

Interpreter Review Board Meeting – Revised Draft

October 6, 2006

1:00 p.m. - 3:00 p.m.

1313 Farnam

Conference Room G

**I. Call to Order**

The meeting of the Nebraska Interpreter Review Board was called to order at 1:07 p.m. at the NCDHH office in Omaha, NE. Board Members present: Ms. Tanya Wendel-TW, Ms. Tami Richardson-Nelson-TN, Mr. David Montgomery-DM, Ms. Maureen Larsen-ML, Mr. Thomas Zimmer-TZ, Mr. James Bonesteel-JB, and Mr. Bob Deaton-BD.

**Interpreters:** Ms. Jamy Elker and Ms. Dala McNew

**Absent:** Ms. Kelly Brakenhoff

**Public attendees:** Mr. Art Nelson

Technical Advisor: Ms. Judy Gouldsmith-JG; Staff Assistant: Ms. Traci Cooney

Ms. Tami Richardson-Nelson opened the meeting with an announcement that there was a copy of the Open Meeting Laws available if anyone wanted to review them. Everyone introduced themselves and welcomed new member, Mr. Bob Deaton.

**II. Approval of Agenda**

Motion to approve agenda as handed out

[TW/TZ/Motion Passed]

**III. Approval of Minutes**

A. Minutes of June 16, 2006

Motion to accept minutes from 6-16-06.

Ms. Judy Gouldsmith found several errors in the minutes. Ms. Tanya Wendel made a motion to accept the minutes as amended. Minutes will be corrected and sent to members within one week.

[TW/ML/Motion Passed]

Vote: TW, ML, TZ, TN – yes

BD, DM – abstain

**IV. Public Comments**

Referring to 008.04A4 Grounds for Disciplinary Action in the regulations it states, “Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction and which, if committed within this state, would have

constituted a misdemeanor or felony under state law and which has rational connection with the license holder's renewal or fitness or capacity to practice interpreting or transliterating;..." The question was asked if this means conviction of any type of misdemeanor. The misdemeanor has to be related to an interpreter's practice. It cannot be just any misdemeanor.

## **V. Old Business:**

### **A. Draft Regulations Hearing 9/9/06**

Ms. Tanya Wendel explained the outcome of the public hearing to the board members. There were two attendees present at the Scottsbluff location and about five attendees present at the Omaha location. Ms. Wendel passed around copies of an outline that summarized comments made at the hearing. She pointed out that there was a section for department response on the right side of the page. Ms. Wendel explained that it was this board's responsibility to review the comments. Mr. David Montgomery stated that the Attorney General's office likes to see some kind of response even if it is just "we agree". To clarify, Ms. Tami Richardson-Nelson asked if this was the responsibility of the board or Commission. Ms. Wendel explained that she would feel more comfortable if the board made the comments.

1. The first comment— There is a shortage of interpreters in rural areas who will meet the Licensing standards.
  - a. Ms. Maureen Larsen stated that the board could comment that they sympathize with them and it has been addressed but there is nothing they can do. Mr. Bob Deaton mentioned that it sounded more like an observation than a question and suggested that maybe the attendee just needs more information on NCDHH. Ms. Tanya Wendel provided Mr. Deaton with some background on the situation. Mr. David Montgomery explained that this has been a four year fight and these regulations are thought out and conform to state law. Ms. Tami Richardson-Nelson stated that it doesn't matter what NCDHH does, the board will provide support in some way.
2. The second comment — Deaf individuals will not accept a lesser qualified interpreter than a QAST level 3.
  - a. Mr. Tom Zimmer stated that he agrees with the person who made the comment. Mr. David Montgomery suggested that the response be simple such as "the regulations will not allow lower than QAST 3 for a full license." He felt that this would convey the message. Mr. James Bonesteel stated that he can understand the concern but he would rather have an interpreter with lower qualifications than no interpreter at all, as long as the interpreter can be trusted to say and repeat exactly what is communicated. Ms. Tanya Wendel clarified that Mr. Montgomery's statement about full licensure is accurate.

3. The third comment — Will Iowa interpreters need a Nebraska license?
  - a. During the hearing, Ms. Wendel responded to the question by saying that anyone interpreting in Nebraska will have to have a Nebraska license. Mr. Bob Deaton asked if it depends on who the contractor is. Ms. Wendel explained that in LB 87 it states that any state entity, whether it is court, the police, the Legislature, etc., must use Nebraska licensed interpreters. She also explained that there is a Limited Practice License for those who work 30 hours or less per year. Mr. Montgomery stated that the board should give a factual response and clarify for everyone what the license requirements are. Mr. Bonesteel mentioned he would like to see if there is any way that NCDHH can work together with neighboring states to provide interpreters in western Nebraska. Ms. Richardson-Nelson stated that issues will arise and they will be addressed as they happen.

#### **B. Board Roster - Terms**

1. Ms. Wendel passed around a copy of the new roster asked board members to make corrections.

#### **C. June 30, 2006 – Draft Regulations**

1. Ms. Judy Gouldsmith stated that there is only one addition to the draft regulations since the last meeting. In Section 02, Definitions, page 12, she added to the definition for RID Code of Ethics, “RID adopted the NAD-RID Code of Professional Conduct as its code of ethics effective July 1, 2005.”
2. Specialty License Discussion:

Ms. Wendel shared NCDHH’s Interpreter Issues Committee discussion from a meeting held on 10-4-06. Ms. Barb Woodhead chairs that committee. The group reviewed the preliminary report on the Specialty License in Legal Interpreting prepared by NeRID. The report included information regarding other states that have licensing requirements for legal situations. Based on this report and lack of consensus among NeRID members, the committee recommended removing the Specialty License in Legal Interpreting from the regulations. The committee also had concerns, based on the requirements, that there would be a lack of interpreters available in Lincoln and rural areas of the state. Discussion included the fact that the regulations would mandate the skill level needed in court settings. Ms. Larsen shared that she is on the Nebraska Supreme Court Task Force, which has made a recommendation on fees and best business practices. The Nebraska Supreme Court has approved an increase in pay to \$45-\$50 per hour with a 2 hour minimum. Ms. Larsen shared her concern that recent graduates of Interpreter Training Programs are being registered with the Nebraska Supreme Court and are used in court settings. Mr. Montgomery mentioned that the board is unable

to dictate the skill level that courts determine for legal interpreters contained in their registry. He also stated that the statutes would not allow the board to specify which levels of licensure can be used in which settings. Mr. Montgomery recommended that the Commission seek an opinion from the Attorney General's office and made a motion that NCDHH request a legal opinion regarding whether or not the board can establish rules requiring an entity to hire only a person with a Specialty License. After much discussion, it was decided that a legal opinion would not need to be sought.

Motion to have NCDHH request a legal opinion regarding the ability of rules and regulations to request the courts to only hire interpreters holding a Specialty License in Legal Interpreting.

[DM/TW/Discussion]

Mr. Montgomery asked what the Nebraska Supreme Court requirements were and after further discussion it was determined that the courts had their own Nebraska Supreme Court Interpreter Fee Schedule and Payment Policy.

Original motion to seek a legal opinion was withdrawn.

[DM/TW/Motion Withdrawn]

Motion to approve the regulations as is, retaining the Specialty License in Legal Interpreting.

[DM/ML/Motion Passed]

Vote: ML, TZ, BD, DM, JB, TN – yes  
TW - abstain

## **V. New Business:**

No new business to discuss.

### **A. Next steps**

Mr. Montgomery asked for a timeline on the next steps for the regulations. Ms. Wendel responded that the Interpreter Issues Committee would be making a recommendation to the commissioners this month. The commissioners will be voting on the document via an email vote or will be calling a special meeting. The next NCDHH Commission meeting is scheduled for 12-1-06 in Lincoln. Ms. Wendel mentioned that the Licensing Board would not have another opportunity to discuss the regulations. Mr. Montgomery stated that the commissioners make the final decision and are not required to bring recommendations back to the Licensing Board.

Next meeting: No meeting date was set.

Motion to adjourn meeting.

[TN/MLN/Meeting adjourned at 3:03 p.m.]