

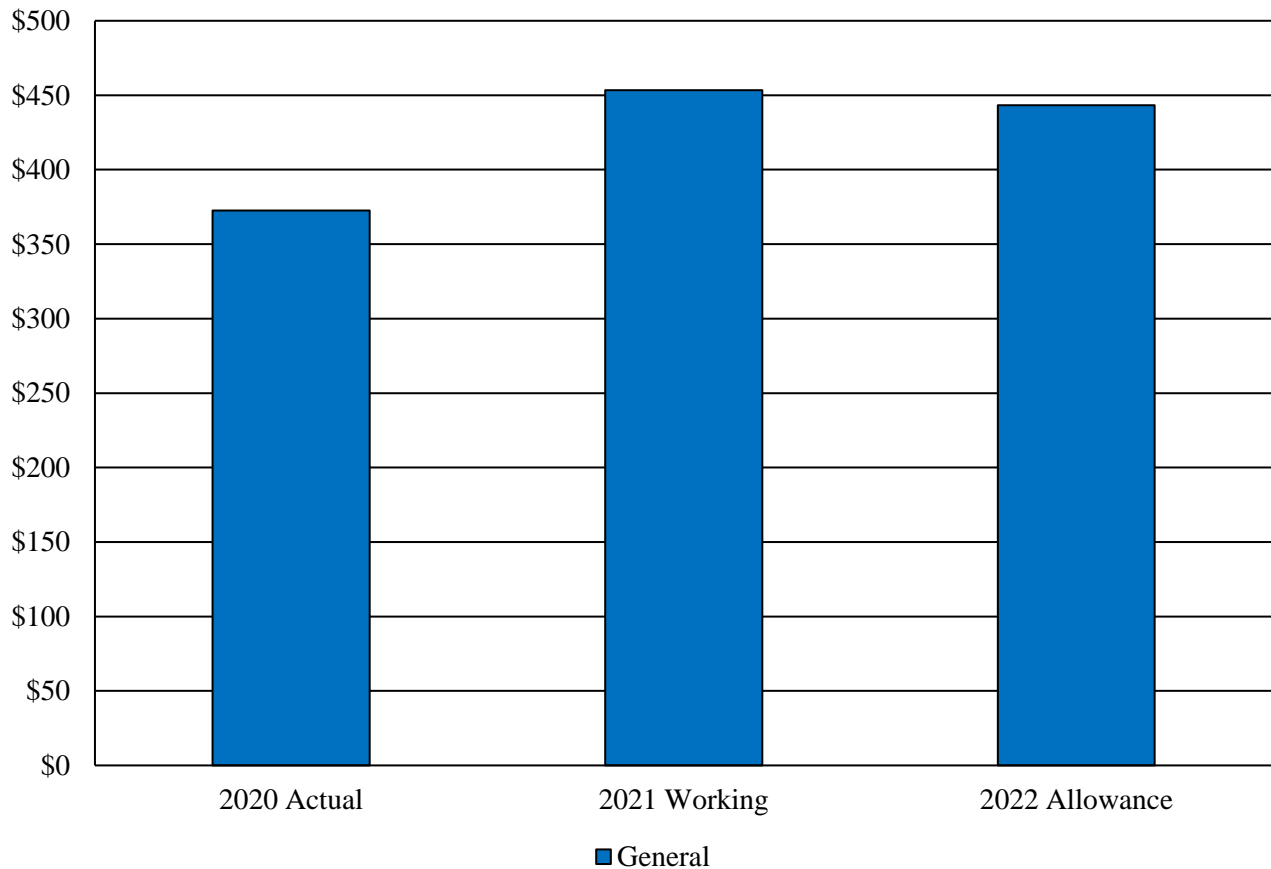
D11A0401
Office of the Deaf and Hard of Hearing

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

Fiscal 2022 Budget Decreases by \$10,053, or 2.2%, to \$443,348
(\$ in Thousands)



Note: Numbers may not sum due to rounding. The fiscal 2021 appropriation includes deficiencies, planned reversions, and general salary increases. The fiscal 2022 allowance includes contingent reductions and general salary increases.

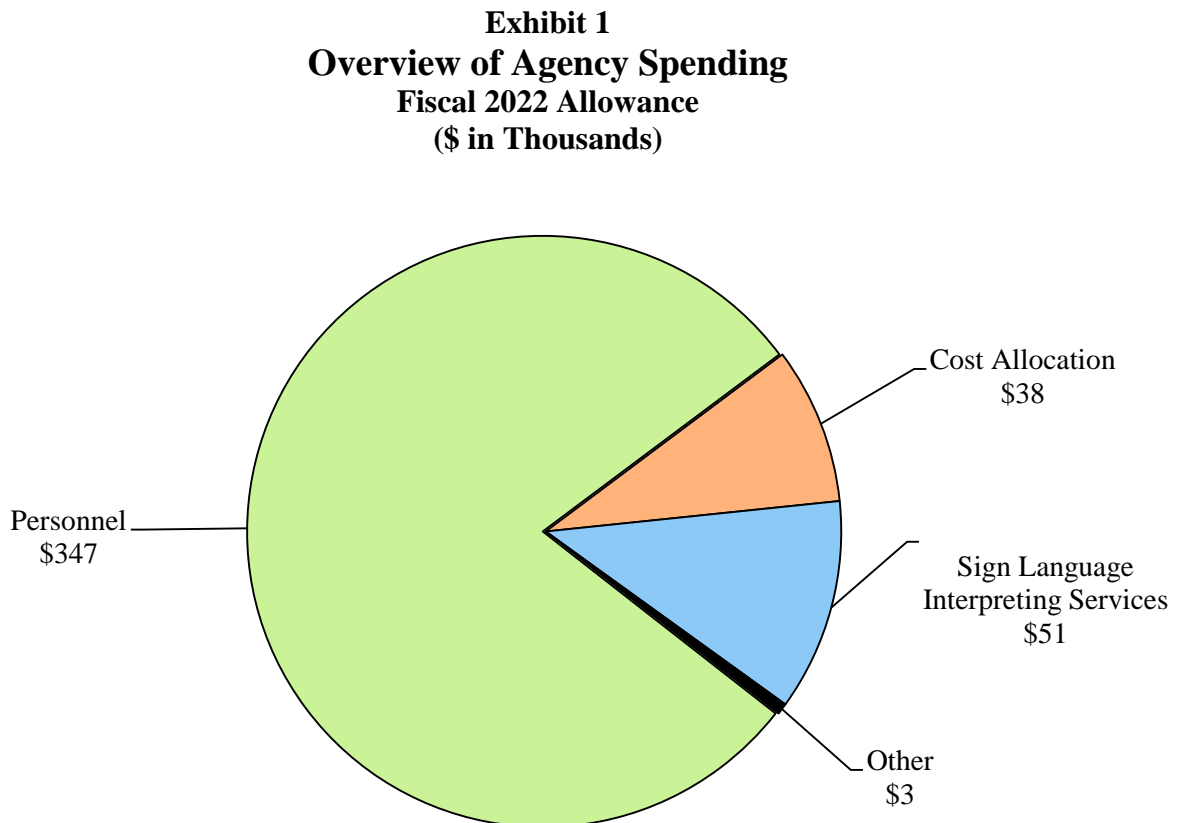
Fiscal 2021

Cost Containment

In response to the COVID-19 pandemic, the Administration’s budget balancing plan, approved by the Board of Public Works on July 1, 2020, decreased ODHH’s appropriation by \$704 as part of an across-the-board reduction to unemployment insurance compensation.

Fiscal 2022 Overview of Agency Spending

As shown in **Exhibit 1**, personnel expenditures comprise the majority (79%) of ODHH’s fiscal 2022 allowance. Outside of personnel, the largest item in the budget is for sign language interpreting services (12%), which are used for both internal and public meetings.



Source: Governor’s Fiscal 2022 Budget Books

Proposed Budget Change

As shown in **Exhibit 2**, the fiscal 2022 allowances decreases by \$10,053, or 2.2%, compared to the fiscal 2021 working appropriation. The decrease is primarily due to the deletion of a 0.7 contractual full-time equivalent. However, this reduction was partially offset by an increase in the cost of employee and retiree health insurance and sign language interpreting services.

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

How Much It Grows:	<u>General Fund</u>	<u>Total</u>
Fiscal 2020 Actual	\$373	\$373
Fiscal 2021 Working Appropriation	453	453
Fiscal 2022 Allowance	<u>443</u>	<u>443</u>
Fiscal 2021-2022 Amount Change	-\$10	-\$10
Fiscal 2021-2022 Percent Change	-2.2%	-2.2%

Where It Goes:	<u>Change</u>
Personnel Expenses	
Employee and retiree health insurance.....	\$10
Annualization of 2% general salary increase, effective January 1, 2021	3
Restore unemployment compensation funding, after one-time reduction in funding, as approved by the Board of Public Works	1
Other Changes	
Sign language interpreting services.....	5
Delete 0.7 contractual full-time equivalent to align with agency needs.....	-28
Other.....	-1
Total	-\$10

Note: Numbers may not sum due to rounding. The fiscal 2021 appropriation includes deficiencies, planned reversions, and general salary increases. The fiscal 2022 allowance includes contingent reductions and general salary increases.

Personnel Data

	<u>FY 20</u> <u>Actual</u>	<u>FY 21</u> <u>Working</u>	<u>FY 22</u> <u>Allowance</u>	<u>FY 21-22</u> <u>Change</u>
Regular Positions	3.00	3.00	3.00	0.00
Contractual FTEs	<u>0.90</u>	<u>0.70</u>	<u>0.00</u>	<u>-0.70</u>
Total Personnel	3.90	3.70	3.00	-0.70

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions		0.00	0.00%
Positions and Percentage Vacant as of 12/31/20		0.00	0.00%
Vacancies Above Turnover		0.00	

Key Observations

1. Quality of Sign Language Interpreting Services in Maryland

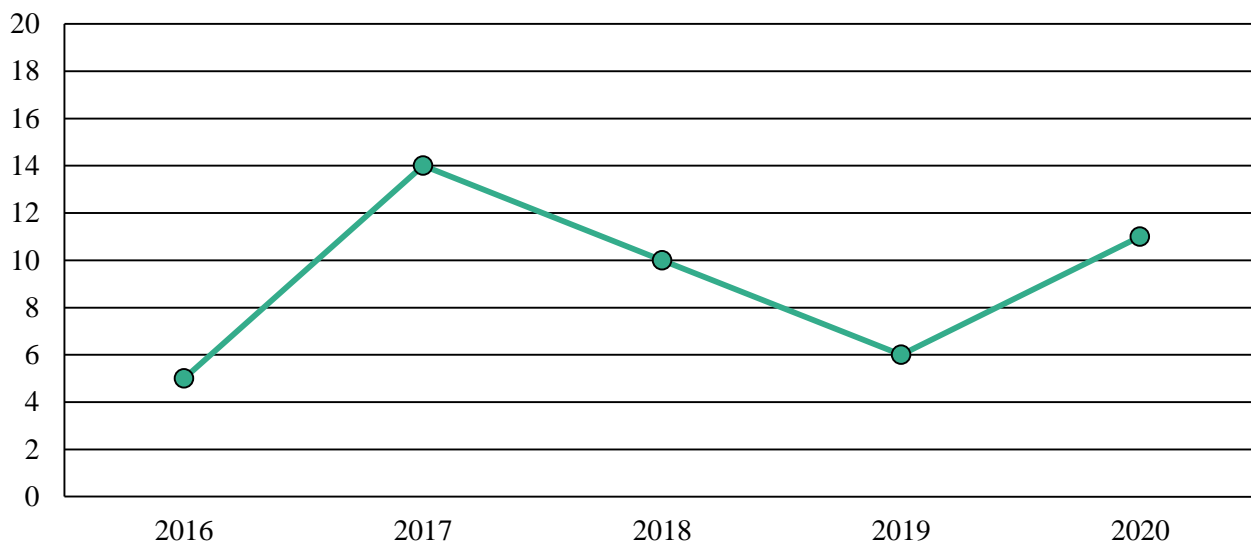
Maryland is unique in that it does not have any statewide standards for sign language interpreters. In its response to a 2020 *Joint Chairmen’s Report* (JCR) request, ODHH stated that “All states except Maryland have various degrees of standards protecting individuals from fraudulent and unqualified interpreters.” Other states have established:

- standards for interpreting in employment, education, medical, legal, and community settings;
- standards for interpreter competence; or
- a designated oversight body, such as the state’s commission, or office, of the deaf and hard of hearing.

Unqualified Interpreters in the State

According to the agency’s response to the 2020 JCR request, while one agency, the Administrative Office of the Courts, has a voluntary certification process, ODHH indicates that there is no requirement that courts only use interpreters from the registry of certified interpreters. In addition, ODHH reports that it has received complaints that interpreters working in courtrooms are unqualified. However, there is currently limited data on the number of complaints. As shown in **Exhibit 3**, the Maryland Commission on Civil Rights (MCCR) reports that 11 complaints were officially filed in fiscal 2020 from deaf and hard of hearing constituents. MCCR’s Managing for Results (MFR) data also does not provide policymakers with an understanding of the nature of the complaint. In addition, this data does not include any informal complaints received by ODHH. In the 2020 session, ODHH testified that, for over four years, it has received thousands of complaints and that most complaints are related to interpreters.

Exhibit 3
Complaints Filed by Deaf and Hard of Hearing Constituents
Fiscal 2016-2020



Source: Maryland Commission on Civil Rights

As the State weighs the various policy options available to protect and serve users of sign language interpreting services, it will be important to understand how frequently complaints are filed pertaining to the various industries in which the public interacts with interpreters and the nature of the dissatisfaction with an interpreter. **The Department of Legislative Services (DLS) recommends that ODHH begin tracking the number of complaints received in total, the number of complaints received by industry, and the nature of the complaints that it received (such as the interpreter being reported unskilled or unqualified and fraudulent or unethical). DLS also recommends committee narrative requesting that ODHH begin reporting this data as part of its annual MFR submission.**

Policy Options to Address Unqualified Interpreters

From 2015 until the 2019 session, ODHH 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. However, a response to committee narrative in the 2019 JCR indicated that licensure requirements were no longer recommended. One reason given was that interpreters in Maryland would leave the State to work in neighboring states with less stringent standards if Maryland implemented a higher standard for interpreters in the form of licensure. However, there was no formal study to investigate this concern. Instead, among other recommendations, the 2019 JCR response suggested prioritizing national certification requirements in education and court interpretation and specifically require certification from the Registry of Interpreters for the Deaf (RID).

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Education and court interpretation require a specialized skillset. Although previously offered, RID's Educational Certificate, K-12 (Ed:K-12), and the Specialist Certificate, Legal (SC:L), have been under a moratorium since 2016. In addition, reliance on RID to set standards for sign language interpreters may not be the most effective way to protect users of sign language interpreters. Interpreters are entrusted with a crucial role in communicating sensitive information, and the nonprofit has limited enforcement capabilities to address unethical interpreters.

The 2020 JCR included committee narrative requesting that ODHH prepare 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 RID certifications to ensure an adequate pool of competent interpreters in the State. ODHH offered five policy options that could either be used alone or in conjunction with other options:

- legislation authorizing a full licensing board or registration requirement;
- legislation requiring ODHH to regulate interpreters;
- regulations that would protect and serve users of sign language interpreters;
- legislation or regulations that authorize the implementation of a State assessment for interpreters; or
- legislation creating a private right of action that would clearly define fraudulent and unqualified interpreters and also could hold vendors of fraudulent and unqualified interpreters liable for the services rendered.

ODHH did not develop a plan for ensuring an adequate pool of competent interpreters in the State but noted that there are several assessments available and frequently used in addition to RID certification. In addition, interpreter licensure is again proposed as a viable policy option for protecting users of sign language interpreting services. **ODHH should comment on whether any of the proposed policy options could affect the number of qualified interpreters in the State and identify which policy option, or combination thereof, would be most appropriate for Maryland.**

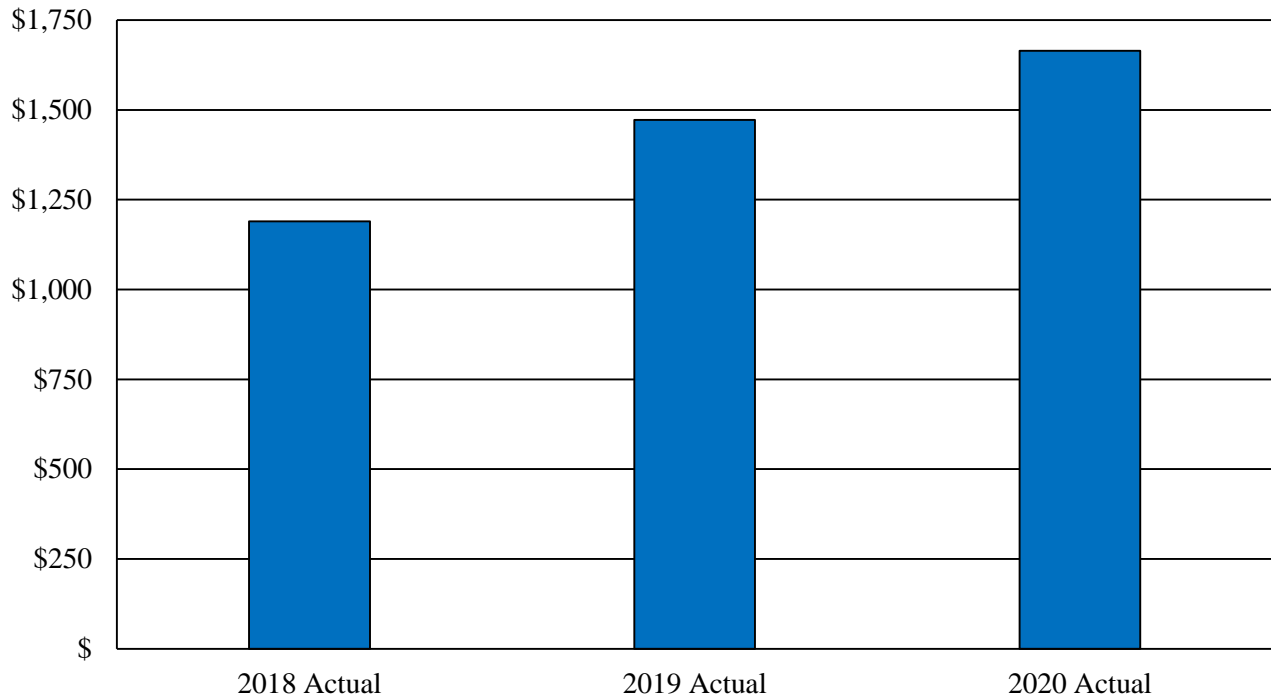
2. Sign Language Interpreting Services Procurement

Having a sufficient number of qualified and ethical interpreters in the State has been essential during the COVID-19 pandemic. The Administration has consistently relied on the skills of interpreters to equitably communicate public health and policy statements.

Prior to fiscal 2018, it was difficult to track State spending on sign language interpreting services because State agencies did not record expenditures for this purpose using the same comptroller code. In fiscal 2018, comptroller code 0834 became available for agencies to uniformly record expenditures on sign language interpreting services. As shown in **Exhibit 4**, statewide expenditures on

sign language interpreting services totaled \$1.7 million in fiscal 2020, 65% of which was supported with general funds, and an additional 27% was supported with unrestricted funds.

Exhibit 4
Statewide Cost of Sign Language Interpreting Services
Fiscal 2018-2020
(\$ in Thousands)



Source: Governor’s Fiscal 2020-2022 Budget Books

Prior to calendar 2020, a statewide contract provided State agencies with continuously available visual communication services throughout all the major regions of the State. Local governments, counties, municipalities, and nonprofits also used the regional sign language interpreting agencies contracted by the State. As shown in **Exhibit 5**, the statewide contract offered some efficiency in procuring sign language interpreters. However, a number of significant challenges were also experienced.

Exhibit 5
Review of Statewide Visual Communications Contract

Advantages

- streamlined the process for procuring interpreters;
- saved agencies time; and
- lowered the hourly cost of interpreting services because of the anticipated contract activity.

Challenges

- State agencies reported numerous cancellations;
- vendors would send unqualified and uncertified interpreters;
- little to no enforcement mechanisms to ensure compliance; and
- the responsibility of enforcing compliance fell to the individual agency using the services.

Source: Governor’s Coordinating Offices

Because of the substantial challenges associated with the previous contract, it was allowed to lapse at the end of calendar 2019. Although the Governor’s Coordinating Offices expected that ODHH would meet with the Department of General Services procurement staff in the beginning of February 2020 to write the scope of work for a new visual communications contract, as of this writing, a request for proposals has not been drafted.

Without a new statewide contract, State agencies likely had to go through their own competitive procurement whenever an interpreter has been needed in calendar 2020 and 2021. Local governments, counties, municipalities, and nonprofits also did not have a State vendor to use when requiring their own interpreting services. In addition, interpreting services may have been more expensive to State agencies throughout calendar 2020 because the previous contract, that lowered hourly costs because of anticipated contract activity, was no longer in place. **ODHH should comment on the status of planning for a new statewide visual communications contract and when ODHH expects the new contract to be awarded.**

Operating Budget Recommended Actions

1. Adopt the following narrative:

Sign Language Interpreter Complaint Data: In the 2020 session, the Office of the Deaf and Hard of Hearing (ODHH) testified that it frequently receives complaints about sign language interpreters. However, this data is not tracked. In evaluating ways to create standards for interpreters in Maryland, it is important to understand the frequency and nature of complaints received by ODHH. The budget committees request that ODHH include, beginning with its fiscal 2023 annual Managing for Results submission, information on:

- the number of complaints received about unsatisfactory interpreters by phone, email, or other electronic forum;
- the number of complaints received about interpreters that were unskilled or unqualified;
- the number of complaints received about interpreters that were fraudulent or unethical; and
- the number of complaints received about an unsatisfactory interpreter experienced by the industry sector (i.e., education, medical, legal, governmental services, etc.), to the extent available from the complainant.

Information Request	Author	Due Date
Sign Language Interpreter Complaint Data Report	ODHH	Beginning with the submission of the fiscal 2023 Governor’s budget and each year thereafter

Updates

- ***Involvement with Other Governmental Entities and the Public Declines in Fiscal 2020, Likely Due to the Pandemic:*** In fiscal 2020, 20 fewer governmental entities were involved in the coordination of services to the deaf and hard of hearing through contact or involvement with ODHH than in fiscal 2019. ODHH also held half as many town hall meetings or public forums as it did in fiscal 2019. In addition, instances of information and referral in fiscal 2020 declined 11% from the all-time high of 450 instances in fiscal 2019.
- ***Education and Employment Performance Measures Down, Likely Due to the Pandemic:*** As measured by the Maryland State Department of Education, in federal fiscal 2020, the number of deaf and hard of hearing individuals who achieved an employment outcome decreased by 21% (from 76 individuals in federal fiscal 2019 to 60 in federal fiscal 2020), likely due to fewer employment opportunities given the economic impact of the pandemic. In addition, the number of deaf and hard of hearing individuals determined eligible for services also decreased 29%, (196 individuals in federal fiscal 2020 compared to 278 individuals in federal fiscal 2019).

Appendix 1
2020 *Joint Chairmen’s Report Responses from Agency*

The 2020 *Joint Chairmen’s Report* (JCR) requested that the Office of the Deaf and Hard of Hearing (ODHH) prepare one report. Electronic copies of the full JCR response can be found on the Department of Legislative Services Library website.

- ***Ways to Protect and Serve Users of Sign Language Interpreting Services:*** ODHH identified key elements of a successful State sign language interpreter policy and five policy options that the State could adopt to protect users of sign language interpreting services from fraudulent or unqualified interpreters. Further discussion of this report can be found in Key Observation 1 of this analysis.

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

<u>Object/Fund</u>	<u>FY 20 Actual</u>	<u>FY 21 Working Appropriation</u>	<u>FY 22 Allowance</u>	<u>FY 21 - FY 22 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	3.00	3.00	3.00	0.00	0%
02 Contractual	0.90	0.70	0.00	-0.70	-100.0%
Total Positions	3.90	3.70	3.00	-0.70	-18.9%
Objects					
01 Salaries and Wages	\$ 327,616	\$ 331,631	\$ 341,323	\$ 9,692	2.9%
02 Technical and Spec. Fees	0	27,835	0	-27,835	-100.0%
03 Communication	956	1,151	1,151	0	0%
04 Travel	2,246	2,283	2,283	0	0%
08 Contractual Services	38,264	84,154	89,401	5,247	6.2%
09 Supplies and Materials	1,837	1,197	1,197	0	0%
13 Fixed Charges	1,723	2,466	2,466	0	0%
Total Objects	\$ 372,642	\$ 450,717	\$ 437,821	-\$ 12,896	-2.9%
Funds					
01 General Fund	\$ 372,642	\$ 450,717	\$ 437,821	-\$ 12,896	-2.9%
Total Funds	\$ 372,642	\$ 450,717	\$ 437,821	-\$ 12,896	-2.9%

Note: The fiscal 2021 appropriation does not include deficiencies, targeted revenues, or across-the-board reductions. The fiscal 2022 allowance does not include contingent reductions or cost-of-living adjustments.