

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

The Board for Professional and Occupational Regulation held a public hearing on September 9, 2019, at the Commonwealth Conference Center, 9960 Mayland Drive, Richmond, 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 1:00 p.m. and read an introductory statement regarding the purpose and rules of the hearing.

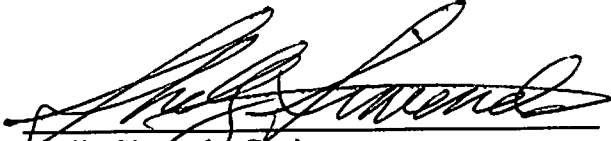
Commencement of Public Hearing

Public Comment Period – Transcript attached.


Public Comment Period

There being no further comment, the meeting was adjourned at 1:57 p.m.

Adjournment



Shelly Simonds, Chair



Mary Broz-Vaughan, Secretary

TOLL-FREE 800.262.8777

LOCAL 540.667.0600

FAX 540.667.6562

VIRGINIA:

PROFESSIONAL AND OCCUPATIONAL REGULATIONS
CONFERENCE
PUBLIC HEARING

MONDAY, SEPTEMBER 09, 2019
1:00 P.M.

DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL REGULATION PERIMETER CENTER
9960 MAYLAND DRIVE
SUITE 400
RICHMOND, VIRGINIA 23233

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APPEARANCES

KATHLEEN "KATE" R. NOSBISCH

**DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL REGULATION**

9960 MAYLAND DRIVE

SUITE 400

RICHMOND, VIRGINIA 23233

TELEPHONE: 804.367.8514

FACSIMILE: 804.527.4294

E-MAIL: KATE.NOSBISCH@DPOR.VIRGINIA.GOV

SPEAKERS

ERIC RAFF

JENNIFER WITTEBORG

HEATHER KUBITSKI

LAUREN GOOD

TRESSELA BATESON

KATHY WILLIAMS

SUSI WILBUR

PATTI HARRIS

JOHN A. FOLKER, SC:L, INTERPRETER

BERNICE M. MCCORMACK, INTERPRETER



1 **PROFESSIONAL AND OCCUPATIONAL REGULATION**

2 **CONFERENCE**

3 **RICHMOND, VIRGINIA**

4 **MONDAY, SEPTEMBER 9, 2019**

5 **1:00 P.M.**

6 **MS. NOSBISCH:** Before we begin,
7 has everybody signed in and indicated whether
8 they wish to speak or not?

9 **INTERPRETER MR. FOLKER:** I have
10 not done so.

11 **MS. NOSBISCH:** Okay. But
12 everybody else? Thank you. And is this a good
13 position for you all right here? You're good
14 here?

15 **INTERPRETER MR. FOLKER:** Seems to
16 be.

17 **MS. NOSBISCH:** And then when we
18 call individuals up to give comment, do you want
19 them to stand here? Where do you want the
20 individuals giving comment to stand?

21 **INTERPRETER MR. FOLKER:** I think
22 they themselves will stand wherever people can
23 see them.

24 **MS. NOSBISCH:** We'd like them in
25 the front so the audience can see, but I want to

1 make sure that you can see, as well. We were
2 thinking here if this is, this is a good place
3 for you?

4 **INTERPRETER MR. FOLKER:** Yeah.
5 We'll adjust.

6 **MS. NOSBISCH:** So everybody can
7 see, great.

8 **INTERPRETER MR. FOLKER:** Thank you
9 so much.

10 **MS. NOSBISCH:** Good afternoon, and
11 I want to thank everybody for taking the
12 opportunity to be here today to provide...

13 **INTERPRETER MR. FOLKER:** I don't
14 mean to interrupt, but maybe it would be better
15 if we had the interpreters stand over there
16 because for those of us who will be signing, then
17 I guess it'll be okay, the interpreters can be
18 where they are, but the other person who will be
19 speaking may be standing over there, if that will
20 be okay?

21 **MS. NOSBISCH:** Sure.

22 **INTERPRETER MR. FOLKER:** Okay.

23 **MS. NOSBISCH:** Good afternoon.
24 I'm Kate Nosbisch. I'm the executive director
25 for the Board for Professional and Occupational

1 Regulation here at the Department of Professional
2 and Occupational Regulation. I want to also
3 introduce to you at this time Matt McCabe, who is
4 Special Projects and Program Analyst who is here
5 with me today. We are holding this public
6 hearing at the Perimeter Center, Training Room 1
7 on the second floor, 9960 Mayland Drive,
8 Richmond, Virginia 23233. This hearing is being
9 held pursuant to 54.1-310 of the Code of Virginia
10 for the purpose of receiving public comment for
11 the board's study of the need whether to regulate
12 sign language interpreters as published in the
13 Virginia Register on Monday, September 2, 2019.
14 The list of interested parties and organizations
15 which were notified of this process and invited
16 to comment is available upon written request.
17 The staff of the department of Professional and
18 Occupational Regulation will prepare a report of
19 all public comment received, which will be
20 presented to the board for consideration in the
21 course of conducting its study. Now I would like
22 to present the rules for this public hearing.
23 Comments will be received from any member of the
24 public, and comments will be limited to a maximum
25 of five minutes, depending on the number of

1 individuals who wish to provide public comment.
2 If you have not signed up to provide comment and
3 you wish to give testimony today, please sign
4 your name on the sign-up sheet at this time. All
5 good? You're probably all wondering what this
6 contraption is right here. This is our lightbox
7 and that's how we keep time. When the green
8 light comes on, you have five minutes. When the
9 yellow light comes on, you have one minute, and
10 when the red light comes on, your time is up.
11 However, if you're in the middle of a comment,
12 you'll certainly be able to complete it. I
13 think, I noticed you were stretching to see the
14 box now, when you're standing over here giving
15 comment, I think you'll have a better view of the
16 box. And so, we'll just, that's how it will
17 look, just for your information. This is not the
18 forum to ask questions of the board. If you have
19 a question of the board, please put it in writing
20 to the board office. Any speaker who wishes to
21 provide written statement in addition to his
22 testimony may do so through Monday, September 16,
23 2019. And with that, I'm going to go down the
24 list and call the first person for comment, and I
25 would just ask that you come and stand to the

1 front of the room so that everybody may see your
2 comment. And the first person that I have on the
3 list that I'm going to call up is Mr. Eric Raff
4 please?

5 **INTERPRETER MR. FOLKER:** Madam
6 Chair, and I also, this lady says may I also add
7 my name to that list?

8 **MS. NOSBISCH:** Absolutely. And if
9 you initially said no but through the course of
10 this dialogue you change your mind, that's fine
11 and I will ask. So if you've said no, you still
12 get a second opportunity to say yes if you find
13 that you want to comment after you hear some
14 other comments. Are you ready, Eric?

15 **MR. RAFF:** I am. Good morning.
16 Thank you for allowing us to have comment today.
17 I hope that everyone in the audience can see me
18 as I sign. I just want to take the opportunity
19 to give you comments to help you understand what
20 this process will be and what will happen here.
21 To give you a short history, we have had
22 complaints from the deaf community to VDDHH
23 asking where they could file complaints regarding
24 interpreter's qualifications. The advisory board
25 heard those complaints at the time and they

1 decided to petition the Department of
2 Professional and Occupational Regulatory, DPOR,
3 and ask them if they would study the concept of
4 providing that kind of regulation and licensure
5 for interpreters, and that's what we're doing
6 today. I had gone to Norfolk and also to
7 Northern Virginia in Fairfax and also here today
8 and I have seen some of the comments made in
9 those other locations. And so to better help you
10 understand, the ADA itself is pretty general in
11 describing what the qualifications for an
12 interpreter is, the communication between a
13 hearing and a deaf person, whether or not is
14 successful and whether or not it is standardized.
15 And those standards, of course we have national
16 certification either through the Registry of
17 Interpreters for the Deaf or other organizations,
18 and there are minimum qualifications for that.
19 Some may inadvertently misrepresent themselves.
20 By the way, VQAS is not a certification in and of
21 itself, but we want to be able to have a process
22 to give interpreters feedback so that they can
23 improve their interpreting process. Some people
24 have said, well, I meet an interpreter and
25 they're not certified, and I would file a

1 complaint with the RID. Well, the RID code of
2 contact only applies to those interpreters who
3 are part of RID who are certified through RID,
4 and if they're not certified through RID, then
5 RID cannot do that and so they can't be regulated
6 from them. And someone said that, well, there
7 should be a licensure perhaps only from medical
8 situations. Whether a person is certified or
9 licensed, it would apply to all interpreters in
10 every situation whether financial or medical. So
11 I wanted to clarify some misunderstandings that
12 people may have, that this licensure would only
13 apply to medical situations. No, if established,
14 it would apply to every situation. I have heard
15 some comments from the community that people have
16 said that interpreters would have to pay a fee.
17 It's really unknown exactly how much the fee
18 would be for licensure, but we know that there
19 will be, there is a fee for certification, so of
20 course there would be for licensure. We've
21 looked at other fields, for example, plumbers and
22 electricians who have to take training, have to
23 take, and get certified. They also have to be
24 licensed, so I'm sure that the fees would be
25 comparable as these other fields, and therefore

1 make the sign language interpreters more
2 recognized as a profession. Our purpose here is
3 to encourage interpreters and we want all
4 interpreters to be allowed to have an opportunity
5 to improve their skill and receive support in
6 doing so, and to encourage the number of
7 interpreters to grow. We do know that we have
8 some Reynolds Community College students here and
9 other college students here, and so we're glad of
10 that. We want to encourage growth in the
11 interpreting field. DPOR in studying this are
12 recommending four different areas of regulation.
13 We were talking about a directory that we would
14 have on the VDDHH website and also require that
15 interpreters take certification. Licensure would
16 allow work in Virginia and regulate only
17 Virginia, so we don't know what the costs would
18 be for that. Thank you for allowing me to
19 comment.

20 **MS. NOSBISCH:** Thank you, Mr.
21 Raff. Next, can I ask Ms. Jennifer Witteborg to
22 step forward please? Ms. Witteborg?

23 **INTERPRETER MS. MCCORMACK:** I'm
24 not sure if there's a place I can put this down.
25 Do you mind if I use this table? Can everyone

1 see me all right? Can you all see me?

2 **MS. NOSBISCH:** We can move this
3 table to the front.

4 **INTERPRETER MS. MCCORMACK:** Okay.
5 Hello. Do you want to...

6 **MS. NOSBISCH:** Do you want to
7 move this table to the front?

8 **INTERPRETER MS. MCCORMACK:** Oh, I
9 think this is fine as long as you don't mind.

10 **MS. NOSBISCH:** Okay.

11 **INTERPRETER MS. MCCORMACK:** Sure,
12 we're good, thank you. All good.

13 **MS. NOSBISCH:** When the green
14 light comes on, you have five minutes, ma'am.

15 **MS. WITTEBORG:** Oh gosh, pressure,
16 pressure.

17 **MS. NOSBISCH:** No, no pressure.
18 I'm easy. And then yellow light one minute
19 warning. Red light means stop but it's a soft
20 stop, and I'd just ask that you introduce
21 yourself and then you can begin. Are you ready?

22 **MS. WITTEBORG:** Okay. Hello, my
23 name is Jennifer Witteborg, and I live in
24 Culpeper, Virginia. I've lived here for thirty-
25 five years, and so I will try to keep this brief.

1 I did print this out to give you a copy. I have
2 seven different situations as examples that I've
3 used, but I'm only going to discuss a few for the
4 sake of time. So I do recognize that the board
5 was holding this public meeting in order to try
6 to see if Virginia needs licensure. So if
7 Virginia has any harm through the practice of
8 unqualified interpreters, and unfortunately, I
9 have experienced many such instances. And when
10 that happens, nothing is done. So in order to
11 help prevent that from happening, again in order
12 to lessen the harm. So the first situation I'll
13 talk about, oops, no, I'm going to need these,
14 was back in 2015. I was admitted into the
15 hospital because I had heart palpitations of 220
16 beats per minute. So I stayed overnight and I
17 was moved to the ICU floor and there was another
18 deaf person on the same floor. So the
19 interpreter who came was perfect. They did
20 great. The second interpreter switched them out
21 was great, and then a third interpreter came and
22 I was very surprised. I had never met this
23 person before, but she came in with the doctor
24 and she was unable to interpret exactly what was
25 happening, unable to interpret what I was

1 signing. And so the doctor explained something
2 and this interpreter sat there listening without
3 signing and then summarized and said you'll be
4 fine. And I had so many questions to ask, and
5 she just listened and then briefly said something
6 as opposed to all of those things that I had
7 signed to her. So I felt like I was completely
8 overwhelmed and I asked, you know, where did you
9 come here? And they said, well the agency sent
10 me, and she had no qualifications, no
11 certifications, nothing. So I left the hospital
12 not knowing anything about what the doctor had
13 told me. Okay, my second situation; so this
14 happened back in 2017. I was helping to sponsor
15 a bill, or I was advocating for a bill, and so I
16 had an interpreter come with me in order to speak
17 with my senator about the proposed legislation.
18 The interpreter made a mistake, an interpreting
19 error, did not correct it, and I saw the problems
20 that were happening. The senator became angry
21 and from then on dropped the bill. It was so
22 much of a problem for her that she ended up
23 dropping the bill and not sponsoring it. My team
24 then informed me later on that the interpreter
25 herself had hearing aids. I said that can't be

1 true, and they said really, I noticed hearing
2 aids. So we asked and the interpreter confirmed
3 yes, she does have hearing aids. And there's no
4 rules in RID about interpreters with hearing
5 loss. That was something that caused a huge
6 harm, hours of time and money in that advocacy
7 that I had done for the bill, all gone. My fifth
8 situation, this happened the same year. My
9 husband received an award for a long-time work
10 that he had done at the hospital, and it was
11 going to be an award dinner function. So two
12 interpreters came. One of the interpreters saw
13 me and said I will not voice for you tonight, and
14 that of course took me aback. You should not
15 have accepted the job in the first place if I was
16 the consumer. But it was my husband's award, so
17 I decided to keep all of that to myself and allow
18 him to have his night. And so I was unable to
19 socialize that evening with my husband's co-
20 workers, and so really that caused harm to me, as
21 well. It was too bad. Let's see, one more.
22 Back in 2015, no 2014, yes 2014, I went to a
23 doctor and I received a certified letter that
24 they were no longer requesting my services. So I
25 sent this off to, I'm sorry, OCR, the Office of

1 Civil Rights, and they had done an investigation
2 at this time; and my family...

3 **INTERPRETER MS. MCCORMACK:** Oops
4 I'm sorry...

5 **INTERPRETER MR. FOLKER:** Had
6 melanoma.

7 **MS. WITTEBORG:** ...had melanoma, a
8 skin cancer runs in my family, and so...

9 **INTERPRETER MR. FOLKER:** I had
10 pre-cancer spots...

11 **MS. WITTEBORG:** I had pre-cancer
12 spots removed...

13 **INTERPRETER MR. FOLKER:** ...from
14 time to time.

15 **MS. MCCORMACK:** Thank you.

16 **MS. WITTEBORG:** From time to time.
17 And so I couldn't wait one year for them to do
18 this investigation. So this, they did say during
19 that time that the office would be set up for,
20 that it was ADA compliant.

21 **INTERPRETER MS. MCCORMACK:** Wait,
22 wait, what is that word? What is the word that
23 I'm looking for?

24 **INTERPRETER MR. FOLKER:**
25 Compliant.

1 **MS. WITTEBORG:** Compliant. Yes,
2 thank you. ADA compliant for the policy. So
3 when they did an investigation, I was there and I
4 lived in a rural area at the time.

5 **INTERPRETER MR. FOLKER:** I went
6 across the street...

7 **MS. WITTEBORG:** And I went across
8 the street to another location and they told me
9 no, that I couldn't get an interpreter. And I
10 said the ADA says that I can.

11 **INTERPRETER MS. MCCORMACK:** I'm
12 sorry.

13 **INTERPRETER MR. FOLKER:** Get that
14 refusal in writing.

15 **MS. WITTEBORG:** That I need to get
16 the refusal in writing first, and so I asked if
17 they could provide an interpreter and they said
18 that they would not. So the DOJ, I sent that
19 information off and they told me, oh, yes, yes,
20 no, no, we have an interpreter. Okay, fine. So
21 then I arrived there, then I was able. I was
22 ready. The person came in, the interpreter came
23 in, the doctor came in, and the doctor was, you
24 know, said we are going to be doing the body exam
25 and everything, and so he'd be leaving to change;

1 and the interpreter said okay, would you like me
2 to step outside while the doctor checks you? And
3 I thought, well, no. This is why you are here,
4 to interpret what the doctor is saying while they
5 are checking my body. And the interpreter was
6 very shocked by this information. And so really,
7 the point here is that Virginia needs to have
8 some kind of state licensure. We need to make
9 sure that the professional services here are
10 being met. That there are two different cultures
11 here that are in play and harm can happen to us,
12 to us people, and we, oh, I'm so sorry, I saw the
13 red light. Oh gosh, okay.

14 **MS. NOSBISCH:** That's okay.

15 **MS. WITTEBORG:** Well, that's my
16 time.

17 **MS. NOSBISCH:** Go ahead and. You
18 can...

19 **MS. WITTEBORG:** Yes, okay. We do
20 need something here for Virginia. And understand
21 that deaf interpreters, they have lacked any kind
22 of certifying tests for a very long time for many
23 years compared to hearing interpreters who do
24 have that. So we do need to include a loophole
25 for deaf interpreters so that they can still

1 provide services in the state, and this would be
2 close to the Code of Professional Conduct. So we
3 need something to apply in order for deaf
4 interpreters as well. Thank you for your time.

5 **MS. NOSBISCH:** Thank you, Ms.
6 Witteborg.

7 **MS. WITTEBORG:** Thank you, thank
8 you.

9 **MS. NOSBISCH:** Renee Miller is a
10 maybe?

11 **MS. MILLER:** No.

12 **MS. NOSBISCH:** Thank you. Okay.
13 Ms. Kasten did not wish to speak. Ms. Nicole
14 Morton did not wish to speak. Ms. Sarah Meyer
15 does not wish to speak. Ms. Heather Kubitskia?

16 **MS. KUBITSKI:** Kubitski.

17 **MS. NOSBISCH:** Kubitski, sorry.
18 Would you come forward please, ma'am? And would
19 you mind stating your name when the green light
20 comes on?

21 **MS. KUBITSKI:** Certainly.

22 **MS. NOSBISCH:** Are you ready?

23 **MS. KUBITSKI:** I'm ready.

24 **MS. NOSBISCH:** Thank you.

25 **MS. KUBITSKI:** Hello, everyone.

1 My name is Heather Kubitski. I am an American
2 Sign Language interpreter. I have a bachelors in
3 applied science and sign language interpreting
4 and have been interpreting in the greater
5 Richmond area of Virginia for more than ten
6 years. I appreciate the opportunity being given
7 to all being affected by this study and possible
8 proposed state licensure to address the board and
9 have our voices heard. I understand that the
10 board is conducting a study on whether the state
11 of Virginia should regulate the field of sign
12 language interpreting. This study is due to the
13 concerns of the deaf community regarding
14 qualified interpreters providing the federally-
15 mandated equal access to communication for them.
16 I also understand that there have been documented
17 cases in which members of the deaf community have
18 experienced hardships due to unqualified
19 interpreters being assigned to facilitate
20 communication for them. I know that this
21 situation happens more often than it should.
22 This is a definite problem in which a solution
23 must be found. I believe the best solution to
24 this problem is not the regulation, but going to
25 the source of where the problem is originating.

1 The term qualified interpreter has never
2 specifically been defined in our field, as Mr.
3 Raff referenced earlier. The only metric
4 utilized to measure the skills of an interpreter
5 to determine if they are qualified is broken.
6 The Registry of Interpreters for the Deaf was
7 established to provide certification testing for
8 interpreters to certify that they meet the
9 standards that would deem them qualified and fit
10 to work in the field. However, RID has utilized
11 a myriad of different testing iterations, all of
12 which have differing tasks rates, ranging from
13 17% to 27% over the years. With some test
14 iterations, interpreter pass rates were far
15 better than other test iteration pass rates. As
16 in comparison to other fields, the medical and
17 legal oral boards had, in 2018 had 87% and 73%
18 pass rates, respectively. The testing is just
19 not consistent. Through the varied test
20 iterations, lengthy moratoriums on testing, where
21 interpreters cannot test at all, we are now
22 experiencing the second moratorium in three
23 years. Varied credentials such as NAD, CI, CT,
24 NIC Advanced, NIC Mastered, NIC, most of which
25 testing has been retired but credentials still

1 recognized. There is no standard. There is no
2 standard consistent metric for interpreters in
3 the state of Virginia by which to be measured
4 accurately. The second part of the problem is
5 that sign language interpreting agencies who
6 contract with interpreters to fill assignments
7 are not held to any sort of ethical standard.
8 There is no recourse for agencies engaging in
9 unethical practices to be held accountable, just
10 like Jenny had just mentioned. Many spoken
11 language agencies don't understand the
12 differences between spoken language and sign
13 language interpreting, and that equal access to
14 communication for deaf members of the deaf
15 community is mandated by federal law. These
16 agencies don't understand interpreting
17 credentials, qualifications, skill level, and the
18 very language modalities in order to fill
19 assignments appropriately. They also don't
20 understand the Code of Professional Conduct that
21 govern the field and often do not follow it.
22 Because of this, unqualified interpreters are
23 often assigned to fill the requirement in order
24 for the agency to make a profit. Because there
25 is no recourse for agencies engaging in unethical

1 practices, interpreters will continue to be
2 placed in situations where their skill level does
3 not meet the communication requirement. This in
4 turn leads to difficult and even dangerous
5 situations for deaf consumers and very
6 uncomfortable situations for the interpreters
7 involved. Interpreting agencies must be held
8 accountable for engaging in unethical practices
9 which limit equal access to communication for
10 deaf consumers and take advantage of interpreters
11 in order to make a profit. Regulating a broken
12 system will further frustrate the interpreter
13 already battling a broken system. Let us focus
14 our attention and efforts on fixing what is
15 broken before we decide to regulate the field.
16 Regulating a broken system only breaks it more
17 and will regulate good skilled interpreters who
18 cannot gain the appropriate credentials because
19 of the broken system right out of the field,
20 which will be a further detriment to the deaf
21 community. Thank you.

22 **MS. NOSBISCH:** Thank you, Ms.
23 Kubitski. Ms. Harris did not wish to speak. Ms.
24 Branch did not wish to speak. The next person
25 signed up, Ms. Susi Wilbur wanted to provide

1 comment?

2 **MS. WILBUR:** Yes.

3 **MS. NOSBISCH:** Would you come
4 forward, ma'am? And let me know when you're
5 ready, and if you would introduce yourself.

6 **MS. WILBUR:** Oops, sorry. Okay.
7 I just went up and started talking. Sorry about
8 that.

9 **MS. NOSBISCH:** Are you ready?

10 **MS. WILBUR:** Yes, I'm ready.
11 Okay, hello. My name is Susi Wilbur and I have a
12 background in the field of clinical social work,
13 and really I'm here today just to offer my
14 perspectives. So first, it's my personal
15 perspective. I'm an older woman now and I have
16 many years of experience with miscommunication
17 using interpreters. My "label" is straw, oh,
18 it's my last straw, I'm labeling this as my last
19 straw. So in order to go into a legal office
20 with my sister and have a chat about my mother
21 and her stuff, the woman who showed up to
22 interpret, well first, she was wearing a striped
23 shirt, blue jeans, and this was a high-power
24 lawyer's office in Northern Virginia. So I
25 thought, okay, I'll breathe, I'll stay calm. So

1 I said I will give her the benefit of the doubt.
2 She looks young, that's okay. We'll sit down and
3 begin. But unfortunately, it was not okay. The
4 entire time, she was unable to keep up with what
5 was going on. She could not interpret the legal
6 jargon, the legal terms, and I said to myself,
7 I'm done. But really I'm here today not to
8 complain but to look for a way in order to help
9 both the deaf community plus the interpreters
10 themselves to come together. We need them to
11 work as a team. There's too much potential out
12 there for us to work together. Now, from my
13 other perspective as a professional, as a
14 professional social worker. I've gone with
15 outside agencies all hearing, but of course my
16 specialty is deaf and hard of hearing...

17 **INTERPRETER MR. FOLKER:** Clients.

18 **MS. WILBUR:** ...clients,
19 clientele, and we've tried to hire interpreters
20 just for meetings with clients or other agencies
21 that have been awful. People complain. They
22 don't want to pay for those interpreters. So
23 what does that mean for me as a profession? That
24 I keep hitting the ceiling. That I'm unable to
25 move forward in my profession, in my career. And

1 there are other concerns about having qualified
2 interpreters, skilled interpreters every time I
3 work. Unfortunately today, I work, or
4 fortunately today, I work with a small company,
5 so we always have an interpreter there one
6 hundred percent of the time. But the company
7 does have to take on the burden of that cost
8 because other companies refuse to hire outside
9 interpreters because of their experiences. They
10 understand that there are unqualified
11 interpreters out there. So really I have many
12 different perspectives, and there are definitely
13 a lot of problems within the community that we
14 see. But I think that we need to work together,
15 not just the deaf community, but the interpreters
16 themselves, as well, so that all of us can have
17 equal access in the community. That's all.
18 Thank you.

19 **MS. NOSBISCH:** Thank you, Ms.
20 Wilbur. Ms. Goodson, you did not wish to speak.
21 Ms. Liz Leach did not wish to speak. Ms. Lauren
22 Good is next. Are you ready, Ms. Good?

23 **MS. GOOD:** Yes. My name is Lauren
24 Good and thank you for allowing me to come and to
25 speak to everyone here. I would like to mention

1 three different perspectives that I have about
2 this issue. One is about the daughter of an
3 interpreter whose mother is an interpreter and
4 has been for many years, and the decision was for
5 her to get out of the field because of what other
6 people have said about her. Then as a deaf
7 consumer and as a deaf mother, and then also as a
8 deaf professional, so three different issues that
9 I want to be, that concern trust. Now the
10 daughter of the interpreter, I've seen my mother
11 as she's gone through training programs. She
12 struggled to get licensed. I remember that there
13 had been complaints before of how hard it was and
14 how expensive it was and so forth, but then when
15 she finally got licensure, she realized that
16 indeed it was worth it to have, because for her
17 own protection and for the deaf community's
18 protection and the licensure would allow her to
19 be monitored and also to continue with her CEU's,
20 and that's very important to keep up with
21 nowadays. And then as a deaf client myself, I
22 have struggled. For example, in May, during the
23 month of May, I was very, very ill and I could
24 not see my doctor because that particular doctor
25 had a contract with only one particular

1 interpreter who was not available at all because
2 of her inconvenience of being able to, and so
3 there were two weeks for one doctor and one month
4 for another doctor that I couldn't see them, and
5 so also going to the ER, still we could not find
6 out what was wrong with me during that month. I
7 struggled with my health and finally when I did
8 see the doctor, we pretty much got to find out
9 what was wrong in five months. So I went a month
10 not having an interpreter because that
11 interpreter refused to come or they refused,
12 because she had a lock on that particular agency,
13 and I think that's an ethical consideration. The
14 interpreters should work, if I can't use one
15 interpreter, I should be able to get another
16 interpreter for my needs. And then that also
17 applies with my children. My children, their
18 medical care has been delayed because they didn't
19 have sufficient interpreter services. When they
20 brought in an interpreter, the interpreter was
21 not qualified and they could not understand me or
22 they could not understand clearly. My children
23 had to say hang on a second, no, that's not what
24 my mother said and had to correct the interpreter
25 to rephrase what I said, or my children said no

1 to the interpreter, that's not what she meant.
2 Mom, the interpreter, and they had to explain to
3 the hearing person, and I don't think that my
4 children should have that responsibility to have
5 to be the interpreter. As a deaf professional, I
6 have seen that in mental health interpreting, it
7 is critical that we have specific and specialized
8 training for the interpreter. You know, they may
9 have only graduated with a two-year degree and
10 then they're expected to interpret at a Ph.D. or
11 a master's level situation with terminology,
12 mental health diagnoses, treatment therapies.
13 No, that's not appropriate or possible. We
14 should have equivalency for the situation. When
15 I think about medical situations where the
16 contracts, they may have contracts with different
17 agencies or the company might go, you might go to
18 a lab for blood work, but we have to have that
19 lab, the doctor has to vet the lab to see whether
20 or not the lab does no harm in the service they
21 provide. Well, the same should be for the
22 interpreter with the medical practitioner. I
23 myself, I'm a licensed clinical social worker. I
24 have to follow the requirements of licensure.
25 Otherwise, I can't practice, and I think that

1 should apply for interpreters, too. So I'm not
2 against interpreters, but I want to be able to
3 take the opportunity to have licensure that will
4 help interpreters provide the appropriate
5 feedback that's necessary. In my social work
6 where if something happens, I have a board that I
7 have to report to who can come along and help
8 mentor me and correct me in the process that I do
9 in my profession. So everyone benefits that.
10 That's why I'm behind licensure for interpreters.
11 Thank you.

12 **MS. NOSBISCH:** Thank you, Ms.
13 Good. Next on the list is Ms. Tressela Bateson.
14 Are you ready, Ms. Bateson?

15 **MS. BATESON:** I am. I'm ready.

16 **MS. NOSBISCH:** Proceed.

17 **MS. BATESON:** Okay. My name is
18 Tressela Bateson and I live in Powhatan,
19 Virginia, and I work for RID, the Registry of
20 Interpreters for the Deaf, and I work for the
21 complaint department actually that handles the
22 complaints that are filed with the CPC. Now
23 those issues that relate with licensure, I think
24 for a couple of weeks, I've heard about
25 interpreters being called and they wanted

1 interpreters for this meeting and they wanted a
2 certified deaf interpreter, but it seemed to me
3 that's one example where we have a loophole where
4 agencies send out requests for interpreters and
5 if they don't have people that are qualified,
6 then I don't know why they don't reach out to the
7 certified deaf interpreters. But anyway, so, and
8 also there are, someone here had earlier
9 mentioned about licensure is not necessarily the
10 issue, but we need to fix the system. I know
11 there are a lot of problems at RID, I work there,
12 but there's a variety of certification and
13 there's a lot of issues that have come up there.
14 But in my system where I work, and if something
15 happens, you know, we can tell you what the
16 problem is, but often the answer can be
17 licensure. RID will continue on with their
18 particular issues, but I think licensure will
19 help is an immediate fix that we could have right
20 now in this state. We can't necessarily have
21 something in a nationwide situation, but we can
22 have something here in the Commonwealth. And so
23 RID system, the certification does not require a
24 background check if you're talking about
25 qualifications. If you talk about crimes of

1 moral turpitude, you can still get a
2 certification regardless if you have that on your
3 record. So there's no block out there in the
4 system that helps. You can still get
5 certification regardless of negative background
6 check, and licensure would prevent that. So I
7 think that's good. I recognize that the EPS and
8 there are companies from all over the United
9 States and I'll give you some background
10 information about that. Virginia, the people
11 have certainly filed their complaints but not
12 also all over about the harm that has happened.
13 Deaf people are in jail because of lousy
14 interpreters. Employment issues, I can't share
15 it because of confidentiality, but I can see
16 there have been serious repercussions. That's
17 why I think licensure would help give protection
18 and more accountability and more help to the
19 clients, and it's important that we investigate
20 this issue. Thank you.

21 **MS. NOSBISCH:** All right, thank
22 you. I believe some folks came in after we
23 started. Did everybody have a chance to sign in
24 and did everybody get to make comment who wished
25 to make comment?

1 **MS. HUGHES:** I need to sign in but
2 I don't wish to comment.

3 **MS. NOSBISCH:** Okay. Thank you.
4 Is there anyone else that wishes to make a
5 comment that has not had the opportunity to do
6 so? You can just write on the back. Thank you.
7 Did you wish to make another comment, ma'am?

8 **MS. GOOD:** Yes, could I add one
9 more comment please? Sorry.

10 **MS. NOSBISCH:** Yes. If you would
11 come forward and reintroduce yourself please.

12 **MS. GOOD:** Okay. Again, I'm
13 Lauren Good and I feel that it's important to
14 give an example of my particular experience of
15 what I mean by an interpreter making an error in
16 their interpretation that was, had serious
17 consequences. My child is a teenager and they
18 have terrible allergies, so we went to an allergy
19 specialist to have all the tests done and we
20 found out that my child, they said that they were
21 allergic to fish, and I thought okay. So that
22 means that I have to avoid giving them fish, all
23 right. Then when we got to the school, the
24 school found out that they could not have any
25 fish because they were in a specialized program

1 for outstanding students, and that school nurse
2 then contacted me and said we're going to have to
3 have documentation that talks about my child
4 having that allergy to fish and it's in our
5 policy, and I said sure. So I called the
6 allergist and I said, you know, I'm going to need
7 a form or paper that you have documenting the
8 allergy, and they said what are you talking
9 about? The allergy that my child has to fish.
10 No, they don't have an allergy to fish. Yes,
11 they do. I remember that in the office, the
12 interpreter had signed that they were allergic to
13 fish. No. When we look at our report, they're
14 not allergic to fish and I was thrilled, but what
15 if it had been reversed? What if they actually
16 were allergic to fish but I got the information
17 that they could have fish and I'd given them fish
18 and they'd had a severe reaction, went to the ER
19 and died because of that? So it is very serious
20 the interpretation is accurate. That's a
21 personal example I wanted to share.

22 **MS. NOSBISCH:** Thank you so much,
23 Ms. Good. Has everybody in the audience had an
24 opportunity to comment if they wish to do so?
25 Are you signed in already? All right. If you

1 would just state your name and were you here when
2 I talked about the lightbox?

3 **MS. WILLIAMS:** Yes, yes.

4 **MS. NOSBISCH:** Okay. Ready?

5 **MS. WILLIAMS:** Yes.

6 **MS. NOSBISCH:** Thank you.

7 **MS. WILLIAMS:** I just wanted to
8 add on to a couple of things, the first one being
9 that I agree with a couple statements that have
10 already been made about how the system is
11 currently broken with, and it starts with the
12 interpreting agency. I feel like there should be
13 more accountability with interpreting agencies.
14 They're the ones that are responsible to make
15 sure they vet the interpreters that they're
16 providing with a background check for specific
17 situations. Also as far as certifying for
18 interpreting, for interpreters, RID is the only
19 certifying body that's recognized in the state.
20 There are no others. So I see the pros and I see
21 the cons of making the state of Virginia a
22 licensure state, and I also see some cons, which
23 I'm glad we have that September 16th deadline. I
24 do intend to submit more feedback on that, some
25 stats and some research. However, I don't want

1 it to backfire if licensure is in place and
2 interpreters jump out of the field. I mean, in
3 the state of Virginia, specifically the tri-city
4 Richmond area, it's, we're already a demand and
5 we're hard to come by, and I'm afraid that if
6 licensure is put in place, then we'll even have
7 less to pull from. Even though I totally agree
8 and understand that it's imperative to have
9 professional interpreters for the deaf and hard
10 of hearing community so that mistakes,
11 discrepancies like the experiences that were
12 given are not made, and I think about the more
13 rural areas of the state of Virginia. I mean, it
14 is really, interpreters are really hard to come
15 by in more rural areas. It's a thin line for me
16 and I'm on the fence, but I do agree with a
17 couple of others who have said that the system
18 that's already existing and in place, it is
19 broken. And there's a lot of work in
20 implementation on the interpreter's part, the
21 agency's part, and even maybe interpreter
22 training program part, just making sure and
23 ensuring that the new ITP students that are
24 coming out understand the importance and severity
25 of not accepting assignments above their skill

1 set. So there's a lot of discussion and lots of
2 planning and lots of implementing that needs to
3 be made with we already, what we are working with
4 currently. But yeah.

5 **MS. NOSBISCH:** Thank you very
6 much, Ms. Williams.

7 **MS. WILLIAMS:** My pleasure.

8 **MS. NOSBISCH:** Yes, ma'am?

9 **MS. WILBUR:** I would like if I
10 can, make a quick comment if possible?

11 **MS. NOSBISCH:** Absolutely and I
12 just, for the record for everyone, normally the
13 comments are limited to five minutes, but because
14 everybody here did not take advantage of their
15 five minutes and I want to make sure that
16 everybody has an opportunity to comment, this is
17 atypical to how we normally would proceed, but
18 that's why I've allowed people to come back up
19 that have had, wanted to make another comment and
20 that's why I mention to you all if you said
21 initially no but heard something that you wanted
22 to respond to, that we would have that
23 opportunity. So if you would just come forward,
24 ma'am, and reintroduce yourself to us, please.

25 **MS. WILBUR:** Sure. I really

1 appreciate that. Oh again, sorry. I am Susi
2 Wilbur and I remember, remember the comment I
3 made about the law office situation, there was
4 one thing that I learned from that. I know that
5 in this country this experience, we have people
6 who come to this country from other countries,
7 and that means that we have many companies that
8 are getting set up as language interpretation and
9 translation companies and agencies. They're the
10 ones who are adding ASL as a component to their
11 current services and they're bringing on people
12 who are not qualified. They have no ability to
13 assess their skill, and that's the situation that
14 happened where I got the striped interpreter in
15 blue jeans coming from an agency who, and that's
16 why I advocate for licensure is that you just
17 can't have, licensure would allow controls on
18 those agencies who think they can put in anybody
19 who signs. So thank you.

20 **MS. NOSBISCH:** Thank you, Ms.
21 Wilbur. Is there anyone else that, yes, ma'am?
22 Are you already signed in?

23 **MS. HARRIS:** I am. I just signed
24 up but I said no.

25 **MS. NOSBISCH:** Your name please?

1 **MS. HARRIS:** Patti Harris.

2 **MS. NOSBISCH:** Okay, Ms. Harris,
3 you were here for the lightbox?

4 **MS. HARRIS:** Yes.

5 **MS. NOSBISCH:** Okay. If you would
6 introduce yourself, then you can go ahead.

7 **MS. HARRIS:** Okay. Hello, my name
8 is Patti Harris and I am a recent graduate of
9 interpreting for RAM and I'm an up and rising
10 interpreter. And I know, I work closely with the
11 deaf community and I've seen things happen time
12 and time again. I think licensure is beyond
13 being important and should be implemented.
14 Because here in Virginia, I've been with many new
15 interpreters who take on jobs and they're proud
16 of it and they say, oh well, you got to learn
17 somehow, and these agencies and these companies
18 and these schools accept these kids and they
19 figure well, that's how I get my experience, you
20 know, I got to learn. Okay, well, at what cost
21 for the deaf community? I think if Virginia
22 requires licensure and maybe have the support of
23 NAD or RID to set up maybe a special license here
24 in Virginia, then I agree with the agencies.
25 They need to have responsibilities and be

1 accountable for what they are doing, and I think
2 if Virginia says you have to have a license, then
3 the agencies are required to take those
4 interpreters who are licensed. And I think there
5 needs to be accountability. If you have that
6 license and you go against what is being, our
7 rules, then there needs to be consequences for
8 that because there is harm being done. Even
9 though that hearing person may not see it or the
10 deaf person might not see it, maybe the hearing
11 person is being, because remember, we've got both
12 sides. We have the deaf community and we have
13 the hearing community, so both can be injured
14 either way. So I think it's very important that
15 we do set up something here in Virginia, and not
16 only a license but some type of accountability.
17 Thank you.

18 **MS. NOSBISCH:** Thank you very
19 much, Ms. Harris. Yes, ma'am?

20 **MS. GOOD:** May I also?

21 **MS. NOSBISCH:** Yes, you may.

22 **MS. GOOD:** If I can make a comment
23 again?

24 **MS. NOSBISCH:** Yes. For the court
25 reporter, please...

1 **MS. GOOD:** Again, Lauren Good.
2 I'm very passionate about this issue, so please
3 be patient with me as I come up here again, but I
4 do have a solution to suggest. I know that some
5 interpreters may feel resistance to licensure and
6 they're afraid and might want to leave the field.
7 That is a possible threat that can happen, but
8 what about the cost to deaf people's lives and
9 the suffering that they face every day? I'm a
10 professional and I still have to go through where
11 I'm advocating for my client, I'm advocating for
12 my children, I'm advocating for myself. By the
13 time it comes to my needs, I'm worn out. I don't
14 have the energy to advocate for myself after I've
15 done it for all these other people. So what's
16 then left for me? It's like I'm at the bottom of
17 the well and where can I get help? And I think a
18 solution is that maybe we should have the
19 grandfathering portion of licensure and a
20 licensure coordinator with an assistant because
21 that's going to be a huge responsibility. Both
22 of them work together and collaborate with
23 agencies on how to encourage interpreters to
24 improve their skills and how to help agencies to
25 advance and rise up and reduce the threat and the

1 burdens that happen to deaf people, and deaf
2 people will benefit from this whole thing. This
3 will help statewide, also in rural areas because
4 then you've got the deaf person, you can bring in
5 the appropriate interpreter, and I think that's
6 going to be a solution. And I think it's the
7 right solution. So thank you for letting me
8 comment.

9 **MS. NOSBISCH:** Thank you again.
10 Anybody else that has not commented that wishes
11 to comment? Would you please for the record
12 introduce yourself again?

13 **MS. WITTEBORG:** Yes. My name is
14 Jennifer Witteborg. One of the situations that I
15 did not mention that was in my paper that I
16 submitted, back in 2004, I was in a rural area
17 and my daughter had open, back to school night,
18 and we got an interpreter to come and I was
19 thrilled, I was absolutely thrilled. This person
20 had their RID certification, their skills were
21 amazing, I love this interpreter. The
22 translation was always very clear. I was so
23 thankful to see this person. So after the
24 presentation was done, we walked around the
25 school and the deaf, or the interpreter came to

1 me and said, oh, you know, I went to that halfway
2 house earlier and that deaf person who was a drug
3 abuser knew you. I said that I was going to be
4 working with you and they said to say hi. Now
5 that was a violation of the CPC by telling my
6 name, and I told the interpreter that. I said do
7 you realize that you coming to the, you gave my
8 name, you gave my school's name for my child, and
9 I was shocked. That person should not have done
10 that. That was a violation. And that was, at
11 2004 I did not know that I could file any kind of
12 complaint with RID, and I was grief stricken. I
13 told them, did you know that I have to remove
14 your name now and I have to tell the school not
15 to pick you ever again? That was with training.
16 So we really need some kind of fix here...

17 **INTERPRETER MR. FOLKER:**

18 Desperately.

19 **MS. WITTEBORG:** ...desperately in
20 order to have accountability for our
21 interpreters. We need to be able to file
22 complaints and get some sort of remediation to
23 happen so that this does not keep happening again
24 and again and again. In 2019 I am still
25 struggling with similar things, the same things

1 that I've been struggling with my whole life.
2 And often, people in the interpreting field will
3 say it's for the deaf people, for the deaf
4 community. No. There are hearing clients and
5 there are deaf clients. And there are services
6 specifically for deaf people and for hearing
7 people. It is a bilingual service. So please,
8 and Virginia really needs a qualified license.
9 Thank you.

10 **MS. NOSBISCH:** Thank you, ma'am.
11 I wanted to let you all know this is our third
12 public hearing we've had since last Monday. We
13 have one more on Wednesday, September 11th at
14 11:00 a.m. at the Blue Ridge Independence Center
15 in Roanoke. So if you have friends in that area,
16 family, please let them know. We would love them
17 to come out and provide comment. I truly
18 appreciate you all being here today. Your
19 feedback and your comments are very important to
20 us as we proceed with this study. I want you to
21 know that we will be reviewing all the
22 information gathered from the public hearings
23 that we've held on our next board meeting, which
24 is scheduled for October 18th here on this floor
25 at 10:00 a.m. Our meetings, all of them are open

1 to the public. We will have sign language
2 interpreters at that meeting. At the beginning
3 of every meeting at DPOR, there is public comment
4 period, so you would have an opportunity at that
5 time to address the full board. And again, I
6 want to sincerely thank you for your time, and as
7 a closing remark, public comment period is open
8 until September 16th. If you would like to
9 follow-up in writing, if you would like to submit
10 a vlog, there's information how to connect to our
11 link on VDDHH's website. You can also just go to
12 Bpor@dpor.virginia.gov and send me a vlog. I got
13 my first one last Monday when public comment
14 opened, so we will have those, any that we
15 receive interpreted and also considered as we
16 complete this study. So again, my sincere thanks
17 for you being here today. I wish you all a good
18 day and a pleasant trip home, and thank you.

19 **INTERPRETER MS. MCCORMACK:** What
20 was the, can you repeat the time of the meeting,
21 the...

22 **MS. NOSBISCH:** 11:00 a.m., excuse
23 me, I'm sorry. Which are we talking about? This
24 Wednesday...

25 **INTERPRETER MS. MCCORMACK:** Not

1 this Wednesday. The one for the whole board.

2 **MS. NOSBISCH:** That's at 10:00
3 a.m. here, the BPOR board meeting is 10:00 a.m.
4 here on October 18th, which is a Friday. The
5 last public hearing will be held this Wednesday,
6 September 11th, at 11:00 a.m. in Roanoke.

7 **INTERPRETER MS. MCCORMACK:** Thank
8 you so much.

9 **MS. NOSBISCH:** Thank you. And
10 thank the interpreters and our court reporter,
11 and if the interpreters could please stay for a
12 little bit, Eric had wanted to talk to me about a
13 few things.

14 **INTERPRETER MR. FOLKER:** Sure.
15 **(WHEREUPON, the conference was concluded at 1:57**
16 **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.

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

3 I, **CAMRON F. JORDAN, JR.**, Notary Public, do
4 hereby certify that the forgoing matter was reported
5 by stenographic and/or mechanical means, that same
6 was reduced to written form, that the transcript
7 prepared by me or under my direction, is a true and
8 accurate record of same to the best of my knowledge
9 and ability; that there is no relation nor employment
10 by 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 16TH day of SEPTMEBER, 2019.

18
19
20 

21
22 /s/ CAMRON F. JORDAN, JR.

23 COURT REPORTER / NOTARY

24 NOTARY REGISTRATION NUMBER: 7776255

25 MY COMMISSION EXPIRES: AUGUST 31, 2022

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