Interpreter Work group Minutes – Aug. 24, 2010

3 sites participated in the DDN meeting including: Sioux Falls, Redfield & Pierre. Rapid City later notified Janet that they were on line and could hear the meeting but was unable to participate due to microphone problems.

Those in attendance include:
Grady Kickul – arrived late due to scheduling conflicts
Janet Ball
Diane Svacina
Ann Larson
Pat Rieter
Tom Kober
Mark Johnson
Lisa Fowler
Vicki Yeager – sitting in for Kasey Entwisle
Interpreters – Julie Paluch and Ryan Strege
DRS secretary-Linda Noonan

The following were not present:
Mitch Richter
Kasey Entwisle
Todd Christensen
Lance Sigdestad
Larry Puthoff
Mark Koterwski
Greta Howe
Marlee Dyce
Christa Gunderson
Beth Driesen

- Janet welcomed everyone, did a roll call of the sites and announced substitutes for the meeting and the addition of Marje Kaiser to the group from SDSD.
- Janet explained to the group that Grady will arrive late as he had another meeting to attend and would be traveling in from Aberdeen.
- Review of minutes from the last meeting. There were 2 items discussed prior to approval of the minutes:
  1. Mark Johnson's name will be added to the not present group.
  2. Lisa remarked on the section pertaining to granting an extension. The minutes indicated that the group approved of this. Lisa questioned that the minutes should read that the group was to take this agenda item back to their constituents for discussion. It was agreed to leave the notes as is.
- Prior to the meeting an agenda was sent out to the workgroup members along with an updated draft of the rules. Agenda items up for discussion:
  1. Extension for good cause.
  2. Provisional Certification renewal date.

3. Investigating of the complaint time line.
4. Order of Complaint Process.
5. Complaint decision process.
6. Discipline process.
7. Code of professional conduct.

- Changes that were made to each agenda item were outlined, followed by discussion.

Extension for good cause:

- "An extension may be granted only once in the interpreter's lifetime" was taken out. Even though this is not in line with the National Level the group agreed to take this out.
- Lisa was concerned who would be making the decision for the extension. Discussion then followed focusing on this concern stressing the need for an advisory committee to the department. The workgroup felt they wanted more control in the process. Lisa also felt that the decision needed to be knowledge based which she felt members of the workgroup possessed.
- Pat supported the once in a lifetime and the need for an advisory committee stressing the need for a good balance of who would review these requests.
- Janet clarified that the decision would not be based on knowledge pertaining to an interpreter's skills or conduct but rather due to a medical reason or a life altering experience that prevented an interpreter from achieving their hours.
- Lisa wants to add "simple failure to accrue the required number of continuing education hours is not an appropriate reason to request an extension to the CMP cycle.
- Tom expressed concern for those in rural areas getting behind on their hours and not being able to catch up due to lack of technology and training opportunities in rural areas.
- It was decided the rule language was ok, just the decision process is still in question.

Provisional Certification renewal date:

- Left as is. They need 25 continuing education hours a year and 8 hours of mentoring a month which is different from national and state held certification. No further discussion.

Investigating of the complaint

- It was recommended to add a time frame to investigating a complaint since there are time frames associated with the rest of the process.
- 90 days was added which was approved by the group.

Order of complaint process

- Grady checked the complaint process within the department which is as follows:
  1. A complaint goes to our division first; division processes the complaint and investigates it within 90 days.
  2. The Division decides on the complaint and determines corrective action & time frame; if not carried out then deny or suspend. Notification of right to appeal is provided.

3. Appeal of decision must be made within 30 days to the Division Director; then can request a fair hearing.

- Tom questioned if there is a language the department doesn't understand, will it be referred to someone else as it may need an expert.
- Janet– Decisions will be made within the division and our legal department will be consulted. We could also consult with experts with RID. If the complaint is based on a felony, impersonates another person, fraud, deception, mentally incompetent, etc, this decision can be made within the division as this normally does not falls under issues associated with language but for other issues associated with confidentiality or the RID code of professional conduct, in addition to our legal department, the RID could be consulted
- Tom and Lisa stressed the need for an advisory group and the need for workgroup ownership in this process.
- Pat stressed the need for keeping the decision locally without the aid of the national association. This can be dealt with in SD with an advisory committee of experts who can volunteer.
- Janet indicated that is something that needs to be discussed with Grady present.
- Mark asked "how do people file a complaint"? Can it be through video?
- Janet outlined that the rules indicate in writing.

Placement of complaint order

- Janet checked with legal department and we can rearrange the numbers so that the complaint process is numbered in the order of the complaint filing.
- This has been changed in the amended rules

Discipline Process

- No changes. The group felt it was important to have all interpreters who register to work for remuneration, be held to the same disciple process, including national, SD, Provisional and EIPA interpreters

Code of Professional Conduct

- This was added as item #14 under the list of causes for denial, suspension or revocation of certificate.
- The RID Code of Professional Conduct was also put in the cross reference location to provide information on where to find a copy of the Code of Professional Conduct.
- Workgroup ok with this.

EIPA certificates

- It was noticed there was a loophole in renewal and initial registration for EIPA certified individuals.
- If an interpreter with EIPA certification fails to register on time, they still hold an EIPA testing score which is still valid and could re-register initially without meeting the CEU requirements for annual registration.

- Language was added to the rules that if an EIPA certified interpreter allows their EIPA certification to lapse and then re-applies through the initial registration process they would still be required to meet the continuing education requirements.
- The group was fine with this language.

Grady arrived and asked if the group had any questions for him.

- One major question was the complaint process and how we handle it and the need for an advisory committee.
- Grady stressed that would involve taking on the role of a board which is different than a workgroup. It is ok to have an ongoing workgroup to discuss concerns and discuss law changes and administrative rule recommendations.
- The Department has a complaint process which they follow and we are not in a position to support a board at this time.

Steps as we proceed with our rules

- Grady then outlined the process as we move forward for adoption of the rules.
    1. Anticipating an Oct 25th public hearing.
    2. The public meeting will be in Pierre. This could be held over the DDN system.
    3. We are working towards a Nov 17 Interim Rule Review Committee Hearing date.
    4. Schedule one more meeting in September before our public meeting. Janet will get further information out on that date but we are anticipating a September 20th date.
    5. Will mail the rule package to interpreters and this work group. If you have anyone you want to receive this package, get their name and address to Janet so she can add them to the list.
    6. Send a draft copy of our rules over to the legislature research council for their review. These rules then come back to our department with recommended language changes and what we can and cannot do in our rules.

Next meeting will be September 20th at the Rehab Center for the Blind.