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NAC 656A PUBLIC WORKSHOP MINUTES

Name of Organization: Aging and Disability Services Division – Nevada Administrative Code
656A Proposed Revision

Date and Time of Meeting: October 1, 2019
3:00 pm

This meeting was Video Conferenced between the following:

Las Vegas: Aging and Disability Service Division
1860 E. Sahara, Suite 201
Las Vegas, NV 89104

Carson City: Aging and Disability Service Division
9670 Gateway Drive, Suite 200
Reno, NV 89521

To join this meeting by phone, dial 1-888-363-4735 then enter Access Code 1228133 when prompted.

Sign language interpreters were available at both locations, and CART was accessible by following this link:
<https://captionsunlimited.1capapp.com/event/adsd>

Minutes

1. Welcome and Introductions

Salvatore Fiorentino, Social Services Program Specialist III, ADSD

Jennifer Montoya, Social Services Program Specialist II, ADSD

Members of the Public in Reno: Maureen Fradianni, Mackenzie Wilson, Hannah Zimmerman, Erin Wilcox, Sara Brewer, Casey McCullough, Sarah Jacques, Tessa Pearce, and Debbie Helms

Members of the Public in Las Vegas: Charles Reineck, Jeff Beardsley, Laura Fink, Abigail Russo, Megan McCarthy, Samantha Steede, Jamie Jaramillo, Stephanie Gardner, Caroline Bass, Tonda Ogden, Sandra

Jackson, Kimberly Fernandez, Jackelyn Najarvo, Laura Thompson, Juliana Martin Dariano, Obioma Officer, Meleah Smith, Jazmin Rios Oviedo, Dolores Parrish, and Sara Cordova.

Members of the Public on the Phone: Dawn Duran, Crystina Scott, Catherine Rojas, Diane Segala, Brittany Hayes, Alison Mlikan, Candice Emmerson, Sol Romero and Deana Paddack.

2. Presentation of proposed NAC 656A Changes which included:

- Changes the definition of “mentor.”
- Removes registration requirement for Cued Speech Transliterators.
- Modifies Professional Development hour requirement for non-certified interpreters.
- Change specific language requiring certification types to generally recognized national organizations.
- Sets a time limit to the Apprentice classifications.
- Includes additional acceptable qualifications for Community classifications.
- Removes the Community – Master classification.
- Changes the substitute limitations for educational interpreters.
- Changes the qualification requirements for Educational classifications.
- Removes some definitions and changes some language for clarity.

3. Public Comment

- Changes the definition of “mentor”
 - No public comment
- Removes registration requirement for Cued Speech Transliterators
 - No public comment
- Modifies Professional Development hour requirement for non-certified interpreters
 - Charles Reineck: He proposed that where it states 60 professional development hours should be tracked through a national interpreting organization, such as RID. It is not clear having professional development requirements without defining what they are.
- Change specific language requiring certification types to generally recognized national organizations
 - Dawn Duran: Supports this change because the specific title of “certification” changes often and there are many to keep track of. Needs clarification on how ADSD defines a “nationally recognized certification” since there are other recognized certifications like BEI and state certifications.
- Sets a time limit to the Apprentice classifications
 - No public comment
- Includes additional acceptable qualifications for Community classifications
 - Caroline Bass: Raised the concern of interpreters working in specialty settings – specifically in legal settings. Feels that the minimum requirements of an EIPA 4.0 or RID certification to work in the legal setting *with discretion* is not sufficient. “With discretion” is subjective and interpreters who have no legal training are working in legal settings such as court and with the police. Would like to see the law be revised for legal settings that require interpreters to have both national certification and a minimum amount of legal training prior to being allowed to work in legal settings. Additionally, include an expanded definition of legal settings to include assignments such as IEP meetings, real estate transactions, Child Protective Services, and wellness checks.

- Dolores Parrish: For the Advanced registration classification, concern is that there is only one specialist certificate currently available which is for legal settings. Concerned about giving ADSD the discretion on determining what qualifies as Advanced criteria. Criteria suggestion for determining Advance registration: advanced degrees; advanced training in interpreting, linguistics, or interpreter education; specialized interpreting degree such as medical or mental health; and number of years as a professional qualified interpreter.
 - Catherine Rojas: Concerns regarding the requirement of only holding a nationally recognized written test and not requiring a performance test to be granted a Community Apprentice classification.
 - Jeff Beardsley: Want to ensure that interpreters who work in medical or legal settings have appropriate training to do so.
 - Removes the Community – Master classification
 - No public comment
 - Changes the substitute limitations for educational interpreters
 - No public comment
 - Changes the qualification requirements for Educational classifications
 - Dawn Duran: The change to require the EIPA written knowledge examination for educational interpreters who have RID certification - understands the reason behind the change. Concern that someone with a lesser EIPA performance score, but has passed the EIPA Written test would be able to work in educational settings; whereas, an RID Certified interpreter who has NOT taken/passed the EIPA Written test would not be able to work in educational settings. Recommends that the written knowledge exam requirement be satisfied by the RID written knowledge examination, the EIPA written knowledge exam, or any other nationally recognized knowledge exam.
 - Catherine Rojas: Agrees that the RID knowledge test should also be considered for educational interpreter registration classifications.
 - Removes some definitions and changes some language for clarity.
 - No public comment
4. Other public comment topics related to NAC 656A
- Student/Intern Classification
 - Caroline Bass: Recently informed that students in interpreting programs' mentorships or internships must be registered with the state. Students have not taken the EIPA performance test or EIPA written tests yet. Proposes consideration be made to an intern category for students to be registered as interns with the state.
 - Kimberly Fernandez: Agree with Caroline Bass's statement about adding an internship category without the three-year expiration so that students can interpret while they are in school and then apply for the Apprentice category when they qualify to start the three-year clock.
 - ADSD's lack of enforcement of the regulations
 - Caroline Bass: Aware that many interpreters who are not registered and interpreting students are out working in the schools and in the community. Concerned that no oversight is happening with these individuals. Many are being hired by language service agencies or are being hired by the schools as "aides" but are functioning as interpreters.

- Dolores Parrish: Concern that interpreters from out of state are violating the “30 day limit” section of the law. This is often the case where interpreters are brought in from out of state for extended periods of time in order to meet the demands of contracts and never officially register with ADSD. These interpreters are often not licensed or qualified in their home states and come here to be groomed in our school system or other settings such as legal and medical. There's no way to track the skills and qualifications of an unregistered interpreter, and complaints cannot be filed by consumers. In K-12, these interpreters are provided through agencies leaving of the school district with little to no say in screening process and more importantly, the students and their parents are not in a position to advocate for higher quality services.
- Charles Reineck: Concern that interpreters cannot file a complaint against another interpreter. If there are concerns about other interpreters, we have no recourse with the State. If this interpreter is a member of RID, we can file a complaint, but if they are not, we have no where to go with our complaints. Concern that the State can't discipline anybody. When an interpreter continues to behave in an inappropriate manner, who governs that?
- Brittany Haynes: Also concerned about enforcement of the interpreter law. Aware of many interpreters in the K-12 setting who are contracted through the school district and are not registered. The agency I contract through does require registration, but not all interpreting agencies require that their interpreters register with the State. Concerned that employers are dictating where interpreters are placed in K-12 even though the interpreter may not be qualified to work in that setting (it would be out of the interpreter's scope of practice).
- Jeff Beardsley: Concern that schools are hiring interpreters from out of state who are not registered. The Deaf student who are suffering. That has to stop. Something needs to change to ensure registration enforcement so that children have a better access to education. Educational interpreters should be viewed as subject matter experts in their field.
- Tessa Pearce: Agree with comments from Jeff, Caroline, and others concerned about the enforcement of the regulations for educational interpreters. I'm aware that children are suffering. It would be nice to have internships for students who want to work as interpreters and signing aides.
- Other NAC 656A Concerns
 - Dolores Parish: Consideration: establishing a state level qualification or certification system that would allow for more enforcement, more oversight. There are many states that have state qualification systems. Some states use the BEI testing system to establish different levels of certification, and it seems to be successful. Is that something that research can be done and maybe collaboration with other states and divisions on Deafness in other areas to at least explore that possibility so we're not sitting here floundering about how do we create enforcement and oversight and monitoring to provide the best services for our community?
 - Laura Fink: The state doesn't currently have any Certified Deaf Interpreters (CDI). Please keep CDIs in mind when you are creating new laws.
 - Charles Reineck: Concerned that ADSD has not been fair with everybody. ADSD should be clearer about the rules and regulations. ADSD staff have given interpreters preferential treatment because they are friends with specific interpreters. The preferential treatment needs to stop.

- Tessa Pearce: Concern about the shortage of qualified community interpreters in Reno area. Colleges struggle to find qualified substitute interpreters.

5. Adjourned at 4:23 pm

Jennifer Montoya

A copy of the notice and the proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Aging and Disability Services Division
3416 Goni Road, D-132
Carson City, NV 89706

Aging and Disability Service Division
1860 E. Sahara Ave.
Las Vegas, NV 89104

Nevada State Library and Archives
100 Stewart Street
Carson City, NV

A copy of the regulations and small business impact statement can be found on-line by going to:

http://adsd.nv.gov/Meetings/Meeting_Notices/

A copy of the public workshop notice can also be found at Nevada Legislature's web page:

<https://www.leg.state.nv.us/App/Notice/A/>

A copy of the agenda and meeting notice was posted at the following locations:

1. Deaf Centers of Nevada, 1325 Airmotive Way, Ste. 205, Reno, NV 89502
2. Deaf Centers of Nevada, 8020 W. Sahara Ave., Ste. 125, Las Vegas, NV 89117
3. Nevada Disability, Advocacy and Law Center, 1875 Plumas Street, #1, Reno, NV 89509
4. Nevada Disability, Advocacy and Law Center, 2820 W. Charleston Blvd., #11, Las Vegas, NV 89102
5. Nevada Disability, Advocacy and Law Center, 905 Railroad Street, #104B, Elko, NV 89801
6. Aging and Disability Services Division, 3416 Goni Rd., Carson City, NV 89706
7. Aging and Disability Services Division, 1860 East Sahara, Las Vegas, NV 89158
8. Aging and Disability Services Division, 9670 Gateway Dr., Ste. 200, Reno, NV 89521
9. Aging and Disability Services Division, 1010 Ruby Vista Dr., Suite 104, Elko, NV 89801

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Aging and Disability Services Division, 3416 Goni Road, D-132, Carson City, NV 89706, 775-687-4210, adsd@adsd.nv.gov.