

This rule was filed as 6 NMAC 8.102.1.

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 102 VOCATIONAL REHABILITATION - ANCILLARY SERVICES
PART 2 INTERPRETER SERVICES FOR THE DEAF AND HARD OF HEARING

6.102.2.1 ISSUING AGENCY: State Board of Education
[12-31-98; 07-30-99; Recompiled 10/31/01]

6.102.2.2 SCOPE: The provisions of this regulation apply to interpreter services for any deaf person requesting or receiving services from any health, welfare or educational agency under the authority of the state or any political subdivision of the state or municipality, or any administrative or judicial proceeding in which an interpreter would be required for a principal party in interest.
[12-31-98; Recompiled 10/31/01]

6.102.2.3 STATUTORY AUTHORITY: This regulation is adopted pursuant to Sections 22-14-8 and 38-9-7(C) NMSA 1978.
[12-31-98; Recompiled 10/31/01]

6.102.2.4 DURATION: Permanent
[12-31-98; Recompiled 10/31/01]

6.102.2.5 EFFECTIVE DATE: December 31, 1998
[12-31-98; Recompiled 10/31/01]

6.102.2.6 OBJECTIVE: This regulation establishes a fee schedule for interpreters for persons who are deaf and hard of hearing.
[12-31-98; Recompiled 10/31/01]

6.102.2.7 DEFINITIONS [RESERVED]
[Recompiled 10/31/01]

6.102.2.8 PROCEDURE: The following procedures will be utilized by the agency in providing interpreter services to deaf and hard of hearing individuals, including staff. Deaf and hard of hearing individuals vary considerably in terms of their receptive and expressive communication skills. Multi-disabled persons such as deaf-blind, deaf-mentally retarded, deaf-cerebral palsy, deaf-spinal injured and deaf-brain injured will have special communication problems presenting major challenges for interpreters. It is essential for the deaf or hard of hearing person to receive the most appropriate interpreter for their individual needs. The agency must, in full consultation with the deaf individual, evaluate the interpreting needs of the person prior to the appointment time. Client choice must be considered a priority as the deaf individual know best what their communication level needs involve.
[12-31-98; Recompiled 10/31/01]

6.102.2.9 STANDARDS FOR INTERPRETERS:

A. Interpreters utilized by the agency shall be certified by the national registry of interpreters for the deaf (RID) or through the state quality assurance (QA) system through the commission for the deaf and hard of hearing (CDHH).

B. The CDHH will evaluate the qualifications of interpreters through a quality assurance (AQ) system and will provide the results of these evaluations. The QA system will consist of five levels from level 1 to level 5 with level 5 being the highest certification level. Interpreters with valid RID certifications and those who are non-certified "candidates" will be "grand-fathered in" once the QA system is implemented. For those interpreters who are non-certified, a time limit of six months will be given to take and pass the QA system once the system is implemented. For those who can prove extenuating circumstances exist beyond the interpreter's control, another six months may be allowed. This will be decided by the CDHH at that time. DVR will maintain a list of qualified interpreters and update this list on a quarterly basis. When no approved interpreter is available, an unapproved interpreter may be used, only

with prior approval by the state coordinator of deaf services. Family members should not be used as interpreters except in cases of emergency.
[12-31-98; Recompiled 10/31/01]

6.102.2.10 COURTROOM AND LEGAL SITUATIONS: Due to the nature of legal and courtroom interpreting, which requires interpreters who are highly skilled and knowledgeable in this field, it is recommended that the court select the most qualified interpreter possible in order to protect consumers who are deaf. Also recommended is the utilization of two or more interpreters in the courtroom for criminal cases to assure communication is accurate.
[12-31-98; Recompiled 10/31/01]

6.102.2.11 FEE SCHEDULE: Interpreters who travel less than 75 map miles for the assignment may charge a minimum two hour fee per assignment. The minimum fee is four hours when the interpreting assignment requires traveling 75 plus map miles one way. An interpreter traveling 25 miles or more one way to an assignment may charge mileage. Fee schedules for long-term assignments (e.g. college or vocational training) should be negotiated between the agency and the interpreter. Travel expenses shall be reimbursed at the rates established for New Mexico state employees. For interpreting assignments that are longer than 2 hours, the hiring of more than one interpreter is strongly suggested due to the fatigue level experienced during long assignments.

A. **ALLOWABLE FEE SCHEDULE:** The following is a table listing and describing the various QA and RID certification levels and kinds of interpreting skills along with the allowable fee schedule. An explanation of the RID codes used to describe the various levels is included.

- (1) RID: MCSC, SC:L - \$50 Per Hour
- (2) Level 5 or RID: CSC, CI/CT, CDI (RSC), CDI:P, OIC:C, PSC, SC:PA, CLIP - \$35 Per Hour
- (3) Level 4 or RID: CT OR CI - \$30 Per Hour
- (4) Level 3 OR RID: IT/TC, OIC:VS, OIC:SV - \$25 Per Hour
- (5) Level 2 OR RID: IC OR TC - \$20 Per Hour
- (6) Level 1 or non-certified candidate - \$15 Per Hour

B. **LISTING OR RID CERTIFICATIONS:**

- (1) MCSC - Master Comprehensive Skills Certificate
- (2) SC:L - Specialist Certificate: Legal
- (3) SC:PA - Specialist Certificate: Performing Arts
- (4) RSC - Reverse Skills Certificate
- (5) CSC - Comprehensive Skills Certificate
- (6) * CI - Certificate of Interpreting
- (7) * CT - Certificate of Transliterating
- (8) IC - Interpreting Certificate
- (9) TC - Transliterating Certificate
- (10) OIC:C - Oral Interpreter Certificate: Comprehensive
- (11) OIC:S/V - Oral Interpreter Certificate: Spoken to Visible
- (12) OIC:V/S - Oral Interpreter Certificate: Visible to Spoken
- (13) EIC - Expressive Interpreting Certificate
- (14) ETC - Expressive Transliterating Certificate
- (15) CDI - Certified Deaf Interpreter
- (16) P= - Provisional

*CI and CT when held concurrently by the interpreter are equivalent to the former CSC awarded by RID.

[12-31-98; Recompiled 10/31/01]

HISTORY of 6.102.2 NMAC

Pre-NMAC History: The material in this part was derived from that previously filed with the state records and archives under:

State Board of Education Regulation No 94-3, Interpreter Services for Deaf and Hard of Hearing, Interpreter Act Fee Schedule, filed on July 27, 1988;

State Board of Education Regulation No 94-3, Interpreter Services for Deaf and Hard of Hearing, Interpreter Act Fee Schedule, filed on June 11, 1991;

State Board of Education Regulation No: 94-3, Interpreter Services for Deaf and Hard of Hearing, Interpreter Act Fee Schedule, filed on August 10, 1994.

History of Repealed Material [RESERVED.]