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From: Farra Mughal  
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Occupational Licensing Review Program

Date: March 3, 2026

Subject: Louisiana Commission for the Deaf  
Proposed Enactment of LAC 46:LXXII-Chapters 1, 3, and 5  
Regarding Sign Language Interpreters

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## **I. SUMMARY**

The Louisiana Commission for the Deaf (the “*Commission*”) proposes enacting LAC 46:LXXII.101, 301, 303, 305, 307, 309, 311, 313, 315, 501, 503, and 505 (the “*Proposed Rules*”) regarding sign language interpreters.

The Commission published a Notice of Intent to promulgate the Proposed Rules on May 20, 2025.<sup>1</sup> The Notice invited public comments and request for a public hearing on the Proposed Rules by June 10, 2025.<sup>2</sup> The Louisiana Department of Health (“*LDH*”) received three written public comments in response to the Notice of Intent, along with seven written request for a public hearing by June 10, 2025. LDH held a hearing on June 26, 2025 at 10:00 a.m. At the hearing, eight individuals provided verbal comments, of which four were also provided prior via written response. LDH responded to the four written comments in writing. Three of the four written public comments were concerning the new educational standards for sign language interpreters working in PreK-12 educational settings. The Commission, in its responses to the written comments, asserted that LAC 46:LXXII.503(C) and (D) allows for current Educational Interpreter Ancillary Certificate holders who do not meet the new standards by July 1, 2026 to apply for extensions or exemptions to the rule standards to maintain employment.

Pursuant to La. R.S. 49:260, the Commission submitted the Proposed Rules to the Louisiana Department of Justice’s Occupational Licensing Review Program (“*OLRP*”) on November 14, 2025. The OLRP invited public comments on the Proposed Rules November 18, 2025 through December 1, 2025 and received no comments. On February 2, 2026, the OLRP requested

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<sup>1</sup> Louisiana Register, Vol. 51, No. 51, pg. 724-731

<sup>2</sup> Id. at 731

clarification on the appeals process and received a final response from the Commission on February 24, 2026.

The OLRP has the statutory authority to review the substance of each proposed occupational regulation submitted to ensure compliance with clearly articulated state policy and adherence to applicable state law.<sup>3</sup> An Occupational Regulation is a “rule defined in the Administrative Procedure Act (“*APA*”) that has reasonably foreseeable anti-competitive effects. Any license, permit, or regulation established by a ... board not composed of a controlling number of active market participants is excluded.”<sup>4</sup> Anti-Competitive behavior is an act, or series of acts, that have the effect of harming the market or the process of competition among businesses, or a tendency to reduce or eliminate competition, with no legitimate business purpose.<sup>5</sup>

The Louisiana APA defines a rule as any agency statement, guide, or requirement of general applicability that implements or interprets substantive law or policy, or that prescribes agency procedures or practices, excluding statements governing only internal agency management, declaratory rulings or orders, and provisions adopting, increasing, or decreasing fees.<sup>6</sup> The term includes provisions establishing fines, penalties, preferential status, or licensure or certification criteria, as well as the amendment of an existing rule. A rule may be generally applicable, even if it applies only to an identifiable class or a limited geographical area.

The Proposed Rule §101 is not occupational regulation with reasonably foreseeable anticompetitive effects. Therefore, the Commission may proceed with promulgating the Proposed Enactment of §101 without further input from the OLRP in accordance with the Louisiana APA.

However, registration requirements can function as barriers to market competition, and the Proposed Rules §§301, 303, 305, 307, 309, 311, 313, 315, 501, 503, and 505 are therefore properly considered occupational regulations with reasonably foreseeable anti-competitive effects.<sup>7</sup> As set forth below, the OLRP has determined the Proposed Rules are within the Commission’s statutory authority and adhere to clearly articulated state policy and therefore, approves these rules as drafted in accordance with the Louisiana Administrative Procedure Act (“*APA*”).

## **II. ANALYSIS**

The Louisiana Commission for the Deaf was established within the Louisiana Department of Health to function as a program of the state and to serve as the principal agency of the state providing leadership to promote the general welfare of d/Deaf, DeafBlind, and hard of hearing individuals.<sup>8</sup> The Commission is authorized to establish, administer, and promote a statewide program to standardize interpreting services for those who are d/Deaf, DeafBlind, or hard of

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<sup>3</sup> LSA-R.S. 49:260 (D)(2)

<sup>4</sup> LSA-R.S. 49:260 (G)(4)

<sup>5</sup> Black’s Law Dictionary, 12<sup>th</sup> Edition p. 116

<sup>6</sup> LSA-R.S. 49:951 (8)

<sup>7</sup> LSA-R.S. 49:260 G(4)

<sup>8</sup> LSA-R.S. 46:2351 (A)

hearing,<sup>9</sup> including establishing processes and setting criteria for the professional credentialing of interpreters.<sup>10</sup>

### **A. Proposed LAC 46:LXXII.101-Definitions**

The Commission proposes the enactment of §101 to establish the following definitions:

- (i) Accredited,
- (ii) Active,
- (iii) American Sign Language (ASL),
- (iv) Applicant,
- (v) Board of Commissioners,
- (vi) Board of Evaluation of Interpreters (BEI),
- (vii) Deaf,
- (viii) DeafBlind,
- (ix) Deaf Interpreters,
- (x) Defendant,
- (xi) Direct Supervisor,
- (xii) Educational Interpreter Performance Assessment (EIPA),
- (xiii) Grievance,
- (xiv) Hard of Hearing,
- (xv) Individualized Educational Plan (IEP),
- (xvi) Interpreter Educational Program,
- (xvii) Louisiana Commission for the Deaf,
- (xviii) Louisiana Interpreter Registry,
- (xix) Louisiana Supreme Court Office of Language Access,
- (xx) National Association for Interpreters in Education, (NAIE),
- (xxi) National Certifying Body,
- (xxii) Provisional,
- (xxiii) Registered Interpreter,
- (xxiv) Registry of Interpreters for the Deaf (RID),
- (xxv) Revoked,
- (xxvi) Sign Language Interpreter,
- (xxvii) Sign Language Interpreting Services, and
- (xxviii) Temporary Practice Permit.

Because the Proposed Rule establishes definitions for commonly used terms throughout the Chapters and does not expand or limit the pool of individuals who may be eligible for market participation, it does not constitute an occupational regulation with reasonably foreseeable anti-competitive effects.

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<sup>9</sup> LSA-R.S. 46:2353 (7)(a)

<sup>10</sup> LSA-R.S. 46:2353 (7)(b)(i)

Accordingly, as the Proposed Rule does not constitute an occupational regulation, the Commission may proceed with promulgation without further input from the OLRP.

### **B. Proposed LAC 46:LXXII.301-Registration of Sign Language Interpreters**

The Commission proposes the enactment of §301 to establish the requirement that individuals providing sign language interpreting services in Louisiana, whether in person or remotely, be registered with the Louisiana Commission for the Deaf through its official registry. Additionally, the Proposed Rule prohibits unregistered individuals from providing such services or presenting themselves, by title or otherwise, as registered Louisiana interpreters.

The Commission is statutorily authorized to establish the process and criteria for the professional credentialing of interpreters.<sup>11</sup> The Commission is further authorized to develop and maintain a registry of credentialed interpreters and establish administrative guidelines for the registration process.<sup>12</sup> Accordingly, the Commission is statutorily authorized to require that individuals providing sign language interpreting services in Louisiana be registered with the Louisiana Commission for the Deaf.

A registry provides d/Deaf, DeafBlind, and hard of hearing individuals, as well as their families, courts, hospitals, schools, and agencies a clear means of identifying interpreters who meet established standards. However, mandatory registration may function as a barrier to market participation. Because the Proposed Rule restricts market participation to only registered sign language interpreters and excludes unregistered interpreters from participation, it has reasonably foreseeable anti-competitive effects.

Nevertheless, by improving access to qualified, accountable, and verifiable interpreting services the Proposed Rule supports the state's clearly articulated policy of promoting the welfare of d/Deaf, DeafBlind, and hard of hearing individuals.

The OLRP finds that the Proposed Rule is within the Commission's statutory authority and adheres to clearly articulated state policy. Therefore, the Commission may promulgate the rule in accordance with the Louisiana APA.

### **C. Proposed LAC 46:LXXII.303-Fees**

The Commission proposes the enactment of §303 to establish registration and renewal fees not exceeding \$50, late fees not exceeding \$75, and to specify that all fees are not refundable.

The Commission is statutorily authorized to charge reasonable fees to cover the administrative costs of applications, examination of applications, and renewing registration.<sup>13</sup> However, La. Const. art. VII, § 2.1 (A) requires that any new fee or increase in an existing fee, assessed by the Commission, be approved by a two-thirds vote of the legislature. This potential conflict between statutorily authorized fees and an article of the state's constitution is not within the purview of the

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<sup>11</sup> LSA-R.S. 46:2353 (7)(b)(i)

<sup>12</sup> LSA-R.S. 46:2353(7)(b)(ii)

<sup>13</sup> LSA-R.S.46:2353 (7)(c)(i)

OLRP. However, subject to any required legislative approval, the Commission possesses the statutory authority to impose reasonable registration and renewal fees.

Registration and renewal fees may function as financial barriers to market entry. Accordingly, the Proposed Rule is likely to have reasonably foreseeable anti-competitive effects. However, the revenue generated from these fees supports the Commission's regulatory oversight and administration functions. Additionally, the imposition of these fees facilitates the vetting, monitoring, and enforcement of professional standards, thereby safeguarding the public welfare.

The OLRP finds that the Proposed Rule §303 is within the Commission's statutory authority and adheres to clearly articulated state policy. Therefore, the Commission may proceed with promulgation of the rule, subject to any required legislative approval.

#### **D. Proposed LAC 46:LXXII.305-Professional Conduct**

The Commission proposes the enactment of §305 to establish that sign language interpreters must adhere to, as applicable to their registration type, the National Registry of Interpreters for the Deaf Code of Professional Conduct, the National Association of Interpreters in Education Code of Ethics, or the Louisiana Supreme Court Code of Professional Responsibility for Court Interpreters. Additionally, the Proposed Rule requires interpreters to participate in ongoing professional development to improve skills, knowledge, and ethical practices.

The Commission is statutorily authorized to establish the process and criteria for the professional credentialing of interpreters.<sup>14</sup> Accordingly, the Commission may establish professional standards and continuing professional developmental regulations applicable to regulating sign language interpreters.

Professional development requirements may function as barriers to market entry by increasing costs for courses, workshops, and certificates, and imposing time and access constraints. As such, the Proposed Rule is likely to have a reasonably foreseeable anti-competitive effect.

However, by requiring ongoing professional development for sign language interpreters, the Proposed Rule helps uphold professional standards ensuring that d/Deaf, DeafBlind, and hard of hearing individuals can fully participate in society. Thus, the Proposed Rule supports the state's policy of promoting the welfare of d/Deaf, DeafBlind, and hard of hearing individuals.

The OLRP finds that the Proposed Rule is within the Commission's statutory authority and adheres to clearly articulated state policy. Therefore, the Commission may promulgate the rule in accordance with the Louisiana APA.

#### **E. Proposed LAC 46:LXXII.307-Violations**

The Commission proposes the enactment of §307 to outline the violations that are grounds for disciplinary actions. Such violations include:

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<sup>14</sup> LSA-R.S. 46:2353 (7)(b)(i)

- (i) Failing to achieve or maintain the minimum standards for registration or renewal,
- (ii) Using fraud, deception, or misrepresentation in the application, registration, or renewal process,
- (iii) Gross incompetence or grossly negligent execution of duties as a sign language interpreter, or having demonstrated, repeated and/or continuous negligence or irresponsibility in the performance of duties, which results in the violation of any of the standards of professional ethical behavior of sign language interpreters,
- (iv) Using intoxicating substances to an extent that it affects established ethical practices,
- (v) Harassing, abusing, or threatening a member of the board of commissioners, or Commission personnel who administer the system, or
- (vi) Having a conviction of a felony or misdemeanor conviction which directly relates to the duties and responsibilities of sign language interpreting.

The Commission is statutorily authorized to establish procedures outlining grounds for denying, suspending, or revoking an interpreter's registration with the state.<sup>15</sup> The Commission is further authorized to adopt and specify grievance policies and procedures, including the process for disciplining interpreters.<sup>16</sup> Accordingly, the Commission possesses the statutory authority to identify and establish violations that justify disciplinary actions.

The establishment of enforceable grounds for disciplinary actions to ensure compliance with professional and ethical standards may impact market participation. As such, the Proposed Rule may have reasonably foreseeable anti-competitive effects.

Notwithstanding those effects, the identification of disciplinary violations promotes accountability and deters unsafe, unethical, or incompetent conduct. By establishing standards that protect the integrity and reliability of interpreting services, the Proposed Rule advances the state's clearly articulated policy of protecting the health, safety, and welfare of d/Deaf, DeafBlind, and hard of hearing individuals.

The OLRP finds that the Proposed Rule §307 is within the Commission's statutory authority and adheres to clearly articulated state policy. Therefore, the Commission may proceed with promulgation of the rule as drafted.

#### **F. Proposed LAC 46:LXXII.309-Disciplinary Actions**

The Commission proposes the enactment of §309 to outline the disciplinary actions it is authorized to impose as a result of a violation. The disciplinary actions include:

- (i) A letter of concern,
- (ii) Additional education via professional development,
- (iii) Mentoring by a registered sign language interpreter,
- (iv) A public warning notice,
- (v) Denial of registration,
- (vi) Suspension of registration,

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<sup>15</sup> LSA-R.S. 46:2353 (7)(c)(iv)

<sup>16</sup> LSA-R.S. 46:2353 (7)(c)(v)

- (vii) Revocation of registration,
- (viii) Reporting of the offense to the certifying body for sign language interpreters, or
- (ix) Reporting the offense for further legal action in a court of competent jurisdiction.

The Commission is authorized to establish procedures outlining grounds for denying, suspending, or revoking an interpreter's registration with the state.<sup>17</sup> The Commission is further authorized to adopt and specify grievance policies and procedures, including the process for disciplining interpreters.<sup>18</sup> Accordingly, the Commission is statutorily authorized to define the disciplinary actions it may impose to address violations, including denying, suspending, or revoking an interpreter's registration.

Disciplinary actions can function as barriers to market entry by imposing legal, financial, or reputational restrictions that limit or delay a registrant's ability to participate within a regulated field. As such, the Proposed Rule may have reasonably foreseeable anti-competitive effects.

Such disciplinary authority helps ensure that only qualified, competent, and ethical interpreters are permitted to practice. This regulatory framework protects the public from inaccurate interpretations, breaches of confidentiality, or unprofessional conduct that could cause harm. Thus, the Proposed Rule supports the state's policy of promoting the welfare of the d/Deaf, DeafBlind, and hard of hearing individuals.

The OLRP finds that the Proposed Rule is within the Commission's statutory authority and adheres to clearly articulated state policy. Therefore, the Commission may promulgate the rule in accordance with the Louisiana APA.

### **G. Proposed LAC 46:LXXII.311-Grievances**

The Commission proposes the enactment of §311 to authorize the receipt and investigation of grievances from any person or entity, including self-initiated reports, regarding the use of the title or services of a sign language interpreter, whether registered or unregistered, as well as grievances concerning Commission policies. Additionally, the Proposed Rule also establishes procedures for emergency grievances that pose an imminent risk to public safety and welfare and may require immediate interim action.

The Commission is authorized to establish procedures outlining grounds for denying, suspending, or revoking an interpreter's registration with the state.<sup>19</sup> The Commission is further authorized to adopt and specify grievance policies and procedures, including the process for disciplining interpreters.<sup>20</sup> Accordingly, the Commission is statutorily authorized to establish and implement procedures for receiving, investigating, and resolving grievances.

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<sup>17</sup> LSA-R.S. 46:2353 (7)(c)(iv)

<sup>18</sup> LSA-R.S. 46:2353 (7)(c)(v)

<sup>19</sup> LSA-R.S. 46:2353 (7)(c)(iv)

<sup>20</sup> LSA-R.S. 46:2353 (7)(c)(v)

The establishment of a formal grievance and investigative procedure creates regulatory oversight and the potential for disciplinary action which can function as a barrier to continued market participation. Thus, the Proposed Rule may have reasonably foreseeable anti-competitive effects.

However, the Proposed Rule promotes public safety and welfare by ensuring that grievances against interpreters can be formally received, investigated, and addressed, thereby ensuring the Commission is able to protect the public from unqualified, unethical, or unsafe interpretation services.

The OLRP finds that the Proposed Rule is within the Commission's statutory authority and adheres to clearly articulated state policy. Therefore, the Commission may promulgate the rule in accordance with the Louisiana APA.

#### **H. Proposed LAC 46:LXXII.313-Investigation and Determination**

The Commission proposes the enactment of §313 to establish procedures for conducting preliminary reviews, investigative reviews, and final actions taken by the Commission.

The Commission is authorized to establish procedures outlining grounds for denying, suspending, or revoking an interpreter's registration with the state.<sup>21</sup> The Commission is further authorized to adopt and specify grievance policies and procedures, including the process for disciplining interpreters.<sup>22</sup> Accordingly, the Commission is statutorily authorized to establish and implement procedures for conducting preliminary reviews, investigative reviews, and final actions taken by the Commission.

The establishment of investigatory and adjudicative procedures introduces formal regulatory oversight and may result in disciplinary action, which can function as a barrier to continued market participation. Therefore, the Proposed Rule may have reasonably foreseeable anti-competitive effects.

However, the Proposed Rule provides a structured, fair, and reliable process for reviewing grievances against interpreters, which serves to protect the public from unqualified, unethical, or unsafe interpretation services. Thus, the Proposed Rule supports the state's policy of promoting the welfare of the d/Deaf, DeafBlind, and hard of hearing individuals.

The OLRP finds that the Proposed Rule §313 is within the Commission's statutory authority and adheres to clearly articulated state policy. Therefore, the Commission may proceed with promulgation of the rule as drafted.

#### **I. Proposed LAC 46:LXXII.315-Appeals**

The Commission proposes the enactment of §315 to establish the appeal procedures for final determinations by the Commission. The Proposed Rule requires (i) the defendant to submit a Notice of Appeal within thirty days, (ii) the Chairperson of the Board of Commissioners to appoint a three-member appeals committee to conduct a review of the appeal, (iii) the designated appeal

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<sup>21</sup> LSA-R.S. 46:2353 (7)(c)(iv)

<sup>22</sup> LSA-R.S. 46:2353 (7)(c)(v)

committee to conduct and complete the appeal within sixty business days after receipt of the Notice of Appeal, which the Committee in its discretion, may extend for difficult cases, (iv) the designated appeal committee to submit a written decision to the Board of Commissioners, and (v) the Board of Commissioners to review the written decision and make final decisions based on the recommendations of the appeal committee. Additionally, the Proposed Rule does not permit individuals to appeal (i) actions taken against an individual's registration status as a result of a lack of adherence to registration or renewal policies and (ii) eligibility criteria.

The Commission is authorized to specify procedures outlining grounds for denying, suspending, or revoking an interpreter's registration with the state.<sup>23</sup> The Commission is further authorized to adopt and specify grievance policies and procedures, including the process for disciplining interpreters.<sup>24</sup> Accordingly, it is within the Commission's statutory authority to establish procedures for appealing final determinations.

Under the Louisiana APA a party aggrieved by a final decision or order in an adjudication proceeding is entitled to judicial review.<sup>25</sup> Such review is instituted by filing a petition in district court of the parish in which the agency is located within thirty days after the transmittal of notice of the final agency decision.<sup>26</sup>

In its communication with the OLRP, the Commission asserts that an aggrieved party may file a petition for judicial review within thirty days of the Commission's final determination following completion of the internal appeal process. Therefore, the timeline governing the Commission's internal appeal process does not impair an individual's ability to pursue judicial review of the Commission's final determination.

Appeals may have both a positive and negative effect on market participation by influencing the cost, risk, and predictability of entry and continued practice. An established appeal process reassures interpreters that mistakes or unfair determinations can be corrected, encouraging qualified individuals to enter and remain in the market. However, for example, if a denial, suspension, or revocation remains in effect while an appeal is pending, an interpreter may be unable to work during that period, limiting their ability to provide services and earn an income. Thus, the Proposed Rule may have reasonably foreseeable anti-competitive effects.

However, such appeal procedures promote the public welfare by ensuring that regulatory decisions are fair, accurate, and transparent, while preserving access to qualified professionals. Thus, the Proposed Rule supports the state's policy of promoting the welfare of the d/Deaf, DeafBlind, and hard of hearing individuals.

The OLRP finds that the Proposed Rule is within the Commission's statutory authority and adheres to clearly articulated state policy. Therefore, the Commission may promulgate the rule in accordance with the Louisiana APA.

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<sup>23</sup> LSA-R.S. 46:2353 (7)(c)(iv)

<sup>24</sup> LSA-R.S. 46:2353 (7)(c)(v)

<sup>25</sup> LSA-R.S. 49:964 (A)(1)

<sup>26</sup> LSA-R.S. 49:964 (B)

## **J. Proposed LAC 46:LXXII.501-Types of Registration**

The Commission proposes the enactment of §501 to define and establish requirements for the three types of registration for sign language interpreters: (i) Registered Generalist, (ii) PreK-12, and (iii) legal/court. Additionally, the Proposed Rule establishes, (i) how long a registration is valid, (ii) that interpreters holding a temporary practice permit must be working under a supervisor, (iii) that interpreters holding a temporary practice permit must receive the approval from the participating parties, (iv) that an interpreter possessing a provisional PreK-12 registration must submit an annual maintenance plan, and (v) that an interpreter possessing a provisional PreK-12 must complete 20 hours of professional development.

The Commission is authorized to establish the process and criteria for the professional credentialing of interpreters.<sup>27</sup> Accordingly, the Commission is statutorily authorized to define and establish requirements for the registration of sign language interpreters, including supervision regulation and continuing professional development obligations.

Such registration and professional development requirements may function as barriers to market entry by narrowing the pool of potential sign language interpreters by imposing financial, time, and logistical burdens. Thus, the Proposed Rule may have reasonably foreseeable anti-competitive effects.

However, registration and professional development requirements ensure that only qualified interpreters provide quality and accurate interpretation services particularly in situations where effective communication is essential. Thus, the Proposed Rule supports the state's policy of promoting the welfare of the d/Deaf, DeafBlind, and hard of hearing individuals.

The OLRP finds that the Proposed Rule §501 is within the Commission's statutory authority and adheres to clearly articulated state policy, and therefore the Commission may proceed with promulgation of the rule as drafted.

## **K. Proposed LAC 46:LXXII.503-Minimum Qualifications for Types of Registration**

The Commission proposes the enactment of §503 to establish the minimum educational, performance, and knowledge standards specific to each of the three types of registration. Additionally, the Proposed Rule provides that the request for exceptions, recognition of other credentials, and reciprocity from another state must be submitted in writing and evaluated on a case-by-case basis. The Proposed Rule also establishes requirements and procedures including the exemption and extensions for individuals who currently hold valid Educational Interpreter Ancillary or Provisional certificates issued by the Louisiana Department of Education to meet the new standards. The extension would provide interpreters up to five years from July 1, 2026 to obtain the new requirements.

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<sup>27</sup> LSA-R.S. 46:2353 (7)(b)(i)

Historically, sign language interpreters in Louisiana working in PreK-12 settings have only been required to have a high school diploma or GED. The Proposed Rule would require interpreters working in PreK-12 settings to have an associate's degree or higher, or minimum of 60 semester hours from an accredited institution in any area of study. As the Commission asserts in a response to a public comment, the national recommended standards are more stringent than what will be required in Louisiana, as the National Association of Interpreters in Education (NAIE) recommends that sign language interpreters working in PreK-12 settings have a four-year degree.

The Commission is authorized to establish the process and criteria for the professional credentialing of interpreters.<sup>28</sup> The Commission is further authorized to set administrative guidelines regarding minimum qualifications and registration for interpreters working in educational settings<sup>29</sup> and judicial or quasi-judicial settings for a person who is d/Deaf, DeafBlind, or hard of hearing.<sup>30</sup> Additionally, the Commission is authorized to review and approve applications and renewals of provisional and ancillary certificates for interpreters working for the Department of Education or any of the local educational agencies or special school boards throughout the state under the supervision of the State Board of Elementary and Secondary Education.<sup>31</sup>

Accordingly, the Commission is statutorily authorized to (i) establish educational, performance, and knowledge standards for the registration of sign language interpreters, (ii) establish rules and procedures including exemptions and extensions for individuals who currently hold valid Educational Interpreter Ancillary or Provisional certificates issued by the Louisiana Department of Education to meet the new educational standards, and (iii) allow for the review of exceptions, recognition of other credentials, and reciprocity from another state on a case-by-case basis.

Registration requirements may function as barriers to market entry by narrowing the pool of potential sign language interpreters by imposing financial, time, and logistical burdens. While the Proposed Rule seeks to mitigate these effects by allowing interpreters currently holding valid Educational Interpreter Ancillary or Provisional certificates to request exemptions or extensions of the time needed to meet the new standards to maintain employment, the Proposed Rule, nevertheless may have reasonably foreseeable anti-competitive effects.

However, registration requirements ensure that interpreters provide quality and accurate interpretation services particularly in situations where effective communication is essential. Thus, the Proposed Rule supports the state's policy of promoting the welfare of the d/Deaf, DeafBlind, and hard of hearing individuals.

The OLRP finds that the Proposed Rule is within the Commission's statutory authority and adheres to clearly articulated state policy. Therefore, the Commission may promulgate the rule in accordance with the Louisiana APA.

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<sup>28</sup> LSA-R.S. 46:2353 (7)(b)(i)

<sup>29</sup> LSA-R.S. 46:2353 (7)(b)(iii)

<sup>30</sup> LSA-R.S. 46:2353 (7)(b)(iv)

<sup>31</sup> LSA-R.S. 46:2353 (7)(b)(iii)

## **L. Proposed LAC 46:LXXII.505-Renewal Requirements by Registration Type**

The Commission proposes the enactment of §505 to establish renewal requirements, including educational, performance, and knowledge standards, specific to each of the three types of registration. Additionally, the Proposed Rule establishes required continuing education units for Provisional Generalist and PreK-12 registrants.

The Commission is statutorily authorized to establish the process and criteria for the professional credentialing of interpreters.<sup>32</sup> The Commission is further authorized to set administrative guidelines regarding minimum qualifications and registration for interpreters working in educational settings<sup>33</sup> and establish criteria regarding the minimum qualifications and registration of persons who may serve as interpreters during judicial or quasi-judicial proceeding in this state or its political subdivisions for a person who is d/Deaf, DeafBlind, or hard of hearing.<sup>34</sup> Accordingly, it is within the Commission's statutory authority to establish renewal requirements for the three registration types and to require continuing education units for Provisional Generalist and PreK-12 registrants.

Renewal requirements and continuing education obligations may function as barriers to market entry by narrowing the pool of potential sign language interpreters by imposing financial, time, and logistical burdens. Thus, the Proposed Rule may have reasonably foreseeable anti-competitive effects.

However, renewal requirements and continuing education obligations ensure that qualified interpreters provide quality and accurate interpretation services, particularly in situations where effective communication is essential. Thus, the Proposed Rule supports the state's policy of promoting the welfare of the d/Deaf, DeafBlind, and hard of hearing individuals.

The OLRP finds that the Proposed Rule §505 is within the Commission's statutory authority and adheres to clearly articulated state policy, and therefore the Commission may proceed with promulgation of the Rule as drafted.

### **III. DETERMINATION**

The Louisiana Commission for the Deaf was created within the Louisiana Department of Health to function as a program of the state and to serve as the principal agency providing leadership to promote the general welfare of d/Deaf, DeafBlind, and hard of hearing individuals.<sup>35</sup> The Commission is authorized to establish, administer, and promote a statewide program to standardize interpreting services for those who are d/Deaf, DeafBlind, or hard of hearing,<sup>36</sup> including establishing the process and criteria for the professional credentialing of interpreters.<sup>37</sup>

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<sup>32</sup> LSA-R.S. 46:2353 (7)(b)(i)

<sup>33</sup> LSA-R.S. 46:2353 (7)(b)(iii)

<sup>34</sup> LSA-R.S. 46:2353 (7)(b)(iv)

<sup>35</sup> LSA-R.S. 46:2351 (A)

<sup>36</sup> LSA-R.S. 46:2353 (7)(a)

<sup>37</sup> LSA-R.S. 46:2353 (7)(b)(i)

The Attorney General has determined that the Proposed Rule §101 does not constitute an occupational regulation with any foreseeable anti-competitive effects. Therefore, the Proposed Enactment does not require input from the OLRP pursuant to LA R.S. 49:260 and the Commission may proceed with promulgation of this Enactment in accordance with the Louisiana APA.

Additionally, under LSA-R.S.46:2353 (7)(c)(i), the Commission is authorized to charge reasonable fees to cover the administrative costs of applications, examination of applications, and renewal of registration. Because the Proposed Enactment to §303 is within the Commission's statutory authority and adheres to clearly articulated state policy, the Proposed Enactment is approved as submitted by the Attorney General and may be adopted by the Commission, subject to any required legislative approval under La. Const. art. VII, § 2.1 (A).

Lastly, the Proposed Rules §§301, 305, 307, 309, 311, 313, 315, 501, 503, and 505 are occupational regulations within the Commission's statutory authority and adhere to clearly articulated state policy. Therefore, these Proposed Rules are approved as submitted to the Attorney General and may be adopted by the Commission in accordance with the Louisiana APA.

OFFICE OF THE ATTORNEY GENERAL  
OCCUPATIONAL LICENSING REVIEW PROGRAM

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