

Nebraska Sign Language Interpreter Review Board Meeting

December 4, 2020; 1:00 pm – 3:00 pm

Held via Zoom

A. Welcome

The meeting of the Nebraska Interpreter Review Board (IRB) was called to order at 1:04 pm by Ms. Peggy Williams, Chairperson, via Zoom.

B. Notice of Open Meeting

Chairperson, Ms. Peggy Williams, announced the notice of the meeting was duly given, posted, published, and tendered in compliance with the Open Meetings Act, and all board members received notice simultaneously by email. The agenda has been kept current and available at the Commission's office and on their website. Governor Pete Ricketts' Executive Order No. 20-36, Corona Virus – Public Meetings Requirement Limited Waiver, dated November 25, 2020, waives certain requirements of the Nebraska Open Meetings Act. To wit, all governing bodies may meet by videoconference or by telephone conferencing or by conferencing by other electronic communication so long as there is made available at such meeting access to members of the public and to members of the media. This waiver shall apply to all public governing body meetings that occur from December 1, 2020, through January 31, 2021. Notification of the change in location was provided by E-Communicator; an email to the Council of Organizations who provide Services for the Deaf and Hard of Hearing (COSDHH); posts on the NCDHH Facebook page and website on 11/30/2020; and emails to two interpreter listservs. The agenda has been kept current and is available at the Commission's office and on the NCDHH website.

The materials generally used by the Board for this meeting today are located on the Commission's website and are available to the general public for the purpose of this meeting in accordance with the Open Meetings Act {Neb. Rev. Stat. §84-1412 (8)} and Executive Order No. 20-36.

Publication of official notice of the meeting appeared in the November 27, 2020, edition of the Omaha World Herald, a legal newspaper of general circulation in this state, as required by the Open Meetings Act.

C. Roll Call

For the record, Board Members Ms. Peggy Williams, Mr. Thomas Beyer, Ms. Jessica Nickels, Ms. Nancy Flearl, Mrs. Tami Richardson-Nelson and Mr. John Wyvill, Executive Director, were present. Ms. Vonda Apking and Mr. Richard McCowin were absent for roll call.

Also present were NCDHH staff Ms. Sharon Sinkler, Interpreter Program Coordinator; Kelsey Cruz, Public Information Officer and Zoom moderator; and Abby Giambattista, Advocacy Specialist.

Interpreters for the meeting were Ms. Margie Propp and Ms. Amber Tucker. Margaret Heaney of ERI was present to provide CART services.

Visitors at the meeting were Judy Janssen, Justin Buckhold, Ronda Rankin, and Marie Herrman.

D. Review of Agenda

Mr. Wyvill noted to the board members and to the general public watching the meeting that the agenda has been published and posted. He explained that the pink items were action items and then read the agenda.

E. Acceptance of Agenda

Board Member, Mr. Thomas Beyer, moved to accept the agenda as written. Board Member, Ms. Nancy Flearl seconded the motion. With no further discussion, the motion carried with Ms. Williams, Mr. Beyer, Mrs. Richardson-Nelson, Ms. Nickels, Mr. Wyvill, Ms. Flearl all voting aye. Ms. Apking and Mr. McCowin were absent.

F. Acceptance of Minutes

Chairperson, Ms. Peggy Williams, requested a change in Section A with an addition of 'Fireman's Hall' to the address so that it would read Fireman's Hall, 241 Victory Lane. Mrs. Richardson-Nelson made a motion to adopt the October 23rd, 2020, minutes as corrected and Mr. Wyvill seconded the motion. With no further discussion, the motion carried with Ms. Williams, Mr. Beyer, Mrs. Richardson-Nelson, Ms. Nickels, Mr. Wyvill, Ms. Flearl all voting aye. Ms. Apking and Mr. McCowin were absent.

G. Chairperson of the Board's Report

Ms. Williams noted that Ms. Vonda Apking joined the meeting at 1:13. She also thanked Mr. Wyvill and his staff for putting together the Zoom meeting so that it can be held safely.

H. Public Comments

None.

I. Executive Director Report – presented by Mr. John Wyvill

a. Agency update/Legislative updates

- Mr. Wyvill shared that there have been many staff updates at the agency. Susan Whitaker is now heading up the Scottsbluff office. Cody McEvoy has been promoted to the Behavioral Health Coordinator and Ashley Wulf has been hired to replace him as an Advocacy Specialist in the Omaha Office. Abby Giambattista has been hired and will be working with Kim Davis in the Lincoln office as an Advocacy Specialist. Abby graduated from Augustana College and will be taking her national certification test to become an interpreter soon. Traci Johns is a new part-time Administrative Assistant.
- Mr. Wyvill noted that the full board will be meeting by Zoom on December 11th and that the priority for the upcoming legislative session is the budget. No new legislation will be sponsored this session as the focus for the upcoming year for the board is going to be the LEAD-K advisory committee and implementing that and also strategic planning.

- Mr. Wyvill explained that the strategic planning process will happen in stages. The first couple of months will be surveying the stakeholder community in ASL and English and then review of that feedback. Then, as the virus subsides there will be town hall open forum meetings to get feedback in person. After that, the board and staff will work together to collectively review the mission, vision and goals of the agency.

b. Licensure Update on Complaint Case #2522

- Mr. Beyer asked if Mr. Wyvill and Ms. Sinkler will be present in the closed session. Mr. Wyvill explained that he and Ms. Sinkler will be recusing themselves from IRB deliberation of the complaint as well as when it goes to the full board. He explained that they were witnesses in the complaint so they cannot participate, but they will be available if there are questions from the IRB. Mr. Wyvill also explained that the closed session will take place in a private and secure breakout room within Zoom. He also noted that the Attorney General indicated that they do not need to vote to come out of closed session and that Judy Jansen will be able to answer questions as she is the complaint investigator. Ms. Williams asked if anyone would need CART in the closed session. Ms. Flearl made a motion to go into closed session and Mrs. Richardson-Nelson seconded it. Ms. Williams, Mr. Beyer, Mrs. Richardson-Nelson, Ms. Nickels, Ms. Apking, Mr. Wyvill, Ms. Flearl all voting aye. Mr. McCowin was absent. Kelsey Cruz, Zoom moderator, listed who she will invite to the closed session discussion room: Interpreters Margie Propp and Amber Tucker, Jessica Nickels, Judy Janssen, Nancy Flearl, Peggy Williams, Tami Richardson-Nelson, Thomas Beyer, and Vonda Apking. Ms. Williams noted that the list was correct and the IRB went into closed session at 1:26 p.m.

The board came back to open session at 2:28 p.m. Mr. Beyer read the motion regarding Case #2522 stating that the IRB recommends the board document this incident and keep this information in the VRI company file with no further disciplinary action against the VRI company. Mrs. Richardson-Nelson seconded it. Ms. Williams, Mr. Beyer, Mrs. Richardson-Nelson, Ms. Nickels, Ms. Apking, Ms. Flearl all voting aye. Mr. Wyvill abstained. Mr. McCowin was absent.

c. Rules and Regulations Update

- Ms. Williams reported back to the board about the discussions the task force had regarding the questions that were brought up at the October IRB meeting. She reported that the task force recognized the value of an evaluation or assessment for the apprentice license but that there are no community interpreting assessments at this time. She noted that UNO is

considering an ASL proficiency interview as part of their program. Another topic the task force discussed was oversight of the interpreters with the apprentice license. While there will be hiring entities involved, the task force thought that NCDHH could create a form in which the licensees could provide CEU documentation at the end of each 12-month period. If the licensees did not provide this information it would result in the revocation of their license. Ms. Williams also reminded the board that licensees would be subject to the same responsibilities as any other licensed interpreter and that there can be complaints filed against them. The task force also talked about the recipient of services being given information by the licensee where they could provide feedback. The task force also talked about educating the deaf community about the new license. The task force also agreed with the IRB about risk and recommended that the Rules and Regulations avoid a conclusive list of the types of assignments considered high risk other than legal or medical matters which are considered needing a more qualified interpreter. Ms. Williams also reminded the board that after the draft goes to the full board, there will be a public hearing and then it will come back to the IRB for final approval of the Rules and Regulations and then go on to the full board. Mr. Wyvill made a motion that the apprentice license draft be presented to the full board and Ms. Nickels seconded it. Ms. Williams, Mr. Beyer, Mrs. Richardson-Nelson, Ms. Nickels, Ms. Apking, Mr. Wyvill, Ms. Flearl all voting aye. Mr. McCowin was absent.

J. Public Comment

No public comments.

K. Old Business

Nothing to report.

L. New Business

- Ms. Williams brought up a board concern that Complaint Case #2522 was taken to the full board and not to the IRB first to make a recommendation for the full board. Mr. Wyvill explained that the full board reinstated a VRI provider and took that action in October. It was a separate and distinct item and has no bearing on the complaint case #2522 as by the rules and regulations, any license that you ask for permission after a 30-day window, must be reinstated by the full board. Mr. Beyer commented that because this is the first time the IRB has dealt with a VRI situation that he wants to make sure that it is clear what the IRB role is. Ms. Sharon Sinkler explained that the full board has not yet seen the complaint. The VRI company did not renew their license and let it lapse past the grace period. When that happens, only the full board can reinstate their license. The VRI company asked for reinstatement so a special full board meeting was held to approve their reinstatement. Once that was approved, the content of the complaint was discovered. It was then investigated, created and brought to the IRB. There were no further questions.

- **Set March 5th meeting date and location**

A Doodle Poll will be sent to the board members to set the next meeting date.

M. Announcements

There were no announcements.

N. Adjourn (Ms. Williams)

Ms. Flearl made the motion to adjourn the meeting at 2:52 pm. Ms. Apking seconded the motion. With no further discussion, the motion carried with Ms. Williams, Mr. Beyer, Mrs. Richardson-Nelson, Ms. Nickels, Ms. Apking, Mr. Wyvill, Ms. Flearl all voting aye. Mr. McCowin was absent.