

CHAPTER 25 – INTERPRETER AND TRANSLITERATOR BOARD

SECTION .0100 - GENERAL PROVISIONS

21 NCAC 25 .0101 DEFINITIONS

(a) The definitions in G.S. 90D-3 apply to the rules in this Chapter.

(b) The following definitions also apply to the rules in this Chapter:

- (1) "Applicant" means any person applying to the Board for any license under G.S. 90D.
- (2) "Consumer" means any person who retains or uses the services of an interpreter or transliterator.
- (3) "Continuing Education" means post-licensure education that maintains or enhances the knowledge and skills of interpreters and transliterators and enables them to continue to render competent professional services.
- (4) "Continuing Education Unit" means the unit of measurement of the continuing education completed by a licensee during a licensure year. In the case of workshops and conferences, 10 clock hours of training equal one continuing education unit ("CEU"). In the case of college class work, one hour of college credit in the quarter system equals one CEU and one hour of college credit in the semester system equals 1.5 CEUs.
- (5) "Convicted" or "Conviction" means and includes the entry of:
 - (A) a plea of no contest, nolo contendere, or the equivalent;
 - (B) a plea of guilty; or
 - (C) a verdict or finding of guilt by a jury, judge, or magistrate;

in any duly constituted, established, and recognized civilian or military adjudicating body, court, or tribunal in this State or any other state or nation;

- (6) "Felony" means any offense classified as a felony by the laws, statutes, or ordinances of the jurisdiction in which the offense occurred or, absent any such classification, any offense for which the maximum punishment under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than two years.
- (7) "Full license" means a license issued pursuant to G.S. 90D-7 or S.L. 2002-182, s. 7 (as amended by S.L. 2003-56) that is not currently suspended for disciplinary reasons. A license that has been suspended is not a full license even if the suspension has been stayed.
- (8) "General Studies" means those studies of the arts, sciences, and humanities that are not directly related to interpreting and transliterating.
- (9) "Initial license" means the license issued to an applicant under G.S. 90D-7 or S.L. 2002-182, s. 7 (as amended by S.L. 2003-56) or the license issued to an applicant under G.S. 90D-7 or S.L. 2002-182, s. 7 (as amended by S.L. 2003-56) after a lapse in licensure.
- (10) "Initial provisional license" means the provisional license issued to an applicant under G.S. 90D-8(a). A licensee shall acquire only one initial provisional license during his or her lifetime.
- (11) "Misdemeanor" means any criminal offense not classified as a felony by the laws, statutes, or ordinances of the jurisdiction in which the offense occurred or, absent any such classification, any offense for which the maximum allowable punishment under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of no more than two years. No traffic offense in any foreign jurisdiction shall be considered a misdemeanor if the offense has been de-criminalized under the motor vehicle laws of North Carolina.
- (12) "Professional Studies" means those studies that directly enhance a licensee's ability to interpret or transliterate. Professional studies are divided into:
 - (A) Linguistic and Cultural Studies, which include the study of languages and linguistic systems and the study of specific cultures;
 - (B) Theoretical and Experiential Studies, which include the study of the process of interpreting, the study of transliterating theory, and participation in skill-building activities; and
 - (C) Specialization Studies, which include the study of the issues and problems unique to interpreting and transliterating for the legal, medical, mental health, and substance abuse recovery professions.

History Note: Authority G.S. 90D-6;
Eff. March 21, 2005;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0102 MAILING LIST

(a) Any person may ask to be placed on the Board's mailing list for a period of 12 months by delivering a written request to the Board. The request shall include:

- (1) The person's name, address, telephone number, fax number, and email address;
- (2) Whether the person wants to receive notice of:
 - (A) Public meetings;
 - (B) Public hearings;
 - (C) Rule-making;
 - (D) Declaratory ruling requests;
 - (E) Disciplinary hearings; or
 - (F) Any two or more of the above;
- (3) Whether the person will accept such notice via e-mail;
- (4) The person's signature; and
- (5) A cashier's check, certified check or money order made payable to the North Carolina Interpreter and Transliterator Licensing Board in the amount of ten dollars (\$10.00)(all persons other than the media).

(b) A request to be placed on the Board's mailing list must be renewed annually by the submission of a new written request and an additional cashier's check, certified check or money order made payable to the North Carolina Interpreter and Transliterator Licensing Board in the amount of ten dollars (\$10.00)(all persons other than the media).

History Note: Authority G.S. 90D-6; 143-318.12(b)(2); 150B-20(a); Eff. March 21, 2005; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0103 CONTACT INFORMATION

- (a) The Board's mailing address is: PO Box 20963, Raleigh, NC 27619-0963.
- (b) The Board's e-mail address is: contact@ncitlb.org.
- (c) The Board's telephone number is: 919-779-5709.
- (d) The Board's fax number is: 919-779-5642.
- (e) The Board's website is: <http://www.ncitlb.org>.

History Note: Authority G.S. 90D-6; Eff. March 21, 2005; Amended Eff. February 1, 2016; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

SECTION .0200 – LICENSING

21 NCAC 25 .0201 THE APPLICATION

The license application may ask the applicant to provide some or all of the following information:

- (1) All names ever used by the applicant;
- (2) The date, city, county, state, and nation of the applicant's birth;
- (3) The applicant's social security number, as required by G.S. 93B-14;
- (4) All home street and post office addresses used by the applicant over the previous five years;
- (5) The applicant's current home and work telephone and fax numbers;
- (6) The applicant's current home and work email addresses;
- (7) The applicant's educational history, including but not limited to, the applicant's continuing education history;
- (8) The applicant's work history;

- (9) The history of the applicant's licensure, registration, certification, or classification as an interpreter or transliterator in this or any other state;
- (10) The history of any complaints filed against the applicant before any body that has licensed, registered, certified, or classified the applicant as an interpreter or transliterator;
- (11) The history of any civil suits arising out of the applicant's performance as an interpreter or transliterator;
- (12) The applicant's criminal record;
- (13) Any and all information needed by the N.C. Department of Justice to obtain State and federal criminal record checks; and
- (14) Any other information necessary to confirm the applicant's eligibility for licensure.

History Note: Authority G.S. 90D-6; 90D-7; 90D-8; 90D-9; 90D-11;
 Eff. March 21, 2005;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0202 THE APPLICATION PACKAGE

- (a) An applicant for licensure shall submit the following materials to the Board:
 - (1) A completed, signed, and dated application in the format provided by the Board;
 - (2) A clear, two-inch by two-inch, passport-style photograph of the head and shoulders of the applicant, made within two years of the date of application;
 - (3) A legible, fully-completed finger print card obtained from a local law enforcement agency;
 - (4) The applicant's signed, written consent to a criminal record check;
 - (5) One or more cashier's checks, certified checks or money orders made payable to the North Carolina Interpreter and Transliterator Licensing Board in the amounts necessary to cover the cost of all necessary local, State and federal criminal record checks; and
 - (6) A cashier's check, certified check or money order made payable to the North Carolina Interpreter and Transliterator Licensing Board in the amount specified by Rule .0203 of this Section.
- (b) An applicant for an initial license under S.L. 2002-182, s. 7, as amended by S.L. 2003-56, shall submit the following materials to the Board:
 - (1) Written verification that the applicant was actively engaged as an interpreter or transliterator in this State for at least 200 hours for each of the two years immediately preceding 31 October 2002. The written verification must be signed by the individual who paid or approved payment for the services or the individual who supervised the applicant when the services were rendered;
 - (2) Letters of recommendation from any two individuals who are:
 - (A) Interpreters who hold valid National Association of the Deaf level 4 or 5 certifications; or
 - (B) Interpreters who are nationally certified by the Registry of Interpreters for the Deaf, Inc.; or
 - (C) Transl iterators who have national certifications recognized by the National Cued Speech Association ("NCSA"); or
 - (D) Interpreters who hold quality assurance North Carolina Interpreter Classification System ("NCICS") level A or B classifications in effect on January 1, 2000; or
 - (E) Consumers of interpreter or transliterator services who have observed the applicant's performance as an interpreter or transliterator; or
 - (F) The parent or legal guardian of a deaf consumer of interpreter or transliterator services who has observed the applicant's performance as an interpreter or transliterator.

History Note: Authority G.S. 90D-6; 90D-7; 90D-10; S.L. 2002-182, s. 7, as amended by S.L. 2003-56;
 Eff. March 21, 2005;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0203 APPLICATION FEES

- (a) The Board shall not review a license application until the appropriate license fee has been paid pursuant to the following fee schedule:

Application for Initial Full License under G.S. 90D-7 and -9	\$225.00
Application for Renewal of Full License	\$150.00
Application for Initial Provisional License under G.S. 90D-8	\$225.00
Application for Renewal of Provisional License	\$150.00
Application for Replacement of Lost, Damaged or Destroyed License	\$10.00

(b) These fees shall be nonrefundable and shall be paid by cash or by cashier's check, certified check, or money order made payable to the North Carolina Interpreter and Transliterator Licensing Board.

(c) The Board shall waive the license application renewal fee for any individual who is currently licensed by and in good standing with the Board if the individual is serving in the armed forces of the United States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The waiver shall be in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability for a federal tax.

History Note: Authority G.S. 90D-6(6); 90D-10(b); 93B-15;
Eff. March 21, 2005;
Amended Eff. May 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0204 RENEWAL OF A FULL LICENSE

(a) An application for the renewal of a full license is not timely filed unless it is received by the Board on or before the expiration date of the license being renewed.

(b) If a licensee does not timely file an application for the renewal of a full license, the licensee shall not practice or offer to practice as an interpreter or transliterator for a fee or other consideration, represent himself or herself as a licensed interpreter or transliterator, or use the title "Licensed Interpreter for the Deaf", "Licensed Transliterator for the Deaf", or any other title or abbreviation to indicate that the person is a licensed interpreter or transliterator until he or she receives a new initial license.

(c) An untimely filed application for the renewal of a full license shall be processed as an application for a new initial license.

(d) The Board shall not review an untimely filed application for the renewal of a full license until the applicant pays the initial full license fee specified by Rule .0203 of this Section;

(e) If the license being renewed has been suspended by the Board, any renewal license issued to the applicant shall be suspended as well until the term of the suspension has expired.

(f) The Board shall extend the deadline for filing a license renewal application for any individual who currently holds a full license and is in good standing with the Board if the individual is serving in the armed forces of the United States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The extension shall be in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability for a federal tax.

History Note: Authority G.S. 90D-6; 90D-11; 90D-12; 93B-15;
Eff. March 21, 2005;
Amended Eff. May 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0205 RENEWAL OF A PROVISIONAL LICENSE

(a) An application for the renewal of a provisional license shall be received by the Board on or before the expiration date of the license being renewed.

(b) If a licensee does not timely file an application for the renewal of a provisional license, the licensee shall not practice or offer to practice as an interpreter or transliterator for a fee or other consideration, represent himself or herself as a licensed interpreter or transliterator, or use the title "Licensed Interpreter for the Deaf," "Licensed Transliterator for the Deaf," or any other title or abbreviation to indicate that the person is a licensed interpreter or transliterator until he or she receives either a renewed provisional license, as described in Paragraph (c) of this Rule, or an initial full license.

(c) An application to renew an expired provisional license shall be approved by the Board if it is received by the Board within one year after the provisional license expired and if the application demonstrates that the applicant continues to qualify for a provisional license. A provisional license shall not be renewed after it has expired a second time.

(d) If the license being renewed has been suspended by the Board, any renewal license issued to the applicant shall also be suspended until the term of the suspension has expired.

(e) The Board shall renew a provisional license no more than three times upon receipt of timely applications that demonstrate that the applicant continues to qualify for a provisional license. The Board may extend a provisional license on an annual basis after the third renewal if the applicant timely files an application prior to the expiration of the third renewal, and on an annual basis thereafter if further extension is sought by the applicant, that demonstrates that the applicant's progress toward full licensure was delayed by:

- (1) a life-altering event, such as the birth or adoption of a child to the applicant or the applicant's spouse or an acute or chronic illness suffered by either the applicant or a member of the applicant's immediate family;
- (2) active military service;
- (3) a catastrophic natural event, such as a flood, hurricane, or tornado; or
- (4) the certifying organization identified in G.S. 90D-7 having imposed a moratorium on testing or certification that has prevented the applicant from sitting for the qualifying examination and obtaining the results thereof prior to the expiration of the provisional license or any annual extension thereof; provided, however, that a provisional license that has been extended because of a moratorium may be extended one additional time following the end of the moratorium to allow sufficient time for the applicant to take the qualifying examination and to receive the results thereof, but it shall not be extended thereafter on the basis of the moratorium.

(f) The Board shall not issue an initial provisional license to anyone who has previously held a provisional license.

(g) The Board shall extend the deadline for filing a license renewal application for any individual who currently holds a provisional license and is in good standing with the Board, if the individual is serving in the armed forces of the United States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The extension shall be in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability for a federal tax.

History Note: Authority G.S. 90D-6; 90D-8; 90D-11; 90D-12; 93B-15;
Eff. March 21, 2005;
Amended Eff. July 1, 2016; May 1, 2011; August 1, 2007;
Readopted Eff. June 1, 2018.

21 NCAC 25 .0206 RECIPROCITY

(a) applicant shall not be eligible for a license by reciprocity, pursuant to G.S. 90D-9, if any interpreter's or transliterator's license issued to the applicant by any state:

- (1) has been revoked, suspended, or otherwise restricted or reduced from full licensure status within the twelve months next preceding the date on which the applicant applies for a license by reciprocity; or
- (2) remains suspended or otherwise restricted or reduced from full licensure status as of the date on which the applicant applies for a license by reciprocity.

(b) A license issued by reciprocity shall be revoked if the underlying foreign license is revoked, suspended, or otherwise restricted or reduced from full licensure status, or is surrendered in order to avoid being revoked, suspended, or otherwise restricted or reduced.

History Note: Authority G.S. 90D-6; 90D-9;
Eff. March 21, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0207 MENTORING AND TRAINING EXEMPTION

(a) A mentoring or training program is approved by the Board if it meets each of the following criteria:

- (1) The program is operated by a school accredited by the Southern Association of Colleges and Schools, or any other accrediting agency recognized by the U.S. Department of Education;

- (2) Each mentor or trainer used by the program:
 - (A) Holds a valid National Association of the Deaf ("NAD") level 4 or 5 certification; or
 - (B) Is nationally certified by the Registry of Interpreters for the Deaf, Inc. ("RID"); or
 - (C) Has a national certification recognized by the National Cued Speech Association ("NCSA"); or
 - (D) Holds a quality assurance North Carolina Interpreter Classification System ("NCICS") level A or B classification in effect on January 1, 2000;
 - (3) Each mentor or trainer used by the program has five years of professional experience as an interpreter or transliterator following graduation from an accredited Interpreter Training Program or following the date on which the mentor or trainer received the certification or classification specified in Subparagraph (b)(2) of this Rule; provided that, until July 1, 2008, a deaf person who is certified as an interpreter by RID may serve as a mentor or trainer without five years of professional experience;
 - (4) Each mentor or trainer used by the program is currently licensed by the Board; and
 - (5) The students being mentored or trained always work under the supervision of a mentor or trainer who meets the qualifications set out in Subparagraphs (a)(2) through (a)(4) of this Rule.
- (b) A student in a mentoring or training program approved by the Board must obtain a license from the Board before the person provides interpreting or transliterating services for a fee or other consideration outside of the approved mentoring or training program.
- (c) As used in Subparagraph (a)(3) of this Rule, the phrase "has five years of professional experience as an interpreter or transliterator" means that the mentor or trainer has provided interpreter or transliterator services for persons other than family members and friends, for a fee or other consideration, for a total of 60 consecutive or nonconsecutive months. Each full month of full-time or part-time employment as an interpreter or transliterator --- or as a teacher of interpreting or transliterating --- shall be counted toward the required 60 months of experience.
- (d) As used in Subparagraph (a)(5) of this Rule, the phrase "always work[s] under the supervision of a mentor or trainer" means that a mentor or trainer is routinely available to observe and critique the student's performance, to answer questions, and to demonstrate proper technique. It does not mean that the student is always accompanied by the mentor or trainer.

History Note: Authority G.S. 90D-4(b)(2); 90D-6;
 Eff. March 21, 2005;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0208 GROUNDINGS FOR SUSPENSION OR REVOCATION OF A LICENSE

In addition to any other grounds provided by G.S. 90D-12, the Board may suspend or revoke an existing license if the licensee:

- (1) Fails to report being charged with any crime in any state within 30 days after the charge is filed, unless the licensee is prevented from making the report because he or she is incarcerated;
- (2) Fails to report being convicted of any crime in any state within 30 days after the conviction is entered, unless the licensee is prevented from making the report because he or she is incarcerated;
- (3) Fails to report being sued in any court in any state for malpractice or negligence, incompetence, or misconduct in performing interpreter or transliterator services within 30 days after being served with a civil summons or complaint;
- (4) Fails to report a judgment against the licensee in any court in any state for malpractice or negligence, incompetence, or misconduct in performing interpreter or transliterator services within 30 days after judgment is entered, whether or not the licensee intends to appeal the judgment;
- (5) Fails to report that a complaint has been made against the licensee to any interpreter and transliterator licensing board or agency in any other State, within 30 days after the licensee receives notice of the complaint;
- (6) Fails to report that a complaint has been made against the licensee to any local, regional or national certifying agency, such as NAD, RID, and NCSA, within 30 days after the licensee receives notice of the complaint; or
- (7) Violates the Code Of Ethics adopted in 21 NCAC 25 .0301.

History Note: Authority G.S. 90D-6; 90D-7(a)(2);

Eff. March 21, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0209 DENIAL OF CERTAIN LICENSE APPLICATIONS

- (a) License applications filed by any person who has willfully violated G.S. 90D-4(a) shall be denied for a period of two years following the last date on which the person violated G.S. 90D-4(a).
- (b) License applications filed by any person who has given false information to, or withheld information from, the Board while seeking a license shall be denied for a period of two years following the last date on which the person gave false information to, or withheld information from, the Board.
- (c) License applications filed by any person whose license has been revoked by the Board on any grounds other than G.S. 90D-12(1), (2) and (5) shall be denied for a period of two years following the revocation.
- (d) License applications filed by any person whose license has been revoked pursuant to G.S. 90D-12(5) for failing to pay child support after having been ordered to do so by a court of competent jurisdiction, or for failing to comply with a subpoena issued pursuant to a child support or paternity establishment proceeding, shall be denied until the Board receives a certification from the appropriate clerk of court that the person is no longer delinquent in child support payments or that the person has complied with, or is no longer subject to, the subpoena.
- (e) License applications filed by any person who has willfully failed to pay a civil penalty that was assessed pursuant to G.S. 90D-14 and has not been temporarily or permanently stayed by an administrative or judicial order shall be denied until the civil penalty has been paid.

History Note: Authority G.S. 50-13.12; 90D-6; 90D-12;
Eff. March 21, 2005;
Amended Eff. January 1, 2012; August 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0210 TIME-LIMITED, NONRESIDENT EXEMPTION

- (a) Nonresident persons who are nationally certified by the National Association of the Deaf, the National Cued Speech Association, or the Registry of Interpreters for the Deaf, Inc. are exempt from licensure so long as they provide interpreting or transliterating services in this State for no more than 20 days during any single calendar year.
- (b) For the purposes of this Rule, each partial day of interpreting or transliterating shall be counted as a full day.
- (c) Upon the request of any person, a nonresident providing interpreting or transliterating services under this exemption shall provide evidence of his or her certification by the National Association of the Deaf, the National Cued Speech Association, or the Registry of Interpreters for the Deaf, Inc.

History Note: Authority G.S. 90D-4(b)(6); S.L. 2005-299, s.1;
Eff. August 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0211 SUSPENSION OF AUTHORITY TO EXPEND FUNDS

In the event the Board's authority to expend funds is suspended pursuant to G.S. 93B-2, the Board shall continue to issue and renew licenses and all fees tendered shall be placed in an escrow account maintained by the Board for this purpose. Once the Board's authority is restored, the funds shall be moved from the escrow account into the general operating account.

History Note: Authority G.S. 93B-2(d);
Eff. May 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

SECTION .0300 – MORAL FITNESS FOR LICENSURE

21 NCAC 25 .0301 CODE OF ETHICS

(a) The Board hereby adopts and incorporates by reference the Code of Ethics adopted by The Registry of Interpreters for the Deaf, Inc., including all subsequent amendments and editions of that code.

(b) A copy of the code may be obtained free of charge from the Board. The code may also be viewed on-line at RID's web page at: <http://www.rid.org/>.

History Note: Authority G.S. 90D-6; 90D-7(a)(2); 90D-12;
Eff. March 21, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0302 CRIMINAL CONVICTIONS

(a) Except as provided in Paragraph (c) of this Rule, a person shall not be eligible to seek a license if the person has been convicted of:

- (1) Two or more felonies, regardless of the dates of conviction;
- (2) Three or more misdemeanors, regardless of the dates of conviction;
- (3) A combination of a single felony and two or more misdemeanors, regardless of the dates of conviction;
- (4) A single felony within the 5 years next preceding the date the person applies for a license;
- (5) A single misdemeanor within the 2 years next preceding the date the person applies for a license.

(b) Except as provided in Paragraph (c) of this Rule, the Board shall revoke a licensee's license upon the licensee's conviction of a single felony or misdemeanor.

(c) Notwithstanding the provisions of Paragraphs (a) and (b) of this Rule, a misdemeanor conviction shall not bar a person from obtaining a license and shall not require the Board to revoke an existing license if the applicant or licensee demonstrates to the Board's satisfaction that:

- (1) The applicant or licensee did not deceive or defraud the public while committing the misdemeanor offense; and
- (2) The misdemeanor offense has no bearing upon the person's fitness to perform interpreter or transliterator services.

History Note: Authority G.S. 90D-6; 90D-7(a)(2); 90D-12(2);
Eff. March 21, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

SECTION .0400 – REPORTING AND DISCLOSURE REQUIREMENTS

21 NCAC 25 .0401 DUTY TO REPORT CHANGES IN PERSONAL INFORMATION

A licensee shall notify the Board in writing of any change in the licensee's current:

- (1) Name;
- (2) Home street address;
- (3) Home mailing address;
- (4) Home and work telephone numbers;
- (5) Home and work fax numbers; and
- (6) Email address;

within 30 days after the change occurs.

History Note: Authority G.S. 90D-6(2),(4); 90D-7(a)(2) and (c);
Eff. March 21, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0402 DUTY TO REPORT CONSUMER COMPLAINTS

- (a) A licensee shall notify the Board of any complaint made against the licensee:
- (1) to any interpreter and transliterator licensing board or agency in any other State; or
 - (2) to any local, regional or national certifying agency, such as NAD, RID, and NCSA.
- (b) The licensee shall give the notice to the Board within 30 days after the licensee receives notice of the complaint.

History Note: Authority G.S. 90D-6(2) and (4); 90D-7(a)(2) and (c);
Eff. March 21, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0403 DUTY TO REPORT CIVIL SUITS

Any licensee named as a defendant in any civil suit arising out of the licensee's practice as an interpreter or transliterator shall:

- (1) Mail a copy of the civil summons and complaint to the Board within 30 days after the licensee is served with a copy of the civil summons and complaint; and
- (2) Notify the Board of the outcome of the civil suit within 30 days after the civil suit is resolved by dismissal, settlement, trial, or any other means.

History Note: Authority G.S. 90D-6(2) and (4); 90D-7(a)(2) and (c);
Eff. March 21, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0404 DUTY TO REPORT CRIMINAL PROSECUTIONS

Any licensee named as a defendant in any criminal prosecution shall:

- (1) Mail a copy of the criminal process, including the criminal warrant, indictment, information, presentment or other criminal process, to the Board within 30 days after the licensee is served with a copy of the criminal warrant, indictment, information, presentment or other criminal process; and
- (2) Notify the Board of the outcome of the criminal prosecution within 30 days after the prosecution is resolved by dismissal, pleas of guilty or no contest, trial, or any other means.

History Note: Authority G.S. 90D-6(2) and (4); 90D-7(a)(2) and (c);
Eff. March 21, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0405 MANDATORY DISCLOSURES

Upon the request of any consumer, a licensee shall give the consumer a business card that bears:

- (1) the licensee's name; and
- (2) the licensee's license number in the following format: "NCITLB License # [number]".

History Note: Authority G.S. 90D-2; 90D-4(a); 90D-6(2) and (7);
Eff. March 21, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0406 EXTENSION OF REPORTING DEADLINES

The reporting deadlines in this Section are extended for any individual who is currently licensed by and in good standing with the Board if the individual is serving in the armed forces of the United States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The extension shall be in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability for a federal tax.

History Note: Authority G.S. 93B-15;
Eff. May 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

SECTION .0500 – CONTINUING EDUCATION

21 NCAC 25 .0501 CONTINUING EDUCATION REQUIREMENTS

- (a) A licensee shall earn at least two continuing education units ("CEUs") each licensure year. At least 1.0 of those CEUs shall be earned in professional studies and at least 1.0 of those CEUs shall be earned in a setting in which three or more persons come together at the same location at the same time as a group to listen to a lecture, to view a demonstration, to participate in group discussions, or to learn through any combination of these or similar activities.
- (b) A licensee may carry over up to two surplus CEUs earned in one licensure year to the next licensure year to meet the requirements of Paragraph (a) of this Rule. The licensee shall demonstrate that he or she earned the CEU credits sought to be carried over in the licensee's license renewal application packet submitted for the carry over year in order to receive credit therefore. Except as specifically provided hereby, surplus CEUs shall only be carried forward from the licensure year in which they were earned to the next subsequent licensure year and not beyond.
- (c) A licensee may not earn CEUs while interpreting, whether or not the licensee is compensated for his or her services.
- (d) The Board shall waive the continuing education requirements in this Section for any individual who is currently licensed by and in good standing with the Board if the individual is serving in the armed forces of the United States and if G.S. 105-249.2 grants the individual an extension of time to file a tax return. The waiver shall be in effect for any period that is disregarded under Section 7508 of the Internal Revenue Code in determining the taxpayer's liability for a federal tax.

*History Note: Authority G.S. 90D-6; 90D-8; 90D-11; 93B-15;
Eff. March 21, 2005;
Amended Eff. May 1, 2011; August 1, 2007;
Readopted Eff. June 1, 2018.*

21 NCAC 25 .0502 PRORATION OF CONTINUING EDUCATION REQUIREMENTS

The CEU requirements specified in Rule .0501 of this Chapter shall be prorated as follows during a licensee's initial licensure year:

- (1) If the licensee receives his or her initial license in the months of October, November or December, the licensee shall be required to earned at least 2.0 CEUs by the following October 1. At least 1.0 of those CEUs shall be earned in professional studies and at least 1.0 of those CEUs shall be earned in a traditional classroom setting;
- (2) If the licensee receives his or her initial license in the months of January, February, or March, the licensee shall be required to earned at least 1.5 CEUs by the following October 1. At least 1.0 of those CEUs shall be earned in professional studies and at least 1.0 of those CEUs shall be earned in a traditional classroom setting;
- (3) If the licensee receives his or her initial license in the months of April, May, or June, the licensee shall be required to earned at least 1.0 CEUs by the following October 1. At least 0.5 of those CEUs shall be earned in professional studies and at least 0.5 of those CEUs shall be earned in a traditional classroom setting;
- (4) If the licensee receives his or her initial license in the months of July, August, or September, the licensee shall be required to earned at least 0.5 CEUs by the following October 1. At least 0.5 of those CEUs shall be earned in professional studies and at least 0.5 of those CEUs shall be earned in a traditional classroom setting.

*History Note: Authority G.S. 90D-6; 90D-8; 90D-11;
Eff. August 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.*

21 NCAC 25 .0503 FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS

(a) A licensee who has not complied with the continuing education requirements in this Section shall be ineligible for license renewal. Any person whose license renewal application is denied on these grounds may reapply for licensure as soon as the person is able to demonstrate that:

- (1) the person has earned at least two CEUs within the 12 months next preceding the date of reapplication;
- (2) at least 1.0 of those CEUs was earned in professional studies; and
- (3) at least 1.0 of those CEUs was earned in a traditional classroom setting.

(b) Notwithstanding the provisions of Paragraph (a) of this Rule, a licensee who has not complied with the continuing education requirements in this Section shall be eligible for license renewal if:

- (1) the licensee makes a timely application for renewal, including the payment of the required license fee; and
- (2) the licensee earns the required CEUs by no later than the 31st day of October in the new licensure year.

(c) CEUs earned in the current licensure year and used to cure a deficiency in the prior licensure year may not be used to meet the CEU requirements of the current year.

*History Note: Authority G.S. 90D-6; 90D-8; 90D-11;
Eff. August 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.*

21 NCAC 25 .0504 CEU CREDIT FOR COLLEGE COURSES

A licensee may earn CEUs by enrolling in and completing a class or course sponsored by a college or university accredited by the Southern Association of Colleges and Schools or by any other accrediting agency recognized by the U.S. Department of Education. In order to receive CEU credit for the class or course, the licensee must authorize and direct the sponsoring college or university to mail to the Board a certified transcript documenting that the licensee completed the class or course and that the licensee earned at least a 2.0 grade point average in the class or course or a grade of "Pass" if the licensee was graded on a "Pass-Fail" basis.

*History Note: Authority G.S. 90D-6; 90D-8; 90D-11;
Eff. August 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.*

21 NCAC 25 .0505 CEU CREDIT FOR WORKSHOPS, CONFERENCES, AND INDEPENDENT STUDY RECOGNIZED BY RID

(a) A licensee may earn CEUs by attending workshops and conferences recognized by The Registry of Interpreters for the Deaf, Inc. ("RID"). In order to receive CEU credit for attendance at a workshop or conference recognized by RID, the licensee must submit to the Board a copy of the licensee's RID CEU transcript. RID shall be the sole judge of the number of CEUs earned by attendance at the workshop or conference.

(b) A licensee who is either a certified member of RID or an associate member of RID participating in the Associate Continuing Education Tracking ("ACET") Program may earn CEUs by independently studying instructional materials in any format -- including, but not limited to, videotapes, audiotapes, web sites, DVDs, CDs, and books and other printed materials -- so long as the materials have been recognized by RID. In order to receive CEU credit for such independent study, the licensee must submit to the Board a copy of the licensee's RID CEU transcript. RID shall be the sole judge of the number of CEUs earned by the completion of any independent study recognized by RID.

(c) If a licensee does not have an RID CEU transcript because the licensee is neither a certified member of RID nor an associate member of RID participating in the ACET Program, the licensee may receive CEU credit for attendance at the workshop or conference by submitting to the Board:

- (1) a certificate of completion signed by the workshop or conference sponsor, provider, or presenter; and
- (2) a copy of the advertisement or flyer that shows that attendance at the workshop or conference qualifies for RID CEUs.

History Note: Authority G.S. 90D-6; 90D-8; 90D-11;

Eff. August 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0506 CEU CREDIT FOR WORKSHOPS, CONFERENCES, AND INDEPENDENT STUDY APPROVED BY OTHER STATUTORY PROFESSIONAL LICENSING BOARDS

(a) A licensee may earn CEUs by attending workshops and conferences approved by other statutory professional licensing boards of this or any other state. In order to receive CEU credit for attendance at such workshops and conferences, the licensee must submit to the Board written evidence that the workshop or conference was approved by another statutory professional licensing board and that the licensee attended the workshop or conference. The mandatory professional licensing board that approves the workshop or conference shall be the sole judge of the number of CE hours that may be earned by attendance at the workshop or conference.

(b) A licensee may earn CEUs by independently studying instructional materials in any format -- including, but not limited to, videotapes, audiotapes, web sites, DVDs, CDs, and books and other printed materials -- so long as the materials have been approved for CE credit by another statutory professional licensing board. In order to receive CEU credit for such independent study, the licensee must submit to the Board written evidence that the independent study was approved by another statutory professional licensing board and that the licensee satisfactorily completed the independent study. The statutory professional licensing board that approves the independent study shall be the sole judge of the number of CE hours that may be earned by completion of the independent study.

History Note: Authority G.S. 90D-6; 90D-8; 90D-11;
Eff. August 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

SECTION .0600 – ADMINISTRATIVE PROCEDURE

21 NCAC 25 .0601 PETITIONS FOR THE ADOPTION, AMENDMENT OR REPEAL OF RULES

(a) Any person may petition the Board to adopt a new rule or to amend or repeal an existing rule by filing a written petition with the Board.

(b) The petition shall contain:

- (1) the petitioner's name, address, telephone number, fax number, email address, and signature;
- (2) the number of the rule the petitioner wants the Board to amend or repeal;
- (3) a draft of the proposed new or amended rule;
- (4) the reasons the petitioner believes the Board should take the requested action; and
- (5) a statement of whether the petitioner wishes to address the Board regarding the petition.

(c) The Board chair, in his or her discretion, may give supporters and opponents of the petition an opportunity:

- (1) to file written comments on the petition; and
- (2) to address the Board on the merits of the petition.

History Note: Authority G.S. 90D-6; 150B-20(a);
Eff. March 21, 2005;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0602 DECLARATORY RULINGS

(a) Any person aggrieved may petition the Board to issue a declaratory ruling as to the validity of a rule or as to the applicability to a given state of facts of a statute administered by the Board or of a rule or order of the Board by filing a written petition with the Board.

(b) A petition for a declaratory ruling must contain:

- (1) The petitioner's name, address, telephone number, fax number, email address, and signature;
- (2) The number of the rule or statute the petitioner wants the Board to construe;
- (3) The given state of facts to be applied in the ruling;
- (4) A plain and concise statement of the ruling sought by the petitioner;
- (5) A statement of how the petitioner is aggrieved by the rule or statute;

- (6) A plain and concise statement of the reasons the ruling sought should be issued by the Board; and
- (7) A statement of whether the petitioner wishes to address the Board regarding the petition.
- (c) The Board chair, in his or her discretion, may give supporters and opponents of the petition an opportunity:
 - (1) to file written comments on the petition; and
 - (2) to address the Board on the merits of the petition.
- (d) The Board may decline to issue any ruling:
 - (1) When the Board determines that the petitioner is not a person aggrieved;
 - (2) When the Board determines that material facts are in dispute;
 - (3) When the Board determines that an actual case or controversy exists;
 - (4) When the subject matter of the request is being investigated by the Board;
 - (5) When the subject matter of the request is involved in pending litigation;
 - (6) When the Board has already issued a final decision in a contested case involving the same or substantially similar facts;
 - (7) When the Board has already issued a declaratory ruling on the same or substantially similar facts; or
 - (8) When the Board determines that the issuance of a ruling is not in the public interest.

History Note: Authority G.S. 90D-6; 150B-4;
 Eff. March 21, 2005;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0603 FILING

- (a) A document is filed with the Board when the document is actually received by the Board and not when it is merely placed into the custody and control of the United States Postal Service or some other public carrier.
- (b) A document may be filed with the Board by facsimile transmission.
- (c) A document may not be filed with the Board by email transmission.

History Note: Authority G.S. 90D-6; 150B-38(h);
 Eff. March 21, 2005;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

SECTION .0700 – SANCTIONS

21 NCAC 25 .0701 SCHEDULE OF PENALTIES

The presumptive penalty for any violation of any provision of Chapter 90D of the North Carolina General Statutes or any rule adopted by the Board shall be:

- (1) \$100 for the first violation;
- (2) \$200 for the second violation;
- (3) \$400 for the third violation; and
- (4) \$800 for the fourth violation

History Note: Authority G.S. 90D-14(c); S.L. 2005-299, s.4;
 Eff. August 1, 2007;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0702 EVALUATION OF MITIGATING AND AGGRAVATING FACTORS

- (a) If the Board finds that mitigating factors outweigh aggravating factors, the Board may assess a penalty that is less than the presumptive penalty.
- (b) If the Board finds that aggravating factors outweigh mitigating factors, the Board may assess a penalty that is more than the presumptive penalty, provided that no single penalty for any single violation shall exceed one thousand dollars (\$1,000).
- (c) If the Board assesses a penalty that is more or less than the presumptive penalty, the Board shall state its reasons for doing so. The Board need not state its reasons for assessing the presumptive penalty.

History Note: Authority G.S. 90D-14(c); S.L. 2005-299, s.4;
Eff. August 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

21 NCAC 25 .0703 IDENTIFICATION OF SEPARATE OFFENSES

- (a) Each offer by an unlicensed person to practice as an interpreter or transliterator for a fee or other consideration shall constitute a separate violation for which a separate penalty may be assessed.
- (b) Each representation by an unlicensed person that such person is a licensed interpreter or transliterator shall constitute a separate violation for which a separate penalty may be assessed.
- (c) Each time an unlicensed person uses the title "Licensed Interpreter for the Deaf", "Licensed Transliterator for the Deaf", or any other title or abbreviation to indicate that the person is a licensed interpreter or transliterator shall constitute a separate violation for which a separate penalty may be assessed.
- (d) An advertisement that violates Paragraphs (a), (b), or (c) of this Rule shall constitute a single violation each day it is published.
- (e) Each interpreting or transliterating engagement that violates a licensing statute or rule shall constitute a separate violation for which a separate penalty may be assessed.
- (f) Each day a violation persists shall constitute a separate violation for which a separate penalty may be assessed.

History Note: Authority G.S. 90D-14(c); S.L. 2005-299, s.4;
Eff. August 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.