



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
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MINUTES

Standing Committee on Communication Access Meeting

Location: Disability and Communication Access Board
919 Ala Moana Blvd., Room 103
Honolulu, HI 96814

Date: April 11, 2017
Time: 11:00 a.m.

PRESENT: Misella Tomita, Chairperson; Ed Chevy, Nikki Kepoo, Colin Whited, Board Members; Francine Wai, Kirby Shaw, Staff

SIGN LANGUAGE

INTERPRETERS: Michele Morris, Laura Safranski

GUESTS: Heather Benjamin, Kevin Bernadt, Jan Fried, Keri Lee

I. Call to Order

Chairperson Misella Tomita called the meeting to order at 11:10 a.m.

II. Introductions

The attendees introduced themselves.

III. Approval of March 7, 2017 Meeting Minutes

The Committee approved the March 7, 2017 minutes (M/S/P Kepoo/Chevy).

IV. Old Business

A. Hawaii Quality Assurance System (HQAS) – Update

Staff reported that consultation with the Deputy Attorney General on the status of the two HQAS Level II interpreters concluded their Level II credential would have no meaning after the amendments to the administrative rules remove the Level I and II categories. Given the Committee's desire to encourage the two interpreters to improve their professional capabilities, staff suggested that they use the time between now and finalization of the rules to obtain mentoring by more experienced interpreters and develop professional skills, then take the HQAS test. DCAB will waive the \$300 fee.

MOTION: DCAB will waive the \$300 HQAS test fee for the two Level II interpreters (M/S/P Whited/Kepoo).

B. Continuing Education Unit Fee – Update

Staff reported that the checks submitted by interpreters as their Annual Fee payment for the 2017 DCAB Continuing Education Program (CEP) workshops have been returned, with the exception of payments by three interpreters that were deposited that are in the process of being reimbursed.

C. Amend Hawaii Administrative Rules, Title 11, Chapter 218, “Communication Access Services for Deaf, Hard of Hearing, and Deaf-Blind” – Continued Discussion

Staff distributed copies of the amended administrative rules in Ramseyer format (showing added, repealed and edited text) and Clean format (the amended rules without the Ramseyer format), the new Appendix A – Hawaii State Interpreter Credential Levels, the new Appendix B – State of Hawaii Credentialed Interpreters Code of Professional Conduct, and a Summary sheet of the proposed changes to the rules.

Staff and the Committee reviewed the Clean format of the amended rules section by section and made changes that staff will incorporate in the revision of the amended rules. The Committee made changes to the sections outlined below, noting that if a section is not mentioned then no changes were made.

§11-218-3 Definitions. This section was not reviewed.

§11-218-8 Cancellation of services. This section has yet to be revised.

§11-218-8 Provision of services. This section was reworded and reordered: (a) Any person who is deaf, hard of hearing, or deaf-blind shall inform the state agency of the need for communication access services, allowing reasonable time to hire providers. (b) A state agency shall hire the preferred providers of the person who is deaf, hard of hearing, or deaf-blind when possible. If no preference is stated, providers with the highest level of credentials shall be hired first, followed by providers with lesser levels of credentials. (c) A state agency shall acquire the services of a provider or providers with the appropriate credentials when necessary for a person who is deaf, hard of hearing, or deaf-blind to effectively participate in an activity or program of that agency. (d) For assignments of more than one and one half hours in length, and with continuous work (for example, a workshop or meeting), the state agency shall request a minimum of two providers for the total time of the assignment. (e) If only one provider is available and hired for an assignment with continuous work of more than one and one half hours in length, the state agency shall ensure that the provider is given breaks as necessary or as negotiated prior to the assignment. (f) If a person who is deaf, hard of hearing, or deaf-blind cannot benefit from conventional communication access services, then additional providers, including a provider who is deaf, hard of hearing, or deaf-blind, shall be used to relay information between the consumer and the hearing provider to achieve effective communication.

§11-218-13.4 Test Procedures and Grievances. Separate and apart from explaining the contents of this section, staff noted that the Deputy Attorney General said that DCAB has no authority to impose sanctions on HQAS interpreters because there is no statutory authority to do so.

§11-218-13.4.2 Application and renewal of Hawaii state credential. Wording will reflect presentation of a valid credential from another state.

§11-218-13.4.4 Continuing Education Program. The Committee discussed the merits of requiring mentoring as a component of the Continuing Education Program and felt that quantifying and monitoring a mentor as a requirement would be difficult and not within DCAB's scope of effort. Furthermore, it would require money for the mentors and training on how to mentor. However, a structured mentoring program might be considered as an independent study option if appropriately developed.

MOTION: Remove mentoring as a requirement of the Continuing Education Program (M/S/P Kepoo/Chevy).

Due to time constraints, staff made brief remarks about the new Appendix A and new Appendix B. The contents of the credential levels shown in the new Appendix A are based on the HQAS functional descriptions and will be used as a basis for anticipated amendments. The preface to the new Appendix B – State of Hawaii Credentialed Interpreters Code of Professional Conduct, states that it mirrors the National Registry of Interpreters for the Deaf Code of Professional Conduct. However, staff needs to determine whether such attribution is sufficient legal authority to use the text of the RID Code. Jan Fried and Heather Benjamin suggested that DCAB contact Julie Schaffer of RID, to inquire about legal permission or authority to use the text of the RID Code.

Staff also noted that there have been requests for DCAB to have a grievance procedure relating to the behavior of HQAS interpreters. After discussion with our Deputy Attorney General, staff explained that DCAB does not have the statutory authority to regulate, the behavior or business practices of interpreters. The state would need to enact legislation for some type of regulation with rules for complaint investigation and resolution.

Staff also noted that the issue of Deaf Interpreters was raised but not discussed.

D. Legislation for Sign Language Interpreters and Referral Agencies – Update

Staff reported that SCR 32, the resolution calling for a working group to examine whether regulation of sign language interpreters and interpreter referral agencies should be regulated is scheduled for a joint hearing before the House Committee on Health and Committee on Human Services on Thursday, April 13, 2017 at 10:30 a.m. in Room 329.

E. Communication Access Public Information Meeting Feedback – Continued Discussion

Staff stated that DCAB will host a second Communication Access Public Information meeting to obtain further community input on the administrative rules, recommended fee schedule, simplified level descriptions (all certifications and credentials accepted by the State), and job acceptance in relation to the simplified level descriptions. Staff also noted that the meeting would be the last before holding a formal public hearing on the rules. The information meeting will be held after the Standing Committee on Communication Access meeting on Tuesday, April 25, 2017 from 5:00 – 7:00 p.m.

- Remaining agenda items were not addressed due to time constraints.

V. Next Meeting

The next meeting is scheduled for Tuesday, April 25, 2017, at 3:00 p.m.

VI. Adjournment

The meeting adjourned at 1:05 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kirby L. Shaw', with a long horizontal flourish extending to the right.

KIRBY L. SHAW