

**Rules and Regulations  
for Licensing  
Interpreters for the Deaf**

(R5-71-ID)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Health

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accordance with the provisions of  
section 42-35-4.1 of the Rhode  
Island General Laws, as amended)**

## *INTRODUCTION*

These *Rules and Regulations for Licensing Interpreters for the Deaf* are promulgated pursuant to the authority conferred under Chapters 42-35 and 5-71 of the General Laws of Rhode Island, as amended.

These regulations are established for the purpose of adopting minimum standards and qualifications pertaining to the licensure of interpreters for the deaf and to ensure that members of the interpreting profession perform with a high degree of competency in this state.

The Act does not limit or qualify the rights of employees with disabilities nor consumers, including but not limited to interpreter services, or the duties of providers to provide such accommodations, auxiliary aids, or services, pursuant to 42 U.S.C. section 12201, *et seq.*; 29 U.S.C. section 794; Article I, Section 2, of the Rhode Island Constitution; RIGL section 42-87-1, *et seq.*, section 11-24-1, *et seq.*, 28-5-1, *et seq.*, section 42-46-13, section 8-5-8, section 9-9-1.2; or other applicable federal or state laws. The obligations of the above cited federal or state civil rights laws include, but are not limited to:

- (a) a state and local governmental agency taking appropriate steps to ensure that communications with applicants, participants, employees, and members of the public with disabilities are as effective as communications with others. State and local governmental agencies shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program or activity conducted by a state or local governmental agency. In determining what type of auxiliary aid or service is necessary, a state or local governmental agency shall give primary consideration to the requests of the individual;
  
- (b) a public accommodation taking those steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the public accommodations can demonstrate that taking those steps would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or would result in an undue burden (i.e., significant difficulty or expense). A public accommodation shall furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities; and

- (c) an employer and/or employment agency making reasonable accommodations, including the provision of interpreters for the deaf, for their employees with disabilities where necessary to ensure effective communication with individuals with disabilities.

In accordance with the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, consideration was given to: (1) alternative approaches to the regulations; (2) duplication or overlap with other state regulations; and (3) any significant economic impact on small business, as defined in Chapter 42-35 of the General Laws. Based upon available information, no known alternative approach, duplication or overlap, or significant economic impact was identified. The protection of the health, safety and welfare of the public necessitates the adoption of these regulations, despite the economic impact which may be incurred as a result of the regulations.

These regulations shall supersede all previous rules and regulations for licensing interpreters for the deaf promulgated by the Department of Health and filed with the Rhode Island Secretary of State.

## **TABLE OF CONTENTS**

<b><i>Section</i></b>	<b><i>Page</i></b>
<b>PART I      <i>Definitions</i></b>	<b>1</b>
1.0    Definitions	1
<b>PART II      <i>Professional Licensing Requirements</i></b>	<b>3</b>
2.0    Qualifications of Applicants for Licensure	3
3.0    Persons and Practices Exempted	5
4.0    Licensure	5
5.0    Application and Fees	7
6.0    Expiration and Renewal of License	8
7.0    Reciprocity	8
8.0    Continuing Education Requirements	8
<b>PART III      <i>Grounds For Suspension, Board Of Examiners &amp; Severability</i></b>	<b>10</b>
9.0    Grounds for Suspension or Revocation of Licenses	10
10.0   Revocation and Suspension Procedures	11
11.0   Severability	12

## PART I *DEFINITIONS*

### Section 1.0 *Definitions*

Wherever used in these rules and regulations, the following terms shall be construed as follows:

- 1.1 "**Act**" refers to Chapter 5-71 of the Rhode Island General Laws, as amended, entitled, "Licensure of Interpreters for the Deaf Act."
- 1.2 "**Administrator**" means the Administrator of the Division of Professional Regulation at the Rhode Island Department of Health.
- 1.3 "**American Sign Language (ASL)**" means the visual/gestural language used by deaf/Deaf people in the United States and Canada, with semantic, syntactic, morphological, and phonological rules which are distinct from English.
- 1.4 "**Board**" means the state Board of Examiners for Interpreters for the Deaf established pursuant to the provisions of section 5-17-4 of the Act.
- 1.5 "**Consumer**" is an individual who is deaf, hard of hearing or other individual with disabilities who uses special communication techniques in order to communicate, and individuals whose primary language is sign language (e.g., American Sign Language, manually coded sign systems).
- 1.6 "**Director**" means the Director of the Rhode Island Department of Health.
- 1.7 "**Department**" means the Rhode Island Department of Health.
- 1.8 "**Interpreter for the Deaf**" means any person who engages in the practice of interpreting or transliterating for the deaf as defined in sections 1.10 and 1.14 herein (below).
- 1.9 "**Interpreter trainee**" and "**interpreter student**" means any person meeting the minimum requirements established by the state Board of Examiners for Interpreting for the Deaf who is currently enrolled in a recognized interpreter training program.
- 1.10 The practice of "**interpreting for the deaf**" means interpreting English into American Sign Language (ASL) or interpreting American Sign Language into English, or interpreting English to or from a visual gestural system.

- 1.11 ***“Manually Coded English (MCE)”*** means any form of visual/gestural communication used by deaf or hard-of-hearing persons in the United States and Canada, with semantic and syntactic rules based either partly or entirely upon English. Such systems, include, but are not limited to, CASE (Conceptually Accurate Signed English), Pidgin Signed English (PSE), Signing Essential English, Signing Exact English, Sign Supported English, Signed English, and the Rochester method.
- 1.12 ***"Person"*** means any individual, firm, corporation, partnership, organization or body politic.
- 1.13 ***"Special licenses"*** means any specialized means of communicating with persons using sign language or non-sign language systems and shall include: ***"tactile communication"*** (such as is used by deaf-blind persons), ***"cued speech"*** (an oral method utilizing hand cues for visually similar phonemes), ***"oral interpreting"*** (which is non-manual and relies on speech and speech reading), or other specialized communication modalities utilized with deaf persons.
- 1.14 The practice of ***"transliterating for the deaf"*** means transliterating English into manually coded English such as Pidgin Signed English, or transliterating manually coded English into spoken English (sign-to-voice), or transliterating English to and/or from a non-manual communication system such as cued speech.

Any such application that is represented to the public by title or by description of services, methods, or procedures for facilitating communication between signing and non-signing person is considered the practice of interpreting for the deaf. A practice is deemed to be the *"practice of interpreting for the deaf"* if services are offered under any title, similar titles, or description of services incorporating such words as *"interpreter for the deaf"*, *"signer"*, *"ASL (American Sign Language) interpreter"*, or any similar titles or descriptions of services.

## Part II ***PROFESSIONAL LICENSURE REQUIREMENTS***

### Section 2.0 ***Qualifications of Applicants for Licensure***

- 2.1 Licensure and examinations shall commence after January 1, 1998.
- 2.2 The Board shall review each applicant as to his/her qualifications for the practice of interpreting or transliterating for the deaf. To be eligible for licensure by the Board as an interpreter or transliterator for the deaf, including persons working as interpreters in elementary or secondary education classrooms, the applicant must:
- (a) Submit an application indicating interpreting or transliterating experience;
  - (b) Submit three (3) letters of recommendation in writing or on videotape, at least two (2) of which shall be from consumers attesting to the person's ethical behavior and skills, and as they relate to interpreting or translating for the deaf;
  - (c) Submit written verification of successful completion of the National Registry of Interpreters for the Deaf Performance Evaluation, or successful completion of a recognized state screening or state equivalent within the United States;
    - (1) For the purposes of these rules and regulations, a state screening or a state equivalent shall be current and valid and shall include no less than the following components:
      - a) ***Deaf Input:*** The screening team membership shall consist of at least one-third (1/3) deaf persons.
      - b) At least one (1) member shall be a person who is nationally certified as an interpreter by the National Registry of Interpreters for the Deaf and who is active in the education of interpreters for the deaf/Deaf.
      - c) An ***examination*** consisting of the following two (2) sections:
        - (i) ***Performance - live interpreting*** that shall include:  
American Sign Language → English (interpreter license only)  
English → American Sign Language (interpreter license only)  
Pidgin Signed English/Manually Coded English → English  
(transliterating license only)  
English → Pidgin Signed English/Manually Coded English  
(transliterating license only)
        - (ii) An ***interview/examination*** that shall include content related to:  
Deaf Culture  
Code of Ethics  
Role of the Interpreter;

*and*

- (d) Present evidence of completion of coursework in American Sign Language, Deaf Culture, and the Code of Ethics. Such coursework may be completed as part of an interpreter training program, or through individual workshops sponsored by a recognized organization or agency or other training recognized by the National Registry of Interpreters for the Deaf.

### ***Examination Requirement***

- (e) Interpreters and or transliterators who do not present evidence of completion of coursework in American Sign Language, Deaf Culture and the Code of Ethics, or who do not present evidence of successful completion of the National Registry of Interpreters for the Deaf generalist written examination, shall be required to complete a written examination.

The Board has approved the written examination to be administered by the National Registry of Interpreters for the Deaf and shall include the areas that follow which contain categories of information on which the candidate shall be tested.

- (1) ***Area A*** contains information that is concerned with American Sign Language. Separate examinations shall be given for interpreting and transliterating in area A. The examination in area A shall be concerned with material related to: (a) psychological and sociological aspects of language use; (b) language use, and non-language systems which are manually coded; (c) grammatical and psycholinguistic application of sign usage, and (d) other related linguistic information the Board shall deem necessary.
- (2) ***Area B*** contains information that is concerned with deaf culture. The examination in area B shall be concerned with material related to: (a) the influence of educational experience and language; (b) cultural norms and mores; (c) psychological and sociological aspects of culture in the deaf community, and (d) other related material the Board shall deem necessary.
- (3) ***Area C*** contains fields of information that are concerned with the Code of Ethics. The examination in area C shall be concerned with material related to: (a) the Code of Ethics for interpreters as established by the National Registry of Interpreters for the Deaf; (b) the application of the Code of Ethics in the provision of interpreting or transliterating services, and (c) other related ethics information the Board shall deem necessary.
- (4) The applicant shall bear any costs related to sitting for the National Registry of Interpreters for the Deaf examination.
- (5) Examination results shall be reported by the applicant to the Department in accordance with the requirements of section 2.2(c) herein.

### Section 3.0 *Persons and Practices Exempted*

- 3.1 The provisions of the Act and the rules and regulations herein do not apply to:
- (a) A qualified person licensed in this state under any other law engaging in the profession or business for which he or she is licensed, and who is not working as an interpreter.
  - (b) Any person working as an interpreter or a transliterator in court (in accordance with the provisions of sections 8-5-8 or 9-9-1.2 of the Rhode Island General Laws, as amended).
  - (c) Interpreters or transliterators performing as volunteers without compensation.
  - (d) Interpreters or transliterators performing in an emergency. Emergency circumstances are such circumstances in which the consumer decides the delay necessary to obtain a licensed interpreter is likely to cause injury or loss to the consumer.

### Section 4.0 *Licensure*

- 4.1 Licensure shall be granted in either transliterating and interpreting independently. A person may be licensed in both areas if he or she is qualified as defined in section 5-71-8 of the Act and section 2.0 herein.
- 4.2 No person shall practice or hold him or herself out as being able to practice interpreting or transliterating for the deaf as defined in section 5-71-3 of the Act unless he or she is licensed in accordance with the provisions of the laws of the Act, after July 1, 1998.

### *Categories of Licensure*

- 4.3 The distinction between certified licenses, registered licenses, and licenses is for the purpose of identifying to the public which interpreters hold a certification from the National Registry of Interpreters for the Deaf. The Act does not impose any limits on the practice of certified licensees, registered licensees, or licensees.
- 4.4 Three categories of licensure shall be granted to interpreters and/or transliterators for the deaf. These categories include:
- (1) A certified license shall be granted to interpreters who have met the certification requirements of the National Registry of Interpreters for the Deaf and are currently certified.
  - (2) A license shall be granted to interpreters who have met the educational requirements as defined in the Act, and who have successfully completed a recognized state screening or state equivalent, as defined herein.

- (3) A temporary license shall be granted to persons who are currently enrolled in a recognized interpreter training program to practice interpreting and transliterating. Persons who receive such temporary license shall be supervised by the interpreter training program. Such licensure is only valid while the person is enrolled as a student in said program and is supervised by a nationally certified interpreter.

#### 4.5 *Certified Licenses*

- (a) The Board shall accept current and valid certification from the National Registry of Interpreters for the Deaf in lieu of the coursework, written examination and screening or quality assurance testing. Interpreters or transliterators with such certification shall be granted a certified license as an interpreter and/or transliterator for the deaf.

#### 4.6 *Special Limited Licenses*

- (a) Special licenses may be sought by persons dealing with specific communication modalities associated with the practice of interpreting or transliterating, as defined in section 5-71-3. The Board may provide a special limited license for this practice of interpreting or transliterating to those claiming specific expertise in tactile communication, non-sign modalities such as cued speech, or oral interpreting.
- (b) Such special licenses shall only be granted until such time as formal, generally recognized as evaluative methods for these modalities are instituted. Those special licenses will so state the limitations as to the specific modality for which the licensee claims expertise. Those licenses will come under the general terms of the laws and the regulations herein except for the educational and evaluation section, but will not be required to demonstrate any knowledge or expertise in any other communication modality other than that which they claim as an area of specialty.
- (c) The Board shall establish separate educational requirements for specific modalities to assess the validity of the expertise claimed by the specialist.
  - (1) The educational requirements for oral interpreting and/or cued speech shall consist of thirty (30) hours of coursework that pertains to that special area sponsored by a national organization or an accredited educational program [e.g., American Speech-Hearing Association (ASHA), Alexander Graham Bell Association, the National Registry of Interpreters for the Deaf (RID)].

#### 4.7 *Temporary Licenses*

- (a) Students who are enrolled in interpreter training programs shall apply for a temporary license which shall be valid while enrolled and practicing under the auspices of an interpreter training program recognized by the National Registry of Interpreters for the Deaf.

#### 4.8 *Grandparent Licenses -- General*

All individuals who receive licenses pursuant to this section shall have until July 27, 2002 to meet the education/evaluation (i.e., certification/screening) requirements stated herein.

- (a) The first licenses granted by the Board shall provide a specific period for experienced interpreters or transliterators who do not meet the evaluation or educational requirements, but who have at least a total of five (5) years of “*experience*” interpreting and/or transliterating. “*Experience*” means a minimum of two hundred (200) hours of interpreting or transliterating per year. Such persons shall be granted a registered license. These interpreters would not be required to complete the written examination, which would be waived for these interpreters, but would participate in the continuing education required for all licensed interpreters under the Act.
- (b) Persons who have met the qualification requirements as defined in the Act and who have written verification of passing a state screening or state equivalent, but who have not successfully passed the written and performance evaluation of the National Registry of Interpreters for the Deaf shall be granted this license.

#### ***Grandparent Licenses – Interpreters or Transliterators in Elementary or Secondary Education Classrooms***

- 4.9 The provisions of section 4.8(a) herein shall apply to persons working as interpreters in elementary or secondary education classrooms who meet the requirements of that section. An interpreter or transliterator in an elementary or secondary education classroom shall have three (3) years and six (6) months from the date the Board first grants a license in this category to meet the evaluation requirements (i.e., certification or screening) established by the Act and the Board to obtain licensure.

#### **Section 5.0    *Application and Fees***

- 5.1 Application for licensure by the Board as an interpreter or transliterator for the deaf/Deaf shall be made on forms provided by the Division of Professional Regulation. These forms shall be completed, notarized and submitted to the Board thirty (30) days prior to the scheduled date of the Board meeting at which they are to be reviewed.

- (a) Such application shall be accompanied by the following:
  - *For applicants who are U.S. citizens:* a certified copy of birth certificate, or, if a naturalized citizen, proof of naturalization;
  - *For applicants who are not U.S. citizens:* documented evidence of lawful entry into the country;
  - A recent passport-type photograph of the applicant;
  - A certification by the National Registry of Interpreters for the Deaf (RID); a state screening; and/or experience requirements as cited in section 4.8(a) herein.

- A non-refundable fee of thirty-seven dollars and fifty cents (\$37.50) made payable by check or money order to the General Treasurer, state of Rhode Island. In no case shall said fee be returned.
- (b) Each licensed interpreter for the deaf/Deaf shall promptly notify the Board of any change in his/her office address or addresses, and shall furnish such other information to the Board as it may require.
- (c) Upon approval by the Board, the Department shall issue a license to the applicant that shall expire on July 1<sup>st</sup> of the next calendar year, with the exception of those persons holding temporary or registered licenses in accordance with sections 4.7 and 4.8 herein.

#### Section 6.0 *Expiration & Renewal of License*

- 6.1 Every person licensed under the provisions of the Act who desires to continue licensure as an interpreter or transliterator for the deaf/Deaf shall present evidence satisfactory to the Board that the interpreter or transliterator for the deaf/Deaf has completed a prescribed course of continuing education in accordance with the requirements of section 8.1 herein.
- 6.2 The license of every person licensed under the provisions of the Act shall expire on the first day of July of the next year following the date of his/her license.
- 6.3 On or before the first day of May in each year, commencing in the year 1998, the Administrator shall mail an application for renewal of license to every person to whom a license has been issued or renewed during the current year. Every person so licensed who desires to renew his/her license shall file with the Division such renewal application duly executed. Such application shall include payment of the fee of thirty-seven dollars and fifty cents (\$37.50) on or before the first day of June in each year. Upon receipt of such application and payment of said fee, the accuracy of the application shall be verified and the Administrator of Professional Regulation shall grant a renewal license effective July 1<sup>st</sup> and expiring twelve (12) months thereafter.
- 6.4 The Board may suspend the authority of any licensed interpreter for the deaf/Deaf to practice for failure to comply with any of the above requirements.

#### Section 7.0 *Reciprocity*

Applicants who hold a valid license, certificate, or equivalent issued within another state, provided that the requirements under which that license, certificate, or equivalent was issued meet or exceed the standards required by the Act, and who otherwise meet the requirements of the rules and regulations herein, and with the approval of the Director, shall be issued a license under the provisions of the Act and the rules and regulations herein.

#### Section 8.0 *Continuing Education Requirements*

- 8.1 By July 1, 2004 and every four (4) years thereafter, all licensed interpreters shall be required to complete eighty (80) hours of continuing education during each four (4) year period, as prescribed by the National Registry of Interpreters for the Deaf's certification maintenance program.
- (a) As substitutes for the continuing education units as prescribed by the National Registry of Interpreters for the Deaf's certification maintenance program, the Board may approve an equivalent number of alternative courses offered in conjunction with such other national organization(s), such as the American Speech-Hearing Association (ASHA), Alexander Graham Bell Association, the National Registry of Interpreters for the Deaf (RID) and/or the National Association for the Deaf, as are deemed acceptable by the Board.
  - (b) It shall be the sole responsibility of the individual licensed interpreter to ensure approval of alternative coursework by the Board. Such approval may be obtained prior to registration or completion of the course.
- 8.2 It shall be the sole responsibility of the individual licensed interpreter to obtain documentation from the approved sponsoring or co-sponsoring organization, agency, or institution of his/her participation in a continuing education program and/or activity that shall include no less than the date, time, subject matter, name of lecturer or teacher, the number of hours of credit earned, and such other pertinent data.
- (a) Such documentation shall be safeguarded by the licensee for review by the Board as may be requested.
  - (b) Such documents shall furthermore be retained by each licensee for no less than six (6) years and shall be subject to random audit by the Board.
- 8.3 In lieu of the continuing education credits required in section 8.1 (above), an applicant may submit evidence of continuing certification from the National Registry of Interpreters for the Deaf that meets the continuing education requirement described above.
- 8.4 A license shall be denied to any applicant who fails to provide satisfactory evidence of continuing education relevant to interpreting for the deaf/Deaf as required herein.

## Part III **GROUND**S FOR SUSPENSION, BOARD OF EXAMINERS AND SEVERABILITY

### Section 9.0 *Grounds for Suspension or Revocation of Licenses*

9.1 All complaints concerning a licensee's professional practice shall be received by either the licensing Board or the Department of Health in writing or by videotape. Each complaint received shall be logged, recording at a minimum the following information:

- Licensee's name;
- Name of the complaining party;
- Date of complaint;
- Brief statement of complaint; *and*
- Disposition.

9.2 The Board may recommend to the Director the issuance, renewal, or revocation of a license, or suspension, placement on probation, censure or reprimand of a licensee, or such other disciplinary action as the Board may deem appropriate, for conduct that may result from, but not necessarily be limited to:

- (a) Obtained his/her license by means of fraud, misrepresentation, or concealment of material facts;
- (b) Has been guilty of fraud, misrepresentation, concealment or material misstatement of facts or deceit in connection with his/her services rendered as an interpreter or transliterator for the deaf;
- (c) Has been guilty of unprofessional conduct as defined below, and/or has violated any standard of professional or ethical conduct adopted by the National Registry of Interpreters for the Deaf;
  - (1) Unprofessional conduct is defined as including, but not limited to:
    - (i) The use of any false or fraudulent statement in any document connected with the practice of interpreting or transliterating for the deaf/Deaf ;
    - (ii) The willful violation of a privileged communication;
    - (iii) The willful violation of confidentiality;
    - (iv) Knowingly performing any act which in any way aids or assists an unlicensed person to practice interpreting or transliterating for the deaf/Deaf in violation of the Act;
    - (v) The practice of interpreting or transliterating for the deaf/Deaf under a false or assumed name;
    - (vi) The advertising for the practice of interpreting or transliterating for the deaf/Deaf in a deceptive or unethical manner;

- (vii) Habitual intoxication or addiction to the use of drugs or performing the duties and functions of an interpreter for the deaf/Deaf while under the influence of alcohol or other drugs;
  - (viii) Presenting an unprofessional or otherwise distracting appearance that interferes with the provision of services to the client;
  - (ix) Repeated violations of any of the rules or regulations of the Department or the violation of any section of the Act;
  - (x) Gross incompetence in the practice of his/her profession; or
  - (xi) Repeated acts of gross misconduct in the practice of his/her profession.
- (d) Has violated the continuing education requirements of section 5-71-9(d) of the Act;
  - (e) Has violated any lawful order, or any provision of the Act or of the rules or regulations promulgated herein;
  - (f) Aiding or assisting another person in violating any provision of the Act or any rule or regulation adopted herein.

Section 10.0 ***Revocation and Suspension Procedure, Appeals from Initial and Reinstatement Decisions***

10.1 All hearings and reviews required under the provisions of Chapter 5-71 of the Rhode Island General Laws, as amended, shall be held in accordance with the following:

- (a) Notice in writing of a contemplated revocation or suspension of a license, of the particular cause therefore, and of the date of hearing thereon, shall be sent by registered or certified mail to the licensee at his or her last known address at least fifteen (15) days before the date of the hearing. The individual against whom a charge is filed shall have a right to appear before the Board in person or by counsel, or both, may produce witnesses and evidence on his or her behalf, and may question witnesses. No license shall be revoked or suspended without a hearing, but the non-appearance of the licensee, after notice, shall not prevent a hearing. All matters upon which the decision is based shall be introduced in evidence at the proceeding.

The licensee shall be notified in writing of the Board's decision within ninety (90) days after the hearing. The Board, on a case by case basis for good cause shown in writing, may extend the time for issuing its decision an additional ninety (90) days.

- (b) After issuing an order of revocation or suspension, the Board may also file a petition in equity in the Superior Court in a county in which the respondent resides or transacts business, to ensure appropriate injunctive relief to expedite and secure the enforcement of its order, pending the final determination.

- (c) An application for reinstatement may be made to the Board, which may, upon the affirmative vote of at least the majority of its members, grant a reinstatement.
- (d) An applicant for an initial license, which has been denied, has the right to request a hearing. The Board's decision shall be in writing within ninety (90) days after said hearing and shall be based on evidence in the record.
- (e) The Director may suspend a license temporarily without a hearing for a period not to exceed thirty (30) days upon notice to the licensee, following a finding by the Board, adopted by the Director that there exists a significant threat to the public safety.
- (f) An applicant for reinstatement who has been denied reinstatement, has the right to request a hearing. The Board's decision shall be in writing within ninety (90) days after said hearing and shall be based on evidence in the record.
- (g) Any appeal from the action of the Board shall be in accordance with the provisions of Chapter 35 of Title 42 and of the *Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*.

#### Section 11.0 ***Severability***

- 11.1 If any provision of this chapter or of any rule or regulation made thereunder, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the remainder of the chapter, rule, or regulation, and the application of that provision to other persons or circumstances, shall not be affected thereby.