

1. Will you consider a reduced fee for over 55 year old licensees? (Sharon Winfield)

-No, administrative costs of processing applications and conducting Board business is the same no matter your age.

2. If a person files a complaint, what is the formal process after the complaint is filed? Who reviews the complaint? Who does the investigation and who informs the person who filed the initial complaint about the outcome? (Crystal Bradley, MA, NIC)

-When a person files a complaint the office receives the complaint, and notifies the chair of the License Review Committee (LRC). The LRC investigates the claim, to see if through the investigation the claim is substantiated or not. The person that makes the complaint receives a letter notifying them if the complaint was substantiated. The LRC is comprised of a Deaf Consumer, and two participating licensed interpreters.

3. Since the NCITLB ranks as one of the 12 worst occupational licensing boards in NC (along with the Locksmiths, Landscape Contractors, and Foresters Boards), what corrective actions and strategic plan does the Board have to make it one of the 12 best Boards (similar to Nurses, Massage Therapists and Plumbing, Heating & Fire Sprinklers Boards)? What best practices, measureable objectives and benchmarks will the Board members implement within the next year to convince the Legislature to keep the NCITLB? (Elita Hill)

-The question is incorrect, the NCITLB is not ranked one of the worst. The PED used faulty methodology to assign arbitrary factors. The only things they looked at for each licensing board in our state were the following:

1. Public harm.

2. Number of complaints.

3. Disciplinary Actions.

4. Other states with the same licensure.

We encourage you to read the report for yourself. The PED report stated that based on the scores we received the NCITLB is one of the Boards that requires further investigation. We welcome the further study and feel sure that the PED will understand that there is great need for public protection not only for the Deaf and Hard of Hearing, but also the other professionals such as lawyers and doctors.

4. What was the reason \$150 was chosen as the renewal cost for a license? Was this something proposed by the board or was it just what the Legislature came up with? (Kirk Fowler)

-The statute set the limit of \$150. The initial Board needed to ensure that the cost of operations would be funded. The Board received no other money. We have a small number of licensees, while other Boards with many more licensees can diffuse the costs. So far, \$150 has been sufficient and has allowed us to be financially solvent at this current time.

5. In a letter from the Board dated April 1, 2015, posted on the NCITLB website and written in response to questions about the repeal of the educational requirement via a technical correction striking G.S. §§ 90D-7(b) and -8(c) (2014) from the law, the Board states that "The licensure act does not impose upon the Board a fiduciary duty to inform practitioners, consumers, educational programs, and major employers of interpreting services of proposed changes to Chapter 90D." This suggests that the Board does not believe it is responsible for communicating and soliciting public feedback when substantive changes to the law are being proposed. Can you please clarify the Board's position on this matter? Also, can you please define how the communication is supposed to function between the representatives of the various entities on the board and the constituency they represent? Is that communication intended to be bi-directional and are those individuals expected to act on behalf of the constituencies they represent?

-This Board is made up of members of the Deaf and Hard of Hearing community, and we are appointed to our positions on the Board. After each meeting we post the minutes to the Board's website, and our Board meetings are open to the public, and we welcome visitors at our meetings. At our meeting yesterday we talked about going out in our community, and trying to attend as many local meetings in the Deaf and Hard of Hearing community as we can. Point of clarification, the members of the this Board are appointed and not elected, which means we do have constituencies.

Regarding the removal of the educational requirement from both the full and the provisional license via the repeal of G.S. §§ 90D-7(b) and -8(c) (2014) NCITLB minutes reflect on multiple occasions that the Board's attorney recommended email blasts to the regulated practitioners and solicitation of feedback and input regarding plans to strike the educational requirement from the law. How many email blasts were done to solicit input on the removal of the educational requirement? If they were not done, why not?

-(Jim the Board attorney addressed this question). This Board has never ignored my advice or done anything that I believe to be out of order for the practices. I might have made suggestions to the Board but they have always heeded my advice.

What steps is the Board now taking to correct loopholes created by the repeal of G.S. §§ 90D-8(c) (2014) whereby someone with only an EIPA level 3 (representing successful

conveyance of no more than 60% of the information) and no more than a high school education can now be provisionally licensed for up to four years and thus work in any community setting?

-No law is perfect. The intent is the provisional license is so that interpreters can have a means to enter the profession and still be held accountable. While having a provisional license, licensees are still subject to a CPC and licensure. The Board will continue to work with DPI as they continue to evaluate the EIPA standards.

Since the removal of the educational requirements from both the provisional and the full license please present the data on how many interpreters have applied for and been granted license as a direct benefit of this change and what is the certification level and professional qualifications of these individuals? In other words, what real impact has occurred so far, from the deletion of the provisions of G.S. §§ 90D-7(b) and -8(c) (2014)?

- The New licenses issued since the change in the statute are as follows:
- Full licenses issued 22 (20 RID certified, 1 Cued Speech, 1 NCICS)
- 36 Provisional Licenses issued (29 two year interpreting degree, 2 EIPA scores, 4 Accumulated hours, 1 Cued Speech).

We have issued more licenses in the last 6 months then we issued the whole of the last licensure year.

What steps is the board taking to implement a Deaf friendly and ASL accessible grievance process? Currently and since the inception of the Board, all the explanations and materials for filing a complaint are only in English and complaints must be submitted in English.

What is the Board doing to correct this?

(Martha L.H. Ingel)

-The Board just launched an ASL version of how to file a complaint on its website. We are currently working with DSDHH on a consumer education video that will be in ASL. We are having business cards made up to be put in regional resource centers about how to file a complaint. The Board discussed attending as many events in the Deaf and Hard of Hearing community as possible.

Update on the PED report and Legislation

Session Law 2013-413 Section 10 (a) directed the Joint Legislative Program Evaluation Oversight Committee to include in the Program Evaluation Division Work Plan for 2013-2015 an evaluation of the structure, organization, and operation of the various independent occupational licensing boards on North Carolina.

The law required the division to include with the evaluation:

1. Consideration of establishing a single state agency to oversee the administration of some or all of the Occupational Licensing Agencies (OLAs).

2. Whether greater efficiency and cost effectiveness can be achieved by combining the administrative functions of the boards while allowing the boards to continue to perform regulatory functions.
3. Whether the total number of boards should be reduced by combining or eliminating some boards.

Objectives of the NC Occupational Regulations:

1. Ensure that the public is protected from harm.
2. Offer some assurance to the public that the regulated individual is competent.
3. Provide a means by which individuals who fail to comply with the professions standard can be disciplined.

In accordance with the Session Law 2013-413 section 10 (a) the PED began the process of evaluation of Boards in May 2014. The PED's final report was presented to the Joint Administrative Procedures Oversight Committee on Tuesday 12/16/2014. All Boards were given the opportunity to respond but in a very short period, about two weeks. Our executive Board met over the holidays and filed a response by the January 2nd deadline. The report and our response are both posted on the committee's website.

The summary of the recommendations are as follows:

1. Establish an Occupational Licensing Commission to assist the General Assembly and OLAs in improving effectiveness.
2. Ensure that the OLAs are clearly defined and listed in the statute.
3. Establish complaint process standards.
4. Require periodic performance audits.
5. Conduct a review to determine the continued need to authorize Occupational Licensure to 12 OLAs (The NCITLB is one of the 12 recommended for future review).
6. Consolidate the operations of 10 OLAs with another licensing entity.

The assessment used the following factors and associated scoring methodology to identify the OLAs that should be subject to additional legislative review as a condition of the continued licensing authority. They used arbitrary methodology with all boards regardless of size and composition. The state only looked at these four factors:

1. Public harm.
2. Complaints
3. Disciplinary Actions
4. Other states with the same or similar licensure.

For public harm we received a zero for this factor. In our response letter we countered that the one million Deaf, Hard of Hearing, and Deaf Blind North Carolinians who receive services from our licensees are a vulnerable portion of society due to communication barriers. In addition to these consumers, the group that relies just as heavily on our licensees are the licensed professionals in other fields such as physicians, attorneys,

accountants, psychologists, and social workers when serving their Deaf, Hard of Hearing, and Deaf Blind patients. The list of OLAs that received a public harm score of a 10 such as medical, legal, pharmacy, CPA, etc all rely on our licensees in order to effectively communicate with their clients. Our Licensees protect not only their consumers but the other licensed professionals. Therefore the public harm score should be equivalent to those given to those professions.

In regards to complaints, the NCITLB received a zero for this factor as well. Many of the OLAs have challenged their premise that a large number of complaints indicate that there is a higher risk of harm to the public's health, safety, and welfare. A low number of complaints to the Board can indicate an effective licensing process. Also they did not take into consideration the size of the OLA.

Disciplinary actions scoring was based on the ratio of the number of significant disciplinary actions in the Fiscal Year 2013-2014 to the number of active licensees administered by the OLA on June 30, 2014. The NCITLB received a zero for this. There again they (JLPEOC) used a premise that a large percentage of significant disciplinary actions reflect a greater risk that activities associated with the occupation can produce significant public harm. In our response we stated that the reports reliance on one fiscal year to score this area is not a valid sample size, especially for the number of licensees. If they had looked at just the previous year we had a suspension and we would have scored a ten.

Other states with similar licensure identifies the number of other states that statutory require licensure to engage in any of the occupations licensed by the OLA. The NCILTB received a zero for this factor. We stated in our profession of interpreting and transliterating is in its infancy stage compared to other professions. We said that the General Assembly should be applauded for being on the forefront of licensure for our profession.

Where do we stand?

Since the report's release the PED staff has reminded us that the report is just a report, it is not law. The Joint Administrative Procedures Oversight Committee endorsed the report in January 2015. Even though many Board representatives from other boards have tried, there have not been any changes to the report since its release.

The PED recommended a commission be created, and then that this Commission undertake the study and evaluation of those boards recommended for consolidation or elimination. If created as recommended, no decision would be made before the Commissions report was submitted to the legislature in September 2016.

Some of the larger boards began planning a "Best Practices" seminar to show the General Assembly that the Boards are being Proactive. Also a proposed bill was drafted to address many points of the report. The seminar was held on May 5 and the chair, attorney, and administrator for each board was invited to attend, and all three did attend. This is going to become an annual or biannual event. Senator Fletcher Hartsell, Co-Chair of the JLAPOC

was the guest speaker. He reported that reform will happen but not sure when or what it will look like. We welcome the further study and feel confident that we will be able to show why we should continue to be a licensed profession.

We continue to closely monitor the situation.