

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

The Board for Professional and Occupational Regulation held a public hearing on September 6, 2019, at the Northern VA Resource Center, 3951 Pender Drive, Suite 130, Fairfax, VA, to receive public comment regarding the Board's study on licensure for sign language interpreters.

Board Member present:
Suzanne Conrad

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

Ms. Nosbisch began the public hearing at 11:09 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 12:03 p.m.

Adjournment


Shelly Simonds, Chair


Mary Broz-Vaughan, Director

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**PROFESSIONAL AND OCCUPATIONAL REGULATIONS
CONFERENCE**

**FRIDAY, SEPTEMBER 06, 2019
11:09 A.M.**

**NORTHERN VIRGINIA RESOURCE CENTER
FOR DEAF AND HARD OF HEARING PERSONS
3951 PENDER DRIVE, SUITE 130
FAIRFAX, VIRGINIA 22030**

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APPEARANCES

**STAFF FOR THE BOARD OF PROFESSIONAL AND
OCCUPATIONAL REGULATION:**

KATHLEEN "KATE" R. NOSBISCH

**DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL REGULATION**

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SPEAKERS:

BENNY P. WARDEN

DENICE PROULY

LESLIE HUTCHESON

BILL MORRISE

JEANNE LAVELLE

LIZ BEITCH

ERIC RAFF

EILEEN MCCARTIN

JAN NISHIMURA

BILLY SANDERES, INTERPRETER

PROFESSIONAL AND OCCUPATIONAL**REGULATION CONFERENCE****FRIDAY, SEPTEMBER 6, 2019****11:09 A.M.**

MS. NOSBISCH: To be respectful of everybody's time, we're going to get started.

And I want to make sure before we get into this.

Is having the sign language interpreter right here good for everybody in the audience?

INTERPRETER MR. SANDERES: Yes.

MS. NOSBISCH: Yes? Thank you.

Good morning. I'm Kate Nosbisch. I'm the executive director for the Board for Professional and Occupational Regulation. Please allow me to introduce the member of the Board of Professional and Occupational Regulation that is present at this hearing, and that's Ms. Suzanne Conrad.

With me today I also have Mr. Matt McKay, who is special projects and program analyst at the agency. This public hearing is being held at Northern Virginia Resource Center, 3951 Pender Drive, Suite 130, in Fairfax, Virginia. This hearing is being held pursuant to Section 54.1-310 of the Code of Virginia for the purpose of receiving public comment for the board's study on

1 the need whether to regulate the sign language
2 interpreters as published in the Virginia
3 Register on Monday, September 2nd, 2019. The
4 list of interested parties and organizations
5 which were notified of this process and invited
6 to comment is available upon request. The staff
7 of the Department of Professional and
8 Occupational Regulation will prepare a report of
9 all public comments received, which will be
10 presented to the board for consideration in the
11 course of conducting its study. Now I would like
12 to present the rules for this public hearing.
13 Comments will be received from any member of the
14 public, and comments will be limited to a maximum
15 of five minutes, depending on the number of
16 individuals who wish to provide comment. If you
17 have not signed up to provide comment and you
18 wish to give testimony today, please sign your
19 name on the sign-up sheet at this time. We will
20 be using the lightbox this morning to assist you
21 in being aware of allotted five minutes. When
22 the green light is on, you have five minutes.
23 When the yellow light comes on, you have one
24 minute remaining. And when the red light comes
25 on, we ask that you stop your testimony. Ms.

1 Conrad may ask speakers questions to clarify
2 statements. However, this is not the proper
3 forum for questions to the board. If you have a
4 question for the board, please forward it in
5 writing to the board office. Any speaker who
6 wishes to provide a written statement in addition
7 to their oral testimony may do so through Monday,
8 September 16th, 2019. I'd like to call first Mr.
9 Eric Raff to give comment. And I'm going to ask
10 when you give comment that you come stand to the
11 front of the room so everybody can see your
12 comment. Mr. Raff, when the green light comes
13 on, please introduce yourself and you can begin.

14 **MR. RAFF:** Thank you so much,
15 especially for this opportunity. My name is Eric
16 Raff. I'm the Director of the Virginia
17 Department of Deaf and Hard of Hearing Services.
18 I'm only here to make comment, but I'm actually
19 here to educate the audience. Recently I
20 attended the Norfolk public hearing and I
21 realized that maybe deaf people did not
22 understand the process of how this works, if
23 understand the different issues between licensure
24 and certification, what were the positives and
25 negatives of such. So I thought I'd take this

1 opportunity in my five minutes to try to condense
2 this educational forum in order to better enhance
3 your understanding and frame your discussion, you
4 know, with the board here. With this study here,
5 when I look at it, it's really based on what
6 their findings are. They will make
7 recommendations on one of four things. One, if
8 we offer nothing, much less to go off of. They
9 can keep it as status quo without our, you know,
10 feedback. I've seen this happen in the past.
11 Second, there's registration, like a registry of
12 interpreters. You know, of course their names,
13 their contact information, the locality, maybe
14 their background, some of that information. The
15 Virginia Department of Deaf and Hard of Hearing
16 Services already has something similar to a
17 registry consort. It's more so a directory of
18 interpreters on our list. It's not mandatory at
19 all, but you know, many interpreters that work
20 with us sign up to be on this directory. Third,
21 certification. Now certification in and of
22 itself is like say maybe RID, BEI, which is a
23 Texas certification, recognized by many states.
24 Are we requiring interpreters to be certified or
25 not? You know, that's one thing we can discuss.

1 Fourth is licensure, meaning these interpreters
2 are working, you know, in our jurisdiction must
3 be licensed to practice within the state of
4 Virginia. There are positives and negatives to
5 this, of course. You know, national
6 certification versus Virginia licensure. But it
7 is important that we inform this board that our
8 focus is on the quality of interpreters. It's
9 important to regulate, you know, that necessary
10 requirement. One thing we want to keep in mind
11 about the Americans with Disabilities Act itself,
12 especially when it speaks about qualifying
13 interpreters, that is a broad umbrella term.
14 Anyone can say I know sign language, and then
15 they offer their services to interpreting, but
16 they do not know how to interpret. The ADA has
17 such broad general guidelines as to who can and
18 cannot interpret. Yes, there is a national
19 certification, which should be a minimal
20 qualifying factor which, you know, many
21 professions recognize the National Interpreter
22 Certification. For those who aren't certified,
23 this is where my concern is because they're not
24 as motivated or even required to take some type
25 of continuing professional development. They may

1 have been here many years within the state of
2 Virginia, but there are just so many people that,
3 you know, complain about the cost of
4 certification, the cost of continued professional
5 development. But any other profession, it costs
6 money to become certified, become licensed, and
7 you know, to gain that professional development
8 or CEUs to maintain their certification. There
9 are many situations in your life where there,
10 maybe a qualified interpreter had impacted
11 whether you had a good or not so good
12 interpretation. For those who are kind of shaky,
13 you know, we have these hard experiences, but we
14 want to take time to not so much comment on these
15 bad experiences, you know, or the less than
16 desired quality of some non-certified
17 interpreters, but how does this impact you? I
18 want to encourage you all to think about sharing
19 comments, again that are more constructive than
20 in a complaining fashion because it's imperative
21 that we figure out how to improve the quality of
22 interpreters working with us. Thank you so much.

23 **MS. NOSBISCH:** Next signed up to
24 provide comment, Ms. Leslie Hutcheson.

25 **MS. HUTCHESON:** I'm Leslie

1 Huteson from the Department for the Deaf and
2 Hard of Hearing, and I'm going to use my five
3 minutes to tell you what Eric didn't have time in
4 his five minutes to tell you, and that is this:
5 These public hearings are not your only
6 opportunity to provide input to this study
7 process. And you don't have to say yes, you
8 don't have to support licensure. You don't have
9 to oppose licensure. But whichever position you
10 take, it's very important that you provide a
11 reason for it. They need the information in
12 order to analyze the impact of interpreters on
13 the lives of the people who use interpreters.
14 When they license a profession in Virginia, they
15 want to know that that profession has the
16 potential to cause harm to people, because that's
17 why they license people. If people can suffer
18 damages, physical, financial, whatever, as a
19 result of somebody practicing a profession,
20 that's what they need to know. Not maybe they
21 can. But if you have an experience where you
22 have suffered some kind of damage because of an
23 unqualified interpreter, this is your opportunity
24 to say that, so that they understand the impact.
25 The other thing that I will tell you that hasn't

1 been mentioned yet is that they are accepting
2 video submissions from people who use ASL for
3 your comments. So if you know people aren't here
4 today but who would like the opportunity to
5 comment, please make sure that they know there's
6 an email address in the announcement for this
7 meeting. They can submit video ASL comments, and
8 we will, they will, DPOR will hire an interpreter
9 or a team of interpreters to interpret those
10 comments and transcribe them so that they can be
11 on the record as well. So that's an important
12 step so that you can share, even if you can't
13 come to one of the public hearings. And that is
14 all I have to say. Thank you.

15 **MS. NOSBISCH:** Next we would like
16 to call Mr. Benny Warden. Did you wish to make
17 comments, sir?

18 **MR. WARDEN:** Yeah, be brief. Yes,
19 he'll be brief. Good afternoon. My name is
20 Benny Warden. I actually live in Manassas,
21 Virginia. I'd like to share with the panel my
22 acute experience. My parents are deaf and I take
23 care of my parents and have been doing such for
24 twenty-two years. Which tells that I have a rich
25 experience, you know. On one end, caring for the

1 welfare of our parents, but dealing with a bevy
2 of interpreters and some of those who are not so
3 qualified have had some of the worst experience.
4 You know, for deaf people who understand this
5 sign, how, I would say what is that, the
6 interpreter looked at me like uh, this
7 nonqualified interpreter, saying can you finger
8 spell this? Then he can spell thyroid. Oh.
9 Total misunderstanding based on this interpreter.
10 The interpreter will say oh, I'm actually a
11 student at Northern Virginia Community College.
12 What? A series of misinterpretations happening
13 in these experiences. We need qualified
14 interpreters, more so certified interpreters,
15 please. I have a series of scarred experiences I
16 could share with you, but of course I don't have
17 the time. But thank you. Thank you so much.
18 I'll be remiss if I don't add that, you know,
19 licensure or certification, too, it needs to be
20 required. We want to meet the success and more
21 so the effective communication of any deaf
22 person's needs. I have won a case, an ADA case
23 that I filed some years ago. Waiting to get the
24 settlement prior to my father winning, I was glad
25 that we won the case, but my father passed away

1 and he wasn't even able to receive the benefit of
2 us winning the case. You know, so if we can
3 expedite the processes of people filing
4 complaints and even cases, you know, that would
5 further enhance the effectiveness of us meeting
6 not only our concerns but our needs. Thank you
7 all so much.

8 **MS. NOSBISCH:** Thank you for your
9 comments, Mr. Warden. Next I'd like to call up
10 Ms. Denice, is it Poulix?

11 **MS. PROULY:** Good afternoon. My
12 name is Denice Prouly. I'm also from Manassas,
13 Virginia. There have been some experiences with
14 interpreters that weren't so pleasant. A lot of
15 times it just wasn't fair to me because there was
16 so much misunderstanding. What hearing people
17 can, you know, easily understand, I wasn't able
18 to. So I'm asking for certified interpreters to
19 ensure that there's a baseline, that they're on
20 the right job for me to understand. That's all.

21 **MS. NOSBISCH:** Thank you.

22 **MS. PROULY:** Oh, and I am in
23 support of licensure.

24 **MS. NOSBISCH:** Thank you. May I
25 call forward Mr. Bill Morrise?

1 **MR. MORRISE:** Good afternoon. My
2 name is Bill Morrise. I'm from Centreville,
3 Virginia. I have a lot of questions, but I think
4 it's imperative that I let you know that I
5 graduated from the Fairfax Public Schools System,
6 graduated from Madison High School, but working
7 with interpreters has been pretty difficult. A
8 lot of times I have to write down on a white
9 board what I was finger spelling because they
10 couldn't understand my finger spelling. It
11 became challenging over time. Some interpreters
12 just weren't as skilled, like they sign more so
13 in a pig Latin type style of production. You
14 know and then when we talk about interpreters
15 working in the educational system, the pay was a
16 lot less so then we received even less qualified
17 interpreters providing services for us. We got a
18 lot of the most awful experiences from these
19 interpreters who were not certified, let alone
20 qualified. It was a frustrating experience
21 trying to matriculate in the education system.
22 We need a system that, you know, validates and
23 demands a baseline of certification. A
24 certification such as NAD level five or a NIC
25 advance or some type of RID, you know, national

1 certification because when these interpreters are
2 coming in at the bare minimum, not even being
3 qualified enough to interpret for me, that
4 impacts our matriculation through school. And I
5 feel like these non-certified or less than
6 qualified interpreters are taking advantage of
7 the fact that the law states they only have to be
8 qualified. But by who? There is a VQAS state
9 certification system which uses a screen. Well,
10 it's not a certification but they used to be,
11 they used to screen interpreters. But sometimes
12 people's VQAS status will lapse and I don't know
13 if, you know, what parameters are in place for
14 them to continue that once they get it. You
15 know, I don't know if they were able to continue
16 to work if they lost their, or if VQAS status
17 expired. It's a little, I'm a little shaky on
18 that but comments admitting to an audit, we can
19 speak about that offline, but I am in support of
20 licensure. That is the bottom line. I need for
21 a perpetual system for interpreters to maintain
22 their licensure once they get it. It's just like
23 your driver's license. You have to renew it
24 every four years, right? I don't think people
25 should be licensed one time and then they don't

1 have to, they're not required to some, you know,
2 standard of maintaining their certification and
3 more so validating that they've taken a lot of
4 professional development. Because if not, you
5 know, we lose the risk, or we run the risk of
6 encountering less than qualified interpreters
7 providing services for us. We've seen too many
8 instances of this, and I'm just using finger
9 spelling as the most minute of examples, but I
10 would suggest, in Virginia there is a directory.
11 I think we should add pictures to your directory
12 because I want to be familiar with those
13 interpreters who provide services for me.
14 Because after I meet the interpreter, I might
15 say, you know, I want to be able to give
16 feedback. I want to be able to give her a
17 rating, you know, based on the quality of
18 services. And if we can't do that, then how are
19 we able to follow through with, you know, working
20 with so many interpreters. I'm just going to
21 suggest that. Yeah. There is an EIPA, which is
22 Educational Interpreter Performance Assessment.
23 I'm not sure if I should formally ask the
24 interpreter or if I can ask them what's their
25 certification. I don't know, what's the ethical

1 guidelines on that? If they're either too
2 prideful or they're just not allowed to even
3 state, or am I allowed to even ask, you know,
4 what type of certification do you have? Do you
5 have a NIC? Do you have, you know, what is the
6 appropriate protocol for me to inquire the
7 certification level or non-certification level of
8 the interpreter before me. You know, if they're
9 licensed, what state are they licensed in? Are
10 they licensed in Maryland? Are they licensed in
11 Virginia? Do I as a consumer have a right to
12 know or a right to ask? How much can I extend my
13 preference in having the interpreter before me be
14 the one that I choose? They may have a
15 reputation of such and I might not, you know, be
16 as willing to have this interpreter before me
17 for, you know, the most private of business that
18 I have to handle. And with the VQAS screen, how
19 often do interpreters need to take that
20 screening, or retake the screening once they
21 passed it? I don't know. That's it. I see the
22 light, so that's it for my comments. Thank you
23 so much.

24 **MS. NOSBISCH:** If you have a few
25 more comments, you can continue, sir.

1 **MR. MORRISE:** Okay. I do want to
2 make a suggestion that, you know, whatever
3 offices that's currently responsible for that,
4 that if interpreters come a few minutes prior to,
5 you know, the beginning, the start of the
6 assignment and make that a requirement so that,
7 you know, there are a lot of sign choices and
8 acute information. I need to make sure that
9 there is an effective interpretation. If an
10 interpreter arrives on time per se, there's no
11 pre-meeting. It throws off the interpretation.
12 You know, there may be some ground rules. I
13 mean, yes, there are two-hour minimums for these
14 interpreters but then they leave. They leave
15 immediately after the assignment is over or they
16 don't come, they give enough time coming prior to
17 the assignment begins that we can pre-conference.
18 I think pre-conferencing should be a requirement
19 and not an option. There's so much
20 misunderstanding that happens without pre-
21 conferencing that, you know, I want to add a
22 buffer so we can make that, you know, a necessary
23 required component of licensure. I'd appreciate
24 that. I'm not sure if we, you know, should
25 mainstream all types of certification or which

1 ones we're going to honor and not honor. I
2 really don't know how that works as far as NAD
3 certification versus RID certification. I really
4 don't know but I want us as a consumer to be
5 updated with, you know, what is applicable and
6 what is not, but just thank you so much for your
7 time.

8 **MS. NOSBISCH:** Thank you, Mr.
9 Morrise. Next I'd like to call up Ms. Jeanne
10 Lavelle.

11 **MS. LAVELLE:** It's two N's. My
12 name is Jeanne Lavelle with two N's. Do you mind
13 coming to assist me? My name is Jeanne Lavelle.
14 I'm here, I'm actually the president of the
15 Virginia Association of the Deaf. I actually
16 have produced a letter and submitted commentary
17 to the board. My secretary has sent this, so you
18 should be in receipt of that. If not now, then
19 very shortly. We are in strong support of
20 licensure. We were last year. We've seen
21 nothing happen of that. You know, we would like
22 this proposal to pass. With the current
23 certification, it's very confusing and
24 oftentimes, the current certification system for
25 interpreters in the state of Virginia is quite

1 confusing. The current certification is
2 currently disregarded by current practitioners
3 and by, disregarded by practicing interpreters.
4 They misrepresent their qualifications.
5 Licensure will solve some of the issues that we
6 have with qualified interpreters. We are in
7 support of not only qualified interpreters but a
8 continual professional state of guidelines to
9 rectify these issues and to validate the quality
10 of interpreters in the state of Virginia. As a
11 deaf consumer, we suffer the consequences due to
12 unqualified or nonqualified interpreters. What I
13 believe licensure will do is improve not only
14 legal, the medical, the many different facets of
15 life that we are involved in. It's imperative
16 that we have a bare minimum such as licensure
17 because often, if I attended say Kaiser Medical,
18 there's a lot of interpreters asking for, you
19 know, repetition. I need interpreters who are
20 skilled enough to be able to understand, not only
21 my finger spelling but what's happening between
22 the correspondence between me and the doctor or
23 the medical professional. I don't want anything
24 left out, just based on a basic misunderstanding.
25 A lot of times they miss words or drop words, and

1 I'm trying to communicate or have communicated to
2 me. There was an instance where I forgot, this
3 interpreter was well-educated, you know, they
4 have their college education, they were quite
5 familiar with the medical terminology, but that
6 worked for me. It was imperative that we have
7 that. But licensure is necessary for
8 interpreters who work in the state of Virginia.
9 Please, I have many stories that I can count from
10 my friends who have suffered the consequences of
11 having nonqualified interpreters before them.
12 Being an interpreter is not easy at all, but once
13 you become an interpreter, there should be a
14 requirement to maintain your professional
15 development to improve your skills as the field
16 expands. And interpreters need more experience.
17 They need to be, you know, exposed to the nuances
18 of professional and social life that they're
19 required to interpret for. When I went to the
20 general assembly recently, there were so many
21 wonderful interpreters in Lee County. They were
22 pretty good. They were awesome. I wish we could
23 get those interpreters and bring them here to the
24 state of Virginia. I think that is it for my
25 commentary. Thank you so much.

1 **MS. NOSBISCH:** Thank you, Ms.
2 Lavelle. Next I'd like to call up Ms. Eileen
3 McCartin.

4 **MS. MCCARTIN:** Hello, my name is
5 Ms. Eileen McCartin. I'm executive director here
6 at NVRC. I used to work in the school system.
7 My comment applies to more so the school system
8 and how they're hiring a lot of interpreters, and
9 the quality of these interpreters, it's hard to
10 find because of what we pay, which is not very
11 good. The school system, the pay does not match
12 what's happening out here in the private sector.
13 There is an EIPA certification for educational
14 interpreters, Educational Interpreter Performance
15 Assessment, EIPA. And you know that is
16 applicable for those working within the school
17 system. But different states have different
18 requirements and standards. We here in the state
19 of Virginia require a 3.5 rating of the EIPA,
20 which is okay. It's not enough in my opinion,
21 but it's a one and done test. Whereas if a
22 person gets a 3.5, they can continue forever.
23 There's no requirement for the sustainability of
24 their skills, no requirement for them to maintain
25 some type of professional development or such as

1 if they had a certification from RID, they'd have
2 to continue their professional development to
3 see use. But there's a requirement for them to
4 always improve their skills, but it's not in the
5 EIPA. Their skills can subdue and get worse
6 because they passed a 3.5 some time ago. I don't
7 know exactly how that fits into this, but the
8 quality of these interpreters for children is of
9 the utmost importance. These children are
10 looking at language models through their
11 interpreters. Language models. With a less than
12 qualified interpreter before them, how are they
13 able to aptly understand what's being
14 communicated or taught in the system?

15 **MS. MCCARTIN:** I think I'm going
16 to sign and voice together. Okay, so I'm saying
17 that in the school system, often the only,
18 there's only one deaf kid in that school and no
19 one's really watching out for the kids. They're
20 not watching out for the kids and that's an issue
21 because the children don't have a defense, if you
22 will. So that is one issue with the children not
23 getting good services in the school system. And
24 then you have like the medical and the legal
25 issues where interpreters don't know the word,

1 the terminology, they mistake what exactly or
2 they substitute a sign that's not appropriate.
3 My own experience is when you have a, like I
4 would go to a meeting, interpreters would be
5 there. Then maybe there's a break. So the
6 interpreters take a break and they leave and
7 leaves the deaf person there where they don't
8 understand the conversation. So I think some
9 discussion needs to be addressed about what
10 exactly are the requirements of the interpreter?
11 If you have a job say from 9:00 to 5:00 with two
12 interpreters, and maybe it's a legal case, the
13 jury or something like that, then maybe the judge
14 gives a fifteen-minute break. Experience, I've
15 had experience where the interpreter just left
16 and you're there not hearing all the
17 conversation, and that's really important, very
18 important to hear the chitchat. So the idea of
19 breaks, we need to know in advance what your
20 assignment is. Are you with me all the time or
21 can you leave for thirty minutes, go to lunch, or
22 one hour and go to lunch and back, where I'm
23 supposed to sit with this group of people at
24 lunchtime and I don't understand them. . That's
25 where, like at work, that's where you get a lot

1 of information networking. So that's an issue.
2 Another issue is how to you report poor service.
3 When interpreter comes and they're not very good,
4 who do you tell? Often you don't know who to
5 tell. If you complain to the person, then you're
6 really at risk because you need that person, so
7 you can't, you have to be civil. You have to be
8 nice, but you're kind of burning under, you know,
9 because you're complaining that's not what he
10 said or these are the words or, so you're in a
11 difficult situation when you don't have access to
12 the courts with a problem. Also I think we need
13 to have specialized licensure in like legal
14 areas, medical issues, education, maybe more
15 specific licensure. Also there are different
16 kinds of clients. People like me, I can voice
17 for myself and so maybe I need someone who
18 doesn't have to be a good voicer, but I can see
19 it's a different level of qualification for
20 voicing because I don't need a voicer, but some
21 people really do. So maybe I'd be satisfied with
22 an interpreter who can interpret and doesn't have
23 to voice, but someone else won't. They'll need a
24 good voicer. So different levels of
25 qualification more targeted towards needs. So

1 that's all I have. Thank you very much.

2 **MS. NOSBISCH:** Thank you, Ms.
3 McCartin. Next I'd like to call up Jan
4 Nishimura.

5 **MS. NISHIMURA:** One moment please.
6 **(WHEREUPON, Ms. Nishimura conferred with Mr.**
7 **Sanderes inaudibly.)**

8 **MS. NOSBISCH:** Ma'am, this is a
9 public hearing, so we need to have this on this.

10 **MS. NISHIMURA:** Okay. The
11 comments. There are some comments, because this
12 is communication involving two languages and
13 because of my total respect for the interpreter
14 and the interpretation process, there are some
15 things that I have to do with the interpreter to
16 make sure that the interpretation is effective.

17 **MS. NOSBISCH:** Thank you.

18 **MS. NISHIMURA:** I'm going to
19 repeat what I just said.

20 **MS. NISHIMURA:** Hello, my name is
21 Jan Nishimura. I've been a certified interpreter
22 for more than forty-three years. I'm very proud
23 of that. I've interpreted full time, served in
24 the community for forty-three years. I have
25 several comments I would like to make about this

1 topic. First, the most important thing is that I
2 support the idea of licensure in the state of
3 Virginia. Licensure for any state. Anyone at
4 this point can raise their hand and say oh, I'm
5 an interpreter. Even your company can say oh,
6 even for open comment, which I can understand
7 that we have an interpreter, but do you
8 understand what's involved with the
9 interpretation process? The interpretation is
10 being a mediary between two cultures, two
11 languages, two different kinds and modes of
12 thinking and let alone communicating. An
13 interpreter dropped into a situation they have no
14 idea of these two entities that they're
15 interpreting for. They can be thrown off
16 instantly. So yes, I am a believer in licensure.
17 It's important because at this point, we have
18 deaf people in here, people who have no recourse
19 if the interpretation is bad or the interpreter
20 is not a right fit. Something happens. They're
21 stuck with that experience. If there's
22 licensure, most licensures that I've seen in
23 other states, there is a recourse process. There
24 is a, or someone can file a complaint and appeal
25 that complaint. My second point is that you talk

1 about the process of interpreting. There are
2 many different components to interpreting. Part
3 of the interpretation is skill. The second part,
4 the interpreter. You see, one size does not fit
5 all. I'm pretty good about being in,
6 interpreting in the community. But if you put me
7 in a rocket science course, that would be way
8 over my head. God bless me, but Robert wouldn't
9 even be able to go to the moon because I would
10 totally misunderstand everything. I wouldn't be
11 able to interpret that. So that's one component,
12 is competency. I don't know if, you know,
13 licensure will actually take care of that, but
14 licensure in and of itself will give people some
15 standards satisfaction, but there is a minimal
16 set of qualifications that this interpreter has
17 before arriving to an assignment. And there's a
18 system that the interpreter has to follow and
19 adhere to. And also there is an agency who is
20 providing the interpreters who can now promote,
21 because there are a lot of agencies that are like
22 oh, well, they're just providing warm bodies.
23 People who ever called themselves interpreters
24 are now able to be placed in any random situation
25 that they're not qualified for, and that

1 shouldn't be the case. There are many different
2 components to interpret, but I believe the state
3 of Virginia has several components that needs to
4 address certain issues, such as the Virginia
5 Department of Deaf and Hard of Hearing Services.
6 Many agencies across the United States have state
7 issues who focus on the needs of different hard
8 of hearing individuals. They have quality, you
9 know, quality assessment standards, and that's
10 our protocol. They have that. There are other
11 states who don't have any of that. No state
12 agency focused on the acute needs of deaf and
13 hard of hearing citizens. In many ways, you
14 know, we want to applaud Virginia for trying to
15 take this bold step. And as far as interpreting
16 services go, I want to see a stronger system
17 because I have many deaf friends who complain and
18 complain about the qualify or lack thereof of
19 interpreters to me, and I as an interpreter. And
20 when I work with some interpreters, I have to
21 shake my head because them being in place and not
22 being qualified does more harm than good.
23 There's another component which is there has to
24 be someone who can analyze exactly what that job
25 entails. This kind of job is imperative to the

1 two of you, correct? You're getting commentary
2 from the community. You don't want just a good
3 enough interpreter. You want stellar
4 interpreting services. You want to be able to
5 hear everything that's happening from the
6 community. One interpreting for this type of
7 event, I appreciate this interpreter for taking a
8 bold step, but to have the best interpretation,
9 you need the best interpreter for this type of
10 situation. Because the situation is just not
11 well planned. This interpreter will not be able
12 to give you the best interpretation for what you
13 desire and what you're trying to gain from the
14 community. There are many different components
15 to the questions that arise. When you challenged
16 me before, and why? You challenged me as to why
17 I was talking to this interpreter privately, but
18 didn't say my name or what Robert just said.
19 Robert said that he wished the interpreters would
20 show up early to the assignment to pre-conference
21 so they know what they're, what is being planned
22 to say, what sign choices they have, so that the
23 interpreter can give a more effective
24 interpretation. So I think this immediate
25 instance shows the dangers because hearing people

1 have no idea what the signs are. Deaf people
2 don't know what's being said. Who knows both the
3 English and the ASL? The ASL and the English.
4 Who knows that? There has to be another, a
5 second interpreter. Has to be another one who
6 also knows both languages to confirm with that
7 interpreter. You have someone like that in a
8 situation, it becomes rare. So I don't know if
9 you've noticed that but with this interpreter.
10 First thing I came and I recognized hey, there's,
11 I feel sorry for this interpreter because there's
12 only one interpreter for this public hearing. I
13 live in Northern Virginia. I have known Jeanne
14 since BK? Before children? Before kids? I've
15 known her. And Billy, who has never met her
16 before, right, so she's standing, she's starting
17 to sign and I'm like oh. I'm looking because
18 it's not that he's a lousy interpreter. It's
19 like he didn't know who she was and didn't
20 understand her finger spelling. He had never met
21 her before. They didn't have time to pre-
22 conference. And so for me, what I did,
23 respectfully, is go behind him and support him.
24 Why? Because I want the message to be clear, to
25 be interpreted and to be very clear, not only to

1 you but to the audience, and to be as accurate as
2 possible. That is the need for two interpreters.
3 Also like I said, there are many different
4 components to interpreting. So for me, when I'm
5 assessing this situation, and I am an interpreter
6 myself and have been doing it full time for
7 forty-three plus years, and I have a woman-owned
8 business, plus I've trained interpreters. Plus I
9 mentor interpreters and have been doing so for
10 forty-three plus years. In addition, I have
11 several deaf friends here in the audience who
12 know me very well. I used to have full black
13 hair, so they know me before this pepper-gray
14 assortment. They've known me for many years, so
15 they can trust in the quality of what I'm saying
16 that I do support licensure for the sake of
17 Virginia. Thank you.

18 **MS. NOSBISCH:** Thank you. And
19 just for clarification, I meant no disrespect and
20 was not trying to challenge you, but because this
21 is a public hearing, the audience needed to hear
22 the conversation that was taking place between
23 you and the interpreter, and that's why I asked
24 you to share that information.

25 **MS. NISHIMURA:** And thank you for

1 that. I also want to make sure that my intent
2 was more education. As most consumers, deaf
3 people and hearing people said oh, just sign,
4 whatever you can, just sign, but my colleague did
5 an outstanding job putting my words into English
6 because he knew where I was going, and that was
7 my point, which is that very rarely or only on
8 special occasions do interpreters have an
9 opportunity to, in the field it's called pre-
10 conference, which is to get an idea of where the
11 person is going. And in the English language,
12 there are so many opportunities for not
13 understanding. If I were in a wheelchair and I
14 would say, you know, the problem about being in a
15 wheelchair is all of the stairs. If I signed
16 that as S-T-A-R-S or if I signed that as S-T-A-R-
17 E-S, totally changes the meaning and it changes
18 the personality of the speaker, where the speaker
19 is going, and it changes the context and it
20 changes the deaf people's, and the hearing
21 person's concept of who the person is and what
22 that person's point is. So I would also
23 recommend as a matter of course as you go forth
24 getting information, any time get information
25 from the deaf community, particularly that you

1 allow interpreters to have an opportunity to meet
2 with deaf people. If you put me in Southern
3 Virginia, there are a lot of towns in Southern
4 Virginia that I don't know how to pronounce, so
5 don't, so I'm good in Northern Virginia. But the
6 W-Y-T-H-E, Wythe, yeah, I wouldn't know. And
7 they can sign, there are many that I look at and
8 I'm always afraid to say anything because I don't
9 want to mispronounce it, because in
10 mispronouncing, I don't want to insult anybody.
11 So thank you for this opportunity to dialogue and
12 thank you for the opportunity to share
13 information. I think what you're doing in terms
14 of meeting with the community is outstanding.
15 I'm excited about the idea of licensure. Just
16 across the river, D.C. and Maryland have been
17 talking about it for many years. They were very
18 active in sending something to the general
19 assembly that had both the support of the
20 Maryland Association of the Deaf and the
21 Interpreter Organization. So this is something I
22 would also like to see in Virginia.

23 **MS. NOSBISCH:** Thank you very much
24 for your comments, ma'am. Has everybody that
25 wanted to make comment had an opportunity to do

1 so? I thank you all very much for taking time
2 out of your day to be here and to provide very
3 helpful comments. These comments will go back to
4 the board. I want to let you know that there
5 will be another public hearing in our office
6 building on Monday at 1:00 p.m. in Richmond, and
7 there will be...

8 **INTERPRETER MR. SANDERES:**

9 Interpreter clarification, Monday when? The
10 date, do you mean next Monday?

11 **MS. NOSBISCH:** Yes.

12 **INTERPRETER MR. SANDERES:** Okay.

13 **MS. NOSBISCH:** What's the date,
14 Monday?

15 **UNIDENTIFIED SPEAKER:** That is the
16 ninth.

17 **MS. NOSBISCH:** The ninth. Monday
18 the 9th at 1:00 p.m. in our offices, and then we
19 will be in Roanoke on Wednesday at 11:00 a.m. In
20 addition to that, if you would like to follow-up
21 with any of your comments today in writing, you
22 may do so. I left my business card on the back
23 table. We would need those comments by September
24 16th. I know there is also information on the
25 website for if you would like to make a vlog and

1 send that to the board, we will have that
2 translated and those comments will be considered
3 as well up through September 16th. We have our
4 next board meeting October 18th, which is a
5 Friday, at 10:00 a.m. in Richmond, and those
6 meetings are open to the public. And at the
7 beginning of every meeting at the Department of
8 Professional and Occupational Regulation, there
9 is a public comment period. So if you wish to
10 come to the board meeting and make comment to the
11 full board, you are invited to do so. Thank you
12 so much for taking the time to be here today. We
13 really appreciate your comments and...

14 **MS. NISHIMURA:** May I state
15 something?

16 **MS. NOSBISCH:** Yes, ma'am.

17 **MS. NISHIMURA:** We should have
18 more people than we have today, but many people
19 are at Deaf Seniors of America conference.
20 That's in Seattle, Washington. So many people
21 who would have been here to advocate on our
22 behalf to further support the cause are actually
23 away at a conference. And I'll definitely inform
24 them that they have an opportunity to still send
25 commentary in lieu of their presence here.

1 **MS. NOSBISCH:** Absolutely. They
2 can send a letter. They can send an email. They
3 can do a vlog. We're collecting information
4 until September 16th, so any of those ways that
5 you wish to communicate it to us, it will be
6 taken under consideration by the full board. And
7 again, I sincerely thank you all for your time
8 today.

9 **(WHEREUPON, the Professional and Occupational**
10 **Regulation Conference was concluded at 12:03**
11 **p.m.)**

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1 CAPTION

2
3 The foregoing matter was taken on the date, and at
4 the time and place set out on the title page hereof.

5
6 It was requested that the matter be taken by the
7 reporter and that the same be reduced to typewritten
8 form.

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1 CERTIFICATE OF REPORTER AND SECURE ENCRYPTED
2 SIGNATURE AND DELIVERY OF CERTIFIED TRANSCRIPT

3 I, **TAMMY S. KECKLEY**, Notary Public, do hereby
4 certify that the forgoing matter was reported by
5 stenographic and/or mechanical means, that same was
6 reduced to written form, that the transcript prepared
7 by me or under my direction, is a true and accurate
8 record of same to the best of my knowledge and
9 ability; that there is no relation nor employment by
10 any attorney or counsel employed by the parties
11 hereto, nor financial or otherwise interest in the
12 action filed or its outcome.

13 This transcript and certificate have been
14 digitally signed and securely delivered through our
15 encryption server.

16 IN WITNESS HEREOF, I have here unto set my hand
17 this 12thth day of September, 2019.

18
19
20 

21
22 /s/ TAMMY S. KECKLEY

23 COURT REPORTER / NOTARY

24 NOTARY REGISTRATION NUMBER: 7528818

25 MY COMMISSION EXPIRES: JULY 30, 2021

<p>1</p> <p>1:00 34:6 34:18</p> <p>10:00 35:5</p> <p>11:00 34:19</p> <p>11:09 3:4</p> <p>12:03 36:10</p> <p>130 3:22</p> <p>16th 5:8 34:24 35:3 36:4</p> <p>18th 35:4</p>	<p>A</p> <p>a.m 3:4 34:19 35:5</p> <p>able 12:1 12:17 14:15 15:15 15:16 15:19 19:20 22:13 27:9 27:11 27:24 29:4 29:11</p> <p>Absolutely 36:1</p> <p>accepting 10:1</p> <p>access 24:11</p> <p>accurate 31:1</p> <p>across 28:6 33:16</p> <p>Act 7:11</p> <p>active 33:18</p> <p>actually 5:18 10:20 11:10 18:14 18:15 27:13 35:22</p> <p>acute 10:22 17:8 28:12</p> <p>ADA 7:16 11:22</p> <p>add 11:18 15:11 17:21</p> <p>addition 5:6 31:10 34:20</p>	<p>address 10:6 28:4</p> <p>addressed 23:9</p> <p>adhere 27:19</p> <p>admitting 14:18</p> <p>advance 13:25 23:19</p> <p>advantage 14:6</p> <p>advocate 35:21</p> <p>afraid 33:8</p> <p>afternoon 10:19 12:11 13:1</p> <p>agencies 27:21 28:6</p> <p>agency 3:20 27:19 28:12</p> <p>ago 11:23 22:6</p> <p>allotted 4:21</p> <p>allow 3:14 33:1</p> <p>allowed 16:2 16:3</p> <p>alone 13:19 26:12</p> <p>already 6:16</p> <p>am 12:22 14:19 16:3</p>	<p>26:16 31:5</p> <p>America 35:19</p> <p>Americans 7:11</p> <p>analyst 3:19</p> <p>analyze 9:12 28:24</p> <p>announcement 10:6</p> <p>anybody 33:10</p> <p>Anyone 7:14 26:3</p> <p>anything 19:23 33:8</p> <p>appeal 26:24</p> <p>applaud 28:14</p> <p>applicable 18:5 21:16</p> <p>applies 21:7</p> <p>appreciate 17:23 29:7 35:13</p> <p>appropriate 16:6 23:2</p> <p>aptly 22:13</p> <p>areas 24:14</p> <p>aren't 7:22 10:3</p> <p>arise 29:15</p> <p>arrives</p>
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