REQUESTING THAT THE DEPARTMENT OF HEALTH, OFFICE OF LANGUAGE ACCESS, AND DISABILITY AND COMMUNICATION ACCESS BOARD JOINTLY CONVENE A WORKING GROUP OF STAKEHOLDERS TO EXAMINE THE NEED FOR POSSIBLE REGULATION AND OVERSIGHT OF AMERICAN SIGN LANGUAGE INTERPRETERS AND AMERICAN SIGN LANGUAGE INTERPRETER REFERRAL AGENCIES IN HAWAII.

WHEREAS, American Sign Language (ASL) interpreters provide a critical service to deaf, hard of hearing, deaf-blind, and hearing individuals and public agencies in the State who wish to effectively communicate with each other in a variety of settings and circumstances; and

WHEREAS, the Disability and Communication Access Board (DCAB) notes there is an increased need statewide for communication access provided by ASL interpreters, as reflected in the number of requests made to local interpreter referral agencies; and

WHEREAS, Hawaii has an existing network of ASL interpreters and ASL interpreter referral agencies that provide services throughout the State to assist with effective communication, including the listing by DCAB of ASL language interpreters credentialed through the DCAB's Hawaii Quality Assurance System for sign language interpreter services or through national certification, as well as ASL interpreter referral agencies; and

WHEREAS, DCAB currently tests and credentials ASL interpreters at the state level, while the Registry of Interpreters for the Deaf certifies ASL interpreters at the national level, and a public listing is currently published that shows each certified interpreter or referral agency's level of credentials, preferred assignment types, island location, and contact information; and
WHEREAS, it is uncertain whether the anticipated future
growth in ASL interpreter services requires regulation of these
service providers through licensure, which is the highest level
of regulation available for many other regulated and licensed
professionals, such as doctors, audiologists, and speech
pathologists; and

WHEREAS, deaf consumers of ASL interpreting services have
raised concerns regarding ASL interpreters breaching the
professional code of conduct and having no agency with which to
file grievances; and

WHEREAS, for a locally credentialed ASL interpreter who may
not follow a professional code of conduct, there is no grievance
procedure for a deaf or hearing user of ASL interpreter services
to file a complaint or have any recourse, other than not to use
that particular ASL interpreter in the future; and

WHEREAS, consideration should be given regarding whether
the adoption of additional standards of quality for ASL
interpreters would help ensure a better level of service from
providers, or whether increasing the promotion and visibility of
DCAB's current Hawaii Quality Assurance System and listing of
ASL interpreters and ASL interpreter referral agencies
credentialled in the State is necessary to ensure users have a
better understanding of credentials or levels of quality amongst
service providers; and

WHEREAS, the State of Hawaii is the largest purchaser of
ASL interpreter services in the State, and as a Title II entity
under the Americans with Disabilities Act, it is imperative that
the State strive to ensure individuals who are deaf, hard of
hearing, or deaf-blind are receiving high quality services from
professionals who provide ASL interpreter services; now,
therefore,

BE IT RESOLVED by the Senate of the Twenty-ninth
Legislature of the State of Hawaii, Regular Session of 2017, the
House of Representatives concurring, that the Department of
Health, Office of Language Access, and the Disability and
Communication Access Board are requested to jointly convene a
working group to examine the need for possible regulation and
oversight of ASL interpreters and ASL interpreter referral agencies in Hawaii; and

BE IT FURTHER RESOLVED that the working group include representatives or designees from the following:

(1) Department of Human Services, Division of Vocational Rehabilitation, Deaf Services Section;

(2) Department of Human Services, Division of Vocational Rehabilitation, Deaf and Hard of Hearing Advisory Board;

(3) Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division;

(4) Hawai‘i State Judiciary, Office on Equality and Access to the Courts;

(5) Kapi‘olani Community College, Interpreter Education Program;

(6) Pacific Disabilities Center;

(7) Hawaii School for the Deaf and the Blind;

(8) Hawaii Interpreting Services;

(9) Isle Interpret;

(10) Hawaii Registry of Interpreters for the Deaf, Inc.; and

(11) Aloha State Association of the Deaf; and

BE IT FURTHER RESOLVED that the working group is requested to determine the optimal level of any regulation of ASL interpreters and ASL interpreter referral agencies in Hawaii — from registration, to certification, to licensure — and determine the impact any such regulation would have on the availability of ASL interpreter services, including the impact on fees charged for services, credentialing, professional
development for ASL interpreters, sanctions, and penalties for improper conduct if a professional licensing program were to be established in Hawaii; and

BE IT FURTHER RESOLVED that the working group is also requested to consider the following factors when conducting its review of the need for regulation and oversight of ASL interpreters and ASL interpreter referral agencies in Hawaii:

(1) Review and define existing and potential concerns from deaf and hearing consumers of ASL interpreter services and ASL interpreter referral agency services, including a review of concerns presented to various agencies;

(2) Examine the characteristics of the current environment for ASL interpreters, paying agencies, and hearing consumers in Hawaii, including the current number of ASL interpreters, ASL interpreter referral agencies, and consumers; the level of training and credentialing and service code of professional conduct used by ASL interpreters currently working in Hawaii; and the estimated expansion of the demand for ASL interpreters in the State;

(3) Possible frameworks and requirements and fees for ASL interpreter regulation in Hawaii, including a review of registration (including credentialing and quality standards), certification, or licensure; and

(4) The positive and negative impacts of ASL interpreter regulation and standards and fees in other states, for the various levels of regulation examined; and

BE IT FURTHER RESOLVED that the working group is requested to submit findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2018; and

BE IT FURTHER RESOLVED that the working group cease to exist on June 30, 2018; and
BE IT FURTHER RESOLVED that certified copies of this
Concurrent Resolution be transmitted to the Director of Health;
Director of Commerce and Consumer Affairs; Director of Human
Services; Executive Director of the Office of Language Access;
Executive Director of the Disability and Communication Access
Board; Administrator of the Division of Vocational
Rehabilitation; Chair of the Deaf and Hard of Hearing Advisory
Board; Coordinator of the Office on Equality and Access to the
courts; Coordinator of the Interpreter Education Program,
Kapi'olani Community College; Director of the Pacific
Disabilities Center; Principal of the Hawaii School for the Deaf
and the Blind; Owner of Hawaii Interpreting Services; President
of Isle Interpret; President of the Hawaii Registry of
Interpreters for the Deaf, Inc.; and President of the Aloha
State Association of the Deaf.