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# SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO 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.

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

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

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

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21           WHEREAS, DCAB currently tests and credentials ASL  
22 interpreters at the state level, while the Registry of  
23 Interpreters for the Deaf certifies ASL interpreters at the  
24 national level, and a public listing is currently published that  
25 shows each certified interpreter or referral agency's level of  
26 credentials, preferred assignment types, island location, and  
27 contact information; and

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1 WHEREAS, it is uncertain whether the anticipated future  
2 growth in ASL interpreter services requires regulation of these  
3 service providers through licensure, which is the highest level  
4 of regulation available for many other regulated and licensed  
5 professionals, such as doctors, audiologists, and speech  
6 pathologists; and  
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8 WHEREAS, deaf consumers of ASL interpreting services have  
9 raised concerns regarding ASL interpreters breaching the  
10 professional code of conduct and having no agency with which to  
11 file grievances; and  
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13 WHEREAS, for a locally credentialed ASL interpreter who may  
14 not follow a professional code of conduct, there is no grievance  
15 procedure for a deaf or hearing user of ASL interpreter services  
16 to file a complaint or have any recourse, other than not to use  
17 that particular ASL interpreter in the future; and  
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19 WHEREAS, consideration should be given regarding whether  
20 the adoption of additional standards of quality for ASL  
21 interpreters would help ensure a better level of service from  
22 providers, or whether increasing the promotion and visibility of  
23 DCAB's current Hawaii Quality Assurance System and listing of  
24 ASL interpreters and ASL interpreter referral agencies  
25 credentialed in the State is necessary to ensure users have a  
26 better understanding of credentials or levels of quality amongst  
27 service providers; and  
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29 WHEREAS, the State of Hawaii is the largest purchaser of  
30 ASL interpreter services in the State, and as a Title II entity  
31 under the Americans with Disabilities Act, it is imperative that  
32 the State strive to ensure individuals who are deaf, hard of  
33 hearing, or deaf-blind are receiving high quality services from  
34 professionals who provide ASL interpreter services; now,  
35 therefore,  
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37 BE IT RESOLVED by the Senate of the Twenty-ninth  
38 Legislature of the State of Hawaii, Regular Session of 2017, the  
39 House of Representatives concurring, that the Department of  
40 Health's Office of Language Access and the Disability and  
41 Communication Access Board are requested to convene a working  
42 group to examine the need for possible regulation and oversight



1 of ASL interpreters and ASL interpreter referral agencies in  
2 Hawaii; and

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

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7 (1) Department of Health;

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9 (2) Office of Language Access;

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11 (3) Disability and Communication Access Board;

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13 (4) Department of Human Services, Division of Vocational  
14 Rehabilitation, Deaf Services Section;

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16 (5) Department of Human Services, Division of Vocational  
17 Rehabilitation, Deaf and Hard of Hearing Advisory  
18 Board;

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20 (6) Department of Commerce and Consumer Affairs,  
21 Profession and Vocational Licensing Division;

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23 (7) Hawai'i State Judiciary, Office on Equality and Access  
24 to the Courts;

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26 (8) Kapi'olani Community College, Interpreter Education  
27 Program;

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29 (9) Pacific Disabilities Center;

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31 (10) Hawaii School for the Deaf and the Blind;

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33 (11) Hawaii Interpreting Services;

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35 (12) Isle Interpret;

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37 (13) Hawaii Registry of Interpreters for the Deaf, Inc.;  
38 and

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40 (14) Aloha State Association of the Deaf; and

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

11  
12 BE IT FURTHER RESOLVED that the working group is also  
13 requested to consider the following factors when conducting its  
14 review of the need for regulation and oversight of ASL  
15 interpreters and ASL interpreter referral agencies in Hawaii:

- 16  
17 (1) Review and define existing and potential concerns from  
18 deaf and hearing consumers of ASL interpreter services  
19 and ASL interpreter referral agency services,  
20 including a review of concerns presented to various  
21 agencies;
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23 (2) Examine the characteristics of the current environment  
24 for ASL interpreters, paying agencies, and hearing  
25 consumers in Hawaii, including the current number of  
26 ASL interpreters, ASL interpreter referral agencies,  
27 and consumers; the level of training and credentialing  
28 and service code of professional conduct used by ASL  
29 interpreters currently working in Hawaii; and the  
30 estimated expansion of the demand for ASL interpreters  
31 in the State;
- 32  
33 (3) Possible frameworks and requirements and fees for ASL  
34 interpreter regulation in Hawaii, including a review  
35 of registration (including credentialing and quality  
36 standards), certification, or licensure; and
- 37  
38 (4) The positive and negative impacts of ASL interpreter  
39 regulation and standards and fees in other states, for  
40 the various levels of regulation examined; and  
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1 BE IT FURTHER RESOLVED that the working group is requested  
2 to submit findings and recommendations, including any proposed  
3 legislation, to the Legislature no later than twenty days prior  
4 to the convening of the Regular Session of 2018; and  
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6 BE IT FURTHER RESOLVED that the working group cease to  
7 exist on June 30, 2018; and  
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9 BE IT FURTHER RESOLVED that certified copies of this  
10 Concurrent Resolution be transmitted to the Director of Health;  
11 Director of Commerce and Consumer Affairs; Director of Human  
12 Services; Executive Director of the Office of Language Access;  
13 Executive Director of the Disability and Communication Access  
14 Board; Administrator of the Division of Vocational  
15 Rehabilitation; Chair of the Deaf and Hard of Hearing Advisory  
16 Board; Coordinator of the Office on Equality and Access to the  
17 Courts; Coordinator of the Interpreter Education Program,  
18 Kapi'olani Community College; Director of the Pacific  
19 Disabilities Center; Principal of the Hawaii School for the Deaf  
20 and the Blind; Owner of Hawaii Interpreting Services; President  
21 of Isle Interpret; President of the Hawaii Registry of  
22 Interpreters for the Deaf, Inc.; and President of the Aloha  
23 State Association of the Deaf.  
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