

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Monday, February 06, 2017

TIME: 9:00 A.M.

PLACE: Room EW20

MEMBERS: Chairman Wood, Vice Chairman Packer, Representatives Hixon, Perry, Vander Woude, Redman, Gibbs, Blanksma, Hanks, Kingsley, Zollinger, Chew, Rubel

**ABSENT/
EXCUSED:** None

GUESTS: The sign in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign in sheet will be filed with the minutes in the Legislative Library.

Chairman Wood called the meeting to order at 9:00 a.m.

H 46: **Rep. Kelley Packer**, District 28, presented **H 46**, Legislation at the request of the deaf community, who has also worked diligently on this issue and concern. She shared the history of the Americans with Disabilities Act (ADA) modification for hearing impairment, which included the provision of a qualified interpreter, not a family member, for specified industries. The First Amendment's freedom of speech is important for everyone.

Without the correct interpretation, a hearing-impaired person has no way of knowing what is going on in any situation. This becomes critical in our medical and judicial systems. Concerns expressed by the courts have been addressed. To minimize government footprint and costs, the licensing board will be merged with the Speech and Audiology Board.

Director Steve Snow, Executive Director, Idaho Council for the Deaf and Hard of Hearing, testified, through an interpreter, **in support of H 46**. The deaf and hearing-impaired community has struggled to get communication access. Although most fields do not want to be regulated, sign language interpreters are excited about this opportunity and have requested its pursuit. **H 46** protects the health, safety, and right to access for the deaf community.

Of the 200,000 deaf and hard of hearing Idahoans, 2.2% (approximately 34,000) have a profound hearing loss. Of that group, at least 4,000 are dependent on visual communication. Although qualified interpretive providers are critical, Idaho does not have standards, definitions, qualifications, or levels of accountability. This bill does not force any entity to provide interpreters, expand the interpreting services scope, or impact family or religious settings. It also does not apply to inconsequential interpreting, such as a casual conversation. There is an exemption for the judicial system, which has their own Legislative Rule interpreting requirements. There is also no state exam requirement.

There are 100 to 150 interpreters in Idaho who would qualify immediately for a license because they already have the necessary credentials. The licensing application is simple and provisional licenses can be issued to allow work continuation while the interpreter pursues additional requirements or training.

The deaf community needs the freedom to pursue full access to employment, mental health, medical services, and legal information. Businesses and entities hiring interpreters need to know they are hiring a qualified person and reduce their liability.

Seventeen other states who have enacted similar licensing have indicated minor or no increase in service fees. Idaho will save money from the consequences of misinterpreted information. Rural area challenges are addressed with exempted video conferences for out-of-state agencies.

Answering questions, **Director Snow** said ASL is one of 220 worldwide sign languages. **H 46** allows for the different sign language modes. Oral interpreters are exempted. The setting would determine when two people are sharing their thoughts, which is different from interpreting as a third party. Interpreters are required at specific, listed locations.

The license fee will be \$125; however, the Board they are merging with is currently proposing a license fee reduction to \$100. Hospitals are already using qualified interpreters. The Supreme Court has an established Rule regarding qualified interpreters, which is exempted.

The ADA provides accommodations for deaf persons through guidelines for communication in situations of employment, local and state government, public access, and of a technical nature. Items covered by the ADA are not addressed in **H 46**.

Jill Muir, National Certified Sign Language Interpreter; **Deena Flores-Brewer**, Advocacy Director, Disability Rights Idaho; **Lauven Seale**, Interpreter; **Christine Pisani**, Executive Director, Idaho Council of Development Disabilities; **Alan Wilding**, President, Idaho Association of the Deaf (IAD); **Kristy Buffington**, President, Idaho Registry for the Interpreters for the Deaf (RID), as read by **Clifford Hanks**, Owner, President, Network Interpreting Services; **Brian Darcy**, Administrator, Idaho Education Services for the Deaf and Blind; **Clifford Hanks**, Owner, President, Network Interpreting Services; **Elizabeth Morgan**, Citizen, Interpreter; **Jennifer White**, Vice President, Idaho Association of the Deaf, testified **in support of H 46**.

They said accurate communication is a basic need, especially in medical, legal, or employment environments. Misinterpretation impacts health, employment, and freedom. Previous school legislation assuring qualified interpreters did not protect the rest of the deaf community. Licensing assures businesses, often without ADA knowledge, of adherence to basic ethical rules and standards when hiring an interpreter. The RID's grievance enforcement authority is limited to their membership. During emergency medical situations when pain is extreme, writing back and forth is difficult and family members may be too emotionally distraught to interpret.

Toni Lawson, Idaho Hospital Association (IHA), testified **in support of H 46**. The hospitals' dedication to quality patient care includes good communication. The IHA urges the creation of Rules consistent with federal regulations and without provider ambiguity. They also request licensing requirements consistent with national certification agencies without any Idaho-specific add-ons.

Answering questions, **Ms. Lawson** stated rural hospitals struggle to find qualified interpreters and often use video conferences, which can become an issue when the patient moves into areas where the equipment cannot go. The two-year implementation is appreciated.

No one else indicated their desire to testify.

In closing, **Vice Chairman Packer** commented rule making will include each and every impacted organization to assure federal statute consistency without scope expansion. Unlike other languages, the deaf community relies on these services and the ADA. Their voices are heard when we allow them accurate interpretation. The emergency provision makes allowance for assistance by family members.

Answering a question, **Director Snow** said setting the licensing age at twenty-one is consistent with other state licenses. The Rules will also address the privacy and moral requirements because deaf individuals are open books to their interpreters.

Chairman Wood put the committee at ease at 10:56 a.m.

Chairman Wood called the meeting back to order at 10:59 a.m.

MOTION: **Rep. Perry** made a motion to send **H 46** to the floor with a **DO PASS** recommendation.

Reps. Perry, Rubel, Redman, Hixon, and Chairman Wood, commented in **support** of the motion. The interpreting need makes this population very vulnerable for manipulation. In other vulnerable situations we assure the person is protected with licensing and codes of ethics. This is a request for that protection. **H 46** allows competency and rectifies information problems for the deaf community, improving both the marketplace and marketplace conditions.

Rep. Blanksma remarked this is a language, like others, with communication difficulty and does not seem enough justification for licensing.

Rep. Vander Woude said he was conflicted in his vote because, although the need exists, the hospitals indicate their interpreters may have licensing issues.

ROLL CALL VOTE: **Chairman Wood** called for a roll call vote on **H 46**. **Motion carried by a vote of 10 AYE and 3 NAY. Voting in favor of the motion: Reps. Wood, Packer, Hixon, Perry, Vander Woude, Redman, Gibbs, Blanksma, Chew, Rubel. Voting in opposition to the motion Reps. Hanks, Kingsley, Zollinger. Vice Chairman Packer** will sponsor the bill on the floor.

Due to time constraints, **H 41** and **RS 25132C1** will be carried over to the meeting of February 7, 2017, at 9:00 a.m.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 11:10 a.m.

Representative Wood
Chair

Irene Moore
Secretary