

Nebraska Sign Language Interpreter Review Board Meeting

March 1, 2019 from 1pm – 3pm
4600 Valley Rd, Room 4A, Lincoln NE

A. Welcome

The meeting of the Nebraska Interpreter Review Board (IRB) was called to order at 1:01 pm by Ms. Vonda Apking, Chairperson at 4600 Valley Rd, Room 4A, Lincoln NE

B. Notice of Open Meeting

Chairperson, Ms. Vonda Apking 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 our website. The materials generally used by the board for this meeting are on the table in a public folder that is available to the general public for this meeting in accordance with the Open Meetings Act, {Neb. Rev. Stat. 84-1412 (8)}.

Publication of official notice of the meeting appeared in the February 22, 2019 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. Vonda Apking, Mr. Thomas Beyer, Ms. Nancy Flearl, Ms. Jessica Nickels, Ms. Peggy Williams, Mr. John Wyvill, Executive Director, were present. Board Member, Mr. Richard McCowin was absent. There is one deaf board member position that is vacant.

Also present were Ms. Traci Cooney, Interpreter Licensing Specialist and Ms. Sharon Sinkler, Interpreter Program Coordinator

Interpreters for the meeting were Ms. Frances Beurivage and Mr. Ben Sparks. Margaret "Mydge" Heaney of ERI was present to provide CART services.

Members of the public in attendance were Ms. Crystal Pierce and Ms. Deborah Teller.

D. Review of Agenda

Mr. Wyvill added that items marked in red or pink are action times. Noted that in accordance with the Open Meetings Act, the agenda cannot be altered within 24 hours of the meeting except for emergency items.

E. Acceptance of Agenda

Board Member, Ms. Flearl moved to accept the agenda as written.

Board Member, Mr. Beyer added that since the committee does not have any case studies today that they would have time for public comments earlier than normal so that the individual who came can leave earlier if needed.

Board Member, Mr. Beyer seconded the motion. With no further discussion, the motion carried with Ms. Apking, Mr. Beyer, Ms. Flearl, Ms. Nickels, Ms. Williams, Mr. Wyvill all voting aye. Mr. McCowin was absent.

F. Acceptance of Minutes

Chairperson, Ms. Apking asked if everyone had a chance to review the minutes from the December, 2018 meeting. Mr. Wyvill moved to approve the minutes as written. Board Member, Ms. Flearl seconded the motion.

Board Member, Mr. Beyer gave reference to under Section I – Rules and Regulations in the first paragraph Director Wyvill gave reference that the IRB created a committee work group that was spearheaded by neRID and several other stakeholders. Then later in paragraph six, it says the reason why this work group was created was because of several groups that work with the deaf and hard of hearing population. Board Member, Mr. Beyer wanted to point out that the work group was not spearheaded by neRID.

Mr. Beyer also added in the third paragraph of the Rules and Regulations Section I - referencing that the IRB Committee needed to make a decision by the end of the December 7, 2018 meeting due to the Full Commission Board meeting the following Friday. If a decision was not made at that meeting a financial burden would be placed on Nebraska Commission for the Deaf and Hard of Hearing (NCDHH). Then in paragraph four, Mr. Wyvill referenced that he wasn't intending to put pressure on the committee to make a decision.

Mr. Wyvill addressed Mr. Beyer that he had good comments. Mr. Wyvill suggested that the appropriate time to discuss his comments would be during the Executive Director's report in section J of the agenda.

Mr. Wyvill made a motion to approve the September 7, 2018 meeting minutes with changes noted by Mr. Beyer. Board Member, Ms. Flearl seconded the motion. With no further discussion, the motion carried with Ms. Apking, Mr. Beyer, Ms. Flearl, Ms. Nickels, Ms. Williams, Mr. Wyvill all voting aye. Mr. McCowin was absent.

G. Chairperson of the Board's Report

a. Comments

Ms. Apking had no comments to share

b. Election of Officers

Chairperson, Ms. Apking nominated Board Member, Ms. Williams for chairperson. Mr. Wyvill seconded the motion, and moved to close the nominations. Ms. Williams accepted the nomination. With no further discussion, the motion carried with Ms. Apking, Mr. Beyer, Ms. Flearl, Ms. Nickels, Mr. Wyvill all voting aye. Mr. McCowin was absent. Ms. Williams abstained

Chairperson, Ms. Apking nominated Board Member, Mr. Beyer for Vice-Chairperson. Ms. Nickels seconded the motion. With no further discussion, the motion carried with

Ms. Apking, Ms. Flearl, Ms. Nickels, Ms. Williams, Mr. Wyvill all voting aye. Mr. McCowin was absent. Mr. Beyer abstained

H. Ratification of By-Laws

Newly elected Chairperson, Ms. Williams asked if anybody had any comments on the By-Laws.

Board Member, Mr. Beyer handed out a document that gave reference to page 6 of the IRB By-Laws. Mr. Beyer added that the hyper-link does not lead to an active web page. Also noting that the signed version of the by-laws needs to be moved to the bottom of page 6. Mr. Beyer is also suggesting that we add the chairperson's printed name under the signature so that we know who the chairperson is.

Board Member, Mr. Richard McCowin entered the meeting at 1:14pm.

Mr. Beyer also gave reference to Section I – Purpose / C. Definition / # 3 – Deaf or Hard of Hearing person means a person whose hearing loss, with or without amplification, is so severe that they have difficulty processing spoken language without the use of an interpreter. Mr. Beyer stated that we are working on passing a change in the phrase “hearing impaired” out of our language, wondering if this statement is a little demeaning the way it is written. Ms. Williams shared that she thought this is the language that is used in the ADA. Conversation ensued among the committee members on the sentence referenced. Board Member, Ms. Flearl added that the original law only indicates deafness as a disability and not more wide spread hearing loss. An amendment to the law known as the ADA Amendment Act of 2008 further expanded the definition of disability, and added specific examples of the major life activities impacted. The expanded list includes hearing, and ensuring those with a hearing loss are fully protected against discrimination.

Conversation ensued between Mr. Beyer and Ms. Traci Cooney regarding the hyperlink on page 6 of the by-laws. Mr. Beyer referenced that it does not need to be an active hyperlink.

Mr. Wyvill suggested that we table the by-laws for another meeting so that we can take a look at the statute. Typically, by-laws are mirroring state statute.

Board Member, Ms. Apking moved to accept the By-laws with Mr. Beyer's recommendations or change / fix the hyper-link on page 6, and adding the printed name of the chairperson under the signature line on page 7.

Mr. Beyer asked if we can just make a motion to pass the motion that has been made by Ms. Apking. Then some research can be done regarding the wording from ADA. Or, can we table this until the next meeting?

Conversation ensued among the members regarding the wording from ADA.

It was decided among the members that voting on the By-laws would be tabled until the next meeting. Ms. Williams commented that she would work with Ms. Traci Cooney on researching

these questions so that they can report to the members at the next meeting.

I. Public Comments

Ms. Crystal Pierce shared that in the rules and regulations committee they are reviewing the same language. She suggested that the IRB bylaws follow the same definition that the rules and regulations committee decide to use.

Conversation on whether Ms. Deborah Teller should share comments with the members now regarding Board for Evaluation of Interpreters (BEI). It was decided that Ms. Teller would wait with her comments.

J. Executive Director Report – Mr. John Wyvill

a. Agency Updates / Legislative Updates

For informational purposes, the Council for the Deaf and Hard of Hearing -was created in consultation with Nebraska Registry of Interpreters for the Deaf (neRID), Nebraska Association of the Deaf (NeAD) and the NCDHH Board. This meeting will be on March 16, 2019 at 10am to 12pm at University of Nebraska Omaha (UNO), Roskens Hall, Room 302. Mr. Wyvill added that all organizations are welcome to the table.

Mr. Wyvill shared about LB 248 which is the hearing impaired language bill that was filed at the request of NeAD. There was a public hearing earlier this week, and it's been covered on our Facebook page. We anticipate that this bill will be non-controversial and will move through the legislative processing sponsored by Senator Howard, with Senator Blood as the co-sponsor.

The other bill is LB 15, the hearing aid insurance for kids; this bill is sponsored by Senator Blood. This coming Monday, March 4, 2019 there will be a press conference at 12pm, with a public hearing afterwards. Mr. Wyvill added that at last count the bill has 13 co-sponsors.

Mr. Wyvill shared with the members about the financial situation of state government. Currently looking at an \$80 million shortfall, \$10 million shortfall next year, and \$20 million the following year. The Governor has made it clear that there will not be any tax increases, adding that NCDHH anticipates cuts down the road.

Mr. Wyvill also shared that this year is the 40th Anniversary of NCDHH. On March 12, 2019 there will be a Governor's Proclamation ceremony in the Warner Chamber at 10am. We also have some time in June 2019 after our board meeting to celebrate the 40 years of history. Ms. Kelsey Cruz, Public Information Officer has been interviewing certain icons in the deaf and hard of hearing community. You will be seeing some stories of what the Commission was like a few years ago.

On July 31, 2019 will be the Salt Dogs game, we have some interesting things that are in the works for this event. Gave reference to working with Honest Abes in coming up with a Hoy Burger.

b. Rules and Regulations Committee Update

Ms. Sinkler shared that the Rules and Regulations Committee met on February 4, 2019 at the Millard Branch Library in Omaha. The group decided they wanted to review the Rules and Regulations document page by page. The next meeting is scheduled on March 18, 2019 at the Easley Branch Library here in Lincoln starting at 10am.

Conversation as to why this committee was started, and was not done the first go around with implementing the Rules and Regulations. Board Member, Mr. Wyvill added that Dr. Peter Seiler took it upon himself to review the document and came up with multiple suggestions that are all very valid. This is why the NCDHH Board decided that we should take the time to review this document page by page.

c. Review Full Board Decisions

Ms. Sinkler also shared with the members that Ms. Anne McBride surrendered her interpreter license on January 24, 2019. Her suspension runs from January 24, 2019 to June 6, 2019.

Ms. Sinkler added with complaints 2512 and 2514, the full board recommended that these two complaints be referred to the Nebraska Attorney General's office for review, this has been completed.

Then, Ms. Sinkler shared regarding complaint 2513 was the one where members wanted the interpreter to meet with Ms. Sinkler. She met with them on January 9, 2019. A plan was developed to address the alleged Code of Professional Conduct (CPC) tenets violated in that complaint. The interpreter will complete 10 clock hours of their choosing and submit to Ms. Sinkler for approval, which has been completed.

The members of the committee thanked Ms. Sinkler for working with this interpreter during this process.

Board Member, Mr. McCowin asked if this interpreter still has her Registry of Interpreter for the Deaf (RID) certification. Ms. Sinkler replied that this interpreter could reapply for her license after June 6, 2019. The interpreter's RID certification is still valid.

Conversation ensued on the two cases that were referred to the Nebraska Attorney General's office.

Mr. McCowin asked why there is an Interpreter Issues Committee. Board Member, Mr. Wyvill responded that this committee was set up by the full board to have any interpreter related issues be addressed by this committee first that may require the board's attention.

Conversation ensued between the members regarding the open positions on the Full Commission Board and also the IRB.

d. BEI Policy

Ms. Sinkler shared that there are a couple of BEI licensed interpreters right now that were licensed before she started working at NCDHH. NCDHH wanted to do the right thing by accepting BEI certification for licensure. Ms. Sinkler has completed a lot of research into the states where these two interpreters came from and what those states' BEI policy is. Sharing that based on the information that she found in her research, Ms. Sinkler would like to propose that NCDHH honor the BEI basic certification for ~~an~~ interpreter licensure and also accept a BEI advanced or masters level for those that apply for an initial interpreter/transliterators license in Nebraska from now until June 30, 2021. Then beginning July 1, 2021, we would only accept BEI certifications at the advanced or masters levels, as well as any other accepted certifications we already have in the rules and regulations. Ms. Sinkler shared with the members that the proposal for BEI has already been shared with the Interpreter Issues Committee, next it will be shared with the Full Commission Board on March 15, 2019.

Conversation ensued regarding having the guidelines suggested by Ms. Sinkler to take us through June 30, 2021. Is this enough time for these interpreters to better their skills to obtain an advanced or masters level?

Conversation ensued regarding Nebraska administering the BEI certification. Ms. Sinkler replied that would be cost prohibitive for the state to purchase the testing tool.

K. Public Comments

Ms. Deborah Teller shared with the members a document that Ms. Ronda Rankin, Nebraska Licensed Sign Language Interpreter asked her to share with the group. Ms. Teller shared that Ms. Rankin is proud that Nebraska is one of the states that has implemented licensing for sign language interpreters. In reviewing the IRB minutes, Ms. Rankin has noted that the concern is the shortage of interpreters and mentoring opportunities. She also asked if NCDHH could provide numbers on where the shortages are regarding the number of jobs that are going unfilled. Ms. Teller goes on to share that Ms. Rankin states that the BEI certification does not qualify someone to interpret healthcare and that this information is coming from the BEI website. Noting that Nebraska accepting the BEI certification will not increase the licensing pool as BEI interpreters should not be accepting medical jobs. Goes on to suggest that NCDHH offer a stipend or write a grant to assist with paying for Registry of Interpreters for the Deaf (RID) certification. Ending with comments of the only reason to offer BEI basic is because that's a skill level we are willing to tolerate as a community, even though our professional organization offers a test that is psychometrically proven as valid and reliable to cover situations beyond K – 12 and post-secondary.

Board Member, Mr. Wyvill asked Ms. Teller to share with Ms. Rankin that the Council meeting on March 16, 2019 will be specifically dedicated for questions revolving around the interpreter community and the issues that Ms. Rankin raised. Mr. Wyvill also added that Ms. Cooney will

be preparing numbers that will address some but not all of the questions regarding unfilled jobs and who is using the referral program.

Board Member, Mr. McCowin brought up the topic regarding allowing the two BEI interpreters to be licensed in Nebraska, and comparing this to an individual with teaching certification. Conversation ensued among the members regarding this.

Conversation ensued between the members regarding the Quality Assurance Screening Test (QAST) certification, level three no longer honored for certification for licensing.

Newly elected Chairperson, Ms. Williams shared with the members that if anyone would like to attend the board meeting on March 15, 2019 to provide public comment on the BEI certification, this would be an excellent opportunity for them as a member of the community to do so. The role of the IRB Board is to look at interpreters in violation of professional code of conduct as well as monitoring the rules and regulations. Adding that she appreciates all the comments about BEI, but is there anything that the IRB can do right now? It is not in the scope of practice, for what governs this board.

Board Member, Ms. Flearl asked when she requests an interpreter through the referral program, how does she know the level of certification for the interpreter who accepts the job? Ms. Cooney responded that they are all licensed interpreters, Ms. Flearl is always able to ask her if she would like to know.

L. Old Business

Chairperson, Ms. Williams noted that there is no old business to discuss.

M. New Business

a. Set June 2019 meeting date

Chairperson, Ms. Williams asked Board Member, Mr. Beyer for clarification on what he suggested at a previous meeting for when to hold the next meeting. Mr. Beyer noted that he suggested that we not have the meeting between 8am and 5pm, and potentially moving to a Saturday. This intent is to see if moving to nights or weekends would allow more individuals to show up for public comments. Conversation ensued between the members on when to hold the next meeting. The decision was made that the next meeting will be on Saturday, June 8, 2019 starting from 1pm to 3pm in Omaha. Ms. Williams requested that NCDHH find a location to have the meeting.

- i. **June**
- ii. **September**
- iii. **December**

N. Announcements

No announcements were made.

O. Adjourn

Board Member; Ms. Flearl made the motion to adjourn the meeting at 3:19pm. Board

Member, Mr. McCowin seconded the motion. With no further discussion, the motion carried with Ms. Apking, Mr. Beyer, Ms. Flearl, Mr. McCowin, Ms. Nickels, Ms. Williams, Mr. Wyvill all voting aye.