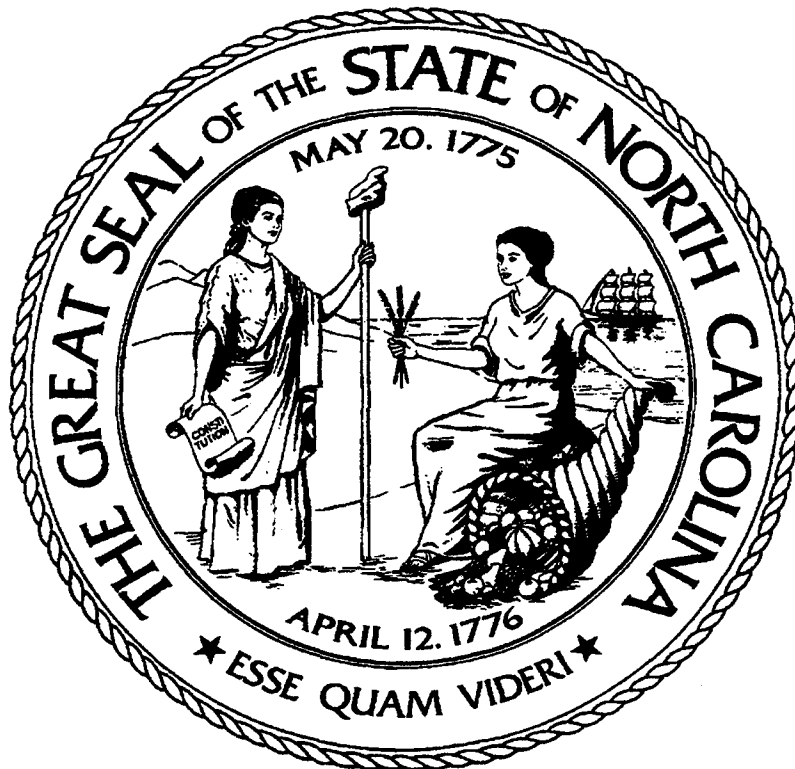


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NEW LICENSING BOARDS**

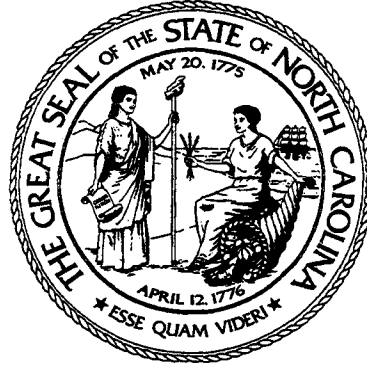
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Assessment Report
For

Interpreters and Transliterators

House Bill 1313





LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS

June 6, 2001

The Legislative Committee on New Licensing Boards is pleased to release this assessment report on the licensing of interpreters and transliterators. This report constitutes both the preliminary and final assessment report.

A handwritten signature in cursive script, appearing to read "Ed McMahan".

Representative Ed McMahan, Chair

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LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS
(2000-2001)

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PREFACE

The Legislative Committee on New Licensing Boards is a joint committee of the House and Senate created and governed by statute (Article 18A of Chapter 120 of the General Statutes). The primary purpose of the Committee is to evaluate the need for a new licensing board or the proposed licensing of previously unregulated practitioners by an existing board. The Committee has been in existence since 1985.

The Committee solicits written and oral testimony on each licensing proposal in carrying out its duty to determine whether the proposal meets the following criteria:

- 1) Whether the unregulated practice of the profession can substantially endanger the public health, safety, or welfare, and whether the potential for such harm is recognizable and not remote or dependent upon tenuous argument.
- 2) Whether the profession possesses qualities that distinguish it from ordinary labor.
- 3) Whether practice of the profession requires specialized skill or training.
- 4) Whether a substantial majority of the public has the knowledge or experience to evaluate the practitioner's competence.
- 5) Whether the public can effectively be protected by other means.
- 6) Whether licensure would have a substantial adverse economic impact upon consumers of the practitioner's good or services.

The Committee issues an assessment report on its findings and recommendations. The recommendation in the report is not binding on other committees considering the proposal.



HOUSE BILL 1313 - INTERPRETER/TRANSLITERATOR LICENSURE.

CURRENT STANDARDS

Background. Currently, there are no mandatory licensure standards governing interpreters or transliterators. However, G.S. 143B-216.33 directs the Division of Services for the Deaf and Hard of Hearing in the Department of Health and Human Services to establish training and evaluation standards for determination of competency of individuals serving as interpreters. In addition, Chapter 8B of the General Statutes requires a "qualified interpreter" in certain circumstances.

North Carolina Interpreter Classification System. The Division of Services for the Deaf and Hard of Hearing has established by administrative rule, a classification system to reflect the competency of individuals serving as interpreters for persons who are deaf or hard of hearing. Applicants for the classification test must have a certification from the National Registry of Interpreters for the Deaf; documentation of 200 hours of interpreter experience; or, graduation from an accredited interpreter training program. Applicants must also pass a written test covering the standards of ethical behavior, as well as the classification test.

Interpreters for Deaf Persons. Chapter 8B of the General Statutes requires a "qualified interpreter" to be appointed when a deaf person is appearing before a court, legislative committee, or agency or when a deaf person is arrested for an alleged criminal violation. For purposes of this statute, "qualified interpreter" means an interpreter certified as qualified under rules adopted by the Department of Health and Human Services (DHHS).

PROPOSED LICENSURE

HB 1313 - Interpreter/Transliterators Licensure

Regulatory Board. House Bill 1313 provides for the creation of the North Carolina Interpreter and Transliterators Licensing Board to regulate the licensing of interpreters and transliterators. The Board will be appointed by the Governor and consist of seven members as follows:

- 1 member of the NC Association of the Deaf who is deaf and familiar with the interpreting process.
- 1 interpreter who is a member of the NC Registry of Interpreters for the Deaf, Inc. with five years experience in a community setting and who is licensed.
- 1 interpreter who is a member of the North Carolina Registry of Interpreters for the Deaf, Inc. with five years experience in an educational setting in grades K-12 and who is licensed.
- 1 interpreter or transliterator for deaf-blind individuals who is licensed; or a deaf-blind individual with knowledge of the interpreting process.
- 1 cued speech or oral transliterator who is licensed.
- 1 hearing consumer or person who is hard of hearing and a member of Self Help for Hard of Hearing with knowledge of the interpreting process and deafness.
- 1 faculty member of an Interpreter Training Program or Interpreter Preparation Program, or an instructor of the American Sign Language Teachers Association.

Licensure. House Bill 1313 requires that anyone practicing as an interpreter or transliterator must be licensed. An "interpreter" is someone who provides an accessible communication orally or manually, involving receiving a message in one language and delivering the message in another language. A "transliterator" is someone who provides

accessible communication by use of two different modes of the same language involving receiving a message in one language and delivering the language into a manual form of the same language.

Exemptions. The licensure requirements do not apply to the following:

- Persons providing interpreting or transliterating services in religious proceedings.
- Persons providing interpreting or transliterating services in mentoring or training programs.
- An intern under the supervision of a licensee.
- Persons providing interpreting or transliterating services in an emergency situation until a licensed person can be obtained.

Qualifications.

Licensure. *Interpreter or Transliterating Licensure.* In order to be licensed as an interpreter or transliterator, an applicant must meet all of the following qualifications:

- Is at least 18 years of age.
- Is of good moral character.
- Meets one of the following criteria:
 - Is nationally certified by the National Association of the Deaf.
 - Is nationally certified by the Registry of Interpreters for the Deaf, Inc.
 - Has a national certification recognized by the National Cued Speech Association.
- Effective July 1, 2008, applicants must hold a four-year degree from an accredited institution.

Legal Interpreter or Transliterating. An applicant may be licensed as a legal interpreter or transliterator if the applicant meets all of the following qualifications:

- Is at least 18 years of age.
- Is of good moral character.

- Has successfully completed the Registry of Interpreters for the Deaf, Inc. Skill Certification: Legal (SC: L) requirements.

Provisional Licensure. House Bill 1313 provides for the issuance of several classifications of provisional licenses as set forth below. Provisional licenses issued by the Board are valid for one year and may be renewed for an additional one-year period. A provisional license may not be renewed more than four times unless an extension is specifically granted by the Board. All provisional licensees must be at least 18 years of age and of good moral character.

Community Interpreters/Transliterators. An applicant may be issued a provisional license as a community interpreter or transliterator if the applicant:

- Has a quality assurance North Carolina Interpreter Classification System level A or B classification or holds an interpreter classification from any other state that is substantially equivalent to the classification levels offered in North Carolina; *or*
- Holds a valid National Association for the Deaf level 3 or 4 certification.
- Effective July 1, 2008, the applicant must be a graduate of a two-year interpreter training program, or hold a four-year degree from an accredited institution.

A "community interpreter or transliterator" is a person who provides accessible communication for individuals in a postsecondary education or community setting using the language model most understandable to the individuals.

Educational Interpreter/Transliterator. An applicant may be issued a provisional license as an educational interpreter or transliterator if the applicant meets one of the following criteria:

- Has a current Educational Interpreter Performance Assessment evaluation, level 3 or higher.

- Has a quality assurance North Carolina Interpreter Classification System level A or B classification or holds an interpreter classification from any other state that is substantially equivalent to the classification levels offered in North Carolina.
- Holds a valid National Association of the Deaf level 3 or 4 certification.
- Holds a valid cued speech certification.
- Effective July 1, 2008, in addition to meeting one of the requirements above, the applicant must also be a graduate of a two-year interpreter training program, or hold a four-year degree from an accredited institution.

An "educational interpreter or transliterator" is a person who provides accessible communication for individuals in prekindergarten through grade 12 using the language model most understandable to the individuals.

Legal Interpreter/Transliterator. An applicant may be issued a provisional license if the applicant meets two of the following criteria:

- Has successfully passed the Registry of Interpreters for the Deaf, Inc. Skill Certification: Legal (SC: L) written examination.
- Holds any national certification.
- Has successfully completed 150 hours of work experience or training in a legal setting.

Reciprocity. The Board may issue a license to a qualified applicant who resides in this State and is licensed in another state if that state has standards of competency that are substantially equivalent to North Carolina's standards. The Board may also issue a license to a nonresident if that person's state of residence recognizes licenses issued by the Board.

Maximum Licensure Fees.

Fee Type	Maximum Fee
License Fee	\$225
Provisional License	\$225
License Renewal	\$225
Provisional License Renewal	\$225
Duplicate License	\$10

Disciplinary Authority. The Board may deny, suspend, revoke, or refuse to license an interpreter or transliterator or applicant for any of the following:

- Giving false information or failing to disclose information in obtaining or attempting to obtain a license.
- Having been convicted of or pled no contest to a crime that indicates the person is unfit or incompetent to perform interpreter or transliterator services, or that indicated the person has deceived or defrauded the public.
- Having been disciplined by the Registry of Interpreters for the Deaf, Inc.
- Demonstrating gross negligence, incompetence, or misconduct in performing interpreter or transliterator services.
- Failing to pay court-ordered child support.
- Willfully violating law or rules adopted by the Board.

Injunctive Relief. The Board may seek injunctive relief against an unlicensed person who claims to be an interpreter or transliterator.

Criminal Penalties. Any unlicensed person who claims to be an interpreter or transliterator, or engages in practice as an interpreter or transliterator, or uses such title is guilty of a Class 1 misdemeanor.

FINDINGS AND RECOMMENDATIONS

Findings and Recommendations. On June 6, 2001, the Joint Legislative Committee on New Licensing Boards finds that House Bill 1313 has met the criteria for licensure. The Committee recommends the licensing of interpreters and transliterators. The Committee further recommends that the General Assembly consider a State testing program that would establish a licensing process and evaluate levels of competency and that the General Assembly also examine any interpreter training programs currently operated by the

Administrative Office of the Courts. This assessment report constitutes both the preliminary and final assessment report for the licensure of interpreters and transliterators. The findings and recommendations on this report are based on the proposed licensing of interpreters and transliterators set out in House Bill 1313, the responses to the Committee's questionnaire (Attachment A), and testimony before the Committee on May 23rd, May 30th, and June 6th, 2001.



ATTACHMENT

Response to Questionnaire for

HB 1313

INTERPRETER/TRANSLITERATOR LICENSURE



Responses to questions for committee considering licensure proposal.

1. Because of the nature of the interpreting process, the general public is unaware and unable to evaluate sign language interpreter/transliterater skills. Because of this fact the marketplace has failed to adequately regulate the practitioners of interpreting. No qualification standards for hiring or contracting of this profession are currently required in North Carolina. (The only way to accurately determine if an individual is competent in the skills required is to know if they are nationally certified by the Registry of Interpreters for the Deaf. This national certification process is the ONLY valid and reliable evaluation of interpreter/transliterater skill.)

2. Yes, there have been numerous complaints among consumers and service providers about incorrect interpretation, misunderstandings leading to harmful decisions, and ethically inappropriate behavior on the part of the interpreter (such as breaching confidentiality). The reason this persists is because there is no accountability required of individuals practicing as interpreters in NC. There has been at least one formal complaint made to the federal government about this issue from a parent of a deaf student in the Eastern NC School for the Deaf. Additionally, a complaint against Cabarras County School System involved the issue of qualifications of the interpreter provided. The legal liability of the Exceptional Children's Department is growing as more and more students needing interpreters in the public school system as a result of closing the Central School for the Deaf in Greensboro. The committee continues to research and gather information about federal complaints and will update this response in the near future.

3. Because of the lack of regulation:

. The providers of interpreters, such as doctors, therapists, schools, and mortgage companies have no standard with which to judge qualifications. Any person who can communicate minimally in sign language can represent themselves as qualified to give the interpretation. This has become most critical in the area of delivery of services in the areas of health care and education.

. Misinterpretations based on an incorrectly interpreted message can severely impact getting correct information from patients to doctors or getting correct information from doctors to patients. In educational settings, the lack of qualified interpreters/transliterators directly affects students ability to learn and express.

. Types of errors are in expression of the language such as omission (because of the lack for ability to "sign" a word or phrase) or miscues (inability to "sign" in grammatical order). In addition, misinterpretation of sign language by the interpreter has led to many misunderstandings or worse. (Diagnostic information about translation from American Sign Language to English can be provided upon request).

4. There is potential harm from inaccurate interpretation during any interaction between hearing and deaf individuals when the interpreter is unqualified. Most often the uninformed hearing individuals think if someone can move their hands and presents themselves for an assignment, that they are qualified to do the work. The uninformed provider of services depends on the practitioner which leaves the field open to criminal misconduct. Without the requirement for licensure, the provider has no idea that there is a certification process that determines the minimal level of skill to be considered qualified to interpret. Only a few deaf individuals are assertive enough to ask for a certified or state classified interpreter. It is of the utmost importance that a hospital emergency room, doctor, attorney, mental health counselor, consumer credit counselor, classroom at any grade, employer/employee, have accurate interpretation provided by a qualified interpreter and this cannot universally occur in North Carolina without a state requirement through licensure.

Very often the harm from misinterpretation results in complications either at the time or at a later date.

Several examples of this are:

- a. When a doctor or nurse gives directions for taking medication or asks a question about allergies: If the question is not asked accurately or the response is misinterpreted the result can be continued illness or even death.**
- b. If a student is not given complete information from a lecture in class they will, at a minimum, not do well on the test of that information. In fact, Deaf students, as a group, do not do well in academic classwork and nationally, on the average read English at the fourth grade level. What would be the effect of getting accurate information?**
- c. If a psychiatrist cannot get accurate information from a client about symptoms they are experiencing, they will not be able to give the right medication.**
- d. If a deaf employee does not know what is being said during an important employee meeting about retirement plans, work requirements, insurance plans, or a company buyout how can that person be an optimal employee with potential for upward mobility within the company?**

The situations are numerous where the potential for harm can and has occurred.

5. Yes, there are approximately 20 states that currently have licensure requirements of some type. The number is growing. Some cover community and/or educational interpreting. They mandate national certification by the Registry of Interpreters for the Deaf, state classification assessment, National Association of the Deaf credentials Level 3-5, or Certification recognized by the National Cued Speech Association. North Carolina has GS 8-B that requires National Registry of Interpreters certification or State Classification Level A to interpret in the courts of NC. (The state classification system is not currently operating to classify new interpreters, however, this system has no grievance procedure nor been psychometrically tested and shown to be valid and reliable.)

6. The economic advantage to the public by having licensure required for sign language interpreters will be a higher quality assurance of work provided. This will

prevent the need for repeat meetings, promote higher work efficiency, better student performance leading to higher potential of success in the work world. Currently, many deaf adults depend on supplemental security income because their work is not productive. With licensure tied to national certification of interpreters, the state liability for inappropriate or inadequate interpreting or transliterating will lessen.

7. Because of the way the bill is written, there is a long time frame before full certification is required of currently working interpreters. As a result, the short term reduction in certified/licensed interpreters as a result of this requirement would be ameliorated. As other states have implemented licensure requirements, evidence has shown that there has been an initial leveling off then an increase in the number of practitioners becoming qualified for licensure.

The study and discussion of licensure being required for sign language interpreters in NC has been on going for four years with our professional organization (NCRID). As a result, many individuals are preparing to or have already taken steps to become nationally certified. The proposal before the legislature will provide several more years of leeway for currently working interpreters to become qualified to be licensed through the "provisional" option.

8. The economic advantages to practitioners

- . Assurance of qualified work: Practitioners will be able to advertise their "licensed" status to assure clients they are qualified to do an assignment.
- . Supply and demand economics would say that a shortage of qualified/licensed interpreters would bring a higher wage, however, the national shortage of interpreters has not brought any appreciable difference in pay or working conditions of interpreters in the educational setting. Some increase in rates for interpreters in community settings has been noticed in the past five years. As professional standards rise, some increase in rate would be expected. It will be noted that as medical advances reduce the incidence of deafness from disease or birth defects, the population may level off. As a result, the number of practitioners entering the field may begin to meet the need.

9. Disadvantages of licensing to the practitioners:

- .Cost of testing to become nationally certified.
- .Dues to professional organization to keep certification valid.
- .Licensing fee-commensurate with other professions.
- .Training costs to maintain national certification-needed in order to earn Continuing Education Units for the purpose of keeping one's credentials current and valid.

10. Benefits to the public: Public users of interpreting services are puzzled by the different rankings and do not have the knowledge to evaluate interpreter skill. Many practitioners are hired then paid. After the assignment it is learned that the practitioner was not qualified. The way individuals learn about this is that they have

miscommunications revealed, extra meetings, excessive repetition, further delays, or other more adverse results.

11. Specialized skills:

.Knowledge of another language with its own grammar and structure in a visual-gestural mode rather than the aural-oral mode. The ability to take that knowledge and interpret into the target language while listening or seeing the source language. It is a very complex process.

.Knowledge of a culture distinct from American mainstream culture. The interaction of culture of Deaf Americans with other Americans is intimately tied with the language used.

.Professional interpreters are bound by a Code of Ethics which demands confidentiality of assignments, central to the trust-relationship necessary for communication between doctor/patient and attorney/client.

.An individual may attend a two or four-year interpreting training program to increase their knowledge of the language and learn the interpreting process along with the code of ethics. At that point they still need a mentor and further apprenticeship as they develop their skill.

13. Yes, licensing requirements will cover all practicing members in the profession. The only exemption will be in religious settings, volunteers, working with a mentor, or emergency medical situations until a qualified licensed interpreter arrives i.e.. the good Samaritan law.

14. Currently, it is thought that approximately 500-600 practitioners will be covered by this requirement. The population they serve numbers about 7000-10000. There has never been an actual count so this number would be based on the most recent census numbers for NC, take 10% being considered hard of hearing (some use interpreters), 1% of that amount is estimated to be Deaf.

15. If licensure requirements are put in place, the public would need to ask when requesting the services of a practicing interpreter if they are licensed. If they are, that would mean they have met the skill level to be able to pass the national certification written and performance exam. The public should ask about years of experience and any specialized training that would make the selected professional better qualified for a particular assignment.

16. There is a voluntary certification exam offered by the National Registry of Interpreters for the Deaf, headquartered in Silver Spring, Md. This organization was established in 1969 by both deaf and hearing individuals. Through the years this organization has developed psychometrically valid and reliable testing of interpreters/transliterators. There is a formal grievance and mediation process in place to handle any complaints stemming from an alleged violation of the Code of Ethics developed by the founders of the registry.

.Additionally, there is a national test developed by the National Association of the Deaf. This is a tiered level certification process. The two organizations have established a professional committee to work towards development of a joint RID/NAD test that both organizations will recognize and all currently certified by these organizations will be grandfathered into the new system.

.Cued Language Transliterators may take the National Cued Language Test that is recognized by the National Cued Speech Association.





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