

THE NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSING BOARD (NCITLB)

Annual Public Forum

NCRID Conference – Winston Salem, NC

CURRENT BOARD MEMBERS

Bethany Hamm-Whitfield, Chair

Catherine Johnson, Vice Chair

Pamela Smith, Secretary

Emily Pope, Treasurer

Kim Calabretta

Donnie Dove, Jr

Kevin Earp

Lauren Pruett

Jeff Trader

Board Staff:

John Green, Legal Counsel

Caitlin Schwab-Falzone, Board Administrator

BOARD MEETINGS

NCITLB Board Meetings are open to the public.
The scheduled Board meetings for the remainder of
2017 are as follows:

August 25, 2017 – Paragon Bank
(3535 Glenwood Ave, Raleigh, NC 27612)

November 3, 2017 – Paragon Bank
(3535 Glenwood Ave, Raleigh, NC 27612)

This information is also available on the
NCITLB website (www.NCITLB.org)

LICENSES ISSUED IN 2016-2017

(as of June 20, 2017)

FULL LICENSES	13
PROVISIONAL LICENSES	32
TOTAL ISSUED IN 2016-2017	45

TOTAL CURRENT LICENSEES

FULL LICENSES	339
PROVISIONAL LICENSES	155
GRANDFATHERED LICENSES	54
TOTAL FOR CURRENT LICENSEES	548

PERIODIC RULES REVIEW

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RULES VS STATUTE (LAW)

PERIODIC RULES REVIEW

Rules:

The North Carolina Administrative Code (NCAC) is a compilation of the administrative rules of approximately 26 state agencies and 50+ occupational licensing boards. Compilation and publication of the NCAC is mandated by G.S. 150B-21.18.

PERIODIC RULES REVIEW

Statute (law):

General Statute 90D-2. Declaration of purpose.

It is the purpose of this Chapter to provide for the regulation of persons offering manual or oral interpreting or transliterating services to individuals who are deaf, hard-of-hearing, or dependent on the use of manual modes of communication in this State. (2002-182, s. 1; 2003-56, s. 3.)

WHAT IS PERIODIC RULES REVIEW?

- In the 2013 legislative session, the General Assembly enacted Session Law 2013-413.
- This law established (G.S. § 150B-21.3A), “Periodic Review and Expiration of Existing Rules.”
- This statute requires the Rules Review Commission (RRC) to establish a process and schedule for those covered agencies to ensure compliance with the law.
- This schedule and process requires agencies to review all of their active rules codified in the NC Administrative Code (NCAC) every 10 years.

WHAT IS PERIODIC RULES REVIEW?

Agencies must classify each rule as:

“Necessary with substantive public interest,”
generally meaning the rule is needed but there are known or suspected concerns about it from the public;

“Necessary without substantive public interest,”
generally meaning the rule is needed and there is no known concerns from the public; or

“Unnecessary,”
meaning the agency determined the rule is obsolete, redundant or otherwise no longer needed.

WHAT IS PERIODIC RULES REVIEW?

- Agencies must invite public comment on the classifications.
- Agencies must post a report issued by the Rules Review Commission (RRC) on the agency's website and on the Office of Administrative Hearings' website.
- The public comment period lasts for at least 60 days.
- The agency is then required to respond in the report to each public comment when there is an objection to a rule.
- After the comment period is over and the agency has had an opportunity to make its final classification, the agency will send to the Commission a report of the classification as well as public comments received and the agency's response.

WHAT IS PERIODIC RULES REVIEW?

- Based upon a review of the public comments, the Rules Review Commission (RRC) will review the submission, and determine whether it agrees with the agency classification.
- When reviewing the comments to determine if they have merit, the RRC must use the standards of review in G.S. § 150B-21.9, (generally meaning that the language is clear, that it is within the agency's statutory authority, and that it is necessary to implement law).
- The RRC must also determine if the comment addresses the substance of the rule. If the RRC disagrees with the agency's determination that a rule is "necessary without substantive public interest" or "unnecessary," the RRC may move the classification of the rule to "necessary with substantive public interest."
- The RRC does not have the authority to declare that a rule is "unnecessary" if the agency has not already classified it as "unnecessary."

WHAT IS PERIODIC RULES REVIEW?

- The RRC will then send a report to the Joint Legislative Administrative Procedure Oversight Committee (“APO”) at the General Assembly.
- The RRC determination will become final following consultation with APO or on the 61st day after the report is submitted if the APO does not meet.
- The APO may disagree with the RRC determination and recommend to the General Assembly that the agency conduct a review of the rule the following year.

WHAT IS PERIODIC RULES REVIEW?

Effect on Rules in the Code (North Carolina Administrative Code)

- Rules designated as “necessary without substantive public interest” will remain in the Code.
- Rules designated as “unnecessary” will be removed from the Code without any further agency action.
- Rules designated as “necessary with substantive public interest” must be re-adopted as if they were new rules, following the permanent rulemaking process set forth in Article 2A. If an agency does not re-adopt the rule, the rule will be removed from the Code.

WHAT IS PERIODIC RULES REVIEW?

- If an agency does not conduct the review, the rules will expire and be removed from the Code, unless the rule is required to implement or conform to federal law.
- NCITLB Rules can be found under Title 21
NCAC Chapter 25

WHERE ARE WE IN THE RULES REVIEW PROCESS?

- The Rules Review Commission (RRC) approved the periodic report submitted by the Board, and this report has been sent to the General Assembly Oversight Committee. Additionally the Board will have to take action if directed by the General Assembly Oversight Committee.
- This Board will need to readopt NCAC 22 501, and possibly one other rule.
- The Board must readopt the CEU rule.

LICENSURE REVIEW COMMITTEE (LRC)

LICENSURE REVIEW COMMITTEE (LRC)

- The LRC is made up of three members.
- Two of the LRC members must be practicing interpreters in good standing, and a third member who is deaf.
- The Board Chair shall not serve on the LRC.

LICENSURE REVIEW COMMITTEE (LRC)

The LRC shall:

- Review all license applications referred by the Board's staff and decide whether to approve or disapprove the applications.
- Investigate complaints against interpreters and transliterators subject to the licensure law and decide whether the complaints should be substantiated; and
- Sanction interpreters and transliterators when the LRC substantiates complaints against them, using any one or more of the sanctions available to it under Chapter 90D of the North Carolina General Statutes.

LICENSURE REVIEW COMMITTEE (LRC)

- Individual members of the LRC may be assigned to interview applicants, licensees, complainants, and other witnesses, to obtain and review relevant documents, and to report his or her findings to the full LRC.
- If any member of the LRC determines for any reason that he or she cannot participate in the Committee's deliberations on any particular application or complaint, the Board chair shall temporarily appoint another Board member to take that Committee member's place during the Committee's deliberation of that particular application or complaint.

FILING A COMPLAINT

How to File a Complaint

- All complaints must be received in writing within 90 days of the incident.
- You may mail, email, or fax in your complaint.

Mail: NCITLB, PO Box 20963, Raleigh, NC 27619

Email : NCITLB@caphill.com

Fax: 919-779-5642

For a complete list of instructions of

“How to File a Complaint”:

Visit www.NCITLB.org

click on “Filing a Complaint”

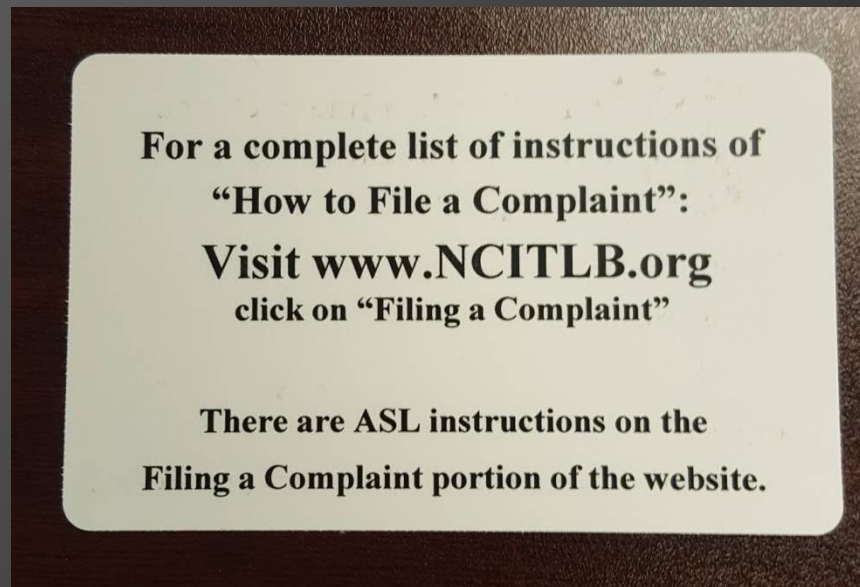
**There are ASL instructions on the
Filing a Complaint portion of the website.**

FILING A COMPLAINT

The Board office is currently looking into getting a video phone where deaf consumers can call in about wanting to file a complaint. Then the person can be contacted to get the details of the complaint so it can be submitted in writing.

FILING A COMPLAINT

How to file a complaint instructions have been added to the back of the licensure card. These cards must be carried by the licensees, and must be shown to anyone upon request.



POSTING INFRACTIONS ON THE BOARD'S WEBSITE

The Board will be posting severe infractions on the board's website. Severe infractions include revocations and suspensions of licenses.

Currently the Board is coming up with the format for adding this information to the website.

FACEBOOK

If you have a community event, upcoming CEU workshop, conference, or anything else you would like posted on the NCITLB Facebook page please send the information directly to NCITLB@caphill.com

QUESTIONS FOR THE BOARD

QUESTION 1

I am wanting to know why it is required to do 10 hours in a classroom setting? I love doing online and being able to watch it over and over and catch what I may have missed. If colleges let you get a full degree with online learning...why can't we do the same with our CEU'S? Thank You!

ANSWER 1

Interpreting is a face to face occupation. It is important that a portion of CEUs are obtained in a classroom to ensure interpreters are engaged in their profession. The guidelines for the amount of CEUs needed to renew are in the Rules that govern this Board.

QUESTION 2

I filed a complaint with NCITLB and was never interviewed about the complaint. The only response I got from NCITLB was that the complaint had been dismissed. I thought all complaints were investigated?

ANSWER 2

All complaints received by the Board are investigated thoroughly. The LRC members documents all interviews in writing and submit a report to the Board office for the complaint file. Once the investigation is complete the LRC meets to discuss all the facts and findings of the case. Then a determination of the aggravating and mitigating circumstances of the case and determines if the interpreter or transliterator involved should or should not be sanctioned.

QUESTION 3

I filed a complaint and learned from some other Deaf people that they had filed complaints against the same interpreter. How can the interpreter keep interpreting when many complaints have been filed? It seems a waste of time to file a complaint.

ANSWER 3

After investigating all complaints received by the Board the LRC makes a determination based on the information they have. The LRC can only impose penalties for substantiated infractions.

Just like in a court of law, a person is innocent until proven guilty.

QUESTION 4

Why are we not permitted to earn all of our ceu's online???. Sad we are still forced to burn gas in this day and age.

ANSWER 4

Interpreting is a face to face occupation. It is important that a portion of CEUs are obtained in a classroom to ensure interpreters are engaged in their profession. The guidelines for the amount of CEUs needed to renew are in the Rules that govern this Board.

QUESTION 5

Will you please offer a discount license renewal fee for age 55 and over? Many of us work less and paying \$150 is a hardship.

ANSWER 5

All fees for this Board are set by the statute (law). Other organizations that are membership based such as RID can change their fees, but because this Board is a State Agency any change in fees would require a statute change. The Board cannot have changes made to their own statute.

QUESTIONS FROM THE AUDIENCE

CONTACT US

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Website: www.NCITLB.org