



PROFESSIONAL LICENSING BOARD FOR AMERICAN SIGN LANGUAGE INTERPRETERS

The Problem:

The *Americans with Disabilities Act* (ADA) requires accommodation in the form of auxiliary aids and services for individuals with disabilities.¹ One such service is a “qualified interpreter” defined as “someone who is able to interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary”.² Due to a lack of regulation and oversight, American Sign Language (ASL) interpreters who do not meet the federal definition of “qualified” are working in a variety of settings in Oregon. Additionally, there are challenges in finding qualified American Sign Language (ASL) interpreters to provide much needed services.

There are approximately 187,000 Oregonians with hearing loss. The *Community Needs Assessment* commissioned by the State Legislature in 2016 showed that interpreters (including ASL, Certified Deaf, and Close-vision interpreters) are the most frequently requested accommodation among those who identify as Deaf or hard of hearing (54.4%; N=462).³ Of the respondents who cited difficulties in accessing public services, 65.9% (N=286) stated the reason was due to interpreting services, either because there was no interpreter or the interpreter was unqualified.

There are multiple public instances where agencies have utilized unqualified individuals to interpret. For example in 2014, the Oregon Department of Corrections denied a Deaf inmate qualified interpreters and instead arranged for a fellow inmate, who knew little ASL, to interpret during orientation, interviews, and medical appointments.⁴ On October 1st, 2015 an unqualified interpreter was hired for a nationally broadcasted press briefing following the Umpqua Community College shooting in Roseburg, Oregon. From 2016 to 2017, an employee who held no credentials as an interpreter, interpreted in several settings during a child abuse investigation where both parents were Deaf, including during a forensics meeting, an interview with law enforcement, and attorney-client meetings. The child in the abuse case was also enlisted to interpret for their Deaf parents during a site visit. The above examples are instances where the person acting as an interpreter was unqualified; however, instances of inadequate interpreting services happen daily throughout the state.

Entities who have every intent of hiring a qualified interpreter may struggle to determine what constitutes as “qualified” and may be unable to locate interpreters who meet the definition. Oregon Deaf and Hard of Hearing Services (ODHHS), housed under the Department of Human Services (DHS), screens and refers interpreters only for state agencies; however, agencies are not obligated to use these pre-screened interpreters. Public and private businesses, not affiliated with the State, may struggle to find a qualified interpreter due to the absence of a state qualified interpreter registry. Additionally, many entities looking to secure interpreting services are not knowledgeable about the various credentials interpreters may hold and are not able to directly evaluate the quality of services due to a lack of fluency in ASL and knowledge of the profession.

¹ Americans with Disabilities Act. (2010). <http://www.ada.gov>

² Americans with Disabilities Act § 36.303. (2010). <http://www.ada.gov>

³ Thew Hackett, Davis, & Guy. (2016). <http://www.wou.edu/rrcd/home/cna/>

⁴ Kell, Alterman & Runstein. (2014). https://www.kelrun.com/files/2014/02/Baldrige_press_release_FINAL.pdf

When interpretation services are inadequate, there is no centralized grievance process for consumers. Deaf, DeafBlind, and hard of hearing consumers who initially struggle to convince an organization of their responsibility to provide an interpreter, may fear that complaining about the quality of service will result in the denial of future requests. Many private and public entities contract with interpreting agencies for services; these agencies may also sub-contract for ASL services, making it difficult for end-users to identify who to contact with a grievance. Many agencies have no formalized complaint process and those that do often require the consumer to submit a complaint in English, which is often not their primary language.

As of 2015, 29 states required ASL interpreters be licensed or register with the state⁵ with more introducing and implementing legislation in the years since. Currently, the Oregon Health Authority has a mandate that all interpreters working in the medical setting be deemed “qualified or certified”⁶; however, this piece of legislation contains no enforcement authority and is technically voluntary except for Coordinated Care Organizations (CCOs). Outside of CCOs, K-12 settings⁷, and the courtroom⁸, there are no standards for ASL interpreters in the state. This means an ASL interpreter who is hired for an emergency press-conference, medical appointment, attorney client meeting, or therapy session has no legal requirement to be trained, certified, or follow a code of professional conduct. This is a consumer safety issue and contributes to discrimination that Deaf, hard of hearing, and DeafBlind individuals experience in our state.

In summary, currently there is nothing in place to ensure sign language interpreting services meet a minimum level of quality and no formal mechanism for complaints against unethical practitioners. Inadequate interpreting services result in errors, omissions, miscommunications, and frustration for all parties engaged in the interpreted event. Inadequate interpreting services can increase the overall cost of services by requiring follow-up appointments, rescheduled meetings, and the potential for litigation.

Solution:

Professional licensure for ASL interpreters would establish a licensing board to determine minimum qualifications for practitioners in the state, develop an easy to access registry for entities seeking ASL interpreting services, and streamline existing legislation. Interpreter licensure would allow hiring entities to easily determine if an interpreter is qualified and permitted to provide services in the state. This legislation would also provide consumer protection for those who use interpreting services and would allow hiring entities as well as Deaf, DeafBlind, and hard of hearing consumers an avenue for filing grievances for unskilled and unqualified interpreters. This legislation is an essential step in ensuring that Deaf, DeafBlind, and hard of hearing consumers have access to qualified interpreters as afforded to them by federal law. Quality language services will help ensure more equitable accesses to education, social services, and employment for American Sign Language users in our state.

⁵ Izutsu, Horvath, & Whited (2015). Pacific Basin Rehabilitation Research and Training Center. https://drive.google.com/file/d/167DZFZL0r9_IOLepFsoV4ZaKuM2YesRp/view?usp=sharing

⁶ ORS 413.550

⁷ ORS 185.225, OAR 581-015-2035,

⁸ ORS 45.291