

Exhibit G

DEPARTMENT OF HEALTH

SUBJECT: Rules Governing the Advisory Board for Interpreters and Rules Governing the Licensure of Provisional & Qualified Interpreters

DESCRIPTION: These rules are proposed by the Advisory Board for Interpreters. They provide (1) for the operation of the Advisory Board for Interpreters (2) assurance that an interpreting agency provides only licensed qualified interpreters for services (3) rules regarding conflicts of interest regarding members of the Advisory Board for Interpreters (4) a code of professional conduct; and (5) licensure guidelines for qualified and provisional interpreters.

PUBLIC COMMENT: This rule was promulgated under the emergency provisions of the Administrative Procedure Act. The effective date for the emergency rule is January 31, 2014. The emergency rule expires May 31, 2014. The Department is also promulgating this rule as a permanent rule.

A public hearing was held on the permanent rule on January 31, 2014. The public comment period expired January 31, 2014. The Department received the following public comments, organized by subject:

Scarcity of Interpreters

COMMENTS: There are cautions to be hesitant on requiring certified personnel since there are so few that are certified within the state at this time. *Rural Ed Assoc.*

The financial impact would be great in that we would have to hire additional interpreters if we were able to locate them. Interpreters are scarce. *Fort Smith Public Schools.*

The limited supply of qualified interpreters is certain to result in a disruption of services inasmuch as the rule would fine schools and the individuals they used for “unapproved” interpreting. The limited test availability schedule exacerbates the problem. *Fort Smith Public Schools.*

How and when are interpreters to be acquired, hired, and paid? *Rural Ed. Assoc.*

I live in a rural area and there was an educational posting in a town not far from me. I seriously considered the position until I got to the bottom of the advertisement and read “nationally certified interpreters need not apply.” Tell me, do they say that to teachers? A teacher can be outstanding; however, if the bridge between the educator and the student is broken, the lessons will never be imparted. *Cheryl Thomas, Interpreter.*

Our district’s goal is to provide competent personnel to work with all students on a daily basis, but as the rules and regulations are written at this time, I believe they are far more serious and detrimental to students than the process we currently have in place. *Fort Smith Public Schools.*

RESPONSE: The expressed purpose of Act 1314 is to provide minimum qualifications for interpreters and to ensure that members of the interpreting profession perform with a high degree of competency. It is the intent of these Rules to carry out this purpose by requiring individuals who wish to become licensed interpreters to show that they have the necessary credentials to interpret effectively.

It is often true that having an unqualified interpreter can result in unidentified miscommunications (neither party will know when the interpreter has made a mistake). Although mistakes also happen with a qualified interpreter, the qualified interpreter can more easily recognize these mistakes and bring them to the attention of the communicating parties. Therefore, in many circumstances, it is better to have no interpreter rather than an unqualified one.

Regarding the scarcity of Interpreters, there are currently over 200 credentialed interpreters in Arkansas that are expected to obtain a license. And, again, serious miscommunication can occur when an interpreter is not qualified.

It should be noted that the Rules are being changed to eliminate minimum qualifications for educational interpreters in the K-12 setting. These qualifications have been established by ADE in the Arkansas Standards for Educational Interpreters and Transliterators, Fourth Edition (2007). However, referring to ADE for qualifications does not exempt the educational interpreters in the K-12 settings from obtaining and maintaining a license to practice.

License Renewal

COMMENTS: Once certified to be an interpreter, at a cost of \$125, what is the need to be recertified every year at a cost of \$90? Would it be more feasible to recertify every 3-5 years. *Rural Ed. Assoc.*

This is the cost of licensure. Certification is paid for once and then maintained through CEUs. This is no different than what is expected of educators. Certification and licensure are two different things, however, certification and licensure are both tax deductible. *Cheryl Thomas, Interpreter.*

The document states that “there are approximately 200-300 individuals who are currently acting as deaf interpreters in our state.” Everyone will need to make application for initial license at the cost of \$125/person. Each year the cost is \$90. School personnel are not required to renew every year? *Ark. Assoc. of Special Education Administrators.*

RESPONSE: The purpose of Act 1314 and these Rules, promulgated thereunder, is to license those individuals already credentialed to be interpreters in Arkansas. Requiring each licensed interpreter to renew their license will ensure that the interpreter is maintaining CEU's as required by the Rules and that the interpreter is interpreting according to their level of credentialing.

The fees of \$125 and \$90 were established after research into comparable licensure programs in other states.

All licensed interpreters, including those interpreting in a school setting, will need to renew their license every year.

Hiring Interpreters

COMMENTS: Schools now have to hire qualified licensed interpreters. How will this impact adequacy of school funding? Does every area of the state “have qualified licensed interpreters”? Will these interpreters be available during the school day, after hours, parent/teacher conferences, etc.? *Ark. Assoc. of Educational Administrators.*

We always strive to find qualified and certified individuals to work with our students with hearing impairments; however we have not always been able to find such individuals. In the past we have hired people who can fulfill the duties of interpreting, but may not be certified at the level this document mandates. Will there still be any process for schools when they have exhausted all resources and still can't find a licensed interpreter. *Anonymous School District.*

RESPONSE: The Rules have been changed to reflect that ADE has established minimum qualifications for interpreters in the K-12 setting.

These Rules will not change the minimum qualifications of interpreters hired by schools and therefore should not change the hiring process of those interpreters. The only change will be that the interpreter will now have to be licensed according to the Rules.

Schools can always work with the School for the Deaf to find solutions to the interpreter scarcity, including using the Video Interpreting Service when necessary.

Financial Impact

COMMENTS: Many hearing impaired students are involved in extracurricular activities that require after-school participation, all day and overnight trips. This could result in requiring four interpreters for one student. The cost to a district would be substantial. *Rogers Public Schools.*

Our district has 3 hearing impaired programs in 3 different buildings. We currently have 2 interpreters and 2 certified teachers of the hearing impaired. If interpreters can interpret for one hour and must be off for an hour, how would we be able to provide services for our students who range in grades from K-12. *Fort Smith Public Schools.*

The Financial Impact Statement says the financial burden on schools will be minimal. I am not sure whoever created this Financial Impact Statement had enough information to make that claim. How much are interpreters currently used in our school districts? How many times are their services required for more than one hour? What would the impact on

rural schools be if these rules were implemented? *Ark. Assoc. of Educational Administrators.*

The Financial Impact Statement says that interpreter can only work for one hour. How will this impact rural districts such as Jasper or Waldron? Can an interpreter take a break and then start interpreting again or do they work for one hour and then go home for the day? If a kid needed an interpreter in class, will they have to have 6 or 7 different people performing the job? Or, if the kid is on a block schedule then he/she will have to switch interpreters in the middle of class? *Ark. Assoc. of Educational Administrators.*

The cover letter states that “it is anticipated that these rules will have minimal impact on schools” when in fact the potential financial burden would be great. *Ark. Assoc. of Special Education Administrators.*

The second paragraph from the bottom on the third page of the Financial Impact Statement states that “interpreters can only for work for one hour at a time, so two may need to be employed.” Interpreters across our state are scarce at best...How do we cover our districts needs if an interpreter can only work for one hour at a time. *Ark. Assoc. of Special Education Administrators.*

The cover letter states that the financial burden on schools will be minimal. I disagree. Since it is stated that a licensed interpreter can only work for one hour, and then must be given a break, schools will have to hire at least two interpreters for each student. That is doubling the cost for districts since it is doubling the personnel. *Anonymous School District.*

Despite your assertion that the financial impact upon schools will be minimal it appears that you have not considered the increased staffing levels which will be required in the school setting. The expense of the license and annual renewals is not a great cost. However, the limit upon the time that interpreters can work will likely require double staffing in each class serving the hearing impaired. That cost is not insignificant. *Fort Smith Public Schools.*

School classrooms are decidedly different applications from the courts or other proceedings in which constant and intense interpretation is required. In the school setting, an interpreter may only provide intermittent interpretation which will be interrupted by time when students are working independently. Changing personnel every hour under these conditions is unreasonable. *Fort Smith Public Schools.*

The Financial Impact Statement filed with this rule is clearly erroneous. Any simple analysis of staffing requirements in schools will reveal that this assertion is incomplete at best and a fabrication at worst. *Fort Smith Public Schools.*

Any interpreter who has worked in an educational setting will tell you that a team is only requested for something that will be of a very long duration and/or of extreme intensity. Interpreters understand what is referred to as “down time.” When students are working

individually they may not need the interpreter or when they are between classes. This gives the interpreter the break that is necessary. *Cheryl Thomas, Interpreter.*

The proposed rules only address the cost of the license and have not included the cost to the districts requiring the interpreters to receive ten CEU hours annually. This could also result in increased staff and funds to cover the possibility of overtime accumulation. *Rogers Public Schools.*

RESPONSE: It should be noted that the one hour time limit listed in the Financial Impact Statement was merely designed to show the financial impact the newly created Board and Rules will have on the Government when it must provide interpreting services at public meetings. The one hour time limit applies in a setting similar to the Advisory Board meetings, where the interpreter will be required to engage in steady interpreting without a break for long periods of time. It does not apply in a school setting, where there are periods of intense interpreting followed by periods of no interpreting while the student works on her own.

The one hour limit is not in the Rules. It was merely a statement of the anticipated cost to ADH of handling the administration of the Advisory Board for Interpreters and their Rules.

The Financial Impact Statement stated that the financial burden will be the licensing cost and the cost of any additional CEUs. This is the anticipated financial burden of the newly created Rule.

It should be noted that most credentialing bodies already require individuals to complete CEUs to maintain their credentials. The only exception is the EIPA. An interpreter who holds an EIPA credential will now be required to obtain 10 CEUs a year to maintain their license.

It is anticipated that the financial cost will be borne by the interpreter seeking the license. However, it is possible that a school would pay for the license of an Interpreter who is employed by it. In that case, the only cost to the school should be the cost of licensure and the cost of any additional CEU requirements.

Regarding any overtime accumulation, interpreters obtaining CEUs can be treated in the same manner as any other professional obtaining CEUs, including teachers. There is also the possibility that interpreters could obtain CEUs in the summer when school is not in session.

EIPA Testing

COMMENTS: Interpreters are required to have an EIPA score of at least a 3 in order to interpret in the school setting. This is a very challenging test. Interpreters have had to take this test several times in order to score a 3. The test is only offered one time a year either on Saturday or Sunday and usually in the spring. *Fort Smith Public Schools.*

EIPA scores of at least a 3 are required to interpret in the school setting. This is a very difficult test and many of our interpreters take this test multiple times in order to get a score of 3. In addition, the test is only offered one time per year on a Saturday and Sunday and that is usually in the spring. *Ark. Assoc. of Special Education Administrators.*

Testing can be requested and done via recording. The interpreters do not have to wait for a panel to be in their area. The Arkansas QAST, RID, and EIPA are all acceptable for educational settings. These options are readily available at any time. If falls to the interpreter to take the initiative to seek them out. Indeed, when I took my NAD testing, I traveled to Alabama with two other interpreters as it was not available in Arkansas, but we took initiative to ensure that we held national certification at our own expense. *Cheryl Thomas, Interpreter.*

RESPONSE: The Rules have been changed to reflect that the Advisory Board for Interpreters cannot set minimum qualifications in the K-12 setting and that these minimum qualifications have already been set by ADE. Therefore, there should be no change to the testing requirements for interpreters in the K-12 setting. However, referring to ADE for qualifications does not exempt the educational interpreters in the K-12 settings from obtaining and maintaining a license to practice.

Substitute Interpreters

COMMENTS: The document states that “any individual who is not licensed and who admits to interpreting without a license is guilty of a violation.” That would mean schools would also have to have licensed substitutes for the two interpreters they would have to hire, causing another hardship in finding qualified individuals, in the cost to have them trained, and in having them available on short notice. *Fort Smith Public Schools; Anonymous School District.*

Since schools operate every day of the week during the school term, it is to be expected that a contracted interpreter may occasionally be absent. The supply of qualified and licensed interpreters will likely be exhausted. *Fort Smith Public Schools.*

RESPONSE: Minimum qualifications for educational interpreters and substitutes are determined by the guidelines published by ADE. The only requirement imposed by these Rules is that anyone interpreting be licensed.

Districts should use the ADE standards for hiring interpreters and for hiring substitutes. If a qualified substitute cannot be found, the District can utilize the Video Interpreting Service or work with the Arkansas School for the Deaf for other solutions.

Penalties

COMMENTS: Penalties will be levied if a school hires an interpreter that is not licensed. Will the district be fined for each day they have someone who is not licensed, each month, or yearly? *Fort Smith Public Schools.*

Penalties will be levied in the event a school hires an interpreter that is not licensed, however, it does not stipulate in the document how often these penalties will be levied. Will the district be fined for each day they have someone who is not licensed, each month, yearly, etc.? Clarification is needed in that area. *Anonymous School District.*

RESPONSE: Penalties will be levied in accordance with Act 1314 and these Rules. As such, the penalty will be assessed for *each violation* and will not accrue on a daily, monthly, or yearly basis.

Composition of Board

COMMENTS: I noticed that school personnel were not members of this Board. This brings up a concern that a board will be making decisions for school districts without knowledge [of] the various processes and requirements that schools currently operate under. I would certainly suggest expanding the Board to include a school representative. *Ark. Assoc. of Educational Administrators.*

We are concerned that the “credentialing body” that will determine if they will be licensed are not familiar with the school needs across our state. *Ark. Assoc. of Special Education Administrators; Fort Smith Public Schools.*

The Rule has been developed without input from Arkansas’ school districts, those who are charged with the responsibility for services to students, and who must comply with laws and rules. *Fort Smith Public Schools.*

RESPONSE: The composition of the Advisory Board is determined by Act 1314. There is, however, an educational interpreter on the Advisory Board. The Chairperson has also worked with ADE to establish the guidelines for interpreters.

Adequacy Committee

COMMENTS: Have these rules been presented to the Joint Senate and House Adequacy Committee? *Ark. Assoc. of Educational Administrators.*

The Arkansas General Assembly and the Arkansas Supreme Court have required that those items which affect the adequacy of Arkansas education programs to be annually reviewed by the Joint Senate and House Adequacy Committee. If this committee approves these added requirements, the funding is required to be provided as part of the matrix for general school aid. Failure to consider these costs will expose the State to further litigation by schools who cannot comply using the funding provided. *Fort Smith Public Schools.*

RESPONSE: The Rules will be presented to the Joint Committee on Public Health, Welfare, and Labor and to the Legislative Council for Administrative Review, as required for all rules promulgated by the Board of Health.

They will not be presented to the Joint Senate and House Adequacy Committee unless we are directed to do so by one of the other committees. With the current changes, these rules have little to no impact on schools, as the Rules merely refer to the current ADE requirements and ADE's right to enforce those.

Ethics Violations

COMMENTS: I didn't see anywhere where a district could apply for a waiver of any kind. Would this Board approve a waiver or would ADE approve a waiver? Or, if no waiver was available for school districts then what is the penalty clause? Would an individual certified teacher/administrator be turned over for an ethics violation if an interpreter wasn't available since they would not be able to meet their needs? Would a school district be placed on probation? *Ark. Assoc. of Educational Administrators.*

I have concerns that we have to educate student with a hearing impairment no matter what. That is our duty as schools, and one that we take seriously. If a qualified interpreter is not available on a school day, or for a school event, and the district is noted as falling short of this directive, will it be reported as a code of ethics violation in addition to the fine process? That would lead to consequences far more dire than those listed in this draft. *Anonymous School District.*

RESPONSE: There is no waiver process in the Rules because of the importance of a qualified interpreter to ensure that effective communication occurs.

The Advisory Board's role is to enforce the licensing requirements for *interpreters* and not to serve as enforcement for violations of ADE's Rules or Code of Ethics. The Advisory Board may, however, report any suspected violations of ADE's rules or Code of Ethics, as the law requires.

Funding

COMMENTS: Since this would now be a state requirement, could federal dollars be used to fund the certification program and hiring of interpreters? *Ark. Assoc. of Educational Administrators.*

RESPONSE: No new state requirements are being added by these Rules. With the changes, the Rules merely require all interpreters to be licensed. It is anticipated that the cost will be borne by the interpreter seeking licensure.

The minimum qualifications or certifications for an interpreter in an educational setting has always been and will continue to be established by ADE.

Application Review

COMMENTS: Page 7 VI. "The Advisory Board will determine and recommend to the Director after review the issuance of a license after submitting 1-4, C., D., and E." None of these have been requirements in the past.

RESPONSE: Interpreters were not required to obtain a license in the past. The purpose of the review of the application is to ensure that the interpreter seeking licensure holds a valid credential and is in good standing with the credentialing body.

CEUs

COMMENTS: The new CEU requirement of 10 “clock hours” is of concern; who will be responsible for proving the “acknowledgment of adherence to the professional ethical practices set forth in these rules.” In the past, classes were offered in various locations, however, to our knowledge they are no longer provided on a regular basis. The licenses expire on December 31st and there are fines between \$500-1000 for expired licenses.
Ark. Assoc. of Special Education Administrators.

Continuing education is tax deductible. A nationally certified interpreter has four years to complete their cycle and with RID and training costs are tax deductible. Interpreters want to be and should be considered professionals, therefore they should understand that professional development is a requirement to do their jobs and is their responsibility. Why should this be put on the school district and the taxpayers? I chose to be an interpreter and therefore I made a decision to accept the responsibilities that go with that.
Cheryl Thomas, Interpreter.

RESPONSE: The CEU requirement is not new for most credentialed interpreters. The QAST, BEI, and RID credentialing bodies already require interpreters to obtain CEUs to keep their credentials current. The EIPA is the only credentialing body without such requirement.

Those interpreters holding an EIPA credential will now need to obtain 10 CEUs to remain current and qualified in their field. The interpreter is responsible for keeping track of their CEUs and submitting the appropriate documentation to the Advisory Board for review.

Revenue

COMMENTS: Where does the fine money go? What agency will benefit from the money being taken away from our students in the event fines are handed down?
Anonymous School District.

RESPONSE: Pursuant to Act 1314, the money collected will go to the special revenue fund labeled “Interpreters between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf.” The money will be used by the Department of Health to pay costs related to the Advisory Board and the licensure of qualified interpreters, as directed by Act 1314.

General

COMMENT: The standard for licensure may be appropriate long-term. However, if there are individuals who are currently performing these functions effectively in the

school setting, they should be allowed a specified period in which to pass the test and to be properly licensed. A phase-in for rule implementation is definitely warranted. *Fort Smith Public Schools.*

RESPONSE: The Rules were changed to reflect that ADE has the authority to establish standards for interpreters in the K-12 setting. The ADE has published guidelines for educational interpreters that should be followed by the school districts. These Rules cannot address the how much time ADE should give a district to comply with those guidelines.

The Rules do require all interpreters to be licensed at their credential level. There is a built in grace period in the Rules—if a person is found to be in violation and assessed a penalty, the penalty will be suspended if the person corrects the violation within 30 days. The point of the rules is not to be punitive but to ensure that all Deaf, Deafblind, Hard of Hearing, or Oral Deaf individuals have access to a qualified, licensed interpreter.

COMMENT: My concern is mostly with the Educational Interpreter. I have read what each level is able to Interpret and disagree highly with Educational Interpreters only having to have a level three being that this doesn't even meet minimal requirements of what is recommended for an Educational Interpreter. It seems to me that this new Law has taken care of making sure that all Deaf Adults have the right to an interpreter who at least meets minimal requirements but not the children in our public school districts. The agency that administers the EIPA, Boys Town states that "3.0-An interpreter at this level needs continued supervision and should be required to participate in continuing education in interpreting". I would like to know that since this is not minimal requirement to be able to do our duties for the students that we are interpreting for why are there no provisions in this law that says there must be some kind of advancement until they reach minimal requirements? I think as a Profession we have fallen short and commit travesty in this law if we require the minimal requirements for all other interpreters and not for the Educational Interpreters. I understand the school district may complain and say there are no qualified interpreters out there and that is just untrue. I know they will complain about the pay issue however the interpreter is a critical part of the Educational Team for every Deaf/Hard of Hearing student in the public educational setting. These students are not able to get the same high standards of education as hearing students when the interpreters are not held to the same standards as all other interpreters for the Deaf. Traditionally the educational interpreting has been done with new interpreters and not our highly skilled interpreters. This hinders Deaf students' futures and their education with not receiving all the information that they could receive with a more skilled interpreter. These children don't know where to go to complain or how to get an advocate to stand up for their essential needs as a Deaf adult would. We should protect these children now and give them every break that they need. If the law had stipulations for (continued supervisions) that is not required in the law (as it is written) and to show improvement with higher test scores that would show upward mobility in the profession instead of stagnancy. I know the law provides continuing education part, but not the continued supervision and improvement with high test scores. My other concern is who is doing the supervision? I believe this should be a person who meets requirements as an interpreter. *Val Deen, Interpreter.*

RESPONSE: The minimum qualifications for interpreters in school settings must be set by the State Educational Agency. In Arkansas, that is ADE. ADE has published

guidelines for the credential level that must be held by an interpreter in the K-12 setting. Those guidelines should be followed by the school districts. The Advisory Board has no authority to change those guidelines. In the original draft, the Advisory Board was attempting to adopt the minimum standard set forth by ADE. However, the Rules have been changed to reflect ADE's authority to regulate in this area.

COMMENT: Recently the Arkansas Department of Education (ADE) has raised many concerns regarding ACT 1314 of 2013. We have seen comments regarding this act in the media (television and print). The comments are surprising in light of the fact that the proposed rules are exact replicas of the recommendations that the ADE has had in place for many years. They (the ADE) have also not let the public know that they did not hold their employees to those standards. They have spent much of their energies speaking about the fiscal impact and the impact on interpreters and absolutely no time talking about the impact on the teachers in the classroom or the phenomenal influence that an interpreter has on the future of a Deaf student who is raised in a mainstream educational setting. I am a professionally trained Sign Language Interpreter (not a Deaf Interpreter as KARK news has referred to us as), a member of my professional organization and a Child of Deaf Adults (CODA). I have worked in a variety of interpreting settings from freelance, to educational (k-12 and post-secondary), legal, etc. and I train interpreters. The one common thread in any setting I work in is that I serve both the hearing and Deaf communities. It is *my* responsibility to ensure that my skills are the best I can make them and that I search out any and all opportunities to improve my skills. *Cheryl Thomas, Interpreter.*

RESPONSE: No response needed.

COMMENT: The most important work that anyone can do is the work with a child. When you work with a child you impact their future in so many ways. Therefore I find it absolutely astounding that this is an issue for our school districts. Do you really marginalize our Deaf children so much? Are they really so much less important than your budgets and the grown adults (interpreters) who have already had an education but are complaining about what a hardship this is on them? When I worked as an interpreter in a K-6 setting with two very strong ASL- speaking Deaf students what I always said to them was "I had my turn, this is yours". What I meant by that was that I was given an excellent education and now it was, in part, my responsibility to ensure that they had theirs. I am proud that I was able to have an impact on these two students who are now working towards their teaching degrees. I feel humbled when they thank me for doing my job. It was worth every penny to do what I was able to do. In direct contrast to this experience, I was hired to work with a student in the ninth grade. After a week of interpreting for the student, it was apparent to me that the student was unable to read. After conferences with the teachers, the students' parent told us that the "interpreter" used to answer her test questions for her so that the student would look smart and the interpreter would keep their job. The student ended up in special education and the interpreter stole the students' future. In another incident, a school district in southern Arkansas hired an "interpreter" for a first grade student. After the student failed first grade, and was subsequently failing first grade for the second time, the school was diligent enough to contact the state (a program which is now defunct) and have an interpreter go out to assess the skills of the

classroom “interpreter”. At the end of the assessment it was determined that the likeable, affable, “excellent employee” had spent over a year literally flapping their hands and stealing over a year of a child’s education. In both of these instances **recommendations** were in place by the ADE. None were followed. An anonymous quote that has had great impact on me as an interpreter is “Children are great imitators. So give them something great to imitate.” I would be remiss as a professional and as a person if I were to give them anything less. In my current position as an interpreter with the judiciary, I have the opportunity to see the results of juveniles and adults with a poor education. Their lack of education has clearly had an impact on the situations they now find themselves in. At times, trying to communicate can be extremely difficult as not only their English development has been impaired, but their sign communication has been corrupted as well by “interpreters” who have created signs that have no meaning whatsoever. The judiciary has been extremely diligent in ensuring that the Deaf and Hard of Hearing community has interpreters who are trained at a level that is appropriate for a legal setting. Indeed, no other arena in which an interpreter works has complained about licensure other than the **most important**; the educational setting. Again, I reiterate what I stated in the beginning: **Mission:** The Arkansas Department of Education strives to ensure that **all children** in the state have access to a quality education by providing educators, administrators and staff with leadership, resources and training. The only means that DEAF children have to access a quality education is via QUALITY interpreters. Why is the ADE attempting to block their right to a quality education? *Cheryl Thomas, Interpreter.*
RESPONSE: No response needed.

Isaac Linam, an attorney with the Bureau of Legislative Research, asked the following questions:

QUESTION #1: Ark. Code Ann. § 20-14-806(a)(5) provides that the Director of the Department of Health “[e]stablish reasonable fees for licensure and renewal of licensure. How did the Department arrive at the fee amounts for application and licensure under Section XII of the proposed rules?

RESPONSE: The Department based the fee amount off the recommendations of the fees/budget subcommittee of the Advisory Board for Interpreters. In A.C.A. 20-14-805(b)(4), the Advisory Board for Interpreters is charged with recommending to the Director fees for licensure and licensure renewal under the subchapter. Further § 806 states that the Director sets the fees “*after* consideration of the recommendation of the Advisory Board” for Interpreters. The subcommittee’s recommendations were based on a review of other states’ fee structures.

QUESTION #2: Ark. Code Ann. § 20-14-805(b) provides that the Advisory Board for Interpreters between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf must recommend to the Department Rules regarding conflicts of interest regarding Board members, a code of professional conduct, and a continuing education program for licensees. Your rules address these issues in Sections V, IX, and X, respectively. Did the Advisory Board make these recommendations to the Department? Were Sections V, IX, and X derived from such recommendations?

RESPONSE: Yes, the Advisory Board drafted a set of completed Rules which was accepted by the Department and presented to the Board of Health. The Board of Health approved those rules to go forward on Dec. 18, 2013, at a special meeting.

I would note that in § 805(a)(1), the Advisory Board for Interpreters was also charged with recommending rules for the operation of the Advisory Board for Interpreters to the State Board of Health. Therefore, we reviewed and accepted the entirety of Advisory Board's recommend Rules and presented those rules to the Board.

QUESTION #3: In Section X.A of your rule, you use the phrase "in the spoken language of choice", while the corresponding language in § 20-14-805(b)(9)(B)(i) reads "in English". Why did the Department deviate from the statutory language?

RESPONSE: I believe the original deviation was because some interpreters do interpret into other languages. However, we will change to reflect the statutory language.

The proposed effective date for the permanent, final rule is May 31, 2014.

CONTROVERSY: This is not expected to be controversial.

FINANCIAL IMPACT: There are currently 200-300 individuals who are currently acting as deaf interpreters in the state. These individuals will need to apply for initial licensure at a cost of \$125 per person. Each subsequent year, these individuals will be required to pay \$90 to renew the license.

Schools may be financially impacted since they will now have to hire qualified licensed interpreters in school settings. If schools pay the licensure fee for any interpreters they employ, the cost will be \$125 per interpreter for initial licensure and application and \$90 per year for renewal. To maintain the license, the interpreter will have to remain credentialed through a credentialing body, but this should not be an additional cost to the school if they are using credentialed interpreters.

Other costs to state, county, or municipal government include the cost to the advisory board and the Arkansas Department of Health of ensuring accessibility of the deaf community to advisory board meetings and hearings. Specifically, an interpreter will generally have to be supplied at these meetings (at least four per year) at a cost of approximately \$35-\$40 per hour. An interpreter can only work for one hour at a time, so two may need to be employed for the quarterly meetings. If the interpreter is traveling from outside of the Little Rock Metro area, he or she will also get travel reimbursement at the state rate.

LEGAL AUTHORIZATION: Acts 2013, No. 1314, created Ark. Code Ann. § 20-14-801 et seq., which created the Advisory Board for Interpreters between Hearing Individuals and Individuals who are Deaf, Deafblind, Hard of Hearing, or Oral Deaf and set out qualifications and licensure standards for interpreters.

Ark. Code Ann. § 20-14-805 provides that the advisory board recommend to the Director of the Department acceptance or rejection of licensure applications, licensure criteria, licensure fees, suspension or revocation of licensure, complaint investigation procedures,

rules ensuring compliance with Act 1314, rules regarding Advisory Board members' conflicts of interest, a code of professional conduct, and a continuing education program Ark. Code Ann. § 20-14-809 provides that the State Board of Health must adopt rules to implement § 20-14-801 et seq.

Ark. Code Ann. § 20-14-806 provides that the Department shall “[e]stablish reasonable fees for licensure and renewal of licensure”.

Act 2013, No. 1314, § 3, provides that an initial member appointed to the Board “as a licensed qualified interpreter member shall become licensed as a licensed qualified interpreter under [§ 20-14-801 et seq.] on or before January 1, 2014”.