

Regulations Governing Interpreter Services for the Deaf and Hard of Hearing

## **PROPOSED REGULATIONS**

### **DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING**

**Title of Regulation: ~~VR-245-03-01.~~ 22VAC20-30 Regulations Governing  
Interpreter Services for the Deaf and Hard of Hearing.**

Statutory Authority: §63.1-85.4 of the Code of Virginia.

#### Summary:

~~VR-245-03-01.~~ 22VAC20-30 Regulations Governing Interpreter Services for the  
Deaf and Hard of Hearing.

#### PART I. DEFINITIONS.

##### ~~§ 1.1.~~ 22VAC20-30-10 Definitions.

The following words and terms, when used in these regulations, shall have the following meanings, unless context clearly indicates otherwise:

"ASL" (American Sign Language) means the visual-manual language predominately used by members of the deaf community.

~~"Assessment team" refers to the group of individuals who serve on the panel for Virginia Quality Assurance Screening.~~

"Candidate" refers to any person who has applied to take the Virginia Quality Assurance Screening.

"Certified interpreter" refers to an advanced level interpreter who holds valid certification issued by the Registry of Interpreters for the Deaf, Inc., or the National Association of the Deaf or a cued speech transliterator certified by the National Cued Speech Association.

~~—————"Closed screening" means a screening which may be offered to a group who has requested a screening for at least eight candidates within that group. Candidates on the waiting list to be screened may not be notified of closed screening.~~

Regulations Governing Interpreter Services for the Deaf and Hard of Hearing

"Code of ~~ethics~~Ethics" means the guidelines for interpreters as established by the national Registry of Interpreters for the Deaf, Inc., and the Code of Conduct of the National Cued Speech Association TEC Unit.

"Consumer" refers to any individual: deaf, hard of hearing or hearing who is a recipient of interpreter services.

~~"Coordinator" refers to the Coordinator of the Virginia Quality Assurance Screening in the Department for the Deaf and Hard of Hearing.~~

"Cued speech" means a phonemically-based system used in conjunction with speech reading, comprised of handshapes representing consonant sounds and positions about the face representing vowel sounds.

"Deaf" refers to the any person who has a hearing loss such that with or without amplification is unable to receive information in an auditory fashion and whose primary means of receiving communication is through visual input such as lip reading, sign language, finger spelling, cued speech, reading or writing.

"Department" means the Virginia Department for the Deaf and Hard of Hearing.

"Director" refers to the Director of the Virginia Department for the Deaf and Hard of Hearing.

"Directory" means the listing of qualified interpreters for the deaf and hard of hearing as compiled by the department.

"Expressive" means to convey a spoken message into a visual equivalent.

"Hard of hearing" refers to any person who has a hearing loss such that hearing is difficult but the understanding of spoken communication through the ear alone, with or without a hearing aid is not precluded.

"Hearing" refers to any person who is able to comprehend conversational speech without an assistive device.

"Interpret" means to accurately convey messages without personal interjection between two or more parties using two languages.

"Interpreter" refers to any person who ~~facilitates communication~~ conveys messages between two or more parties using different languages or different forms of the same language and refers to sign language interpreter/transliterators and oral

Regulations Governing Interpreter Services for the Deaf and Hard of Hearing and cued speech transliterators. When the term is used to specifically identify an interpreter who interprets using ASL, this text will so indicate.

"Interpreting (ASL)" means the specific process of interpreting ASL vocabulary, structure, and grammatical components and does not include oral or cued speech, transliterating or forms of manual communication using an English-based structure. The term is used specifically herein when discussing components of the VQAS assessment process.

"Manually-coded English" means any form of manual communication which utilizes specified handshapes to represent English syntax.

"National Association of the Deaf" (NAD) means the national membership organization which contracts with states to provide sign language interpreter evaluations.

"National Cued Speech Association" (NCSA) means the national training, evaluation, and certification unit of cued speech transliterators.

"Oral" means a communication mode which is dependent upon ~~speech reading~~ speechreading and spoken communication.

~~"Panel" refers to the people selected to serve on an assessment team of the Virginia Quality Assurance Screening.~~

~~—————"Panelist" refers to any person who has satisfied the requirements for serving as a member of the assessment team for quality assurance screening during the live panel rating sessions.~~

"Qualified Interpreter" as defined in Virginia Code 63.1-85.4:1., refers to an interpreter who currently holds at least one of the following credentials:

1. Certification from any national organization whose certification process has been recognized by the Department for the Deaf and Hard of Hearing; or
2. A current screening level awarded by the Virginia Quality Assurance Screening Program of the Department for the Deaf and Hard of Hearing; or
3. A screening level or recognized evaluation from another state when (i) the credentials meet the minimum requirements of Virginia Quality Assurance Screening and (ii) the credentials are valid and current in the state issued.

Regulations Governing Interpreter Services for the Deaf and Hard of Hearing

"Rater" refers to any person who has satisfied the requirements for serving as a member of the assessment team for rating videotapes of candidates who participate in the Virginia Quality Assurance Screening.

"Receptive" means to convey a visual message into a spoken equivalent.

"Results Letter" means the letter sent to a candidate notifying the candidate of his scores on an assessment and any level awarded as a result of those scores.

"RID" (Registry of Interpreters for the Deaf, Inc.) means the national membership organization of the interpreting profession.

"Scores" means the raw scores for any individual on the Code of Ethics or Skills Assessment.

"Screening" means the Virginia Quality Assurance Screening.

"Screening level" means the level of competency awarded to an interpreter ~~who has successfully satisfied the minimum standards established for VQAS.~~  
based on the compilation of scores assigned by raters.

"Service provider" refers to ~~the~~ a person requesting interpreter services who may or may not also be the consumer.

"Transliterate" means to accurately convey messages without personal interjection between two or more parties using different forms of the same language, such as written or spoken English and a manually-coded form of English or cued speech.

"VQAS" means Virginia Quality Assurance Screening, which is designed to assess interpreting and transliterating skills of interpreters who facilitate communication between persons who are deaf or hard of hearing and persons who are hearing, and is administered by the Virginia Department for the Deaf and Hard of Hearing.

## PART II.

### ADMINISTRATION OF INTERPRETER SERVICES. DIRECTORY OF QUALIFIED INTERPRETERS

§ ~~2.1.~~ 22VAC20-30-20 Responsibilities of the department.

A. The department ~~will:~~ shall compile a directory of qualified interpreters.

## Regulations Governing Interpreter Services for the Deaf and Hard of Hearing

~~1. Refer and assign only qualified interpreters to consumers and service providers; and~~

~~2. Compile a directory of qualified interpreters.~~

B. Upon request, the The department may:

1. Distribute the directory, upon request;
2. Maintain a list of directory recipients and distribute updates;
3. Assist consumers and service providers in selecting an appropriate interpreter; or
4. Provide information about the different levels of qualifications and the various modes of communication.

~~C. The department may:~~

- ~~1. Assign interpreters when requested by a consumer or service provider; and~~
- ~~2. Compensate interpreters from available funds appropriated for that purpose; and~~
- ~~3. Refer qualified interpreters directly to the service provider or consumer.~~

§ 2-2. 22VAC20-30-30 Inclusion in Directory of qualified interpreters.

A. A qualified interpreter listed in the directory shall hold at least one of the following credentials:

1. Valid ~~RID~~ certification from RID, NAD, or NCSA;
2. Current VQAS screening level;
3. ~~Certification issued by the National Cued Speech Association; or~~
- 4.3. A screening level or recognized evaluation from another state when:
  - a. The credentials meet the minimum requirements of VQAS; and,
  - b. The credentials are valid and current in the state issued.

NOTE: An interpreter listed in the directory with qualifications in subdivision 4. 3 of this subsection, shall apply for and receive a VQAS screening level or national certification within one year from the date originally listed in the directory. Failure to achieve a VQAS level

Regulations Governing Interpreter Services for the Deaf and Hard of Hearing  
or national certification within one year will result in removal from the Directory.

B. Before an interpreter shall be listed in the directory, the department will:

1. Verify the validity of all credentials;
2. Ensure that all credentials are current; and
3. Obtain a written request from the interpreter to be listed in the directory as a qualified interpreter.

~~§ 2.3. 22VAC20-30-40~~ Appeal procedure.

If an interpreter desires to contest the department's decision to exclude that interpreter's request to be listed as a qualified interpreter, that interpreter must file a written appeal with the director within 30 working days of the determination. The director, or designee, shall provide an informal conference with that interpreter within 30 working days from the date the request for appeal was received. The final decision will be determined by the director who will provide written notification of that decision within 30 working days of the conference.

PART III.  
VIRGINIA QUALITY ASSURANCE SCREENING  
(VQAS).

22VAC20-20-50 In order to maintain the referenced directory and ensure the maintenance of quality interpreter services, the Department will administer the Virginia Quality Assurance screenings Screening in accordance with the provisions specified in this part.

~~§ 3.1. 22VAC20-30-60~~ Notification of intent to be screened.

Candidates interested in being screened should contact:

~~VQAS Coordinator~~  
~~Virginia Department for the Deaf and Hard of~~  
~~Hearing~~  
~~Washington Building, 12th Floor~~  
~~1100 Bank Street~~  
~~Richmond, Virginia 23219-3640~~  
~~(804) 225-2570 V/TTP in Richmond~~  
~~(800) 552-7917 V/TTP Toll-free Statewide~~  
VQAS Registration  
Virginia Department for the Deaf and Hard of Hearing  
1602 Rolling Hills Drive, Suite 203  
Richmond, Virginia 23229-5012

Regulations Governing Interpreter Services for the Deaf and Hard of Hearing  
(804)662-9502 V/TTY in Richmond  
(800)552-7917 V/TTY Toll-free Statewide

~~§ 3.2. Type of VQAS screening.~~

~~\_\_\_\_\_ Candidate will notify the administering agency of intent to participate in the VQAS and which assessment will be taken.~~

~~\_\_\_\_\_ All requests to be screened will be acknowledged by the coordinator, or designee, in writing within 30 working days of receipt of the request.~~

~~§ 3.3. 22VAC20-30-70 Fee for screening.~~

~~The department may shall assess a fee for each part of the screening. The fee shall not exceed the actual cost of administration. The fee for the Code of Ethics Assessment shall be \$20. The fee for any single Skills Assessment shall be \$60. A candidate may take more than one Skills Assessment but a separate fee will apply for each Skills Assessment taken. ~~Notification of current fees shall be provided with registration forms (§ 3.5.).~~ Payment of fees shall be received prior to the candidate's participation in any portion of the assessment. Fees are non-refundable but, in the event of cancellation of the screening date by the candidate, fees paid shall be kept on account and applied toward future screening dates.~~

~~§ 3.4. 22VAC20-30-80 Scheduling of screening dates.~~

~~The department may offer a screening whenever candidates are waiting to be screened but screening may be cancelled when fewer than six candidates apply to be screened as scheduled. shall establish and publicize a regular schedule of screening dates.~~

~~§ 3.5. 22VAC20-30-90 Notifying and scheduling of candidates.~~

~~Candidates shall be notified in writing of the next scheduled screening at least ten days prior to the scheduled date. Closed screening may be offered upon request to groups who satisfy the requirements established by the department for offering a screening (§ 3.4).~~

~~Candidates must complete and return the appropriate registration form requesting to be screened. The coordinator will be responsible for scheduling and confirming requests in the order received. Candidates whose requests are received after the screening schedule has been filled shall be retained as alternates or assigned to another assessment site/date. Any person interested in becoming a VQAS candidate shall submit a written request to be screened. The request must include the following information:~~

- ~~1. The candidate's full legal name;~~

Regulations Governing Interpreter Services for the Deaf and Hard of Hearing

2. The candidate's complete mailing address;
3. The candidate's identification number;
4. The candidate's telephone number;
5. The type of assessment requested;
6. The screening date requested.
7. Training and professional development information as established in agency policy and procedure.

The Department shall schedule and confirm requests in the order received. Candidates shall be notified in writing of their scheduled screening date and time at least 20 calendar days in advance of the assessment.

~~§ 3.6.~~ 22VAC20-30-100 VQAS assessment process.

- A. The agency may offer the following general assessments:
  1. Code of Ethics Assessment
  2. Skills Assessments in the following areas, each consisting of Receptive, Interactive and Expressive components:
    - a. Sign Language Interpreting Skills Assessment
    - b. Sign Language Transliterating Skills Assessment
    - c. Sign Language Receptive Skills Assessment
    - d. Cued Speech Transliterating Skills Assessment
- B. The Code of Ethics Assessment shall assess a candidate's general knowledge and application of the Code of Ethics. The Code of Ethics Assessment shall be administered in writing or on videotape in the presence of a proctor. A score of 90% or higher is considered passing on the Code of Ethics Assessment.
- A candidate shall not be eligible to participate in any Skills Assessment until a score of 90% or higher on the Code of Ethics has been achieved.
- C. The Sign Language Interpreting Assessment shall assess a candidate's expressive, interactive, and receptive abilities using ASL vocabulary, structure and components. The assessment shall be administered on videotape.
- D. The Sign Language Transliterating Skills Assessment shall assess a candidate's expressive, interactive and receptive abilities using a form of manually-coded English. The assessment shall be administered on videotape.
- E. The Sign Language Receptive Skills Assessment shall assess a candidate's receptive abilities using ASL. The assessment shall be

Regulations Governing Interpreter Services for the Deaf and Hard of Hearing

administered on videotape. Only candidates who are deaf or hard of hearing may participate in this assessment.

F. The Cued Speech Transliterating Skills Assessment shall assess a candidate's conversational expressive and receptive abilities using cued speech hand shapes and mouth movements. The assessment shall be administered on videotape.

G. Each candidate's performance will be assessed either by a screening panel present during the assessment or Skills Assessment shall be videotaped, reviewed and rated by individual raters. Panelists/raters Raters will assess only the segments for which they have been specifically trained.

A. Assessment team.

1. A screening panel or individual ratings Rating shall consist of at least one panelist/rater who is hearing and one panelist/rater who is deaf or hard of hearing.
2. All panelists/raters shall be fluent in the language mode being assessed and shall have successfully completed rater training as administered by the agency.
3. Raters shall score each assessment using criteria established in agency policy and procedure.

B. Screening components.

Each screening is comprised of two major categories:

1. Part I - Code of Ethics: (General knowledge and application). Shall be administered prior to the other category orally (in front of a live panel, on videotape, or both) or in writing (in the presence of a monitor).

NOTE: A candidate may not participate in a performance assessment until 90% competency has been demonstrated on Part I, the Code of Ethics assessment.

2. Part II - Skills Assessment

a. Sign Language Assessment. Interpreting (ASL) performance: (Expressive and receptive abilities using ASL vocabulary, structure, and components) and Transliterating (English) Performance (Expressive and receptive abilities

Regulations Governing Interpreter Services for the Deaf and Hard of Hearing

~~using a form of manually-coded English). The assessment may be administered in front of a live panel, on videotape, or both.~~

~~b. Cued Speech. Transliterating Performance: Expressive and receptive abilities using cued speech hand shapes and mouth movements. The assessment may be administered in front of a live panel, on videotape, or both.~~

C.I. Awarding of screening levels will be based upon the composite scores of all raters for each component of an assessment. The lowest composite score on any component of the assessment will determine the level awarded, if any.

Each ~~panelist/rater~~ will independently assess a candidate's performance and assign a raw score for the required competencies within each category (~~Parts I and II~~). Raw scores will be totaled for each part, converted to percentages, and averaged with the other ~~panelists'/raters'~~ scores. ~~Parts I and II will be scored independently of each other by the department. Depending on the results, a candidate may:~~

- ~~1. Not receive any level at that time;~~
- ~~2. Receive a level for Interpreting (ASL) only;~~
- ~~3. Receive a level for Transliterating Sign Language only;~~
- ~~4. Receive a level for both Interpreting (ASL) and Transliterating Sign Language; or~~
- ~~5. Receive a level for Transliterating Cued Speech only.~~

D. Criteria for screening levels.

1. A screening level of I, II, III, or IV will be awarded to candidates who satisfy the minimum competency requirements. (Refer to § 3.6 B Screening Components.) These minimum requirements are:

- ~~1. a. 90% Code of Ethics (Part I) and~~
- ~~2. b. Performance Scores (Part II Interpreting or Transliterating) Skills Assessment Scores:~~

- ~~a. 1) 95% - Level IV~~
- ~~b. 2) 80% - Level III~~

## Regulations Governing Interpreter Services for the Deaf and Hard of Hearing

- c. 3) 65% - Level II
- d. ~~50% - Level I~~

2. A candidate receiving Performance Scores between 50% and 64.9% (formerly Level 1) will receive designation as a Novice Interpreter. Novice Interpreter is not a VQAS Level and candidates receiving this designation will not be eligible for inclusion in the Directory of Qualified Interpreters.

E. The department will notify candidates in writing of the status of their screening results within 90 working days of the screening date.

~~§ 3.7. 22VAC20-30-110~~ Validity period.

A screening level, or the results of ~~any part as described in §3.6 B,~~ any Code of Ethics Assessment, shall remain valid for three years from the date of the letter of notification.

~~§ 3.8. 22VAC20-30-120~~ Appeal procedure.

If a candidate desires to contest the results of any part of a screening on the basis of environmental or technical factors which unfairly impacted the candidate's performance, the candidate must file an appeal request in writing with the director within 30 calendar days of the date of the decision. The request shall state the reason for the appeal. The director, or designee, shall provide for an informal conference with the candidate within 30 working days. The only remedy which the director may award ~~for the Code of Ethics (Part I) is the opportunity to retake the screening at the next scheduled date.~~ The only remedy which the director may award for the performance component (Part II) Skills Assessment is the opportunity to be reassessed by additional panelists/raters re-take the assessment at no additional charge within 90 working days of the appeal decision.

~~§ 3.9. 22VAC20-30-130~~ Confidentiality.

A. All VQAS materials shall be kept confidential by department personnel and other persons authorized by the department to view such materials.

B. ~~Candidate's~~ A candidate's scores shall also be confidential and shall not be released to persons other than the candidate without the candidate's written permission unless otherwise required by state or federal law.

C. Novice Interpreter designations and Candidate Screening Levels are not confidential and may be released after the candidate has been notified of the designation or screening level awarded.

## Regulations Governing Interpreter Services for the Deaf and Hard of Hearing

22VAC20-30-140 Consumer Grievance Procedure

- A. The Virginia Department for the Deaf and Hard of Hearing affords any resident of Virginia who has a complaint pertaining to the quality of interpreter services provided by an interpreter holding a current VQAS Screening Level the right to a review and a fair hearing.
- B. Before requesting a fair hearing, clients of VDDHH may make every effort to resolve the dispute through frank discussions with the interpreter whose actions are in dispute. It is normally expected that virtually all grievances can be handled in this manner. If, however, the grievance is not resolved, the complainant should proceed.
- C. Complaints which cannot be resolved through informal discussion and which involve an alleged violation of the Code of Ethics may proceed to the VDDHH complaint process. Complaints must be received within 30 days of the date of the alleged violation.
- D. VDDHH shall make available a VQAS Interpreter Consumer Complaint Form which includes the tenets of the Code of Ethics. This form shall be used for all formal complaints.
- E. When a complaint is received by the Department alleging that an interpreter with a current VQAS level acted in violation of the Code of Ethics, the Department may:
1. Determine whether the complaint has merit to be forwarded to a formal hearing.
  2. If forwarded, form a grievance panel of at least three individuals, one of whom must be deaf or hard of hearing, one of whom must be a qualified interpreter and one of whom must be a VDDHH staff member. All panelists must have received training in the understanding and application of the Code of Ethics. The panel shall convene within 90 calendar days of the date the complaint is received.
  3. The grievance panel shall have the following responsibilities:
    - a. To determine by a majority at a formal hearing, through testimony (provided by the complainant, the defendant and any other interested and involved parties), and by reviewing any applicable evidence submitted by the parties involved, that the alleged action did occur and either was in violation of the Code of Ethics, was not in violation of the Code of Ethics, or that the testimony and evidence presented is insufficient to make a determination;
    - b. If the panel finds by a majority that a violation has occurred, to determine if the infraction was intentional or non-

