

**NC Interpreter and Transliterater Licensing Board  
Friday June 8, 2018 – UNC – Greensboro, NC**

1 Board Present: Bethany Hamm- Whitfield, Pam Smith, Jeff Trader, Jaime Staley, Donnie Dove, Jr, Kevin  
2 Earp, Lauren Pruett (arrived at 1:15 pm)

3 Absent: Kim Calabretta, Emily Pope

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

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

6 General Public Present: Kirsten Corcoran, Lee Williamson, Belinda Earp, Pat Hauser

7 Called to order at 10:13 am

8 With 6 Board members present we have a quorum.

9 *Conflict of interest statement read, no conflicts heard.*

**Welcome and Introductions**

10 All Board members went around and introduced themselves.

**Approval of Minutes**

11 Pam: Please review the minutes from the February 2018 Board meeting.

**Motion June 2018-01 (Trader/Earp) I move we accept the minutes from February 9, 2018 with suggested edits Jeff, second Kevin. No discussion. All in favor. Motion carries.**

12 Pam: Please also review the minutes from the March 16, 2018 conference call.

**Motion June 2018-02 (Dove/Earp) I move we accept the minutes from March 16, 2018 as written Donnie, second Kevin. No discussion. All in favor. Motion carries**

13

**LRC Report**

14 Pam: We have had 2 conference calls since our last Board meeting, there is one case that is pending, we  
15 will discuss this case today after this meeting. Caitlin worked on the complaint form to help clarify the  
16 questions on the form, to make sure we get all the necessary information. (Caitlin noted the form was in  
17 the packet for the Board's review).

18 The Board members discussed the complaint form and various ways to submit the form. Submitting  
19 complaints as a video were discussed and options for uploading this information to the website were  
20 discussed. Jeff pointed out this is an action item that is a work in progress. This action item will remain  
21 open and will be discussed more at the August meeting.

22 Bethany: Have any cases been closed since the last meeting?

23 Pam: Yes, we closed two cases after the last meeting, both cases were found to be unsubstantiated. We  
24 just have the one case that is still open, that we will talk about today.

25 *Possibilities of Mediation*

1 Pam: After being on the LRC for three years and seeing the complaints, and having heard from the deaf  
2 community, there needs to be a step between filing a complaint and the situation. If the deaf person  
3 and interpreter (or whatever the situation) they would have an option to go to mediation services. I  
4 thought about who would be responsible for this, and I thought possibly DSDHH or NCRID. That way the  
5 deaf person would have access to communication and possibly avoid filing a complaint. There would  
6 still be the option to file a complaint, but this could be a neutral place where the deaf consumer could  
7 feel empowered and confront the person right after the situation. I have talked to John about this.

8 John: This may be able to be set up as a rule. One problem is having a Board member on that  
9 committee. That would have that Board member to be unable to be involved with any issues that come  
10 before the Board, and who would run the mediation sessions? This would be in addition to the Code of  
11 Professional Conduct (CPC), before a complaint is filed the persons involved are supposed to go to the  
12 person and see if the situation can be worked out before a complaint is filed. I have worked with  
13 mediation before and it is a highly effective process.

14 Donnie and Kevin discussed that there are issues that can be resolved before coming to the LRC with the  
15 complaint. It seems many of the complaints recently have been very fueled by emotion.

16 Jeff talked about the current process and the possibility of getting a video on the website talking about  
17 the complaint process and having the information available for everyone.

18 Bethany talked about the process and that if mediation took place the people doing the mediation,  
19 would not be able to sanction anyone, but they would just help talk through the situation.

20 Jaime talked about making sure that people are not limited when filing a complaint.

21 Pam wanted to be sure that this is not to limit, but this would be an option before filing the complaint.  
22 This could just be an alternative in the complaint process. Just so this could be available, so people can  
23 talk to each other, they do not communicate, they think their only option is to file a complaint. We have  
24 seen the gamut of complaints, some are very minimal, and some are very serious. If there is a mediation  
25 option, the situation could be resolved before a complaint is filed. If there is a discussion and  
26 communication then some of the situations, can be resolved if people communicate with each other.

27 John: Complaints are very serious license threatening matters. It has been discussed if there was a  
28 process for lower level issues to be discussed prior to a complaint being filed. That is the kind of thing  
29 mediation could help with. Some sort of formal or informal mediation could take place. When I was in  
30 private practice mediation was a very effective means of resolving cases. For matters that don't arise to  
31 a level of a formal complaint, then mediation could possibly help with these matters.

32 Donnie had a thought about mediation, and what the process would look like. Some of the cases we get  
33 could be resolved in that fashion, people don't feel they can talk to the interpreter before they file a  
34 complaint, but we need to educate the community about their options.

35 Bethany talked about having more discussion about the mediation process and see what the possible  
36 options would be for mediation. Bethany talked about having a video on the website after all of the  
37 discussions have been had and something is in place.

38 Pam (to Lee Williamson): Is this something that DSDHH would be able to help with, maybe a ISSC or  
39 someone like that who could help with that?

1 Lee: Yes, our deaf services specialists do help with people filing complaints. Our procedure when that  
2 happens is to work with that person on self-advocacy, that is our first step. If someone does want to file  
3 a complaint and submit it the Board we can help them do that. A lot of our deaf services specialist are  
4 now licensed interpreters and they do help consumers who do want to file a complaint. There is  
5 currently nothing formal in place.

6 Bethany: I just want to make sure we are all on the same page, for Pam and Donnie they are coming up  
7 with the process for mediation, and then we can get a video on the website once all of the options are  
8 hashed out.

9 John: Please keep in mind that there are some situations that would not go through mediation (theft,  
10 assault, etc), I just wanted to mention that component.

11 Jaime: Can the LRC suggest mediation after a complaint is filed?

12 John: Sure, if anyone wants to try mediation or discussion, I would encourage the LRC to suggest  
13 mediation if it was applicable. The LRC could consider the request. It could be better to have a  
14 mediation process in place, but we cannot compel people to go through mediation.

15 Jaime talked about what RID does versus what the LRC does regarding the complaint process.

#### **Financial Report**

16 Caitlin gave an update on the financials and went over a few line items. Line item 645 (Management  
17 Fees) and line item 664 (meals).

18 Kevin had questions about line item 645 and Caitlin explained the amount.

19 Bethany had questions about 650 (accountant fees) and the slight difference in those numbers.

#### **Legal Update**

20 John: I will start off with the audit, I went to the APO meeting, and the May 1 meeting resulted in a filing  
21 of a bill, HB 974 and SB 735, I received an update there has been a change to the bill, it includes what  
22 was generated out of that APO meeting on May 1. It talks about a yellow book audit, which is more  
23 involved than the current audit we have been doing. What has been proposed in this new bill, is a more  
24 in-depth audit, it checks the performance audit and a financial audit. I got some information about this  
25 audit and I am not sure about the exact amount, but I do know it will be much higher to get this audit  
26 done. The purpose of this audit is that the APO will know more about the Boards based on this audit. I  
27 was looking into the bill and reviewing everything to see what will concern us. There is nothing that  
28 specifically mentions this Board in that bill, but I will keep looking into this and be sure to keep the  
29 Board updated on anything. The rules review change has changed some categories for the rules review  
30 process.

31 *Rules update*

32 John talked about the rules review process and let the Board know that all the rules that had just gone  
33 through the rules review process have been adopted. John also gave an update on the rules and the  
34 Board discussed the CEU rule (21 NCAC 25 .0501) and how many CEUs that could be carried over. The  
35 licensee must meet all the rules and conditions of the rules for the CEU requirements. There was a  
36 comment that this new rule information will be shared at the upcoming NCRID meeting later in June.

1 *Social Media*

2 John: What you do on your own time on social media is your right. When you make statements about  
3 matters concerning the Board, people may think that you maybe commenting on behalf of the Board,  
4 and you may want to comment that you are commenting as a private citizen and not as a member of the  
5 Board. If you ever have an ethics question, I will let you know to reach out to the state ethics  
6 commission. They will help answer any ethics issue questions you may have as a Board member.

7 **Central Office Report**

8 **NCITLB Central Office Report** (as of June 7, 2018 at 10:30 AM)

Type of License	Current Number of Licensees	Percentage
<b>Full</b>	341	61%
<b>Grandfathered</b>	51	9%
<b>Provisional</b>	168	30%
<b>Total Number of Current Licenses</b>	<b>560</b>	<b>100%</b>

9  
10 **Licenses issued since last Board meeting** (February 9, 2018): 14

11 **Full: 5**

12 *Qualified for licensure by:*

13 RID Certification: 5 of 5 (100%)

14 **Provisional: 9**

15 *Qualified for licensure by:*

16 EIPA score of 3 or higher: 2 of 9(22.2%)

17 2-year degree: 5 of 9 (55.6%)

18 DSDHH Mentor Program: 2 of 9 (22.2%)

19 **Licenses Pending Issue: 4** (all provisional)

20  
21 **Comments:**

22 Renewal reminders will be going out the last week in June – First week in July.

23 Donnie we (Interpreters) have grown in numbers, it will be interesting to see the number of the  
24 interpreters and how that has changed over the years.

25 **Public Forum 2018**

1 Bethany: Yearly we are required to have a public forum, and get feedback from the public, when we  
2 started having our forum at NCRID we made it into a full power point and had a full presentation and  
3 opened it up for comments. We have changed that up this year, and we will not be being doing that, we  
4 will introduce ourselves and then we will open it up for public comment. We used to do the  
5 presentation at NCRID because it was CEU bearing. This year it will be just a simple public forum where  
6 we review comments. It begins at 6 pm and I wanted to ask the Board members to be there at 5:30 pm.

7 The Board discussed different options to be able to share the information about the forum.

8 Pat Hauser commented about the session at the upcoming NCRID conference and that it is not  
9 something that NCRID is sponsoring and it is not something that is not endorsed by the Board.

10 Kevin commented that he got a request from Mindy Hopper to get information about how the Board  
11 was originally formed, and possibly getting that information together to share with people who ask.

12 *Break 12:03 pm.*

13 *Reconvened at 1:15 pm*

14 *Lauren Pruett joined the meeting.*

15 *Conflict of interest statement read, no conflicts heard.*

16 Bethany commented that she thinks this will be her last Board meeting, someone else has been put in  
17 for her position, but we are still waiting for the official appointment. She wanted to thank everyone and  
18 the book at your place is from her, and she has enjoyed her position as LRC chair and Board chair.

#### **Voting of New Officers**

19 The Board discussed to table this item until the August Board meeting.

20 There was some discussion about qualifications of the person who will serve as chair. If Bethany is  
21 cycled off before the next meeting Donnie will be the interim chair until the August meeting.

#### **NCAD Update**

22 Donnie brought a message from Craig Blevins. The concern is that provisional licensees are showing up  
23 in medical and legal settings. Donnie made an analogy about the limitations on driver's licenses at  
24 different ages. This includes deaf interpreters who are provisionally licensed. Recommendations  
25 brought to the Board were having full interpreters work with provisional interpreters as a team. The  
26 state of NC should look at the policies for interpreters to interpret in certain settings.

27 John: From a legal standpoint, provisional licenses are covered in 90D-8 it talks about the requirements  
28 for licensure. Provisional licenses currently do not have any restrictions on it. It is called a provisional  
29 license because they have not completed everything that is needed to obtain a full license. Should the  
30 Board want to change any of those requirements, that would require a statute change. Provisional  
31 licensee isn't limited in what they can do, it is simply how someone who has not met all the  
32 requirements for full licensure how they can come in and practice.

33 Bethany spoke to that if the Board wanted to change anything it would require a substantive change to  
34 the statute.

1 John spoke to the statute and what it currently talks about for provisional licensees. When it comes to  
2 court matters the Administrative Offices of the Court sets the standards for interpreting in the court  
3 room. The courts have decided that if they have a license in the state they can interpret in the court  
4 room.

5 Donnie asked about making changes to the statute.

6 John as an individual you can go to your legislature and ask them to pass a bill that will aid to help in  
7 what you are asking for, this would have to be brought about through a statute change.

8 Kevin asked if it is defined in the statute the difference in licenses?

9 John read from statute 90D

10 Donnie asked about the time frame?

11 John referenced the rule about renewing a provisional license. John emphasized that the provisional  
12 license is a method to obtain a license, and that it is time limited.

13 Kevin and Jaime brought up some concerns that they had about provisional licensees.

14 John stated that licensees of this Board earned their license. The licensing board is here for the safety,  
15 health, and protection of the public. There is a level that not every bad experience with an interpreter  
16 should be penalized. It is a good idea to try to work out the situation, or between the communities and  
17 licensees. The provisional license statute has several requirements that need to be met before they can  
18 be issued a license. We cannot change the law only the legislature can change the law.

19 Jeff and Lauren commented that he agrees with what everyone has stated and maybe the Board should  
20 move forward with a statutory change.

21 Pam talked about the statute that the New Mexico Board has and read from the statute. Pam talked  
22 about that RID is no longer offering the test for the legal interpreting certification.

23 Bethany talked about what to do for a statutory change possibly limiting how you get your provisional  
24 license or limit what settings a provisional licensee can interpret in. Bethany talked about how long law  
25 changes can take, and that the legislature does have the ability to change more than what is asked for.

26 John added that at the APO meetings they have talked about deregulation of Occupational Licensing  
27 Boards (OLBs). There was a presentation about how much OLBs cost the state, the APO is in an “anti-  
28 regulatory mod”. It is up to the Board how they want to approach the legislature. I am not advocating to  
29 what this Board should do or not do.

30 Kevin talked about possibly just defining what a full licensee can do and what a provisional licensee can  
31 do.

32 Bethany talked about what John said before, and that there is not defined difference in the setting you  
33 can work in, the difference is how many times the license can be renewed. If the Board wants to go that  
34 route you can get guidance on that. What you could do is start a subcommittee to see what this change  
35 could look like. Right now people are very involved in the antitrust movement and deregulation. Focus  
36 on what you would want this to look like and see if this is something that could go forward.

1 John: I want to say that nothing I am saying is to imply that the Board has committed any anti-trust  
2 violation.

3 Kevin in the CPC, if the interpreter is not following the CPC, maybe they do not know how that applied  
4 to them in that setting. Maybe if we have guidelines about how the CPC applies to them that may help.

5 Questions were raised about agencies, and if complaints can be filed against agencies? No, because  
6 there is no license for agencies.

7 Lee Williamson spoke about the CPC, and according to the Board's rules an interpreter can be  
8 disciplined for violating the CPC. Lee spoke to situations where interpreters are interpreting in settings  
9 where they are not qualified to interpret. Lee spoke about causing harm to the public because  
10 interpreters are interpreting in situations where they are not qualified, and DSDHH is working hard to  
11 try communicating that people should only work in settings that the person is qualified to interpret in.

12 John specifically refuted Lee's accusations with facts regarding how well the LRC reviews each case and  
13 how, in the example that Lee mentioned, the complainant was caught misstating that the interview was  
14 incomplete when the emails showed that the complainant was given an opportunity to review detailed  
15 interview notes and make changes, and she in fact availed herself of that offer by making some changes,  
16 before the interview notes were finalized. Those notes showed a completed and detailed interview.

17 Bethany talked about forming a subcommittee to investigate possible changes to the statute?

18 The Board discussed the ideas brought up and talked about this option being brought up outside of the  
19 Board.

20 Pam talked about the LRC cases and that the LRC must be careful that they go by the information they  
21 have and the laws in North Carolina. RID can take certifications away, but this Board must follow our  
22 statute, and we could take someone's ability to work away from them. It is not simple, so people think  
23 the LRC is "not doing their job". The LRC interviews all the parties involved.

24 *Break at 2:21 pm*

25 *Reconvened at 2:37 pm*

**Review of Action Items**

26

#	Owner(s)	Description	Due date	Status
1	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. <i>Caitlin to report back to the Board at the June meeting.</i>	June 8, 2018	
2	Pam & Jaime	Determine interview processes for deaf and hearing individuals for doing interviews for LRC investigations. Have some options and share with John to look over before the June board meeting	June 8, 2018	

3	John Green	Follow up to close insurance matter.	June 8, 2018	
4	Bethany	Bethany to inquire with NCRID why they have submitted the request for the Board to have two forums.	June 8, 2018	
5	John Green	John to work on the phrasing for the disclaimer for complaints being filed and let people know they will become public record.	June 8, 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

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**# 1:** Pushed back to August Board meeting.

**#2:** Pam talked about what the options would be. Have face to face interviews or VRI services. The hearing person would work with an interpreter and use a video phone.

The Board had discussion of this process and what it would look like. Possibility of using the regional resource center public video phone. Best practices would be in person interviews if the people are in the same area. Have options available if they are requested.

Bethany asked if these requirements would need to be added to the LRC manual.

John also recommended that the interview notes that are taken and that those notes are sent via email to the person who was interviewed to make sure that everything that was captured, and items can be added if needed.

*The two above items to be added the LRC SOPs. John and Pam to work on.*

**#3:** John talked about the antitrust insurance information and that it is high risk type of insurance. My thought was not to pursue this any further. If the Board wants me to go after getting this insurance I am happy to do that.

Bethany: I don't think that this is something the Board would like to continue to pursue.

John talked about different antitrust scenarios, and the costs and benefits of the insurance if obtained.



- 1 Donnie asked that John get more quotes and bring to August meeting.
- 2 **#4:** Bethany let the Board know that the NCRID was just looking for it to be a formal presentation, but  
3 the purpose of the forum is to be open to the public.
- 4 Pam asked a question about a single Board member going to present if asked to present?
- 5 Bethany said the Board member could go, and present on topic is asked to go and present.
- 6 *Jeff had to leave the meeting (3:00 pm)*
- 7 **#5:** John talked about the language that is added to the complaint form, letting members of the public  
8 know that complaints could be a public record.
- 9 The Board discussed the language.
- 10 It was suggested that the new video when it is made that that language be added to the video for ASL  
11 users.
- 12 The rest of the action items are ongoing, if you meet in August please replace me (Bethany) on any of  
13 the subcommittees that I am on, with a new Board member.
- 14 **#11:** The Board discussed what is currently happening with DPI and the possibility of changes that could  
15 happen.
- 16 Donnie said he wanted to thank Bethany for all her hard work.

**Motion June 2018-03 (Smith/Dove) I move we adjourn the meeting Pam, second Donnie. No discussion. All in favor. Motion carries.**

17

18 **Adjourned 3:20 pm**