



## North Carolina Interpreter & Transliterators Licensing Board

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John W. Turcotte, Director  
Program Evaluation Division  
NC General Assembly  
300 N. Salisbury Street, Suite 100  
Raleigh, NC 27603-5925

Dear Mr. Turcotte,

The North Carolina Interpreter and Transliterators Licensing Board (the Board) appreciates the opportunity to review and respond to the Program Evaluation Division report 2014-15, an evaluation of the structure, organization, and operation of the various independent occupational licensing boards as defined by G.S. 93B-1.

The Board concurs with the reports finding that regulatory authority and administrative responsibilities should not be transferred from OLAs to a single state agency.

The Board's comments on the report recommendations are as follows:

**Recommendation 1. The General Assembly should establish an Occupational Licensing Commission to improve the effectiveness of occupational licensing boards and assist with resolving disputes between boards.**

The Board concurs that a single entity could help improve the effectiveness of the OLAs if the new entity:

1. Is not given regulatory authority over the individual OLAs,
2. Functions only in an advisory capacity to the OLAs,
3. Is designated as the sole entity for the filing of the annual report, audit report and any other reports required from the OLAs,
4. Reviews current complaint processes by the individual OLAs and makes recommendations based on best practices.

**Recommendation 2. The General Assembly should amend state law to list all occupational licensing agencies in N.C. Gen. Stat. § 93B and define the criteria that agencies must meet in order to be listed.**

The Board concurs with this recommendation. The Interpreter and Transliterators Licensure Act (N.C. Gen Stat. § 90D) which established this Board already complies with this recommendation for inclusion in the amended law.

**Recommendation 3. The General Assembly should enact state law establishing complaint processing requirements for occupational licensing boards.**

The Board currently has an effective complaint procedure process that already complies with most of the suggestions made in this recommendation. The Board encourages any proposed legislation not make any adjustments to current OLA processes that provide for the effective and efficient intake and processing of complaints.

**Recommendation 4. The General Assembly should require periodic audits of key regulatory activities and associated performance measurement data.**

The Board has several concerns that should be addressed if legislation is proposed enacting additional reporting requirements. Among those concerns are:

1. The OLAs and other stakeholders should have considerable input in the development of performance standards. The inclusion of the OLAs, licensees and other stakeholders need to be considered in order to develop appropriate measurement standards.
2. The recommendation is not clear as to whether the performance audit will be conducted by the OLA's auditor or by the N.C. State Auditor. If the audit is to be performed by the OLA's current auditor, this will undoubtedly increase audit fees not only during the year of the performance audit but also during the years just a financial audit is performed.
3. While the Board believes responsible reporting and monitoring is required, increasing any costs OLAs must bear should be approached with caution. As the report correctly points out, the OLAs are funded by licensing fees paid by the professionals under its regulatory authority. This is the third recommendation that would require additional funds being expended by the OLAs, the others being the 1% of fees to be paid to the State to fund the proposed Occupational Licensing Commission and the second being the costs that will be incurred in order to allow for complaints to be submitted through the OLAs web sites. Over time these additional costs could require the OLAs to consider raising fees for licensure, especially for boards with a lower number of licensees. The Board cautions that any recommendations that would require additional financial commitments be weighed in a cost benefit analysis that takes into account the size of the OLAs and their ability to absorb any costs without increasing fees.

**Recommendation 5. The General Assembly should direct the Joint Legislative Administrative Procedure Oversight Committee to establish a subcommittee to determine whether licensing authority for the 12 occupational licensing agencies should be maintained or limited to certification.**

While the Board would fully cooperate in any study conducted by the Occupational Licensing Commission, we disagree with the finding that the Interpreter and Transliterators OLA should be part of an evaluation to determine whether the OLA should be maintained or limited to certification.

The board has reviewed Appendix C which details the criteria for the assessment of OLAs for elimination of licensing authority and briefly addresses each area in the following paragraphs.

*Public Harm*

It is stated that the OLAs that did not identify any risk to public harm other than risks associated with a business transaction received a score of zero. The Board would like to point out that many of the one million Deaf, Hard of Hearing and Deaf-Blind North Carolinians who receive services from our licensees are a vulnerable portion of society due to communication barriers. In addition to these consumers, the group that relies just as heavily on our licensees are the licensed professionals in other fields – such as physicians, attorneys, accountants, psychologists and social workers – when serving their Deaf, Hard of Hearing, and Deaf-Blind patients/clients. Both groups rely on third party interpreters and transliterators to effectively communicate with each other in the course of receiving or providing services – as is required in federal law (e.g. the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973). The consumers and professionals who rely on these interpreters and transliterators need to be assured they have the skills and knowledge to interpret complex and sensitive information (such as specialized medical or legal terminology or child protective investigative proceedings). The list of OLAs that received a public harm score of 10 such as Medical, Legal, Pharmacy, Certified Public Accountant, Nursing Home, General Contractors, etc. all rely on our licensees in order to effectively communicate with their clients. Our licensees protect not only their consumers but the other licensed professional who serve their Deaf, Hard of Hearing and Deaf-Blind patients and clients. Therefore, the public harm score should be equivalent to those given to these professions.

To perform interpreting and transliteration services on a consistent, competent basis, these professionals must be engaged in continuing education and professional development. Licensure by the OLA provides stringent guidelines for the type of professional development that must be performed annually. The licensing process began in North Carolina approximately 11 years ago and the Board believes that the licensure requirement has eliminated unqualified people from performing services that could have damaged the consumer and the licensed professionals serving these consumers.

## *Complaints*

The report indicates that the complaint process for several OLAs was not readily accessible on the home page of the individual OLA web site. The Board's web site prominently displays at the top of the page the tab "File a Complaint" which, when selected, brings up the complaint process procedures. The Board believes this is indicative of the complaint process being accessible on the home page of the web site.

The scoring for this area was based on the number of complaints received during one fiscal year. If an OLA received less than 20 complaints it received a score of zero. The Board is of the opinion that using the number of complaints, regardless of the number of licensees, is completely arbitrary. The report states in Finding 5 that, "An effective licensing process can help reduce the number of complaints by verifying professional competency and reviewing the criminal history of applicants as a condition of licensure." The Board questions why, given that statement, the report provides any score for complaints considering the report did not evaluate why there could be a low number of complaints. The report takes the position that a low number of complaints translates to a low threat of public harm. The report contradicts itself in Finding 5 and the related recommendation.

As discussed above, the licensees of the Board serve other licensed professionals on a daily basis. The Board's licensees, therefore, also protect professionals that provide services to mutual consumers. These other professionals must be able to rely on our licensees to not only communicate what they are saying to the consumer, but also rely upon the licensee to communicate the consumer's message effectively. In many instances, an incorrect word or phrase is a matter of making the correct decision that will affect the consumer's health and financial well-being, often at a time of great stress. The professionalism and competency of our licensees is paramount to protecting the lives and well-being of not only the consumers but also the professionals they serve and ultimately the public at large.

Our licensees protect all members of society on a daily basis. This level of protection from harm cannot be assessed from just the number of complaints filed. As Finding 5 theorizes, a low number of complaints to the Board indicates an effective licensing process.

## *Disciplinary Actions*

The Board believes the report's reliance on one fiscal year to score this area is not a valid sample size. Additionally, any disciplinary action is the result of a complaint process that has been completed and a decision rendered. During the fiscal year selected there were a low number of complaints and therefore the ability to render disciplinary action was limited.

## *Other States*

Because the interpreting and transliterating professions were recognized less than 50 years ago, it would be considered at its infancy stage compared to other professions. The legislation creating the Board was enacted in 2002 and the Board commenced operations in 2003. The General Assembly should be applauded for being on the forefront of protecting some of the most vulnerable people in North Carolina, for without the Board's existence the Deaf, Hard of Hearing and Deaf-Blind community, and the professionals who serve them, would be left to rely upon individuals with no verified credentials, no criminal background checks, no continuing education requirement and no recourse for unethical behavior. North Carolina should continue to lead when it comes to licensing competent, professional interpreters and transliterators.

The Board appreciates the opportunity to comment on this report and look forward to working with the Program Evaluation Division and General Assembly as they consider the recommendations made in this report. We are available to provide additional information as the need arises.

Sincerely,



Jane Dolan  
Board Chair