

SB 185 FAQ – March 24, 2021

1. What is objective of the SB 185?

This bill seeks to make updates and fixes to clarify and reaffirm KCDHH's authority pertaining to the interpreter registration process and its role involving communication accessibility for all deaf and hard of hearing people in Kansas.

2. What has been the challenge?

- KCDHH has faced a number of obstacles that have prevented the agency from doing what it is charged to do or performing several crucial obligations to ensure that communication access needs of D/HH Kansans are being met.
- D/HH Kansans experience barriers to equal communication access thus they are not receiving communication equity. Communication access for D/HH is often weakened or absent, which can ultimately lead to underemployment or unemployment, isolation, and overall a lower quality of life. D/HH Kansans deserve access.
- There are people who provide access services who are not qualified, thus not achieving effective communication for D/HH individuals.

3. How does KCDHH know it has been a problem?

- KCDHH has received a significant number of complaints related to access, whether it was an unmet or underserved need. Some complaints or issues were situations where the wrong kind of accommodation or minimal alternative was given, impacting the D/HH's quality of life.
- Many covered entities (state, local and other entities) use unqualified providers, even after they were informed of state requirements for interpreters or suggested standards or other communication access services.
- Many individuals who are deafblind or hard of hearing individuals have come to KCDHH in need of standards for their specific communication access service needs, especially when they cannot use video remote interpreting services.
- KCDHH lacks clear authority to enforce state registration requirements or to recommend standards for other communication access services or comparative replacements offering functional equivalency, especially video remote interpreting (VRI) and communication access real time captioning (CART) services.
- Additions made to KCDHH's existing statutes in the 1990s were meant to provide better or greater protection and equal access, but KCDHH hasn't been able to achieve its statutory mandate.
- Perception and attitudinal issues by staff, state agencies and entities have caused KCDHH to be overlooked as the place of expertise and resources for serving D/HH Kansans, thus putting KCDHH more in the position of being reactive rather than proactive.

4. What is the solution?

- KCDHH to be given clear authority to promote and enforce registration for interpreters and other communication access service professionals, to increase access options and match the diverse communication needs of D/HH individuals.
- The ability to provide regulations for interpreters and communication access services would help KCDHH to respond effectively to the everchanging world with the development of fast-paced technology which will continuously change and expand, and thus increasing access options for everyone.
- Clarify KCDHH's role and placement while it remains administratively housed at DCF, including the ability to conduct fingerprinting and background checks.

5. Would SB 185 create any restriction?

- KCDHH has been providing certification and registration for all sign language interpreters in Kansas as required by the statute since 1993. SB 185 makes improvements to the current system by elevating standards comparable to other licensed professionals.
- Without this safeguard in place, those who hire or contract interpreters have no way of determining appropriate qualifications, and standards would vary greatly. Thus, ineffective communication is at risk of causing harm to all parties.
- The only possible restriction would be on those who are not certified or registered to interpret as required by K.S.A. 75-4355b. As amended by this bill, it will make it unlawful for those unregistered to interpret in most settings within the state, with a few defined exceptions.

6. How much would registration fees be? How will they be used?

- SB 185 would require the KCDHH to expend fee revenue to conduct background and abuse registry checks. Additional fees could be used to support training, program administration and other functions and priorities as specified in SB 185.
- The KCDHH has adopted a proposed fee schedule, including \$100 for initial registration and renewal every two years. Provisional/temporary registration will require a lesser fee. Background check fees are expected to be collected from 95 interpreters, based on the rates currently established by the DCF. Nearly 300 interpreters would be exempt from background checks because their employing agencies already have background check requirements, or they qualify for other exemptions established by KCDHH.

7. What are the normal procedures for an interpreter to become registered and maintain registration?

- In order to have full registration, interpreters must have passed a performance exam by a certifying organization. Interpreters who have yet to pass an interpreting performance exam are eligible for provisional registration by meeting the criteria below:
- Demonstrate minimum knowledge by passing an interpreting knowledge exam offered through a certifying organization,
- Submit a supervision plan to KCDHH documenting practicum and mentorship work that will prepare the candidate for performance exam.
- Once an interpreter is registered, they submit proof of their certification and continue to maintain their certification by earning Continuing Education Units (CEUs) in accordance with the policies of the certifying organization.
- In the event the interpreter's certification lapses due to not meeting CEU maintenance requirements or due to complaints concerning the interpreter's competency or ethical decisions, KCDHH will remove the interpreter's registration until they show proof of re-certification by the certifying organization.
- A typical scenario for most interpreters during the past five years included enrolling and graduating from an interpreter training program, unless proficiency has already been acquired in sign language. A proficiency assessment would be required for those not enrolled through an interpreter program.

8. Why are religious events exempt from SB 185?

The KCDHH assumes that SB 185 would follow the same exemption as is provided for by Americans with Disabilities Act (ADA) and Kansas Against Discrimination Act provisions. However, any religious organization, at their discretion, is welcome to follow KCDHH requirements and request a background check.

Have additional questions or concerns?

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