

**North Carolina Interpreters & Transliterators Licensing Board**

**Board Meeting-November21, 2014-DSDHH**

- 1 Board Members Present: Jane Dolan, Lynn Dey, Jan Withers, Ashley Benton, Emily Pope, Catherine
- 2 Johnson, Pamela Smith, Wayne Giese, Bethany Hamm-Whitfield
- 3 Staff Present: Caitlin Schwab and Jim Wellons
- 4 Guests: Angelina Darling, Akilah Satterwhite
- 5 Interpreters: Lee Williamson, Monica McGee, Karen Magoon, Sarah Wheeler
- 6 Called to order at 901 am by Jane Dolan
- 7 Conflict statement read no conflict
- 8 Introductions of Board members and guests.

**Approval of minutes**

- 9
- 10 Add page numbers to minutes.
- 11 Number motions, so we can look at previous minutes. We have a master list of motions for minutes.
- 12 Have the minutes be easier to read.
- 13 This is new for Caitlin to do the minutes, and this is a new task we have assigned to her.
- 14 As soon as the minutes are sent out, give her feedback, because it is easier to make corrections while
- 15 our memories are fresh.
- 16 Jane: Any changes can be made right up to the next board meeting.
- 17 Meeting minutes need to accurately reflect what is being said. Minutes reflect what happens at the
- 18 meeting, but we can not change what was said. This is not an opportunity to change what was said.
- 19 Corrections can be provided in advance. Put in page numbers and line numbers so that it can make
- 20 reviewing the minutes much easier.
- 21 Jane: Bethany is our secretary and can help with the edits.

Motion Nov 2014-01: (Hamm-Whitfield/Dey) I move we accept the minutes as edited.

22

**Review of action Items**

1

#	Owner	Description	Due date	Status
	Jane	Contacts Rachel Ragin to get the amended law on the list serve. For cued speech	ASAP	Complete
	Bethany	Will contact RID with the changes to the website regarding the changes in 90D.	ASAP	On going
	Caitlin	Contact past applicants about reapplying because of the amended 90D	ASAP	complete
	Bethany, Jan, Lynn	Will write up the roles of SSP compared to CDI and will submit their work to the board for their feedback.	Nov 21	Complete
	Pam, Catherine, Bethany	Ad hoc committees have the disciplinary actions for website details worked out.	Nov 21	On going
	Jane	Contact Jim Sewell about why he contacted board regarding licensure numbers.	Nov 21	complete
	Jane and Jan	Draft Bylaws/SOPs	Nov 21	On going

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4 Bethany: RID website is updating their website portal, and I keep getting routed to RID, and I can't get to  
5 the right person to update the website.

6 Lynn mentioned she has contacts at RID. She spoke with one staff member about their standards paper  
7 on interpreting, but they are having trouble printing the page.

8 Jane: I do see it was on the NCRID website, the RID website is still under development.

9 We have posted the statute changes on the website so that interpreters know of the changes.

10 Jan: I will hand out SSP and CDI handouts during a break so people can go over them.

11 For our ad hoc committees, have we designated a chair for each? The chair person would lead the  
12 subcommittee and facilitate the needs of that committee. All ad hoc committee meetings need to have  
13 minutes taken, because it is good procedure to do. The minutes do not need to be detailed, but they  
14 need to say what was discussed, and what was decided.

15 Jane: Reported on Jim Sewell and how the licensure numbers are being recorded. Jim Sewell was glad  
16 Jane reached out to him about the number protocol. When a license was issued, it would be the year it

1 was issued, and the number it was issued, and each year it would be changed to the year, and the  
2 license number. He said it is not a big deal, and we can add another number.

3 Lynn: I would recommend that each year we change the licensure numbering to what Jim Sewell said  
4 the protocol was.

5 Lynn: we could just start that at 2015 licensure year. New licenses would be issued would fall under this  
6 protocol.

7 Jane: I think we should keep it to the way we have been doing it.

8 Caitlin: The way we issue license numbers now is we have a master list of the last 3 digits. The first four  
9 digits are always the year it was issued. We keep a list of what the newest number to issue is, and the  
10 date we issued it so that we can keep track of when we are issuing licenses. If the last three numbers  
11 ever get to 999, we could just roll over to 001 and not 1000 because the first four digits would be  
12 different from the original 001.

13 Jan: I think let's just keep things simple, and let's keep the 4 digits for the year and then the 3 digits for  
14 the license number

15 Jane: Do we have any more discussion, any changes, or any formal protocol?

16 Lynn: As long as we keep it the same number of digits we should be fine.

Motion Nov 2014-02: (Withers/Dolan) I motion the license protocol for licensure be kept at 7 digits.  
Passed: 11/21/2014

### Financial Report

17 Lynn went over the finances and currently the board has total assets of \$234, 189.29.

18 Jane: Compare the income statement with the budget.

19 Lynn: I do want to note a few items on the budget that there were a few increases in Legal services and  
20 SBI expenses.

21 Jane: What we do for the budget was base it on history and what we know will be coming up for next  
22 year. What we are doing, and are we staying in line.

23 Jan: That's a good way to make sure we are monitoring our expenses. Our expenses have exceeded our  
24 income, can we talk about why it is like that.

25 Jane: Our legal services exceeded what we had budgeted. Being a state licensing board we have an  
26 attorney, who is assigned to us, and Jim Wellons works for the state attorney general's office, and any  
27 time he spends on our board business he bills us for that.

1 Jim W: Your biggest legal expense was your litigation expense. You had a contested case for the first  
2 time in the Board's history. I worked many hours on that case but I have a lot of administrative litigation  
3 experience and I didn't spend any more time on that litigation than I had to. The truth of the matter is if  
4 you make decisions and stand by those decisions you will incur attorney fees. You can't project those  
5 costs when making a budget. There is no way to know when or if someone will challenge a Board  
6 decision. You can only base your budget on what you have spent in the past. When you assign tasks to  
7 me, remember that you have to pay for my services. Don't incur any unnecessary legal fees. When you  
8 ask me to do something, make sure it is something that needs to be done by an attorney.

9 Bethany: I agree with Jim and I do think we need to look at what we are asking him to do for us. We are  
10 getting more and more people filing complaints about interpreters, and now deaf consumers are  
11 beginning to realize what the necessary steps are for a complaint to be filed, and what we need to do to  
12 investigate these cases does take time. I do think that we will see more and more of this because of  
13 how aware people are about reporting these complaints.

14 Jim W: I participate in License Review Committee (LRC) teleconferences. I draft detailed findings and  
15 conclusions to document the LRC's decisions. I think detailed findings and conclusions deter frivolous  
16 appeals. It is not a waste of my time or your money for me to participate in those teleconferences and  
17 draft detailed findings and conclusions.

18 Bethany: I feel strongly we need to keep an eye on legal fees, and we have Jim on our calls, and can we  
19 ask for a break down of the numbers so we can see what we are spending.

20 Jane: Is that something we can do, get monthly numbers?

21 Jim: It is the Attorney General's policy to bill once a month. I prepared a bill at the end of October, and I  
22 am getting ready to send a bill at the end of November. There has not been much to do recently. The  
23 month of October I billed one half hour for an LRC meeting and this month I will just have the hours for  
24 the meeting for November.

25 Jan: Looking at these numbers this budget is fairly small. I'm just thinking about my agency, but we do  
26 check monthly on what we are spending, and it does take people billing us monthly. Perhaps we can  
27 resolve or change this for the future.

28 Jane: The management fee we get a bill for every month. It is a flat fee, and our revenue was up so our  
29 management fee went up. Our SBI fee is a "wash through" we had the same amount of money coming  
30 in that went out.

31 Jan: We need to monitor every month, what is coming out and what is coming in. Another thing I  
32 wonder if the board is asking Jim to do things that do not require his work, but it may not. Can we  
33 monitor this?

34 Ashley: Mentioning the time and the \$95 an hour for the legal fees. For LRC calls are you billing per call  
35 and do you have a minimum fee?

1 Jim: No, I don't have a minimum appearance fee. I bill for my actual time.

2 Jane: When we got the bill for the year we had a lot of time for the contested case.

3 Bethany: If the LRC decided to substantiate a claim, a license can contest our decision, and the full board  
4 can hear the case, and anyone is allowed to appeal the case.

5 Pam: We have to be prepared to for these cases, and make sure people know they have the right to due  
6 process.

7 Bethany: We have to make sure we are substantiated claims that have merit, and this is a persons living  
8 therefore it is pertinent to involve legal counsel.

9 Pam: Trying to get this straight... when a claim is filed, Jim you are involved from the beginning to the  
10 end?

11 Jane: Once a complaint is made. Caitlin receives it at the office, and Jim is involved from the beginning,  
12 and is there every step of the way, and at every committee meeting.

13 Bethany: It would help if we got a monthly or quarterly bill from the department of justice.

14 Lynn: I worked with our accountant, I do not feel worried about the costs that we do has. He have  
15 enough cash in our account to cover our expenses.

16 Jane: Any other questions on the financials?

17 Lynn: Do we need to increase the budget?

18 Bethany: It would be difficult to do that because the management fee is a flat fee. The legal services  
19 monthly billing will help to determine what we are going to spend.

20 Lynn: One thing I noticed was the increase in legal services, and Jim let us know about that, and with  
21 the fixed expenses with the management fee and the accounting fee I don't see them going down, but  
22 they are minor differences. Maybe I need to sit down with a seasoned treasurer.

23 *10 minute break. 10:25*

24 *Resumed: 10:40*

25 Jane: We are just going to let Lynn finish up with the proposed budget

26 Lynn: We were discussing that the budgeted legal fees did have an increase. I did want to increase the  
27 projected budget for legal services by \$3000, making the new amount budgeted for legal services to  
28 \$15,000. I want to decrease the projected budget for Board travel by \$1000. The new projected budget  
29 for Board travel will now be \$2,000, because the Board didn't have a lot of travel expenses last year.

Motion Nov 2014-03: Dey/Hamm-Whitfield I move that we make those two changes to our budget to legal services and board travel. Passed 11/21/2014

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Jane: Keep in mind having a working budget; it can be modified at any time at any meeting if we see changes that need to be made. We can add or subtract.

**LRC Report**

Bethany: We have gone through a renewal cycle. There were 19 requests for extensions, and we had 2 people who failed to get us everything so their licenses lapsed. We have closed 1 case since our last meeting. It was a long and complicated case, and we did our due diligence and the case was closed unsubstantiated. When we have a request or an extension on a provisional license we had many people who sent the request in on the last day they apply, and they didn't have enough CEUs completed. They would send in the fee and not all the CEUs and they had an extra month to get everything in. They had an extra month, and they had to get everything in. The two people didn't do it and they didn't go to get their CEUs done.

Catherine: One thing that came up is people are assuming they will just get the extension, and they didn't include a lot of detail, and didn't put thought into what guidelines they need to follow.

Bethany: We are going to come up with guidelines for people who are applying for an extension so that we can make a best practice rubric.

Ashley: There are some people who are trying to "test" the CEU requirements for the CEUs classroom vs online.

Pam: I would suggest if that is the currently the rule that that needs to be scrutinized more closely because people are taking advantage of the "honor system."

Jane: Maybe the LRC needs to think about what everyone thinks about maybe doing some random auditing about some courses people are documenting.

Bethany: We added a check box for people to delineate between online or classroom.

Jan: I think it would be helpful to do random auditing, and we need to let interpreters know that we will be doing that.

Jane: We can talk about that at the NCRID conference that we will be auditing, or adding it to the form about everyone can be subject to auditing.

Pam: We need to hold people accountable for what they are reporting whether it is face to face or online.

**Central office report**

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2 Caitlin: Since October 1, 2014 I have issued 20 licenses. We have had a lot of people who were denied in  
3 the past, because of the educational requirements, but now that that the educational requirement has  
4 changed we have a lot more people who are able to become licensed. Renewal season was very busy,  
5 and we had a few people lapse, and we received many calls and emails with questions.

**NCRID Conference discussion**

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7 Jane: We decided we were going to go to NCRID conference again and we are all going to Charlotte. We  
8 received an email asking if these times would work Board meeting June 25<sup>th</sup> 1-5 in Charlotte is that ok  
9 with everyone? Four hours will be ok for that meeting and I know last year that was enough time. June  
10 26<sup>th</sup> forum 830-1030 is that going to work for everyone? I would like to see who would like to present at  
11 that forum? Do we want people to submit questions a head of time?

12 Jan: I wanted to give you a suggestion for the February meeting that is a good time to address recurring  
13 issues we have had, such as people requesting extensions at the last minute, and the face-to-face  
14 CEUS.

15 Jane: Last year we answered any question and we gave them all the financial information, and I think it  
16 was really good for people to see that.

17 Ashley: So maybe half and half, provide information and answer questions.

**Ad hoc committee report on developing an Educational Video**

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19 Ashley: For the consumer education video I was hoping to have a finished product by fall and it is not  
20 ready and I apologize for that. We finally got that done, and there is a little bit of a challenge in the law  
21 change, and we are working out how to get those changes worked into the script. We are working on a  
22 videographer pro bono, but the one we had got another job in NY and now we are working on finding  
23 someone who will do the work pro bono.

24 Jan: I am going to work with someone in DHHS to see if they will fill that position so that we can move  
25 forward with our project.

26 Ashley: (Gave a background on the video we are talking about for the new board members). The  
27 consumer education video will provide more information regarding, how to make a complaint, and why  
28 the law is in place, and put it in terms that everyone can understand. It will be in video form and in ASL  
29 posted on the NCITLB website, and on the DSDHH website.

30 Pam: Does this project include other agencies that are hiring interpreters? Or other consumers?

1 Ashley: We think this educational video will explain the law and it will explain the grievance process.

2 Jan: We also want to let people know what rights they have under this law, and make sure people are  
3 aware of their rights.

**Ad hoc disciplinary actions by other boards**

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5 Pam: We have been working, and we don't have all of the work completed, but I did collect some data.  
6 There are a few states that have licensed interpreters. In Missouri and Wisconsin, they have very  
7 specific interpreters they put their names up there, and a PDF document gives a detail of what  
8 happened, how it was resolved, and what the outcome was, that was in Missouri. I did look into nurses  
9 and it was also very specific about the disciplinary actions. In Wisconsin it talked about people who  
10 have had their licenses revoked, and other outcomes.

11 Bethany: I think we have enough evidence to add these items to our website, and we can let the board  
12 discuss that.

13 Pam: Is it public information if someone has been disciplined by the board?

14 Jim: Yes, the fact that a licensee has been disciplined is a public record. The decision letter is public  
15 record.

16 Bethany: We did have someone call and inquire if a specific licensee had any complaints filed against  
17 them. I advised Caitlin to respond to the inquiry only if a complaint had been substantiated and what  
18 the penalties were.

19 Jim: Yes, you can say a complaint has been filed and we are investigating it. If that does not satisfy the  
20 person making the inquiry, call me (Jim) immediately. If a complaint has been substantiated, you can  
21 disclose the substantiation letter and the attached findings and conclusions, if requested.

22 Jane: Jan and I have been working on SOPs and if someone calls the office and asks about the complaint  
23 and are requesting the any further information they should contact the LRC, and the board attorney.

24 Ashley: What other boards are doing is something to think about, but we need to make sure we have  
25 completed the process before we post anything to the website. I think it will hold the people's complaints  
26 are filed against accountable for anything they have done.

27 Pam: In the state of Missouri it is the final decision of what the board has decided in regards to a certain  
28 licensee, and then that decision is posted on that board's website.

29 Emily: Has this disciplinary actions being posted been an ongoing discussion?

30 Jane: We have had calls about it and we have been discussing about what we should do.



1 Ashley: I am just dying to know... will the details be there about what happened, but I want to know  
2 what everyone thinks. I think it helps the interpreters think.

3 Bethany: We are doing to discuss that for next meeting.

4 Jane: I think it's a good deterrent for people, and I think it is important for the public to know. The  
5 NCRID conference would be a good time to let people know we are going to do this.

6 Pam: I feel like if we are a profession we should be treated as professionals. There are interpreters who  
7 do take advantage of deaf people, and are operating with out a license. If there were some kind of  
8 deterrent it would help.

9 Jan: I am behind what Pam is saying. If possible could the ad hoc committee share your  
10 recommendations about 2 weeks before the next meeting so we can be ready for the discussion?

11 Ashley: I do also want to make a suggestion to the committee... can we find out if there are other states  
12 and see if there are other states who have been sued?

13 Pam: If they are guilty and have violated the law and we have done our job and investigated the  
14 complaint, then we need to make sure the complaints we do post have been substantiated.

15 Jan: Can we add language to the website or application to let the applicants know what is going to  
16 happen if they do not adhere to the law or to the administrative rules?

17 Jane and Lynn let the board know they had to leave early, and Jan will take over as acting Chair for the  
18 remainder of the meeting.

19 *Break at 1136am*

20 *Meeting began again at 12:20pm*

**Mirror Interpreting report**

21

22 Jan: We have developed a working document to guide us on the issue of mirror interpreting. I will be  
23 speaking as part of the ad hoc committee for this. The question at hand was what an SSP does that  
24 count as interpreting? I think where the confusion comes in is that no one has ever looked into the  
25 definitions. An interpreter is going from the source language to the target language and vice versa. To  
26 transliterate is like having an oral interpreter, and if they don't have signing capabilities, you bring in  
27 someone to interpret what can be visible one way or another. Then you have the deaf interpreter.  
28 You'll have a deaf person who is not fluent in ASL and in a court setting. The situation may occur where  
29 it is difficult to translate the legalese into something the deaf consumer could understand. You will have  
30 a hearing interpreter translate into sign language, and the deaf interpreter is trained to convey what just  
31 signed so that the deaf consumer can understand it. All of that involves a source language being  
32 translated to a target language. The fourth one is not interpreting at all, and that is copy signing. If I am

1 signing something and I am presenting something in a large room. I might not be able to see everyone  
2 in the room, and the questions can be relayed through someone who is not interpreting or literally  
3 signing exactly what the person is saying. An SSP is someone who notifies a deaf blind consumer about  
4 environmental changes and cues. You might see an SSP signing to the deaf person, and the SSP is  
5 copying me and that is not interpreting...that is copy signing. A deaf blind person may miss the  
6 grammatical features of a person communicating because he/she is unable to see facial cues, but the  
7 SSP can make sure to let that be known to the deaf consumer. The term “conversation facilitation” is an  
8 everyday conversational interaction. Some of you may have heard of “mirror interpreting” – from my  
9 understanding that term has been used somewhere out there, and the correct term is Mirroring and it is  
10 the same as copy signing. It is not possible to interpret and mirror at the same time. We are trying to  
11 avoid the word “mirror interpreting” as it appears to be an oxymoron. If it is not interpreting, we need  
12 to avoid putting that word in there. The ad hoc committee looked at it, and decided as long as the SSP  
13 stays within what they are assigned to do and they are functioning in the particular environment, then  
14 what they are doing is not to be considered interpreting. The committee did agree becoming an SSP  
15 does require training and that the committee needs to still research this more. The whole point of this  
16 is that the definitions need to be clear and to demonstrate that what the work of the SSP does not  
17 violate the statute. The original question is - if an SSP is a volunteer, they are not breaking any laws, but  
18 if they are being paid, then they must be a licensed interpreter? We need to make sure we are not  
19 placing restrictions on a deaf blind individual’s access to the environment, and have access to quality  
20 services and have access to the environment. We are nearing completion and we are hoping to have it  
21 completed by the end of February so we can post it on the website.

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23 Lynn: Marilyn Trader is going into haptics training and bringing it back to us (more detail later).

24 Ashley: haptics and protactile are two totally different things, and I want to make sure everyone is  
25 aware of that.

26 Catherine: I think the information is very clear, but that could be because I am an interpreter but maybe  
27 the people who aren’t familiar with the terms could benefit from these definitions.

28 Jim: I will want to review the Board’s opinion before it goes up on the Board’s website.

29 Jan: I would be happy to have more discussion on the topic with the committee and that we come up  
30 with a good answer to this question.

31 Lynn Left. 12:40.

**SOPs and Draft Bylaws**

32

1 Jan: Jane and I had a discussion and we agreed with what Jim wrote. We also agreed we want more  
2 flexibility than what the bylaws offer us. The bylaws are very cumbersome and we feel the way the law  
3 is written, it is sufficient to cover boards operations, and we submitted the draft SOPs to Ralph  
4 (operations officer for CHMS). He suggested have a separate manual for SOPs and take out the  
5 citations. Jane and I like the citations so we have the why behind the bylaws. We want to have a  
6 meeting with Ralph and Jim Thompson before the next meeting in February.

7 Jim W.: I inserted statutory citations in the draft bylaws to make you aware of the parts that cannot be  
8 changed by the Board. I drafted a number of provisions that make it difficult to change the bylaws in  
9 the future. Bylaws that can be changed too easily don't achieve their intended purpose. I urge you to  
10 review the draft restrictions carefully and delete those that you do not want or need.

11 Jan: That's the agenda. Does anyone have anything else to discuss before we adjourn?

12 Meeting adjourned at 12:49.