

Potomac Chapter of the Registry of Interpreters for the Deaf, Inc.

Education, Energy, and the Environment Committee

Maryland Senate

Maryland General Assembly

Annapolis, Maryland 21401

SB0645 - State Board of Sign Language Interpreters – Membership and Licensing Position: Unfavorable Unless Amended

Hearing Date: Thursday, February 26, 2026 - 1:00 PM

Submitted by: Potomac Chapter of the Registry of Interpreters for the Deaf (PCRID)

The Potomac Chapter of the Registry of Interpreters for the Deaf (PCRID) is a professional association representing sign language interpreters in Maryland. PCRID supports licensure as a consumer protection framework and writes in opposition to due to **Senate Bill 645** structural concerns outlined below.

Senate Bill 645 proposes substantial structural amendments to the Maryland Sign Language Interpreters Act, originally enacted through Senate Bill 346 in 2023.

The Maryland Interpreter Licensure Act created a carefully balanced licensing and regulatory framework within the Office of the Deaf and Hard of Hearing, establishing a seven-member board composed entirely of Maryland residents who are proficient in American Sign Language and who reflect the lived and professional realities of the Deaf and interpreting communities.

The proposed Amendments in SB 645 significantly alter that structure. They expand the Board from seven to eleven members, exempt four members from the ASL proficiency requirement, insert two Cabinet-level Secretaries as ex officio members, modify quorum language, delay implementation deadlines, and impose a pre-promulgation reporting requirement atypical to Maryland occupational licensing boards.

These changes are not merely technical adjustments. They fundamentally reshape the governance structure, regulatory authority, and operational independence of the State Board of Sign Language Interpreters. When viewed collectively, the amendments raise substantial concerns regarding regulatory capture, institutional influence, statutory inconsistency, administrative feasibility, and an overall departure from Maryland's established licensing norms.

Licensure was enacted in 2023 as a consumer protection framework in response to documented harms experienced by Deaf Marylanders across the state including in medical, legal, educational, governmental, and community settings. Any amendment should be evaluated against that foundational purpose. The question before the legislature is not whether implementation presents challenges, but whether restructuring the Board in this manner advances or undermines the consumer-protection intent that justified licensure in the first instance.

The following analysis outlines specific structural, legal, and practical concerns raised by the proposed amendments.

II. Structural Concerns Regarding Board Composition

1. Ex Officio Cabinet Level Members Imbalance

- It was explained to the PCRID Board that: the two Cabinet Secretaries were designated as ex officio members because ODHH lacks sufficient resources to successfully implement licensure. However, due to the statutory limitations on Board and ODHH roles, changing who sits on the Board does not inherently increase ODHH's administrative capacity. Board membership determines governance structure; it does not create staff, funding, licensing infrastructure, enforcement personnel, or regulatory drafting support.
- The inclusion of the secretaries, even with non-voting status, significantly alters governance dynamics. The SBSLI is housed within ODHH serving as its administrative home. ODHH does not sit hierarchically above Cabinet Secretaries. This creates an awkward and atypical structure in which ODHH must support and coordinate a board that includes higher-ranking executive officers whose agencies may be affected by the Board's regulatory decisions. This hierarchy may lead to undue (even if unintentional) influence. This risk we cannot ignore simply because they are non-voting. If non-voting members had no influence, their inclusion would serve no functional purpose.
- Restructuring the Board by adding external executive branch authority is an approach atypical in other licensing bodies in Maryland, as it risks blurring the line between independent regulation and executive branch policy influence. This is counter to Maryland's established standards for occupational licensure and opens up other boards to similar restructuring.
- To function effectively as a consumer protection body, a licensing board must retain structural insulation from entities that employ, contract with, or rely upon its licensees. This structural change places regulatory authority alongside service-delivery interests and may weaken the Board's ability to enforce violations impartially and without external influence.
- If the concern is implementation capacity, a more statutorily aligned approach would be to address staffing, appropriations, technical infrastructure, or statutory authority directly. Altering Board composition changes governance dynamics but does not expand operational capacity. Without corresponding structural support to ODHH, the amendment does not resolve the stated implementation concern.

2. General Board Composition Changes

a. Clarification of Quorum

If the intent is for the two Secretaries to serve as nonvoting, advisory members, we respectfully request the statute separate them from the voting membership and specify that they are excluded from quorum calculations. We were able to find statutory examples and have modified the amendment as an *example only*:

9-2411.

(a) (1) The Board consists of 9 voting members appointed by the Governor and 2 non-voting ex officio members.

OR:

(a)(1) The Board consists of nine voting members appointed by the Governor.

(2) In addition to the nine voting members, the following individuals shall serve as ex officio, nonvoting members of the Board:

- (i) The Secretary of Disabilities, or the Secretary's designee; and**
- (ii) The Secretary of Labor, or the Secretary's designee.**

QUORUM:

(c) A majority of the voting members of the Board then serving constitutes a quorum.

3. Expansion of Board Membership: § 9–2411(a)(2)(vi)

Expanding institutional and agency-affiliated representation on a regulatory board increases the structural risk of regulatory capture, where regulatory decisions may gradually reflect the operational priorities of regulated entities rather than the consumer protection purpose of the statute.

Furthermore the additional members as listed in § 9–2411(a)(2)(vi) are 2 individuals who “ shall be affiliated with an entity that operates and implements Deaf services in an educational, legal, or medical setting.” This leaves ambiguity as to what defines affiliation. Additionally these individuals are not held to the ASL proficiency requirement. This blanket exemption increases the chances of individuals who have not demonstrated an understanding of the interpreting profession or needs of Deaf consumers, the priorities of the act or the individuals the board has a named fiduciary responsibility to.

These two individuals will be affiliated with entities that:

- Operate Deaf services
- Likely contract with interpreters
- Likely bear compliance costs
- Are subject to Board regulation (directly or indirectly)

This risks:

- Standards being shaped around institutional feasibility
- Regulatory thresholds influenced by operational constraints
- Emphasis on access logistics over competency thresholds

Shifting the board from the established priorities of the Maryland Interpreter Licensure Act as Enacted as well and Maryland's Established Occupational Licensing Board Standards and Priorities.

4. Board Power Imbalance and Institutional Influence

While the members appointed under § 9–2411(a)(2)(vi) will hold equal voting authority numerically, governance influence is not limited to formal vote counts. The real world practicality cannot be ignored. With 4 members who are exempt from the ASL proficiency requirement, deliberations can shift toward English-dominant discussion to accommodate non-ASL-proficient members. This changes the functional dynamics of participation.

Statutorially, these members are affiliated with entities that operate Deaf services in medical, legal, and educational settings sectors directly affected by licensure standards and enforcement. Sectors who have historically opposed licensure and benefit from weaker standards or no licensure at all. This increases the risk of institutional priorities shaping regulatory outcomes.

Notably, these entities have consistently opposed licensure including during the 2023 Legislative Session. Their inclusion on the Board therefore raises structural questions about whether the regulatory body will remain primarily focused on consumer protection and competency standards, or whether implementation feasibility for institutions will exert greater influence.

This is not to target any one individual's intent, but to call out a structural design flaw. When entities affected by regulation participate directly in regulatory governance, this can result in regulations favoring governmental bodies preferences over consumer rights.

Numerous Deaf individuals testified about failures in medical, legal, and educational settings and the lack of accountability mechanisms for unqualified interpreting. This bill was enacted because of the failures in this section even after years of the Deaf community appealing directly to these bodies. That testimony became the basis for establishing licensure as a consumer protection framework. Even if unintentional, this restructuring undermines the original intent of the bill and why it was enacted.

The Maryland Association of The Deaf (MDAD) proposed the following amendment as a cure to this imbalance and PCRID supports its adoption:

(VI) TWO SHALL BE AFFILIATED WITH AN ENTITY THAT OPERATES AND IMPLEMENT ~~DEAF~~ SERVICES IN AN EDUCATIONAL, LEGAL, OR MEDICAL SETTING WHO ARE INTERPRETERS OR HAVE PROFESSIONAL EXPERIENCE WORKING WITH INTERPETERS OR A DEAF PERSON;

(2) EXCEPT FOR THE EX OFFICIO MEMBERS ~~AND THE MEMBERS UNDER SUBSECTIONS (A)(2)(VI) OF THIS SECTION~~, be proficient in American Sign Language.

We believe this amendment acknowledges the need for Board members with specialized experience in these areas while maintaining Maryland's standard of practitioner-led boards focused on consumer protection.

III. Pre-Promulgation Reporting

1. Signalling Mistrust

- The proposed pre-promulgation reporting requirement represents a significant departure from Maryland’s established regulatory framework.
- The Board is already authorized to create regulations under Md. Code Ann., State Gov’t §§ 9–2414–9–2415 (2023). Under the existing law, regulations are subject to the standard Administrative Procedure Act process, including public notice, comment, and review by the Administrative, Executive, and Legislative Review (AELR) Committee prior to publication in COMAR.
- The reporting requirement adds an extra step outside of the established **Administrative Procedure Act (APA)** → **AELR review** → **COMAR**. This imposes an oversight hurdle unique to this board, and not seen on other professional licensing boards.
- Due to the departure from established norms, this process signals mistrust in the board's competency and regulatory ability. We cannot ignore the implications of imposing this unique procedural barrier on the only Maryland Occupational licensing board whose members are all under protected classes and operate professionally and/or personally in a language other than English.
- Structural oversight mechanisms should be applied uniformly, not selectively.
- The MD Open meetings act requires much of this work to be done during meetings as they cannot even have a running thread that meets quorum. This creates a procedural impossibility.

2. Practical Concerns

- The reporting requirements themselves illustrate a fundamental misunderstanding of the interpreting field and the nature of available data.
- The Sign Language Interpreting Field has long been misunderstood. It is a profession with over 90% of its practitioners from marginalized communities whose consumers are a systemically oppressed and underrepresented group. A combination of limited resources, funding constraints, systemic isolation, and institutional deprioritization has resulted in a significant dearth of available data.
- The field of sign language interpreting has historically lacked centralized tracking systems for:
 - specialty practice delineation
 - consumer utilization patterns
 - harm metrics across settings
 - workforce distribution by specialty
- The absence of reliable data and consistent professional standards across the field is precisely why licensure was enacted in 2023, to create accountability, complaint pathways, and minimum competency standards.
- If such data were readily available and systematically collected, the professional landscape would look markedly different and many of the documented harms shared by Deaf Community members during the 2023 legislative session would not have occurred.
- For years Deaf people have called for:
 - local and federal census bureaus to meaningfully track Deaf populations,
 - for the Department of Education to standardize the tacking of Deaf students,
 - for interpreters to be required to be listed in a publicly accessible database as other professions are.
- Ironically the requirement to collect this data, underscores the existing burdens the Board and community have been highlighting for years. The establishing of this reporting requirement signals that the legislation is not listening. Deaf needs are not prioritized, therefore the data is not there.

3. Scope of Analysis

- The required report effectively demands:
 - a. comparative analysis of multiple national and regional certification bodies,
 - b. interpretation of how each defines or limits specialty practice,
 - c. reconciliation with Maryland statutory scope language,
 - d. policy and economic evaluation across legal, medical, behavioral health, tactile, language-pair, and conference settings.
- This level of analysis calls for Subject Matter Experts in each domain listed. Notably, there is no requirement for board membership (including the expanded board) for competency in any of these areas.
- This layer alone reads as a systemic delaying of enforcement to please institutional stakeholders while harm continues to be caused within the daily lives of Deaf individuals.

4. Cart Before the Horse

Most importantly, the practical barriers to producing the required report underscore the very need for licensure. The Deaf community advocated for licensure to establish minimum competency standards, accountability mechanisms, and enforceable qualifications precisely because the field historically lacks centralized tracking, specialty delineation, and uniform standards. The proposed amendment would require interpreters present for the facilitation of data collection, stakeholder consultation and speciality analysis. These interpreters would need competency in the complex domains of: legal, medical, and behavioral health settings.

Yet, without established specialty standards or licensure-based metrics in place, there would be no objective mechanism to ensure that the interpreters facilitating those discussions possess the requisite subject-matter expertise.

This creates a paradox and another gridlock: the Board would be required to rely on interpreter expertise in specialized settings in order to determine whether specialty standards are necessary, while lacking a formal system to verify that expertise. Absent clear qualification metrics, there is a real risk that interpreter incompetence or uneven proficiency could negatively shape policy outcomes.

5. Imposes a White-Paper Level Analytical Burden

Each individual requirement named in this section is a feat in itself:

(I) HOW NATIONAL AND REGIONAL CERTIFICATION STANDARDS DEFINE OR LIMIT SPECIALIST AREAS

- The terms Define or Limit as used in this section would call for legal analysis and conclusions
- RID, NAD, BEI do not uniformly define specialist areas in a way comparable or consistent with statutory frameworks.
 - These bodies intentionally do not define the scope of practice for their credentials instead allowing jurisdictions to make determinations to accommodate their populations.
 - RID credentials reflect competence assessment.
 - BEI varies greatly state to state
 - NAD has shifted focus from interpreter credentialing to Deaf and consumer advocacy.
- International testing validity standards require regular job task analysis to determine that the test is adequately assessing key performance indicators. Many of these tests have not had JTAs in years and most specializations are no-longer offered. Therefore any specialist limitations stated would not meet established standards of reliability even if they were plainly stated.
- The Board would need to:
 - Interpret external private credentialing standards
 - Assess their legal scope
 - Determine preemption or compatibility issues
- Notably this report must reconcile the existing ambiguity in § 9-2422 which would require legal analysis.

(II) NUMBER OF INTERPRETERS IN THE STATE AND NEIGHBORING STATES CERTIFIED IN SPECIALIST AREAS

- This requires compilation of data that is not publicly available, if reliably tracked at all.
- Data Access: Maryland does not house an interpreter database, have control over national certification databases, nor has any legal authority to compel this information.
- Neighboring states do not reliably track this data
- What counts as a specialist area is not consistently applied jurisdiction to jurisdiction or from one certifying body to another.

(III) EVALUATION OF HOW SEPARATE REQUIREMENTS MAY IMPACT ACCESS

- This requires Economic and Policy analysis
- Access to Sophisticated Workforce modeling
- Access-to-services forecasting
- ADA, FERPA, IDEA, Maryland Disability Law compliance analysis
- Economic forecasting knowledge
- The board is required to create a report, therefore they cannot simply use statements made by stakeholders regarding impact. As a regulatory body tasked with this, the report is expected to be independent analysis.

(IV) RECOMMENDATIONS ON WHETHER, AND IN WHAT FORM, SPECIALTY LICENSURE SHOULD BE IMPLEMENTED

This requirement requires expertise several domains, including:

- Public Policy
- Licensing analysis
- Legal justifications
- Comparative review across jurisdictions

(V) (2) IN COMPLETING THE REPORT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL CONSULT WITH STAKEHOLDERS, INCLUDING:

- | | |
|---|------------------------------|
| - Maryland Department of Health | - MSDE |
| - Maryland Association of the Deaf | - MSEA |
| - Maryland Hospital Association | - Public Schools Association |
| - Interpreters and Interpreter agencies | - Department of Disabilities |
| - Maryland Judiciary | |
- No interpreter organization is specifically named.
 - Disproportionate representation of state agencies and departments
 - a. Representation governing institutional stakeholders over consumer-protection entities.
 - b. These agencies were criticized in 2023 for continual use of unqualified interpreters which supported the passing of this bill and underlined its urgency and now they have a statutory input in standards.
 - c. The power imbalance now favors the service deliverers over consumer protection - the intent of licensure.
 - d. This once again signals institutional stakeholder priorities over consumer protection and rights.

VI. PRECEDENT IN MARYLAND LICENSING GOVERNANCE

- Maryland Occupational Licensure standard practices:
 - a. Entrust boards with establishing specialty requirements by regulation
 - b. Utilize the existing (APA)→ AELR review → COMAR review process
 - c. Are not required to produce formal policy analysis even when data is readily available.

This amendment is atypical and warrants substantial justification to avoid signaling that Maryland is prioritizing institutional interests over the established civil rights protections afforded to Deaf individuals under Americans with Disabilities Act, The Individuals With Disabilities Education Act, and the Rehabilitation Act of 1973. More importantly it prioritizes these interests over Maryland's own ethos as shown in: The Maryland Fair Employment Practices Act, Maryland Public Accommodations Law, Maryland Education Article § 8-401 and the powers and duties invested in Governor's Office of the Deaf and Hard of Hearing. Several of these protections predate federal standards such as the ADA, illustrating Maryland's independent commitment to safeguarding the rights of individuals with disabilities.

By adding pre-reporting mandates outside the standard APA process, the amendment creates a structural hurdle that effectively impedes the Board's ability to establish specialty licensure standards.

IV. In Support of Alternative Qualifications

In prior versions of SB 645, the following proposed amendment from SBSLI and the original bill drafters was omitted. It was introduced on February 24, 2026 during the final drafting of this letter. PCRID acknowledges its support for the following provision:

PCRID supports the proposed amendment to § 9–2419(3), State Government Article, replacing “and” with “or,” thereby allowing licensure based on alternative qualifications established by the Board in lieu of nationally or regionally recognized certification. We believe this amendment is an important step toward ensuring comprehensive licensure. As discussed elsewhere in this letter, the Board must retain the authority to establish standards in specialty areas where national certification pathways are limited or insufficient in order to safeguard consumer rights and protections.

V. Implementation Delays and Real-World Impact

We have seen this in action already with the working group meetings and even within the meetings with the governor's office. Each meeting has illustrated the structural challenges present in Maryland. In multiple instances, Interpreters assigned to complex policy discussions lacked demonstrated specialization in governmental or legal settings. The resulting miscommunication created significant delays in progress and can unequivocally be named as one source of the ultimate impasse.

This section should not serve as an indictment of individual interpreters, but instead as evidence of the larger systemic gap. Even within high level policy discussions impacting interpreting licensure itself there were no enforceable mechanisms to ensure interpreters assigned had demonstrated competencies required of these settings. The impact of unregulated interpreters within this amendment process alone, underscores the need for licensure.

It is clear that my meetings with Maryland Government Officials have been smoother allowing us to reach consensus and shared objectives. The difference in my experience is not one of qualification, but of access. I did not have to entrust my voice or understanding to an interpreter. My Deaf colleagues, however, had to navigate the additional layer of interpreter dynamics and qualifications along with cultural mediation. Interpreters in policy discussions affect timing, nuance and authority. When an interpreter lacks the skills necessary for the space, the consequences will materially affect both participation and policy outcomes.

We are not only observers in this dynamic, we are experiencing first hand, in real time. The challenges encountered during these meetings reflect what a Deaf person navigates daily in every corner of their life. If you have any resulting frustrations, fear of misrepresentation or misunderstanding, regrets or frustrations that understanding and consensus could have been reached sooner, you now have a tangible, professional and emotional connection to what my Deaf Colleagues and community members have expressed for years.

As an interpreter, I must constantly remember that my job is someone else's life and that my choices have real world impacts.

If you take nothing else from this process, please take this: minimum competency standards are not procedural hurdles, calls for speciality licenses are not intended as an administrative or financial burden. They are necessary safeguards to ensure one's rights, dignity, equity, and meaningful participation.

For the reasons stated above, PCRID respectfully urges the Committee to issue an unfavorable report on SB0645 unless amendments are made to preserve the integrity of the original bill.

Respectfully submitted,

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On Behalf of the PCRID Board and Members
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