

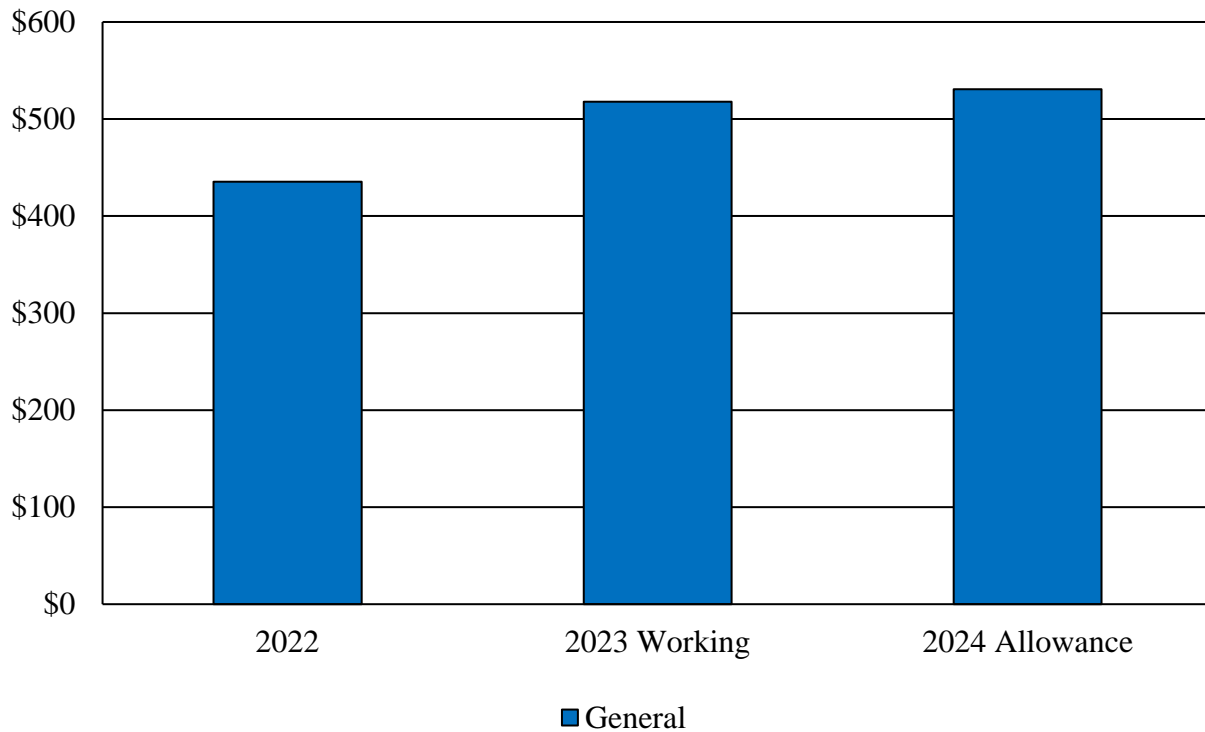
D11A0401
Office of the Deaf and Hard of Hearing

Program Description

The Governor’s Office of the Deaf and Hard of Hearing (ODHH) promotes the general welfare of deaf and hard of hearing individuals in Maryland. ODHH partners with State agencies, local governmental offices, and private organizations to provide technical assistance and American Sign Language (ASL) interpretation so that they may better serve the deaf and hard of hearing community. ODHH supports the deaf and hard of hearing community through information and referral services and community engagement activities.

Operating Budget Summary

Fiscal 2024 Budget Increases \$12,671, or 2.4%, to \$530,615
(\$ in Thousands)



Note: The fiscal 2023 working appropriation includes deficiency appropriations including this agency’s share of a deficiency appropriation budgeted in the Statewide Account within the Department of Budget and Management (DBM). Fiscal 2024 salary enhancements are budgeted in the Statewide Account within DBM.

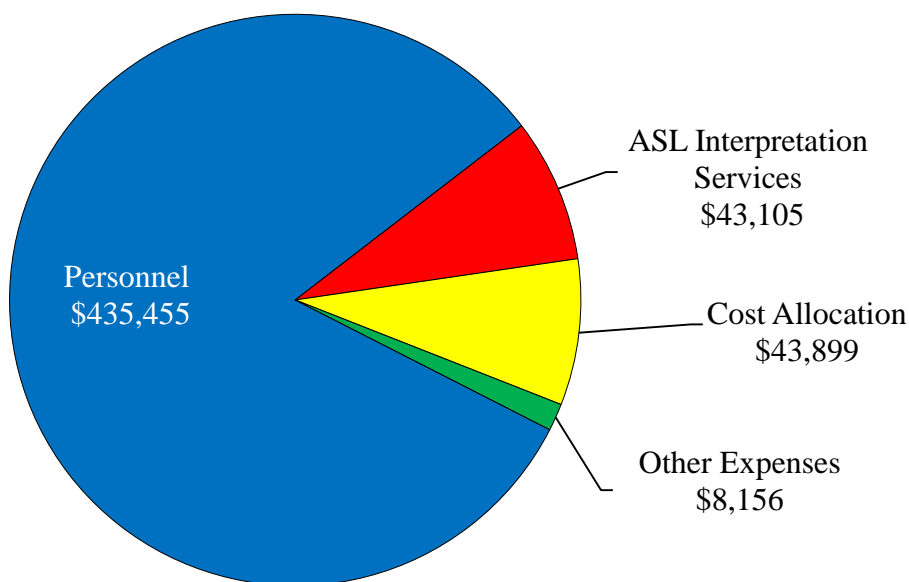
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Fiscal 2024 Overview of Agency Spending

As shown in **Exhibit 1**, personnel expenditures comprise the majority (82%) of ODHH’s total \$530,615 fiscal 2024 allowance. Contractual services for sign language interpretation, which are used for both internal and public meetings, make up 8% of the budget.

Exhibit 1
Overview of Agency Spending
Fiscal 2024 Allowance



ASL: American Sign Language

Note: The fiscal 2024 allowance does not include salary enhancements, which are budgeted in the Statewide Account within the Department of Budget and Management.

Source: Governor’s Fiscal 2024 Budget Books

Proposed Budget Change

As shown in **Exhibit 2**, the fiscal 2024 allowance increases by \$12,671, or 2.4%, compared to the fiscal 2023 working appropriation. The overall change in ODHH’s fiscal 2024 allowance is driven primarily by an increase in personnel costs (\$18,159) including the annualization of the 4.5% cost-of-living adjustment provided in November 2022. This increase is partially offset by a decrease in contractual sign language interpretation services.

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

How Much It Grows:	General Fund	Total
Fiscal 2022 Actual	\$436	\$436
Fiscal 2023 Working Appropriation	518	518
Fiscal 2024 Allowance	<u>531</u>	<u>531</u>
Fiscal 2023-2024 Amount Change	\$13	\$13
Fiscal 2023-2024 Percent Change	2.4%	2.4%
Where It Goes:		<u>Change</u>
Personnel Expenses		
Salaries and wages		\$6
Annualization of 4.5% COLA issued in November 2022 for regular and contractual employees		5
Employee and retiree health insurance		4
Employee retirement system.....		2
Other fringe benefits		1
Other Changes		
Cost allocations.....		2
Salary increase for administrative assistant.....		1
Other office and administrative expenses.....		-1
Contractual ASL interpreters.....		-8
Total		\$13

ASL: American Sign Language
COLA: cost-of-living adjustment

Note: The fiscal 2023 appropriation includes deficiency appropriations including this agency’s share of a deficiency appropriation budgeted in the Statewide Account within the Department of Budget and Management (DBM). The fiscal 2024 allowance does not include salary enhancements, which are budgeted in the Statewide Account within DBM. Numbers may not sum to total due to rounding.

Personnel Data

	<u>FY 22</u> <u>Actual</u>	<u>FY 23</u> <u>Working</u>	<u>FY 24</u> <u>Allowance</u>	<u>FY 23-24</u> <u>Change</u>
Regular Positions	3.00	3.00	3.00	0.00
Contractual FTEs	<u>0.50</u>	<u>0.80</u>	<u>0.50</u>	<u>-0.30</u>
Total Personnel	3.50	3.80	3.50	-0.30

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	0.00	0.00%
Positions and Percentage Vacant as of 12/31/22	n/a	n/a
Vacancies Above Turnover	n/a	

Key Observations

1. Options to Regulate ASL Interpretation in Maryland

Fraudulent or un/underqualified ASL interpreters may put deaf and hard of hearing constituents at risk by obstructing access to complete and accurate information related to their health, employment, schooling, and other areas critical to navigating life safely and independently. Unlike 48 other states, Maryland has neither statewide standards nor a regulatory body to provide oversight over ASL interpretation services.

According to ODHH, the office receives hundreds of complaints annually about fraudulent ASL interpreters. ODHH indicates that it receives these complaints of unqualified and fraudulent interpreters primarily through community engagements such as town halls, advisory council meetings, and other outreach events. ODHH also receives complaints over the phone, by email, and through a form on the ODHH website, the latter of which collected 11 complaints in fiscal 2020 and 5 in 2021, representing a small fraction of total complaints ODHH indicates that it receives.

In its regular engagement with State agencies, health care providers, and local businesses, ODHH reports that it underscores the importance of seeking and verifying certified ASL interpreters. ODHH has indicated that there is an increased presence in Maryland of unqualified interpreters who are unable to work in neighboring states such as Pennsylvania and West Virginia, which have requirements for ASL interpretation.

Solutions Proposed by ODHH

Committee narrative in the 2020 *Joint Chairmen's Report* (JCR) requested that ODHH present recommendations that would protect deaf and hard of hearing individuals from inadequate interpretation services. In its response, ODHH outlined five policy options that could be adopted individually or in complement to others to address the issue:

- enact legislation that establishes a State licensing board managed by ODHH to ensure that interpreters working in Maryland hold proper certifications;
- amend existing statute to require ODHH to regulate interpreters based on a framework developed in partnership with nongovernmental experts and stakeholders;
- amend existing statute to require ODHH to regulate interpreters using a regulatory framework developed by the State;
- develop a Maryland State quality assurance program or participate in the existing State of Texas Board for Evaluation of Interpreters (BEI) certification program to assess

interpreters' skills and knowledge (a quality assurance effort rather than a licensing or regulatory program); or

- authorize through statute a right to action as a mechanism to hold fraudulent interpreters accountable.

Committee narrative in the 2022 JCR requested ODHH submit a report on cost estimates to develop and maintain a Maryland-specific independent certification program. ODHH used the costs to develop the Texas BEI and national Registry of Interpreters for the Deaf (RID), which also certifies ASL interpreters, to develop cost estimates for startup and ongoing operation of a certification program with a lifespan of about seven years. ODHH estimated such a certification program would cost the State more than \$1 million to create. In addition to the initial startup, ODHH estimated that it would cost \$500,000 for annual maintenance. These estimates are based on RID and BEI's expenditures to develop and administer certification exams, which require periodic review and rewriting to remain relevant and valid.

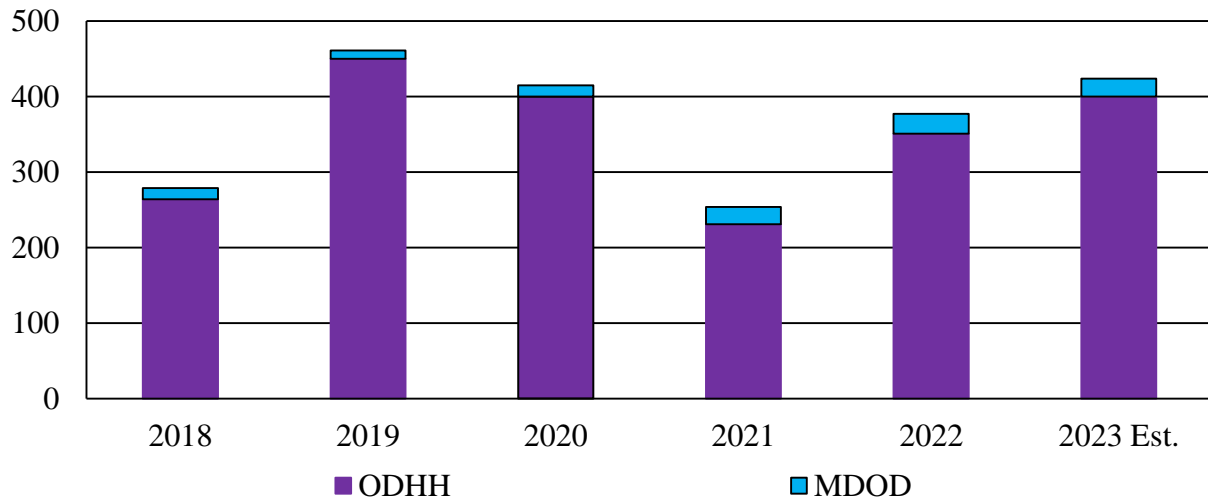
ODHH estimates that there are 1,323 interpreters working in Maryland who are certified through an existing national certification program. Interpreters who are already certified are unlikely to recertify in Maryland to work locally. A Maryland-specific program would certify about 100 interpreters initially and 50 interpreters annually. At that rate, a fee to offset the program would be cost prohibitive for most potential participants (\$10,000 per interpreter). Because of the minimal impact on certifying interpreters in Maryland, ODHH indicated that the program would have limited benefit to deaf and hard of hearing individuals who use interpretation services.

As a result, in the report, ODHH did not recommend the establishment of a Maryland-specific program. The office instead recommended recognizing certifications obtained through an existing certification program, such as RID, in conjunction with one or more of the policy options listed above. **The Department of Legislative Services (DLS) recommends committee narrative requesting that ODHH provide cost estimates for each of these policy recommendations to address fraudulent ASL interpretation.**

2. Information and Referral for Services Begins to Increase After Declines During the Pandemic

As part of its annual Managing for Results submission, ODHH reports on instances of information and referral related to deaf and hard of hearing services and resources. As shown in **Exhibit 3**, following a decline at the start of the pandemic, instances of these referrals by both ODHH and the Maryland Department of Disabilities began to rise in fiscal 2022. ODHH indicates that this rise could be in part due to the restoration of in-person advisory council meetings and town halls, which raises and renews awareness of the availability of information and referral services. Other factors that have led to increased visibility of ODHH in the community include activities to make information about COVID-19 more accessible, such as its coordination with the Governor's office to include ASL and captioning for emergency communications and press conferences.

Exhibit 3
Information and Referrals to Services for Deaf and Hard of Hearing
Individuals by Agency
Fiscal 2018-2023 Est.



MDOD: Maryland Department of Disabilities
ODHH: Office of Deaf and Hard of Hearing

Source: Governor’s Fiscal 2024 Budget Books; Office of Deaf and Hard of Hearing

Operating Budget Recommended Actions

1. Adopt the following narrative:

Cost Estimates for Regulation of Interpreters: Fraudulent American Sign Language (ASL) interpretation inhibits deaf and hard of hearing individuals’ ability to access complete and accurate information critical to enable them to live safely and independently. Maryland lacks a statewide certification or registration requirement for ASL interpreters working in the State. Policy options put forth by the Office of Deaf and Hard of Hearing (ODHH) in response to committee narrative in the 2020 Joint Chairmen’s Report were to enact legislation that establishes a State licensing board managed by ODHH to ensure that interpreters working in Maryland hold proper certifications, amend existing statute to require ODHH to regulate ASL interpreters, develop a Maryland State quality assurance program or participate in the existing State of Texas Board for Evaluation of Interpreters certification program to assess interpreters’ skills and knowledge (a quality assurance effort rather than a licensing or regulatory program), or authorize through statute a right to action as a mechanism to hold fraudulent interpreters accountable.

The committees request that ODHH submit a report with the following information for each of the policy recommendations listed previously:

- the State agency that would lead or participate in implementation and management of any related functions;
- estimated costs to the State for each policy option; and
- potential challenges or drawbacks to implementing the recommended policies.

Information Request	Author	Due Date
Cost estimates for options to regulate interpreters	ODHH	August 31, 2023

Appendix 1
2022 Joint Chairmen’s Report Responses from Agency

The 2022 JCR requested that ODHH prepare one report. Electronic copies of the full JCR response can be found on the DLS Library website.

- ***Cost Estimate of Certifying Sign Language Interpreters in Maryland:*** ODHH reported that a Maryland-specific ASL interpretation certification program would be a significant expense for the State with minimal impact on the target community. Further discussion of ODHH’s response is contained 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 22</u> <u>Actual</u>	<u>FY 23</u> <u>Working</u> <u>Appropriation</u>	<u>FY 24</u> <u>Allowance</u>	<u>FY 23 - FY 24</u> <u>Amount Change</u>	<u>Percent</u> <u>Change</u>
Positions					
01 Regular	3.00	3.00	3.00	0.00	0%
02 Contractual	0.50	0.80	0.50	-0.30	-37.5%
Total Positions	3.50	3.80	3.50	-0.30	-7.9%
Objects					
01 Salaries and Wages	\$ 345,404	\$ 387,615	\$ 415,820	\$ 28,205	7.3%
02 Technical and Special Fees	12,168	18,788	19,635	847	4.5%
03 Communication	603	950	950	0	0%
04 Travel	1,655	2,283	2,511	228	10.0%
08 Contractual Services	73,151	92,819	87,006	-5,813	-6.3%
09 Supplies and Materials	486	1,375	1,173	-202	-14.7%
13 Fixed Charges	2,036	3,550	3,520	-30	-0.8%
Total Objects	\$ 435,503	\$ 507,380	\$ 530,615	\$ 23,235	4.6%
Funds					
01 General Fund	\$ 435,503	\$ 507,380	\$ 530,615	\$ 23,235	4.6%
Total Funds	\$ 435,503	\$ 507,380	\$ 530,615	\$ 23,235	4.6%

Note: The fiscal 2023 appropriation does not include deficiencies. The fiscal 2024 allowance does not include statewide salary adjustments budgeted within the Statewide Account within the Department of Budget and Management.