

Meeting Notice
STATE COMMITTEE OF INTERPRETERS

March 26, 2003
10:00 A.M.

DIVISION OF PROFESSIONAL REGISTRATION
3605 MISSOURI BOULEVARD
Jefferson City, MO

Notification of special needs as addressed by the Americans with Disabilities Act should be forwarded to the State Committee of Interpreters, P.O. Box 1335, Jefferson City, Missouri 65102 or by calling 573-526-7787. The text telephone for the Deaf or Hard of Hearing is (800) 735-2966 or (800)735-2466 for Voice Relay Missouri.

 **#7** Except to the extent disclosure is otherwise required by law, the State Committee of Interpreters is authorized to close meetings, records and votes, to the extent they relate to the following: Sections 610.021(1), (3), (5), (7), (13) and (14), RSMo, and Section 620.010.14(7), RSMo.

 **#8** The Committee may go into closed session at any time during the meeting. If the meeting is closed, the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

 **#9**

 **#11**

Please see attached agenda for this meeting.

Attachment

Tentative Agenda
STATE COMMITTEE OF INTERPRETERS
MARCH 26, 2003 1:00 PM
DIVISION OF PROFESSIONAL REGISTRATION

3605 MISSOURI BOULEVARD

Jefferson City, MO

OPEN MEETING

1. **Call to Order** Chair

2. Secretary
- Roll Call**
3. **Review and Approval of Agenda**

4. **Review and Approval of Open Minutes**
 -January 24, 2003

5. **Rules**
 -4 CSR 232-3.010
 -4 CSR 232-1.035

6. **Discussion regarding apprenticeship**

7. **Discussion regarding allowing individuals not in an ITP under
 direct supervision to practice interpreting.**

8. **Reports from MCDHH and BCI Representative/s**
 -MCDHH
 • CDI Task Force update
 -BCI

9.

Meetings

-Attended

- BCI

-Upcoming

- Town Hall Meetings

10.

Report from Executive Director

- Renewals
- Newsletter
- Financial Report
- Legislative Report

11.

Direction clarification regarding exempt language and definition of interpreting.

**Tentative Agenda
State Committee of Interpreters**

MARCH 26, 2003 10:00 AM

**DIVISION OF PROFESSIONAL REGISTRATION
3605 MISSOURI BOULEVARD, Jefferson City, MO**

CLOSED MEETING

Call to Order	Chair
Roll Call	Secretary
1. Review and Approval of Agenda	
2. Review and Approval of Closed Minutes	
3. Complaints	
4. Complaint Update	
5. Violations (reported on renewal MCD compliance)	
6. Assistant Attorney General Report	

**STATE COMMITTEE OF INTERPRETERS
DIVISION OF PROFESSIONAL REGISTRATION**

3605 MISSOURI BOULEVARD

Jefferson City, MO

MARCH 26, 2003 -- OPEN MINUTES

The open session of the State Committee of Interpreters was called to order by Loretto Durham, Chairperson, at 10:25am at the Division of Professional Registration, 3605 Missouri Blvd, Jefferson City, Missouri.

Members Present:

Loretto Durham, Chairperson

Carrie McCray, Secretary (via conference call)

John Adams

Sandy Drummond

Kimberly McEnulty

Members Absent:

Lisa Guillory

Staff Present:

Pamela Groose, Executive Director

Roxy Brockman, Clerk IV

Shannon Hamilton, Assistant Attorney General

Randy Dignan, Contract Interpreter

Peggy Withrow, Contract Interpreter

Visitors

Amy Fowler, MCDHH
Kim Davis, MCDHH
Dr. Roy Miller, MCDHH
Kandice Allee, MCDHH
Kathleen Alexander, CIS
Alex Miller, LEAD Institute
Becky Beck, LEAD Institute

A motion was made by Mr. Adams and seconded by Ms. Drummond to move into closed session for #1, #2, #3, and #9. Mr. Adams, Ms. Drummond, Ms. McEnulty and Ms. McCray all approved.

The committee members recessed for lunch at 12:10pm. Resumed at 1:15pm

Review and Approval of Agenda

A motion was made by Mr. Adams and seconded by Ms. McEnulty to approve the open agenda. All approved.

Review and Approval of Open Minutes

A motion was made by Ms. McEnulty and seconded by Mr. Adams to approve the open minutes of the January 24, 2003 meeting as amended. All approved.

Rules

4 CSR 232-3.010 – Ms. Goose said this was the rule that was amended in regard to an interpreter not practicing beyond his/her certification level and it will become effective May 30, 2003.

4 CSR 232-1.035 – Ms. Goose indicated that this should be 3.010, subsection 18, where it requires an interpreter to respond to complaints or be in violation which would be cause for discipline. She said this rule amendment has not been filed yet.

Discussion regarding apprenticeship / Discussion regarding allowing individuals not in an ITP under direct supervision to practice interpreting.

It was discussed and decided that Item #6 and Item #7 on the agenda are the same issue. The rest of the discussion is comprehensively reported as follows.

Ms. Drummond -- At the last meeting that we had we had several people in the audience that recommended that we look at providing a way for people who are not currently in an ITP but have experience in interpreting or sign language, to have an apprenticeship so that they could improve their skills and prepare to take the test. So I asked that be put on the agenda for discussion today. My points of view on this are that we do have a very limited number of interpreters in the state of Missouri, we're always experiencing a shortage of interpreters, and I do know there are people out there who used to be interpreters before certification/licensure went in, or they were engaged in other professions at the time and they just did interpreting on the side and now they're back or want to go back to interpreting. They have the skills but going through an ITP is not realistic at this point and so there really is no other way for them to get practical experience. I did see there is a certain type of acupuncturist that has an apprentice program and you have to prove that you've taken so many hours of training and have to have your high school diploma and if they meet these certain requirements and they have an apprenticeship that's approved, that you're exempt from licensure requirements if you meet these other conditions and apply for this special permit. So this is something that we could take a look at. One of the concerns that I have is that the interpreting profession has been working for a long time to make certain that the rest of the world knows that it is a profession and it's not a vocational trade. So we need to look very closely at what those requirements are so that it's clear that it is a profession, and not something that John Doe on the street can pick up and suddenly start being an interpreter. So those are the issues that we need to discuss, whether or not it is something that we need to do, whether we want to do it, and if so, how are we going to do it.

Ms. Durham – If they have the skills, why do they need an apprenticeship program before they get their certification?

Ms. Drummond – That's a good question

Mr. Adams – I might be able to answer that with a story. I've met two women whose husbands have been stationed at Scott Air Force Base. Both are from different states but they were enrolled in an ITP and left before their practicum was concluded. Coming here they want to take the test to get certified but they feel they want more practicum experience, and so they have contacted private interpreters asking if they would mentor them, and they have been able to work it out that they can go and observe, with the permission of the client and everyone involved, and in some situations, interpret with that licensed interpreter watching them. It's been very limited, specific situations, to help give them some practical experience before they go test, that's one application of an apprenticeship, but not every interpreter that does that may be aware enough to think, "okay, I need to get permission, I'm going to let them interpret at this situation but not this situation, or with this client but not that one" and not really try and guard the consumer and everybody else, and their license. So I can see that as a possible

situation for apprenticeship, but again how to write a law and rule to define what situation and how to establish that is a little tricky.

Ms. McEnulty – So are these individuals that are in apprenticeship, are they certified and licensed?

Mr. Adams – Not yet, they're seeking more training before they take the test, once they take the test and get their own certification – because they don't have the school with which the practicum program they were associated with is in a different state, and they feel they want to get a little more practicum experience before just going out and taking the test...

Ms. McEnulty – So they're not licensed or certified and they're interpreting. So we have a rule that references an interpreter delegating work to another interpreter who's not qualified to be in that position, however they're not an interpreter but they're interpreting...

Mr. Adams – We also have a rule that designates what a mentor and mentee can do.

Ms. McEnulty – We do?

Mr. Adams – It's in the consumer welfare part of our ethical rules.

Ms. Drummond – And that's the thing, we are taking a look at changing the system to make this possible.

Ms. McEnulty – Okay, so individuals who are not licensed should not be interpreting, period.

Ms. Drummond – So do we want to change that system so that it is possible to do that? I can think of people who have great talent in American Sign Language just because they have friends or family but they haven't been to an ITP, they don't have a structured way of getting that practical experience. So all they can do is practice w/videos and or practice with class-room types of things. We've all said that the practical experience is very important in preparing interpreters to actually have the hands-on experience. I can certainly see the argument for providing an apprenticeship type thing to allow someone to practice under the supervision of a licensed interpreter for a period of 6 months while they're preparing to take the test. The other concern is that when you take the test you have to wait a certain period of time before you can get in to take the certification exam and then you have to wait 6 months before you can test again, and so of course you want to be able to do well on the test so that you can work at whatever level you can attain. I mean, you have the skills, you just have not interpreted for 5 years and so you're kind of rusty. I don't know. I can see it either way.

Ms. McEnulty – So why can't they go to you, Sandy, and you take them into an office and have some video equipment and look at video tapes and develop vocabulary in specific specialized arenas and that kind of stuff, I mean is that a workable plan? Because then they're not out there interpreting – then an interpreter who is licensed and certified isn't at risk.

Ms. Durham – Are the interpreter training programs...will they not accept transfer credits from another college so that they could just come right in if all they had left was practicum, couldn't they just sign up for a practicum with one of the colleges?

Mr. Adams – Or if the college doesn't accept their credits could they still sign up for the practicum as an audit course, and say "I'm here as a student on the roll, and instead of getting a grade for it..." I mean I guess there are other possible solutions.

Ms. McCray – Well, I know just that at our school you have to do your last 30 hours, have to be at William Woods to graduate with a degree, so for all the talk of practicum, that's not going to cover 30 hours.

Ms. Durham – But they're not asking for a degree, they just want to know if they can take practicum so they can get the experience.

Ms. Drummond – If I were an instructor at an interpreter training program and I had a student that I had never met before come to me from another program saying "I want to transfer and I want to take practicum, please send me out on an interpreting assignments" – I wouldn't do it.

Becky Beck – Can I say something? Let me give you a little history about me, specifically. I did go through the interpreter training programs in the first class at William Woods – that's when it was an Associate's Degree. They were building a program so it's much different now from the way it was then, even the practicum experience, at the time the campus licensure and things at that time, so I chose some different profession. And now I would like to get my certification, but I don't want to break the rules and interpret on the side because it's not ethical, it's not appropriate. So in my situation it would be nice for me to be able to have some kind of clause or rule that says if I could work under a certified interpreter to mentor me for a period of time so I could build my skill level and vocabulary up to take that test and get a level that I'm looking for, that's my own interest in that process. I've already completed an ITP program but I just need to build some of that skill. Now on the other hand I work with a deaf woman who is working on certification, the deaf certification, but again she can't interpret really without having that clause as well, so she can get the language as well, so it goes both ways.

Ms. Drummond – Right now, we don't restrict deaf people from practicing as an interpreter. They're not required to be licensed or certified to work in the state of Missouri. So I want to ask a question, why do you need to have actual hands-on practical experience in interpreting assignments, why couldn't you get all the experience you need from mentoring with an interpreter in their office, working on videos, doing evaluations, those kind of things – why do you need to have permission to actually go in and interpret actual assignments?

Becky Beck – Well I think video taping is a good way but there's that whole component that you don't get from a video of that kind of stage-fright feeling, or how you work out your whole feelings of the interpreting process, so that hands-on experience that you get when you're with a client and getting that feedback at the time or right after, or kind of a debriefing, I'm thinking of those things – I'm thinking video taping is another mode but the real life experience, I'm thinking, the practicum experiences, it's just a different feel and I think it's a whole different way to the interpreting process, it's that person-to-person contact, get the feelings of that client and build that rapport.

Ms. Durham – Would that experience, in your mind, influence the results you would get on the test, or just make you more comfortable?

Becky Beck – I think it would make me more comfortable as an interpreter going into that, certainly I think you can build your skill with video tape, but it's an artificial environment. I think probably the best is both, a little of both.

Alex Miller – If I can add to that as somebody who has actually lived through this exact process last year, I'm someone whose had connections with deaf people for the last 30 years, but I have worked professionally as a 2nd licensed profession and never had any interest becoming certified or licensed as an interpreter, I had social relationships and other relationships with deaf people and involvement through church activities w/deaf people. A year ago I had an opportunity to leave my life-long profession through an early retirement offer....and when people that I know found out that I had left that profession said why don't you take the certification exam and enter the interpreting profession, and Sandy was the first one who actually came up to me and said, "hey why don't you think about doing that?" So for me the situation was partly an issue of comfort, I think, how do I get myself to the point where I feel like I am able to do the work? So comfort might be part of it but I think competence is another part of it, I was really concerned that I would be competent to do the work, because the environments in which I had functioned as an interpreter, to whatever extent I'd done that, had been in the church environment, which is typically limited vocabulary, limited topics. What I wanted was exposure to a broader range of interpreting situations and the question that I kept posing over and over again was "could I go with you and you sit with me and you let me interpret and you be there to provide immediate feedback and correction on that process" and I don't think I would have gotten that kind of process correction and process feedback through the use of video tapes, in fact I did use video tapes, I went through several different sign curriculums....and worked through all of that and successfully took and passed the first test, which was great. I think in terms of my own competence, having somebody providing that process feedback is really what I was looking for, it was a question that I kept asking and consistently received the answer, "No, under current laws and regulations we can't do that" which I understand, but I'm not quite clear in my own mind, what the risk is to the consumer if there's a licensed interpreter right there with me who is willing to assume the responsibility of the situation. My other profession was nursing, I practiced as a nurse for 25 years and I've been used to working w/unlicensed people and teaching them the skills that I do, but I assume the responsibility because I am the licensed professional, and I think in my mind I was transferring that to interpreting, "well why can't that work? Why couldn't Sandy have that role for me? Why couldn't Kathleen have that role for me?" I wasn't asking them to look at a video tape later, I was asking for them to be with me in an interpreting situation just so that I could develop what I think in my mind was competence to do that work, so that was really what I was looking for and I guess I'm just interested in clarification as to what the risk is in permitting that?

Ms. Durham – the nurses that you spoke about? Are they registered with a program before they're put on site?

Alex Miller – Yes, the equality between the two questions isn't the same but for instance working with nursing assistants who are completely unlicensed personnel, who would do complicated, technical things – they do dressing changes, they discontinue IV catheters, they discontinue Foley catheters, they administer different kinds of treatments, they have no licensure at all, they work under my supervision sometimes not visual supervision, sometimes not direct supervision, but the license responsibility is on my shoulders and that's just a model that I worked with for 25 years and is inherent in that service industry and it's functional. What I was asking for was something that was much more direct in terms of one-on-one relationship with a licensed professional providing me

that type of assistance and guidance, so that's part of why the issue was nagging at me in trying to figure out why that couldn't be possible.

Mr. Adams – To address the risk that you mentioned, as much as we would like to think so not all of the interpreters in the state of Missouri are Sandy or Kathleen that would go up to the deaf client and say, “this person is not licensed, they're working with me, is it okay if they're here, is it okay if they're practicing to improve their skills?” Some interpreters might just have a person along with them and say, “You know what, I've had a long day, you do this assignment, I'm going to go have cigarette” and they leave the person there in the room for 2 hours by themselves, and the deaf client complains. That's the risk to the license, if you do something like that, that's a big no-no, and I think that's what our concern is, that that might happen, and in order to protect the deaf consumer – and the hearing as well...

Ms. Durham – (the hearing) have to give permission as well...

Ms. McEnulty – And I just would like to tag on to what John said is, who determines where they are in their level, I mean we have all these levels, we have requisite skill levels, the interpreters – Sandy and Kathleen would like make an assessment, determine if they could handle this level 3 assignment or this level 4 assignment and then go out and take a smoke break and go out and come back, there's all kinds of dynamics that play into that...

Alex Miller – I think if you're working w/somebody who's preparing to take the test for the first time that you would give level 1, 2, 3 assignments and I would think that the interpreter would have the responsibility to make that assessment...

Ms. McEnulty – And that's a lot...

Alex Miller – It is a lot and I don't think anybody would require the interpreter to take that on but I think if somebody was willing and had that motivation to develop the profession that way that it could be a viable option to do that. I don't think it should be a mandatory thing, that's not what I see at all, but if there's somebody who does have the skill and training and assessment and the willingness to take on an additional worker and responsibility, with clarification that you can't go off and leave – I think if you specified that that's not appropriate, that it's not permissible, that if something like this were to happen that you be by their side – and that's what I wanted, I didn't want somebody to go off and leave me – that's not what I was asking for at all.

Ms. Drummond – There are many things that we could do and many we have already done to prevent various problems that might arise through an apprenticeship like this. One of the things in our Code of Ethics it says that a licensed interpreter can not delegate an assignment to someone who's not qualified, so if the licensed interpreter went out for a smoke break all of a sudden they're delegating to someone who's not qualified, so we've already taken care of that. Other things that we can do if we decide that this sort of program is valuable and we decide to go ahead with that, we can have requirements listing that before someone is eligible for that sort of thing, and we'd require a special permit or license which would also require legislative change, I think, because right now we just have a permanent license and a temporary license, and a temporary license is only for someone who is already certified from another state, so we would have to do a legislative change to get that sort of thing in place. We could require a certain education component, they have to have completed 600 hours of training in interpreting, whether that be an ITP or workshops or documented by a mentor. We could also require they have so many hours of actual interpreting experience, which may be on their resume from when they lived in another state or interpreting in church, and we could require those things. We could require that they successfully complete the written test for the MICS system, we have a lot of flexibility as far as what we would require, and I think if we decide to do that that we should do that, because we've all met the people who've picked up the finger-spelling card at the Boy Scout troop meeting and suddenly they know how to interpret. This is not something that people should be able to attempt but people who've been through Interpreter Training Programs and they've been out doing something else for awhile and they want to come back, we're having such a shortage that if they're qualified, I hate to keep them blocked out for too long. And it does seem like a safe thing to me if you have somebody who is being mentored, and I mean directly supervised every time they're actually interpreting, and again, there is informed consent in the consumer welfare part of our Code of Ethics, it says you have to tell the people what your level of certification is and all those sort of things, so all the consumers would be aware and would have to agree to it before you could begin, so I don't see the concerns with it as far as risk to the consumer. I think it would be excellent training for people that maybe can't afford to go back to college again and still get some very valuable people out of it. On the other hand I also don't want to create something that could be taken advantage of by a boy scout to dispense with the little finger spelling card so that if it's going to be done it needs to be done in a very controlled way.

Ms. McEnulty – What about cost factor in there somewhere, who is going to pay for the service and where does the interpreter get paid for their service, providing an apprenticeship?

Alex Miller – If I can make a couple more comments, one of them is I would have been more than willing to pay an interpreter to provide that benefit to me, I wanted it badly enough that it would have been a bargain, I think, for me to be able to do that. I did 100 of hundreds of hours, and I wanted a few opportunities to demonstrate what I was capable of doing getting feedback and correction, that's what I was looking for in a real-life situation is all. I would have paid, that would not have been an issue for me, I would have agreed with a contractual agreement between me and whatever interpreter was providing the service. The second thing is I think if you're going to specify in requirements, I'd encourage you not to make it impossible, because you said if you had that 600 hours of training, I'm thinking 10 years from now, okay maybe we could pitch that right out because I have professional education in another field, I don't have hours of training in interpreting and I might have been able to think of something that would have...last 600 hours so I think if you're going to do anything you should be realistic and doable for people. Those are the two responses that I would have for what you just said but in terms of payment, I would have written a check and I think that could be negotiated between individuals.

Ms. McEnulty – It would also depend on where you guys are at, the population – a couple sessions wouldn't be substantial enough for you to go in and take the certification test and the outcome be where you want to be.

Alex Miller – Right, and I wouldn't consider this the whole preparation for the certification test either, but part of the assessment process even of getting ready for the certification test.

Dr. Miller – I guess I have a few thoughts about this area. I'm glad that somebody brought up this area because it's something that clearly needs discussed. I'm not personally sure that it's being discussed in the right arena, however. We already have an interim practicum certification, that's for people in an ITP program. I think it's perfectly reasonable to ask the BCI if they wanted to set up an equivalent kind of a certification for people who are not in ITP programs whether you want to call it an apprentice certification or whatever, doesn't matter, but I think that's a forum where that issue could appropriately be addressed. I want to say however that I see many many sub-issues here. There is an equity issue or equity question about the people who are in an ITP program, who can afford the cost and/or the time to go back to college, etc, vs. those who are not, I understand that. However the idea that a testing situation may provoke a lot of personal anxiety and that you might feel more comfortable if you had a lot pre-training or pre-experience that involved hands-on, I don't buy that logic that people that take our test have test anxiety and of course that's what the system is there for to make sure the people can do it on the street are the ones that can overcome the test anxiety, so for me personally that's not a good reason to go through with this. We're talking about a mentor/mentee relationship where the mentee is not a certified interpreter. I think in the past when we've been talking about mentor set programs, we kind of assumed that they were all a one or a two, that these were mentees, not that they were somebody who had no certification at all. It adds nuances and new twists to this problem, for example, I have no problem with a mentor/mentee pair going out where they're both certified a one and four, that produces no issue, but an issue where a four goes out with a completely uncertified person. Well, wait a minute. Who decided they could go out? The four? That would mean in effect that we would basically be saying to every interpreter in the state that if you want to take John Doe you've got the right to take them along with you, and that produces some problems for me. The ITP's --we know we've only got 3, we've got some control over their programs, they share their program content we can build a feeling of trust and faith. But how do I feel that it's safe leaving the confidence and faith in 300 interpreters out there who are making the...that's an issue that's not there in a mentorship thinking, where both the mentor and mentee are certified. I guess my personal reaction is that I really don't see the appropriateness to be talking about developing a licensure for this particular person, but that may be there is room to discuss this with the BCI, that maybe there is a need for, and an appropriate way, that we can talk about an alternative to the intern practicum certification for people who are not in ITP programs. I certainly would be willing to take that up with the BCI and I should come to that meeting and talk to them. Those are some quick thoughts.

Ms. Drummond – Dr Miller's right, exactly right.

Unidentified woman – Actually my comments were similar, if this is something that you are interested in going to become somebody who is going to be licensed, there needs to be some type of a license or endorsement for the interpreter, the certified licensed interpreter, not every Interpreter has the skills or the know-how to make those decisions, like John said "I've had a long day, you go ahead, I'm going to go out here and have a cigarette." So if that is the case then there needs to be some type of control on who are taking out these individuals, need some type of regulation. But I agree with Dr Miller, I think maybe a certification would be a better start.

Mr. Adams – I have a question for Dr Miller. When is the next BCI meeting?

Dr Miller – My guess is that it would be in early May, that's a guess at this time.

Ms. Drummond – So that's all, basically on those two agenda items which are the same ones, six and seven. Dr Miller has agreed to present these questions to the BCI and they will be responsible for coming up with certification. He's right, we can't come up with a license until we have certification to license from the BCI, so we'll wait to hear what they say about that.

Mr. Adams – Can we table this until the June meeting? Can we ask that this be put on the agenda for the June meeting, so that hopefully by then the BCI will meet and we'll get a report from them as to their discussion and we'll just be able to re-visit this issue and find out where the BCI are going?

Ms. Durham – We can put it on the agenda, just to check in.

Ms. Drummond – Usually the BCI and the MCD are on our agenda anyway to give reports so they might do it then.

Reports from MCDHH and BCI Representative/s

MCDHH – Dr. Miller said there had not been a MCDHH meeting since the last SCI meeting and that there will not be a meeting until after July 1, 2003 at a date and time to be determined later.

CDI Task Force update – (the following information is a comprehensive reporting of the comments made during this portion of the meeting).

Dr. Miller -- I think there is probably some interest here on what happened with the CDI Task Force Meeting. It was held on Monday of this week and it was a very long and I think, very productive day. Of course the Task Force does not make decisions, it is basically going to present some recommendations to the BCI. What will those recommendations look like? Number one, there would be a recommendation that would create a CRI, a Certified Relay Interpreter, and that we of course make all the necessary changes in our rules to add this Relay Interpreter to our certification levels. That next question of course is how can a person become a CRI? And I think the recommendation would be to provide two tracts – one, you can either get the RID/CDI and immediately convert that to an MICS CRI, that's one way that it can be obtained. The other option would be basically to develop an MICS alternative option. It will look a lot like what the current certification procedures look like, there'd be an application, there would be a written test which is a modification of our currently used written test but modified and tailored specifically for the CD/CRI environments. And there would be a performance assessment, although at this point it will not be a full blown video-taped, 16 scenario, 5 levels. We're going to try to respond affirmatively to the need for a CRI, but it has to be brought up in a fairly simple part in the first instance. The complex part is the RID/CDI. We will offer an equivalent assuming the BCI agrees with this strategy. But that's the gist of the Task Force recommendations is that we have a new certification called a Relay Certification and that that be obtained in one of

two different ways, either conversion from RID or needing a program that's developed by the BCI, which is similar in nature. Questions about the Task Force Meeting?

Ms. Drummond – Did the CDI Task Force talk about changing the definition of interpreting so that deaf people are required to be certified and licensed as well?

Dr. Miller – The assumption is that, one of the things that the Task Force did was to look at all the relevant legal documents, looking at our statute, looking at your statute, looking at the Office of State Court Administrators statute, looking at HB 1783's language, and looking at the two to three rules that would be involved. They obviously discussed the different alternative ways of trying to deal with this issue, but it was felt that the easiest way was for us to modify our rules, i.e., the BCI to modify our rules. Once they've done that, there would be no need for you to modify your rules or your statute, there would be no need for the Office of State Court Administrators to modify their rules or their statute, because everybody else is tuned to the language of "certified and licensed" and you're tuned to the language of "certified". If we certify them under one of these two options, everybody would think the same. Does that answer your question?

Ms. Drummond – No. At another meeting that we had, I believe it was a BCI meeting that we had a Lake Ozarks at the conference, the BCI looked at the definition of interpreting and decided that right now deaf people, to work as interpreters do not meet that definition of interpreter. And we agree – the state licensing board agrees, that by our interpretation of that definition deaf people who work as interpreters are not required by law to be certified and licensed. Does the BCI or did the CDI Task Force want to change that definition so that deaf people who practice as interpreters are required?

Dr. Miller – No, there is no intention to change the definitions of practice of interpreting. What the Task Force was trying to do was solve several issues or problems. One problem, the Office of State Court Administrators won't pay the "deaf intermediary" – so how can we solve that problem? We can solve that problem by providing an avenue where the deaf intermediary becomes a certified and licensed person, then they can pay them. Phyllis Launeos, who was there at the task force meeting, has indicated there's no issue after that, from their office. The State Committee was there, Lisa was at our meeting, of course, and the concern or the issue with the State Committee was that you couldn't license the deaf intermediary without them being certified. If we provide a new certification, that solves your issue. The issue of some deaf people was the difference in the cost structure between RID and some alternative to that, and we have tried to address that issue. Nobody will be perfectly happy with it, some people will still want to get a CDI, maybe they're going to move to a different state, maybe it gives them transportability, maybe it gives them good strong feelings that they've done a wonderful job – wonderful – I'll applaud that and encourage that. The issue was addressed of whether or not we really want to simply subsidize the cost of getting RID/CDIs and the answer was "no" for many reasons, there was no disagreement about that at all. Specifically are we going to recommend a change in the definitions? No, there is nothing here that involves that.

Ms. Durham – My concern is that you're giving them a certificate as an interpreter but the definition says they're not interpreting, we give them a license as an interpreter and all of the definitions that we have to work with says they're not interpreting. So that's going to cause problems. How can we discipline a license that we've given to someone when they're not doing what our definition says they're doing? So that is going to cause a lot of problems, I foresee,

because the definition says they're not interpreting. How can we say 'you did a bad job interpreting oh, wait, you weren't interpreting, never mind' – you have a license, but you're not interpreting.

Dr Miller – I'll think about that issue, Lo. I think that the Task Force went into that, we really never talked about do we need to change definition, that was not a discussion item. Their eyes are focused on the problems that we're trying to solve through this group meeting. I thought that your definition of interpreting that in your earlier discussions – you were not relying on the definition twenty i.e., practice of interpreting, you were relying on definition fifteen, ie, interpreting.

Ms. Durham – Right, and it specifically says “translating from English, spoken or written concepts.” A deaf person would be getting sign language from a deaf person and putting it into another form of sign language or sign language from an interpreter and putting it into another form of sign language. It's not spoken, it's not written.

Dr. Miller – That's an important issue and honestly it just never came up during the whole day-long discussion, but I can guarantee you that it will come up with the BCI. Remember this is an outline of a program that they're recommending to the BCI. BCI's got a lot of things to tweak in there, for example the Task Force left with the BCI the job of deciding the pass/fail criteria for the final performance assessment, etc. There's a lot of tweaking to be done and I think that I would definitely put into the report the problem about the definition of interpreting and whether or not, that also needs to be tweaked. The program probably can't be put in to place in less than a year anyway. Being realistic folks, we've got to change rules. We've got have to add a whole new rule about CRI, that's a six to eight month process there. I want to involve the deaf community and helping us modify a written test, I think that they can be providers of possible questions to our question pool. I think we're looking at a year down the road so that we can go into next year's legislature and take that definition of interpreting, as it would be need to be tweaked.

BCI – Dr. Miller said there has not been a meeting since January 31, 2003 and that there will possibly be a meeting some time in May.

Ms. Goose reported that Dr. Miller had sent an e-mail indicating that the MICS Interpreters Manual was being revised and wanted the SCI to review the section pertinent to the committee. He indicated specifically needing verification of the dates that the SCI had its first meeting and when the committee began licensing interpreters. Ms. Goose indicated that the dates are December 1, 1997 and August 28, 1999 respectively.

Meetings

-Attended

- BCI (The following is a comprehensive reporting of the discussion of this item.)

Ms. Drummond – The meeting John & I were going to report on, we attended a BCI meeting on January 31st at the MCDHH office and Lisa Guillory was also there with us and Pam was there. We were invited to be on the agenda for that afternoon to discuss some issues that had been coming up in the State Committee of Interpreters meeting about requisite skill levels for interpreters who have RID or NAD certification and want to come in directly to the state committee for licensing. During our meeting in December we realized that we were going to start licensing these people and yet they are not mentioned in the skill level standards anywhere, so if we came up with complaints

against someone who had that certification, we wouldn't know how to process them, so we needed to ask the BCI for guidance on how to fit those people into the skill level standards. So, that was the purpose of going to the BCI meeting that day. At first there was some concern, I think the BCI members thought that we were in the process of changing the skill levels standards, or that we were attempting to do that, so we assured them that we were not trying to change the skill level standards, that we really just didn't want to do that and we'd much rather have them do that so we discussed the problem with them and explained to them what our concerns were and what we needed done in order to make processing of complaints easier. The BCI decided they would have a 2-prong approach to resolving this issue and one of the things they were going to work on was changing the law that allows people with RID certifications or NAD certifications to become licensed without going through conversion, so they were going to try to change that back so that everyone had to converted to MICS certification before they got licensed, and then that would remove the problem that we're experiencing right now. The other resolution to the problem would be to go ahead and change the skill level standards so that they do reflect the RID/NAD certification that would be eligible for licensure. And their plan was to approach both those things simultaneously. That would resolve all the concerns that we had raised in our meeting in December and January. Also during that meeting the BCI was discussing some concerns they had related to exemptions of people who were practicing as interpreters, and they discussed the fact that historically we've never considered people who were interpreting in church settings to be regulated by these laws and rules. They had questions about whether or not students should be exempted, whether or not family members should be exempted from interpreting for family members, and it was pointed out that the student issue had already been taken care of in the January meeting, that we had exempted them. Also pointed out that the exemptions part of the statutes typically are what we call the licensing part of the statute so that is definitely something that the licensing board needs to look at it and that I would bring back with concerns of the BCI to the State Committee. We needed to discuss whether or not – for instance – interpreters who are working in church should be regulated or not, historically we thought that they are not regulated because of the separation of church and state. So we felt like we should get some advice on that and whether or not we should make that a formal exemption. There was also some confusion about whether or not family members communicating with other family members was considered interpreting, and we verified that was not considered interpreting, and when would it be appropriate for family members to interpret for other family members, those are the sorts of things that we should probably discuss and I would recommend that we put that on the agenda for the next meeting. I would also like to know more from the BCI about other concerns they have, about other groups of people they think should be exempted beyond working in the church, family members interpreting for family members, and students, which we've already taken care of, and see if there's not more information to discuss then. Dr Miller did you have other concerns about people needing to be exempted that I overlooked?

Dr Miller – First I apologize when you were asking me did I have a BCI report I said no, because I remembered the four you were at that meeting. I didn't know why I would have to give a report. To answer your question I think there's probably two things that I need to say. I've talked with the BCI not only at that meeting but many times in the past about the question about of if you're interpreting in the church do you come under our statute, if you're interpreting for a family member in a doctor's office or wherever do you come under our statute. We talked about that we talked about the student issue of course for a year and a half now. I think it's fair to say that at this moment in time the BCI agrees about only one of those criteria, the exemption for students in ITP programs, they agree on that issue. There is disagreement about whether or not interpreting in church is under our statute or it's not. If there were 100% agreement I would have made a recommendation already about changing some language but there isn't, there is still disagreement about whether or not church activities are in fact, regulated by our statute, whether or not

family activities are regulated by our statute. The reason I'm saying that is because I want to be sure that you don't think the BCI is agreeing that churches should be exempt, they have not agreed that church interpreters are exempt. There's some very strong feeling that they are not exempt. There's some other feeling that maybe we ought to exempt them but there is no agreement about either church or family situations when it comes to the exemption question. Are they talking about any other possible categories of exemption? I don't think so. Those are the three main ones that have come up over time. Students, church, family and/or relatives with the family.

Ms. Durham – Well I'm glad Dr. Miller mentioned family members in a doctor's office, because when you said family member for family member, I was more under the idea of family get-togethers and I thought that was incidental interpreting. That puts it in a whole different perspective, instead of going to the doctor's office and interpreting.

Ms. Drummond -- So I think this is something that we need to keep in mind and be thinking about and then discussing whether or not we should create exemptions. So I would ask that this be put on the agenda for the next meeting.

Dr. Miller – There is one very important issue, that is the general issue of whether or not the people who are interpreting for free should be under our statute or whether there should be a statutory change to make it clear that our statute only covers the professional interpreters. There are some statutes we talked about that with the different professions that are licensed, some of those clearly say that they only apply to people who accept money for their services. Some of those, such as ours, do not say that. Some of them clearly exempt students, some of them go the other way and clearly include students. There isn't any that I looked at that dealt with the family question. In general I don't think that issue comes up in other professions, the idea that a psychologist would be a psychologist for their brother is probably not an issue that comes up very often but the idea that the spouse might be asked to provide interpreting for the husband because the husband trusts her or it's a very confidential situation or whatever, that situation comes up here but there is that whole other area of if you're not charging for your services are you covered – or should you be covered – under our statute.

Kim Davis – I just want to bring up one other thing about the family issue of interpreting. If their family member is in the situation where they are interpreting for their brother or their sister, and maybe their last name is different and whether that person is getting paid for it or they are volunteering their time, but they could be related, that is one issue that's come up.

Ms. Durham – if they're a licensed interpreter we actually have a Code of Ethics which states they have to disclose, "this is my brother that I am interpreting for" to everyone that's involved in the situation – that's one of the Code of Ethics that is required that that information is shared so hopefully they're not going in there...

Kim Davis – That only works if they file a complaint.

Dr. Miller – In that family situation there's also a very strong argument that if you exempt family members that what you might end up doing is encouraging 3rd party payors to enlist the free services of family members. There've been a lot of arguments involved in all of these three issues. I think at this time it's clear that the BCI could have a majority that comes down on the side of the idea that family members are covered, that church interpreters are

covered, and that everyone is covered of whether they're charging for their services. That's I say a majority do this, not a "consensual" view.

Ms. Drummond - We did talk a little bit about the definition of interpreting at the meeting and about how that would fit with the deaf interpreter and we talked about the CDI Task Force looking at that. The BCI would like copies of our little green book, they don't have any copies and so they would like a stack of copies sent over. Could we send some back with Dr. Miller today?

Mr. Adams – Just with the requisite skill levels that we talked with them about with the possible changing of the rule with their two prong approach, one with the law one with the rule, and the packet of information that I gave out at the previous meeting here at SCI, I took a copy of that and handed that out and they're going to look at that as a possible starting point for their discussion on how to write the rule and they might come up with something completely different, but that was also given out as a possible suggestion for them...

Ms. Drummond – Dr. Miller, do you know what progress has been made on changing the law or the new rule for their skill level standards to reflect RID and NAD certifications?

Dr. Miller – I don't have a bill in to do that and at this point it looks like it would probably be an issue for next year's legislature. Again that's just being honest and telling you what my guts tell me. The legislature is, at this point and time, not interested in lot of issues that haven't got to do with money.

Ms. Drummond – So what about the rules for the skill level standards? Are you working on revising those so they include the RID certifications and NAD certifications in the rules?

Dr. Miller – That would be a major item on the agenda for next BCI meeting but see that's not a legislative activity for us, changing our rule.

-Upcoming

- **Town Hall Meetings**

The Town Hall meeting dates were previously chosen as June 19, 2003 in St. Louis with the SCI meeting the following day and the meeting location has not been determined. The Kansas City dates chosen were August 4-5, 2003 or August 7-8, 2003, with the preferred dates being August 4-5, 2003. Ms. Groose indicated that the dates for the Kansas City Town Hall and board meeting would be determined by an available location. The committee members discussed the Town Hall meeting at the Lake of the Ozarks in October and decided that they would not have a separate Town Hall meeting but would participate in a 2 hour joint meeting with the BCI during the MCDHH conference. The committee members also discussed having only an open session portion at the meeting in October to allow everyone to travel in that day and then having a conference call before or after the open session meeting to deal with any closed session issues.

Mr. Adams said that he had requested the applications from MCDHH to apply for CEUs. He said as a part of the paperwork he needed to include resumes from each of the committee members and that is why he had requested the resumes from each of them. Mr. Adams also indicated that each of the committee members should have received his suggestions and ideas for the Town Hall meetings. Mr. Adams requested a copy of the certification and licensure diagram as well as the power point presentation previously given by the committee. Mr. Adams also requested that the rules and regulations be reprinted for the town hall meetings. Based upon Mr. Adams' tentative plan the committee members indicated which portion they would like to present.

1. Introductions – each committee member and staff member will introduce themselves
2. SCI Mission – Compare and Contrast with BCI – Kim McEnulty
3. New Legislation – John Adams
4. Pending Legislation – Carrie McCray
5. Complaint Process – Sandy Drummond
6. Appointment Process – Lisa Guillory
7. Questions and Answers – Loretto Durham

Dr. Miller offered to have a MCDHH staff person present to answer questions about certification if that would be helpful and the committee members agreed. Dr. Miller said he would check their office calendar and let the committee know if someone from the MCDHH would be able to attend.

Report from Executive Director

- Renewals – Ms. Groose reported that 496 renewals were mailed and as of March 25, 2003 460 licensees had renewed their licenses and 64 had not renewed their license. Ms. Groose said she hoped to mail out one more reminder letter to those licensees that had not renewed their licenses.
- Newsletter – Ms. Drummond indicated the article she had written and given to the committee members would be e-mailed to Ms. Groose. Ms. Groose asked the committee members to let her know which topic they would be preparing for the newsletter.
- Financial Report – Ms. Groose said that a copy of the February, 2003 financial report was included for their review.
- Legislative Report – Ms. Groose indicated that HB 564 contained the language amendment that would require certification in order to renew a license. She said she was told that the changes will be in a House Committee substitute and the changes will be in regard to where it says registration instead of license. She said at least one place in the language says Missouri Commission for the Deaf and they will add Hard of Hearing. She said at this time the bill was doing okay but that it is the Professional Registration Omnibus bill and that it included all of the proposed language from any of the professions.

Direction clarification regarding exempt language and definition of interpreting.

The committee members indicated they would like to see the final draft copy of the exempt language.

Ms. Hamilton will prepare a draft statutory proposal and the committee members will look at this at their next meeting.

Dr. Miller asked a general question in regard to the investigative process and Ms. Goose provided a verbal overview of the processing and investigation of a complaint.

A motion was made by Mr. Adams and seconded by Ms. Drummond to adjourn at 3:47pm. All approved.
