

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 28 SIGNED LANGUAGE INTERPRETERS
PART 1 GENERAL PROVISIONS

16.28.1.1 ISSUING AGENCY: Regulation and Licensing Department, Signed Language Interpreting Practices Board
[16.28.1.1 NMAC - N, 7/21/2009]

16.28.1.2 SCOPE: Any person licensed to practice interpreting.
[16.28.1.2 NMAC - N, 7/21/2009]

16.28.1.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Signed Language Interpreting Practices Act, Section 61-34-1 through 61-34-17
[16.28.1.3 NMAC - N, 7/21/2009]

16.28.1.4 DURATION: Permanent
[16.28.1.4 NMAC - N, 7/21/2009]

16.28.1.5 EFFECTIVE DATE: July 21, 2009 unless a later date is cited at the end of this section.
[16.28.1.5 NMAC - N, 7/21/2009]

16.28.1.6 OBJECTIVE: The objective of Part 1 is to set forth the provisions, which apply to all of Chapter 28, and to all persons affected or regulated by Chapter 28 of Title 16.
[16.28.1.6 NMAC - N, 7/21/2009]

16.28.1.7 DEFINITIONS: As used in these regulations, the following words and phrases have the following meanings, unless the context or intent clearly indicates a different meaning:

A. Definitions beginning with “A”:

- (1) **“Accredited”** means approved by the:
 - (a) New England association of schools and colleges;
 - (b) middle states association of colleges and secondary schools;
 - (c) north central association of colleges and schools;
 - (d) northwest association of schools and colleges;
 - (e) southern association of colleges and schools; or
 - (f) western association of schools and colleges.
- (2) **“ACET”** refers to the associate continuing education tracking system within registry of interpreters for the deaf (RID).
- (3) **“Act”** means the Signed Language Interpreting Practices Act, Section 61-34-1 through 61-34-17 NMSA 1978.
- (4) **“Administrator”** or “board administrator” means the staff person assigned certain express or implied executive and administrative functions of the board as defined by board regulations or as required to carry out the provisions of the Signed Language Interpreting Practices Act.
- (5) **“Adult”** means all persons 18 years of age or older.
- (6) **“Annual compliance review”** means an annual review conducted by the board ensuring that interpreters holding a provisional signed language interpreting license are in compliance with all requirements established by the statute and rules.
- (7) **“Applicant”** means a person who has completed all educational requirements of the eligibility requirements for licensure and has submitted a complete application to the board. An applicant is seeking approval of their application by the board to advance them to candidacy for licensure.

B. Definitions beginning with “B”:

- (1) **“BEP”** means the board for evaluation of interpreters, which is a nationally-recognized testing and certifying body of signed language interpreters.
- (2) **“Board”** means the signed language interpreting practices board.
- (3) **“Board regulations”** or “regulations” means any part adopted by the board pursuant to authority under the act and includes any superseding regulation.

C. Definitions beginning with “C”:

(1) **“CEU”** refers to continuing education unit as is used by the registry of interpreters for the deaf.

(2) **“CMP”** means the certification maintenance program as is used by the registry of interpreters for the deaf.

(3) **“Community signed language interpreter”** means an interpreter holding one or more certifications recognized by RID with the exception of educational certificate: K-12 (ED: K-12) and holding a community signed language interpreter’s license. A community signed language interpreter's license entitles its holder to provide signed language interpreting services in community, K-12 educational, and post-secondary educational settings as appropriate under the national association of the deaf - registry of interpreters for the deaf (NAD-RID) code of professional conduct.

(4) **“Consumer”** means a person using the services of a signed language interpreter.

(5) **“Confidential communication”** means a communication that is not intended to be disclosed to third persons other than those present to further the interest of the person requiring the interpreting.

(6) **“Copy signing”** means signing verbatim a comment or question for those who are not able to see the original signed message due to a visual obstruction.

D. Definitions beginning with “D”:

(1) **“Deaf person”** means a person who has either no hearing or who has significant hearing loss.

(2) **“Deaf-blind person”** means a person who has either no hearing or who has significant hearing loss and a significant vision loss.

(3) **“Department”** means the New Mexico regulation and licensing department.

E. Definitions beginning with “E”:

(1) **“Educational signed language interpreter”** means an interpreter holding the ED: K-12 credential from the registry of interpreters for the deaf or meeting the criteria in Subsection D of 16.28.3.11 NMAC and holding an educational signed language interpreter’s license. An educational signed language interpreter’s license entitles its holder to provide signed language interpreting services in K-12 educational settings as appropriate under the NAD-RID code of professional conduct and in post-secondary education settings only for consumers currently enrolled in a secondary program and not earning college credit.

(2) **“EIPA”** refers to the educational interpreter performance assessment, a diagnostic tool that measures proficiency in interpreting for children or young adults in an educational setting.

F. Definitions beginning with “F”: **“Filed with the board”** means hand delivered or postal mail received during normal business hours by the board office in Santa Fe, New Mexico.

G. Definitions beginning with “G”: [RESERVED]

H. Definitions beginning with “H”: **“Hard-of-hearing person”** means a person who has either no hearing or who has significant hearing loss.

I. Definitions beginning with “I”:

(1) **“Intern”** means a student in training who is currently enrolled in an interpreter education program, interpreter preparation program, or a program of study in signed language interpreting at an accredited institution of higher learning approved by the board, and actively supervised by an interpreter holding a community or educational signed language interpreter license or a consumer of interpreting services approved by the institution in which the intern is enrolled.

(2) **“Interpreter”** means a person who practices signed language interpreting.

(3) **“Interpreter education program”** or “interpreter preparation program” means a post-secondary degree program of at least two year’s duration accredited by the state or similar accreditation by another state, district or territory; or a substantially equivalent education program approved by the board.

(4) **“Interpreting”** means the process of providing accessible communication between deaf, hard of hearing, or deaf-blind persons and hearing persons, including communication between signed language and spoken language and other modalities such as visual, gesture and tactile methods, not to include written communication. A person is interpreting if the person advertises, offers to practice, is employed in a position described as interpreting or holds out to the public or represents in any manner that the person is an interpreter in New Mexico

J. Definitions beginning with “J”: [RESERVED]

K. Definitions beginning with “K”: [RESERVED]

L. Definitions beginning with “L”: **“Licensee”** means an interpreter who holds a current license issued under the act and these rules.

M. Definitions beginning with “M”: [RESERVED]

N. Definitions beginning with “N”:

- (1) “NAD” means the national association of the deaf.
- (2) “New Mexico administrative code” or “NMAC”, Section 14-4-7.2 NMSA 1978 is the official compilation of current rules filed by state agencies in accordance with New Mexico statutes.
- (3) “New Mexico statutes annotated 1978 or NMSA 1978” is the official compilation of state laws.

O. Definitions beginning with “O”: “Open Meetings Act” or “OMA”, 10-15-1 through 10-15-4 NMSA 1978 is the statutory provision requiring that public business be conducted in full public view; providing guidelines governing both public and closed meetings, and regulating the notice, agenda and minutes of such meetings.

P. Definitions beginning with “P”:

- (1) “Properly made application” means a completed application form for a signed language interpreter license filed with the board that is complete in all particulars and appears on its face to satisfy all minimum age, educational, supervision, payment and other requirements for licensure as required by the act and these regulations.
- (2) “Provisional signed language interpreter” means an interpreter who holds a provisional signed language interpreter’s license. A provisional signed language interpreter’s license entitles its holder to provide signed language interpreting services in community and educational settings as appropriate under the NAD-RID code of professional conduct for a maximum of five years while working to satisfy the requirements for a community signed language interpreter’s license or an educational signed language interpreter’s license.

Q. Definitions beginning with “Q”: [RESERVED]

R. Definitions beginning with “R”:

- (1) “RID” refers to the registry of interpreters for the deaf, which is a national association of signed language interpreters.
- (2) “Rule” means board regulations.

S. Definitions beginning with “S”:

- (1) “State Rules Act”, Sections 14-4-1 through 14-4-11 NMSA 1978, is the statutory provision that ensures that state agencies file with the state records center and archives all rules and regulations including amendments or repeals.
- (2) “Statute” means a law that governs conduct within its scope. A bill passed by the legislature becomes a statute; and “statutory authority” means the boundaries of the board’s lawful responsibility as laid out by the statute that created it.
- (3) “Substantial compliance” means sufficient compliance with the statutes or rules so as to carry out the intent for which the statutes or rules were adopted and in a manner that accomplished the reasonable objective of the statutes or rules.
- (4) “Supervised interpreter intern or student” means a person who is currently enrolled in an interpreter education program, interpreter preparation program, or a program of study in signed language interpreting at an accredited institution of higher learning.

T. Definitions beginning with “T”: [RESERVED]

U. Definitions beginning with “U”: “Uniform Licensing Act” or “ULA”, Section 61-1-1 through 61-1-3 NMSA 1978 is the statutory provision that governs the major duties of the board in area of:

- (1) procedures which must be followed to accord due process to applicants for licensure and to licensees if the board takes action against the licensee for acts of misconduct that would adversely affect public health, safety and welfare, and
- (2) rulemaking procedures that the board shall follow in adopting valid regulations affecting signed language interpreters.

V. Definitions beginning with “V”: [RESERVED]

W. Definitions beginning with “W”: [RESERVED]

X. Definitions beginning with “X”: [RESERVED]

Y. Definitions beginning with “Y”: [RESERVED]

Z. Definitions beginning with “Z”: [RESERVED]

[16.28.1.7 NMAC - N, 07/21/09; A, 08/18/11; A, 01/15/14; A, 12/16/15; A, 6/18/2017; A, 3/27/2021]

16.28.1.8 BOARD OPERATIONS:

- A. Elections.** At its annual meeting in July, the board shall elect a chair and vice-chair.

B. Duties of officers. All board officers shall exercise authority subject to the act, board regulations, and specific directions of the board.

(1) The chair shall preside at board meetings and adjudicatory hearings unless another presiding officer is named by the board. The chair may respond to inquiries and correspondence, execute orders of the board in any pending adjudicatory proceeding unless a hearing officer is appointed, or designate another board member to sign decisions of the board, appoint board members to formal committees, and provide direction to the board administrator on routine matters to facilitate the efficient operation of board functions between meetings.

(2) If the chair becomes vacant, the vice chair shall serve as chair until a new chair is elected.

C. Vacancy. If the office of board chair becomes vacant, the board shall elect a chair at the next meeting or any subsequent meeting. If the office of vice chair becomes vacant, the board may hold elections as it deems necessary and advisable.

D. Duties of board administrator. The board administrator or designee shall at all times perform those tasks directed by the board pursuant to those duties prescribed by the act, board regulations, the ULA, Sections 61-1-1 through 61-1-33 NMSA 1978, and other applicable state laws. In addition, the board administrator shall assume the role of custodian of records.

E. Board meetings. The board shall conduct meeting in an orderly fashion, with due regard for each board member and the public. The board may refer to Robert's Rules of Order, Revised, when necessary and advisable.

F. Quorum. The board shall transact official business only at a legally constituted meeting with a quorum present. A quorum shall consist of four (4) members.

G. Standards of practice committee. The board chair shall appoint a standards of practice committee consisting of at least one board member.

H. Addressing the board. Except for proceedings to adopt, amend, or repeal regulations in accordance with the ULA, Section 61-1-29 NMSA 1978, the board at its sole discretion, may provide a reasonable opportunity for persons attending an open meeting to address the board on an agenda item. The request to speak shall be timely made and shall not delay or disrupt the board's meeting. No person shall be permitted to address the board on any pending or concluded application, complaint, investigation, adjudicatory proceeding, or matter in litigation, except to confer for the purpose of settlement or adjudicatory proceeding, or matter in litigation, except to confer the purpose of settlement or simplification of the issues. Any public comment to the board shall be brief, concise, and relevant to the agenda item. The board may limit the total time allotted for comments and the time allotted to any person.

I. Telephone attendance. Pursuant to the OMA, Section 10-15-1 (C) NMSA 1978, a board member may participate in a meeting of the board by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, and shall give advance notice to the board administrator an ample time to arrange such accommodation.

J. Conflict of interest, recusal. Any board member who cannot be impartial in the determination of a matter before the board and who cannot judge a particular matter or controversy fairly on the basis of its own merits shall not participate in any board deliberation or vote on the matter.

K. Confidentiality. Board members shall not disclose to any non-member content of any executive session, or any other confidential matters that may be the subject of an executive session or attorney-client privileged communications except as ordered by a court of competent jurisdiction or where the board knowingly and intentionally permits disclosure.

L. Code of conduct. Board members shall adhere to the standards set forth in the Governmental Conduct Act, Section 10-16-1 through 10-16-18 NMSA 1978.
[16.28.1.8 NMAC - N, 7/21/2009; A, 8/18/2011]

16.28.1.9 BOARD RECORDS:

A. Inspection of Public Records Act IPRA. Public records shall be available for inspection in accordance with the provisions of the IPRA, Section 14-2-1 through 14-2-12 NMSA 1978 and Section 61-9-5.1 NMSA 1978.

B. Removal. Public records shall not be removed from the board office except by board member, board staff, or agents of the board for official public business.
[16.28.1.9 NMAC - N, 07/21/09; A, 3/27/2021]

HISTORY OF 16.28.1 NMAC: [RESERVED]