

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

**MINUTES OF THE
OCTOBER 24, 2016 MEETING
AD HOC COMMITTEE TO STUDY BACKGROUND CHECKS**

AD HOC COMMITTEE MEMBERS PRESENT

Holly Ketchum, Co-Chair
Debbie Pearce, Co-Chair
Myra Taff-Watson, Private Interpreting Businesses
Cheryl Sugg, Arkansas Rehabilitative Services

COMMITTEE MEMBERS ABSENT

Ray Boland

GUESTS PRESENT

Elizabeth Harris, ADH General Counsel
Jamie Jensen, Transcriber
Will Gorum, Interpreter
John West, Interpreter

WELCOME AND CALL TO ORDER

Holly Ketchum, Co-Chair, called the meeting at approximately 2:00 p.m. She passed the meeting to Co-Chair, Debra Pearce. Ms. Pearce took role and introduced the Interpreters present at the meeting. Ms. Ketchum discussed the need for freelance interpreter representation on the Board. She said that in the future freelance interpreting would be represented.

Ms. Pearce reminded the ad hoc committee of the charge they were given by The Advisory Board for Interpreters between Hearing Individuals and individuals who are Deaf, Deafblind, Hard of Hearing or Oral Deaf (the Advisory Board).

Ms. Pearce summarized the last meeting. At that meeting, she reported, the ad hoc committee recommended to the full board that the Full Board require applicants to disclose on the application whether they have a criminal history. The purpose of this meeting was decided. It was determined that the ad hoc committee will discuss what offenses would disqualify the applicant from licensure. Ms. Elizabeth Harris, ADH Deputy General Counsel, was to bring examples from other ADH programs for the ad hoc committee to review.

Ms. Taff-Watson clarified that since the last meeting, Arkansas Virtual Academy would not require a background check any longer. Now, they will treat a contract interpreter just like any other contract service provider.

REPORT ON RID'S ACTIONS ON THIS ISSUE

Ms. Pearce updated the ad hoc committee on how RID is proceeding regarding the self-disclosure of criminal background. Ms. Pearce said she believed that RID had already decided to ask for self-disclosure on applications for testing and renewals, with an effective date in February 2017. However, Ms. Pearce stated that at the Regional Conference in Houston, it was made clear that interpreters do not like this action. According to a contact Ms. Pearce has with the National Office, and that person said there had been no official decisions made.

DISCUSSION OF RECOMMENDATIONS

Ms. Pearce then asked Ms. Harris to share examples of how to handle disclosures of criminal activity. Ms. Harris provided three examples. The first one is from the Emergency Medical Services (EMS) Statute. She explained that the EMS statute has a waiver process in place. The second example is from the Health Facility Services Act. This example does not have a waiver process, but instead has a bar to licensure for a certain time period. The third example is from the Licensed Lay Midwife Rules. Ms. Harris explained that the Midwife licensure process includes a self-disclosure on the application. The rules then state that a felony conviction is grounds for denying or revoking a license.

Ms. Ketchum asked what the Advisory Board's rules say on this issue. Ms. Harris said that the Rules do not address that.

Ms. Pearce asked for discussion and decision on this issue. Ms. Taff-Watson stated that after a person self-discloses criminal background, the next step is to find out more information and make a determination of how long that bars the applicant from getting a license. She also said she wanted to think about it in terms of where interpreters go, such as hospitals, schools, universities, etc. She also pointed out that interpreters work with children and the elderly. Ms. Sugg pointed out that other people are at risk, such as a young adult who struggled to be on their own and could be at-risk for being taken advantage of, financially or sexually.

The ad hoc committee discussed the examples Ms. Harris provided.

Ms. Pearce asked the ad hoc committee what the self-disclosure would be. Ms. Taff-Watson suggested asking about felonies, versus all criminal activities. Ms. Pearce read off the questions asked on the lay midwife application regarding previous licensing actions and previous felony convictions. The ad hoc committee liked that language. There was some discussion about how to word those questions for the interpreting field. Ms. Pearce raised the concern of time limits to how long a conviction will disqualify an applicant. The ad hoc committee decided that they did not want a time limit.

The ad hoc committee discussed what to recommend to the full Advisory Board. **The ad hoc committee voted to recommend that the following two questions be placed on the application:**

- 1. Have you ever had any interpreting credential and/or license revoked? If yes, specify.**
- 2. Have you ever been convicted of a felony? If yes, specify.**

Ms. Pearce next addressed when this will begin. Ms. Harris reminded them that the Advisory Board will need to approve it. Ms. Taff-Watson asked for clarification of whether this wording would be on renewal applications, as well as initial applications. The ad hoc committee said it would be on both. Ms. Harris also said that putting these questions on the application should wait until a rule is promulgated about how to handle criminal disclosures.

Next, the ad hoc committee discussed what that rule should say. The first discussion was whether to adopt a specific list of crimes that disqualify an applicant from licensure, and whether to incorporate a waiver. The ad hoc committee agreed that every applicant who had a criminal background that would disqualify them should have an opportunity for a waiver.

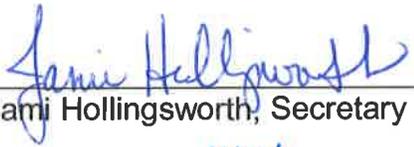
Ms. Pearce asked Ms. Harris for her recommendation. Ms. Harris recommended that the ad hoc committee should keep in mind that the Advisory Board does not monitor what setting licensees interpret in. So, there would be no way to restrict where people with certain criminal offenses practiced. She recommended that language like that used in the Midwife Rules would be a better way to go. The ad hoc committee discussed the Midwife Rules language.

Ms. Harris said that she brought the Midwife example because it is an example where there is no list, but the discretion is left to the Board to decide what to do if a disclosure is made. Ms. Taff-Watson said that she wanted to leave the recommendations where they are without making a specific list.

The ad hoc committee discussed the legal ramifications of asking for a criminal disclosure. Ms. Ketchum stated that she felt the ad hoc committee should make the general recommendation to the Advisory Board and if they want more specifics the ad hoc committee can come back for another discussion.

The ad hoc committee came back to the discussion of whether or not there should be a time limit to how far the disclosure will look back. After discussion, the ad hoc committee voted to adopt rule language that says it is a violation of the rules to have a conviction of a felony and that discretion would be with the Advisory Board to decide whether to give the license, if the applicant requests it.

The meeting was adjourned at approximately 3:23 p.m.



Jami Hollingsworth, Secretary

Approved on 1/14/16