

2017 Interpreter State Legislation Survey



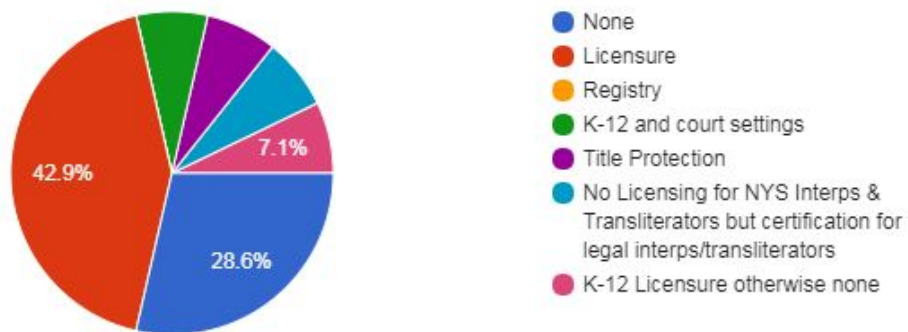
Conducted by the ORID Legislative Committee

States that filled out the survey

Idaho
California
California
Rhode Island
Rhode Island
Alaska
Hawaii
Iowa
Nebraska
Colorado
Massachusetts
New York
Wisconsin
Tennessee

What type of legislation does your state have for interpreters?

14 responses



How was your state licensure or registry program developed?

12 responses

- Through a task force of members representing different organizations
- N/A
- It is in development now. We are waiting to work with our state Deaf Association.
- Sorry I wasn't living here at the time but I do recall that the Deaf community was very much involved, they wanted to be able to take quick action if they had a concern about an interpreter

- Group from Deaf community and Local RID developed it and submitted legislation thru supportive legislators. Organized the Deaf and interpreter communities to get support, testify etc against a strong opposition group.
- Through legislation brought by ISRID and IAD, then assigned to Iowa Department of Public Health.
- Developed as a collaboration between NeRID and NeAD.
- A group tried 5 times over several years to get state licensure, but the state didn't see a need (no proof of "harm" to Deaf people), so the state offered title protection instead. It means that you cannot call yourself an interpreter unless you hold RID certification.
- It's in-progress right now. Lots of meetings with stakeholders and community members. Being pushed through by an interpreter who is also a lawyer. She mostly drafted the proposal with consults from other states.
- NA
- WisRID and WAD (Wisconsin Association of the Deaf) worked together for over 15 years to get licensure to pass in 2009. I don't know too much about what happened to initially have it pass but we are currently looking to update it. I've provided the link that has much more information as to what is currently being done.
- In process of developing non-k-12 interpreting licensure legislation with a diversified group of stakeholders from throughout the state. K-12 licensure was developed by DOE with input from various stakeholders in the state.

What is the biggest benefit after implementing the licensure/registry program?¹¹ responses

- N/A (2)
- Elevate quality of interpreters and implement mechanism on how to collect complaints
- Anyone can go online and find out who is licensed and make their choice of an interpreter from that list
- Increased minimum requirement to work as an interpreter. Protected Deaf and hearing consumers - now there was away to file complaints even if the interpreter (and most then were not) RID certified.
- Knowing that consumers have an avenue to file complaints about rogue interpreters or interpreters who were unprofessional in taking work that they were not qualified for.
- Took a long time and several legislation changes, but the biggest benefit is that our best qualified interpreters are working and the false wannabes are not.
- It was better than nothing?? There really is no benefit.... :(
- NA
- I wish it was better quality services but we've seen some issues in our current licensure and are hoping to better empower the Deaf community with our new bill.
- not seen yet

What has been the biggest challenge after implementing the licensure/registry program?¹² responses

- streamline two existing laws (Educational Interpreter Act)
- N/A
- Our state is very large (we have multiple RID chapters) and collaboration with all the interpreting field, Deaf communities and Deaf leaders in the state is a challenge we have not been able to overcome yet.
- When people do have a complaint about an interpreter the licensure board has limited power to act and can be out of their depth once lawyers get involved. Very few deaf people file complaints, we think it may be because they fear the process may not be confidential or by revealing their complaint, their confidentiality will be at risk.
- Having complaints filed. Keeping the licensure board filled and operational.
- We have a temporary license that can be issued to anyone because there are no qualifications and have had some issues with that process.
- The biggest challenge at first was we discovered our law was very lacking and restrictive in what we could put into the administrative rules. Eventually, it was the scope of the law and the rules, in respect to what areas an interpreter needed a license.
- No one knows about it (Deaf community nor many interpreters) and there is no policing and then no action taken against individuals who are not RID certified who call themselves interpreters. Also, those who are not RID certified can call themselves anything else (signer, communication facilitator, etc) and still work the same jobs. Lastly, the law only states that it applies to RID certification, therefore those who hold the BEI cannot call themselves interpreters.
- Right now some of the biggest challenges seem to be funding and complete community buy-in. In MA, we have the Commission for the Deaf and Hard of Hearing (MCDHH). The goal is to have a registry established under one bill, and enforcement of licensure under a second separate bill.
- NA
- Making sure that people who are working as interpreters are licensed.
- na

If your state were to go through the licensure/registry process today, what would you do differently? What lessons have you learned?¹²

responses

- N/A (2)
- Include representative from state court system in the process earlier.

- Whomever the “host” for the licensure enforcement may be should know a lot about interpreting. Our Dept. Of Health is our host and they know little/nothing about the 70 plus licenses they administer. Interpreting is tricky too because of the old certifications, the new certifications, the many screenings and the delays with certifying CDI’s. Too much alphabet soup for them.
- Smaller board.
- I think we would have put the mentoring program within the temporary license requirements long ago, and had some language in the legislation that allows for some requirements to get the temporary license besides not be able to pass a qualifying exam.
- Make sure our legislation was as detailed at the beginning as it is now. Also, keep the state Department of Education out of everything at the beginning. That may be why the law was so watered down at the beginning.
- Unfortunately, Colorado is a state that does not grant licensure to very many professions. We want to get licensure, but are unsure how to get around Colorado’s strict laws.
- N/A, in-progress
- We have tried to submit a bill for licensure for all Interpreters in NYS several times and another for educational interpreters specifically suggesting the EIPA (a grant was given for this project). However, both endeavors went no where.
Note: Certification is required for Court interpreting. The link is <http://codes.findlaw.com/ny/judiciary-law/jud-sect-390.html>
- Like I said, we are going through it right now (again). If we were to go back to the beginning of the process this time, I would say that I wish we did a better job meeting and talking with people. We did surveys but I think we should have actually met and talked to people face to face.
- Keep tight control on who is involved in the writing of the legislation. Remember that this will be a dramatic impact on interpreters and the Deaf community. Include all stakeholders in establishing the composition of the writing group.

The interpreting community (both deaf and hearing)¹³ responses

- Fully supported (with exception of a few unqualified interpreters)
- N/A
- Working on a consensus now.
- I recall the hearing interpreters being resistant at the time
- For those certified or near certified it was positive. For those with screening or no credentials it was negative- but many of them did become certified which improved the quality of the interpreter pool.
- There seems to be an overall consensus to have some form of regulation in an effort to protect consumers in the Deaf and Hard of Hearing community. It’s just a matter of getting people together to be a united front.

- The interpreting community was mixed. Some interpreters who knew they couldn't pass the qualifying exams were very derisive of the process, while those who had been working and were certified or qualified by exam were vindicated and validated.
- The interpreting community was lukewarm at first because the legislation was so narrow. Now, they're jumping for joy because it has been expanded many times.
- Most hate (or are unaware of) Title Protection.
- In-progress right now: interpreters generally were in support of licensure, but deeply concerned about gate-keeping power going to a centralized body and about fees incurred (in addition to RID fees, AC RID fees, and CEUs, licensure is an additional financial burden)
- Supportive for the licensure proposal for all interpreters in NYS. (Not successful)
- First licensure - I'm not sure, Now - in favor of licensure but not all in favor of our proposed bill
- Much resistance especially surrounding grandfathering in non-certified interpreters

The Deaf community 13 responses

- Fully supported
- N/A
- Working on a consensus now.
- The Deaf community wanted licensure
- Very supportive! Without their support it would not have happened.
- The Deaf community also agrees that some form of regulation is needed but most importantly they want a way to file a grievance that is unbiased. My personal opinion is that we also need further self-advocacy training so that when they see something they say something. Currently that isn't happening.
- The Deaf community has been generally satisfied with the process. They have been a little disappointed in the temporary license and those who hold that license. The Deaf community also was dissatisfied with the license board's progress on some disciplinary issues.
- The Deaf community at first was thrilled but then became disappointed when it was discovered the law had to be amended so many times to cover every possible situation. They're still a little disappointed that K-12 interpreters are not covered by the same standards as the community interpreters are.
- Most are unaware that we have Title Protection and those that do, have no idea where or how to file a complaint if an uncertified interpreter calls themselves an interpreter.
- In-progress right now: Overall, strongly in support of licensure. Some concerns about the wording of the bill: wanted to make sure the Deaf Community was a stakeholder written into the bill (used our local NAD chapter, MSAD)
- Supportive for the licensure proposal for all interpreters in NYS. (Not successful)
- First licensure - in favor of licensure, Now - in favor of licensure but not all in favor of our proposed bill

- Great desire for licensure. Specifically to protect the Deaf community

The educational (K-12) community 13 responses

- Partially supported
- N/A
- We have state standards for working in K-12 settings. Additional standards seem superfluous to the interpreters working in K-12 settings.
- I don't know
- Initial licensure did not include educational Interpreters but it does now. I think mixed since many ed Interpreters did not have EIPA
- Not sure.
- They literally hate it for the most part. It's caused a high turnover among those interpreters and educational administrators struggle to find quality replacements when the time comes.
- They've been thrilled and stubborn to keep their interpreters out of the state license process. Instead, they have their own standards which are a bit subpar compared with those working in the community.
- Have their own requirements (EIPA) and are not involved with the Title Protection discussion.
- Unknown
- Both the Deaf Community and the Interpreting community were supportive but this was not successful. Educational/staff in public schools were concerned they would not meet the requirements if it passed; training was provided.
- We already have a separate license for K-12 interpreters through DPI - we've had issues where they want to be included with our current efforts but it's difficult as it is a separate license
- The final version of the law for K-12 was vastly different from what the writing group had recommended

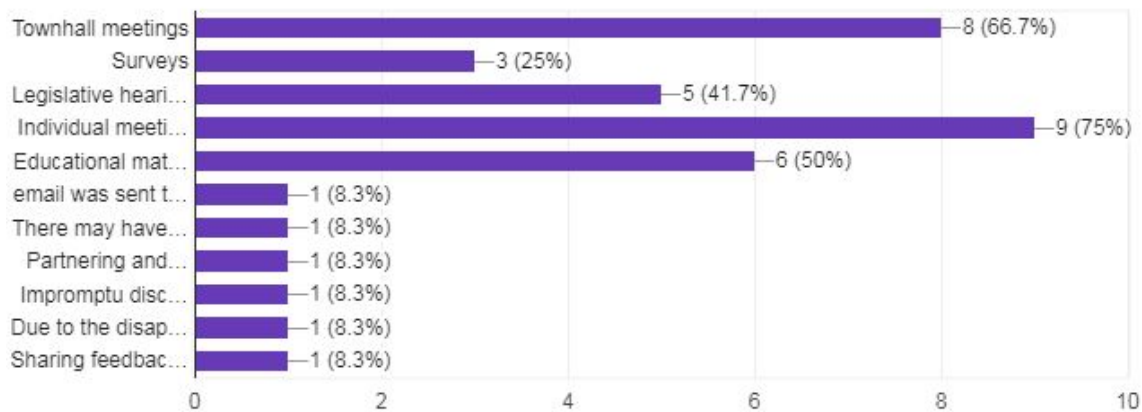
The post-secondary interpreting training community 13 responses

- Fully supported
- N/A
- Unsure.
- I don't know
- We don't have one in or state.
- Not sure.
- Having worked in one of the programs in our state, we were adamant about our students understanding the process and understanding their skills within the whole process.
- There were no programs in the state when the law was developed.
- Most hate (or are unaware of) Title Protection.

- In-progress right now: generally supportive, but concerned that the bill didn't cover the specifics of how ITP graduates would be able to gain the skills to work. Gap years are already challenging to bridge, and licensure might make that even more difficult if there is no mentorship support or other allowances made.
- NA
- In favor
- Same concerns over grandfathering of non-certified interpreters

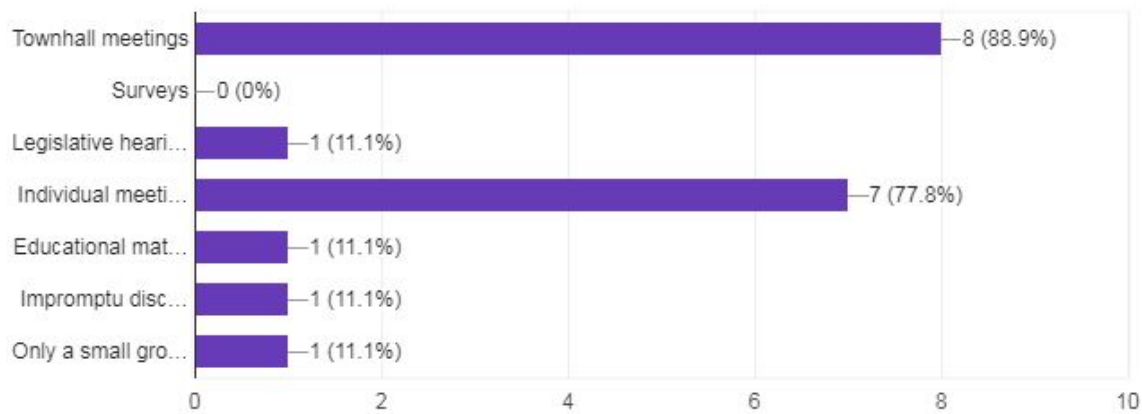
How did you communicate the process to the stakeholders?

12 responses



Which of the above were the most effective in gaining trust, acceptance and support of the process?

9 responses



Anything else you think we should know as we embark on this journey?⁹ responses

- Ensure you are working in deep collaboration and agreement with the Deaf community, especially the state Deaf Association.
- You will need Deaf community member buy-in. It has to be seen as a way for consumers to have a voice about interpreting. There needs to be a quick and effective response mechanism for complaints.
- Go for it!
- Be sure to mind all your P's and Q's, and dot all the I's...in other words, don't overlook one minute detail, because it will come back to bite you later, even if it's several years down the road. Be prepared to put in a lot of work convincing the legislators the need and reason behind this, because if you allow their ignorance to take over with no remedy from your end, you're dead in the water.
- Like I said in filling out the survey regarding Iowa, mind all the P's and Q's and dot the I's. Don't make the legislation so bare bones that you have to go back and fix it again and again like we had to in Nebraska. Just an FYI, I served on the Nebraska licensure board for three years before I moved out of state and into Iowa, where I served for eight years on their licensure board; however, I've maintained contact with the appropriate people in both states regarding rules and laws.
- Please let us know if you succeed and how it went!! Also, we studied licensure for our state conference a few years ago and looked heavily at how NM got it passed. They did a fantastic job, but also told us about things they wish they had done differently. I highly recommend you get in touch with them if they don't fill out this form!
- RID has a listing of State by State Regulations on their website under Advocacy
- Try to get people's attention. We had issues this time where people didn't feel like it affected them, so they didn't pay attention. Then when it came down to the bill being sent to the assembly and senate, they came forward with concerns. I wish we had done a better job of making sure we reach out to EVERYONE even if they felt like it didn't affect them (because they are certified, etc).
- Be prepared to change your draft several times. It is easier to start with a much bigger scope of regulation then start eliminating those items that are not essential to creating an effective scaffold for the law to stand on. Don't try to spell out every single point of regulation in the law. Leave the licensing authority room to establish regulations as they are easier to change than the law.