

From: Brenda Harrison <[REDACTED]>

Sent: Monday, April 07, 2014 2:41 PM

To: DODHH

Subject: PAV204

To Matt Wesaw,

We have been frustration with our services at the hospital and another places. VRI doesn't work for us at all. We recommend use live interpreter with Qualified BEI interpreter.

Please do it for deaf community. We support PAV204.

Sincerely,

Brenda and Greg Harrison

Sent from my iPad

From: shelli feathers [REDACTED]
Sent: Monday, April 07, 2014 2:33 PM
To: DODHH
Subject: Public Comment PA204

I sent a short video public comment last night and I thought I would send an email a little bit more about our community in the U.P. in Escanaba, MI. There are no certified interpreters here in the entire U.P. We have several interpreters here that are not certified. They work in public schools and freelance. My husband Derek and I sent many emails to MDCR-DODHH for help. The court would not provide a certified interpreter for Derek's preconference trial. Derek requested a certified interpreter 7 months prior to his court date 7.7.13. The court clerk said they had a hard time finding a certified interpreter. So Derek contacted the Director of MDCR and she said that she will take care of it. The Director said that she gave the court clerk the list of certified interpreters and that it was up to them. The court has the list and still not provide one when Derek went for his court date. He asked the judge where is his interpreter. The judge said that it was not necessary. He asked Derek's mother to sit by him and help him "interpret" after the realized how Derek was having a difficult time. Our community really needs to get educate and aware our deaf rights.

Shellie Feathers
Bark River, Michigan

From: Jessica Spearman <[REDACTED]>
Sent: Monday, April 07, 2014 2:18 PM
To: DODHH
Subject: Public comment on PA 204

April 7, 2014
DODHH - Public Comment 201
N Washington Sq.
Lansing, MI 48913
Email: DODHH@michigan.gov

To whom it may concern,
I would like to comment on PA 204. I strongly support this proposal. As an interpreter, I feel these changes/requirements are necessary to improve the profession that I love. I spend countless hours (more than the 20 required) every year going to Professional Development workshops so I can improve my skills. I do this because I don't just have a "job". My work affects the young children I interpret for every day. Their education is on the line. Deaf children can have the most amazing (hearing) teacher, but if I don't interpret correctly and clearly, they miss out. That's not fair. Deaf children have rights to equal access. Interpreters MUST have the skills to provide equal access. Children only get one chance at an education. This is the reason I support Educational Interpreters having a 4.0 or above.

I support requiring Interpreters that work in an elementary school to have an Elementary EIPA and Interpreters working in the secondary setting to have a Secondary EIPA. They are not interchangeable. They are vastly different venues and require different skills.

I also support requiring a written English test. Interpreters must be skilled in the two languages they work with. Just as Interpreters are tested for proficiency in American Sign Language, they must also be tested for proficiency in English. I am concerned that the proposed rule is too vague, however. Will it be the written BEI? Is the NIC written test acceptable? Will a new test be developed?

In addition, I support raising the bar for medical and legal interpreting. Interpreters must possess the skill and vocabulary to work in these specialized areas. It is also important to raise the bar for Deafblind interpreting. This too is a unique area and requires the appropriate skills to achieve effective communication.

Lastly, I would just like to thank all those that have worked on PA 204. The Deaf community needs and wants the standards for interpreting to be elevated and so do many Interpreters.

Thank you,
Jessica Spearman NIC, EIPA-E 4.8
[REDACTED]

From: Carlos Dorsey [REDACTED]

Sent: Monday, April 07, 2014 2:50 PM

To: DODHH

Subject: DODHH

Hello, my name is Carlos Dorsey and I'm full deaf so I went to see my doctor for my health check up and I did asked my doctor I need a intperter but my doctor saying can't afford it to intperter but it sound not right. Also the doctor saying better to the different schedule. I saying okay make sure bring the intperter it is very important to know how our to communication. My daughter was appt but it not show up the intperter. She / he had bit little late to arrived the doctor appt on time. Please it top to 4.0 higher the inperter more clear how make right the communication.

Thank u, Have a nice day.

From: Jan Sinclair [REDACTED]

Sent: Monday, April 07, 2014 2:13 PM

To: DODHH

Subject: PA 204

I am 85 years old. I do not have my own email. My niece let me use her email because I must tell you my important message.

I have been Deaf all of my life. I beg you, PLEASE pass that bill, PA 204 to enable basic human rights for ALL deaf to have EQUAL access for communication. Do NOT allow lower standards that will affect our ability to understand and be understood.

NOT fair to even consider enabling lesser qualified interpreters to have more rights. Why are their jobs more important than our ability to have communications to understand and be understood? NOT fair to allow any entity to employ these lesser qualified interpreters. Those interpreters can and SHOULD grow their skills. Interpreters have accomplished and continue to accomplish doing their required work for becoming certified. Deaf who rely on interpreters cannot ever gain ability to have general public communications without interpreters. PLEASE enable our basic human right for accurate communications. PLEASE pass PA 204.

My heart is broken for deaf/HH children with interpreters in mainstreamed education settings. The interpreter is most always their only source to ALL communications. Most of these children have little or no communication any where else. Most have no other deaf family member and no deaf peers. The fortunate deaf children attend Michigan School for the Deaf where they have equal access to ALL communications along with all of their peers. If all deaf children cannot attend the school that provides all education in their most accessible communication, at least require standards that enable their most basic human right: clear and accurate communication with interpreters that are willing to have the necessary skills. I am not in favor of EIPA. Every Interpreter I have experienced that has ANY level of EIPA is difficult for me to understand. I don't understand why there are different evaluation methods such as BEI. I am in favor of national certification from RID. Period. PLEASE.

Sincerely,

Edith J Kankula

[REDACTED] St

Melvindale, MI [REDACTED]

[REDACTED]

From: Shriner, Rebecca [REDACTED]
Sent: Monday, April 07, 2014 3:02 PM
To: Levy, Daniel (MDCR)
Subject: RE: Just FYI

Hi again,
Just a PS...

I think it would be extremely beneficial if agencies (and all entities that hire interpreters) would be required to annually submit to the state OCR the number of interpreter requests that go unfilled due to lack of interpreter availability.

Thanks again,
Becki

From: Shriner, Rebecca
Sent: Monday, April 07, 2014 1:53 PM
To: 'Levy, Daniel (MDCR)'
Subject: RE: Just FYI

Hi Dan,
Becki Shriner here from Madonna University. Apologies for submitting my comments in a direct email to you.

I would just like to show my support for PA 204. I also want to take the opportunity to say a few other things:

- 1) It's a crime that the BEI only requires a GED or HS diploma
- 2) The DODHH needs to focus on the needs of the Deaf community in areas OTHER than always focusing on interpreting i.e. there are so many neglected needs in the areas of mental health, housing, job skills/employment, discrimination, etc
- 3) If hearing interpreters are required to have state or national certification, then deaf interpreters should be held to the same standard (and not to some madeup certification)
- 4) The classification system that has been created will soon be out-of-sync because RID recently changed their certification levels and most likely will continue to make adjustments in the future

Thanks for taking the time to read this email
Becki Shriner
Interpreter Coordinator/Sign Language adjunct faculty

From: Naomi Gotlib - Shmueli <[REDACTED]>
Sent: Monday, April 07, 2014 4:10 PM
To: DODHH
Subject: Proposed Rules and Regulations

To Whom It May Concern:

As a nationally certified sign language interpreter working in the state of Michigan, I support the proposed rules and regulations for PA 204 as written. The rules will ensure that the Deaf, DeafBlind and Hard of Hearing communities are provided with qualified interpreters. I have worked/teamed with unqualified interpreters and have seen the negative impact to the Deaf consumers. I look forward to having clear rules and regulations that will hopefully deter unqualified interpreters from accepting an assignment.

I do have a few questions and concerns that I hope will be addressed in a venue that is widely accessible to all Michigan interpreters.

- Will the special endorsement timeframe be separate than the RID and BEI cycle? Would it be possible to link the endorsement with the current certification cycle for CEUs that is in place? I can envision it being very difficult for interpreters to keep track of two different certification cycles.

- Since the state of Michigan is requiring endorsements and various classes be taken, will the DODHH or state of Michigan ensure that more professional development opportunities be offered that satisfy the requirements?

- When a complaint against an interpreter is filed with the DODHH, according to my understanding, DODHH will investigate and interview all involved parties. The DODHH is there to support the Deaf, DeafBlind and Hard of Hearing communities and ensure compliance with the law. The same department now has to investigate and determine if a finding has occurred; has to determine if the interpreter or agency broke a law. From my perspective, this seems to be a conflict of interest. I hope that a neutral party or neutral investigator will be brought in to conduct the investigation. This neutral party should be someone from outside the department.

Respectfully,
Naomi Gotlib, NIC-A
Sign Language Interpreter

April 7, 2014

Hope Williams
19270 Merriman Road
Livonia, MI 48152

To Whom It May Concern:

My name is Hope Williams and I am currently an interpreter holding a BEI II with the state of Michigan. I have many opinions about PA204, but would first and foremost like to say that I support these rules **as written** and strongly encourage them to be implemented and enforced as soon as possible. That being said, I will go ahead and be more specific.

With regards to higher standards for educational interpreters, specifically raising the minimum EIPA score to 4.0, I am in full support of this. I have read other public comments from individuals involved with the education of Deaf/HOH children in Michigan and have to say their opposition to this standard appalls me. I work anywhere from 25-30 hours each week in the Detroit Public Schools interpreting primarily for high school students, although sometimes branching into the elementary school. What I have witnessed as an interpreter in those settings is nothing short of a disgrace. The opposition and claim of limited qualified interpreters at this level is nothing but a scapegoat. Simply put, if you complain because you cannot pass the test at that level, you should not be working in that setting.

The current focus is on the interpreters and their job security as opposed to the students' right to accurately receive information in their language. This is selfish and oppressive to force the students to accept lower standards, when the education regarding their equal communication access is denied. Due to the powers that be, administrators, interpreter coordinators, and interpreters' complaints, students cannot gain the information needed in order to be empowered enough to fight for higher standards in their own education. Not to mention, interpreters holding high certifications in these places are far and few between, so the students have not been exposed to what a highly qualified interpreter even looks like. So needless to say, they will of course accept whatever interpreter is thrown their way regardless of quality.

If the standards were raised, the demand for highly qualified interpreters would rise, which would consequently increase the cost considering the current supply is limited. I believe this is the real reason various school districts and administrators are concerned about raising standards. Instead of seeing the needs of their students in order to become successful, they see dollar signs and their bottom line. Interpreters are equally as accountable for their own selfishness in this situation. Interpreters who are unwilling or unsupportive of these rules, and cannot score the proposed 4.0 on the test do not want to lose their position within the school systems. Unfortunately, the risk of their continued employment comes at the students' expense.

The interpreters in school systems currently are too arrogant to see the forest for the trees. They have been allowed to work with low scores for so long that they become complacent. These interpreters only engage in professional development for the purpose of maintaining their credentials. Ideally, interpreters would use ethical judgment when deciding whether to accept placement in a K-12 setting. They could

rise to the community's expectations and become as skilled as possible. However, I know from experience and first hand account that is not the case.

This is not only happening in the K-12 setting, but it is happening in the community. Unqualified interpreters are working in hospitals, businesses, and doctors' offices on a daily basis. We earn money because we learned *their* language and happen to be able to hear. Now we've taken advantage of those privileges and have become so arrogant that we don't even allow the community to have control of their own communication? These are questions we have to ask ourselves when we try to impose lower standards of quality on a marginalized group of people. In reality, the request for effective communication is a right, not something that should even be debated!

Like I said, I am all too familiar with the low standards for interpreters, not just as a product of my chosen profession. I also am married to a Deaf man, and together we have a daughter who will be three years old in July. Little did I know when we were dating and unexpectedly became pregnant, that my request that the doctor provide an interpreter would be such a hardship. My now husband and I did not see a doctor until I was seventeen weeks pregnant. I was nearly half way to delivery when we finally were able to see a doctor who was willing to provide an interpreter. Even then we had to travel one hour from our home for the appropriate accommodations. Since then, any situation where we have had to request an interpreter has been one struggle after another.

When our daughter goes for a physical, we request an interpreter. There has been more than one occasion when the agency sends an unqualified interpreter who either is incomprehensible or cannot understand my husband's signing. There was an instance when my husband was being interviewed and the hearing client asked him if he had a driver's license. My husband's license had expired had he was in the process of renewing it. This was simply a matter of logistics. The interpreter said, "My license was suspended." After nudging my husband, telling him that the interpreter did not understand, the situation was rectified. However, the misunderstanding reflects poorly on my husband, an educated capable man who was unfortunately stuck with a lousy interpreter.

I have countless examples just like that. Interpreters are human, of course, and allowed to make mistakes. However, the lack of personal accountability is detrimental to the community they serve. This is not everyday life for most interpreters. They go to work and make money, regardless if they are qualified for the given assignment. Their lives will not be affected by the consequences. However, this is an every day concern for Deaf consumers. Living everyday with the concern that the alleged "professional" responsible for effective communication can do just that.

These are the main concerns with a live, in person interpreter. These issues are increased exponentially when presented with a Video Remote Interpreter (VRI). In my opinion, VRI should be illegal in all situations. I am very aware there must be some flexibility here, allowing hospitals to use VRI in triage situations. However, we are all well aware that hospitals' primary concern is their finances and that VRI is less expensive than contacting an agency. However, the powers that be in those situations have no idea the ineffectiveness of this type of technology. In all of my experience with VRI, no one is ever trained how to use it, using as much time to set it up, if not more, than it would require for a live interpreter to arrive. In addition, often times the Deaf client in a hospital is unable to see the screen of the tiny laptop

cart the machine is brought in on. The interpreter working that VRI assignment is obligated to alert all parties if effective communication is not taking place. However, as I've stated above, interpreters are less than reliable in making those judgments.

My ultimate goal in expressing my support of PA204 is to recognize that these types of regulations are not only necessary, but also often times; it's a matter of life or death. For the VRI client, it could be a literal life or death situation. For the Deaf/HOH student with an under qualified interpreter, it becomes a matter of a productive life or living life with no language, being unable to express needs, wants, or goals. The rules being discussed in PA204 are not privileges—they are human rights. Thank you.

Sincerely,
Hope Williams, BEI II

April 7, 2014

Michigan Department of Civil Rights
Division on Deaf and Hard of Hearing
201 N. Washington Square
Lansing MI 48913

MDCR/DODHH Rules and Regulations Representatives:

As a proud daughter of Deaf parents in Michigan, a Nationally Certified interpreter, past and current member and Board member of the Michigan Registry of Interpreters of the Deaf and a former DODHH staff Interpreter and Legislative Lead for PA 204 Deaf Persons' Interpreters Act and I stand in support of MI PA 204 1982, amended 2007 and an overwhelming majority (see below rule specific discussion points) of the current draft rule and regulations and am in full support of the start of implementing the penalties phase of the law for appointing authorities and interpreters as outlined in the Act.

The Michigan Deaf Persons' Interpreter Act was passed in 1982, 32 years ago, without setting up penalties for those who violate the Act or granting the Division on Deaf and Hard of Hearing rulemaking authority. When amended in 2007, by adding these provisions, the law was bolstered, hence providing its original intent, to protect the right to effective communication for all Michigan's Deaf, DeafBlind and Hard of Hearing citizens. It is time for those rules and regulations to be implemented as intended.

1. Rules 393.5021-.5029 Minimum Credential Requirements and Standards of Practice

As a certified interpreter who is qualified in Michigan, I support the requirements and establishment of credential requirements and standards of practice for Michigan Interpreters. This protocol and oversight within our profession is similar to the over site practices in other professions within our state which also includes committees for grievances and complaints. Establishing a standards tier system with endorsements gives a clear outline to not only citizens of where each type of credential can work but also establishes a long overdue regulation of both seasoned and novice interpreters and a clear professional path in our profession for our state.

Those agencies and appointing authorities who stand in opposition of the establishment of standards of practice in our field, specialty endorsements, who have publically stated that our profession can self-govern and should not be held to similar high standards of practice as our other state professions are due some serious introspection. We are called upon as interpreters to interpret in arenas of life, liberty, medical, educational, employment, financial and a multitude of other areas. Michigan professions should be and are held to high standards of ethics and such should have valid sound rule systems that is outlined not only the public but for the professionals and those who wish to enter that profession.

2. 393.5026/.5053 Educational interpreter qualifications/Educational Standards

I strongly support the requirement for Educational Standards and EIPA standards as outlined in the draft.

Credentialing and special credentialing of K-12 interpreters has been a dialogue in the professional arena of the field for many years. The establishment of the EIPA has filled the gap in creating the proper measurement and evaluation tool for the specific and unique work done by Educational interpreters in this arena.

In 2005, the **Michigan Department of Education** convened a statewide ***Language Referent Group**, to review the state of Deaf education in Michigan. Part of the final recommendations included for Michigan DOE to revise the Michigan Administrative Rules for Special Education regarding qualifications for sign language interpreters by striking Part C (which allowed for individuals with no credentials to work as K-12 interpreters) and adopting the EIPA 4.0 as the minimum standard for all K-12 interpreters in both

Elementary and Secondary classrooms through a phase in process which included improved both educational and professional development opportunities as well as mentoring for current and prospective educational interpreters. The citizens of Michigan have already spoken time and time again, LISTEN.

*Note: The Referent Group convened two years prior to the Legislative amendments to PA 204 Deaf Persons' Interpreter Act.

Without knowing two sets of statistics

- (1) How many individuals are employed in Michigan schools as working Interpreters (regardless of how they are classified) and
- (2) How many students are currently enrolled in Michigan schools that are using interpreters per their IEP?

to definitively conclude there will be an indisputable shortage of K-12 interpreters as a result of the standards being raised, implemented and phased in over an additional two years, cannot be determined without the aforementioned unavailable statistics. The draft rules allowance for Level 2 and 3 interpreters to be employed in the secondary setting will also lend to improve the statistical pool of available interpreters. Providing only current testing statistics does not provide the whole picture.

3. R 393.5029 Establishing temporary use of other means of communication in medical

Emergencies -

I respectfully request the MDCR to review Rule 29 1-2 whether this section is within the scope of the promulgation allowance of the Act which allows the DODHH to govern procedures for application, testing, revocation, suspension or limitation of certification, continuing education, renewals, and grievances, minimum credential requirements and levels, and minimum standards of practice.

This sections addition seems to indicate additional allowances and possible loopholes for appointing authorities within medical settings specifically, why would the MDCR wish to provide those additional allowances to these authorities within this Act? These situations are already governed by a stringent Federal law and are already outlined in other State and Federal statutes governing persons' with disabilities (ADA, MI PA 220). Unfortunately, the vast number of public comments recently provided at the public hearings in 2013 and 2014 in Michigan, were related to medical communication access issues.

Recent US Department of Justice cases related to medical settings:

Source April 2014: National Association of the Deaf website www.nad.org

- o *Clinical Radiologists* – Filed complaint with U.S. Department of Justice (DOJ) alleging that, on two separate occasions, Clinical Radiologists refused to provide qualified sign language interpreter services to communicate with a patient who is deaf-blind. This case was successfully settled.
- o *Cuevas v. Palmetto General Hospital* – Complaint filed in 2007 alleging failure to provide qualified sign language interpreter services necessary to communicate effectively with a deaf couple. This case was successfully settled.
- o *Sorace v. St. Agnes Hospital* - Filed complaint against hospital in Baltimore alleging failure to provide qualified interpreter services, and refusal to accept relay calls or schedule an appointment. This case was successfully settled.
- o *Posner v. Adventist Health Care* - Filed complaint alleging failure to provide qualified sign language interpreter services to ensure effective communication.

4. R 393.5055 VRI standards; usage, limitations, educational, legal, medical, mental health standards

Rule 55 Please review the VRI section and clarify the qualification requirements for in state VRI providers vs. out of state VRI providers (see Rule 1 and 7 below). Per the language in the law – all persons working as interpreters in Michigan and as outlined the rules, must be qualified, submit an application to the Division and comply with all rules.

Rules 1 states that all individuals must be qualified: the requirements for qualified interpreters are outlined in the statute and in the proposed rules which also include legal, medical and DeafBlind endorsements as outlined in R 393.5022.

(1) An individual using video remote interpreting to provide sign language interpreting services or translation services to D/HH person(s) for a proceeding in this state shall be a qualified interpreter.

(7) An individual providing sign language interpreting services or translation services to D/HH person(s) through video remote interpreting for a proceeding in this state shall demonstrate he or she possesses a valid license or certification from the state in which he or she resides and/or RID.

R 393.5032 Reciprocity of the proposed rules indicates what the requirements are for the acknowledgment of credentials to work in Michigan, this rule outlines those requirements thus should be cited in Rule 55 7 and be a requirement for all VRI interpreters regardless of the settings in which they choose to work. This would also include any endorsement requirements as outlined in R 393.5022.

5. R 393.5072 Formal complaint and notice; service; informal conference; methods of settlement; representation; summary suspension.

Recommend the MDCR consider a Michigan Board of Interpreters review board for formal complaint review similar to the state of Illinois Interpreter Licensure Board <http://www2.illinois.gov/idhhc/Pages/licensureboard.aspx> and not unlike other professions recognized in Michigan as listed in the Michigan Department of Licensing and Regulatory Affairs. Michigan Licensing and Regulatory Affairs reference: www.michigan.gov

1. **Michigan Board of Social Work** - http://www.michigan.gov/lara/0,4601,7-154-35299_63294_27529_27554-70397--,00.html
2. **Michigan Board of Nursing** - http://www.michigan.gov/lara/0,4601,7-154-35299_63294_27529_27542-59003--,00.html

In closing, I implore you to consider the long standing impact and the legacy that this Michigan Civil Rights legislation will have on the citizens you serve. The profession of sign language interpreting needs to rise to the standards by which our code of professional conduct expects and demands, businesses and educational institutions need to do what is already legally required, not to mention morally required and the legislature needs to recognize that rights are not something to be voted on. I leave you with a quote from a speech from Mr. Harvey Milk, politician and grassroots advocate. "The Us' of the world need hope, they need to know there is hope for a better world and a better tomorrow. Without hope, the Us' give up. I know that we cannot live on hope alone but without it, life is not worth living and you and you and you...gotta give them hope". MDCR, YOU are charged with providing that hope to all the citizens in Michigan, including my parents, who all too often have their dreams, lives, rights and hope taken away. This legislation represents that hope and I ask you to consider my comments as you determine the legacy of this legislation in Michigan. Thank you.

Janet Jurus, RID CI and CT
Daughter of Deaf Parents
Nationally Certified Interpreter – Michigan