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MARYLAND GOVERNOR'S OFFICE OF THE DEAF AND HARD OF HEARING WRITTEN TESTIMONY OF DIRECTOR KELBY BRICK, ESQ., CDI

FISCAL YEAR 2021 OPERATING BUDGET HEARINGS

HEALTH AND HUMAN SERVICES SUB-COMMITTEE SENATE BUDGET & TAXATION COMMITTEE

Senator Melony Griffith Chair

January 24, 2020

HEALTH AND SOCIAL SUB-COMMITTEE

HOUSE APPROPRIATIONS COMMITTEE

Delegate Kirill Reznik, Chair

Delegate Geraldine Valentino-Smith, Vice Chair

January 29, 2020

Greetings Chair and distinguished members of the committee, for the record my name is Kelby Brick. I am honored to be here on behalf of the Governor's Office of the Deaf and Hard of Hearing as its Director. I have been coming here for well over two decades in various capacities and I want to acknowledge how important this process is to a democratic governing system.

I would like to thank our Legislative Analyst Grace Pedersen for her work in understanding our office. I am gratified that the DLS' budget analysis concurs with the Governor's allowance.

The following are highlights demonstrating service to our constituency:

- Interacted with over 100 different governmental entities to coordinate policy and services affecting 1.2 million Deaf and hard of hearing individuals as articulated by our FY20 Annual Report
- Successfully worked with agencies to hire Deaf and hard of hearing people
- Leading social media to be a model in transparency and inclusiveness across various channels in both ASL and English
- Honoring two distinguished Deaf Marylanders by naming our facilities after them. They are Dr. Gertrude Galloway, who was the first woman president of the oldest civil rights organization in the country, the National Association of the Deaf; and Dr. Ernest Hairston, a founding member of the leading advocacy organization of Black Deaf people in the country, the National Black Deaf Advocates. Both leaders led numerous schools and organizations to historic successes, bettering the lives for Deaf and hard of hearing people across the country.

ODHH should comment on its investigation of licensure requirements and the difference in the quality of interpreters that will be available to Maryland constituents under the proposed credentialing requirements compared to the previously proposed licensing requirements. Page 7

Though the Administration has not formally proposed credentialing requirements, we would like to highlight that the Office has previously ‘suggested that licensure requirements for sign language interpreters may be an effective way to prevent unskilled, fraudulent, or unethical interpreters from serving Maryland’s deaf and hard of hearing constituents.’

As a result, this administration prefers to take an incremental approach to addressing the issues of fraudulence and quality in sign language interpretation. This administration will continue to provide community outreach and education on the need for qualified interpreters—most often defined as a certified interpreter—and encourage our colleagues in the educational and judicial systems to take a more active role in strengthening their processes to identify qualified interpreters for use in their settings.

It is important to make a distinction between the two approaches: certification and licensure.

A certification attests a certain level of competence, knowledge or experience in a specific profession. Certification is a form of self-regulation and typically without government oversight.

A licensure is essentially a government work permit granted after the individual has met specific criteria for qualifications such as education, experience, testing, and perhaps certification. For example, a person can earn a certification or degree in social work or law in the state of Maryland. However, this individual cannot practice in those fields unless authorized and registered by the state.

The distinction between certification and licensure as described above is consistent with nurses and social workers governed by the Department of Health, attorneys by the Courts and veterinarians by the Department of Agriculture.

A few states, including Maryland, have encouraged businesses, government agencies and other places of public accommodations to utilize certified interpreters. Other states have undertaken an approach that requires licensure for varying scopes. Some are comprehensive and cover all interpretation work for remuneration. Other scopes are narrower, such as requiring licensure for specialties in the area of behavioral and mental health and other specific common high-risk settings such as the courts or the educational system.

Whether the state encourages certification or requires licensure, we will all be drawing from the same pool of qualified interpreters. The challenge is making the distinction between those who are qualified and those who are either unqualified or fraudulent. With certification, the state government or non-government entity procuring the services needs to navigate through the process of figuring out who is qualified and who is not. With licensure, this navigation process is handled by a licensing body—typically under purview of the state’s office or commission for the Deaf and hard of hearing.

When there is a shortage of qualified interpreters or increased use of fraudulent or unqualified interpreters, the implementation of licensure requirements could create incentives for those prospective interpreters to undertake additional training or obtain credentials in order to provide interpreting services for remuneration.

The Department of Legislative Services has requested information on the labor market concerns raised in the response. Pages 6 and 7

The Administration has provided a response dated January 23, 2020.

DLS Analysis Recommended Actions

Report on ways to protect and serve users of sign language interpreting services

We respectfully support this recommended action.

Once again, thank you for this opportunity to be here today.