AGENDA

Standing Committee on Communication Access Meeting

Location: Kamamalu Building
1010 Richards Street, Conference Room 111A
Honolulu, HI 96813

Date: June 19, 2018
Time: 11:00 a.m.

I. Call to Order

II. Introductions

III. Approval of May 29, 2018 Meeting Minutes

IV. Old Business
   A. Amend Hawaii Administrative Rules, Title 11, Chapter 218, “Communication Access Services for Deaf, Hard of Hearing, and Deaf-Blind” – Update
   B. Plan of Action for Fiscal Year 2018 – 2019
   C. Communication Access Card
   D. Emergency Alerts – Access for Individuals with Communication Access Needs

V. New Business

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 (V), (808) 586-8162 (TTY) or email at dcab@doh.hawaii.gov by June 14, 2018.
Standing Committee on Communication Access Meeting

Location: Kamamalu Building
1010 Richards Street, Conference Room 111A
Honolulu, HI 96813

Date: June 19, 2018
Time: 11:00 a.m.

PRESENT: Nikki Kepo’o, Chairperson; Misella Tomita, Board Member; Francine Wai, Kirby Shaw, Colin Whited, Kamaile Hopfe, Debbie Jackson, Staff; Peggy Liang, DCAB Intern

ABSENT: Ed Chevy, Board Member

SIGN LANGUAGE
INTERPRETERS: Heather Benjamin, Sarah Comerford

GUESTS: Mala Arkin (Individual), Lisa Bothwell (Federal Emergency Management Agency (FEMA)), Miki Gaspar (ASL and Interpreting Education Student, Rochester Institute of Technology), Shelli Holmes (FEMA), Brittany Irriarte (Graduation to Certification Student, St. Catherine University), Kammi Koza (Individual), Christopher Prudhom (FEMA)

I. Call to Order

Chairperson Nikki Kepo’o called the meeting to order at 11:10 a.m.

II. Introductions

The attendees introduced themselves.

III. Approval of May 29, 2018 Meeting Minutes

The Committee approved the May 29, 2018 minutes (M/S/P Tomita/Kepo’o).

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

Staff announced that proposed changes to the of the administrative rules were finalized at the previous Committee meeting on May 29, 2018. Since then, staff has worked on finalizing documents for submission to the Deputy Attorney General. When DCAB receives the go-ahead from the Deputy Attorney General, preparations will be made for the final steps to have the rules promulgated, which includes holding a public hearing.

B. Plan of Action for Fiscal Year 2018 – 2019

At the previous Committee meeting on May 29, 2018, the Committee voted to approve the Communication Access goals and objectives for the Plan of Action for Fiscal Year 2018–2019 for presentation at the DCAB Annual Planning meeting in July. Staff distributed an updated copy of the proposed Communication Access goals and objectives for Fiscal Year 2018–2019, and recommended that the Committee make three revisions.

The following two (2) staff recommendations were made for the purposes of housekeeping:

1) Merge Objective 3.2.1 with Objective 3.2.2 to read, “Provide technical assistance, including workshops and training sessions, to individuals with communication access needs on their right to effective communication (ASL interpreting, notetaking, audio description, and captioning) with an emphasis on state and county services.”

2) Merge Objective 3.3.1 with Objective 3.3.2 to read, “Provide technical assistance, including workshops and training sessions, to covered entities on their obligation to provide effective communication (ASL interpreting, notetaking, audio description, and captioning) with an emphasis on state and county services.”

The Objectives above are designated “Priority 1.”

The third and following staff recommendation was made for purposes of clarity:

3) Rework Objective 3.1.6 to read, “Keep informed of nationwide efforts on regulation and oversight of American Sign Language (ASL) interpreters or ASL interpreter referral agencies.”

The Objective above is designated “Priority 3.” It was reworded to reflect the scope of staff’s work to be done on Objective 3.1.6 during fiscal year 2018–2019. DCAB is interested in learning how different regulatory options related to ASL interpreting may improve effective communication. There are various efforts at the national level and in other states; for the purposes of Objective 3.1.6, it would be proactive for DCAB to keep informed of such efforts.
After brief discussion by the Committee and guests, the following motion was made:

**MOTION:** The Committee approved staff’s-recommended revisions to the proposed Communication Access goals and objectives for the Plan of Action for Fiscal Year 2018–2019 for presentation at the DCAB Annual Planning meeting in July (M/S/P Tomita/Kepo’o).

While on the topic of the proposed Communication Access goals and objectives, DCAB Executive Director Francine Wai took the opportunity to explain where efforts involving ASL interpreter mentoring fit in. She referenced Objective 3.1.2, which includes sponsoring workshops for sign language interpreters. For that Objective, DCAB could support a workshop about the process of mentoring. Objective 3.1.5 was also referenced, which includes supporting the capacity to develop qualified communication access service providers.

Francine Wai then went on to clarify DCAB’s role as it relates to mentoring of ASL interpreters. She explained that DCAB’s interest in mentoring is twofold:

1) Mentoring is a way for ASL interpreters to earn CEUs (Continuing Education Unit). Under the Hawaii Quality Assurance System (HQAS), DCAB currently allows for CEUs to be earned through a mentoring component under Independent Study. Registry of Interpreters for the Deaf (RID) similarly accepts mentoring via independent study. This option has no been frequently used and is an underutilized option for professional growth, perhaps because there are no structured mentoring options locally.

2) Mentoring is a way of improving the quality of existing ASL interpreters.

During the initial stages of amending the Administrative Rules, there was a recommendation that there be a formal mentoring requirement for HQAS III interpreters to renew their credential. This recommendation was abandoned because it would be difficult for DCAB to monitor, and there is no structured mentoring option locally. However, this did not diminish the value of mentoring; staff and the Committee recognize the vital role of mentoring in improving the quality of existing ASL interpreters. After receiving CEU workshop sponsorship applications in Fall 2017, the Board set aside $2,000 to enhance mentoring opportunities for ASL interpreters.

Francine Wai emphasized that DCAB is not an organization with expertise in curriculum or academic program development. An analogy was given referencing other programs within DCAB, where resources are not geared toward curriculum development for architects, special education teachers, attorneys, or similar professionals. However, DCAB is in the business of supporting continuing education opportunities to ensure that those professionals are better able to serve individuals with disabilities. That said, with respect to mentoring ASL interpreters, funds were set aside by the Board to support more mentoring options to improve skills of ASL interpreters. This
is not to be confused with DCAB spearheading the establishment of a structured mentoring option locally.

C. Communication Access Card

DCAB Intern Peggy Liang provided an update on progress made regarding the DCAB Communication Access Card. She announced that filming for a video about the card was recently completed. The video describes the card, including what is on it and how individuals may use it. The video also contained information on how to contact DCAB for further information.

Francine Wai provided an explanation to clarify some misinformation distributed in the community. She distinguished two different types of cards that DCAB has been working on. First is the DCAB Communication Access Card, which is a general card for individuals with communication access needs. This card is customizable and is intended to demonstrate an individual’s need for alternate means of communication. The card will allow for the individual to self-advocate for access to effective communication. Second is the language access card issued by The Queen’s Medical Center (Queen’s), which is a unique situation. Queen’s already has a variety of language access cards available for individuals with limited English proficiency (LEP) and DCAB inquired as to whether they would consider adding a card for individuals who use ASL. Queen’s agreed and subsequently asked DCAB to provide technical assistance in developing this card.

Francine Wai noted that a recent vlog post by the Aloha State Association of the Deaf (ASAD) questioned why DCAB is not seeking to place the card at hospitals other than Queen’s (e.g., Kaiser Permanente, Straub Medical Center, Pali Momi Medical Center). She clarified by explaining that the language access card is unique to Queen’s. DCAB is appreciative that Queen’s asked DCAB for technical assistance in developing an ASL version of its language access card. However, it is not DCAB’s intent to force other medical providers to have this card.

In the effort to develop the other card referenced in this section – the DCAB Communication Access Card – DCAB staff has worked to gather community feedback, including from ASAD, kupuna, and individuals who reside on the neighbor islands. Upon Peggy Liang’s internship completion, Miki Gaspar, an ASL and Interpreting Education Student at Rochester Institute of Technology, will work with staff on a distribution plan.

The Committee stressed the importance of involving members of the deaf, hard of hearing, and deaf-blind communities in communication access-related efforts. Staff added that DCAB has been involved with similar efforts earlier this fiscal year, such as working with the Honolulu Police Department to develop a communication card that officers carry. The Committee suggested that DCAB further this effort by engaging fire departments and other emergency responders.

D. Emergency Alerts – Access for Individuals with Communication Access Needs
Peggy Liang provided an overview of efforts related to accessible emergency information in Hawaii. She noted that several emergencies occurred throughout the State in 2018: the false ballistic missile alert on the morning of January 13, 2018; flooding that affected areas on Kauai and Oahu; and ongoing volcanic activity on Big Island.

It was explained that DCAB reached out to various stakeholders within the Deaf and Hard of Hearing (DHH) community to gather information about experiences during emergencies. Several common themes were identified. One was the language barrier that many face, especially given limited English proficiency and poor literacy rates among individuals who are DHH. Also, it was stated that many individuals are from other countries, which creates additional language barriers.

Staff noted that such language barriers result in a lack of awareness among DHH individuals during emergencies. For example, during the morning of January 13, most individuals received ballistic missile alerts via their smartphones. Local news broadcasts were not captioned, and it took the Hawaii Emergency Management Agency (HI-EMA) 38 minutes to announce that it was a false alert. It was announced via the radio, social media (e.g., Facebook and Twitter), and through local TV stations. Some DHH individuals interviewed by DCAB stated that they did not fully understand what was happening until later that day. Many relied on updates from friends or family members. This lag in obtaining up-to-date information is a common frustration within the DHH community.

Another common theme is how many rely on social media outlets such as Facebook for information, including live streaming and video posts. The concern with these sources is that information does not come directly from emergency management agencies or their partners, meaning details may be inaccurate or unreliable. On official government pages, live stream videos are not captioned and do not feature ASL interpreters. It was also noted that not all individuals use or have access to social media. This makes it difficult for such individuals to obtain information posted by emergency management agencies.

It was also reported that many individuals who are DHH rely heavily on the Internet. This is concerning because there are areas with limited access to broadband connection, meaning some individuals who are DHH may not be able to obtain information via the Internet. Because radio is audio-based, it is not an effective option. Additionally, some individuals do not possess a smartphone.

Further, it was explained that various news channels did not have captioning or ASL interpreters when broadcasting announcements related to emergencies. Television broadcast companies within the state indicate that they comply with current Federal Communications Commission (FCC) rules and regulations. Staff noted that there are many layers in regulating emergency broadcasts, especially when it comes to ensuring effective communication during times of emergencies. An example of this is where broadcasting companies feature an ASL interpreter onscreen, but do not add
captioning. This renders the content inaccessible for DHH individuals who do not use ASL.

Finally, it was noted that DHH individuals are concerned about disaster preparedness. Many asked whether they would be able to attend workshops or trainings offered to the community, and if accommodations such as real-time captioning or ASL interpreters would be provided.

Representatives from the Federal Emergency Management Agency (FEMA) were in attendance. They took the opportunity to explain the process of funding ADA accommodations during emergencies.

During natural disasters, funding initially comes from the local government (counties) to cover various expenses, including the provision of onsite ASL interpreters. Should funding be an issue, counties may request that funding come from the state, such as HI-EMA. It was explained FEMA only becomes involved when the governor makes a request for an emergency declaration and it is granted by the President of the United States. Further information about this can be found on FEMA’s website (https://www.fema.gov/public-assistance-frequently-asked-questions#Q01). An excerpt is shown below:

"Once a disaster has occurred, and the State has declared a state of emergency, the State will evaluate the recovery capabilities of the State and local governments. If it is determined that the damage is beyond their recovery capability, the governor will normally send a request letter to the President, directed through the Regional Director of the appropriate FEMA region. The President then makes the decision whether or not to declare a major disaster or emergency.

After a presidential declaration has been made, FEMA will designate the area eligible for assistance and announce the types of assistance available. FEMA provides supplemental assistance for State and local government recovery expenses, and the Federal share will always be at least 75 percent of the eligible costs."

The FEMA representatives further explained that once a declaration is made, Disaster Recovery Centers (DRC) are established and made available for people who need individual assistance. DRCs are often set up in community areas such as schools and shelters. FEMA shared that accommodations are available at DRCs, including effective communication via ASL interpreters. However, information about the availability of DRCs is usually shared at regular community update meetings. These meetings are hosted by the state or local government, meaning it is their responsibility to provide accommodations.

The FEMA representatives outlined three types of aid offered: Public assistance, individual assistance, and mitigation grants. For more information about assistance, including individual assistance, an online video in ASL was made available for Hawaii residents at the following url: <https://youtu.be/Nb3vsu0u8sg>.
The FEMA representatives also reiterated that issues of accessible emergency broadcasts do not fall under their scope. Instead, it was noted that these issues are addressed by the FCC.

V. New Business

None.

VI. Next Meeting

To be determined.

VII. Announcements

Staff announced that two (2) new Board members, Ami Tsuji-Jones and Justin "Pono" Tokioka, will officially join the Committee when their terms begin on July 1, 2018.

Staff also announced that Peggy Liang will be ending her internship on June 30, 2018. While her presence will be missed, we are excited to see what she will accomplish in her new job with the City and County of Honolulu, where she will monitor and evaluate nonprofit programs that receive funding through Federal grant programs.

VIII. Open Forum

The Committee raised a concern that individuals with communication access needs are struggling with access to effective communication services in medical settings. An example was given where a patient who is deaf recently faced barriers when a medical provider restricted the number of hours in which ASL interpreter services could be requested during an extended hospital stay. The Committee expressed concerns that the patient who is deaf was then left with no choice but to settle for less than effective means of communication, such as lip-reading.

Staff responded by reporting that DCAB has received multiple inquiries from medical providers about the Americans with Disabilities Act (ADA) requirements regarding effective communication. For example, there have been questions about requests for 24/7 onsite ASL interpreter services. In any case where an individual feels their ADA rights have been violated, they may file a complaint with the Hawaii Civil Rights Commission.

IX. Adjournment

The meeting adjourned at 12:53 p.m.

NOTE: All votes were unanimous unless otherwise noted.

Respectfully submitted,

COLIN M. WHITED