

2556

Wojciechowski, Catherine N. (GC-LI)

RECEIVED

From: Ann Sidone [ags4@psu.edu]
Sent: Tuesday, August 15, 2006 11:51 AM
To: cwojciecho@state.pa.us
Cc: vcoover@state.pa.us
Subject: Rulemaking comments

2006 AUG 22 PM 3:33

INDEPENDENT REGULATORY
REVIEW COMMISSION



Regulation
ents.doc (38)

Dear Ms. Wojciechowski,

Attached are my comments to the proposed regulations for the Sign Language Interpreters and Translitterators State Registration Act. As you know, I have very serious concerns about the negative impact of this act on Deaf and hard of hearing citizens of Pennsylvania, particularly in rural areas. In Centre County, where I reside, there is only one registered interpreter. (This lone interpreter is in her late 50s, has arthritis in her hands, and is looking to change careers.) The next closest are in the Johnstown, Harrisburg, and Williamsport areas, approximately 90 miles away. Counties to the north have to import interpreters from even greater distances. Since many of these areas are also economically depressed, I'm hearing of more and more deaf people going without interpreters or being served by unqualified people who are unaware of this act. Video interpreting services may provide relief in these areas within the next five to ten years, but as of now the technology is both too expensive and not reliable enough. Last spring ODDH director Kenneth Puckett attempted to demonstrate this technology to the Advisory Council for the Deaf and Hard of Hearing at the WPSD Outreach Center in Camp Hill; despite the fact that an experienced user was using the system at a venue specifically set up to serve deaf people, it was shown to be most ineffective.

The examinations and certifications accepted under the Act test the ability of interpreters to work with highly educated deaf people with strong ties to the Deaf community. Obviously this group has a right to have their interpreting needs met, but it actually constitutes only a minority of consumers of interpreting services in Pennsylvania. Underserved deaf and hard of hearing people include those with lower levels of education and of proficiency in either American Sign Language or English; late-deafened adults with no ties to the Deaf community; younger deaf people who grew up in mainstreaming environments who use a form of Manually Coded English not included in the RID and NAD tests; and hard of hearing people who need a direct representation of English to augment information they are receiving aurally, including the rapidly increasing number of consumers using cochlear implants. On several occasions I have heard of deaf college students being denied the non-certified interpreters they have requested, and being forced to use certified interpreters whom they have been unable to understand. Organizations such as PSAD do not usually include people in these categories. Additionally, the number of younger Deaf people with strong ties to the Deaf community is shrinking. PSAD has had to discontinue its Miss Deaf Pennsylvania pageant because of the lack of young deaf people in their organization. When one considers that PSAD conferences drew upward of 700 Deaf people to its conferences ten years ago, but had only approximately 175 registrants in 2006, it becomes even more evident that the community's demographics, and consequently its needs, are changing.

I also am concerned that the Pennsylvania Registry of Interpreters for the Deaf has to date been the only group of interpreters consulted in the development of this act. PARID represents only a small percentage of interpreters working in the state. In recent months I have been involved with a group of approximately 25 interpreters from seven counties, meeting monthly to improve their skills. Only a very small number of these are

PARID members. Several declined to join the group if PARID were involved. It is further worrisome to me that membership in the national organization, RID, is required for a PARID member to have voting privileges. This further reduces the number of interpreters represented by the organization in its interaction with the state.

RID seems to have no plan to increase the number of certified interpreters. The most recent available reports show an extremely low percentage of interpreters passing the examinations. However, in a letter dated August 1, 2006, I was told by Lori Frison, National Testing System Coordinator (through Melissa I. Bowhay, RID Membership Services Coordinator), "It was the high number of members passing the CI and CT that led the test developers for the NIC to raise the standard." This seems to indicate that the interpreter shortage is likely to continue and even worsen.

The timing of this legislation was, of course, most unfortunate. Not only did it come at a time of transition in the Office of the Deaf and Hard of Hearing, it also coincided with a disastrous backlog of examination scores at RID. Many examinees were forced to wait as long as a year to receive their scores, and were not permitted to register without certification. Since there was only one year between the enactment and implementation of the provisions of this Act, this did not allow sufficient time for non-certified interpreters to prepare themselves. At the first meeting of the previously mentioned seven-county interpreter group in April 2006, Act 57 was introduced to attendees; for many, it was the first time they had heard of it. This, along with the previously mentioned low pass rate of RID and RID/NAD examinations, leads me to wonder if a temporary suspension of ALL provisions of the act, similar to that given last year for educational interpreters, would be appropriate. I do realize that this would be a highly controversial move, and a step backward in some areas of the state, so I am submitting the attached recommendations as a partial remedy of this serious situation.

I look forward to seeing you at the August 16 meeting to discuss these regulations.

Regards,
Ann Sidone

501.3. Examinations

Add: (4) A score of 4.0 or better on the secondary-level EIPA will qualify an interpreter to work in a post-secondary educational setting.

Rationale: The secondary EIPA assessment bears as much or more similarity to the post-secondary classroom environment as do the examinations conducted by RID and/or NAD. It also includes specific testing options in Manually Coded English, which the RID/NAD exams do not. Given the increasing number of deaf students coming out of mainstream environments in which Manually Coded English was specified in their IEPs, it is crucial to serve the needs of this demographic. This could also alleviate the shortage of certified interpreters in the Commonwealth, particularly in rural areas.

Add: (5) The Office will develop and administer a quality assurance examination to be used for non-registered, interpreters who do possess the credentials listed in 501.3 (1-4). These interpreters will not be permitted to interpret in legal, medical, or mental health settings.

Rationale:

1. According to the FAQ page of RID,

While you are not required to have a college degree in order to take an assessment, the background, skills development and theory learned in a recognized interpreter training program are extremely beneficial in getting your national certification. Upon completion of a good program, most graduates are able to pass the RID written exam. If you are active in the field and continue to upgrade your knowledge and skills, you should be able to pass the RID skills certification within three to five years.

Currently there is no provision in the Act for certification candidates or other non-certified interpreters to gain the necessary experience with which to upgrade knowledge and skills to pass the examinations listed above.

2. There is a severe shortage of certified interpreters in the rural areas of Pennsylvania. While there are interpreters who express willingness to travel to all areas of the state, this is not a realistic expectation. For example, a small business in a rural area employing a Deaf individual who requires an interpreter for a half-hour staff meeting would likely find it a hardship to pay an interpreter portal-to-portal if that interpreter drives two hours each way. This restricts the Deaf individual in his or her current employment setting and reduces the likelihood of promotion to a position requiring more staff meetings. (Video Interpreting Services are not currently reliable enough to solve this problem; a recent attempt to demonstrate this technology to the Advisory Council for Deaf and Hard of Hearing was only marginally successful. Additionally, many rural areas do not have the type of cable access necessary for this technology.)

3. Unqualified interpreters continue to work in Pennsylvania, using the Office's Request for Use of Non-Registered Interpreter/Transliterator form. Replacing the provision for requesting non-registered interpreters with the quality assurance screening would improve the quality of interpreters working in the state.
4. A quality assurance screening could include an interpreter's ability to communicate with deaf or hard of hearing people who prefer a form of Manually Coded English, which is not included in the RID and NAD certifications.

Add: (5) Interpreters holding RID certifications TC, IC, and RSC, and NAD Level III certification, may interpret in settings other than legal, medical, or mental health.

Rationale: See above rationales 1, 2, and 3 for quality-assurance examination.

501.4. Registration

Change (a) (1) "...This *may* include proof of current certification..." to "...This *will* include proof of current certification..."

Rationale: Interpreters who have had their certification revoked for cause should not be permitted to register. Those whose certification has lapsed have no proof of having kept up their knowledge and skills in the profession.

501.5. Exemptions

- (a) (2) "Exclusively for religious-study purposes for a religious entity or religiously affiliated school. This needs to be clarified; is it meant to include religious-study classes at religiously affiliated universities such as Duquesne, Mt. Aloysius, or Geneva, or is it limited to elementary and secondary schools?"
- (b) Remove the words "who does not reside in this Commonwealth".

Rationale: It is inconsistent to require Pennsylvania interpreters to pay the registration fee if they work fewer than 14 days per year when out-of-state interpreters do not have to pay. Interpreters working full-time in other fields may provide interpreting services only occasionally; as they are already paying professional dues to RID and costs of their continuing education for certification maintenance, they may already be paying more to keep their certification than they are earning through interpreting. This additional cost is an unnecessary burden. The interpreter shortage in rural areas is partially due to the lack of a population base sufficient to support an interpreter through full-time work; permitting those certified interpreters working in other fields to provide occasional service could help to alleviate this shortage.

- (c) If the change recommended above for 501.3 (5) is adopted, eliminate this section. Otherwise, add/change the following:

- (1) Clarify to indicate whether or not a separate form needs to be provided for every assignment.

Rationale: Currently the Non-Registered Interpreter/Transliterater form is ambiguous in this regard.

Add (5) A copy of the client's signed statement will be kept in the Office for two years.

Rationale: This measure would assure that the statements are being used appropriately.

- (d) (2) Remove this provision "Is currently employed by a public or private elementary or secondary school."

Rationale: An interpreter with an EIPA level of 3.5 or above has been screened for work with children, while an RID or NAD certified interpreter has not. If the consumer is a child on a school field trip, an EIPA-screened interpreter might be better qualified to work with the child, whether being paid by the school or the field trip site.

501.9 Biennial registration renewal

(b) Registration for a biennium expires December 31 of every even-numbered year. Add: Interpreters registering after June 30 of even-numbered years will pay a pro-rated fee of \$50.00 for the balance of that biennium.

Rationale: \$100.00 is an excessive fee for six months or less of registration.