

Nebraska Sign Language Interpreter Review Board Meeting

March 2, 2018 – 1pm – 3pm

4600 Valley Rd, Conference Room 4A, Lincoln NE

A. Welcome

The meeting of the Nebraska Interpreter Review Board (IRB) was called to order at 1:24pm by Ms. Peggy Williams, Vice-Chairperson at 4600 Valley Rd, Conference Room 4A, Lincoln, NE

B. Notice of Open Meeting

Vice 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 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 meeting act, Nebraska Revised Statute 84-142.8.

Publication of official notice of the meeting appeared in the February 23, 2018 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. Jerry Siders, Ms. Nancy Flearl, Ms. Jessica Nickels, and Mr. John Wyvill, Executive Director, were present. Ms. Vonda Apking, Ms. Bethany Koubsky were absent and excused. Also present were Ms. Traci Cooney, Interpreter Licensing Specialist, and Ms. Natasha Olsen, Business Manager. Interpreters present were Ms. Frances Beurivage and Ms. Sharon Sinkler. Mydge Heaney was present for CART Services. Members of the public in attendance were Ms. Barbara Woodhead, Ms. Margie Propp, and Ms. Crystal Pierce.

D. Review of Agenda

Executive Director, Mr. Wyvill shared that we have changed the font to reflect our full board's agenda, potential action items are in pink.

Mr. Wyvill reviewed the agenda with the Board Members.

E. Acceptance of Agenda

Board Member, Mr. Siders moved to accept the agenda as printed. Board Member Ms. Flearl seconded the motion. With no further discussion the motion carried with Ms. Williams, Ms. Nickels, Mr. Wyvill, Mr. Siders, and Ms. Flearl all voting aye. Ms. Apking and Ms. Koubsky both absent.

As a reminder, Ms. Williams, Vice Chairperson asked the group to please state their name when they are speaking so that the CART Reporter is able to include that in the transcript.

Ms. Williams also shared that she has a Thinking of You card for Ms. Pamela Duncan. Ms. Duncan's parents are both in the hospital. If you could please sign the card, then NCDHH will

mail to Ms. Duncan.

Ms. Williams also shared that being passed around is the contact list for the Interpreter Review Board Members. Please review and note any changes that are needed.

F. Acceptance of Minutes

Ms. Williams, Vice Chairperson asked if the members had a copy of the December 1, 2017 meeting minutes. Mr. Wyvill passed around suggested changes that were highlighted in yellow to the December 1, 2017 meeting minutes. Included in the handouts was also a sample copy of what the December 1, 2017 minutes would look like with the suggested changes he is recommending.

Board Member, Ms. Flearl moved to accept the minutes for the December 1, 2017 meeting with the suggested changes that were implemented by Mr. Wyvill. Board Member Mr. Wyvill seconded the motion. With no further discussion the motion carried with Ms. Williams, Mr. Siders, Ms. Nickels, Ms. Flearl, and Mr. Wyvill all voting aye. Ms. Apking and Ms. Koubsky both absent.

G. Chairperson of the Board's Report

1. Jerry Siders' last term ends June 30, 2018

Ms. Williams shared the Mr. Siders has served on the Interpreter Review Board (IRB) for two terms / six years. Ms. Williams added the Mr. Siders absence on the IRB would be a great loss.

2. Bethany Koubsky's first term ends June 30, 2018

Ms. Williams also reported that Ms. Bethany Koubsky's first term will end on June 30, 2018. Mr. Wyvill added the Ms. Koubsky will have to re-apply for a second term.

3. Comments

There is a vacancy for one deaf person on the IRB. Ms. Williams asked for a report from Mr. Wyvill on the status of filling the vacated deaf position on the IRB. Mr. Wyvill shared that there is an item on the Full Commission Board Agenda on March 9, 2018 for the consideration of an applicant that has applied. Mr. Wyvill added that typically what happens is that the board likes to have a full pool of applicants to consider. The Full Commission Board may come back and ask the staff to send out advertisements to encourage people to apply. Mr. Wyvill added that if you know of a deaf individual, or a sign language interpreter that would be interested in applying, please encourage them to do so. This does not imply that Ms. Koubsky or any current member is not doing their job. Mr. Wyvill noted that we just want to get the applicants out there.

H. Public Comments

Ms. Williams asked if Ms. Crystal Pierce who is representing Nebraska Registry of Interpreters for the Deaf (NeRID) if she would like to join the meeting. Ms. Pierce shared that since the Quality Assurance Screening Test (QAST) decision that has been made by the Full Commission Board, a lot of members have shared concerns between the gap of graduation and test ready. Ms. Pierce asked if the IRB or the Full Commission Board has a plan in mind to bridge that gap.

As everyone knows we have a shortage of sign language interpreters, especially within the community interpreters. In addition we have several interpreters getting to that point of retirement. Ms. Pierce added that bridging that gap, because right now the sole educational facility here in Nebraska has their degree under an educational degree. Most of this facilities interpreters that graduate are going to public schools, which is great but does not solve the shortage of community interpreters. Ms. Pierce asked if the IRB has discussed ideas, goals on how to address that gap that we are going to suffer even worse now. Our members are having concerns.

Ms. Williams agreed that a lot of interpreters in the field, as well as the Commission feel that need for being able to ensure that we have enough interpreters in the field to cover supply and demand of the requests that are coming in. How do we gap it, what do we do to ensure that? Ms. Williams asked if anybody would like to provide comment to that question. Ms. Williams shared that is a question that she has asked herself for 35 years.

Mr. Siders added that Iowa Western Community College used to have an Interpreter Training Program. Once that went away it really hurt the people who are deaf. The solution to the problem is to establish another training center like at the University of Nebraska at Omaha, or University of Nebraska Lincoln, or in Kearney for them to develop an interpreter training program. This would help attract more interpreters for people who are deaf later. Mr. Siders added that is the only solution that he can think of.

Ms. Williams shared the Ms. Barbara Woodhead will be presenting later with giving a task force update. Possibly Ms. Woodhead can share some things regarding this. It would be nice if Nebraska could have an Interpreter Training Program. You have costs that are related to establishing a program, and how many people are going to attend.

Ms. Pierce added that University of Nebraska Omaha (UNO) does have students and their students could go into the community and work but they are ready to go straight from graduation to get that EIPA. Ms. Pierce adds at this point this is unknown, as I haven't observed them myself. However, Ms. Pierce thinks for them since they are already under the educational degree, K through 12 is a safer path for a full time job. Adding that we are not attracting interpreters to come into the community.

Ms. Williams added that in the educational field you have consistency of work, you have benefits. If you are a community interpreter, you do not have either of these. Ms. Williams asked if Ms. Barbara Woodhead would like to come join the conversation.

Ms. Woodhead shared that she would be giving a task force update in light of what has been going on. Ms. Woodhead added that this topic that Ms. Pierce is discussing is a Full Board discussion, rather than an IRB, which is only regulation. Adding that the IRB is not charged with the responsibility to bridge the gap or to address the gap because the responsibility is primarily regulatory. Noting that this question has been around for a long time, the one clarification that interpreters need to remember is that the Full Commission Board talked about QAST going away in 2013. This communication was made across the state about this decision to end QAST. Then QAST was extended when Registry of Interpreters for the Deaf (RID) went into

moratorium.

Ms. Pierce added her reasoning why she addressed this issue with the IRB is because watching the full board coming from a variety of backgrounds. Ms. Pierce relies on the IRB for their knowledge, also to help determine where to go with this in the future. Ms. Pierce adds that she doesn't expect the IRB to address the issue to solve it, but to think of it to help support the full board to be able to give them advice. Ms. Pierce agreed that she knew that it has been a long time that QAST has been ending, but that doesn't change for that junior who is in college now. Ms. Pierce gave a couple of scenarios of when a student would be ready to take QAST. Ms. Pierce is aware that nationwide there is a problem. Conversation took place about the Interpreter Training Programs.

Ms. Woodhead shared that several years ago the Executive Director, Ms. Tanya Wendel met with the administrators at Metro Community College to talk about their accreditation. Possibly that communication needs to take place again with college administrators.

Ms. Williams thanked Ms. Pierce and Ms. Woodhead for their participation in the meeting.

I. Executive Director Report

a. Executive Committee Update

a. Nebraska Public Meetings Act

The Executive Committee of the Full Commission Board met as a group and then with the Attorney General's office. One of the proposals was to address some training opportunities. Each member of the group now has for reference a copy of the Nebraska Open Meetings Act, should a public meeting question come up.

Mr. Wyvill recently had a question about participation by remote and teleconference. The Open Meetings Act is very specific, if you do this it has to be in the notice on record and the opportunity for the general public to attend from that location.

b. Participation in closed session

The Commission prepared a handout, a checklist of what is required to take place procedurally going into and out of a closed session. The board chairperson or vice chairperson will have this at their disposal during the future IRB meetings. As a reminder the board has to vote outside of the closed session. Anytime a board meeting has a concern about the public meeting, NCDHH brings in the Attorney General who is a lawyer for the Full Commission and for the Board.

Discussion on who is in the room during the closed session. This was typically given to the Executive Director for determination. Added what wording is used in and out of closed session referring to the investigation of sign language interpreters.

Ms. Williams shared that she and Ms. Koubsky have been in communication regarding this and are submitting a proposal to provide some recommendations. The two of them are the interpreters that are on the IRB at this time. This is a clarification on the IRB procedures and the authority for open and closed meetings. Ms. Williams passed out what she and Ms. Koubsky have developed. Included the Nebraska Open Meetings Act, and clarifying staff roles. On the second page you will see the recommendations for closed meetings. This is in respect for the rights of the interpreters being investigated and to enhance the interpreter confidence in the investigative and evaluation responsibilities of the IRB. As an interpreter I appreciate that, I want to know as an interpreter that even though we do not know the name of the interpreter that we are investigating we only know a number. In conclusion due to the turnover of the IRB members that it is critical to have these safeguards in place for new members coming on board. We want to ensure that with interpreter inquiries about the IRB, NCDHH is going to be able to communicate that process to promote integrity and confidentiality while avoiding the appearance of impropriety.

Mr. Wyvill thanked Ms. Williams for her work on this. Mr. Wyvill stated that he is not comfortable discussing this in this forum because Ms. Koubsky is not present, as she is the one championing this. Also added that the shared document needs to be vetted with the Attorney General's office. Mr. Wyvill suggested for Ms. Williams and Ms. Koubsky meet with the Attorney General's office to discuss the proposal and then present it at the next IRB meeting for discussion.

Ms. Williams shared that she understood the concern for not having Ms. Koubsky present to discuss this matter. Ms. Williams questioned if the Attorney General's office would be willing to meet with her and Ms. Koubsky since they are not staff of NCDHH.

Mr. Wyvill responded the IRB is a client, you are doing IRB work. Mr. Wyvill stressed that he wants to make it clear that we're not opposed to having a policy, we just need to be sure that we go through the process. Conversation on who stays in the room during closed session and who does not. Mr. Wyvill stated that he appreciated what was being said, but this is not a jury. This is an investigation where they present information and ask questions.

Ms. Williams asked the group if anyone had any comments.

Ms. Flearl responded that other boards that she has been on that the practice is to leave the room. Then the board takes everything under consideration, and then make the recommendation. Added that she thinks the document is well written. She encourage that the meeting

with the Attorney General's office take place as soon as possible.

Mr. Wyvill shared that his issue is more process, and practical application. Ms. Vonda Apking who is the board chair that is not present follows a similar philosophy with investigations. Her process is being in the room and presenting the information for as long as needed. Obviously specific conflicts of interest cases, they leave the room. Mr. Wyvill stated that his concern is more process, that it is done right and correctly.

Conversation regarding no two boards operate the same.

Ms. Nickels shared that it makes sense regarding the interpreter confidentiality, having staff people leave the room when there is going to be a smaller discussion. Sounds like Bethany had gotten all of her points shared.

Ms. Williams shared that it wasn't only Bethany. She was very much part of it as an interpreter in expressing some of her concerns out of respect for the interpreting profession, and the IRB in holding us accountable for our responsibilities.

Discussion on whether to proceed, or waiting until after Ms. Williams and Ms. Koubsky are able to meet with the Attorney General's office.

Mr. Wyvill added that he is concerned with some of the verbiage in this document, especially when they talk about recommendations in the IRB closed meeting to investigate and to enhance interpreter confidence in the evaluation of the IRB. It is kind of insinuating that there's some problem with his staff, wanting to make it very clear in his conversations with Ms. Koubsky she had not identified any specific issue. The language as written in this document implies that there is an issue.

Conversation about the wording of the document.

Mr. Siders asked for clarification on the steps for going into a closed meeting. Conversation regarding going into closed session, then going back to open session. Mr. Wyvill shared a point of clarification that what is agreed upon, and that the discussion has been finished in closed session.

Conversation between Ms. Williams and Mr. Wyvill on getting a meeting set up with the Attorney General's office.

Board Member, Mr. Siders moved to refer this to the Full Commission Board, after being reviewed by the Attorney General's office. Board Member Ms. Flearl seconded the motion. With no further discussion the

motion carried with Ms. Williams, Ms. Nickels, Mr. Wyvill, Mr. Siders, and Ms. Flearl all voting aye. Ms. Apking and Ms. Koubsky both absent.

b. **Quality Assurance Screening Test (QAST) Task Force Update**

Ms. Williams asked Ms. Woodhead to present this to the IRB members.

Ms. Woodhead passed out to the members a handout – Final Report and Recommendations from the Interpreter Task Force.

Ms. Woodhead shared that the report reflects the first item of the charge to review current NCDHH procedures regarding QAST which includes renewal, tracking CEU's, and provisions for reinstatement.

The first two recommendations are for QAST cardholders. These will have to go to the Full Commission Board for approval.

- **Recommendation # 1** - An interpreter with a QAST may not have gotten all of their CEU's before their date, and so like other interpreter certifications like RID, we are wanting there to be a reinstatement, or an appeal. This is with the time frame of within six months. Conversation regarding this.
- **Recommendation # 2** - Some interpreters may have earned their CEU's, before their cycle date was up they didn't finish the paperwork with NCDHH. This permits them a 30 day grace period to get this in.

The Full Commission Board already voted on May 31, 2017 that they would no longer be involved in proctoring the QAST. QAST has run its course, is outdated and there are no other stimulus tapes to use. There are no other state systems that Nebraska is interested in promoting because we had an extensive task force years ago to see what else had validity and reliability, and there wasn't anything. With QAST going away, how does this transition happen?

Currently, in the rules and regulations, recommendations 3 and 4 are of significance for this board.

- **Recommendation # 3** - Currently a QAST Level 3, 4 and 5 are in the Rules and Regulations. For people who are now being evaluated and earning those QAST levels, their new cycle date, recommending that it go in line with the licensing cycle. This would give some of them an extra year, the date would be June 30, 2019. QAST 3 holders are given that additional year to pursue additional training if they are interested in getting a higher national certification. The other option to them is if they test before May 31, 2018 and if they earn a level 4 or 5; they would be grandfathered in

for the long term as long as they maintain their CEU's.

- **Recommendation #4** is that QAST 3 interpreters are allowed to extend their expiration date to 2019 instead of May, 2018 when QAST goes away. The intent is to give the QAST 3 holders extra time. QAST level 3 interpreters are not sufficient to be grandfathered in forever.
- **Recommendation # 5** is to have the interpreters certification (RID, QAST) listed on the license as a Sign Language Interpreter in the State of Nebraska. This would mean that interpreters would only have to present one card to their employer.
- **Recommendation # 6** is regarding CEU maintenance, explaining what was previously required according to their QAST card now is just the requirement of the Nebraska License. After May 31, 2017 when QAST is no longer around, interpreters still have to meet the CEU requirements to maintain their right to practice in the State of Nebraska.

Mr. Siders inquired about who will be making the new license cards after the old one is not any good? Ms. Woodhead responded that people who have a QAST certification cycle that is going to run out in 2018, or someone who earns their QAST today, their expiration date is going to be the new licensing cycle, in 2019.

Mr. Siders also added that he feels that 30 days is too short a time frame, regarding recommendation # 2. Conversation regarding this. Ms. Margie Propp added for clarification with recommendations # 1 and 2. With # 2, if I have just earned my CEU's but just haven't completed the paperwork, then I have a grace period of 30 days. Recommendation # 1 says that if something horrible happened in my life and I wasn't able to meet my CEU's, then I have an additional 60 days to earn the CEU's and reinstate my license. Ms. Woodhead added that this is called an interim reinstatement process.

Ms. Pierce asked for clarification on recommendation # 1, you are giving interpreters 60 days to complete and provide CEU's but further down it says that certification that have lapsed for more than 6 months are not eligible to appeal. Ms. Woodhead responded with an example that your expiration date is March 1. You have 6 months to appeal that, once you appeal and it is approved you have 60 days to complete it. Conversation regarding this.

Ms. Woodhead continued with explaining the second sheet that was passed out to the members. Ms. Pamela Duncan and Dr. Peter Seiler went through and created the responses to these. This is the information that will be going to the Full Commission Board. Mr. Wyvill added that this is a document that may be tweaked a bit after conversation with the Full Commission Board.

Ms. Woodhead added that the two items that the IRB needs to consider today are recommendations 3 and 4. Conversation on the capacity of the Task Force, and the members that it includes.

Board Member, Ms. Nickels made the motion that we accept the task force recommendations of 3 and 4, and forward these to the Full Commission Board. Member Mr. Siders seconded the motion. With no further discussion the motion carried with Ms. Williams, Ms. Flearl, Ms. Nickels, and Mr. Siders all voting aye. Ms. Apking and Ms. Koubsky both absent. Mr. John Wyvill abstained.

Board Member, Mr. Siders made the motion that the IRB wanted to thank the task force for their wonderful work. Member Mr. Wyvill seconded the motion. With no further discussion the motion carried with Ms. Williams, Ms. Nickels, Ms. Flearl, Mr. Siders, and Mr. Wyvill all voting aye. Ms. Apking and Ms. Koubsky both absent.

J. Review Interpreter Review Board By-Laws

Mr. Wyvill asked the group to refer to the by-laws that was included in their packet. The by-laws require periodic review by the IRB. The IRB will need to figure out how to incorporate the proposed change regarding closed sessions.

Ms. Williams identified that there is a typo on page 2, number 5 under organization. Discussion on this.

Ms. Williams also noted that hearing impairment is no longer used. Once the task force items have been approved, do we want to look at changing the rules and regulations to something other than impairment? Conversation regarding this.

Board Member, Mr. Siders made the motion that we change the verbiage of hearing impairment in the rules and regulations, and focus more on the cultural aspects, not the medical. Member Ms. Flearl seconded the motion. With no further discussion the motion carried with Ms. Williams, Ms. Nickels, Mr. Wyvill, Mr. Siders, and Ms. Flearl all voting aye. Ms. Apking and Ms. Koubsky both absent.

K. Public Comment

Ms. Williams asked if there were any further public comments. Ms. Margie Propp added that she would like to see NCDHH take the lead on getting rid of the term hearing impairment. In addition to the changes being discussed, will also have the change regarding QAST; if this is passed by the Full Commission Board.

Ms. Woodhead shared with the group her experience of being a member of the IRB in the past, in regards to the practice of having closed sessions.

Ms. Olsen added a comment regarding the terminology hearing impaired and that having to match state statutes. Conversation within the group about the use of this terminology.

L. Announcements

Ms. Williams shared about the Creating Connections and Building Bridges Together Workshop that the Commission is hosting on March 17th and 18th. Ms. Williams shared with the group a brief recap of the agenda for the workshop.

M. Adjourn

Board Member, Ms. Flearl made the motion to adjourn the meeting at 2:58pm. Member Mr. Siders seconded the motion. With no further discussion the motion carried with Ms. Williams, Ms. Nickels, Mr. Wyvill, Ms. Flearl, and Mr. Siders all voting aye. Ms. Apking and Ms. Koubsky both absent.

Next Meeting Date and Location – June 1, 2018, Omaha State Office Building