

Interpreter Review Board Meeting
February 6, 2009
1:00pm-3:00pm
4600 Valley Rd
Conference Room 4A

A. Call to Order:

The meeting of the Nebraska Interpreter Review Board was called to order at 1:05pm at the NCDHH office in Lincoln, NE. Board Members present: Mr. Norman Weverka-NW, Ms. Tami Richardson-Nelson-TN, Mr. David Montgomery-DM, Mr. Gary Theiler-GT, Mr. Bob Deaton-BD, Ms. Barb Woodhead-BW, Ms. Kelly Brakenhoff-KB. Ms. Vickie Steinhauer-Campbell-VS arrived at 1:07pm.

Interpreters: Ms. Sharon Sinkler and Ms. Lorelei Waldron

Absent: No members absent

Public attendees: Mr. Art Nelson, Ms. Peggy Williams, Mr. Ray Meester, Ms. Diane DeLair (Staff Attorney with Nebraska Advocacy Services)

Staff: Ms. Traci Cooney

B. Approval of Agenda:

- a. Additions to the agenda:

Mr. Norman Weverka recommended adding under old business, "LB 310".

Motion to approve agenda as amended.

[BW/DM/Motion passed]

C. Approval of minutes:

- a. November 21, 2008 Minutes

Motion to approve minutes.

[BD/GT/Motion passed]

D. Public Comments

- a. None

E. Old Business

- a. LB 310

- i. Ms. Richardson-Nelson thanked all persons for their effort with LB 310 and for testifying at the legislative hearing. She recommended that this board send a letter of thanks to these persons. Ms.

Woodhead suggested that the thank you letter come from Nebraska

Commission for the Deaf and Hard of Hearing. Ms. Richardson-Nelson agreed.

- ii. Ms. Richardson-Nelson asked Ms. Barb Woodhead to give a brief summary report on recent activities related to LB 310. Ms. Woodhead addressed the change in wording from “public accommodations” to “health care providers,” citing that the former language in LB 310 was too vague and did not accomplish the intent of the Licensing Board. Barbara Woodhead, Ray Meester, and Norman Weverka consulted with attorneys at Nebraska Advocacy Services and were advised that the current wording would steer further away from the licensing focus. After further discussion and consideration, the language was amended to “health care providers” and moved forward by having Senator Haar introduce LB 310 to the HHS Legislative Committee. Proponents of the bill included personal testimonies from Ray Meester, Julie Dahlke, Roy Scherling, Nancy Brt, and Tami Richardson-Nelson. Opponents of the bill included representatives of various medical entities, leading off with Dave Buntain, lobbyist for the state medical association. Ms. Woodhead stated that the opposition testimony at the hearing seemed to reflect a misunderstanding about ADA. Opponents also questioned whether or not LB 310 belonged in Chapter 20 of the Nebraska statute. Diane DeLair and Barbara Woodhead testified in a neutral capacity. Ms. DeLair provided clarity to ADA and consent decrees involving cases addressing “qualified interpreters.” Many of the opponents registered concern that LB 310 would increase the circumstances in which interpreters should be provided. Ms. Woodhead clarified that LB 310 would not expand the provisions identified in the ADA. She testified that she would like to assume that the opponents are in compliance with federal law and that LB310 would protect medical entities from the liability of hiring or using “unqualified” interpreters. As a member of the Interpreter Review Board, she stated that Nebraska needs to work toward the licensure of all interpreters who practice the profession of sign language interpreting.
- iii. Ms. Diane DeLair discussed the meeting she attended with Barbara Woodhead and Jeff Santema, legal counsel for Health and Human Services Committee. She stated that Jeff mentioned a few concerns. Jeff questioned if the licensing language would be appropriate for the civil rights section. He commented that if licensing of the profession is the ultimate goal, it can be accomplished. He stressed the importance of meeting and gathering support from the medical field.
Mr. Norman Weverka updated this board on his meeting with Senator Pankenton. Senator Pankenton thinks there will be too much opposition the way it is currently worded. Senator Pankenton

recommended working on this bill and doing research over the summer months to create a better legislative bill. Mr. Weverka also spoke with Senator Gloor and Senator Gloor thinks the Medical profession looks at this bill as they do the ADA which is a separate issue.

Ms. Barb Woodhead stated that she wondered why this bill was placed under chapter 20 and not the Uniform Credentialing Act. Mr. David Montgomery stated that because the licensure is through NCDHH, the bill needs to be listed under NCDHH section. Ms. Diane DeLair mentioned that a better placement may be discovered during the research process over the next several months. Ms. Woodhead stated that part of the research should include looking at what chapters other states have used. Discussion ensued on what chapter to list the bill under and re-creating the bill. It was discussed that this will be researched over the next few months.

- iv. Mr. Ray Meester stated that he is willing to do whatever it takes to make this bill work. He stated that Senator Haar recommended getting the deaf to start suing instead of just filing complaints.
- v. Discussion ensued regarding the research to be done for this bill and suspending future meetings with senators until the research is completed and a new bill is written. Ms. Woodhead offered to email Jeff Santema and ask for clarification on the HHS Committee's opposition to the bill. She will forward Jeff's response to the members of this board.
- vi. Motion that in the event LB 310 does not pass out of committee, the Interpreter Review Board will wait for further direction from the new Director and Commission.
[BW/VS/Passed/DM abstain]
- vii. Ms. Richardson-Nelson updated on a recommendation that was made at the last meeting. It had been recommended that a letter be sent to UNMC asking about the interpreters they use. Beth Ellsworth and Ms. Richardson-Nelson decided to work on this. Discussion ensued regarding whether or not UNMC is a state facility required to use licensed interpreters.

F. New Business

- i. Change in Bylaws
- ii. Ms. Richardson-Nelson mentioned to leave the bylaws as is because of the legislation that was previously discussed. Mr. Montgomery suggested the discussion be tabled until the next meeting. He stated that there is language that was once drawn up

and he will forward to all members of this board. This topic will be added to the next agenda.

G. Public Comments

- a. None

H. Announcements

- a. None

Meeting adjourned 2:42m