

**NC Interpreter and Transliterater Licensing Board
Friday February 9, 2018 – Paragon Bank – Raleigh, NC**

1 Board Present: Bathany Hamm- Whitfield, Emily Pope, Pam Smith, Jeff Trader, Jaime Staley, Donnie
2 Dove, Jr, Kevin Earp, Kim Calabretta

3 Absent: Lauren Pruet

4 Board Staff Present: John Green and Caitlin Schwab-Falzone

5 Interpreters Present: Mark Lineberger, Kirk Fowler, and Sarah Wheeler

6 Members of the public present: Treva J. Haynes, Kirsten Corcoran, Sarah Searce, Stephanie Canipe,
7 Elizabeth Chapman, Rosanna Babore, Lakyia Jones, Kiyomi Stakley, Sheena Wisasky, Elice Evans, Lee
8 Williamson

9 Public Hearing Called to order at: 10:03 am

10 Bethany called the public hearing order regarding the proposed rule change.

11 *Floor was opened to comments:*

12 Treva Hanes stated she supported the idea of carry over (for CEUs). She had a question, what would be
13 the down side of allowing this?

14 Bethany: I do not think there is a positive or negative for this, and for the Board office we would have to
15 have the interpreters take ownership of this (reporting and tracking carry over CEUs).

Motion Feb 2018-01 (Dove/Trader) I move we close the public hearing Donnie, second Jeff. No discussion. All in favor. Motion Carries.

16 Public hearing closed at 10:26 am

17 John noted there will be a second public hearing on February 23 at 10 am at the bank. Public comment
18 period ends March 2, 2018. John gave a brief update on the rule making process.

19 Board meeting called to order at 10:30 am

20 With 8 members present we have a quorum.

21 *Conflict of interest statement read, and no conflicts heard.*

Welcome and Introductions

22 Each Board member went around and did their introductions. Bethany welcomed all the members of
23 the public present.

Approval of Minutes

24 Pam: Please review the minutes from October 27, 2017.

Motion Feb 2018-02 (Pope/Calabretta) I move we approve the meeting minutes from October 27, 2017 with edits Emily, second Kim. No discussion. All in favor. Motion Carries.

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Financial Report

1 Emily went over the balance sheet ending December 31, 2017. Emily discussed different line items on
2 the balance sheet. Expenses are down near \$30,000 from the budget.

3 Emily then moved on the financial audit for 2016-2017. Emily did an overview of the audit report. She
4 highlighted that income increased due to more initial licensing fees and more renewal fees being
5 received by the Board. We are in good financial shape at this point in time.

LRC Report

6 Pam gave an overview of the current LRC cases. We have completed all the extension requests at this
7 point. We do have a form people can use going forward, and we ran into some issues with people not
8 providing all the information that was needed. Currently we have three open investigations. We closed
9 one case since the last meeting, due to the complaint being withdrawn. We have had more complaints
10 coming in, and there has been a lot more investigations taking place.

11 Jaime and Pam have discussed the options for the LRC interviews between a hearing person and a deaf
12 person and have a possible procedure for hearing people who have no ASL experience to interview the
13 deaf consumer. They presented some possible options for this interview process to the Board.

14 The Board discussed the options that had been presented to them. Jeff had brought up possibly
15 contracting with an interpreter from another state to help with this.

16 John commented that an option would be to send the interview notes to the person that was
17 interviewed to review the notes and change anything if they didn't say that, or something along those
18 lines. John let the Board know they can change the LRC Standard Operating Procedures (SOPs) at any
19 time.

20 Kevin suggested using the interpreters who are present at the meeting today (Kirk Fowler, Mark
21 Lineberger, and Sarah Wheeler) for investigations if needed.

22 Pam: Usually the interviews are ASL to ASL and use face to face communications. I stand by the VRI and
23 I am looking at the perspective of the person who had a complaint filed against them.

24 John: Given confidentiality concerns, when we have our LRC meeting we have the interpreters present.
25 Kevin's idea of keeping a set of interpreters for the interviews would work out well. That would help to
26 keep the pool of people small. That's from a legal standpoint.

27 Bethany: I like what you have done here (on the information sheet Pam and Jaime came up with) but I
28 think this needs more work. I think we need to make a list of options for when special occasions arise
29 (when a hearing or non ASL using person does an interview) and figure out what the best options are at
30 that time. Could we get a Video Phone (VP) for the person who is doing the investigation? We need to
31 have different categories for people to determine what the best vehicle for communicating between
32 people are. If we have some guidelines in place, we can work from them.

Legal Update

33 John: The rule that the public hearing was on last time, it is the provisional licensing rule, the reason you
34 had to readopt it was because it was amended, and you received public comment. Under the
35 parameters of receiving public comment you must readopt the rule. Because it was amended in 2016

1 and we received public comment we must readopt it now. The Board has voted on this previously 3 or 4
2 times and we should be done with it after this.

Motion Feb 2018-03 (Pope/Smith) I move that the Board, following the close of the public comment period and with no public comment having been received, re-adopt the proposed Rule, Rule 21 NCAC 25 .0205 Emily, second Pam. No discussion. All in favor. Motion Carries.

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Motion Feb 2018-04 (Pope/Dove) I move that the Board authorize staff and legal counsel to submit the Rule, Rule 21 NCAC 25 .0205, to the Rules Review Commission for its review and re-adoption and take any related steps necessary to complete submission and review by the Rules Review Commission (RRC). No discussion. All in favor. Motion Carries.

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5 John: We will have to have a conference call regarding the rule we had a public hearing on today (CEU
6 rule), and we can get that rule pushed forward to be approved for this renewal season.

7 *Legal Update - JLAPOC meeting*

8 John: JLAPOC oversees occupational licensing boards and this is the same committee that has discussed
9 sunset/closing some of the occupational licensing boards. This meeting was unrelated to specifically
10 sunset licensing Boards, they heard on a variety of other topics. There was nothing relevant to this
11 Board specifically, but I will keep watching this and go to these meetings. There is some interest in
12 sunset with some legislators. The argument is that occupational licensing boards impede on the
13 economy.

14 *Legal Update - Insurance policy for the Board*

15 John: The reason for this is the dental board case (anti-trust case) and the legal fees that are incurred by
16 the Board if they do get sued for anti-trust. I spoke to an insurance agent and they let me know that the
17 insurance would be very expensive, and the company would be for higher risk, they do offer a million-
18 dollar policy, but the premium is \$9,000 a year and the deductible would be \$150,000. So, a \$1,000,000
19 of coverage, with a very large \$150,000 deductible.

20 Kevin asked about the possibility of sun setting happening.

21 John: We have no idea until something/a bill that gets filed about sunset taking place. We do not
22 know if a bill will be filed or what it will say. I have no way of knowing that. Grass roots support is very
23 helpful for this Board. When people that are the recipients of the services provided by licensees of the
24 Board then those people can communicate with their legislator. Nothing I am saying suggests we should
25 be on any one's list for closure. I certainly hope not.

26 Bethany: This whole topic came up due to the whole dental board case. Years ago, we didn't "score"
27 well according to the report the legislature did (PED report). The questions they asked were for the
28 health and safety of the public. Jan Withers, Jane Dolan, and I got together and submitted a response
29 from this Board and submitted the justification for this Board being in place for public safety. I think the
30 grass roots movement of Pat Hauser and Craig Blevins and having the interpreters in front of the
31 legislators, so they can see how the communication works, and that speaks more volumes than anything
32 else.

1 Pam: We must be careful how we represent ourselves here in North Carolina.
2 Grassroots support will be the most influential to the legislature than any others.

Central Office Report

NCITLB Central Office Report (as of February 8, 2018 at 2:00 PM)

Current Number of Licensees: 545

Grandfathered: 51 (9.4%)

Full: 335 (61.4%)

Provisional: 159 (29.2%)

Licenses issues since last Board meeting (October 27, 2017): 15

Full: 3

Qualified for licensure by:

RID Certification: 3 of 3 (100%)

Provisional: 12

Qualified for licensure by:

EIPA score of 3 or higher: 4 of 12 (33.4%)

2-year degree: 5 of 12 (41.6%)

DSDHH Mentor Program: 3 of 12 (25%)

Licenses Pending Issue: 0

Comments:

Office has not been very busy since renewal season ended. We currently are working on completing going through the rule making process.

Questions arose about different types of licensure, and qualifications for a Full license and a provisional license.

Public Forum 2018

Kim: I understand June 8 is the date for the meeting, what about location?

Bethany: Lets decide on the city and then we can decide the time. Does everyone want Greensboro? Raleigh? A central location like Greensboro makes sense. Are we all agreed on Greensboro?

Kim: We would need space for all day.

Bethany: I would suggest 6-8 pm for the forum time. Board meeting 10-3, LRC 3-430, then a break, and then the forum. Now Lauren, Pam, and Kim can find a location for all day. We will provide the interpreters, and we will make sure we have the information posted on our website, and to stakeholders who have asked for it. We as Board members can relay this information to our groups we represent.

1 Jeff: if we have the forum in Greensboro maybe we contact the deaf resource center their support for
2 the deaf consumers.

3 **Break for lunch 12:09 pm**

4 **Reconvened at 1:06 PM**

5 Bethany: NCRID asked me to bring something up to the Board. They wanted to know if we could have
6 two public forums. One for interpreters and one for deaf consumers.

7 The Board discussed the purpose of a public forum.

8 Kevin brought up a presentation that he and Donnie created, and let us know that they have been
9 travelling around the state to present this to deaf consumers. They have several places and meetings to
10 present this.

11 Bethany: The point of the public forum is for the public to come and give up their comments sand
12 feedback. As an Occupational Licensing Board (OLB) by law we must have at least one forum a year, so
13 the public can have a voice.

14 Kevin: I think this presentation is valuable and we take feedback from the public and answer questions.

15 Jeff: Can we ask why they want us to have two a year?

16 Bethany: I think this, is so we can have them in different locations.

17 Pam: I don't see any reason to separate the two groups of people (deaf and hearing people).

18 Jeff: I think we need more information from them, I need to know why they are requesting why they
19 want two separate forums.

20 Kevin: I think they don't understand the purpose of the forum to begin with. The purpose of the forum
21 is a listening session.

Alternate Complaint Resources

22 Caitlin: I have been trying to find something that will work for the Board and I have been running into
23 some road blocks about finding something that is cost effective and be sure it works the way we want it
24 to work. I will continue to research this and make sure I have several options for the Board.

EIPA Scores

25 Donnie: The EIPA 3.0 standard, is this something worth discussing and bumping it up to a 3.5? NA
26 qualification for a provisional license is a score of 3.0 or above on the EIPA.

27 Bethany: I know we have talked about this before, and I know DPI is on track to bump up the
28 requirements with DPI from a 3.0 to a 3.5 and then to a 4.0. Requiring more requirements at this time
29 in this atmosphere might hurt the Board.

30 John: The EIPA score is in the statute and would require going to the legislature to get that change.

31 Jaime: I just want to clarify a question, are you meaning you want DPI and their educational interpreters
32 to be increased from a 3.0 to a 3.5?

1 Donnie: Yes, to increase that score from a 3.0 to higher.

2 Jeff: If I understand correctly that is a minimum and it is for a provisional license. They need to work
 3 toward full licensure once they have a provisional license. We need to look at putting restrictions on
 4 provisional licenses.

5 Donnie: How do we do that?

6 John: Let me investigate that it might require a rule change.

7 Pam: Maybe instead of restrictions, we could require some type of mentorship program. In some
 8 settings they have mentorship programs for improving their skills.

9 John: I think this would require a change to the statute if you wanted to put restrictions on what a
 10 provisional licensee can do.

11 *Question about the licensee list and the list that DSDHH has.*

12 Bethany: Jaime were you able to talk to Lee Williamson about your licensure list question.

13 Lee Williamson: It is in our statute that we must maintain an up to date list of interpreters. What we
 14 have done is made it available on our website. We do separate them out by their qualifications.

15 Jaime: I noticed the DSDHH list is much more departmentalized.

16 Bethany: I think that their list is more broken out because they are trying to make sure people get the
 17 type of interpreter they need. The Board (NCITLB) does not match interpreters with jobs.

18 Jaime: Yes, but at the same time our role is to protect the consumer. We don't want someone to look
 19 for a court interpreter if they are looking for that specifically we don't want them to get the wrong
 20 interpreter.

21 Lee: We are working on getting a more specific list and breaking down the interpreters by classification
 22 and credentials. The Board could link the directory to their website.

Motion Feb 2018-05 (Dove, Hamm-Whitfield) I move that the Board website link to the DSDHH listing as a community reference to find interpreters, Donnie, second Bethany. No discussion. All in favor. Motion Carries.

23

Action Items

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#	Owner(s)	Description	Due date	Status
1	Pam(chair), Bethany & John	Ad hoc committee have the template for the disciplinary actions and how it will be posted on the website	February 9, 2018	
2	Donnie and Jeff w/John	Ad hoc committee to work with John about how to receive alternative complaint resources, and process for having the complaint transcribed.	February 9, 2018	

		<i>Caitlin to report back to the Board at the February meeting.</i>		
3	Pam & Jaime	Determine interview processes for deaf and hearing individuals for doing interviews for LRC investigations.	February 9, 2018	
4	Pam, Lauren and Kim	Ad Hoc committee to determine a location for the 2018 NCITLB Public Forum	February 9, 2018	
5	John Green	Research insurance for the Board and present findings and quotes at the February meeting.	February 9, 2018	
6	Bethany and Donnie	Bethany and Donnie sub committee to have open communication with DSDHH for community outreach.	On Going	On Going
7	Bethany & Caitlin	Update the Website as needed	On Going	On Going
8	Kim	Compile a list of meetings and events for Board members to attend.	On Going	On Going
9	Bethany, Jeff, and Donnie	Will write up the roles of SSP compared to Interpreter and will submit their work to the board for their feedback.	On Going	On Going
10	Jaime, Kevin, Jeff	Ad Hoc committee that will research what changes are needed to the licensure law, and what changes can be made to protect the complaint process.	On Going	On Going
11	Pam & Bethany	Ad hoc committee set up for work with DPI and helps go to meetings so they can work toward making the changes.	On going	On going

1

2 Action Item #1

3 Bethany: John made a template of what that could look like, and basically it just says disciplinary actions
 4 resulting in license revocation or suspension, it has name, town/city, revocation or suspension, offense,
 5 and effective date. We are at the point where we need to decide to go ahead and do something.

6 Kim: I'm just curious, how long would this stay on the website?

7 Bethany: We had not decided that, but if it's a revocation it should stay on their forever.

8 Jeff: I think we go ahead and put this as it is on the website.

9 John: Suspensions would come off the list after their suspension time frame is up. Revocations would
 10 be on the list forever. This would only apply to people who interpret in areas where they would be
 11 required to have a license. This would protect the public. This states truthful facts.

1 Kim: My question related to this is it is important for businesses and agencies to see if someone holds a
2 current license or if it suspended or revoked.

3 Donnie expressed his concern for public records and how they apply to complaints.

4 Kevin: I explained in Wilmington that their complaint can become public. If someone requests that
5 information regarding a complaint they can get that information.

6 John: Regarding public records, the items are not public until the case is finalized. During the
7 investigation those records are protected. If something is attorney client privileged that is not a public
8 record. A lot of the underlying information for a complaint is public record. I thought that was common
9 knowledge. Once the investigation is over then the records become public records, and anyone can
10 request them.

11 Kim: can you put a disclaimer on the complaint form or the website? Letting people know that their
12 complaint could become a public record.

13 John: We could possibly put something on the website. I would like to think about the best wording for
14 that disclaimer.

15 Bethany: Would the Board like John to work on the wording for a disclaimer so people are aware of the
16 public records law?

17 All "Yes".

18 Caitlin: This would only effect revocations and suspensions. This is not every complaint that comes in.
19 This would only post revocations and suspensions.

**Motion Feb 2018-06 (Trader/Smith) I move we adopt the disciplinary action resulting in a licensing
revocation or suspension template to be posted on the Board's website Jeff, second Pam. No
discussion. 6 in favor, 2 abstentions. Motion carries.**

20 Action Item #2 – on going, report in June

21 Action Item #3 – on going, report back in June.

22 Action Item # 4- on going, March 30 deadline, location date and time to be decided upon.

23 Action Item #5 – reported this morning.

24 Action Item #6-11 on going.

25 Action Items #8 – Kim has a list of some outreach and presentations that people have let her know. She
26 has a list of some events that she has found that could possibly be attended.

27 Bethany: Anything else? Just housekeeping, look for a call in the early March time frame for the
28 possible rule change. Late March look for Kim, Pam, and Lauren, to get specifics about the public forum.

**Motion Feb 2018-07 (Smith/Pope) I move we adjourn Pam, second Emily. No discussion. All in
favor. Motion Carries.**

29

30 Adjourned at 2:22 PM.