

**Renumbered 10/1/2016**

**53A-26a-305 Exemptions from certification -- Temporary or restricted certification.**

- (1) The following individuals may engage in the practice of a certified interpreter, subject to the stated circumstances and limitations, without being certified under this chapter:
  - (a) an individual serving in the Armed Forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or other federal agencies while engaged in activities regulated under this chapter as a part of employment with that federal agency if the person holds a valid certificate or license to provide interpreter services issued by any other state or jurisdiction recognized by the State Board of Education;
  - (b) a student engaged in providing interpreter services while in training in a recognized school approved by the State Board of Education to the extent the student's activities are supervised by qualified faculty, staff, or designee, and the services are a defined part of the training program;
  - (c) an individual engaged in an internship, residency, apprenticeship, or on-the-job training program approved by the State Board of Education while under the supervision of qualified persons;
  - (d) an individual residing in another state and certified or licensed to provide interpreter services in that state, who is called in for a consultation by an individual certified to provide interpreter services in this state, and the services provided are limited to that consultation;
  - (e) an individual who is invited by a recognized school, association, or other body approved by the State Board of Education to conduct a lecture, clinic, or demonstration on interpreter services if the individual does not establish a place of business or regularly engage in the practice of providing interpreter services in this state;
  - (f) an individual licensed in another state or country who is in this state temporarily to attend to the needs of an athletic team or group, except that the individual may only attend to the needs of the team or group, including all individuals who travel with the team or group, except as a spectator; or
  - (g) an individual who is providing interpreter services for a religious entity, to the extent that the religious entity is specifically exempted from liability under federal law.
- (2)
  - (a) An individual temporarily in this state who is exempted from certification under Subsection (1) shall comply with each requirement of the jurisdiction from which the individual derives authority to practice.
  - (b) Violation of any limitation imposed by this section is grounds for removal of exempt status, denial of certification, or another disciplinary proceeding.
- (3)
  - (a) Upon the declaration of a national, state, or local emergency, the State Board of Education, in collaboration with the advisory board, may suspend the requirements for permanent or temporary certification of persons who are certified or licensed in another state.
  - (b) Individuals exempt under Subsection (3)(a) shall be exempt from certification for the duration of the emergency while engaged in providing interpreter services for which they are certified or licensed in the other state.
- (4) The State Board of Education, after consulting with the advisory board, may adopt rules for the issuance of temporary or restricted certifications if their issuance is necessary to or justified by:
  - (a) a lack of necessary available interpretive services in any area or community of the state, if the lack of services might be reasonably considered to materially jeopardize compliance with state or federal law; or

- (b) a need to first observe an applicant for certification in a monitored or supervised practice of providing interpretive services before a decision is made by the board either to grant or deny the applicant a regular certification.