

**North Carolina Interpreter and Transliterater Licensing Board
August 26, 2016 Board Meeting – Paragon Bank – Raleigh , NC**

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2 Board Members Present: Bethany Hamm- Whitfield, Jeff Trader, Donnie Dove Jr, Emily Pope, Kevin Earp,
3 Catherine Johnson, Lauren Pruett, Kim Calabretta

4 Board Members Absent: Pam Smith

5 Interpreters: Mark Lineberger and Karen Magoon

6 Called to order at 9:01 am

7 Conflict of interest statement read, no conflicts heard

8 Bethany: We will have a flexible agenda.

Approval of Minutes

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Motion Aug 2016-01 (Earp/Trader) I move we accept the minutes from the Board meeting in June with edits. Seconded by Jeff. No Discussion. All in Favor. Motion Carries.

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LRC Report

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12 Catherine: We are meeting after this meeting. Currently LRC has 3 extension requests, 1 case for
13 interpreting with out a license, and 1 for unprofessionalism.

14 Bethany: Was the LRC been able to meet in June after the Board meeting?

15 Catherine: Yes, but there are no updates on the cases from June.

Financial Report

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17 Emily: On the balance sheet if you look down to the total liabilities, you will see we are in a stable
18 position. You will see our cash is up close to \$14,000 more this year. Profit and loss versus actual, our
19 expenses are down about \$20,000 total, and if you look also and the profit and loss year to date
20 comparison, you will see here our expenses are near flush, and our income is slightly down if we
21 compare year to year. Any questions?

22 Donnie: So the cash on hand will increase going forward with renewals going forward?

1 Emily: Yes, with renewals coming in.

2 Kevin: We have over \$100,000 what are we doing with it.

3 Bethany: I know that money goes toward fees we pay, for legal services and management fee, but we
4 can get you that information if you would like to see it.

5 Catherine: I do recall that at my first board meeting that we needed a cushion in case we have any legal
6 actions against us.

7 John: You have to go to the legislature to set you fees, and it is not uncommon for Boards to have a
8 “cushion” like this, and that money can be depleted, and in order to get more money you have to ask for
9 a fee increase, and that takes time.

10 Jeff: Just speaking of the sunset, what happens to that money if we are sunset?

11 John: The Legislature gets it.

12 Jeff: Just to follow up on that what happens to the deferred money, would people get their money
13 back?

14 John: Yes, there could be a rebate. I am talking in general and not about this board.

15 Kevin: I was wondering if we would be addressing the sunset issue at some point today. The proposal
16 for the sunseting died in committee so there was never a formal vote had on it. So for it to come back
17 next year it would need to be redrafted and resubmitted for approval. Right now there is no bill or
18 proposal out there in regard to sunseting this board.

19 Kim: I am looking at legal services and fees, why is that so high?

20 Bethany: John sits in on our meetings, LRC meetings, drafting rules, and getting legal opinions, and other
21 services John provides.

22 John: We had about 6 pending enforcement cases when I came on, and we had rules revisions, and
23 frankly I don’t bill the complete time that I spend, and I try to knock it back a bit. It’s handling day in and
24 day, and legal questions. We have some continued legal work to do.

25 Caitlin: Our budget runs from October 1- September 30 just so that some of these numbers might be put
26 in better perspective.

Sole Source Contract

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28 John: We have a contract with Capitol Hill Management Services (CHMS), and that contract expires in
29 May 2017. The Board needs to do one of a few things. The Board needs to put out an RFP, or they can
30 do a sole source contract. I was put on task of researching a sole source contract, and how that works is

1 the state has a process for the sole source contract. The state recognizes that not every commodity can
2 come from different vendors all the time. You can ask the State purchasing officer for permission to
3 seek a sole source. Caitlin has done a great job, and we want to ask for a sole source of staying with the
4 company Caitlin works for. The next step in this process would be to get this contract approved to be
5 submitted for the State purchasing officer to approve. Then we negotiate with Capitol Hill to deem if we
6 can have a contract that could be signed. In the contract there is history that will help educate the state
7 purchasing officers, because they probably do not know much about this board. I give a background
8 about the operations, and if you want to take a few minutes to read this.

9 Kevin: This contract would be good for up to 3 years?

10 John: Yes.

11 **See attached contract (attachment A)**

12 Jeff: Just had a question, with CHMS work with other clients or just us?

13 Caitlin: CHMS is full service Management Company, and we work with several clients. I work with four
14 total clients, and handle the day to day for every client.

15 Donnie: So if we agree to this it will be a 3 year term? Can we do this contract again, or do we open it
16 up for bids again?

17 John: It depends on what the state purchasing officer approves. If everything goes forward, about 10
18 months before it expires, the Board would look at what they wanted to do, and whatever the Board at
19 the time wants to do.

20 Kevin: If we are requesting 3 years of sole course, could we add a 2 year arm?

21 John: You could ask for it, and I think the answer back would be to go 3 years, and come back to us. The
22 purpose is to encourage competition.

23 Jeff: If we do decide to go with a 3 year term, can the term be terminated with in that 3 years if the
24 Board wanted to do that?

25 John: My first and for most provision is to include a termination for convenience clause, and also we put
26 in a termination for breach, and we can terminate for those two reasons if needed.

27 Bethany: One of the reasons why I wanted to see this happen is that Caitlin does such a good job for us.
28 Because our field is so specialized and our profession is so specialized, and it would take time and
29 money to retrain someone else if we did put out an RFP.

Motion Aug 2016- 02 – (Dove/ Earp) I move that we accept this document and authorize the next steps in the process to seek a sole source contract. Seconded by Kevin. No discussion. All in favor. Motion carries.

1 John: What I plan to do is take this to the state purchasing officer, and they will let me know if it is
2 approved, and I will send out an email to the board and let you know. If they give us approval, I will talk
3 to Caitlin's boss, Ralph Bizzarro, and that contract would come back at the November meeting, and if it
4 is not ready then we will have it at the February meeting.

5 Donnie: I do want thank Caitlin and her management of this Board and being so timely with her
6 responses.

Central Office Report

7 *Include report here.*

8 Caitlin:

9 Current Licensees- 531

10 Licenses Issued since last meeting – 8

11 Full licenses- 4 (All RID certifications)

12 Provisional Licenses- 4 (1- 2 year degree, 3- EIPA scores)

13 Currently pending licenses- 3 (1 provisional and 2 full)

14 Currently renewed: 68/531

15 Current Extension requests – 3

16 Caitlin: As I just told you we have only received 68 renewals. I am anticipating that September
17 will be a very busy month for renewals. Does anyone have any questions?

18 Kevin: What are the qualifications for the a provisional license?

19 Caitlin: You can have 1 of 9 qualifications. Most people qualify with a 2 year degree or an EIPA score.

20 Donnie: So now clarification on that, meaning basically anyone with a high school diploma and an EIPA
21 score of 3 or above could be licensed?

22 Bethany: I would have to look up the EIPA requirements.

23 **Break 9:54 am.**

24 **Reconvened at 10:14 am**

Proposed Meeting Dates for 2017

25

26 *I can reach out to the governor's office, and speaker of the house office, and figure out how to get*
27 *people reappointed.*

28 February 2017 - February 24, 2017

29 June (NCRID conference) - June 22-24, 2017 in Winston Salem

1 August 2017 - August 25, 2017

2 November 2017 - November 3, 2017

Periodic Rules Review

3

4 John: Rules are set to expire next June (2017). We have to have a rules review and make sure all of our
5 rules are necessary. Caitlin had to verify our current rules are correct. Now we have to classify our rules
6 as unnecessary, necessary with public interest, or necessary without public interest. We only have one
7 rule that falls into the necessary with public interest is .0205. What we need to do today is review the
8 rules, and decide what category the rules fall into. Once we make that determination, a report is sent to
9 the Rules Review Commission (RRC) the agency is to post these rules to the their website. Caitlin will
10 notify people on our contact list. People have 60 days to review the report. At that point we can revise
11 the rules, or not, or was can readopt the rules, and then the RRC can approve, disapprove or change the
12 rules, and ultimately the rules that you want are adopted and they go on for another 10 years. This is
13 not a frequent occurrence. It is a very involved process, for the purposes today all you have to do is
14 decided, necessary or unnecessary.

15 Lauren: I have a question about if there are pieces of rules that need to be clarified or wording changed,
16 when does that happen in the process?

17 John: That would be an amendment process, like in the .0205, that would be through an amendment.
18 We are talking about the rules not the statute. We as a Board we are not allowed to change our statute,
19 that is the legislature who changes the statue.

20 Bethany: John, should we proceed rule by rule?

21 John: It depends on what the board wants to do. You do have to consider all the rules.

22 ***Board reviewed all of the current rules in 21 NCAC 25.***

23 Discussion of the rules.

24 Bethany: We need to determine where all of our rules fall under. Necessary with public comment,
25 unnecessary, or necessary with no public comment.

26 John: The choice for .0205 is for necessary or unnecessary. Unnecessary means that this specific rule is
27 going to go away. It will expire and it will not be in there as of July 2017, if you choose it to be
28 unnecessary.

29 Kevin: So we need .0205?

30 John: That is up to the Board. The RRC says that if you have received public comment on the rule in the
31 last 2 years.

1 Bethany: So we need to decide if all these rules are necessary or not necessary.

Motion Aug 2016-03 (Hamm-Whitfield/Trader): I move that the Board classify Rule 21 NCAC 25 .0205 as “necessary with substantive public interest”. Seconded by Jeff. No Discussion. All in Favor. Motion Carries.

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3 John: Now the choice is to determine is what the other rules are necessary or unnecessary.

Motion Aug 2016-04 (Trader/Pruett) I move that the Board classify all of the Rules in 21 NCAC 25 other than 21 NCAC 25 .0205 as “necessary without substantive public interest.”Seconded by Lauren. No Discussion. All in favor. Motion Carries.

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5 Bethany: There will be 60 days of public comment of these rules.

Motion Aug 2016-05 (Hamm-Whitfield/Pope) I move that the Board’s staff draft the report to the Rules Review Commission reflecting the Board’s classifications of its Rules, submit that report to the RRC, post that report on the Board’s website for public comment, notify interested persons, and undertake all other steps necessary for the Board to be in a position during its next regularly scheduled meeting to review and respond to any public comment. Seconded by Emily. No discussion. All in favor. Motion Carries.

6

7 Donnie: So how do we limit the extensions? In the Boards time have we denied any extensions?

8 Caitlin: Donnie, we have not denied many because interpreters know that they have a limit to how many
9 extensions they can get, and then they don’t ask for the extension, because they know they have
10 reached the limit on the provisional license. So that is why we have not denied many people because
11 they know they have reached the limit, and that they cannot ask for another provisional extension.

12 John: We have a US Supreme Court decision of when you have members of the business community
13 regulating themselves they are open to anti trust liability. That is a long way of saying if 3 out of 3
14 members of the LRC are interpreters , then you might not have anti trust immunity for this. We were
15 hoping that the General assembly would have approved something like this, but they have not yet
16 approved this fix yet. There last bill had an amendment to it was to sunset this bill, and that would not
17 have been good for us. We have to wait for legislative action. If you have no licensed interpreters on
18 the LRC then yes is does make a difference. It’s not a good position for the Board to be in right now. I
19 am not saying that there is anything to an anti trust suit, I am just being very prudent in trying to say
20 that a court could say that you do not have anti trust immunity, and I am not saying they will.

21 Bethany: I think what Donnie was asking was specifically was should we switch out LRC members, so
22 that they are all not licensed interpreters, as a protection against anti trust.

1 John: That is a complicated answer because if we change out LRC, and a decision comes back to the
2 board for appeal it comes to the entire Board, and then we are in the arena of many of the board
3 members of the board who are interpreters. The board needs to do their job and look at the
4 qualifications of the people who are asking for these extensions. Are we rubber stamping everything?
5 No. The licensee will still have to have the required qualifications. I would recommend extreme
6 caution with an extension regarding matters of discretion due to the current environment out there
7 now. We are waiting for that to happen when the new legislature comes. I can not say yes to rubber
8 stamping everything.

9 **Break for lunch 11:55**

10 **Reconvened at 12:38 PM**

RID Update

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12 Bethany: I tried to get information off the RID website, and Josh Pennise sent my to the CASLI website
13 (spin off for the testing). My question was what was the process for getting scheduled. The process for
14 the knowledge NIC portion will be available now, and the performance part of the exam will not be
15 available until September, and once September is here those test sites will be accepting applications. In
16 order to provide a stream line methods, RID has hired a full time testing company. Moratorium was
17 lifted in July 2016, but RID will be working on getting everything ready so that people can sit for the
18 exam. CASLI will be headquartered with RID. There will still be a awaiting period to reapply before you
19 can retest. Your certification will still be managed through RID, CASLI will only be responsible for the
20 testing protocol. On the RID website, they talk a lot about the CDI and The NIC, what is different now
21 versus then. One reason for the moratorium was the pass fail rate, and the pass rate being really low.
22 The reason they decided to do the moratorium, and that RID was spending so much money to
23 administer each test. Now RID has handed over testing to the LLC. If you want to read more I can give
24 you the website information. There are 75 FAQs. They have a CDI test development plan, their goal to
25 start with the initial stages of CDI, fiscal year 2017. They are looking at a new target date of 2018 for the
26 CDI to be available. I had a separate question for Josh, and that is many interpreters are going through
27 EIPA and get a 4, and go through RID to get a certification. From what I know that RID is no longer
28 accepting the EIPA score of a 4. They are going to continue doing the NIC, and the NIC has another 2
29 years on its life cycle. They will redo the NIC after this life cycle is done. They are looking into if the test
30 has any inherent flaws.

31 Donnie: The NIC test is pass /fail like the CDI?

32 Bethany: Yes, the NIC is pass/ fail.

33 Jeff: When the NIC testing runs out in 2 years, the test will be under the RID umbrella, and we wont have
34 to change anything in the law or the rules.

Review of Action Items

1

#	Owner	Description	Due date	Status
	Catherine, Pam, and Donnie	Develop a matrix for licenses that we can combine with the Rules Review Commission additions.	November 18	On going
	Caitlin	Compile data on provisional licensees and how many extensions each has had, and how many extension requests have been received.	August 26 (update) November 18 (final report)	Gave an update during central office report. Will give final report in November.
	Pam(chair), Catherine, Bethany	Ad hoc committee have the disciplinary actions for website details worked out, and what will be posted on the website	August 26	Tabled until November 2016 meeting
	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, John will be looking into how the statute defines interpreting. Due November.
	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, we have a Google doc, and we can all the requirements for the provisional license to the Board by November 18.
	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

2

1 Bethany: I know we do have a few events that Board members have been asked to present at, and as
2 more events come up we will be able to determine who can go to which events.

3 Jeff: (In regard to the roles of SSP) We did a presentation and we have a matrix already set, and it shows
4 how different roles fit into that matrix.

5 Bethany I would like to meet with John to make sure that we are matching these roles with what the
6 statute says.

7 John : *read from the statue the definition of interpreting.*

8 Jeff: So if the SSP is copy signing, that is not interpreting, based on what the statue says. So are we
9 saying that would be permitted.

10 John: Lets look at what is prohibited.

11 Jeff: Just to follow up, that SSPs have tried that in the past, that has been deemed interpreting.

12 John: *Read from 90D-4.*

13 Jeff: So by definition SSPs are not in violation? I have always believed we need an exemption for the
14 roles of SSPs.

15 John: It is when the person has been paid to interpret, or receiving another consideration, that is
16 interpreting.

17 Bethany: We have to work with what we have. If what we have needs to be strengthened then we can
18 work on that, but every situation can be very different. I agree with John, we have to look at everything
19 on a case by case basis.

20 John: Continued discussion needs to be had on this matter, what an SSP does compared to what an
21 interpreter does.

22 Catherine: (in regard to other states and what they are doing with licensure). We are looking into other
23 states to see what they require for interpreters to be licensed.

24 Lauren: I am working with DPI in a matter like this, and I would be happy to send this information along
25 to your ad hoc committee.

26 Kim: I just want to clarify my role with my action item.

27 Caitlin: Usually when people ask for a Board members to speak at an event I will handle that. Your role
28 is to compile a list of the smaller events, and for everyone to send you the dates they know of and have
29 a list of those events.

1 Bethany: (action item for adhoc committee for infractions posted online). My question is to get some
2 guidance from this Board. How long do these infractions stay on the Board website, or what do we
3 post? Do we have a search mechanism, or do we just want to post basic information?

4 Lauren: My thoughts on that are if we were to post things on the website, I would prefer a search
5 mechanism.

6 Caitlin: If the board wants to do that I will have to look into being able to have a search mechanism on
7 the current website.

8 Donnie: The previous board brought this up and they felt strongly about it.

9 Bethany: Yes, other boards have this sort of thing on their website. The subcommittee has had a hard
10 time determining what they need to post. We have to be careful with what we post. We don't have the
11 ability to redact letters, and what the form we would want posted.

12 Donnie: What are the benefits of having that posted? I don't see the benefits of posting those
13 infractions.

14 Catherine: I know the idea of posting this information was so that interpreters would be held
15 accountable for what they do, and take their roles very seriously.

16 John: from a legal stand point, the safer route is to have a rule about posting this information. That way
17 it should be a matter of fact, putting the decision letter on the website would be best. The length of
18 time is another thing, a rule would help discern what can be posted and what is posted.

19 Donnie: Does RID post infractions?

20 Bethany: They do, they used to put it in the newsletter.

21 Donnie: Let's table this to the next meeting.

<p>Motion Aug 2016-05 (Johnson/Dove) I move we adjourn this meeting of the NCITLB. Seconded by Donnie. No Discussion. All in Favor. Motion carries.</p>
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23 Adjourned at 1:45 PM.

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