

SB972

Measure Title: RELATING TO LICENSING OF AMERICAN SIGN LANGUAGE INTERPRETERS.

Report Title: Licensing; Practice of American Sign Language English Interpreting; Appropriation (\$)

Description: Requires an American Sign Language interpreter to be licensed to work in Hawaii. Appropriates funds to implement the American Sign Language English Interpreter Licensing Program.

Companion: [HB1106](#)

Package: Governor

Current Referral: CPH, WAM

Introducer(s): KOUCHI (Introduced by request of another party)



DISABILITY AND COMMUNICATION ACCESS BOARD

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February 9, 2017

TESTIMONY TO THE SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND HEALTH

Senate Bill 972 - Relating to Licensing of American Sign Language Interpreters

The Disability and Communication Access Board (DCAB) supports the intent of Senate Bill 972 that would require licensing of American Sign Language (ASL) interpreters who work in Hawaii. The bill does not state a specific department that will be responsible for the professional licensure of ASL interpreters. The bill also includes a blank appropriation for startup fees for the program. This is a consumer protection measure to ensure that ASL interpreters who work in the local community have adequate language skills and interact with deaf and hearing consumers in a professional and ethical manner.

Currently, there are approximately forty credentialed ASL interpreters who work statewide in Hawaii. There are also other mainland interpreters who visit Hawaii and work for several months and leave. It has recently been brought to DCAB's attention that consumers (deaf and hearing) of ASL interpreter services that there is a need to ensure the interpreter who is working at an assignment is providing effective communication as well as acting in a professional and ethical manner. If there are complaints about nationally certified interpreters, the agency or individual can contact the National Registry of Interpreters for the Deaf. However, DCAB tests and credentials interpreters but there are no procedures established to address grievances or concerns about locally credentialed interpreters. Licensure could address this issue, because it would be handled by a neutral agency.

Although DCAB supports the intent of Senate Bill 972, we are aware that there is a requirement for a sunrise review to be conducted related to the enactment of new regulatory measures for unregulated professions and vocations per §26H-6, Hawaii Revised Statutes. Due to this requirement, DCAB recommends that this measure be deferred in order for the Auditor to conduct a study to assess, evaluate and review, and analyze the effect of the proposed licensing of ASL interpreters. Agencies hiring ASL interpreters may ask to see credentials prior to the assignment, but even with credentials, the agency may not understand the complex nature of interpreting and assume the interpreter is performing adequately. We also request that the subject matter of the sunrise review be combined with the previously heard Senate Bill 973. Senate Concurrent Resolution 32 was introduced related to these measures in the Senate version of these bills.

Thank you for the opportunity to testify.

Respectfully submitted,

BARBARA FISCHLOWITZ-LEONG
Chairperson
Legislative Committee

FRANCINE WAI
Executive Director



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TO: Sen. Rosalyn H. Baker, Chair; Sen. Clarence K. Nishihara, Vice-Chair
Members, Senate Committee on Commerce, Consumer Protection, and Health

FROM: Tamar H. Lani, MBA, CI, CT, NIC, SC:L, President
Susan Kroe-Unabia, CI, CT, Vice President

HEARING: February 9, 2017, 9:00 a.m., Rm. 229

RE: **OPPOSE, SB 972**, Relating to licensing of ASL interpreters

As owners of a sign language interpreter agency, Isle Interpret, LLC of Honolulu, HI and as interpreters working in Hawaii for more than 20 years each, we agree that Sign Language Interpreters need to conduct business ethically and be accountable to the consumers they serve. However, we strongly **oppose SB 972** and **do not support Senate Concurrent Resolution 32** requesting for a sunrise study to be conducted if it is scheduled for a hearing.

Consumer protections are already in place. Licensure does not add additional protection

- Hawaii laws already protect deaf consumers' rights (HRS Title 11, Chapter 218)
- The ADA specifies the use of a qualified interpreter. Licensure will limited the use of only certified and/or credentialed interpreters. For example, the use of Hawaii Sign Language, a Deaf Interpreter (DI) or a Deaf Blind tactile interpreter who is qualified but not certified would be a "prohibited act."

State Burden

- The state will need to fund the licensing program. The statewide pool of about 50 interpreters cannot contribute enough to support a program with a full licensing board comprised of interpreters, deaf consumers, hard of hearing consumers, deaf-blind consumers, and hearing consumers.
- Licensure is a tax on a specialized industry that is typically in a lower income bracket.

Licensure Leads to Reduction in Services

- As the cost of doing business increases, the pool of available sign language interpreters decreased
- Licensure will serve as a barrier for entry, making it harder for new persons to become ASL interpreters.
- The number of Interpreters on each neighbor islands range from 0 to 5. If neighbor island interpreters stop practicing due to licensure, there will be a reduction in services. The cost of communication access will exponentially increase as interpreters will need to be flown from Oahu.
- Hospitals and medical facilities on each island have contracts with mainland Video Remote Interpreting (VRI) providers as gap fillers for urgent/emergency services. Licensure would make



VRI contracts more difficult to implement and could result in a loss of services for deaf patients in need of urgent and emergency care and services on neighbor islands.

Current Licensure Trend

- States with small pools of interpreters have concluded that the fees collected from interpreters cannot support a licensure program and the cost to the state is prohibitive.
- States that have had licensure for more than 10 years are now trying to repeal their legislation. They have found it does not accomplish what they envisioned and is too costly.

Monitoring Systems in place in Hawaii

- National Credential: Certifying body, Registry of Interpreters for the Deaf (RID), certifies American Sign Language interpreters, overseeing and monitors their Continuing Education Units (CEU) and Grievance processes. RID certified interpreters do not need an additional body to oversee their work.
- State Credential: Credentialing body, Disability and Communication Access Board (DCAB), credentials American Sign Language interpreters, overseeing and monitoring of their Continuing Education Units (CEU). DCAB credentialed interpreters do not have a grievance process.
- State of Hawaii DHS/DVR Interpreter Referral Contract: Isle Interpret is the awardee and adheres to contract reporting requirements and has a Quality Control and Grievance Plan that monitors quality of services and adherence to best practices.

Alternative Solutions to Licensure

- Disability and Communication Access Board (DCAB) undertakes capacity building by meeting with deaf and interpreting communities to work on grassroots solutions to the “concerns” shared in SB 972 & SB 973
- Create a bill to change the Disability and Communication Access Board’s (DCAB) mandate to include regulation of HQAS interpreters so they can develop a grievance process for interpreters they credential.

It was shared by DCAB that the objective of submitting the bill is to have it die in order to be able to request a Senate Concurrent Resolution for the auditor to conduct a sunrise review of licensure of sign language interpreters and regulation of sign language interpreter agencies. We feel a study will find similar evidence presented in our testimony that licensure is unwarranted, infeasible, and not in Hawaii’s best interest. We ask the committee to vote in **opposition to SB 972 and to not support Senate Concurrent Resolution 32** requesting for a sunrise study to be conducted if it is scheduled for a hearing. Pursuing a sunrise study would be a poor use of public time and funds for a licensure regulation measure that the community does not support nor need.

Mahalo,

Tamar Lani, MBA, CI, CT, NIC, SC:L, President
Susan Kroe-Unabia, CI, CT, Vice President

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 8, 2017 10:54 AM
To: CPH Testimony
Cc: rkailianu57@gmail.com
Subject: *Submitted testimony for SB972 on Feb 9, 2017 09:00AM*

SB972

Submitted on: 2/8/2017

Testimony for CPH on Feb 9, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair
Senator Clarence K. Nishihara, Vice Chair

February 6, 2017

Oppose SB 972: Relating to Licensing of American Sign Language Interpreters.

Dear Chair Baker and CCPH Committee,

Aloha

My name is Keri Lee. I am an American Sign Language Interpreter here in Hawaii. I have National and State Certification.

I sent my letter expressing my thoughts regarding HB1106. When I first read this bill, I felt rushed into having to make a decision whether or not to support it. Testimonies were due 24 hours before the meeting started. I thought maybe the idea of Licensure could be a good thing. However, I did not fully understand the full impact it would have on the Deaf and interpreting community at that time.

After reading the bill again and after talking with people and getting a better understanding about this bill, I come to the conclusion that I do not support it. It would create an undue hardship on interpreters to have to pay another fee on top of all the other fees they have to pay. Interpreters may choose to look for other work which will then have an impact on the Deaf community because there would be a shortage of interpreters. That is not right or fair to them.

I think the idea of requiring Licensure could be a good thing. However if this is something that is supported by the committee then scrap this bill and let those who are impacted by this bill be involved in writing such a bill. Please consider allowing members from Deaf, Hard of Hearing, Deaf/Blind and interpreters be involved in drafting a stronger better bill that will benefit everyone involved. We know what will be best.

I do not support this bill how it is written right now.

Thank you for listening to my testimony

Keri Lee

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 5:21 PM
To: CPH Testimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SB972 on Feb 9, 2017 09:00AM*

SB972

Submitted on: 2/2/2017

Testimony for CPH on Feb 9, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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