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**Louisiana Sign Language Interpreter  
Practice Act  
Act NUMBER  
of the  
YEAR Regular Session  
of the  
LOUISIANA LEGISLATURE  
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Baton Rouge, Louisiana ZIP CODE  
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§3701. Legislative purpose

The legislature declares that in order to safeguard the public health, safety, and welfare of the people of this state against unauthorized, unqualified, and improper practice of Sign Language Interpreters, it is necessary that a proper regulatory authority be established and adequately provided for.

§3702. Short title

This Chapter shall be known and may be cited as the "Louisiana Sign Language Interpreters Practice Act".

§3703. Definitions

As used in this Chapter, unless the context clearly requires otherwise, and except as otherwise expressly provided:

(1) "Sign Language Interpreter" means an individual who has been licensed by the state to provide Sign Language interpretation or transliteration services between persons who can hear, and who may or may not be fluent in American Sign Language, and persons who are deaf, deaf-blind, hard of hearing, or otherwise hearing-impaired.

Sign Language Interpreters provide services in legal, medical, educational (K-12 and post-secondary), mental health, occupational, governmental, general community, cultural arts/theater, personal, and religious settings. Services are provided dynamically (in person), via video relay services (VRS), and by video remote interpreting (VRI).

(2) "Generalist" Sign Language interpreting service means providing services in venues where specialist credentials are not yet in existence.

(3) "Specialist" Sign Language interpreting service means providing services in venues where specialist credentials are in existence.

(4) "American Sign Language" means the Sign Language used by the Louisiana Deaf Community, which includes both American Sign Language and American Sign Vernacular.

(5) "American Sign Language Vernacular" means any one of the many varieties of signing systems developed or used to represent English language structure, or blends

69 of English and American Sign Language that naturally appear between communities  
70 of native and non-native Signers.

71 (6) “Deaf, deaf-blind, hard of hearing or otherwise hearing-impaired person” means  
72 a person who, because of a hearing impairment, has difficulty understanding spoken  
73 language and therefore cannot fully participate in the proceedings of any court, quasi-  
74 judicial hearing, board, commission, authority, department, agency, legislative body,  
75 or in any public or private program without the services of a qualified (licensed) Sign  
76 Language Interpreter.

77 (7) “Quasi-judicial proceeding” means any proceeding of a public administrative  
78 office or body which is required to investigate facts, ascertain the existence of facts,  
79 hold hearings and draw conclusions from them as a basis for their official action, and  
80 to exercise discretion of a judicial nature.

81 (8) “Public or private program” means any activity open to the public and which Sign  
82 Language interpreting services are mandated to be provided by federal or state  
83 accessibility laws.

84 (9) “Licensed Sign Language Interpreter” means any person whose interpreting  
85 knowledge and ability have been successfully tested through a nationally recognized,  
86 psychometrically sound certification system, and who has been licensed by the  
87 Louisiana Board for Sign Language Interpreters.

88 (10) "Board" means the Louisiana Board for Sign Language Interpreters.

89 (11) “Sign Language Interpreter Intern” means an individual who is currently  
90 involved in or has completed an Interpreter Training Program or has demonstrated  
91 to the Board sufficient fluency in American Sign Language and English to receive  
92 provisional licensure from the Louisiana Board for Sign Language Interpreters.

93 (12) “Interpreter Training Program” means a post secondary degree program of at  
94 least two years in duration that is accredited.

95 (13) “Provisional licensure” means a temporary credential issued by the Louisiana  
96 Board for Sign Language Interpreters that allows the individual to work under  
97 supervision.

98  
99 (14) "Registry of Interpreters for the Deaf, Inc." means the national organization  
100 which certifies interpreters, maintains continuing education requirements and  
101 records, and administers a national system of professional conduct review, or its  
102 successor organization.

103 (15) “Louisiana Registry of Interpreters for the Deaf” means the Louisiana Affiliate

104 Chapter of the Registry of Interpreters for the Deaf, Inc., or its successor  
105 organization.

106 (16) “National Association of the Deaf” means the national organization of  
107 individuals who are deaf, deaf-blind, hard of hearing, or other wise hearing impaired,  
108 or its successor organization.

109 (17) “Louisiana Association of the Deaf” means the Louisiana Affiliate Chapter of  
110 the National Association of the Deaf, or its successor organization.

111 §3704. Louisiana Board for Sign Language Interpreters  
112

113 A. There is hereby created a Louisiana Board for Sign Language Interpreters in the  
114 Governor’s Office for Disability Affairs. The board shall be subject to the provisions of R.S.  
115 36:803. Governor’s Office for Disability Affairs.\* *NOTE: GODA has been requested to*  
116 *house the Board and the request is under consideration*

117 B. This Board shall consist of five members who are citizens of the United States and  
118 residents of the State of Louisiana. The members shall be appointed by the governor and  
119 subject to Senate confirmation. Board members must meet the qualifications set forth for a  
120 Licensed Sign Language Interpreter.

121 C. All appointees shall be selected from one list compiled by all statewide Sign Language  
122 Interpreter membership organizations that have written bylaws and meet all state and federal  
123 laws, and the Louisiana Registry of Interpreters for the Deaf, or its successor, shall be  
124 responsible for the coordination of this process. All appointees shall serve no more than two  
125 consecutive full terms. The board shall consist of the following members:

126 (1) Three Licensed Sign Language Interpreters.

127 (2) One Licensed Sign Language Interpreters who shall be qualified and working in  
128 an K-12 educational environment. Should an individual qualified and working in an  
129 K-12 educational environment be unavailable, the seat will be filled by a Licensed  
130 Sign Language Interpreter.

131 (3) One individual who is Deaf and who is a Licensed Sign Language Interpreter.  
132 Should an individual of this qualification be unavailable, the seat will be filled by a  
133 Licensed Sign Language Interpreter.

134 D. No board member shall be currently an elected official.

135 E. Each member shall hold office until the expiration of his appointed term or until a  
136 successor is duly appointed. When the term of each member expires, the governor shall  
137 appoint his successor for a term of three years. Any vacancy occurring in board membership

138 other than by expiration of term shall be filled by the governor, under the provisions of  
139 Subsection A of this Section, by appointment of a member to serve for the unexpired term.  
140 The completion of an unexpired portion of a full term shall not constitute a full term for  
141 purposes of this Section.

142 F. A board member may be removed for just cause.

143 G. Each board member shall receive a certificate of appointment from the governor. Before  
144 commencing the discharge of his duties, and within thirty days from the effective date of his  
145 appointment, the board member shall subscribe to the oath for state officials before any  
146 officer authorized to administer oaths in this state and shall file the same with the secretary  
147 of state.

148 H. Each board member shall serve without compensation, but shall receive actual traveling,  
149 incidental, and clerical expenses necessarily incurred while engaged in the discharge of  
150 official duties. Funds will be allocated for the payment of these expenses as provided for by  
151 R.S. 37:3714(B).

152 I. The board shall notify all Licensed Sign Language Interpreters of vacancies on the board,  
153 the qualifications for service, and that interested Licensed Sign Language Interpreters may  
154 submit a letter of interest and resume to the Louisiana Registry of Interpreters for the Deaf,  
155 or its successor.

156 §3705. Board; meetings; powers

157 A. The board shall meet as often as necessary and four members shall constitute a quorum.  
158 The board shall hold meetings at least semiannually. The board shall elect annually from its  
159 membership a chair, vice chair/treasurer, and secretary. Meetings may be called by the chair  
160 or upon written request of three members of the board or by the governor.

161 B.(1) The board is authorized to adopt and revise such rules and regulations as may be  
162 necessary to enable it to carry into effect the provisions of this Chapter including but not  
163 limited to rules and regulations which establish licensure, continuing education, and ethical  
164 standards of practice, which the board may adopt as a standard of practice.

165 (1) The board is empowered to examine for, deny, approve, revoke, suspend, and  
166 renew the license of Sign Language Interpreters and shall review credentials and  
167 applications at least once a year. The board is further empowered to examine for,  
168 deny, approve, revoke, suspend, and renew the provisional license of Sign Language  
169 Interpreter Interns and shall review applications at least once a year.

170 (2) The board shall have the power to conduct hearings on charges calling for  
171 revocation or suspension of a license or a provisional license. The board may  
172 institute disciplinary proceedings as authorized in this Chapter.

173 (3) The board shall prosecute and enjoin all persons violating this Chapter and shall  
174 keep a record of all the proceedings.

175 (4) The board is empowered to administer funds as provided in R.S. 37:2714(B) for  
176 the training and education of Sign Language Interpreters so that competency may be  
177 assured.

178 D. The board shall keep a listing of Sign Language Interpreters licensed or provisionally  
179 licensed under this Chapter. At each meeting of the board the listing shall be updated and  
180 made available to the general public. A copy of the listing shall be made available to any  
181 person requesting it, upon a fee set by the board.

182 E. The board may enter into such professional service contracts as necessary to carry out its  
183 responsibilities under this Chapter in accordance with R.S. 36:3714.

184 F. The board shall adopt standards for supervision to meet the requirements of R.S. 37:3707.

185 H. The board shall issue a license or provisional license signed by the chair of the board  
186 whenever an applicant for a license successfully qualifies as provided in this Chapter.

187 §3706. Qualifications; Licensed Sign Language Interpreters

188 A. An individual shall be eligible for approval by the board as a Licensed Sign Language  
189 Interpreters when the individual has submitted documentation of:

190 (1) 18 years of age

191 (2) Willingness to abide by the Code of Professional Conduct of the Registry of  
192 Interpreters for the Deaf, Inc.

193 (3) Successful examination of interpreting knowledge and ability through a nationally  
194 recognized, psychometrically sound certification system recognized by the board.

195 (4) Evidence that all required fees are paid.

196 B. An individual licensed as a Sign Language Interpreter may engage in generalist Sign  
197 Language interpreting practice and may work independently in private practice, through an  
198 interpreter service provider, or as an employee in an agency.

199 C. At any time within one year of the enactment of this Chapter, the board shall register as  
200 a Licensed Sign Language Interpreter any individual who files a verified application,  
201 accompanied by such fees as is required in R.S. 37:3716 and who submits evidence verified  
202 by oath and satisfactory to the board that complies with the requirements of Subsection A of  
203 this Section.

204 §3707. Qualification; Sign Language Interpreter Intern

205 A. An individual shall be eligible for a provisional license as a Sign Language Intern when  
206 the individual has submitted documentation of:

207 (1) 18 years of age

208 (2) Willingness to abide by the Code of Professional Conduct of the Registry of  
209 Interpreters for the Deaf, Inc.

210 (3) Successful examination of interpreting knowledge through a nationally  
211 recognized, psychometrically sound certification system recognized by the board.

212  
213 (3) English proficiency, interpreting knowledge and ethics and written  
214 recommendation from a Licensed Sign Language Interpreter of American Sign  
215 Language proficiency to serve as an Intern.

216 (4) Evidence that all required fees are paid.

217 B. The individual may hold the provisional license for a period of time determined by the  
218 board.

219 C. A Sign Language Interpreter Intern may only work under the supervision of a Licensed  
220 Sign Language Interpreter.

221 §3708. License required

222 A. No individual shall practice Sign Language interpreting in the state unless the individual  
223 holds a current, valid license or provisional license issued by the board in accordance with  
224 this Chapter. This license or provisional license shall be kept with the Sign Language  
225 Interpreter and displayed as requested.

226 B. The license is the property of the board and shall be surrendered for just cause and upon  
227 the demand of the board,

228 C. The license is not transferrable.

229 §3709. Application

230 Upon investigation of the application and other evidence submitted, the board shall notify  
231 each applicant that the application and evidence submitted for consideration is satisfactory  
232 and accepted, or unsatisfactory and rejected. If an application is rejected, said notice shall  
233 state the reasons for such rejection and the applicant's right to a compliance hearing in

234 accordance with the rules and regulations promulgated by the board.

235 §3710. Examination/s

236 A. The board shall determine the examination/s required for licensure.

237 B. The board shall ensure examination/s be given at least annually.

238 C. If an applicant fails the examination/s, he may retake the examination/s upon payment of  
239 a re-examination fee at the next opportunity, and in accordance with the rules of the board  
240 examination/s.

241 §3711. Licensure by reciprocity or endorsement of credentials

242 The board may issue licenses or provisional licenses under the following special conditions:

243 (1) The board may issue a license to a Sign Language Interpreter upon proof of  
244 credentials and payment of the prescribed fee, to an applicant for licensure who is the  
245 equivalent of a Licensed Sign Language Interpreter under another state, territory,  
246 commonwealth, or District of Columbia when:

247 (a) The requirements for licensure or certification are, at the date of licensure  
248 or certification, substantially equal to the requirements then or subsequently  
249 in force in this state.

250 (b) The state, territory, commonwealth, or District of Columbia from which  
251 the applicant for a license or certificate comes, accords similar privilege or  
252 licensure or certification without examination to holders of licenses or  
253 certificates under this Chapter.

254 (c) The state, territory, commonwealth, or District of Columbia from which  
255 the applicant for a license or certificate comes, requires successful completion  
256 of an examination as a condition of such licensure or certification.

257 2. Non-Resident

258 1) Interpreters registered in the State to engage in interpreting (including, but  
259 not limited to conference interpreting, video-relay interpreting, cruises)  
260 including those from another state who may or may not hold a valid  
261 credential from that state for a period not to exceed thirty (30) non-  
262 consecutive calendar-days in a calendar year, at which time the interpreter  
263 must provide proof of application for licensure or provisional license either  
264 by online application or registered letter.

265 2) Such interpreters will be under the auspices of the board and all portions  
266 of law.

267 3) Services provided during a national or State declared emergency will not  
268 count toward the thirty (30) days.

269 §3712. Continuing education for license and provisional license renewal

270 A. The board shall have authority to establish and promulgate requirements to assure  
271 continuing education for individuals licensed or provisionally licensed under this Chapter  
272 as a condition of licensure or provisional licensure. Such requirements may include but are  
273 not limited to continuing education which shall be through programs either provided or  
274 approved by the board.

275 §3713. Rights and privileges

276 A. An individual who possesses a current, valid license issued by the board pursuant to this  
277 Chapter shall have the right to practice and use the title Licensed Sign Language Interpreter  
278 and the abbreviation LSLI.

279 B. An individual who possesses a current, valid provisional license issued by the board  
280 pursuant to this Chapter shall have the right to practice and use the title Sign Language  
281 Interpreter Intern.

282 C. No other individual shall assume such title, use such abbreviation or use any word, letter,  
283 sign, figure, or device to indicate that he is a Licensed Sign Language Interpreter or Sign  
284 Language Interpreter Intern.

285 §3714. Fees

286 A. The board shall establish a reasonable fee schedule for examinations, applications,  
287 reexaminations, renewal, or reissuance of any license, provisional license, or for any other  
288 administrative function provided for in this Chapter; and the receipts from the payment of  
289 such fees shall be used to carry out the purposes of this Chapter. Such fee schedule may be  
290 modified from time to time as deemed necessary by the board. The fees shall be established  
291 and payable by rules adopted in accordance with the Administrative Procedure Act.

292 B. The fees established under the provisions of this Section shall be paid to the board. The  
293 board shall retain all fees and other monies received by it. Such funds may be expended by  
294 the board without appropriation for cost of administration and other expenses. Additionally,  
295 such funds may be used for the establishment and operation of continuing education  
296 programs relating to the practice of Sign Language interpreting and supervision of Sign  
297 Language Interpreter practice. Any funds remaining unexpended and unencumbered at the  
298 end of each fiscal year shall be retained by the board for expenditure in succeeding years and

299 no part thereof shall revert to the state general fund.

300 C. No fee shall be refunded.

301 §3715. Disciplinary action; hearing; procedures; appeal

302 A. The board shall have the power to deny, revoke, or suspend any license or provisional  
303 license issued by the board or applied for in accordance with this Chapter, or otherwise  
304 discipline a Sign Language Interpreter.

305 C. Proceedings for disciplinary action or for the denial or withholding of a license under the  
306 authority of this Section shall be conducted in compliance with the board's rules, regulations,  
307 and procedures and in compliance with the Administrative Procedure Act. The board may  
308 require an individual against whom disciplinary action has been taken by the board to pay  
309 the reasonable costs incurred by the board for the hearing or proceedings, including its legal  
310 fees, stenographer, investigator, or witness fees, and any such costs and fees incurred by the  
311 board on any judicial review or appeal.

312 D. No license or provisional license shall be suspended or revoked until a hearing is held  
313 before the board.

314 E. The board may adopt rules for its proceedings that will enable it to completely determine  
315 the facts in each matter brought before it without undue delay and to render a decision in  
316 writing consistent with the intent of this Chapter. The board shall have the right to issue  
317 subpoenas where needed. If the board subpoena is not honored, the board shall petition a  
318 court of competent jurisdiction to have its subpoena honored. If the court determines that the  
319 demand of the board is lawful, the court shall enter an order compelling compliance  
320 therewith. Disobedience of such an order shall be considered contempt of court.

321 F. Any individual subject to disciplinary action who feels aggrieved by the decision of the  
322 board may file a petition for judicial review in the Nineteenth Judicial District Court within  
323 thirty days after receiving the board's decision pursuant to R.S. 49:964.

324 §3716. Privileged communications

325 A. Testimonial privileges, exceptions, and waiver with respect to communications between  
326 a Sign Language Interpreter and his client are governed by the Louisiana Code of Evidence.

327 B. No Sign Language Interpreter may disclose any information he may have acquired from  
328 persons using him in his professional capacity that was necessary to enable him to render  
329 services to those persons except:

330 (1) With the written consent of the client, or in the case of death or disability, with  
331 the written consent of his personal representative, other person authorized to sue, or

332 the beneficiary of any insurance policy on his life, health, or physical condition.

333 (2) When the individual is a minor under the age of eighteen and the information  
334 acquired by the Licensed Sign Language Interpreter indicated that the child was the  
335 victim or subject of a crime, then the Licensed Sign Language Interpreter may be  
336 required to testify fully in relation thereto upon any examination, trial, or other  
337 proceeding in which the commission of such crime is a subject of inquiry.

338 (3) When a communication reveals the intended commission of a crime or harmful  
339 act and such disclosure is determined to be necessary by the Licensed Sign Language  
340 Interpreter to protect any individual or person from a clear, imminent risk of serious  
341 mental or physical harm or injury, or to forestall a serious threat to the public safety.

342 (4) When the person waives the privilege by bringing any public charge against the  
343 Licensed Sign Language Interpreter.

344 C. Nothing in this Section shall be construed, however, to prohibit a Sign Language  
345 Interpreter from voluntarily testifying in a court hearing concerning matters of child abuse,  
346 child neglect, or other matters pertaining to children, elderly, and physically or mentally  
347 impaired adults, except as prohibited under the applicable state and federal laws.

#### 348 §3717. Discrimination

349 No license, or provisional license shall be denied any applicant based upon the applicant's  
350 race, religion, creed, national origin, sex, or physical impairment so long as the physical  
351 impairment does not interfere with the performance of professional duties.

#### 352 §3718. Violations; penalties

353 A. It shall be a misdemeanor for any individual or entity:

354 (1) To engage in the practice of Sign Language Interpreting without being duly  
355 licensed or provisionally licensed under the provisions of this Chapter.

356 (2) To imply or state that he is a Licensed Sign Language Interpreter unless he is duly  
357 and respectively licensed or provisionally licensed under the provisions of this  
358 Chapter.

359 (3) To use in connection with his name any designation tending to imply that he is  
360 licensed or provisionally licensed under the provisions of this Chapter during the  
361 time his license or provisional license shall be suspended, revoked, or shall have  
362 lapsed.

363 (4) To reimburse any individual who is not a Licensed or provisionally licensed Sign

364 Language Interpreter for Sign Language interpreting services.

365 (5) To assist an individual to obtain a license by fraud.

366 (7) To assist an individual to represent themselves as licensed to interpret American  
367 Sign Language and English.

368 (6) To otherwise violate any of the provisions of this Chapter.

369 B. Such misdemeanor, upon conviction, shall be punishable by a fine of not less than five  
370 hundred nor more than one thousand five hundred dollars, or by imprisonment for not more  
371 than six months, or both.

372 C. Such misdemeanor shall be prosecuted by the district attorney of the judicial district in  
373 which the offense was committed in the name of the people of the State of Louisiana.

374 §3719. Injunctive proceedings

375 A. The board may, in the name of the people of the State of Louisiana, through the attorney  
376 general apply for an injunction in any court of competent jurisdiction to enjoin any person  
377 from committing any act prohibited by the provisions of this Chapter.

378 B. If it is established that any person has been or is committing an act prohibited by this  
379 Chapter, the court shall enter a decree permanently enjoining said person from further  
380 commission of such act.

381 C. The violation of any injunction issued under the provisions of this Section shall constitute  
382 contempt of court.

383 D. Such injunctive proceedings shall be in addition to and not in lieu of all other remedies  
384 and penalties provided in this Chapter.

385 §3720. Exclusions

386 A. No provision of this Chapter shall be construed to prohibit:

387 (1) The activities and services of a student pursuing a course of study in a Sign  
388 Language Interpreter training program, if these activities and services constitute a  
389 part of his supervised course of study.

390 (2) Subsidiary workers in the agencies and offices of individuals licensed or  
391 provisionally licensed to practice Sign Language interpreting in this state from  
392 assisting in the rendering of services to consumers under the personal and responsible  
393 supervision and direction of such persons.

394 (3) An individual engaged solely in interpreting at a worship service or ceremony  
395 conducted by a religious entity and services for educational purposes for a religious  
396 entity or religious affiliated school not receiving public monies. This does not apply  
397 to settings requiring compliance with federal and state legislation.

398 4) An individual licensed to practice Sign Language interpreting in another  
399 jurisdiction who is providing services within the scope of practice designated by such  
400 license and in response to a disaster declared by the appropriate authority or governor  
401 of the state may, upon prior written notice of the board, provide such services in this  
402 jurisdiction for a period of time not to exceed sixty consecutive days per year without  
403 applying for a license. The practitioner who provides services under this Subsection  
404 shall be deemed to have submitted to the jurisdiction of the board and be bound by  
405 the laws of this state.

406 (a) An individual engaged in interpreting services during an emergency  
407 situation until the services of a licensed interpreter can be obtained.

408 (b) An emergency is one where, after documented attempts to obtain the  
409 services of a licensed interpreter, an individual who is deaf, deaf-blind,  
410 hard of hearing, or otherwise hearing impaired determines that the delay in  
411 obtaining a licensed interpreter might lead to injury or loss to the  
412 individual requiring services.

413 (c) The services of a licensed interpreter must continue to be sought while  
414 using the unlicensed interpreter.

415 (d) Provisions of the Good Samaritan Act shall also apply to interpreters as  
416 long as the interpreter is acting within the guidelines established within the  
417 act.

418 5) Any person interpreting pro bono or for remuneration where circumstances do  
419 not allow for the fulfillment of the stated requirements for licensure or permitting  
420 and where the services of a qualified interpreter are not required under the  
421 provisions of any applicable federal or state legislation, or municipal code, shall  
422 petition Louisiana Sign Language Interpreter Board for exemption.

423 (a) Such persons will be subject to the grievance process.

424 B. An individual licensed to practice Sign Language interpreting in another jurisdiction  
425 may, upon prior written application to the board, practice as a Sign Language Interpreter  
426 in this jurisdiction within the scope of practice designated by such license no more than  
427 thirty days per year without applying for a license. Practice privileges under this  
428 Subsection shall apply only if the requirements for a license in such other jurisdictions are  
429 substantially similar to the requirements for licensure in this jurisdiction. The thirty-day

430 period shall commence on the date of receipt by the board of the written application. The  
431 practitioner who provides services under this Subsection shall be deemed to have  
432 submitted to the jurisdiction of the applicable board and be bound by the laws of this  
433 state.

434 §3721. Protected action and communication

435 A. There shall be no liability on the part of and no action for damages against:

436 (1) Any member of the board, or its agents or employees, or any member of an  
437 examining committee appointed or designated by the board, for any action  
438 undertaken or performed by such individual within the scope of the duties,  
439 powers, and functions of the board or such examining committee as provided for  
440 in this Chapter when such individual is acting without malice and in the  
441 reasonable belief that the action taken by him is warranted.

442 (2) Any person, committee, association, organization, firm, or corporation  
443 providing information to the board, its agents or employees, or to an examining  
444 committee appointed or designated by the board, whether a witness or otherwise.  
445 Such a person, committee, association, organization, firm, or corporation  
446 providing such information without malice and in the reasonable belief that such  
447 information is accurate shall not be held, by reason of having provided such  
448 information, to be liable in damages under any law of the state or any political  
449 subdivision thereof.

450 B. In any suit brought against the board, its employees, or agents, any member of an  
451 examining committee appointed by the board, or any person or entity providing  
452 information to the board, when any such defendant prevails in such suit, the court shall, at  
453 the conclusion of the action, award to any such prevailing party defendant against any  
454 such claimant the cost of the suit attributable to such claim, including attorney fees if the  
455 claim was frivolous, unreasonable, without foundation, or in bad faith.

456 C. For the purposes of this Section, a defendant shall not be considered to have prevailed  
457 when the claimant obtains an award for damages or permanent injunctive or declaratory  
458 relief.