the information included in the complaint. The response from the defendant becomes a part of the preliminary investigation.~~

~~(5) ————— Witnesses. Individuals who have been named as witnesses will be notified via certified mail, with a request to provide a response regarding their recollection of the events that occurred during the alleged incident(s) cited in the complaint. The response may be submitted in written or videotaped form.~~

~~(6) ————— Preliminary Investigation Results. After completion of the preliminary investigation, all information will be reviewed by board members and a determination will be made regarding further action.~~

~~(a) ————— If no evidence is found to substantiate the allegations, the defendant will be notified in writing of the decision to terminate the processing of the complaint due to lack of evidence.~~

~~(b) ————— If violations have occurred, ALBIT will proceed to act on the complaint.~~

~~(c) ————— The ALBIT board will make recommendations of disciplinary action before the board invites the defendant to attend an informal conference on the accusations.~~

~~(d) ————— If the offense is obvious and the evidence very clear, a recommendation for the defendant to voluntarily surrender his or her license/permit to ALBIT is an acceptable course of action.~~

~~(7) ————— Notification of Informal Conference and/or Mediation Procedures. An informal conference and/or mediation procedures may be held to provide the opportunity for the defendant to state his or her case in person and to discuss the complaints made.~~

~~(a) ————— The board members will notify the defendant in writing of the scheduled date, time, and location of the conference and/or mediation procedures.~~

~~(b) ————— During the conference and/or mediation procedures the ALBIT members may present the findings from the investigation to the defendant followed by the recommendation for disciplinary action.~~

~~(c) ————— If the defendant accepts the proposed disciplinary action by the board members, an agreement will be signed by both parties stating that the defendant waives his or her right to a formal hearing by way of accepting the terms of the disciplinary action.~~

~~(8) Notification of Formal Hearing~~

~~(a) If the defendant does not accept the board proposal, the case will be referred to the circuit court in the jurisdiction of the residence of the defendant interpreter.~~

~~(b) The board members will notify all parties involved via certified mail of the scheduled hearing date, location, and time.~~

~~(9) Legal Counsel. Legal counsel for the board or the other parties involved may be present during the court hearing.~~

~~(10) Circuit Court Resolution. After the circuit court has heard and reviewed all of the evidence presented from both parties, a written decision will be rendered. Upon receiving the decision from the judge, the members of the board will notify the parties involved of the court's decision, after which action may be required in a meeting of the board.~~

488-X-1-.11 Exemptions.

(1) In certain Limited Circumstances for hearing Interpreters & Transliterators the board may grant exemptions status from licensure or permitting for a period of ninety (90) days for only the following reasons:

(a) A catastrophic emergency, including protracted illness under the care of a physician, that reasonable precludes the meeting of CEU requirements or compliance of testing in a timely manner to receive certification before March 15th. Failure to receive test results shall not be grounds for this exemption.

b) Service of a military person on active duty in the Armed Forces of the United States, which precludes the reasonably completion of the requirements for a license or permit.

Statutory Authority: Code of Ala. 1975, §34-16-4.

Amended Filed: September 12, 2014; **Effective Date:** November 7, 2014