

Interpreter Work group Minutes – July 27, 2010

2 sites participated in the DDN meeting including: Sioux Falls & Redfield

Those in attendance include:

Grady Kickul
Janet Ball
Diane Svacina
Pat Rieter to replace Bobbie Beth Scoggins
Nikki Darland sitting in for Tom Kober
Larry Puthoff
Lisa Fowler
Mitch Richter
Kasey Entwisle
Interpreters – Julie Paluch and Ryan Strege
DRS secretary-Linda Noonan

The following were not present:

Todd Christensen
Lance Sigdestad
Mark Koterwski
Greta Howe
Ann Larson
Marlee Dyce
Christa Gunderson
Beth Driesen

Grady welcomed everyone back and clarified that this is not a decision making meeting. We will be introducing draft administrative rule changes that have been drafted and will be reviewing each area during this meeting for you to take back to your constituents for their comments and then we will further discuss it at the next meeting.

Janet reviewed the December meeting minutes then gave a brief review of the new codified law changes that were implemented during the last legislative session. House Bill No. 1028 was introduced and because of the hard work we did prior to introducing the bill, it had a smooth transition through the legislative process. It was heard in the House Health & Human Service and passed by a unanimous vote. It was then heard on the Senate Health & Human Services and maybe had 1 negative vote. Then it was placed on the consent calendar. It was signed by Governor Rounds and went into law.

Following changes were adopted:

1. CEU requirements changed to 80 hours every 4 years instead of 125 hours every 5 years to match what is on the national level.
2. Another change is to give the department the authority to promulgate rules for professional conduct. The law will give us authority to promulgate rules for standards of practice for professional conduct and discipline.

3. Grant an extension or exception options to CEU requirements due to an extreme circumstance, such as a death in the family or a person called to active duty by the National Guard. We can make it as strict as we want.

A copy of draft rules were handed out for review. This is just a draft open for discussion and a starting point. We will be coming back for another meeting after you have had a chance to discuss these draft rules with your constituents.

Grady outlined the rules process indicating a Rules Review Committee is a committee of 6 legislators assigned to review proposed administrative rule changes and approve or deny them. Grady gave the dates for future rules review committee meetings with a suggestion that we prepare for either the Nov. 17 or Dec. 20 meeting dates. Grady prefers Nov. 17 as it gives us enough time to meet a couple more times and also will give us time for the public meeting process for public input as required by the rules process. Hopefully we will be ready for a public meeting in mid to late Sept. For the public meeting Grady is recommending conducting it via a DDN/video conference with sites around the state. Grady also indicated that the Rules Review Committee does allow for DDN/video conference for their meetings, so for the Nov.17 we should all be able to participate in the rule review committee hearing.

Janet did a review of the proposed rule changes drafted by DRS and stressed that these are draft for review and comment. What was added new is underlined and what we are eliminating shows a strike through.

On Page 12, we added a new section: Continuing education maintenance cycle and extension. Page 16 – Division shall consider granting a 1 year extension of the continuing education maintenance cycle upon written request by an interpreter in good standing. The division shall grant an extension based on the inability to accrue the required number of continuing education contact hours for any sudden traumatic, life-altering event that disrupts the life of the certified interpreter or immediate family member for a considerable amount of time. This may be granted only once in the interpreter’s lifetime. This is similar to the national which we want to mirror.

Mitch – Once in the lifetime sounds too strict? An example would be if a person gets cancer and may need an extension; then 10 years later, health concerns again. Once in a lifetime seems like a pretty long time.

The group agreed and it was decided to take out “This may be granted only once in the interpreter’s lifetime”. Grady also agreed as we want to keep folks in the profession not take them out.

Continuing education maintenance cycle on page 15 and 16. Each interpreter must complete a minimum of 80 contact hours during a 4 year maintenance cycle. Each cycle is 4 years. However, the first cycle may be longer based on when the division receive the initial application on a newly registered EIPA applicant. All subsequent cycles will be exactly 4 years to begin Sept.1 and end Aug. 31. It was determined at prior work group

meetings that everyone wanted a later date to register so all registrations will end Aug. 31 with a renewal date of September 1. This will only apply to those with national certification, EIPA and SD certification.

Diane asked about Provisional certification and if they are included. This was discussed and everyone agreed that Provisional Certified individuals should stay staggered due to their mentoring and CEU requirements which are different.

The department can now promulgate rules for a code of professional conduct and for a procedure for discipline. When you look at page 1 you see “Denial, suspension, or revocation of certificate” then “appeal of denial, suspension, or revocation of certificate”, then “Time and place of hearing”. On page 2 we added 3 new sections “Notice to division of complaint”, “Notice to interpreter of complaint”, and finally “Investigation of complaint”. The last three should be something that happens prior to the first 3 listed. Janet will check with our legal department to see if this needs to be kept in this order or if they can be listed in the order that the process actually happens.

Page 5 Denial, suspension, or revocation of certificate – these are all the reasons a person certified could be denied. This was left all the same with no changes.

Page 8, Notice to division of complaint against a certified interpreter shall be in writing, should outline the complaint with facts, and our address. The process for notice to the interpreter of complaint is, once the complaint has been received, there are 10 business days for the division to provide written notice to the interpreter by certified mail. The interpreter must send a written notice within 30 days after the receipt of the written notice. The division shall process the complaint and an investigation shall be conducted. Also the right to an appeal is present using the current fair hearings process.

Investigating of the complaint – Mitch felt we should add a time line to this since there are time lines associated with the rest of the process. Mitch recommended the division should have 90 days from receiving the complaint for investigating the complaint.

Decision making on the complaint: Currently it is identified that within 10 business days the director should make the decision. Discussion followed who should be making the decision on the complaint. Should Grady determine the decision and reviewed by the department secretary? Or should the complaint go to Janet for a determination and then reviewed by Grady? Not sure to what level the department secretary normally is involved in this process.

Lisa asked if during the investigation process – “do we put the interpreter on extended leave.” It was determined that we don’t have that authority as they have not been found guilty yet so we cannot suspend them.

We then discussed if this discipline process applied to just SD or national. It was agreed that it applies to everyone who registers with SD. It was agreed that we cannot take away a national certification but we can determine whether or not we to register them to work

in SD. We want to protect the deaf and hard of hearing citizens of SD so the discipline process must apply to all those who work for remuneration in SD.

We now have the authority for code of professional conduct but where do we place it? Go under number items, definition sections, or stand off by it self? Something to discuss with your constituents.

Page 23 Lisa – would like to review the allowances for interpreters for medical, educational, or legal settings.

We have an opportunity to implement law change and there is a time line to do that. We can look at the rules for legal and medical settings and if something we can agree on, we could add rules to Nov. 7 meeting.

The Division will send out notice of next meeting.

Items for further discussion at next meeting

1. **Extension for good cause:** The group agreed to take out “This may be granted only once in the interpreter’s lifetime” allowing for more than one extension.
2. **Provisional Certification renewal date:** Should Provisionally Certified individuals also be required to register on the same date as SD and Nationally certified individuals.
3. **Investigating of the complaint:** should we add a time line of 90 days to when the department should have their investigation completed since there are time lines associated with the rest of the process.
4. **Order of Complain Process:** Janet will check with the legal department regarding placement of complaint order and if it can be renumbered and put in proper order.
5. **Complaint Decision Process:** Grady is not sure to what level the department secretary normally is involved in this process. Grady will check into this and have answers at the next meeting
6. **Discipline Process:** The group felt it was important to have all interpreters who register to work for remuneration, be held to the same discipline process.
7. **Code of Professional Conduct:** Where in our rules to we reference the RID code of professional conduct. Grady will follow-up with DHS legal

Items for Discussion as we Continue on with our Interpreter Workgoup

1. Legal and Medical Settings
2. Provisional Certification: Is the process working?