BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

The Board for Professional and Occupational Regulation held a public hearing on September 11, 2019, at the Blue Ridge Independent Living Centers, 1502 B Williamson Rd NE, Roanoke, VA, to receive public comment regarding the Board's study on licensure for sign language interpreters.

Board staff present: Kathleen (Kate) R. Nosbisch, Executive Director Matthew McCabe, Program & Special Projects Analyst

Ms. Nosbisch began the public hearing at 11:01 a.m. and read an introductory statement regarding the purpose and rules of the hearing.

Commencement of Public

Hearing

Public Comment Period – Transcript attached.

Public Comment Period

There being no further comment, the meeting was adjourned at 12:00 p.m. Adjournment

Shelly Sinzonds, Chair

Mary Broz-Vaughan, Secretary

PROFESSIONAL AND OCCUPATIONAL REGULATIONS CONFERENCE PUBLIC HEARING

WEDNESDAY, SEPTEMBER 11, 2019 11:01 A.M.

BLUE RIDGE INDEPENDENT LIVING CENTER 1502 WILLIAMSON ROAD, NORTHEAST SUITE B ROANOKE, VIRGINIA 24012



DPOR Public Hearing	September 11, 2019 VR # 17051-4	Page 2
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1 APPEARANCES	1 PROFESSIONAL AND OCCUPATIONAL	
2 STAFF FIR THE BOARD OF PROFESSIONAL AND	2 REGULATION CONFERENCE	
3 OCCUPATIONAL REGULATION:	3 ROANOKE, VIRGINIA	
4 KATHLEEN "KATE" R. NOSBISCH	4 WEDNESDAY, SEPTEMBER 11, 2019	
5 DEPARTMENT OF PROFESSIONAL AND	5 11:01 A.M .	
6 OCCUPATIONAL REGULATION	6 MS. NOSBISCH: Good morning,	
7 9960 MARYLAND DRIVE	7 everyone. Hi. My name is Kate Nosbisch. I'm	
8 SUITE 400	8 the executive director for the Board for	
9 RICHMOND, VIRGINIA 23233	9 Professional and Occupational Regulation. I have	
10 TELEPHONE: 804.367.8514	10 with me today Matt McCabe, who is our special	
11 FACSIMILE: 804.527.4294	11 projects and program analyst, and this public	
12 E-MAIL: KATE.NOSBISCH@DPOR.VIRGINIA.GOV	12 hearing is being held at Blue Ridge Independent	
13	13 Living Centers at 1502B, Williamson Road NE,	
14 SPEAKERS:	14 Roanoke, Virginia 24012. This public hearing is	
15 JAY SPRAKER	15 being held pursuant to Section 54.1-310 of the	
16 EMILY BOWERS	16 Code of Virginia for the purpose of receiving	
17 GARY BOWERS	17 public comment for the board's study of the need	
18 REAGAN SPARKS	18 whether to regulate sign language interpreters as	
19 NASHALLIE CORTES	19 published in the Virginia Register on Monday,	
20 BETTI THOMPSON	20 September 2, 2019. The list of interested	
21 KARRIGAN SCOTT	21 parties and organizations which were notified of	
22 ESTHER DIETIRCH	22 this process and invited to comment is available	
23 SARAH MEYER	23 upon written request. The staff of the	
24 RACHEL KOLB	24 Department of Professional and Occupational	
25 SPEAKERS:	25 Regulation will prepare a report of all public	
	3	5
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1 ELODIE TATT	1 comment received which will be presented to the	5
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	6			8
1	sign in? The first person on the list is, is it	1	you would have to go through; however, it's not	
2	Jay Sparker? You have	2	required. So if there were certification and you	
3	MR. SPRAKER: Spraker.	3	were in need of a sign language interpreter, you	
4	MS. NOSBISCH: I'm sorry?	4	might say, oh, I want someone that is certified	
5	MR. SPRAKER: Spraker.	5	versus someone that isn't certified. It would be	
6	MS. NOSBISCH: Spraker. Mr.	6	your choice and it would be the sign language	
7	Spraker, you have maybe. Would you like to make	7	interpreter's choice if they wished to go through	
8	comments at this time?	8	the extra channels to be certified. I'll give	
9	MR SPRAKER: I'm still thinking	9	you an example. I license multiple professions	
10	about it. I'm going to wait and see how things	10	at the Department for Professional and	
11	go through the commenting. I'm still thinking.	11	Occupational Regulation, and interior designers	
12	MS. NOSBISCH: Okay, I'll come	12	are one of those professions. They are	
13	back to you. The next person, we have two folks,	13	certified. So to be certified, we talk about the	
14	Emily and Gary Bowers. Ms. Bowers, would you	14	three-legged stool: education, experience, and	
15	like to come forward first, please?	15	exam. So they have to meet certain hurdles to be	
16	MS. BOWERS: Well, what sort of	16	able to say they are certified interior designer	
17	things should I be talking about?	17	in Virginia; however, anybody can say they are an	
18	MS. NOSBISCH: The purpose of	18	interior designer. They just can't use the word	
19	this hearing, and there's no one from VDDHH at	19	certified unless they have done these extra	
20	this hearing, they were unable to come, and they	20	steps, which is voluntary. If you have	
21	were the first individuals to speak at the	21	licensure, that is not voluntary. That means	
22	previous hearings. So I'm going to share with	22	that everybody who wants to be a sign language	
23	you what they have said previously. This is your	23	interpreter in Virginia would have to have a	
24	opportunity to provide comment back to the board	24	license to practice as a sign language	
25	to let us know, do you think that sign language	25	interpreter. Does that help?	
	_			
	7			9
1	interpreters need to be licensed or need to be	1	MS. BOWERS: Question, so how	
1	certified. So I'm very pleased to have so many	2	would we know if somebody has a license of not?	
	folks from the community that have come out	3	How would you prove that?	
	during these hearings, but we need your feedback.	4	MS. NOSBISCH: Our agency has, on	
1	So yes, you think it's a good idea; no, you don't		our website it's called license lookup, and so	
6	think it's a good idea. Some individuals have		every license that we issue, you go on license	
7	shared good and bad experiences that they've had,	ı	lookup and you can put in the word architect and	
1	but this is your opportunity to provide comment	8	all the architect licenses will come up. You can	
1	to help us, the board, make a decision if sign	9	put in a last name and anybody with that last	
1	language interpreters should be licensed or	10	name in any profession with license would come	
11	certified or registered, which are the different	11	up. Or you could contact the board for that	
	levels of licensure we have at the board.	l	information. And this really isn't the forum for	
13	BOARD MEMBER: Maybe you could	13	questions, but this situation is kind of unique	
14	explain a little bit the difference between	14	and I want to make sure that everybody	
15	licensure, which we don't have yet, versus	15	understands the purpose and the importance of	
16	certification. Can we talk about the difference	16	making comment whichever you feel about it. So	
17	so that people have an idea going in?	17	licensure would still take time to put in place.	
18	MS. NOSBISCH: So the least	18	We still have to go through a process. Our	
119	intrusive, I don't want to say lowest level, but	19	regulations would need to be developed. But	



20 everybody that's licensed, and I would encourage

22 Dpor.virginia.gov on the left-hand side, the very

21 you if you've never been on our website,

23 first tab is license lookup, hit that and then

24 you can search by name or profession. So if

25 indeed sign language interpreters ended up

20 registration, which just is optional people can

21 register as type of profession, in this example,

23 register yes, I am a sign language interpreter.

24 Certification is voluntary, so if you want to be

25 certified, there would be certain hurdles that

22 sign language interpreters. You could just

11 13

MS. THOMPSON: All right, just

MS. NOSBISCH: I was going to ask 2 if you'd please come to the front of the room so 3 everybody can see you. MR. BOWERS: Okay, is it okay if I 5 stand right here? 6 MS. NOSBISCH: As long as they 7 can see you, sir, yes. Thank you.

25 up front?

8 MR. BOWERS: You're welcome. Hi, 9 everyone. I worked at the post office. I'm

10 retired, been for several years, but previously I

11 had worked under the American Postal Union

12 Workers. There were situations when we had a

13 last-minute emergency and they would call for an

14 interpreter and when they would get hold of

15 someone, they would decide they would be too

16 expensive. Especially if it was something on

17 Sunday because people do charge extra for

18 Sundays, and we really were expecting an RID

19 certified interpreter, but other people who were

20 cheaper would show up. And so it is a concern

21 about people navigating the expense. Questions?

22 Nobody is saying anything so, am I good?

23 MS. NOSBISCH: Your comments are

24 helpful. Thank you very much, sir.

25 MR. BOWERS: Okay. 1 briefly to clarify and maybe add, oh, I thought

2 everybody could see me here, but thank you. My

3 name is Betti Thompson. I'm deaf myself. I've

4 grown up in Roanoke. Thanks for letting me speak

5 for just a little bit. I don't have any real

6 opinion on the subject, but I do want to help

7 folks maybe understand the goal for today. I'm

8 not speaking for the community. I'm just making

9 a general comment first about what the purpose is

10 as far as requiring interpreters to have licenses

11 or just considering them as they are now,

12 certified or not. I know that is a little bit

13 vague and a lot of people are not familiar with

14 the concept. I just want you to think about the

15 example of, you go in to get a haircut or you go

16 to get your nails done, this is just one example.

17 Up on the wall you would see posted the Virginia

18 Board because it is required for those folks to

19 have a license in the state of Virginia, and they

20 will have it posted on the wall there. All

21 barber shops, hairdressers, et cetera, have to

22 have a license. That's how they can keep their

23 business going. That's how they keep their work

24 as a professional and not just somebody who's

25 playing around, trying to take advantage of



16

17

- 1 people for their money. If they work without a
- 2 license, then their business is in danger of
- 3 being closed. It's not regulated as far as being
- 4 clean, maybe the brushes and combs they're not
- 5 using are not being cleaned appropriately between
- 6 different people. So similarly today we're
- 7 talking about whether interpreters should be
- 8 required to have just certification or licensure.
- 9 Maybe if they'd been through the VQAS test, the
- 10 Virginia Quality Assurance Screening, now again
- 11 that is a screening test. They don't come out
- 12 the other side with a license. They have
- 13 credentials of level one, two, three, but most
- 14 people who are okay with level three, they might
- 15 as well go ahead and take the RID test for
- 16 national certification with the registry of
- 17 interpreters for the deaf, which is nationwide.
- 18 Now even though people have RID certification,
- 19 that's still not considered a license in this
- 20 state. And if something's wrong with this
- 21 interpreter and they say oh, I'm level three,
- 22 maybe they are level three but they're not
- 23 behaving professionally. They've done something
- 24 incorrect as far as confidentiality or they talk
- 25 about things that are too personal in the

- 1 involved how stringent they are. And that might
- 2 scare people away because of the extra training
- 3 that's required, the extra money that's involved.
- 4 So it is a little more intimidating for
- 5 interpreters who haven't gotten a license,
- 6 they're thinking about it but they're scared away
- 7 by the expense and the difficulty. And so it's
- 8 important for deaf people to speak up for either
- 9 certified interpreters or licensed interpreters.
- 10 More and more deaf people might not be able to
- 11 get interpreters if the ones who want to become
- 12 interpreters don't because of being afraid of
- 13 licensures. So at the same time, a certified
- 14 interpreter who gets a license I think would be
- 15 under more scrutiny to keep things professional.
- 16 So we're kind of trying to clarify what's
- 17 working, what's not, what's a good idea, what's
- 18 not. So that's just my summary here to try to
- 19 help out to explain what we're talking about.
- 20 Thank you.
- 21 MS. NOSBISCH: Thank you very
- 22 much, Ms. Thompson.
- 23 MS. THOMPSON: All right, thank
- 24 you.

15

25 MS. NOSBISCH: Next on the list

1 situation that they're interpreting, just not

- 2 behaving professionally. Then the deaf people
- 3 might feel uncertain how to deal with that, you
- 4 know, this person is not conducting business
- 5 professionally. And there's really not enough
- 6 resource, not any recourse for you to go and talk7 to someone about the problem. Right now, VDDHH's
- 8 hands are really tied as far as certification or
- 9 complaints, et cetera, unless it's something just
- 10 exceptionally bad. So I can't really say whether
- 11 I'm in favor or opposed to the idea of licensure,
- 12 but it's something for you guys to think about,
- 13 sort of the pros and cons between certification
- 14 alone, credentials alone, and licensure. And I
- 15 love deaf community and I love our interpreters,
- 16 as well. The question is just whether people who
- 17 have worked really hard to get that certification
- 18 now are going to be required to get a license.19 It's that much extra effort for them, and people
- 20 who already have certification might not be able
- 21 to get a license, you know, I don't know the
- 22 percentage, half of the state, seventy-five
- 23 percent of the state of the interpreters, you
- 24 know, might not be able to get a license. It
- 25 just depends on the requirements that are

- 1 is Karrington Scott was a maybe? Karrington?
 - MR. SCOTT: My response maybe I'm
 - 3 changing it to no. I prefer not to comment.
 - 4 MS. NOSBISCH: Okay. Thank you.
 - 5 Next on the list is Esther Dietrich, maybe?
 - 6 **MS. DIETRICH:** I feel the same.
 - 7 I'd prefer not to comment.
 - B MS. NOSBISCH: Thank you. I have
 - 9 Ms. Meyers who did not wish to make a comment and
 - 10 then Ms. Kolb who did not wish to make a comment.
 - 11 Ms. Tatt who did not wish to make a comment and
 - 12 Ms. Thorn was a maybe.
 - 13 MS. THORN: I'm Ms. Thorn. I
 - 14 would choose to make a comment.
 - 15 MS. NOSBISCH: Thank you very
 - 16 much, Ms. Thorn. Are you ready?
 - MS. THORN: Okay, stand here?
 - 18 MS. NOSBISCH: Yes, please.
 - 19 MS. THORN: Closer. Small
 - 20 audience.

17

- 21 MS. NOSBISCH: Are you going to
- 22 be speaking?
- 23 MS. THORN: I'm going to speak in
- 24 English. My name is Nicole Thorn. I'm a
- 25 nationally certified interpreter. I work in all



- 1 parts of the state of Virginia. I was here when
- 2 ten years ago this same topic came up talking
- 3 about licensure. It's a hot topic, and as a
- 4 result, ten years ago I looked into it a little
- 5 bit deeper, looking at states that have licensure
- 6 for interpreters. Actually when I heard about
- 7 the concept I was pretty excited because I liked
- 8 the idea of regulation. I liked the idea of
- 9 being able to get better, more qualified
- 10 interpreters serving our deaf population. I have
- 11 seen, I've experienced, I have teamed with
- 12 interpreters who are not qualified. They should
- 13 not have been interpreting. And there were no
- 14 rules in place to control that whatsoever. I
- 15 teach interpreting and my students on a regular
- 16 basis are asked to interpret. Students who have
- 17 taken one sign language class have been asked to
- 18 interpret, and there's no rules against them
- 19 doing that, except the fact that they are
- 20 actually hurting the whole process and certainly
- 21 just not doing a service to the deaf population,
- 22 which is not the intent of our profession. Our
- 23 profession has worked really hard at setting up
- 24 regulations for ourselves. We have
- 25 certification. We have qualification under our

- 1 qualified interpreter. I am not for licensure in
- 2 the state of Virginia because of what I have seen
- 3 happening in other states. Licensure that I have
- 4 seen and witnessed generally means more red tape
- 5 for the interpreters and more costs for the
- 6 interpreters, and unfortunately that cost often
- 7 gets carried back to the deaf people because the
- 8 interpreters have to increase their prices. I am
- 9 for more regulation. I would like to recommend
- 10 that we utilize the things that are already in
- 11 place, American Disabilities Act, which is a
- 12 federal law, stating that interpreters have
- 13 qualified. I'd like the state of Virginia to
- 14 define qualified and I would like to recommend
- 15 that definition be nationally certified or VQAS
- 16 screened, and making those the mandates that an
- 17 interpreter would be in the state of Virginia.
- 18 You either have your VQAS or your national
- 19 certification. Thank you.
- 20 MS. NOSBISCH: Thank you for your
- 21 comments. Okay, so we're back to the top of the
- 22 list again. Jay?

25

- 23 MR. SPRAKER: Yes.
- 24 MS. NOSBISCH: Thank you.
 - MR. SPRAKER: For thirty years,

19 21

- 1 terms. We have national certification, and as
- 2 Betti here just described, it is difficult to
- 3 become nationally certified. It's expensive,
- 4 time consuming, requires a great deal of
- 5 training, and if you accomplish that, it means6 something. And our deaf population recognizes
- 7 that, requiring it and requesting nationally
- 8 certified's, not getting them frequently, as this
- 9 man just shared, asking for an emergency
- 10 situation on a Sunday, and if it's an emergency
- 11 situation, you do go into details, and rightfully
- 12 so, there should have been a nationally certified
- 13 interpreter put in there. And unfortunately what
- 14 often happens is people just go for the lower
- 15 price tag, which means maybe a student, somebody
- 16 who has taken some classes but certainly aren't
- 17 qualified and don't even understand the code of
- 18 ethics that are also associated within our
- 19 profession. The American Disabilities Act was
- 20 passed in 1990 mandating interpreters and access
- 21 for deaf people, amongst others obviously. That
- 22 law has meant a lot for us as professionals and
- 23 certainly for the deaf population, giving them a
- 24 legal right to access. Within that regulation,
- 25 it states deaf people will be provided a

- 1 I've been around, oh, excuse me. My name is Jay
- 2 Spraker. I'm involved with the Virginia
- 3 Association of the Deaf. I'm their treasurer.
- 4 Gosh, for thirty, maybe forty years I've been
- 5 involved with interpreters, and my time, it's
- 6 been the court, the doctors, anywhere. And the
- 7 largest percent of interpreters were not
- 8 qualified, and I could tell they're not
- 9 qualified. I can catch them making mistakes, and
- 10 I can read their lips while I'm signing because
- 11 I'm a pretty good lip reader. So I could catch
- 12 when they've misunderstood me and I'm very upset
- 13 by that. If the court asked me, do you want that
- 14 person again, I say no, get them off the list and
- 15 they are surprised when I explain they're not
- 16 qualified. They're not certified. There's no
- 17 proof of professionalism. Like I see this
- 18 interpreter has a tag. Everyone who's an
- 19 interpreter should have a tag to prove that
- 20 you're a certified or licensed interpreter. That
- 21 tag is the interpreter's ID and I think that
- 22 would help everyone who wanted to become an
- 23 interpreter to have a name tag in the state of
- 24 Virginia, and it would be easier to identify
- 25 their level of qualifications. So I'm trying to



25

1	keep it brief,	but most of the	interpreters that
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- 2 I've seen are below qualified. A big meeting,
- 3 oh, the interpreters are good, but court, I've
- 4 often seen interpreters who are not qualified to
- 5 be in court working. Doctor's office usually is
- 6 pretty good. I have to think. Some events I've
- 7 gone to, the interpreters are terrible.
- 8 Emergency on TV for weather sometimes it's
- 9 horrible. We can't understand them and the
- 10 interpreter looks like they're making signs up.
- 11 They're not qualified. It's like they make up
- 12 stuff and Jamaican interpreter, Bahamas
- 13 interpreters, they didn't do it right. They need
- 14 to have certification or licensure and we need
- 15 that here in Virginia. And that's all. Thank
- 16 you.
- 17 MS. NOSBISCH: Thank you for your
- 18 comments, sir. I'm sorry, what was the last
- 19 thing?
- 20 MR. SPRAKER: Paperclips on the
- 21 floor.
- 22 MS. NOSBISCH: Thank you for
- picking up the paperclips. Ms. Emily Bowers,
- 24 would you like to make comment?
- 25 MS. BOWERS: Yes, briefly.

- 1 didn't know what they were doing. And all the
- 2 deaf people in the event saw what they had to
- 3 say. And the services must kept confidential.
- 4 Another thing I was thinking of, what was the
- 5 other thing? Oh yes, one of, a student who was
- 6 in an internship came to interpret for me at my
- 7 father's funeral, and the interpreter was not
- 8 able to follow the sign, the words that were
- 9 spoken. And my nieces and nephews said oh my
- 10 gosh, that interpreter missed so much, and I was
- 11 so embarrassed, why they had hired an intern.
- 12 And I was really concerned and I missed a whole
- 13 lot of my own father's funeral. Let me think,
- 14 some other things. If I can ask how doctor's
- 15 offices and so forth, if they bring an
- 16 interpreter, do they ask if they're certified or
- 17 qualified or do they just hire them? Does
- 18 anybody know? They should be asking. Also one
- 19 thing I would like to add, with my schedule, I
- 20 have a doctor's appointment and so forth set far
- 21 in advance, they'll call me the day before, oh,
- 22 we need to put it off till 4:00 in the afternoon
- 23 or the next day and it's like, I've got to change
- 24 my schedule at the last minute just to
- 25 accommodate the interpreter that they have

MS. NOSBISCH: Thank you.

2 MS. BOWERS: Good morning. I'm

- 3 Emily Bowers. I have been working in the post
- 4 office alongside my husband and one person I
- 5 really struggled with, they said they were
- 6 certified, but the signs were incorrect, they
- 7 misunderstood us, and I told my manager and
- 8 struggled. They said oh no, they're fine. They
- 9 can do it. I said no, I can't understand them.
- 10 They can't, finally we won and got a qualified
- 11 interpreter. So that was going great. I'm now
- 12 retired though, but I'm still concerned, not
- 13 most, but a lot of interpreters do not follow
- 14 their code of ethics. They tell things about
- 15 friends to friends about private, I remember with
- 16 my father several years ago, there was an
- 17 interpreter and the interpreter didn't know that
- 18 this person was my family member and could sign,
- 19 and the interpreter was sitting there making
- 20 comments. There was three or four deaf people.
- 21 Uh, we don't need to pay attention to them until
- 22 your name is called, then I'll start signing.
- 23 But the interpreter was saying bad things to the
- 24 other people about the deaf people. Oh, this 25 person's an idiot. They were in court and they

1 gotten. Thank you.

23

MS. NOSBISCH: Thank you for your

3 comments, Ms. Bowers. Okay, we're back to Reagan

4 Sparks. Do you wish to make comment?

5 MS. SPARKS: I'm going to change

6 my answer to no.

MS. NOSBISCH: No? Thank you.

And Natalie Cortes?

MS. CORTES: I don't understand

enough about licensure, so I'd rather not

11 comment.

12 MS. NOSBISCH: We have been

- 13 through the whole list. Is there anybody, even
- 14 if you've already commented, you have thought of
- something else that you'd like to share at this
- 16 time, I invite you...

17 MS. THOMPSON: I have.

18 MS. NOSBISCH: Great. You want

to come back forward please and introduce

20 yourself again to the group?

MS. THOMPSON: Officially I'm

22 speaking for myself this time, so maybe, I want

- 23 you to know, you've had the experience
- 24 yourselves, but I did want to explain the
- 25 challenge and frustration for me in my situation.



21

29

26 1 I'm not speaking specifically, well okay, I have 1 thing I'd like to mention, I never spoke of it. 2 faced many, many challenges. For example, I 2 There are different interpreter agencies around 3 would have an appointment and ask and they'd say 3 the state and some of them I say, no thank you. 4 yes, we have an interpreter, for a doctor's 4 Even though one place keeps calling this agency, 5 that's not, the agency is not professional. 5 appointment, and most of the time, interpreter 6 shows up, everything's good. But not so great if 6 They're not, there's nobody certified. It's 7 there's a surgery scheduled or a procedure. For 7 just, they don't have VQS credentials. They're 8 just an interpreting agency and I don't want to 8 example, you must have a certain diet, you can't

9 eat for twenty-four hours before or two days 9 work with them. When they say oh, we've called 10 before surgery, and then you can have the 10 an interpreter, I say oh, please don't send

11 procedure. Okay, the challenge there is the next 11 anybody from this agency. I keep telling my 12 day, I show up and there's no interpreter at the 12 different contacts, I don't want interpreters

13 hospital. And I'm like how, I can't reschedule 13 from that agency, and I feel like I have a 14 limited range of power. How can I report this 14 surgery for a procedure because of the special

15 diet I've been following. That's really a hard 15 sticky situation? I don't want to offend the

16 thing. And you can't change your schedule and 16 business owners. I don't want to know them, want 17 postpone a surgery, so they say, oh, we'll them to know that I've reported them, that I've

18 provide VRI, video remote interpreting, is that 18 complained about them, so maybe we do need to set

19 okay? And I'm like, um, in my gut I feel like 19 up some kind of formal system so the deaf and

20 that is not the best solution because, and 20 hard of hearing people can report, this agency is 21 rightfully so, the interpreter might be 21 unprofessional, this interpreter is

22 disqualified, we might get disconnected, so many 22 unprofessional, so that we have things, access

23 things can go wrong. So it's not that reliable. 23 more open for deaf and hard of hearing. Even

24 So for example, when they bring out the VRI 24 other interpreters would see these people and

25 screen and if you're laying down, you can't see, 25 think oh my God, they're not qualified. Now an

1 it's not set on a formal stand. The nurse has to

27

2 stand there with a tablet and sometimes she'd put

3 it on my stomach. I was on my stomach, excuse

4 me, and so it was hard for me to see and for the 4 quality interpreters. Okay, oops, thank you.

5 interpreter to understand my signs. So during 6

6 the procedure, they had x-ray that I could see, 7 and sure enough, the VRI disconnected in the

8 middle of my procedure. When they started the

procedure to do an injection, the doctor had to 9 saw that red light. Okay. Well, thank you. Any

12

16

19

10 ask me a question, did I feel anything, was it

11 painful, and the interpreter is gone. And all

12 the nurses were like oh my God, they took their

13 mask down, can you feel this, can you feel that,

14 so that I could read their lips and it was, ugh.

15 After I finished the surgery, I told them don't

16 you ever do that again. We must have an

17 interpreter in person no matter what. I am never

18 going through this again. The nurses said oh, we

19 can find, no, no. That was a horrible

20 experience. That's the worst thing ever. So I

21 wish that there was a way for hospitals to be

22 forced in a situation like that to provide a live

23 interpreter no matter what. My suggestion is the

24 hospital should have plan A and B because you

25 never know when you call an interpreter. Another

1 interpreter would be able to report, too, because

2 I think it's responsible for all of us, our

3 responsibility to make sure we're provided

5 I'm sorry, my time is up.

MS. NOSBISCH: Don't worry.

Don't worry about the time.

MS. THOMPSON: Oh okay, right. I

questions? I'd be happy to answer.

11 COURT REPORTER: I need her name.

MS. NOSBISCH: It's Ms. Thompson.

13 MS. THOMPSON: I'm sorry. It's

14 Betti with an I, Thompson. Thank you,

15 Interpreter, for adding an I. Okay, thank you.

MS. NOSBISCH: Thank you. Did I

17 see another hand of somebody that wanted to make

18 another comment? Yes, ma'am.

MS. BOWERS: There was something

20 else I wanted to say and now I remember it. It's

21 almost like what Betti experienced. I would have

my schedule set up and then they'd call me at the

23 last minute, oh, can you come in three hours

24 early? I'd say wait, are you going to have an

25 interpreter? Oh yes, I put it down, I was going



33

- 1 to get an interpreter. Sure enough, I get there
- 2 three hours early and no interpreter, and they've
- 3 had the VRI set up. I tried and until the live
- 4 interpreter shows up and says I'm so sorry. I
- 5 said it's not your fault. It was the doctor's
- 6 office that called me in earlier and changed the
- 7 schedule. So I didn't blame the interpreter in
- 8 that situation. And how can I know who the
- 9 interpreter is? I remember, before they come. I
- 10 remember VDDHH interpreters had a list, a
- 11 directory of qualified interpreters. Is that
- 12 still on their website? Oh, wait a minute, I had
- 13 one more thing but I've forgotten what it was.
- 14 MS. NOSBISCH: Thank you, Ms.
- 15 Bowers. Is there anyone else that wishes to make
- 16 a comment? Yes, ma'am. Ms. Thorn, correct?
- 17 MS. THORN: Nicole Thorn once
- 18 again. Just adding actually, listening to your
- 19 comments, in seeing your comments, in addition to
- 20 my request that the state of Virginia define
- 21 qualified by either being certified or VQA has
- 22 qualified, there needs to be some kind of
- grievance process. RID, national Registry of
- 24 Interpreters for the Deaf has a grievance process
- 25 in place, not that it's a perfect system by any

- 1 means. They don't even know what sign language
- 2 means, for goodness' sake. A lot of these places
- 3 have no idea what an interpreter does, what the
- 4 process does. They don't know anything about
- 5 deafness, deaf culture, ethics, or any of that.
- 6 They're just going warm body, I have somebody in
- 7 place, and if anyone complains saying there was
- 8 no interpreter, they'd say no, we had somebody.
- 9 You could say well, they weren't qualified.
- 10 There's no definition for qualified. So you all
- 11 are getting terrible services because no one's
- 12 defining qualified, and there's no retaliation.
- You can't go back to the hospital and say that
- was a, the VRI situation was a terrible
- 15 situation, oh, but we had somebody. It meets the
- legal requirement. We need to have some kind of
- a grievance process. We need to have some way to
- regulate the agencies that are doing the hiring,
- not just the interpreters themselves. It's still
- 20 green. I can talk for hours. Thank you.
- 21
- MS. NOSBISCH: Thank you, Ms. 22 Thorn. Did you want to say something?
- 23 MR. BOWERS: Actually I did have
- 24 one more thing I wanted to say. Is it okay if I
- 25 sit here to talk?

31

1 means, but they do have a system in place. VDDHH

- 2 used to have a system in place, but I think
- 3 because the manpower is so greatly reduced within
- 4 that department, that it's almost impossible to
- 5 man that, to even follow any of the complaints
- 6 that come, but there's no formal system, and
- 7 certainly by listening to my deaf friends here,
- 8 they don't know that it's even in existence, much
- 9 less how to even go about utilizing it. So that
- 10 would be something else that I think would be
- 11 beneficial would be a grievance process. And a
- 12 lot of these other comments I'm listening to are
- 13 separate from the actual interpreters. It sounds
- 14 like the interpreters are doing a lot what
- 15 they're supposed to be doing, but the agencies
- 16 and the ones hiring are not. I don't know if
- 17 there's some way that we could regulate that, as
- 18 well. If we can define qualified and then notify
- 19 the public that you need to hire a qualified
- 20 interpreter and then define qualified, because
- 21 the word is so nebulous that it's just almost
- 22 impossible to control it. So if somebody is
- 23 hiring, like some of your horrible stories that 24 you're telling me about, people have hired
- 25 interpreters and they don't know what qualified

- MS. NOSBISCH: As long as
 - 2 everybody can see you.
 - MR. BOWERS: I want to talk about
 - 4 my experience with the lawyer's office. When I
 - 5 went in, I had requested that they provide an
 - 6 interpreter and the lawyer's office went on about
 - 7 how expensive it was and they couldn't afford it,
 - 8 and I told them about the ADA, and it didn't make
 - any difference. We went round and round. Other
 - 10 places I've been to have been okay with hiring an
 - 11 interpreter, but for some reason, this lawyer's
 - 12 office refused because they said they couldn't
 - afford it. And so actually, I brought in a
 - 14 friend whose parents were deaf who signed very
 - 15 fluently, and I actually paid that person out of
 - my pocket. So, interpreter wants to clarify, the
 - lawyer paid or you paid yourself? Okay. I paid
 - 18 that person out of my pocket \$40. Because the
 - lawyer wouldn't. And go figure, it was a lawyer.
 - You would think they would know about the law,
 - the ADA, but it was like they didn't care, and I
 - 22 didn't have much recourse. Thank you.
 - 23 MS. NOSBISCH: Thank you, Mr.
 - 24 Bowers. Any other comments from anyone in the
 - 25 audience? I want to sincerely thank you.





22

21 Bowers.

16 what was going on, and from there on out, they

17 realized that it was more worthwhile to have an 18 on-site interpreter, and things went so much

19 better. And so I feel like they should do that

20 for all deaf people. And sometimes you just have

21 to speak up and explain of how you need an

22 interpreter, they need to get one. My deaf

23 friends really wanted me to go around and educate

24 different offices because of that and just, you

25 know, the hospitals need to really have more deaf

35 37

1 people coming in and talking about that. I know

2 a few years ago I went to the emergency room.

3 When they brought me in, we had no interpreter,

4 and I was willing to write things down somewhat,

5 and fortunately I had someone who was very

6 patient with that, took their time. Things went

7 pretty well. We wrote things down. But as I was

8 just ready to be discharged and leave for that

9 day, the head nurse came in and she was livid

10 that they had not gotten an interpreter. And I

11 had made two separate requests while I was there,

12 and she was so mad and I think about other deaf

13 people who go through that same sort of thing.

14 And you know, I'm willing to speak out about it,

15 but I think more people need to do that sort of

16 education, you know, not just the emergency room.

17 In that situation, sometimes you're stuck using

18 the video interpreter. Hopefully you'll have a

19 good internet connection, but not all of those

20 interpreters through the video are from Virginia,

21 right? They're from other places, so that can be

22 a problem.

23 MS. NOSBISCH: Thank you, Ms.

24 Bowers. Did you have another comment, Ms.

25 Thompson?

1 really understands how that feels to deal with

25 feel good, you just feel like crap, and nobody

things down like I wanted to do in the first

place. And so, I mean, it was embarrassing to

this briefly. This is Betti Thompson again. I

understand what you're saying. When you don't

me, so you know, and again, forgive my language.

MS. NOSBISCH: Thank you, Ms.

MS. THOMPSON: I wanted to add

2 when you're sick. But changing topics, as far as

3 business around Virginia, they may have to be

4 licensed with their business. I'm just throwing

5 out this idea. Every business in the state of

6 Virginia should have some kind of little quick

7 and dirty training maybe every year, either

8 online or in-person training before they're able

to renew their licenses for whatever they do, so

10 that all of them in the state of Virginia would

11 be aware of the ADA, and not just regarding deaf

12 and hard of hearing but in general, the ADA. At

the same time as they're taking that training to

understand the ADA as far as providing qualified

interpreters, et cetera, et cetera, there should

be some kind of a PowerPoint training. I mean,

I'm not sure how, what training works for that

for a business license, I've never been through

19 that before, but I think that would be a good

idea, to have some sort of small ADA training

21 involved in the business license application

22 process. It's just my two cents. And I feel

23 like it would help them better to understand,

24 during that process of getting a business

25 license, there could be even a link there to



38 40 1 gave me a piece of paper that I filled out and 1 explain to them where to get an interpreter, so 2 that when they open their business and they get 2 then they sent something to the doctor's office, 3 going, they have that resource right there that 3 and I mean, I had told them, you know, I had all 4 they can look at the list instead of having some 4 this information to give them but I liked having 5 stranger from Illinois or California show up on 5 somebody else who could intervene and tell them 6 the screen and, you know, they're saying they 6 what they were supposed to do because it really 7 have an interpreter for this business whether 7 got the ball rolling better than me. And that 8 they sign a contract, but they don't know whether 8 was DVR, I believe. Deaf, I can't remember the 9 this person has certification or not and it could name, no, the initials were definitely DVR. 10 be a scam, so anyway, thank you. 10 MS. MAYHILL: DVR? Can you, what MS. NOSBISCH: Thank you, Ms. 11 11 was the name of the organization? 12 Thompson. Any other comments before we wrap up? 12 MS. BOWERS: It was something to 13 MR. SPRAKER: Would this form only 13 do with VDDHH. It was one of their programs. It 14 be in regard to interpreters or might it also be was DVR. So I wondered if that was still 15 running. 15 teachers who are involved with the deaf 16 community? 16 MS. MAYHILL: Can you expand a bit 17 17 on that? MS. NOSBISCH: This study, this 18 public hearing is for sign language interpreters. 18 MS. BOWERS: Okay. Well, you 19 I know there are sign language interpreters at 19 know, DVR, and it may have changed names by now, 20 schools. 20 but at the time, when I talked to VDDHH, I gave 21 MR. SPRAKER: Okay. Right. 21 them the name of the doctor and everything and 22 MS. NOSBISCH: Was there a 22 they sent various information about interpreters 23 comment you wanted to make about interpreters at 23 who were available, what they were supposed to 24 schools? 24 do, and that if the doctor's office didn't do 25 MR. SPRAKER: Since the Virginia 25 what they were supposed to do that I could sue 39 41 1 law was passed a few years ago regarding the 1 them. And apparently that scared them into 2 endorsement of teachers as ASL teachers who were 2 providing an interpreter and that was probably 3 teaching American Sign Language all over the twenty years ago. 4 state of Virginia, whether in high school or in MS. NOSBISCH: Excuse me, Ms. 5 college, I've seen a lot of hearing people go in 5 Bowers? How about... 6 to teach ASL, claiming that they're qualified and 6 MALE SPEAKER: DARS? Department 7 maybe they're not. So I don't know how this 7 for Aging and Rehabilitative Services? 8 would apply back, but yeah there's interpreting, 8 MS. BOWERS: No. 9 but then there's also the teachers who are 9 MALE SPEAKER: Okay. 10 teaching people to sign. So this is a problem in 10 MS BOWERS: No. It was DVR. But 11 the state of Virginia because the people who are 11 Betti is saying maybe it's changed now. Maybe 12 teaching are frauds. They've being a fraud and it's VOPA? V-O-P-A? 12 13 we need to stop that. 13 MALE SPEAKER: Oh. Is it part of MS. NOSBISCH: Thank you for your 14 14 the... 15 comments, Mr. Sparker. Anything else before we 15 MS. BOWERS: Disability, right, 16 wrap up? I want to make sure that everybody has 16 it's the Disability Law Center of Virginia. It 17 had an opportunity to provide any comment that 17 was called, twenty years ago, it was called VOPA. 18 they would like considered as part of this study. 18 And then they changed the name to Disability Law MS. BOWERS: I think I have one 19 19 of Virginia, which is related to VDDHH. Their 20 more. None of you all work for VDDHH, correct? 20 office is in Fredericksburg I think maybe, but 21 MS. NOSBISCH: Correct. 21 that is still there. That's still open. 22 MS. BOWERS: Because I know DVR, 22 MS. NOSBISCH: Thank you for your 23 which is related to interpreters, I did contact 23 additional comments, Ms. Bowers. So in wrapping 24 VDDHH about that. Because I was having 24 up, has everybody had an opportunity to share?



25

MR. BOWERS: I have one more thing

25 difficulty with this doctor's office and they

45

1 that I just thought of. It's hard to explain.

2 Let me see. Well, it's about the interpreter

3 Emily is saying, right? We need to set up, say

4 if I go to the doctor, I need an interpreter and

5 they don't know what to do, so maybe Virginia

6 could give us some kind of a piece of paper or a

7 business card to show them how to do it. So,

8 because I have to explain and educate people over

9 and over, but if we had some kind of a business

10 card or something simple to give to the doctor to

11 make it easier for them to request an

12 interpreter. And Nicole is saying like the

13 orange visor that somebody's developed for deaf

14 and hard of hearing people to keep in the car to

15 show a police officer. Betti says yes, I know

16 what you're talking about. It looks like a

17 business card, but it's more of a brochure. And

18 I am deaf. I need this, this and this. These

19 are my needs. I need CART, I need tactile

20 interpreting, I need sign language interpreter,

21 and it's, you can fold it up and keep it in your

22 wallet. But the Virginia Department of Deaf and

23 Hard of Hearing doesn't have that available

2 think that would be a really good idea, Mr.

5 you, Betti is saying, but there are so many

6 different needs among deaf and hard of hearing

7 people. Some deaf and hard of hearing people

8 don't sign. Everyone's so different. Deaf/blind

9 people may need tactile, may need close vision. 10 There are so many needs, it may be hard to put on

MS. MAYHILL: So what I'm

17 there's a brochure and you could write down what

18 you need. You know, if you need an interpreter

19 and they don't know what to do, how to find one,

20 it would just be general information about how to

23 Department of Death and Hard of Hearing. Because

21 call an agency, how to reach out to different

22 interpreters or get a list through Virginia

24 sometimes if they tell them you need an 25 interpreter, you hand them something that says

MR. BOWERS: So my idea here is if

11 a little brochure. Nicole is suggesting, good

12 point. He wants to explain how we find

24 anymore, but I can check and see if we can do it

MS. MAYHILL: Yeah, because I

MR. BOWERS: Yes, I agree with

25 again.

3 Bowers is saying.

13 interpreters.

15 thinking, though...

14

16

1 you need an interpreter, they don't know where to

2 go from there.

MS. MAYHILL: It has to be

4 business like, more formal to help them

5 understand rather than us arguing with them over

and over. I'm done with all that. I'm sick of

7 it. Just something new, a new idea.

MS. NOSBISCH: For the court

9 reporter, we need to be more orderly so that we

10 capture names. So Ms. Thorn, I want to thank you

11 for your comments. Mr. Bower, thank you for your

additional comments. Ms. Bower, did you have

something else you wished to say at this time? 13

14 MS. BOWERS: Okay, this is Emily

15 Bower. I like what Betti had to say with the

16 different levels of education and vocabulary the

17 deaf people have, maybe, the needs are different

18 between different people. We would need separate

19 brochures or maybe something you can insert to

yours, like Jay can speak for himself. Maybe he

has a certain need that I may have different.

22 MR. BOWERS: And, Mr...

23 MS. NOSBISCH: Thank you, Ms.

24 Bower, Mr. Bower.

25 MR. BOWERS: I am, this is Gary

43

1 Bowers speaking. I don't use my voice. What was

2 I saying? I forgot what I was saying. That some

3 people, deaf people male and female, old and

4 young, some can use speech. Jay can use speech

5 but he can't hear. I cannot speak. My wife has

6 kind of pretty good speech, but things are not,

7 the needs are not the same for all deaf people.

8 Some people will talk to me and they'll say I'm

9 deaf, and they want me to, or they'll speak with

10 a higher voice or a louder voice and I can't hear

11 you. It's better to use sign language with me,

12 but people just don't get it.

13 MS. NOSBISCH: Well, I thank you

14 all for your comments. At one of our public

15 hearings last week, the deaf driver brochure

envelope was shared with us. So if you haven't

seen that and you want to take a look at that, I

18 have this one copy here.

19 MS. MAYHILL: Mr. Jay is saying I

20 have one of those.

MS. NOSBISCH: Good. So to wrap

22 up, I wanted to let you know what happens from

23 here. So this is our last public hearing. We

24 have had four in the last two weeks, and thank

25 you so sincerely for your comments. They will

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	DPOR Public nearing	- 30	eptember 11, 2019 VR # 17051-4 Page	<u>. </u>
	46		4	8
١,	all be considered by the board. We have a board	٦	CARTION	
1	all be considered by the board. We have a board	1	CAPTION	
- 1	meeting October 18th at 10 o'clock. These	2		
1	meetings are open to the public. They are at our		The foregoing matter was taken on the date, and at	
	office in Richmond. If you would like to attend,		the time and place set out on the title page hereof.	
	you are welcome to attend. All meetings are	5	Marine and the state of the sta	
	public and we have public comment at the		It was requested that the matter be transcribed from	
	beginning of each meeting, so that if you wish to		an audio recording and that the same be reduced to	
	comment to the full board, you could do so at		typewritten form.	
	that time. Further, if you wish to provide	9		
	additional written comment for consideration in	10		
	addition to your testimony you provided today,	11		
	you can do that through September 16th. And I	12		
	wanted to let you know that just yesterday have	13		
	scheduled a meeting with VDDHH and some other	14		
- 1	interested parties for September 23rd at 1	15		
1	o'clock in our office to consider the public	16		
	comments before we make our presentation to the	17		
	full board on October 18th. So again, I thank	18		
	you for taking the time to be here today. Your	19		
	feedback and comments are very valuable to us as	20		
	we proceed with this study, and I hope you all	21		
- 1	have a wonderful day. Thank you.	22		
23	MR. BOWERS: And thank you. Mr.	23		
- 1	Bowers. I hope things will improve in the	24		
25	future.	25		
	47		4	9
				9
- 1	(WHEREUPON, the Conference was concluded at 12:00	1	CERTIFICATE OF TRANSCRIBER AND SECURE	9
2			CERTIFICATE OF TRANSCRIBER AND SECURE ENCRYPTED	
2	(WHEREUPON, the Conference was concluded at 12:00	2	CERTIFICATE OF TRANSCRIBER AND SECURE ENCRYPTED SIGNATURE AND DELIVERY OF CERTIFIED TRANSCRIPT	
2 3 4	(WHEREUPON, the Conference was concluded at 12:00	2	CERTIFICATE OF TRANSCRIBER AND SECURE ENCRYPTED SIGNATURE AND DELIVERY OF CERTIFIED TRANSCRIPT I, CHERYL LANE, do hereby certify that the	
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2 3 4 5 6 7	(WHEREUPON, the Conference was concluded at 12:00	2 3 4 5 6	CERTIFICATE OF TRANSCRIBER AND SECURE ENCRYPTED SIGNATURE AND DELIVERY OF CERTIFIED TRANSCRIPT I, CHERYL LANE, do hereby certify that the forgoing matter was transcribed verbatim from an audio recording provided to me, that the transcript prepared by me or under my direction, is a true and	
2 3 4 5 6 7 8	(WHEREUPON, the Conference was concluded at 12:00	2 3 4 5 6 7	CERTIFICATE OF TRANSCRIBER AND SECURE ENCRYPTED SIGNATURE AND DELIVERY OF CERTIFIED TRANSCRIPT I, CHERYL LANE, do hereby certify that the forgoing matter was transcribed verbatim from an audio recording provided to me, that the transcript prepared by me or under my direction, is a true and accurate record of same to the best of my knowledge	
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2 3 4 5 6 7 8 9 10 11 12 13	(WHEREUPON, the Conference was concluded at 12:00	2 3 4 5 6 7 8 9 10 11 12 13	CERTIFICATE OF TRANSCRIBER AND SECURE ENCRYPTED SIGNATURE AND DELIVERY OF CERTIFIED TRANSCRIPT I, CHERYL LANE, do hereby certify that the forgoing matter was transcribed verbatim from an audio recording provided to me, that the transcript prepared by me or under my direction, is a true and accurate record of same to the best of my knowledge and ability; that there is no relation nor employment by any attorney or counsel employed by the parties hereto, nor financial or otherwise interest in the action filed or its outcome. This transcript and certificate have been digitally signed and securely delivered through our encryption server.	
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	(WHEREUPON, the Conference was concluded at 12:00	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	CERTIFICATE OF TRANSCRIBER AND SECURE ENCRYPTED SIGNATURE AND DELIVERY OF CERTIFIED TRANSCRIPT I, CHERYL LANE, do hereby certify that the forgoing matter was transcribed verbatim from an audio recording provided to me, that the transcript prepared by me or under my direction, is a true and accurate record of same to the best of my knowledge and ability; that there is no relation nor employment by any attorney or counsel employed by the parties hereto, nor financial or otherwise interest in the action filed or its outcome. This transcript and certificate have been digitally signed and securely delivered through our encryption server. IN WITNESS HEREOF, I have here unto set my hand this 17th day of September, 2019.	
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