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Wojciechowski, Catherine N. (GC-LI)

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From: Jeffrey Weber [jweber@po-box.esu.edu]
Sent: Monday, August 21, 2006 8:32 AM
To: cwojciecho@state.pa.us
Cc: Tom King (E-mail); Coover, Vance C; Gannon, William A.
Subject: ACDHH Comments to the Proposed Act 57 regulations

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INDEPENDENT REGULATORY
REVIEW COMMISSION



ACDHH
ITS on propos

Catherine N. Wojciechowski, Esq.
Deputy Chief Counsel,
Department of Labor and Industry

August 21, 2006

Dear Ms. Wojciechowski:

The Advisory Council for the Deaf and Hard-of-Hearing meet on August 14, 2006 from 9:00 to 12:00 for the specific purpose of drafting comments to the proposed regulations for Act 57 of 2004, as amended by Act 92 of 2006. Attached, for your consideration, is a copy of the approved ACDHH's comments. Additionally, thank you for all your efforts in putting together the regulations, which help to ensure an effective and efficient sign language interpreter's registration program. If you require clarification on any of the comments, please do not hesitate to contact me.

Sincerely,

Dr. Jeffrey A. Weber
Secretary, ACDHH

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**ADVISORY COUNCIL FOR
THE DEAF AND HARD OF HEARING'S
Comments on the Proposed Regulations for
Act 57 of 2004 as amended by Act 92 of 2006**

1. Correct a typographical error and have the section numbers listed in the beginning correspond to the actual section numbers. i.e. 50.1 to 501.1 , 50.2 to 501.2, etc.
2. The regulations should contain a definition for "Qualified Interpreter" as provided in Act 57 of 2004. This definition is important due to statutory language in the American with Disabilities Act, which calls for "qualified interpreter" but leaves the definition of that to the states.
3. The definition in 501.1: "*NAD National Interpreter Certification Test*--The written and performance examinations conducted by the NAD for Level IV or V certification as a sign language interpreter or Transliterator." The definition should explain the differences between Level IV and Level V certification. Also, it should explain that this test is no longer given, but has been assumed into the NIC test. (Note: Under the examination section of the regulations it should explain that interpreters certified under this test and have maintain their certification are grandfathered)
4. The definition in 501.1 - "*NAD-RID NIC*--The National Interpreter Certification test which is the knowledge, interview and performance examination conducted for National certification as a sign language interpreter or Transliterator." The definition should be expanded to include the test taken for Certified Deaf Interpreters. Also, list all of the certificates with definitions for each.
5. Section 501.2 add "(6) Student Fee - \$25.00" (Note in later section we are recommending the addition of a student/intern category).
6. Section 501.3 Examination – change to read (rationale for this change is to bring it in-line with the actual status of current testing:
 - (a) The following examinations are approved as the examination which tests knowledge and proficiency under section 5(a)(1)(iii) of the act (63 P. S. § 1725.5(a)(1)(iii)):
 - (1) NAD-RID NIC.
 - (2) The following exams are no longer administered, but previous certification under either exam is recognized provided the interpreter has maintain certification.
 - ((a)) NAD National Interpreter Certification
 - ((b)) RID Generalist Examination

(b) An applicant for any of the approved examinations shall obtain applications directly from and pay the required examination fee directly to the examination provider.

7. Section 501.3 Examination – Believe that ODHH should be given the flexibility to recognize certification tests conducted in other states or Canada. Additionally, the regulations should provide ODHH with the flexibility to change to a different certification test. (The rationale is to allow ODHH to adapt to changes by NAD and RID).
8. Amend Section 501.4 Registration, subparagraph (1) Proof of receiving a passing score on any of the approved examinations. This ~~may~~ shall include proof of current certification by the NAD, RID or NAD-RID NIC.
9. Amend 501.4 Registration, subparagraph (2) “office” to “Office”.
10. Section 501.5 Exemptions List all eight (8) exemptions as found in Act 57 of 2004 as amended by Act 92 of 2006.
11. Amend Section 501.5 (2): “Exclusively for religious-~~study~~ purposes for a religious entity or religiously affiliated school.” Rationale – it was not the legislative intent for this exemption to include religious secondary and post-secondary education (ie. Seminary).
12. Amend Section 501.5 paragraph (d) to reflect the recent amendment, Act 92 of 2006.
13. Section 501.5 paragraph (e) The Advisory Council is concerned that the patient is actually placed in a difficult situation with the threat of delaying treatment. The Council recommends the removal of the phrase “may result in delay of service” and a rewording of the overall paragraph to have the doctor inform the patient prior to the office visit (i.e. at the time the appointment is made and an interpreter is requested) that a non-state registered interpreter will be provided, but the patient has the right to request a state registered interpreter at no expense to them. If the Deaf patient fails to make the request for an interpreter prior to the appointment, then the obtaining of a state registered interpreter may result in delay of treatment. Additionally, the regulations should reinforce the ADA requirement that doctors provide a qualified interpreter and can not deny treatment because of the patient’s need for an interpreter.
14. Amend Section 501.6 Complaints, paragraph (a) Upon the receipt of a written complaint or upon its own initiative, the Office ~~may~~ shall investigate.”