

**North Carolina Interpreter and Transliterater Licensing Board  
November 18, 2016 Board Meeting – Paragon Bank – Raleigh , NC**

1 Board Members Present: Bethany Hamm- Whitfield, Jeff Trader, Donnie Dove Jr, Emily Pope, Kevin Earp,  
2 Catherine Johnson, Lauren Pruett, Kim Calabretta (arrived at 10:36 am)

3 Board Members Absent: None

4 Board Staff Present: Caitlin Schwab and John Green

5 Interpreters: Mark Lineberger and Brian Tipton

6 Members of the General Public Present: Jodi Snelling, Sierra Willoughby, Lee Williamson, Jan Withers,  
7 Michael Stanford, Craig Blevins, Christa Copely

8 Called to order at 9:02 am

9 Conflict of interest statement read, no conflicts heard.

**Welcome and Introductions**

10 All Board members went around and introduced themselves.

**Approval of Minutes**

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**Motion Nov 2016-01 (Johnson/Pope) I move we accept the August 26, 2016 meeting minutes with suggested edits. Seconded by Emily. No discussion. All in favor. Motion Carries.**

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**LRC Report**

13 Catherine: We have had 1 case since the last Board meeting that was unsubstantiated, and we have 1  
14 case that is currently open and it is due to lack of professionalism, and we have had 31 renewal  
15 requests.

16 John: We have one matter that the original Licensure Review Committee (LRC) members have all  
17 recused themselves, and we need more LRC members. The LRC Standard Operating Procedures (SOPs)  
18 indicate that there needs to be an interpreter on the LRC. In order to ask a non interpreter we need to  
19 change the LRC SOPs, and we would need a motion to pass and change the SOPs to allow for a non  
20 interpreter to be on the LRC. The consumer has filed a few complaints, and we may need to have this in  
21 place for the future. The SOPs can be changed with a motion from the Board.

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**Motion Nov 2016-02 (Trader/Pruett) I move that we change the current LRC SOPs to allow non interpreters to sit on the LRC only in cases where conflict of interests are present for the current LRC members. Seconded by Lauren. No discussion. All in favor. Motion carries**

1 Bethany: What would happen if we can not get enough LRC members for this case?

2 John: I have thought about that, and with how this Board is made up, we should be able to staff at least  
3 2 people on the board. We have to make the initial decision that this complaint is valid or not. First the  
4 LRC has to make this determination, and then we could send it to the Office of Administrative Hearings  
5 (OAH), and then OAH can make a recommendation to the Board, and then if OAH makes a suggestion it  
6 comes back to this Board to make the final decision.

7 Emily: If I am eligible I would be glad to help on the LRC.

8 John: For all cases the Board always makes the final decision, all OAH can do is make a recommendation,  
9 and this Board would have to make the final decision in this case.

10 Bethany: I can officially appoint Emily to sit in on this case.

#### **Extension Request Matrix**

11 Catherine: We are going to be discussing the matrix during the LRC meeting later today. We wanted to  
12 have a matrix for people who ask for discretionary extensions so that people who know we want to see.

13 Bethany: This tool would help guide people in the extension request process. Please just make sure  
14 whatever the Board comes up with that John reviews it.

#### **Financial Report**

15 Emily: We are at the end of our fiscal year. Out of our total assets, our cash being up is due to the  
16 increase in renewals for the 2016-2017 renewal year, before September 30. If you look down in the  
17 deferring revenues, that money is the 16-17 renewal fees. If you will flip over to page 2, you can see our  
18 total income is pretty flush, a little more than last year. The only expense that jumped out to me was  
19 what we had budgeted and we have a lot left over for the website. We did not have to make any  
20 website changes. Our revenue was higher than budgeted, and we have a surplus of about \$8000. Any  
21 questions? There is an upcoming audit that will be done by an independent auditor.

#### **North Carolina Association of the Deaf (NCAD) President Remarks**

22 Craig Blevins: Thank you for allowing me to be here today. My hats off to the Board, having to deal with  
23 the moratorium through RID and the sunseting issue that has gone on this year. I have been talking to  
24 a lobbyist named Julie Schurk, I have met with her a couple weeks ago, and I am happy to say that she  
25 thinks that licensure seems safe for now. The JLPOEC might be dissolved as a committee, the chair of  
26 that committee has left (Hartsell), and also there will be redistricting. I am also here to suggest some  
27 improvements for licensees. We should make filing a complaint easier, and the interpreters should have  
28 the NCITLB website on their card, and they should have instructions on how to file a complaint. They

1 (consumers) should be able to send a compliment, as well as file a complaint. I don't see that  
2 information (violations/complaints filed) on the website, about what the interpreter is qualified to  
3 interpret. Maybe something to add to the website is where people can take a test. Interpreters should  
4 need to show their classification. People should be able to file complaints via video phone. Recently  
5 someone who was interpreting in a court room only had an EIPA level of a 1.5 or a 2.0 they are not  
6 qualified to interpret in a courtroom setting. Something else I want to bring up, is someone who has  
7 had a complaint filed against them, this item needs to be posted on the website. So we as consumers  
8 are aware of this. Infractions should be posted on the NCITLB website too. I do have one last thing, the  
9 issue of grievances through video, and I think that should be a priority in your discussion through the  
10 path of video. If you have any time that should be a priority of discussion. That is all I have, thank you  
11 very much.

12 Pam: Clarification, on the license, you want the website listed on the license?

13 Craig: No, on the business card, many businesses have this information on their business cards so that  
14 people can file complaints or say good things. I always ask for a business card when I have an  
15 interpreter, I always make sure my interpreters are qualified.

16 Kevin: To follow up on the business card, do people have this information on their license?

17 *(Jeff passed his license to Kevin to see the information on a current license)*

18 Jeff: The problem with the business card is the expiration date is not listed on it, and people could  
19 interpret and not have a valid license with just business cards.

20 Catherine: Can you elaborate on the giving compliments?

21 Craig: Yes, the legislatures need to see that there are good things going on in the community.

22 Pam: Craig, I just wanted to share with you, it says in the rules that interpreters need to show our card if  
23 we are asked. On the back of the license (from another state) it does have similar information. I think  
24 your suggestion is a good one.

25 Craig: We need to educate the deaf community, and the deaf consumer can ask to see the person's  
26 credentials.

27 Catherine: I as LRC chair it seems that there are some complaints coming in where the consumer could  
28 have spoken to the interpreter directly.

29 Bethany: Recommended course of action is that the person speaks to the interpreter, before they file a  
30 complaint, it is not required, but it is recommended.

31 Craig: Catherine I understand, there are some minor logistics that can be handled on the spot.

32 Kevin: I want to touch on several of your topics, and touch on the judicial system. Yesterday I was talking  
33 to someone in the court system on foreign language. If you look on the AOC system website, it refers to

1 DSDHH (Division of Services for the Deaf and Hard of Hearing ) and the AOC should be familiar with  
2 using that. That way people can explain what the requirements to interpret in a legal setting. People  
3 can always go to there local deaf resource center, and have the resource center help them file a  
4 complaint, these resources are available to the consumers. I'm not minimizing the issue, but their are  
5 other resources.

6 Bethany: It is important to differentiae what we as a Board can do within the law. There are certain  
7 things that we can implement, such as being able to know someone's credentials is probably not with in  
8 the purview of what this Board can do. We can work with DSDHH to work together to form partnerships  
9 to be able to strengthen the community. We appreciate you coming Craig, and we appreciate your  
10 comments, and we already have a sub committee talking about posting infractions on the website, and I  
11 would like to task that sub committee with possibly staying together to work on figuring out to file a  
12 complaint through video.

### Sole Source Contract

13 John: At the last meeting (August 2016) you approved the memorandum for a sole source contract, and  
14 the interim state purchasing officer denied it. Her reaction was that too many agencies have come to  
15 her and asked for this, and this does not create competition. We have a very good legal reason why this  
16 Board is entitled for a sole source contract. We want to have a meeting with her, and explain why we  
17 might need this contract, and to get just a one year extension, for now. Due to the potential of sun  
18 setting, it would be valuable if something was to happen, we will need our current administrator on  
19 board if this does happen. I am going to ask for an extension of one year, and at that point we can  
20 determine if we need to put the Board's contract out for bid.

21 Bethany: Then the contract might be able to be contracted through May of 2018?

22 John: Yes, if that is what the Board wants.

23 Bethany: I agree, I think our office and Caitlin do an excellent job, and it would be difficult to train all  
24 new staff if that were to happen. How would we have to get this going John?

25 John: Someone would have to make a motion that we ask for a one year extension instead of 3 years.

26 Bethany: Amend the original motion?

27 John: I can continue with what we have but just change it to a one year extension. I am prepared to  
28 have the bid documents ready if needed. If the one year extension is granted, we will still be back next  
29 fall 2017, and then we will have to get an RFP (request for proposal) ready.

30 Kevin: You have our support in this process.

31 Bethany: We all feel comfortable with you doing this for the Board John.

### Central Office Report

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**Current Number of Licensees: 513**

- Grandfathered: 54 (11%)
  - Full: 329 (64%)
  - Provisional: 130 (25%)
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**Licenses issues since last Board meeting (August 26, 2016): 20**

**Full : 9**

- Qualified for licensure by:*
- RID Certification: 9 of 9 (100%)

**Provisional: 11**

- Qualified for licensure by:*
- EIPA score of 3 or higher: 2 of 11 (18%)
- 2 year degree: 7 of 11 (64%)
- Accumulated Hours: 2 of 11 (18%)

**Licenses Pending Issue: 2 (both provisional)**

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**Provisional License Extension Requested (received during the 2016 renewal season): 31**

- First Extension Request: 17 of 31 (55%)
- Second Extension Request: 8 of 31 (26%)
- Third Extension Request: 6 of 31 (19%)

Bethany: Was this a “normal” licensure year renewal season?

Caitlin: Yes, we always lose some licensed interpreters and gain some. People move out of state and do not renew.

Kevin: Caitlin can you keep up with the categories based on how they there licensed, what their credentials are?

Caitlin: I have a record of what they qualified for licensure under but it is not specific for specific credentials.

Kevin: Related to what Craig brought up, I wanted to document what the credentials are.

Caitlin: This is something I could compile if the Board wants me to.

**JLAPOC December Meeting**

John: We have the been informed of this December meeting, and the committee will be inviting the Boards they are thinking of sunseting, so that Boards can plead their case. We have not received an

1 invitation to come talk to them. During the last meeting they wanted this board to send a  
2 representative to them for the Board to plead their case.

3 Bethany: What is the date and time of the meeting?

4 John: December 6 at 10 am.

5 Bethany: Do you think that we will get an invitation to attend this meeting?

6 John: I can't say they are not going to do it, but I do not know them well enough to know what they are  
7 planning on doing. It should be someone from this Board, I would enjoy speaking from this Board, but I  
8 think it should be someone who is on this Board, and knows the community better. I also hope that  
9 members of the Deaf community will also attend, and that is the grass roots support this Board needs.  
10 As soon as I know something I will let the rest of the Board know.

11 Bethany: Are all the committee meetings open to the public?

12 John: Yes.

13 Bethany: So even if we are not asked to speak we can still go and be part of the meeting and be part of  
14 the process.

15 Pam: I am available.

16 John: I will keep my eye on it, and if it is cancelled or if something changes I will keep the Board  
17 informed.

18 Bethany: If we find out that people are able to speak we will let everyone know.

19 John: I will keep you informed.

20 *Break at 10:29 am*

21 *Reconvened at 10:48 am*

**NCRID June Conference 2017**

22 Bethany: NCRID has asked us to come back again this year. They wanted to ask for a slight change in the  
23 agenda, so that people from the community could come and be part of the meeting. Potentially having  
24 the Board meeting early in the day, and then the forum that evening from around 6-8 pm. This is not set  
25 in stone, but we will know more soon. The conference is June 22-24 in Winston Salem. We will be there  
26 for the Board meeting on June 22, and then the forum would be the evening of the 22. Once I have all  
27 the information I will let you know what the plans are. NCRID will be in contact with you Caitlin about  
28 the different items required for this.

**RID Update**

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2 Bethany: I have been using the CASLI website, because the RID website does not have that much  
3 information. According to the CASLI website they will have several test sites available for people to be  
4 able to go take the NIC. They have the capacity to handle the people who have been waiting to take the  
5 NIC. RID/CASLI is extending the deadline for people who have taken the test but were unable to test  
6 due to the moratorium. CASLI just hired a new director, and she has a lot of experience. People would  
7 be able to get online and register for the test. The only thing that I have noticed is that you take the test  
8 through CASLI, and then you take your results to RID, and then RID given you your credentials. RID is no  
9 longer accepting the EIPA 4 or above to earn a credential. Again, the website is [www.CASLI.org](http://www.CASLI.org), and  
10 they do have a lot of FAQs.

### Periodic Rules Review

11 John: To recap, back in August we went over the first part of what we are supposed to do for periodic  
12 rules review. All Boards and commission with rules need to determine if all of their rules are necessary,  
13 and if they are not necessary they expire. Every 6-7 years this Board will have to look at its rules, and  
14 determine that all the rules are necessary. We determined the rules are necessary, necessary with  
15 public interest, or necessary without public interest. The only rule that was determined necessary with  
16 public interest was the new rule about the extension of the provisional license due to the moratorium.  
17 We had to put the rules up for public comment, and we did that for 60 days. We have received public  
18 comment, and what we need to do now as a Board is, to add to the rules that we received comment on  
19 that we say they are necessary with public interest. We should respond to all the public comments. You  
20 can not change the most recently changed rule. What we need to do is review the public comment and  
21 decide how you wish to respond, and that response will be drafted by Caitlin or myself, and then we will  
22 send that out. After we do the public comments we will look at the rules and determine if the rules are  
23 necessary with public comment or without public comment.

24 Bethany: For the comments we received; can we make the changes that people are suggesting?

25 John: At this time if you want to amend it, you can do that now and work up that process, or we can do  
26 that in February. For this purpose today, we need to review all the rules and get this into the RRC (rules  
27 review commission) , you have some time, but we need to get this information to the RRC. If you see  
28 comments that are made that are good ideas, you can start the rule making process. I would  
29 recommend the Board finish this process of reviewing the rules, and then start on amending the rules (if  
30 needed or desired) once this rules review process is done.

31 *The board reviewed the public comments that were received*

32 John: We need to respond to the comment first. My legal advice is that the two comments are the ones  
33 from Martha Ingel and Paul Gillespie. They don't come right out and object to this rule, but out an  
34 abundance of caution, treated those two comments like an objection, and should be responded to. You  
35 need to decide if you want to review any rule changes in the future, or what you want to do.

1 John: We will get to the rules being necessary with public comment, or necessary with out public  
2 comment.

3 Bethany: Do we feel strongly as it is, that at least 10 CEUs should be done in an in person setting.

4 Jeff: I think we should leave this up to the individual, some people prefer going to classes while other  
5 prefer online.

6 Donnie: Times are changes, there are a lot of online degrees, and there are more classes on line, and we  
7 need to be open to this change.

8 Kevin: I think there is something to be said for in person training, you are able to socialize, you are able  
9 to pick up other signing styles. The online workshops sometimes its hard to tell how well they are done,  
10 and again its mixed feelings.

11 Kim: I am looking at everyone point of view, there is a lot of online training, is there someone on the  
12 other end of the course teaching you, is it interactive?

13 Bethany: Some courses are and some courses are not.

14 Lauren: Face to face class or workshop does not mean you are interpreting or participating.

15 John: The legal stand point is that the reason is your hands on experience with this. I am not seeing a  
16 conflict of interest with the ethics rule, if the rule was more to benefit one of your directly then yes, you  
17 would have to recuse yourself. I'm willing to provide you with my legal opinion that no one has stated a  
18 conflict of interest that would disqualify him/her from this matter.

19 Bethany: Do we all feel comfortable responding, and these comments are being taken into  
20 consideration.

21 Kevin: I want to make a clarification, we need to make sure its not just from interpreters. Deaf  
22 consumers should be able to make these comments as well.

23 Bethany: That's a good point Kevin and we can look into that, but for now we need to determine how to  
24 respond.

**Motion Nov 2016- 03 (Hamm-Whitfield/Smith) I move that we respond to these public comments and let them know their concern is duly noted, and considered by the Board, and that the Board will gather more public input to later determine an amendment to this rule. Seconded by Pam. No Discussion. All in Favor. Motion Carries.**

25 Bethany: How should we respond to the other two public comments we received form Craig Blevins, and  
26 Jamie Marshall?



1 John: Each of these comments will be sent to the RRC, and they will review them, and the RRC will  
2 review these items, and they will be very meticulous with this. The response should be the response  
3 from the Board.

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**Motion Nov 2016- 04 (Johnson/Trader) I move that we respond to Craig Blevins and Jamie Marshall that their comments were duly noted and considered by the Board. We are researching there suggestions currently. Seconded by Jeff. No discussion. All in favor. Motion Carries.**

6 John: The only rule I saw that had public comment was that one rule would be necessary with public  
7 interest. The other one that would be necessary with public interest would the one back in August,  
8 0205 and 0501 would be necessary with public interest and the rest would be necessary with out public  
9 interest.

**Motion Nov 2016- 05 (Pope/Johnson) I move to designate rules 21 NCAC 25 0205 and 0501 as necessary with public interest, and the remainder of the rules in 21 NCAC 25 as necessary with out substantive public interest. Seconded by Catherine, *discussion on clarification between what the legal terms for necessary with public interest and necessary without public interest really mean*, All in favor. Motion carries.**

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**Motion Nov 2016- 06 (Hamm-Whitfield/ Earp) I move that we authorize staff including legal counsel prepare, and submit the required report to the rules review commission along with the public comments, the boards responses to the comments, and any other documents necessary for the RRC review of the Boards Rules, and to take all steps required or in the interests of the Board for the RRC to review the rules for approval. Seconded by Kevin. No discussion. All in favor. Motion Carries.**

11 Break at 12:02 pm for lunch.

12 Reconvened at 12:52 PM

**Review of Action Items**

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<b>Owner</b>	<b>Description</b>	<b>Due date</b>	<b>Status</b>
Catherine, Pam, and Donnie	Develop a matrix for licenses that we can combine with the Rules Review Commission additions.	November 18	Draft to be presented at February 2017 meeting.
Caitlin	Compile data on provisional licensees and how many extensions each has had, and how many extension requests	November 18	Complete

	have been received.		
Pam(chair), Catherine, Bethany	Ad hoc committee have the disciplinary actions for website details worked out, and what will be posted on the website	November 18	See notes below.
Bethany & Caitlin	Update the Website as needed	On going	On going
Kim	Compile a list of meetings and events for Board members to attend.	On Going	On going
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
Catherine (chair), 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
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

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2 ***In regard to Ad hoc committee researching changes needed***

3 Catherine: Researched licenses in other states, and looked at what other provisional licenses involved. I  
 4 thought we would each talk about what we noticed in our research. NC is the one state with the most  
 5 flexible provisional license. Also several states that I personally liked had different levels of provisional  
 6 license. There were different requirements for each level. As you got more experience you could move  
 7 up to a different level of license.

8 Kevin: One thing I noticed some information was hard to interpret what they were saying. There were  
 9 two separate pieces, for community and educational. There are some states that do not require  
 10 anything for educational interpreting. Catherine, you mentioned provisional, I like what Kentucky did,  
 11 they had a program book available on line, the information is out there and sometime it is hard to find. I  
 12 believe there are some areas that we need to attend to. I do believe once we put everything together  
 13 we will have a better understanding of what we should be doing. I am talking specially about  
 14 educational interpreters, and the requirements to be an educational interpreter.

15 Jeff: What I noticed from the research, and there are different levels and what jobs you can take before  
 16 with the levels. Before NC had the NCICS and what the different levels could take different jobs. I know  
 17 currently DSDHH is working on a mentor program, and we could partner with other agencies, and it's a  
 18 matter of what we want to do with the current license. I do like the level idea, with the understanding  
 19 that you do still need to apply to the code of ethics.

20 Catherine: We have not come to a point to discuss how to change the law, and what steps we need to  
 21 take.

1 John: If you are going to change anything I would recommend all at once, if any changes. I would  
2 recommend looking at the long term. I would recommend a statutory change in the provisional, and the  
3 process of amending the statute, the Board would have to go to a legislature, and get a bill supported.

4 Bethany: Something that was cautioned to us, is that we as a Board don't make the changes, but that we  
5 recommend any changes.

6 John: Once you introduce the idea of changing your laws, you are putting that law in front of that  
7 legislature, and that could spark there interest in the laws.

8 Catherine: If we as a committee come together and have a couple of ideas we would like to see happen,  
9 after all of our research, is that a logical next step for this?

10 John: At this point we can look at what is a law change and what is a rule change.

11 ***In regard to DPI Topic***

12 Bethany: Our contact, Rachel Ragin, is not longer at DPI and we will work on finding a new contact  
13 person at DPI.

14 ***In regard to Older business***

15 Bethany: I do want to circle back to the point that was made earlier today. Why can't we take in  
16 recorded complaints so that people can file a complaint in their native language?

17 John: We would need someone to transcribe that complaint, and that video would become public  
18 record. It is not a confidential document, we have to be able to handle these videos for public records.  
19 The issues I m bring up, the technology hurdles, the transcription cost, the storage costs.

20 Bethany: What is were to hire an interpreter to come in and transcribe the videos on an as needed  
21 bases?

22 John: As long as there is an affidavit that they have transcribed something to be accurate and true. We  
23 will want to make sure everyone involved knows it is accurately described.

24 Bethany: We want to make sure we have a redundancy system in place, and make sure we are getting  
25 an accurate report.

26 John: We could send the report back to the person filing the complaint, and that way we can make sure  
27 that the person who filed the complaint was transcribed correctly.

28 Bethany: This is something the Board will have to decide on. I think this needs to be a priority. It is  
29 important for people to use their first language. Was there any thing else that we need to address with  
30 Craig's concerns.

31 Pam: What about the business card, and the person's skill?

1 ***In regard to Posting Infractions on the Board's Website***

2 Pam showed her PowerPoint and reviewed the different states and what they have on the website.  
3 (Include this in the minutes).

4 Kevin: What is the worst thing this Board has ever fined an interpreter for?

5 John: I have only been part of this board for 13 months, and most of the complaints are performance  
6 based.

7 Catherine: Interpreting with out a license, probably the worst one I know of.

8 Kevin: SO looking at it from a positive light. I can see the positive and the negatives of both.

9 Catherine: At the last Board meeting, the Board wasn't all in favor of it, and then with Craig' comments  
10 today it seemed that they are very much in favor of doing it.

11 Kevin: We think about it more and post pone it to the next meeting (Feb 2017).

12 Bethany: It will be first on the agenda in February 2017.

<p><b>Motion Nov 2016- 07 (Trader/Hamm-Whitfield) I move we adjourn the meeting. Seconded by Bethany. No discussion. All in favor. Motion carries.</b></p>
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14 **Adjourned at 2:06 pm.**