

**MINUTES OF THE  
ADVISORY BOARD FOR THE INTERPRETERS  
JANUARY 10, 2014  
QUARTERLY MEETING**

**MEMBERS PRESENT**

Raphael "Ray" James, Chair Person  
Jami Hollingsworth, Secretary  
Debbie Pearce  
Pat Nickell  
Holly Ketchum  
Melanie Thornton  
J.R. Courtright

**ADH STAFF PRESENT**

Elizabeth Pitman, ADH Attorney  
Bethany McLaughlin, ADH Legal Staff

**GUESTS PRESENT**

John West, Interpreter

**WELCOME AND CALL TO ORDER**

The Quarterly Meeting of the Advisory Board for Interpreters between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf was called to order at approximately 2:21p.m. on Friday, January 10, 2014. Roll was called and all members being present, a quorum was established.

**APPROVAL OF MINUTES**

Mr. James noted there was a spelling error on page 1; Pat Nickell's name was spelled incorrectly. Ms. Nickell noted that the name "Meyer Tapp Watson" needed to be changed to Myra Taff-Watson on page 7. Mr. James also mentioned on page 7, the name "Jordan Myer" needed to be changed to Jordan Meyer. Ms. Pitman asked if the minutes needed to wait to be approved or if the Board wanted to approve with corrections. It was also noted by Mr. James that on page 7, "ARED" needs to change to ARID. Ms. Pearce noted that on page 3, her last name is misspelled and needs to be corrected.

Ms. Nickell made a motion for approval of the minutes as corrected. Mr. Courtright seconded the motion. The motion passed without objection.

### **UPDATE ON STATUS FOR RULES GOVERNING ADVISORY FOR INTERPRETERS**

Mr. James updated the status for rules governing the Advisory Board for Interpreters. He explained that it was sent to the Board of Health for approval to begin the emergency rulemaking process.

Mr. James stated that he was present at the meeting along with Ms. Ketchum, Mr. Courtright, and Ms. Thornton. He went on to say that the motion for rulemaking passed without objection.

Ms. Pitman explained that the Rules were filed under the emergency rule provisions with the Secretary of State, the Arkansas State Library, and the Bureau of Legislative Research. She went on to say that a regular rulemaking was also filed. The public hearing is set for January 31, 2014. The notice has already been published in the Democrat-Gazette. The Emergency Rule will be effective on January 31, 2014.

Ms. Pitman stated that she is listed as the contact person on the notice. She also explained that the public hearing will be held in the lab training room at 4815 West Markham Street, Room 2508, at two o'clock in the afternoon.

Ms. Pitman clarified that if there are no substantial changes due to comments received, the regular rule should go back to the Board of Health for final approval in April. This should prevent any large gap of time between the emergency rule expiring and the regular rule becoming effective. Ms. Pitman noted that an emergency rule is only effective for one hundred and twenty (120) days.

Mr. James asked what would need to happen in response to public comments. Ms. Pitman explained that just because a comment was made does not mean that the rule has to change. She went on to say that every comment must be responded to. Ms. Pitman also explained that some changes are allowed during the comment period, but that if there are any substantial changes the Advisory Board would need to start the process over again. Ms. Pearce asked who decides if a change is substantial. Ms. Pitman responded that the Department and the Advisory Board would make that determination.

Mr. James asked for any questions about the rulemaking update. He went on to say that the proposed rules can be found on the ADH website, [www.healthy.arkansas.gov](http://www.healthy.arkansas.gov). Ms. Pitman also reminded the Advisory Board that she was the contact person for public comments and that anyone wishing to make a comment could send it to her via email or regular mail, or call her.

## **UPDATES ON TAKE APPLICATIONS FOR LICENSURE AND APPOINTMENT OF ADH IT LIAISON**

Mr. James explained that the Emergency Rule went into effect on January 31, 2014, and will be effective for one hundred and twenty (120) days after that. He stated that the Advisory Board members who are interpreters should be the first to apply for licensure. Ms. Pitman stated that an applicant cannot get an application until the rule goes into effect. Mr. James asked if the whole profession could start applying on January 31. Ms. Pitman reminded the Advisory Board that there was no system in place to process the application at this time. It was recalled that the Advisory Board decided to begin accepting applications in mid-February.

March 1 is the next professional meeting of the organization, where contact could be made with most, if not all, of the individuals in the profession. March 1 was determined to be the target date to start receiving applications. Ms. Pearce suggested that something be put out on the listserv pushing that date.

Mr. James stated that the cost factor is already decided by the rules which set the licensure fee at \$125.00. Ms. Pitman added that the Subcommittee on Budget and Fees decided to lower the initial licensure fee. Mr. James mentioned that everyone in the profession was thankful for that.

Ms. Hollingsworth asked how a system to process applications would be created. Ms. Pitman explained that someone from the Advisory Board would be assigned to work with ADH and the IT department to design a website for taking applications.

Ms. Pearce made a motion to nominate Melanie Thornton as the liaison to work with ADH and the IT Department to establish a website. Ms. Ketchum seconded the motion. The motion passed without objection.

## **DELEGATION OF AUTHORITY TO THE LICENSING SUBCOMMITTEE**

Ms. Nickell asked if there was a timeframe on how long it will take for individuals to be approved and receive their license. Mr. James stated that the rules do not address that. He did explain that there was a subcommittee which will make recommendations to the Director for granting or denying licenses. The ADH Director will have to make the final decision.

Mr. James asked how often the Director would do that. Ms. Pitman said he could do it as often the Advisory Board sent it up to him. Ms. Pitman explained that the full Advisory Board must make recommendations to the Director for licensure. Ms. Pitman asked if they wanted to delegate that authority to the subcommittee. Mr. James stated yes, that was what the subcommittee wanted.

Ms. Ketchum moved that the subcommittee reviewing applications for licensure makes the recommendation to the Advisory Board and the Director for approval. Ms. Pearce asked for clarification on whether that meant that as soon as the subcommittee makes a recommendation, if it will go to the Director. Mr. James confirmed that was correct. Ms. Pearce seconded the motion. The motion passed unanimously.

Ms. Pitman explained to the Advisory Board that they just voted to amend their bylaws. Mr. James stated that the Advisory Board understood.

Ms. Thornton asked if the licensing subcommittee should start out meeting more regularly, then go to a quarterly application review. Mr. James stated that people move in and out of state and test for credentials all year. If it were quarterly, those individuals couldn't practice their profession for three months.

Ms. Hollingsworth asked if the licensure subcommittee needed to meet face-to-face to make recommendations. Mr. James stated yes, or by telephone conference or video conference. Ms. Pearce asked if they would be able to see the applications online. Mr. James said yes, or they would receive faxed copies. Ms. Pitman said Ms. Thornton could work with the IT Department on how online applications would be distributed.

Mr. James asked if the application had to be disclosed under the Freedom of Information Act. Ms. Pitman said it was a public record, but that some of the information in the application may be exempted under the Freedom of Information Act.

Ms. Pitman stated that the subcommittee meeting needs to be recorded, since it is a public meeting under the Freedom of Information Act.

### **OPEN MEETING REQUIREMENT REFRESHER**

Ms. Pitman gave a brief review of what the open meeting requirement is. She explained that all meetings with two or more Advisory Board members present and in which a decision will be made are open meetings under the FOIA. Therefore, the public has to be allowed to be present and see what's going on, but they do not necessarily have to be able to participate. She explained that in this quarterly meeting you may want to hear what the public has to say; but in the meetings where applications are being reviewed you may not.

Ms. Pitman stated that under the FOIA, ADH must give notice when it is requested by an individual; notice has to be put on the arkansas.gov and ADH website. An agency is required to give "reasonable" notice. ADH tries to give at least two weeks' notice.

Ms. Pearce asked how they can have a telephone conference and have the meeting open to the public. Ms. Pitman explained that they can do it one of two ways: (1) she can set up a teleconference line in a meeting room where the public can come and listen to the meeting, while the members call in; and (2) we can set up a conference line and have members of the public call in on the teleconference line. The first method is

more cost effective. It was discussed how a teleconference could be accomplished for the licensing subcommittee meeting.

There was a discussion about who has asked for notice of the meetings of the Advisory Board. Mr. James stated that no one has specifically asked for notice that he is aware of. Ms. Pitman clarified that all meetings needed to be posted on the website.

Ms. Hollingsworth asked if we are shooting for the March 1 timeframe to announce to the membership the need to apply for licensure, should the subcommittee go ahead and set up an initial meeting date to review applications. Mr. James said they also needed to consider the timeframe for responding to applicants after the application has been received. He asked if one month would be reasonable. Ms. Thornton asked if someone who submitted an application the day after the subcommittee met, would that application be processed in a month?

Ms. Pitman stated that there was no timeframe in the rules. Ms. Pearce stated it should be done at least monthly, for the beginning. It was asked how many applications were expected. Mr. James answered that if everyone who holds credentials applies, there will be around 200-250. It was suggested that monthly might be best in the beginning but then stretch that out over time.

Mr. James stated that the Advisory Board also needs to set a timeline as to when individuals should start receiving penalties. What kind of leeway should be given to applicants at the beginning of this venture? Ms. Thornton stated that no one can put their life on hold to process several hundred applications. So the first time, the turnaround is not going to happen in a month. Given that, the Advisory Board should be forgiving about getting the license.

Ms. Hollingsworth asked for clarification on when the regular rule will go into effect? Ms. Pitman answered that the Board of Health meets again on April 24, and we are looking at an effective date of about 30 days after that. That would put the effective date of the regular rule around May 24.

Mr. James asked if they could begin penalizing people under the emergency rules and the regular rules on June 1. Ms. Pitman advised them that if the rulemaking does not go through by May 24, there will be no rules to penalize people under. Her recommendation was to wait until the rulemaking was completed to begin penalizing. Mr. James stated that he thought it might be best not to penalize anyone the first year, but that he did not know if that was a good Advisory Board policy. Ms. Pitman said the Advisory Board could make decisions based on the complaints in front of them, with the facts of each complaint. Mr. James pointed out that the Advisory Board could start assessing penalties immediately. Ms. Pitman clarified that was true after January 31.

Ms. Hollingsworth stated that the rules set out four items the subcommittee would be using to determine if the person should get a license: (1) a completed application, (2) documentation of credentials, (3) documentation of CEU's, and (4) acknowledgment of

adherents to the ethical professional. That recommendation will go to the Director. Ms. Hollingsworth asked what form the recommendation would take, for example a letter? Ms. Pitman stated that it would probably be a letter or form. Mr. James stated that the letter or form will say what the credential are and what they are approved for.

The licensing subcommittee discussed when to have the first subcommittee meeting. There was a discussion about having public hearings on Saturdays.

Ms. Nickell asked if the subcommittee will have to verify the credentials each applicant says they have? Mr. James stated that a copy should be sent in the application process. Ms. Hollingsworth stated if there were any questions about the credentials, the subcommittee could hold the application until the credentials could be verified.

Mr. James stated that if they held credentials other than EIPA and they are current, then their CEU requirements have been met. However, if they're sending in EIPA credentials, they also have to send in documentation of CEUs.

Ms. Nickell stated that she has had several interpreters ask how long they have to get their license before they get penalized.

Mr. James stated technically it would require someone filing a grievance against that individual to initiate a process that could lead to a penalty. Ms. Nickell asked if there is a deadline to have their license. The Rules state that a penalty would be assessed once a finding has been made against them and that if they correct the violation within thirty (30) days, the penalty will be suspended. Discussion ensued about a hard deadline for being licensed. Mr. James said that you could answer that the expectation is that applications will be received on March 1, after which time you could be subject to penalties.

Ms. Hollingsworth asked what time the subcommittee was meeting on March 15. Ms. Pitman said she would check to see if the ADH building is open on Saturday. Ms. Thornton said we could find a meeting room that was available on a Saturday. Ms. Pitman asked if we needed an interpreter for the subcommittee. Mr. James responded only upon request.

More discussion about telephone conferencing occurred. Ms. Thornton stated that while she appreciated being accommodating for the public, the first meeting should be simple. It was decided that the first meeting of the licensing subcommittee would be at 9:00 a.m. on March 15. Ms. Pitman stated that she would be at the first licensing subcommittee meeting.

Mr. James asked for any other business. Hearing none, Mr. James asked for a motion for adjournment. Mr. Courtright so moved. Ms. Thornton seconded. The meeting was adjourned at 3:09 p.m. on January 10, 2014.

Respectfully submitted,

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Jami Hollingsworth, Secretary  
The Advisory Board for Interpreters between  
Hearing Individuals and Individuals who are Deaf,  
Deafblind, Hard of Hearing, and Oral Deaf