



**ADVISORY BOARD FOR INTERPRETERS BETWEEN
HEARING INDIVIDUALS AND INDIVIDUALS WHO
ARE DEAF, DEAFBLIND, HARD OF HEARING, AND
ORAL DEAF**

**Freeway Medical Building, Room 902
5800 W. 10th Street
Little Rock, AR 72204**

AGENDA

**Friday, April 11, 2014
2:00 p.m.**

- I. Welcome and Roll Call**
- II. Approval of Minutes from January 10, 2014 Meeting**

Old Business
- III. Update on Rulings**
- IV. Licensure and Application Fees, *Licensure Subcommittee Members***
- V. Update on Licensure Subcommittee**
- VI. Recognition of Missouri Certification, *Elizabeth Pitman, ADH Deputy General Counsel***
 - Leigh Carson, MO Certified Interpreter
- VII. Other Matters & Public Comments**
- VII. Adjourn**

**MINUTES OF THE
ADVISORY BOARD FOR INTERPRETERS BETWEEN HEARING INDIVIDUALS AND
INDIVIDUALS WHO ARE DEAF, DEAFBLIND, HARD OF HEARING, OR ORAL DEAF
APRIL 11, 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
Linda Stauffer, 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 2:11p.m., on Friday, April 11, 2014. Roll was called and all members being present, a quorum was established.

UPDATE ON THE PROMULGATION OF THE RULES

Elizabeth Pitman, Deputy General Counsel for ADH, updated the Advisory Board on the promulgation of the Rules. Ms. Pitman stated that ADH had just finished going to the Arkansas Legislative Counsel Subcommittee for Rules and Regulations. Prior to that ADH had gone to the Public Health Committee where the rules were reviewed with some questions, but no objections. She went on to say that ADH is through with the public comment period and the legislative review process. All that is left to do is to go

back to the board on April 24, 2014, to get a final approval. The approval will be filed; and the Rules will be effective (30) thirty days later.

Mr. Ray stated wherever the rules mentioned educational interpreters' qualification; those have been removed as well as the whole section for EIPA because the only qualification reference for it was educational settings. He also stated that at the beginning of the rules there is a limitations paragraph added. Mr. James explained that these rules do not establish minimum qualifications for interpreters in the K-12 school setting; those qualifications have been established by the Arkansas Department of Education. ADE can be contacted for the most current guidelines. Mr. James further explained that this does not exclude educational interpreters from applying for licensure, but the qualifications for their interpreting practice will be established by ADE. It is a federal law that mandates this; it is not an Arkansas Law. He added this revision really helped address the public schools' concerns.

Ms. Pearce asked the question "is ADE on board with us and are they going to be overseeing these interpreters so they meet qualifications? And, if a grievance is filed, does it come to ADH then passed on to ADE? Is that how the grievance process will work?" Mr. Ray stated that is correct.

Mr. Ray asked once ADH gets final approval from the Board of Health on April 24, 2014, the rules will be effective thirty days later, or May 24, 2014, so will we still fall in the one hundred twenty (120) days before the emergency rule expires. Ms. Pitman stated that we will.

LICENSURE AND APPLICATION FEES

Ms. Pitman stated that a question arose with regards to the application fee. The application states that it is an application and licensure fee. It was asked if any of that would be refundable if they are not approved for a license. Ms. Pitman clarified that this has not happened yet on any applications.

Ms. Thornton thought establishing a certain percentage as in 30% of the fee would make sense.

Mr. James stated that if you look at the annual fee which is the renewal fee it is \$90 that is \$35 less than the total initial application fee.

Ms. Pearce stated that she foresees if the Advisory Board does not offer reimbursement and an application is denied, we have already had some that are approved on receipt of payment. If we deny them we are not going to get any of the money.

Ms. Pitman stated that a letter is sent saying that the application cannot be processed until payment is received.

Ms. Thornton stated she would like the \$35 to be submitted.

Ms. Pearce made a motion to clarify that of the \$125.00 application fee, \$35.00 is for the application fee, \$90.00 would be for the license itself, and if the license is denied that \$90.00 will be refunded. For the \$90.00 renewal fee will establish the same policy of \$35.00 for the application and \$55.00 of that to be refunded if the license is denied. Mr. Courtright and Ms. Nickel seconded the motion. The motion passed unanimously.

UPDATE ON LICENSURE SUBCOMMITTEE

Ms. Hollingsworth turned it over to the chair of the licensure subcommittee, Melanie Thornton. Ms. Thornton stated that on March 15, 2014, the subcommittee entertained thirty-two (32) applications. Of those, two needed clarification and one was tabled for discussion. She went on to say that today, April 11, 2014, the subcommittee reviewed forty-one (41) applications. In those applications: ten (10) needed further clarification from the applicant because they were missing documentation, credentials or they need verification of payment. That is a total of seventy-three (73) applications that have been reviewed and sixty (60) that are ready for recommendation for licensure. The subcommittee mentioned it was uncertain how to address if a person applies for licensure and they currently have credentials showing they are licensed and those expire before the end of one year from the point of licensure. It was asked how to address that. How do we plan to address that?

Ms. Hollingsworth stated there have been two provisional applications both from hearing interpreters. They submitted the wrong form.

Mr. James has had several emails and phone calls asking “when am I going to get my license?” There needs to be clarity on how we should respond to those questions.

Ms. Pitman clarified that the licensing office is getting codes put into the computer system. She said, as soon as we have the go ahead from Dr. Smith, hopefully within sixty (60) days, they will have their license. Ms. Pitman explained the process that ADH will be using to generate the licenses.

Mr. James stated he has had questions on when complaints can be filed. Ms. Pitman stated that the Advisory Board can establish an enforcement date. Mr. James asked the Advisory Board what date they should use as an enforcement date for the grievance system to actually kick in. Mr. Courtwright made a motion to make July 1, 2014, the established enforcement date. Ms. Ketchum seconded the motion. The motion passed without objection.

Recognition of Missouri Certification

Mr. James stated that there has been an applicant, Leigh Carson that has applied with Missouri credentials for an Arkansas License.

Ms. Pitman stated that the applicant has not received a denial letter. She was sent a letter saying that the licensing subcommittee could not make determination until the full

board decided whether to accept Missouri credentials. Ms. Pitman stated that she gave the applicant the opportunity to come here and give any information she wanted to the Advisory Board. The applicant emailed Ms. Pitman the information before the Advisory Board.

Mr. James stated the subcommittee tabled this until the full Advisory Board has made a decision regarding applications that are coming from individuals holding credentials other than those specifically mentioned in the Rules and Regulations. In the rules and regulations, under Section 6: Application for Qualified Interpreter Licensure, It states “any individual desiring to practice interpreting within the state or Arkansas may submit an application for licensure. The advisory board of interpreters shall recommend to the director, after review of application, licensure of the applicant. In Section 8 of the Rules and Regulations, credentials obtained by practicing interpreters currently recognized by the Advisory Board include: Arkansas Rehabilitation Services; Quality Assurance Screening Test; the Educational Interpreters Performance Assessment; the National Association of the Deaf; the National Cued Speech Association; Registry of Interpreters for the Deaf; Texas Board for Evaluation of Interpreters.” Those six (6) are the only ones mentioned in the promulgated Rules. The applicant in question holds licensure and credentials in the state of Missouri. According to Mr. James, Missouri was the first state that established a licensure law that required all individuals coming into the state to take the Missouri QA to practice. They have since amended that and you can practice with RID credentials but they strongly encourage Missouri credentials.

Mr. James stated the intent of the Committee was not to be exclusive of those six (6) boards. He explained that these were the six (6) the Committee could think of right away that were impacting this particular state. The way the legislative counsel reworded the act makes it sound like it is exempting others but it is not. In A.C.A. 20-14-807, a licensed qualified interpreter shall meet criteria established under this subchapter for interpreters including without limitation, certification, or credentialing by the following (lists those six (6) credentialing bodies). People with other credentials can apply. That same wording did not get put in the Rules. According to that act we can still recognize other credentials.

Ms. Hollingsworth, as a member of the Licensure Subcommittee, asked “How do we know when we get an application that it is meeting the standards? Will those applications be tabled and brought back to the board for discussion and be voted on individually case by case basis or do we need to go ahead and consider other organizations credentialing bodies we are going to accept?” Ms. Hollingsworth stated that as a member of a subcommittee; if somebody puts something down that I am not familiar with, I don’t feel comfortable moving on it. That is just my opinion.

Ms. Ketchum stated if we have a list of all the state credentials. We can recognize that for the state.

Mr. James stated it may be difficult to gather the information and that Ms. Hollingsworth’s suggestion of tabling them and handling them case by case would

probably be the wisest. It allows the Advisory Board to gather more information regarding that particular credential.

Ms. Hollingsworth stated that the rules set up categories by credentialing levels and certain levels can do certain types of jobs. Looking at Missouri they also have levels of certification. Regarding the applicant in question, how does that relate to what she can and cannot do under our Regulations?

Mr. James stated in his opinion, in the Advisory Board minutes, we could actually make a motion and modify the credentials as they come. Missouri could be incorporated into the Rules at a later date. Novice, we could say, is equivalent to BCDE or whatever. Intermediate could do CDEF and Advanced is able to do GHIJ. We could make that declaration through an Advisory Board motion for individual license.

Ms. Hollingsworth stated that according to her application for licensure the applicant in question has credentials for Missouri certified and Intermediate certification. Ms. Carson is at an intermediate level.

Mr. James stated intermediate looks like it covers our summary of credentials A, B, C. They would have to work with ADE if they wish to work in public schools.

Ms. Pearce asked if her card should reflect that she is Missouri certified or should it reflect QAST equivalent of a specific level. It was recommended that the card reflect the QAST equivalent.

Ms. Hollingsworth made a motion that Leigh Carson's application for licensure be approved to read equivalent to a QAST level 3. Ms. Nickel seconded the motion. The motion passed without objection.

OTHER MATTERS

Ms. Thornton stated she would like to commend Katie Becker, who presented at the ARKA HEAD conference. Ms. Becker presented on how to hire and retain quality interpreters. She talked about the licensure process and certifications and those who hire interpreters. Ms. Thornton stated that there was a question that was raised. Someone asked what about hiring VRI interpreters from another state? How does that affect the licensure?

Mr. James stated that according to the legislation an individual can practice within the state up to twenty (20) days without a license for emergencies and last minute things. VRI interpreting is possible within the state without the VRI company submitting to the licensure law under this provision.

Mr. James read a section from the law "this section does not apply to a person who interprets for an individual who is deaf, deaf blind, or hard of hearing, oral deaf during a religious service or a non-resident interpreter who holds a credential or a certificate valid

in another state who interprets in Arkansas less than twenty (20) days per year, a person who interpreters during an emergency, or a person who is an interpreter intern student in training who is enrolled in and pursuant at a credited institution of hire learning or interpreting under a supervised licensed qualified interpreter as part as a supervised program of study.”

Ms. Pearce had a question presented to her. Their school district had told them not to worry about the licensure that they would prefer to pay the penalty than to bring their staff into compliance. Is this a one-time fee? Is it annual? Do they have thirty (30) days to comply and then they pay the fee? How does that work?

Ms. Pitman stated they will be fined and that it does not specify in the statute.

Mr. James stated that it could be per grievance against them and if there is a grievance filed against them every day each day could be a separate fine.

Ms. Pearce asked does the Department of Education have the authority to tell a school district to not employ this person.

Ms. Pitman stated they do have the authority under the IDEA to establish the qualifications for interpreters. Yes, they do have the right to say do not hire.

Mr. James stated it is the actual practice that matters.

Ms. Ketchum asked could it be a demand for schools to get an interpreter? Parents do not understand how important it is for their child’s education.

Mr. James stated that educational interpreters are required to hold a license. ADE establishes a credential. That is true for all states. The federal legislation states that the state education agency will establish the qualifications for those who interpret in public schools. Every state has an agency that will make the determination of what qualified means for public school interpreters, but in Arkansas we now have a licensure that goes a step beyond that and says that to actually practice, you must hold a license. Schools should hire licensed interpreters.

Ms. Pearce asked do we have a sense as far as ADE is concerned. Will they wait for a grievance that says this school district has hired someone who does not hold a licensure, or will they go ahead and ask for that?

Mr. James stated that he does not know because Petra Bland is so new to the position. He thinks they are trying to take one step at a time and there first step is to get clarity in the handbook and what that handbook will say. My gut feeling is that they will take 2000 and 2007 to find a happy medium between the two as what the new handbook will look like. I do not think they want to go back to 2000, but I do not think they are ready to adhere to the 2007. It is too rigid the 2007.

There was no further discussion. The meeting was adjourned at 3:24 p.m.

Respectfully submitted,

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