AGENDA

Standing Committee on Communication Access Meeting

Location: AAFES Building
         919 Ala Moana Blvd., Fifth Floor Conference Room
         Honolulu, HI 96814

Date:    July 20, 2017
Time:    1:30 p.m.

I.    Call to Order

II.   Introductions

III.  Approval of June 29, 2017 Meeting Minutes

IV.   Old Business

   A.   Hawaii Quality Assurance System – Update

   B.   Amend Hawaii Administrative Rules, Title 11, Chapter 218, “Communication
         Access Services for Deaf, Hard of Hearing, and Deaf-Blind” – Continued
         Discussion

V.    New Business

   A.   Funding for Local Organizations Sponsoring Continuing Education
        Workshops for Sign Language Interpreters

   B.   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

   C.   Legislation on Open Captioning and Audio Descriptions at Movie Theaters

VI.   Next Meeting

VII.  Announcements

VIII. Open Forum: Public comment on issues not on the agenda, but to be considered for
      placement on a future Committee meeting agenda.

IX.   Adjournment

If you require an auxiliary aid or accommodation due to a disability, please contact (808) 586-8121 or email at dcab@doh.hawaii.gov by July 14, 2017.
Standing Committee on Communication Access Meeting

Location: AAFES Building
919 Ala Moana Blvd., Fifth Floor Conference Room
Honolulu, HI 96814

Date: July 20, 2017
Time: 1:30 p.m.

PRESENT: Misella Tomita, Chairperson; Ed Chevy, Nikki Kepoo, Board Members;
Francine Wai, Kirby Shaw, Colin Whited, Staff

SIGN LANGUAGE
INTERPRETERS: Jenny Blake and Patty Sakal

GUESTS: Peggy Liang, Laura Safranski

I. Call to Order
Chairperson Misella Tomita called the meeting to order at 1:30 p.m.

II. Introductions
The attendees introduced themselves.

III. Approval of June 29, 2017 Meeting Minutes
The Committee approved the June 29, 2017 minutes (M/S/P Kepoo/Chevy).

NOTE: The minutes were written in the order the items were shown on the agenda, not as they were discussed at the meeting.

IV. Old Business

A. Hawaii Quality Assurance System (HQAS) – Update

Staff reported that DCAB is still awaiting the results of the Hawaii Quality Assurance System (HQAS) test administered on June 16, 2017. The DCAB web site currently notifies the community that the HQAS test will be offered upon request. Previously, the test had been offered on specific dates throughout the year.
B. Amend Hawaii Administrative Rules, Title 11, Chapter 218, “Communication Access Services for Deaf, Hard of Hearing, and Deaf-Blind” — Continued Discussion

At the June 29, 2017 meeting, staff distributed copies of section 11-218-8, Hawaii Administrative Rules (HAR) that incorporated the amendments made to subsections (b) and (d) by the Committee at its meeting on April 25, 2017. The Committee accepted the proposed language for subsection (b) concerning preferred providers being “qualified” and the use of the mandatory “shall” versus the advisory “should” as a legal requirement to hire qualified interpreters. The Committee further amended subsection (d) to read as follows:

(d) For assignments of continuous work (for example, a workshop or meeting), the state agency shall request a minimum of two providers to actively and alternately work for the total time of assignment.

The Committee then tabled a vote on approving section 11-218-8, HAR as amended until the next (today’s) meeting. Upon having the motion taken from the table, and after some discussion, the Committee voted to adopt the amended language.

MOTION: Subsection (d) shall be amended to read as follows: “For assignments of continuous work (for example, a workshop or meeting), the state agency shall request a minimum of two providers to actively and alternately work for the total time of assignment” (M/S/P Kepoo/Chevy).

Staff distributed copies of the Functional Description of Hawaii Quality Assurance System (HQAS) Levels, last revised May 20, 2010.

Staff noted that a couple of comments received from the interpreter community merited discussion concerning the Functional Description of HQAS Levels. The first concern involved language in the Functional Description referencing professional development/education and national certification. For example, the Functional Description for an HQAS Level V states: “A person holding a Level V credential should be pursuing national certification.” Also, the Functional Description for an HQAS Level IV includes: “A Level IV interpreter should be continuing to pursue professional education or national certification,” and the Functional Description for an HQAS Level III contains: “A Level III interpreter should be actively involved in professional development efforts.”

The commenter stated that an HQAS credential serves as a validation of a sign language interpreter-transliterator's ability to facilitate effective communication. Thus, the commenter proffered that the Functional Description goes beyond the scope of the HQAS credential by including language encouraging further certification or education. Moreover, staff said such language is misleading in how it appears to suggest that the HQAS credential is inferior to other credentials or certifications. After discussion,
the Committee voted to amend the language of the Functional Description of HQAS Levels.

**MOTION:** DCAB shall remove from the Functional Description of Hawaii Quality Assurance System (HQAS) Levels any reference to pursuing further professional development or certification (M/S/P Kepoo/Chev).

The commenter's other concern was with language in the Functional Description specifying assignments credentialed interpreters should not accept. For example, the Functional Description for an HQAS Level IV states: "A Level IV interpreter should avoid critical medical situations, criminal court, and civil court jury trials," and the Functional Description for an HQAS Level III includes: "A Level III interpreter should not accept assignments for legal, mental health, or critical medical situations."

In addition to concerns expressed earlier about exceeding the scope of HQAS, the commenter added that the Functional Description should be an affirmative statement of the abilities of a credentialed HQAS interpreter-transliterator. After discussion, the Committee voted to further amend the language of the Functional Description of HQAS Levels.

**MOTION:** The Functional Description of Hawaii Quality Assurance System (HQAS) Levels shall focus on what assignments an interpreter is capable of, and not what assignments they should avoid (M/S/P Kepoo/Chev).

Staff will provide new language in the next draft.

V. **New Business**

A. **Funding for Local Organizations Sponsoring Continuing Education Workshops for Sign Language Interpreters**

Staff distributed copies of DCAB’s new “Request for Funding Application Form” for local organizations wishing to sponsor ASL interpreter CEU workshops. Committee members and guests were asked to review the application form and provide comments or feedback by the end of July 2017. The initial deadline to apply for funding will be the end of September 2017, after which the Committee will be able to review applications and determine which workshop(s) to fund.

Staff is proposing that DCAB budget $1,600 for this fund. DCAB has already contributed $2,400 to the Hawaii Registry of Interpreters for the Deaf as a co-sponsor of three workshops to be hosted on September 15 and 16, 2017 at Kapiolani Community College. Because the $2,400 came out of DCAB’s fiscal year 2016-2017 budget, there is not a need to plan and budget for as many workshops in fiscal year 2017-2018.

B. **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

Staff reported that due to a number of factors, including budgetary constraints and availability of staff time, concerns were raised regarding the scope of work outlined in Senate Concurrent Resolution (SCR) 32. After discussion between the joint conveners – the Department of Health (DOH), Office of Language Access (OLA), and DCAB – it was agreed that the scope of the work outlined in SCR 32 is too ambitious. Instead of conducting an impact study and making recommendations on the possible regulation of sign language interpreters and sign language interpreter referral agencies, the bulk of the working group’s efforts shall focus on fact-finding. Instead of a comprehensive analysis, the group will compile information and options concerning the possible regulation of sign language interpreters and sign language interpreter referral agencies.

Staff announced that the goal is to convene the working group for an initial meeting and a final meeting, with a possible third meeting in between. Ideally, the first working group meeting will take place during the first week of September 2017.

C. Legislation on Open Captioning and Audio Descriptions at Movie Theaters

Staff distributed copies of Governor’s Message No. 1325, which included Act 211, the enacted version of House Bill 475, CD1. House Bill 475 was introduced in January 2017 as part of the Deaf and Blind Task Force Package, with the simple intent of removing the sunset date of Act 39 of the 2015 Legislature. Act 39 required select motion picture theaters in the State to provide open movie captioning during at least two showings per week of each motion picture that is produced and offered with open movie captioning. It was slated to sunset on January 1, 2018, three years after introduction.

Despite HB 475 moving through the Legislature without opposing testimony, the bill was amended in Conference Committee with no public hearing to do the following instead: Require movie theaters to offer either (a) one, instead of two, movie showings in open captioning or (b) provide lightweight eyewear to view the closed captioning.

The enactment of HB 475, CD1 immediately eliminated protections afforded by Act 39. Under the Americans with Disabilities Act (ADA), movie theaters already must provide a system to view closed captioning and effectively eliminates the open captioned showing requirement. This would also actually give a proprietary advantage to the lightweight eyewear manufacturer.

Staff recommended drafting a new bill to be included in the Governor’s Administrative Package for the 2018 Legislature. The aim of this bill will be to re-enact open captioning requirements repealed by Act 211. After discussion, the Committee agreed to support staff recommendation and draft new legislation.

**MOTION:** DCAB shall write a new bill re-enacting open captioning requirements repealed by Act 211 and propose it for
VI. Next Meeting

The next meeting is scheduled for Tuesday, August 1, 2017 at 11:00 a.m. at 1010 Richards Street (Kamamalu Building) in Room 118.

VII. Open Forum: There were no comments from the public.

VIII. Adjournment

The meeting adjourned at 2:48 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

COLIN M. WHITED