

**D11A0401**  
**Office of the Deaf and Hard of Hearing**

**Program Description**

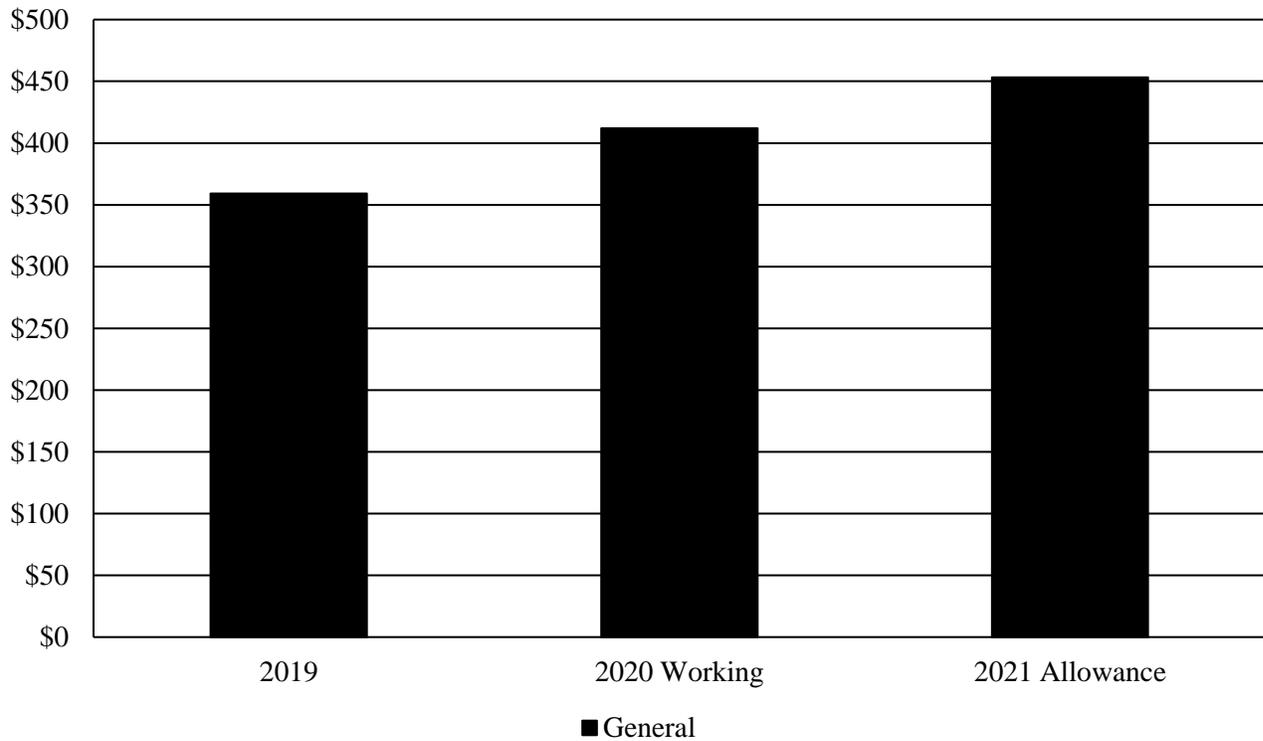
Chapter 537 of 2001 established the Governor’s Office of the Deaf and Hard of Hearing (ODHH) to promote the general welfare of deaf and hard of hearing individuals.

ODHH has two key goals. The first is that all deaf and hard of hearing citizens will have equal and full access to State programs, resources, and services to fully participate in community life. The second goal is that citizens of Maryland will be aware of the needs and issues affecting deaf and hard of hearing individuals.

***Operating Budget Summary***

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**Fiscal 2021 Budget Increases by 9.9% to \$453,113**  
**(\$ in Thousands)**



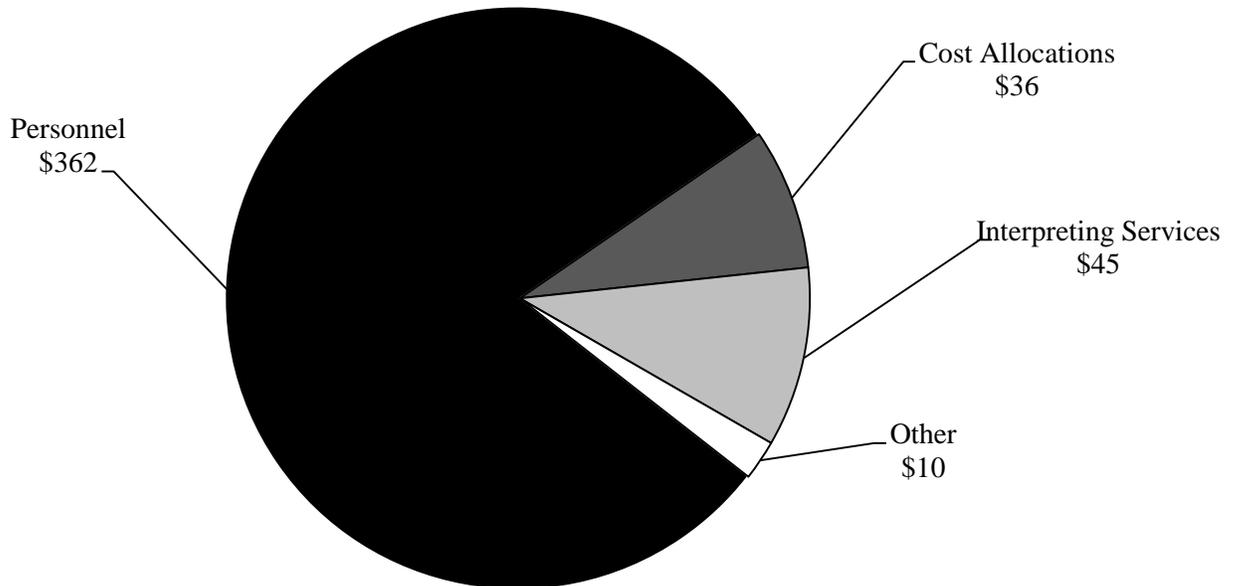
Note: Numbers may not sum due to rounding. The fiscal 2020 appropriation includes deficiencies, planned reversions, and general salary increases. The fiscal 2021 allowance includes contingent reductions and general salary increases.

## Fiscal 2021 Overview of Agency Spending

As seen in **Exhibit 1**, most of this agency’s spending (80%) is for personnel. Unique to this agency, the second largest expenditure is for interpreting services (10%). Interpreting services are used for internal meetings, public meetings, and interactions with nonsigning constituents.

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**Exhibit 1**  
**Overview of Agency Spending**  
**Fiscal 2021 Allowance**  
**(\$ in Thousands)**



Source: Governor’s Fiscal 2021 Budget Books

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## Proposed Budget Change

As seen in **Exhibit 2**, the proposed budget grows by \$41,113, or nearly 10%, over the fiscal 2020 working appropriation. This growth is mostly due to cost allocations that combined add \$33,831 to the budget. In addition, personnel costs rise by \$22,225, mostly for increased salaries.

**Exhibit 2**  
**Proposed Budget**  
**Office of the Deaf and Hard of Hearing**  
**(\$ in Thousands)**

<b>How Much It Grows:</b>	<b>General Fund</b>	<b>Total</b>
Fiscal 2019 Actual	\$359	\$359
Fiscal 2020 Working Appropriation	413	413
Fiscal 2021 Allowance	<u>454</u>	<u>454</u>
Fiscal 2020-2021 Amount Change	\$41	\$41
Fiscal 2020-2021 Percent Change	9.9%	9.9%

<b>Where It Goes:</b>	<b><u>Change</u></b>
<b>Personnel Expenses</b>	
Regular earnings increase .....	\$12
Employees retirement .....	5
Fiscal 2021 2% general salary increase, effective January 1, 2021 .....	3
Fiscal 2021 cost of fiscal 2020 1% general salary increase, effective January 1, 2020 .....	1
Other fringe benefit adjustments .....	2
<b>Cost Allocations</b>	
Department of Information Technology services allocation .....	19
Enterprise Budget System allocation .....	15
<b>Other Changes</b>	
Elimination of allowance for out-of-state conferences and seminars .....	-2
Other adjustments .....	-2
Alignment of supplies and equipment expenditures with recent experience .....	-5
Savings from a reduction in contractual full time equivalents .....	-6
<b>Total</b>	<b>\$41</b>

Note: Numbers may not sum due to rounding. The fiscal 2020 appropriation includes deficiencies, planned reversions, and general salary increases. The fiscal 2021 allowance includes contingent reductions and general salary increases.

***Personnel Data***

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	<b><u>FY 19</u></b> <b><u>Actual</u></b>	<b><u>FY 20</u></b> <b><u>Working</u></b>	<b><u>FY 21</u></b> <b><u>Allowance</u></b>	<b><u>FY 20-21</u></b> <b><u>Change</u></b>
Regular Positions	3.00	3.00	3.00	0.00
Contractual FTEs	<u>0.30</u>	<u>0.90</u>	<u>0.70</u>	<u>-0.20</u>
<b>Total Personnel</b>	<b>3.30</b>	<b>3.90</b>	<b>3.70</b>	<b>-0.20</b>

***Vacancy Data: Regular Positions***

Turnover and Necessary Vacancies, Excluding New Positions	0.00	0.00%
Positions and Percentage Vacant as of 12/31/19	0.00	0.00%
Vacancies Above (Below) Turnover	0.00	

- To align with current agency needs, contractual full-time equivalents were reduced from 0.9 to 0.7.

## ***Key Observations***

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### **1. In Reversal, *Joint Chairmen’s Report* Response Recommends Against Sign Language Interpreter Licensure Requirements**

Maryland does not have a State certification or licensure for sign language interpreters. Since at least 2015, ODHH has 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. Only when a nonprofit, the Registry of Interpreters for the Deaf, Inc. (RID), instituted a moratorium on its generalist certification, did ODHH put a hold on its efforts to support interpreter licensure legislation because the proposed licensure model was based on this certification. This is one example of the long-standing reliance of ODHH on RID.

In the 2019 session, ODHH told the budget committees that their office “always advises entities to use interpreters who are RID certified.” However, for aspiring interpreters, it can be difficult to be certified by RID because the nonprofit’s certifications have not always been available. For example, from January 2020 to summer 2020, RID’s most basic certification, the generalist certification, is again unavailable because one of the tests that it uses will not be offered. In addition, two specialized certifications offered by RID for critical service areas, education certifications and legal specialist certifications, have not been available for over four years.

Although ODHH currently defers to RID’s standards for interpreting service, it has, in the past, clearly expressed interest in statewide licensure requirements. Recognizing this interest, committee narrative in the 2019 *Joint Chairmen’s Report* requested a report from ODHH describing other states’ licensure or certification requirements for interpreting service contracts and recommendations for licensure requirements that would be appropriate for Maryland. The response was submitted and it provided a comparative analysis of states’ policies on licensure or certification of sign language interpreters. The response ultimately recommended against implementation of licensure requirements in Maryland.

The response reversed the position that ODHH has held for several years, citing concerns pertaining to labor market competition with neighboring states that do not have licensure requirements. The response claims that Maryland may lose otherwise qualified interpreters over State lines if it were to implement licensure requirements, because seven neighboring states do not require licensure. Among the seven neighboring states listed in the report, New York, which does not have a licensure requirement was included, while North Carolina, which is geographically closer than New York to the State border and does have licensure requirements, was omitted. The states and the extent of their regulation of sign language interpreters are summarized in **Exhibit 3**.

**Exhibit 3**  
**Regulation of Interpreters by State**

**Licenses Interpreters**

Alabama  
Arizona  
Arkansas  
Georgia  
Idaho  
Illinois  
Iowa  
Kentucky  
Maine  
Missouri  
Nebraska  
New Hampshire  
New Mexico  
North Carolina  
Rhode Island  
Wisconsin

**Certifies Interpreters**

Alaska  
Delaware  
Hawaii  
Indiana  
Michigan  
New Jersey  
Ohio  
Pennsylvania  
South Dakota  
Texas  
Utah  
Virginia  
West Virginia  
Wyoming

Note: The report did not specify policies of states not listed in this exhibit. Maryland is not listed in this exhibit because it does not certify or license interpreters. The Office of Deaf and Hard of Hearing indicates that Pennsylvania, West Virginia, and Delaware license interpreters.

Source: Governor’s Coordinating Offices

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Given the concern with having more stringent requirements on interpreters who wish to work in Maryland than the surrounding states, the recommendation in the response was to implement a State credential requirement in place of licensure. As part of the credential, it would be necessary for an aspiring licensee to obtain certification from RID. Despite the frequent gaps in certification availability from this nonprofit, the response recommends against a licensure for fear of “ANY adverse effects on an interpreter pool that is already experiencing a critical shortage.” No concerns were raised regarding the adverse effects of relying on a nonprofit that intermittently does not provide certification might have on interpreting service in the State.

The Department of Legislative Services (DLS) has requested information on the labor market concerns raised in the response. However, DLS has not received this information as of this writing. In lieu of this, DLS interviewed the Idaho Council for the Deaf and Hard of Hearing, which implemented licensure requirements in a region where no other surrounding states had licensure requirements. Although Idaho is not a perfect proxy for Maryland, the Idaho Council for the Deaf and Hard of Hearing

did share some notable insights about its implementation of licensure requirements in a region where this was unprecedented.

The Idaho Council for the Deaf and Hard of Hearing explained that some businesses in the state reported losing interpreters they frequently used. However, the council also said that the interpreters that stopped practicing did so because they could not comply with the licensure requirements due to their unsavory background or lack of credentials. The council is satisfied with the implementation of licensure requirements because having a state board to review unethical behavior of licensed interpreters protects deaf and hard of hearing Idahoans from unqualified or fraudulent interpreters who, by nature of their profession, are in a delicate position of trust.

Without a response regarding the labor market questions, particularly considering the information from a state that was successful in implementing licensure requirements when no other surrounding states had done so, it is unclear why ODHH altered its previous stance. The concerns are heightened by the reliance on a nonprofit's administration of interpreter certification, when the nonprofit has a history of inconsistent certification availability and limited enforcement mechanisms to deal with unethical interpreters. **DLS recommends committee narrative requesting a report from ODHH describing policy options available to the State to protect deaf and hard of hearing constituents from unskilled, fraudulent, or unethical interpreters and a strategic plan to ensure adequate interpreting service will be available in the State.**

**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.**

## ***Operating Budget Recommended Actions***

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1. Adopt the following narrative:

**Ways to Protect and Serve Users of Sign Language Interpreting Services:** A recent report from the Office of the Deaf and Hard of Hearing (ODHH) recommended the credentialing of interpreters. However, deferring to a nonprofit’s standards may not be the most effective way to protect deaf and hard of hearing Maryland constituents from unskilled, fraudulent, and unethical interpreters. This approach also does not actively plan for continued and adequate interpreting service provision in the State. Given the importance of quality interpreters to the deaf and hard of hearing community and the importance of the deaf and hard of hearing community to the State, the committees request that ODHH submit a report describing:

- policy options that the State could implement to protect its deaf and hard of hearing residents from unskilled, fraudulent, or unethical interpreters; and
- a strategic plan that does not rest solely on Registry of Interpreters for the Deaf, Inc. certifications to ensure an adequate pool of competent interpreters in the State.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Report on ways to protect and serve users of sign language interpreting services	ODHH	September 1, 2020

**Appendix 1**  
**2019 Joint Chairmen’s Report Responses from Agency**

The 2019 *Joint Chairmen’s Report* (JCR) requested that the Governor’s Office of the Deaf and Hard of Hearing prepare one report. An electronic copy of the full JCR response can be found on the Department of Legislative Services Library website.

- ***Licensure Requirements for Sign Language Interpreter Contracts:*** Sixteen states have some form of statutory licensing requirements for sign language interpreters. Fourteen states regulate interpreting services with state certifications. While the response recommends against implementing a licensure requirement in Maryland, it offers policy options that may increase the number of interpreters in the State and provide improved service in educational and judicial spheres. Further discussion of this data can be found in the Key Observations section of this analysis.

**Appendix 2  
Object/Fund Difference Report  
Office of Deaf and Hard of Hearing**

<u>Object/Fund</u>	<u>FY 19 Actual</u>	<u>FY 20 Working Appropriation</u>	<u>FY 21 Allowance</u>	<u>FY 20 - FY 21 Amount Change</u>	<u>Percent Change</u>
<b>Positions</b>					
01 Regular	3.00	3.00	3.00	0.00	0%
02 Contractual	0.30	0.90	0.70	-0.20	-22.2%
<b>Total Positions</b>	<b>3.30</b>	<b>3.90</b>	<b>3.70</b>	<b>-0.20</b>	<b>-5.1%</b>
<b>Objects</b>					
01 Salaries and Wages	\$ 288,133	\$ 311,726	\$ 329,925	\$ 18,199	5.8%
02 Technical and Spec. Fees	10,850	33,847	27,911	-5,936	-17.5%
03 Communication	1,297	1,851	1,151	-700	-37.8%
04 Travel	5,479	3,783	2,283	-1,500	-39.7%
08 Contractual Services	50,558	52,611	84,154	31,543	60.0%
09 Supplies and Materials	1,338	3,304	1,197	-2,107	-63.8%
10 Equipment – Replacement	0	1,500	0	-1,500	-100.0%
11 Equipment – Additional	0	1,500	0	-1,500	-100.0%
13 Fixed Charges	1,568	1,878	2,466	588	31.3%
<b>Total Objects</b>	<b>\$ 359,223</b>	<b>\$ 412,000</b>	<b>\$ 449,087</b>	<b>\$ 37,087</b>	<b>9.0%</b>
<b>Funds</b>					
01 General Fund	\$ 359,223	\$ 412,000	\$ 449,087	\$ 37,087	9.0%
<b>Total Funds</b>	<b>\$ 359,223</b>	<b>\$ 412,000</b>	<b>\$ 449,087</b>	<b>\$ 37,087</b>	<b>9.0%</b>

Note: The fiscal 2020 appropriation does not include deficiencies, planned reversions, or general salary increases. The fiscal 2021 allowance does not include contingent reductions or general salary increases.